

IR301*

Industrial Relations Act 1979

Industrial Magistrates Courts (General Jurisdiction) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Industrial Magistrates Courts (General Jurisdiction) 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*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Industrial Magistrates Courts (General Jurisdiction) Regulations 2005*.

4. Regulation 3 amended

Delete regulation 3(1) and insert:

- (1) Unless —

- (a) a Court in a particular case orders otherwise; or
- (b) these regulations provide otherwise,

the practice and procedure provided for in these regulations applies in every case.

5. Regulation 4 amended

- (1) In regulation 4 insert in alphabetical order:

Board means the Construction Industry Long Service Leave Payments Board established under the *Construction Industry Portable Paid Long Service Leave Act 1985* section 5(1);

CIPPLSL case means any proceedings in a Court involving or in connection with the Court's jurisdiction under section 83E in respect of a provision of the *Construction Industry Portable Paid Long Service Leave Act 1985* that is specified to be a civil penalty provision;

- (2) In regulation 4 in the definition of **default judgment** delete “the Act.”.

6. Regulation 7 amended

Delete regulation 7(1)(n)(iii) and insert:

- (iii) except in a CIPPLSL case, to attend before the Court before trial to deal with case management, interlocutory and pre-trial issues;

7. Regulation 8 amended

- (1) In regulation 8(2) delete “the Act.”.
- (2) After regulation 8(2) insert:
 - (3A) Without limiting regulation 6, the Court may exercise its powers under subregulation (2) on the application of a party or on its own initiative.

8. Regulation 13 amended

- (1) After regulation 13(2) insert:
 - (3A) The originating claim in respect of a CIPPLSL case must not be served unless the clerk has recorded on the claim the date set for the initial hearing of the trial under regulation 35A.
- (2) After regulation 13(4) insert:
 - (5) Without limiting subregulation (4), if, at the initial hearing of a CIPPLSL case, the Court specifies a time within which a counterclaim or third party claim in the case may be made, the counterclaim or third party claim must be made within that time.

9. Regulation 14 amended

- (1) In regulation 14(1) delete “A party” and insert:

Except in a CIPPLSL case, a party
- (2) In regulation 14(2) delete “The party” and insert:

Except in a CIPPLSL case, the party
- (3) After regulation 14(2) insert:
 - (3A) A party against which a claim in a CIPPLSL case is made must—
 - (a) complete the response included with the claim served on the party, and lodge it; and
 - (b) after lodging the response, serve it,

within 28 days after the service of the claim.

10. Regulation 16A inserted

At the beginning of Part 4 insert:

16A. Application of Part

This Part does not apply to CIPPLSL cases.

11. Regulation 34 amended

In regulation 34(1) delete “regulation 22.” and insert:

regulation 22 or 35A.

12. Regulation 35A inserted

After regulation 34 insert:

35A. Initial hearing for CIPPLSL cases

- (1) At the initial hearing of a trial of a CIPPLSL case the Court may do any or all of the following —
 - (a) give directions as to how the material necessary to determine the trial is to be presented;
 - (b) give directions setting the date, time and length of time for the hearing of the trial;
 - (c) set a final hearing date.
- (2) At the initial hearing the Court may make any order that concludes the trial.

13. Regulation 41 amended

- (1) In regulation 41(2) after “the order” insert:

in relation to a case other than a CIPPLSL case

- (2) After regulation 41(2) insert:

- (3) When a Court sets aside the order in relation to a CIPPLSL case it must list the case for hearing and notify the parties in writing.

14. Regulation 53 amended

In regulation 53(3):

(a) in paragraph (b)(ii) delete “the business.” and insert:

the business;

(b) after paragraph (b) insert:

or

(c) in a CIPPLSL case, by delivering it, or sending it by pre-paid post, to the person’s address last known to the Board.

15. Regulation 54 amended

In regulation 54(2):

(a) in paragraph (b) delete “public authority.” and insert:

public authority; or

(b) after paragraph (b) insert:

(c) in a CIPPLSL case, if no address for service has been provided under regulation 52(1), by delivering it, or sending it by pre-paid post, to the public authority’s address last known to the Board.

16. Regulation 55 amended

In regulation 55(3):

(a) in paragraph (b) delete “the corporation.” and insert:

the corporation; or

(b) after paragraph (b) insert:

(c) in accordance with the *Corporations Act 2001* (Commonwealth) section 109X if the corporation is a company within the meaning of that Act.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.