

IR302

Industrial Relations Act 1979
Long Service Leave Act 1958

Industrial Relations Regulations (Consequential Amendments) Regulations 2022

SL 2022/100

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Industrial Relations Regulations (Consequential Amendments) Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 20 June 2022.

Part 2 — *Industrial Magistrates Courts (General Jurisdiction) Regulations 2005* amended

3. Regulations amended

This Part amends the *Industrial Magistrates Courts (General Jurisdiction) Regulations 2005*.

4. Regulation 1 amended

In regulation 1 delete “*Magistrates Courts*” and insert:

Magistrate’s Court

5. Regulation 3 amended

- (1) In regulation 3(1)(a) delete “a Court” and insert:

the court

- (2) Delete regulation 3(2).

6. Regulation 4 amended

- (1) In regulation 4 delete the definitions of:

approved form

Board

Court

record

third party

third party claim

- (2) In regulation 4 insert in alphabetical order:

CILSLP Board means the Construction Industry Long Service Leave Payments Board established under the *Construction Industry Portable Paid Long Service Leave Act 1985* section 5(1);

court means the industrial magistrate's court;

court-approved form means a form approved by the Chief Magistrate for the purposes of the provision in which the term is used;

practice direction has the meaning given in regulation 72;

- (3) In regulation 4 in the definition of ***case***:

- (a) delete "a Court" and insert:

the court

- (b) delete "Court's" and insert:

court's

- (c) delete "the Act section 81CA(1);" and insert:

section 81CA(1) of the Act;

- (4) In regulation 4 in the definition of ***CIPPLSL case***:

- (a) delete "a Court" and insert:

the court

- (b) delete "Court's" and insert:

court's

(c) after “section 83E” insert:

of the Act

- (5) In regulation 4 in the definition of ***claim*** delete “a Court” and insert:

the court

- (6) In regulation 4 in the definition of ***corporation*** delete “by section 57A of the *Corporations Act 2001* of the Commonwealth;” and insert:

in the *Corporations Act 2001* (Commonwealth) section 57A;

- (7) In regulation 4 in the definition of ***default judgment*** delete “Court,” and insert:

court,

- (8) In regulation 4 in the definition of ***judgment*** delete “the Act section 83E” and insert:

section 83E of the Act

- (9) In regulation 4 in the definition of ***lodge*** delete “the” and insert:

a

- (10) In regulation 4 in the definition of ***officer*** delete “by section 9 of the *Corporations Act 2001* of the Commonwealth;” and insert:

in the *Corporations Act 2001* (Commonwealth) section 9;

7. **Regulation 5 amended**

- (1) In regulation 5(1) delete “A Court is to” and insert:

The court must

- (2) In regulation 5(2)(c) delete “a Court’s” and insert:

the court’s

8. Regulation 6 amended

- (1) In regulation 6(1) and (2) delete “A Court” and insert:

The court

- (2) In regulation 6(3):

- (a) delete “Court” and insert:

court

- (b) delete “are to” and insert:

must

- (3) In regulation 6(4) delete “Court” and insert:

court

9. Regulation 7 amended

In regulation 7(1):

- (a) delete “A Court” and insert:

The court

- (b) in paragraph (a) delete “Court” and insert:

court

- (c) in paragraph (n)(iii) delete “Court” and insert:

court

- (d) in paragraph (n)(iv) delete “Court’s” and insert:

court’s

- (e) in paragraph (q)(ii) delete “him or her;” and insert:

the expert witness;

- (f) in paragraph (q)(iii) delete “a Court;” and insert:

the court;

(g) in paragraph (q)(iv) delete “a Court order;” and insert:

an order of the court;

10. Regulation 8 amended

(1) In regulation 8(1) delete “a Court” and insert:

the court

(2) In regulation 8(2) delete “a Court, a Court” and insert:

the court, the court

(3) In regulation 8(3A) and (3) delete “Court” and insert:

court

11. Regulation 9 amended

(1) In regulation 9(1):

(a) delete “a Court” and insert:

the court

(b) delete “is to” and insert:

will

(c) delete “Court.” and insert:

court.

(2) In regulation 9(2) delete “Court” and insert:

court

12. Regulation 10 amended

(1) In regulation 10(1) delete “Court,” and insert:

court,

- (2) In regulation 10(2) and (3) delete “Court” and insert:

court

- (3) In regulation 10(4) delete “his or her” and insert:

the expert’s

13. Regulation 11 amended

In regulation 11:

- (a) delete “the Act section 77, 83, 83A, 83B or 83E, a Court” and insert:

section 77, 83, 83A, 83B or 83E of the Act, the court

- (b) delete “Court,” and insert:

court,

14. Regulation 12 amended

- (1) Delete regulation 12(1) and insert:

- (1) Except as provided in this regulation, if the court orders a party to pay a sum of money, the court may order the party to pay interest on the whole or any part of the sum —

- (a) for the whole or any part of the period from the date when the cause of case arose to the date when the order is made; and
- (b) at the rate prescribed under the *Civil Judgments Enforcement Act 2004* section 8(1)(a) for that period or part.

- (2) In regulation 12(2):

- (a) delete “a Court” and insert:

the court

- (b) delete “Court” (2nd and 3rd occurrence) and insert:

court

- (c) delete “is to” and insert:

may

- (3) In regulation 12(3) delete “the Act section 83A.” and insert:

section 83A of the Act.

