
INDUSTRIAL RELATIONS

IR301*

Industrial Relations Act 1979

**Industrial Relations Commission Amendment
Regulations 2005**

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

1. Citation

These regulations are the *Industrial Relations Commission Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 4 April 2005.

3. The regulations amended

The amendments in these regulations are to the *Industrial Relations Commission Regulations 1985**.

[* Reprinted as at 24 March 1998.

For amendments to 16 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 191.*]

4. Regulation 9 amended

- (1) Regulation 9(1) is amended by deleting “in the Commission,”.
- (2) Regulation 9(2) is amended by deleting “wherein he shall enter each application filed in the Commission,” and insert instead —
- “
- , which may be in a form of information stored on a computer, in which the Registrar is to enter each filed application,
- ”.

5. Regulation 29 amended

Regulation 29(10) is amended by deleting “in the Commission,”.

6. Part XVB inserted

After regulation 110I the following Part is inserted —

“

Part XVB — Occupational Safety and Health Tribunal

110J. Interpretation

- (1) In this Part —
- “**Tribunal**” has the meaning given to that term in the *Occupational Safety and Health Act 1984* section 51G(2).
- (2) In this Part a reference to the referral of a matter includes a reference to the following —
- (a) the referral of a claim under —
- (i) the *Mines Safety and Inspection Act 1994* section 68C; or
- (ii) the *Occupational Safety and Health Act 1984* section 35C;
- (b) an appeal under the *Mines Safety and Inspection Act 1994* section 52 or 86.

110K. Referrals to the Tribunal

- (1) The referral of a matter to the Tribunal for determination is to be by way of Notice of Referral in the form of Form 1A.
- (2) Subregulation (1) does not apply to —
- (a) a reference under the *Mines Safety and Inspection Act 1994* section 31BA(1); or

- (b) a reference under the *Occupational Safety and Health Act 1984* section 51A(1).

110L. Application of certain regulations

- (1) The provisions of these regulations that are set out in the Table to this subregulation apply to the referral, hearing and determination of matters to the Tribunal as if the references in the provisions to the Commission were references to the Tribunal.

Table

Part II	r. 29A
r. 8(2)(b), (c)	r. 75 to 90 inclusive
r. 9(2)	r. 92 to 94 inclusive
r. 29	

- (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.

110M. Procedures specific to Tribunal proceedings

- (1) A Notice of Referral is to be signed by the applicant or, where applicable, the applicant's solicitor or agent and, where necessary, sealed by the applicant.
- (2) 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 filed.
- (3) After allocation of a matter the Tribunal is to give directions, by way of endorsement on the reverse of the Notice of Referral, as to service of copies of the Notice.
- (4) Proof of service of a Notice of Referral is to be given by statutory declaration in the form of Form 2 filed in the office of the Registrar within 2 days of the day on which service was effected.
- (5) Where service of any other document is required by the Tribunal proof of such service is to be given by statutory declaration in the form of Form 2 filed in the office of the Registrar within 7 days of the day on which service was effected.
- (6) A direction, order or declaration of the Tribunal under the *Occupational Safety and Health Act 1984* section 51J(3) when committed to writing and sealed is to be served by the Registrar or such other person as the Tribunal may direct, on such person or persons as the Tribunal may direct.

110N. Forms modified

For the purposes of this Part —

- (a) Forms 2, 23, 24, 25, 26 and 27 apply as if after “In the Western Australian Industrial Relations Commission” were inserted —

“

sitting as the Occupational Safety and Health Tribunal

”; and

- (b) Forms 7, 24, 25 and 26 apply as if the references in those Forms to “the Commission” (except those relating to the stamp of the Commission) were references to the Tribunal.

”.

7. Schedule amended

The Schedule is amended by inserting after Form 1 the following form —

“

Form 1A

In the Western Australian Industrial Relations Commission
sitting as the
Occupational Safety and Health Tribunal

No. OSHT of 20

**NOTICE OF REFERRAL
TO THE OCCUPATIONAL SAFETY AND HEALTH TRIBUNAL**

Take notice that
.....
.....
.....
(name and address of applicant/s — attach schedule if necessary)

has this day referred to the Tribunal —
.....
.....
.....
(state nature of matter e.g. review, appeal, claim)

The grounds on which the referral is made are —
.....
.....
.....
.....
.....

.....
.....
(give details — attach schedule if necessary)

.....
Signature/seal of applicant
or Signature of applicant's solicitor or agent
(Affix Stamp of Commission)

For endorsements see back hereof

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Dated the 21st day of March 2005.

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