

IR301*

Industrial Relations Act 1979

Industrial Relations Commission Amendment Regulations (No. 2) 2010

Made by the Chief Commissioner of the Western Australian Industrial Relations Commission after consulting the members of the Commission.

1. Citation

These regulations are the *Industrial Relations Commission Amendment Regulations (No. 2) 2010*.

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 Relations Commission Regulations 2005*.

4. Regulation 4 amended

In regulation 4(2) delete “not earlier than 8.00 a.m. and not later than 5.00 p.m. on any day on which” and insert:

at a time when

5. Regulation 5 amended

In regulation 5(5)(a) delete “5.00 p.m.” and insert:

close of business

6. Regulation 6 amended

- (1) In regulation 6(1) delete “from 8.00 a.m. until 5.00 p.m. on Monday to Friday each week,” and insert:

on the days and at the times determined by the Registrar, after consultation with the Chief Commissioner,

- (2) In regulation 6(2) delete “prescribed in” and insert:

determined under

- (3) In regulation 6(3) delete “8.00 a.m. on the next day the office of the Registrar is open” and insert:

the time when the office of the Registrar next opens

- (4) After regulation 6(3) insert:

- (4) Opening hours determined under subregulation (1) are to be published on the Commission’s website at <http://www.wairc.wa.gov.au>.

7. Regulation 53 amended

In regulation 53(1):

- (a) delete paragraph (d);
(b) after each of paragraphs (a) to (c) insert:

or

8. Regulation 54A inserted

After regulation 53 insert:

54A. Orders as to specified matters on which agreement has not been reached

- (1) An application under section 42G(1)(c) of the Act for an order as to specified matters on which agreement has not been reached must —
- (a) be signed by all of the negotiating parties or their agents and, where necessary, be sealed by them; and

- (b) have attached a statement that —
 - (i) specifies the application mentioned in section 42G(1)(b) of the Act; and
 - (ii) specifies the matters on which agreement has not been reached; and
 - (iii) summarises the respective positions of the negotiating parties and the nature of the relief sought by each of them; and
 - (iv) provides any other information considered by the negotiating parties to be relevant to the application.
- (2) It is not necessary to serve the application or to file an answer to the application.

9. Regulation 55 amended

After regulation 55(1) insert:

- (2A) An application by all of the parties to an agreement must be signed by each of them or their agents, and when necessary, sealed by them.
- (2B) It is not necessary to serve an application referred to in subregulation (2A) on the parties to the agreement or to file an answer to the application.

10. Schedule 1 amended

- (1) In Schedule 1 Form 8 delete “appellant, sealed” and insert:

appellant, signed

- (2) In Schedule 1 Form 9A delete “appellant, sealed” and insert:

appellant, signed

A. R. BEECH, Chief Commissioner,
Western Australian Industrial Relations Commission.

Date: 5 October 2010.