

**IR301**

**INDUSTRIAL RELATIONS ACT 1979**

**INDUSTRIAL RELATIONS COMMISSION AMENDMENT REGULATIONS 1994**

PURSUANT to the powers conferred by section 113 of the Industrial Relations Act 1979 (as amended) and all other powers enabling, the Western Australian Industrial Relations Commission makes the following regulations:—

1. (1) These regulations may be cited as the Industrial Relations Commission Amendment Regulations 1994.
- (2) In these regulations the Industrial Relations Commission Regulations 1985 (as amended) are referred to as the principal regulations.

2. Amend regulation 3(5) by inserting after the word "regulations" in the last line thereof the following proviso:—  
 "Provided that appeal books lodged in relation to appeals under section 49 and section 84 of the Act shall not be deemed documents for the purposes of this sub-regulation".
3. After regulation 3, insert the following regulation 3A:—  
 "3A. (1) Subject to sub-regulation (2), the registry shall be open to the public for the transaction of business from 9.00 am until 4.00 pm on Monday to Friday inclusive of each week, except on public holidays and on any other days on which public offices are closed.  
 (2) A member of the Commission or the Registrar may, in special circumstances, direct that the registry be open at times outside those prescribed in sub-regulation (1)."
4. Amend regulation 29 as follows:—  
 (1) Sub-regulation 29(5) is repealed.  
 (2) Insert in sub-regulation 29(10) the figure "14" in the first line thereof in lieu of the figure "7".  
 (3) Insert after sub-regulation 29(10)(b) the following sub-regulation (ba):—  
 "(ba) a copy of any answer or counter proposal filed in such proceedings;"
5. After regulation 29, insert the following regulation 29A:—  
 "29A. The procedure for the listing of matters before the Full Bench in proceedings under section 49 of the Act, shall be as follows:—  
 (1) (a) The Registrar shall, upon proof of service of the notice of appeal on the parties required to be served, and after satisfying himself and certifying that regulations 29(10), (11), and (12) have been complied with, transmit the file and all relevant documents as required by the President to the President.  
 Provided that the Registrar may be satisfied that regulation 29(10)(e) and (f) have been complied with, and to so certify, upon the appellant expressly stating, in writing, that there has been full compliance with regulation 29(10)(e) and (f).  
 (b) At the same time as such file is transmitted to the President aforesaid, the Registrar shall advise the President in writing as to the estimated length of hearing and dates when counsel, solicitors, agents, or the parties in person are available.  
 (c) Notwithstanding (1)(a) hereof, the Registrar may forward such file and documents to the President for listing where any time limit imposed by the Act or regulation 29 has not been complied with, and an application to extend time for such compliance has been filed and served.  
 (2) (a) Before the President lists the matter for hearing he will advise the Chief Commissioner of the proposed date or dates of hearing of such appeal and request the Chief Commissioner to allocate two Commissioner members to the Full Bench for such hearing.  
 (b) The Chief Commissioner shall allocate two Commissioner members as aforesaid and the President shall list the appeal for hearing.  
 (c) The President shall cause the parties to be notified of the date of hearing in accordance with Form 24.  
 (3) After any such appeal is listed for hearing, a party may upon an application to the Full Bench in accordance with Form 1 and these regulations apply to expedite the hearing of the appeal."
6. Insert the following regulation 72A after Part XI:—  
 "PART XIA—APPLICATIONS UNDER SECTION 66  
 72A. (1) Applications made under section 66 of the Act shall be commenced with an application in accordance with Form 1.  
 (2) The application, after it has been filed in the registry, shall be transmitted to the President's Associate to be endorsed with directions given by the President as to service, a date of hearing, or any directions hearing.  
 (3) The matter will then proceed in accordance with those directions."
7. Before regulation 74, and in Part XIII—Procedure Generally, insert the following regulation 73A:—  
 "73A. A notice of answer and counter proposal will specify with particularity the answer and counter proposal and the basis on which the answer and counter proposal is made."

8. Amend regulation 77 by inserting after the word "Commission" in the second line of regulation 77(1) the following " , except upon an appeal to be heard by the Full Bench or the Commission in Court Session,".
9. After regulation 101, insert the following regulation 101A:—
  - "101A. (1) An application to the Full Bench for a declaration in accordance with section 72A shall be in writing, shall set out in detail the grounds of such application, and shall be in accordance with Form 1.
  - (2) A person who wishes to be heard in relation to such application shall file a notice of application to be heard in triplicate and in accordance with Form 1, and shall at least seven days before the date fixed for hearing of such application serve a copy of the same upon the applicant.
  - (3) Such notice shall set out the grounds upon which the person claims sufficient interest to be heard in relation to such application."

Dated the 10th day of May 1994.

P. J. SHARKEY, President.  
W. S. COLEMAN, Chief Commissioner.  
G. G. HALLIWELL, Senior Commissioner.  
G. L. FIELDING, Commissioner.  
J. A. NEGUS, Commissioner.  
J. F. GREGOR, Commissioner.  
S. A. KENNEDY, Commissioner.  
R. N. GEORGE, Commissioner.  
A. R. BEECH, Commissioner.  
C. B. PARKS, Commissioner.

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