

---

---

## INDUSTRIAL RELATIONS

---

---

IR301

Industrial Relations Act 1979

### **Industrial Relations Commission Amendment Regulations 2022**

**SL 2022/19**

Made by the Chief Commissioner of The Western Australian Industrial Relations Commission.

**1. Citation**

These regulations are the *Industrial Relations Commission Amendment Regulations 2022*.

**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 on which the *Work Health and Safety Act 2020* Schedule 1 clause 27 comes into operation.

**3. Regulations amended**

These regulations amend the *Industrial Relations Commission Regulations 2005*.

**4. Regulation 29 replaced**

Delete regulation 29 and insert:

**29. Orders under sections 32 and 44**

- (1) If the Commission gives or makes a direction, order or declaration under section 32(8) or 44(6)(ba) or (bb) of the Act in writing or reduces it to writing (a *conciliation document*), the Commission may give a direction (a *service direction*) as to service of the conciliation document.
- (2) The conciliation document must be —
  - (a) sealed; and
  - (b) served —
    - (i) if a service direction is made — in accordance with the service direction; or
    - (ii) otherwise — by the Registrar on the parties.

**5. Regulation 94M amended**

In regulation 94M(6) delete “(the” and insert:

(a

**6. Part 10 heading replaced**

Delete the heading to Part 10 and insert:

**Part 10 — Work Health and Safety Tribunal**

**7. Regulations 95 and 96 replaced**

Delete regulations 95 and 96 and insert:

**95. Term used: Tribunal**

In this Part —

*Tribunal* means the Work Health and Safety Tribunal established by the *Work Health and Safety Act 2020* Schedule 1 clause 27(1).

**95A. Application of Part**

This Part applies to an application made to the Tribunal under the *Work Health and Safety Act 2020*.

**96. Applications to Tribunal**

An application must be in the approved form.

**8. Regulation 97 amended**

In regulation 97(1):

- (a) delete “the referral of matters to, or the hearing or determination of matters by, the Tribunal” and insert:

the making, hearing and determination of applications

- (b) delete the Table and insert:

**Table**

Part 2 except r. 8(1), (3) and (4)	Part 3 except r. 13(3)(a) and Division 4
Part 4	Part 11 Division 2

**9. Regulation 98 amended**

- (1) In regulation 98(1) delete “A Notice of referral is to” and insert:

An application must

- (2) In regulation 98(2):

- (a) delete “is to” and insert:

must

- (b) delete “a Notice of referral” and insert:

an application

- (c) delete “Notice” (2<sup>nd</sup> occurrence) and insert:

application

- (3) In regulation 98(3):

- (a) delete “is to” and insert:

must

- (b) delete “Notice of referral,” and insert:
- application,
- (c) delete “Notice.” and insert:
- application.
- (4) Delete regulation 98(6) and insert:
- (6) If the Tribunal gives or makes a direction, order or declaration under the *Work Health and Safety Act 2020* Schedule 1 clause 30(3) in writing or reduces it to writing (a *conciliation document*), the Tribunal may give a direction (a *service direction*) as to service of the conciliation document.
- (7) The conciliation document must be —
- (a) sealed; and
- (b) served —
- (i) if a service direction is made — in accordance with the service direction; or
- (ii) otherwise — by the Registrar on the parties.

**10. Regulation 99B amended**

In regulation 99B delete “is to be by way of notice of referral” and insert:

must be

**11. Regulation 99C amended**

In regulation 99C(1) delete the Table and insert:

**Table**

Part 2 except r. 8(1), (3) and (4)	Part 3 except r. 13(3)(a) and Division 4
Part 4	Part 11 Division 2

**12. Regulation 99D amended**

- (1) In regulation 99D(1) delete “notice of referral is to” and insert:

referral must

- (2) In regulation 99D(2):

- (a) delete “is to” and insert:

must

- (b) delete “notice of”;

- (c) delete “notice” (2<sup>nd</sup> occurrence) and insert:

referral

- (3) Delete regulation 99D(3) and (4) and insert:

- (3) The Registrar must endorse on the referral the time within which a response under regulation 14 must be filed.

- (4) The time within which a response must be filed is —

- (a) 21 days after the respondent is served with the referral; or

- (b) if an application to the Tribunal for a shortened time for response is granted — the time determined by the Tribunal.

- (4) In regulation 99D(9):

- (a) delete “notice of Referral” and insert:

referral

- (b) delete “Respondent” and insert:

respondent

- (c) delete “lodged,” and insert:

filed,

- (5) Delete regulation 99D(10) and insert:
- (10) If the Tribunal gives or makes a direction, order or declaration under the *Owner-Drivers (Contracts and Disputes) Act 2007* section 44(3) in writing or reduces it to writing (a ***conciliation document***), the Tribunal may give a direction (a ***service direction***) as to service of the conciliation document.
- (11) The conciliation document must be —
- (a) sealed; and
  - (b) served —
    - (i) if a service direction is made — in accordance with the service direction; or
    - (ii) otherwise — by the Registrar on the parties.

S. KENNER, Chief Commissioner  
The Western Australian Industrial Relations Commission.