

IR301\*

Industrial Relations Act 1979

## **Industrial Relations Commission Amendment Regulations 2006**

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

**1. Citation**

These regulations are the *Industrial Relations Commission Amendment Regulations 2006*.

**2. The regulations amended**

The amendments in these regulations are to the *Industrial Relations Commission Regulations 2005\**.

[\* *Published in Gazette 12 August 2005 p. 3685-812.*]

**3. Regulation 4 amended**

Regulation 4(2) is amended by deleting “filed not earlier” and inserting instead —

“ lodged not earlier ”.

**4. Regulation 5 amended**

(1) Regulation 5(1) is amended by deleting “, other than a Form relating to proceedings before the President or the Full Bench,”.

(2) Regulation 5(6) is amended by inserting after “fax” —

“ or email ”.

(3) Regulation 5(8) is amended as follows:

(a) by inserting after “subregulation (2)” —

“ or (3) ”;

(b) by deleting “by email”.

**5. Regulation 6 amended**

Regulation 6(1) is amended by deleting “transition” and inserting instead —

“ transaction ”.

**6. Regulation 13 amended**

(1) Regulation 13(1) is amended by deleting “Subject to subregulation (2), except” and inserting instead —

“ Except ”.

(2) Regulation 13(2) is repealed.

(3) Regulation 13(3)(c) is deleted and the following paragraph is inserted instead —

“

(c) have attached a written statement of claim that clearly and concisely specifies the particulars of the applicant’s claim, the exact nature of the relief sought and the purpose of the application.

”.

**7. Regulation 16 amended**

Regulation 16(2) is amended by deleting “, as the case may be.” and inserting instead —

“

or part of the claim, as the case may be and the Registrar is to advise the parties accordingly after the notice has been filed.

”.

**8. Regulation 45 amended**

After regulation 45(7) the following subregulation is inserted —

“

- (8) Where more than one expert is to be called in the proceedings the Commission may —
  - (a) require the experts to confer with one another in the absence of the parties and their representatives;
  - (b) require the experts to prepare a joint statement of any matters on which they agree, any matters on which they disagree, and the reasons for any disagreement; and
  - (c) hear the evidence of the experts together.

”.

**9. Regulation 52 amended**

- (1) Regulation 52(1) is amended by inserting after “award” in both places where it occurs —

“ or industrial agreement ”.

- (2) Regulation 52(2) is amended by inserting after “award” in both places where it occurs —

“ or industrial agreement ”.

**10. Regulation 103 amended**

Regulation 103(6) is amended by deleting “advise the Chief Commissioner of the proposed date or dates of hearing of such appeal and”.

**11. Schedule 1 amended**

- (1) Schedule 1 Form 3 is amended by deleting “applicant/s” in the first place where it occurs and inserting instead —

“ applicant ”.

- (2) Schedule 1 Form 4 is amended as follows:

- (a) by deleting “And I make this solemn statutory declaration under the *Evidence Act 1906* section 106.” and inserting instead —

“

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*.

”;

- (b) by deleting “authorised person — see back page for persons authorised to witness this declaration” and inserting instead —

“ authorised witness ”;

- (c) by deleting “deponent” and inserting instead —  
“ person making the declaration ”;
  - (d) by deleting “person witnessing declaration” and inserting instead —  
“ witness ”;
  - (e) by deleting the reverse of the Form.
- (3) Schedule 1 Form 12 is amended as follows:
- (a) by deleting “Interested party” and inserting instead —  
“ Interested person ”;
  - (b) by inserting before “applied to the Full Bench” —  
“ has this day ”;
  - (c) by deleting “section 84.” and inserting instead —  
“ section 84A. ”;
  - (d) by deleting “(signature of appellant/s)” and inserting instead —  
“ (signature of applicant) ”;
  - (e) by deleting “appeal.” and inserting instead —  
“ application. ”.
- (4) Schedule 1 Form 13 is deleted and the following Form is inserted instead —

“

**Form 13 — Notice of objection**

[r. 15(1), 66(3), 67(3), 68(4), 69(5) and 71(3)]

*Industrial Relations Act 1979*

In the Western Australian Industrial Relations Commission

No. .... of 20.....

IN THE MATTER OF  
an application for

.....

(state nature of application)

**Notice of objection**

Name of objector .....

(full name in block letters)

The abovenamed objector objects to the whole (or any part) of the  
abovementioned application.

.....

.....

(if part only, specify part objected to)

The grounds of objection are:

.....  
.....

(attach schedule if necessary)

The objector is or is likely to be affected by the application in the following manner, namely:

.....  
.....

(attach schedule if necessary)

Dated this ..... day of ..... 20.....

.....

(signature of objector)

The appropriate fee is to be paid upon lodgment of this notice.

(Stamp of Commission)

”

- (5) Schedule 1 Form 14 is deleted and the following Form is inserted instead —

“

**Form 14 — Notice of withdrawal or discontinuance**

[r. 16(1) and (4) and 99]

*Industrial Relations Act 1979*

In the Western Australian Industrial Relations Commission

No. .... of 20.....

**Notice of withdrawal or discontinuance**

To: .....

(name and address of respondent/s)

TAKE NOTICE  
THAT

.....  
.....

(name and address of applicant/s)

the applicant hereby discontinues or withdraws this application or the following part of the claim, namely —

.....

(if part only, specify part objected to)

Dated this ..... day of ..... 20.....

.....

.....

(signature of applicant/s)

NOTE: After being filed, a copy of the notice must be served on every respondent directly affected by it.

Where a counterproposal has been filed in answer to an application the application may only be withdrawn or discontinued with the consent of the respondent making the counterproposal.

(Stamp of Commission)

”

- (6) Schedule 1 Form 15 is deleted and the following Form is inserted instead —

“

**Form 15 — Notice of hearing**

[r. 32(2), 99 and 103(8)]

*Industrial Relations Act 1979*

In the Western Australian Industrial Relations Commission

No. .... of 20.....

In the matter of: [state nature of matter]

Between .....  
(applicant)

and .....  
(respondent)

**Notice of hearing**

To: .....  
.....  
(name and address)

TAKE NOTICE that the (insert constitution of Commission) will sit at 111 St. George’s Terrace, Perth in court number ..... on level ..... on ..... at ..... a.m./p.m. to hear the abovementioned matter.

Dated this ..... day of ..... 20 .....

Registrar

(Stamp of Commission)

”.

- (7) Schedule 1 Form 16 is amended as follows:
  - (a) by deleting “at Perth”;
  - (b) by inserting after “this ..... day of ..... 20.....” —

“

.....  
.....  
(signature of party issuing this notice)

”.

- (8) Schedule 1 Form 18 is amended as follows:
  - (a) by deleting “To:”;
  - (b) by deleting “(name and address)” and inserting instead —  
“ (insert name and address of agent) ”;

- (c) by deleting “is authorised to appear” and inserting instead —  
“ is hereby authorised to appear ”;
  - (d) by deleting “(affix seal where necessary — incorporate body)” and inserting instead —  
“ (affix seal where necessary) ”;
  - (e) by deleting “appellant/s” and inserting instead —  
“ party for whom the agent is appearing ”;
  - (f) by deleting “at Perth”.
- (9) Schedule 1 Form 22 is amended by deleting “The appropriate fee must be paid upon lodgment of this application.”.
- (10) Schedule 1 Form 23 is amended by deleting “Form 22” and inserting instead —  
“ Form 13 ”.
- (11) Schedule 1 Form 30 is amended by deleting “Application by secretary for authority to be issued” and inserting instead —  
“ **Application by secretary for revocation of an authority** ”.

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

Date: 18 April 2006.