

IR302*

Construction Industry Portable Paid Long Service Leave Act 1985

Industrial Relations Commission Amendment Regulations 2012

Made by the Chief Commissioner under the *Construction Industry Portable Paid Long Service Leave Act 1985* section 50 and the *Industrial Relations Act 1979* section 113.

1. Citation

These regulations are the *Industrial Relations Commission Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulations 6 and 7 — when the *Industrial Legislation Amendment Act 2011* section 23 comes into operation;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Industrial Relations Commission Regulations 2005*.

4. Regulation 97 amended

In regulation 97(1) delete “referral, hearing and determination of matters to” and insert:

referral of matters to, or the hearing or determination of matters by,

5. Regulation 99C replaced

Delete regulation 99C and insert:

99C. Application of certain regulations

- (1) The provisions of these regulations that are set out in the Table to this subregulation apply to the referral of

disputes or matters to, or the hearing or determination of disputes or matters by, the Tribunal as if the references in the provisions to the Commission were references to the Tribunal.

Table

Part 2 except r. 8(1), (3) and (4)	r. 102
Part 3 except r. 13(3)(a) and 28	r. 103
(2) Subregulation (1) applies —	
(a) except as otherwise provided by this Part; and	
(b) in a particular case subject to the direction of the Tribunal.	

6. Regulation 102A inserted

At the end of Part 11 Division 1 insert:

102A. Review of decisions of the Construction Industry Long Service Leave Payments Board

(1) In this regulation —

Board has the meaning given in the *Construction Industry Portable Paid Long Service Leave Act 1985* section 3(1);

reviewable decision has the meaning given in the *Construction Industry Portable Paid Long Service Leave Act 1985* section 50(1).

(2) A reviewable decision may be referred for review to the Commission under the *Construction Industry Portable Paid Long Service Leave Act 1985* section 50 by lodging, within 21 days from the date of that decision, a notice of referral in the form of Form 9B.

(3) A person who lodges a notice of referral under subregulation (2) must, upon the return to him or her of the stamped copies of the notice, serve a stamped copy on —

- (a) the chief executive officer of the Board; and
- (b) each other person who was a party to the proceedings before the Board.

(4) Unless in a particular case the Chief Commissioner otherwise directs, the Registrar is to present a notice of referral to the Chief Commissioner for allocation of the matter as soon as practicable after the notice is lodged.

(5) Subject to subregulation (6), the filing of a notice of referral lodged under subregulation (2) stays the operation of the reviewable decision concerned

pending the determination of the review of that decision.

- (6) On application by any person referred to in subregulation (3)(b), the Commission may, subject to such conditions as it may determine, direct that a reviewable decision that is referred for review continues to operate according to its tenor pending the determination of the review.
- (7) A person who lodges an application under subregulation (6) must, upon the return to him or her of the stamped copies of the application, serve a stamped copy on —
 - (a) the chief executive officer of the Board; and
 - (b) each other person who was a party to the proceedings before the Board.

7. Schedule 1 amended

In Schedule 1 after Form 9A insert:

Form 9B — Notice of review of a decision of the Construction Industry Long Service Leave Payments Board

[r. 102A(2)]

Industrial Relations Act 1979

In the Western Australian Industrial Relations Commission

No. of 20.....

Notice of review of a decision of the Construction Industry Long Service Leave Payments Board

To: The Construction Industry Long Service Leave Payments Board

.....
.....

(name, address and telephone number of respondent/s)

TAKE NOTICE THAT

(name, address and telephone number of applicant)

has this day referred the decision of the Construction Industry Long Service Leave Payments Board

.....
(give details of the decision)

given on the day of 20

for review to the Commission under the *Construction Industry Portable Paid Long Service Leave Act 1985* section 50 on the following grounds:

.....
.....
.....

(attach schedule if necessary)

.....

(signature of applicant)

(Stamp of Commission)

A. R. BEECH, Chief Commissioner.

Date: 27 January 2012.