

# — PART 1 —

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## INDUSTRIAL RELATIONS

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IR301\*

Industrial Relations Act 1979

### **Industrial Relations Commission Amendment Regulations 2009**

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 2009*.

**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 90 amended**

In regulation 90(a)(i) delete “Form 32;” and insert:

Form 31;

**5. Regulation 102 amended**

- (1) Delete regulation 102(10) and insert:
- (10) Within 14 days of filing a notice of appeal, the appellant must —
- (a) lodge 3 copies of an appeal book prepared and bound in an approved form; and
  - (b) serve a copy of the appeal book on each person referred to in subregulation (5).
- (11A) Unless in a particular case the President directs otherwise, each appeal book must contain the following —
- (a) a copy of the notice of appeal;
  - (b) a copy of the application or reference instituting the proceedings before the Commission;
  - (c) a copy of any answer or counter-proposal filed in the proceedings;
  - (d) where applicable, a copy of that part or those parts of the settled issues containing the matters relevant to the appeal that were before the Commission;
  - (e) any written submissions, or outline of submissions, provided to the Commission;
  - (f) a copy of the decision that is the subject of the appeal and the Commission's reasons for that decision;
  - (g) a list of the page numbers of the transcript of the proceedings at which reference is made to the subject matter of the appeal;
  - (h) a copy of all relevant exhibits tendered during the proceedings;
  - (i) a copy of any other document which will be required by the Full Bench to determine the appeal, including any further particulars of the claim or answer filed in the proceedings.

- (2) Delete regulation 102(12).

**6. Regulation 103 amended**

- (1) In regulation 103(2) delete “regulations 102(10), (11) and (12)” and insert:

regulation 102(10)(b), (11A) and (11)

- (2) In regulation 103(3) delete “regulation 102(10)(f) and (g)” (each occurrence) and insert:

regulation 102(11A)(g) and (h)

**7. Schedule 1 amended**

- (1) In Schedule 1 Form 1:

- (a) delete “(name and address)” (each occurrence) and insert:

(name, address and telephone number)

- (b) after “(signature of applicant/s)” insert:

NOTE: It is important to correctly state the full name of the employer. If the employer in this matter is a trading, financial or foreign corporation the Commission may not have jurisdiction to deal with the matter. If known, please indicate whether the employer is one of the following:

- Company       Incorporated association     Trust  
 Unincorporated (e.g. sole trader, partnership or other)  
 State government agency     Other .....

- (2) In Schedule 1 Form 2:

- (a) delete “(name and address of respondent/s — attach schedule if necessary)” and insert:

(name, address and telephone number of employer — attach schedule if necessary)

NOTE: It is important to correctly state the full name of the employer. If the employer in this matter is a trading, financial or foreign corporation the Commission may not have jurisdiction to deal with the matter. If known, please indicate whether the employer is one of the following:

- Company       Incorporated association     Trust  
 Unincorporated (e.g. sole trader, partnership or other)  
 State government agency     Other .....

- (b) delete “(name and address of applicant— attach schedule if necessary)” and insert:

(name, address and telephone number of applicant — attach schedule if necessary)

(3) In Schedule 1 Form 3:

- (a) delete “(name and address of respondent/s— attach schedule if necessary)” and insert:

(name, address and telephone number of employer — attach schedule if necessary)

- (b) delete “(name and address of applicant— attach schedule if necessary)” and insert:

(name, address and telephone number of applicant — attach schedule if necessary)

(4) In Schedule 1 Form 5:

- (a) delete “(name and address)” (each occurrence) and insert:

(name, address and telephone number

- (b) after “(signature of respondent/s)” insert:

NOTE: It is important to correctly state the full name of the employer. If the employer in this matter is a trading, financial or foreign corporation the Commission may not have jurisdiction to deal with the matter. If known, please indicate whether the employer is one of the following:

- Company     Incorporated association     Trust
- Unincorporated (e.g. sole trader, partnership or other)
- State government agency     Other .....

(5) In Schedule 1 Forms 6 and 7 delete “(name and address)” (each occurrence) and insert:

(name, address and telephone number

(6) In Schedule 1 Form 7A:

- (a) delete “name and address” and insert:

name, address and telephone number

- (b) delete “names of owner-driver and hirer” and insert:

name, address and telephone number of owner-driver and of hirer

- (c) delete “For endorsements see the back of this form or the attachment(s).”.

- (7) In Schedule 1 Forms 8 and 9 delete “(name and address)” (each occurrence) and insert:

(name, address and telephone number)

- (8) In Schedule 1 Form 10:

- (a) delete “(name of respondent / employer)” and insert:

(name and address of respondent/employer)

- (b) delete “(name and address of appellant)” (first occurrence) and insert:

(name, address and telephone number of appellant)

- (c) delete “(name and address of appellant)” (second occurrence) and insert:

(name, address and telephone number of agent)

- (9) In Schedule 1 Form 11 delete “(name and address)” (each occurrence) and insert:

(name, address and telephone number)

- (10) In Schedule 1 Form 13 —

- (a) delete “Name of objector” and insert:

Name, address and telephone number of objector

- (b) delete “(full name in block letters)”.

- (11) In Schedule 1 Form 14 delete “(if part only, specify part objected to)” and insert:

(if part only, specify part withdrawn or discontinued)

- (12) In Schedule 1 Form 18 delete “name and address” and insert:

name, address and telephone number

- (13) In Schedule 1 Forms 19, 20 and 22 delete “(for and on behalf of the organisation/association)” and insert:

(name and telephone number of person signing for and on behalf of the organisation/association)

- (14) In Schedule 1 Forms 29 and 30:

- (a) delete “(name of organisation)” and insert:

(name, address and telephone number of organisation)

- (b) delete “(name and address of person)” and insert:

(name, address and telephone number of person)

- (15) In Schedule 1 Form 31 delete “(name and address)” and insert:

(name, address and telephone number)

A. R. BEECH, Chief Commissioner.

Western Australian Industrial Relations Commission.

Date: 6 July 2009.