- (4) In regulation 12(4):

- (a) delete “a Court” and insert:

the court

- (b) delete “the Act section 83A, the Court” and insert:

section 83A of the Act, the court

- (c) delete “judgment” and insert:

order

15. Regulation 13 amended

- (1) In regulation 13(1) delete “approved form.” and insert:

court-approved form.

- (2) In regulation 13(3) delete “an approved form that may be used” and insert:

the court-approved form

- (3) In regulation 13(4) delete “or third party claim” (each occurrence).

- (4) In regulation 13(5):

- (a) delete “Court” and insert:

court

- (b) delete “or third party claim” (each occurrence).

16. Regulation 14 amended

- (1) In regulation 14(1)(a) and (b) delete “Perth Court,” and insert:

court’s registry,

- (2) In regulation 14(4):

- (a) delete “a Court” and insert:

the court

- (b) delete “Court.” and insert:

court.

17. Regulation 18 amended

- (1) In regulation 18(1)(a):

- (a) delete “Court” and insert:

court

- (b) delete “Commission” and insert:

court

- (2) In regulation 18(1)(c) delete “or third party claim”.

- (3) In regulation 18(2)(a) delete “approved form” and insert:

court-approved form

18. Regulation 21 amended

- (1) In regulation 21(1) delete “Court.” and insert:

court.

- (2) In regulation 21(2) delete “Court” and insert:

court

- (3) In regulation 21(3):
- (a) delete “Court” and insert:

court
 - (b) delete “to be” (1st occurrence);
 - (c) delete “Court.” and insert:

court.

19. Regulation 23 amended

In regulation 23(2) delete “to be” (1st occurrence).

20. Regulation 34 deleted

Delete regulation 34.

21. Regulation 35A amended

- (1) In regulation 35A(1):
- (a) delete “Court” and insert:

court
 - (b) in paragraph (a) delete “is to” and insert:

must

- (2) In regulation 35A(2) delete “Court” and insert:

court

22. Regulation 35 amended

- (1) In regulation 35(1) delete “Court” and insert:

court
- (2) In regulation 35(2):
- (a) delete “A Court” and insert:

The court
 - (b) delete “Court” (2nd occurrence) and insert:

court

- (3) Delete regulation 35(3) and insert:

(3) The court may adjourn a trial to a fixed date as the court thinks fit.

- (4) In regulation 35(4) delete “a Court hearing a trial” and insert:

the court

23. Regulation 37 amended

- (1) In regulation 37(1) delete “approved form” and insert:

court-approved form

- (2) In regulation 37(4):

- (a) delete “A party which issues” and insert:

The party that lodges

- (b) delete “subsection (3)” and insert:

subregulation (3)

- (3) In regulation 37(5) delete “subsection (3)” and insert:

subregulation (3)

- (4) In regulation 37(6) delete “subsection (5) it is to be presumed that the information is true,” and insert:

subregulation (5), the information is presumed to be true

24. Regulation 40 amended

- (1) In regulation 40(1) delete “approved form,” and insert:

court-approved form

- (2) In regulation 40(2):

- (a) delete “Court” and insert:

court

(b) delete “Court.” and insert:

court.

(3) In regulation 40(3) delete “approved form and” and insert:

court-approved form

25. Regulation 41 amended

(1) In regulation 41(1) delete “a Court” and insert:

the court

(2) In regulation 41(2) and (3):

(a) delete “a Court” and insert:

the court

(b) delete “order” and insert:

judgment

26. Regulation 42 deleted

Delete regulation 42.

27. Regulation 43 amended

In regulation 43 delete “in accordance with this Part at the Court registry referred to in regulation 44” and insert:

with the court in accordance with this Part

28. Regulation 44 deleted

Delete regulation 44.

29. Regulation 45 amended

In regulation 45(1) delete “relevant Court’s” and insert:

court’s

30. Regulation 46 amended

- (1) In regulation 46(2):
 - (a) delete “Registrar” and insert:

clerk
 - (b) delete “Court.” and insert:

court.
- (2) In regulation 46(3) delete “Court’s” (each occurrence) and insert:

court’s
- (3) In regulation 46(6)(b)(ii) delete “Court.” and insert:

court.
- (4) In regulation 46(7):
 - (a) delete “a Court is to be” and insert:

the court is
 - (b) in paragraphs (a) and (b) delete “Court’s” and insert:

court’s
- (5) In regulation 46(8):
 - (a) delete “a Court” and insert:

the court
 - (b) delete “Court’s” and insert:

court’s
 - (c) delete “to be”;
 - (d) delete “Court.” and insert:

court.

31. Regulation 47 amended

- (1) In regulation 47(2) delete “A Court” and insert:

The court

- (2) In regulation 47(3) delete “relevant Court’s” and insert:

court’s

- (3) In regulation 47(4) delete “a Court is to be” and insert:

the court is

- (4) In regulation 47(5):

- (a) delete “a Court” and insert:

the court

- (b) in paragraph (c) delete “Court” and insert:

court

- (5) In regulation 47(6)(c):

- (a) delete “Court,” and insert:

court,

- (b) delete “Court.” and insert:

court.

- (6) In regulation 47(7):

- (a) delete “Court is to be” and insert:

court is

- (b) in paragraphs (a) and (b) delete “Court’s” and insert:

court’s

- (7) In regulation 47(8):
- (a) delete “Court is to be” and insert:

court is
 - (b) delete “Court” (2nd occurrence) and insert:

court

32. Regulation 48 amended

In regulation 48:

- (a) delete “Court” and insert:

court
- (b) delete “facsimile” and insert:

digital version
- (c) delete “Court’s” (each occurrence) and insert:

court’s
- (d) delete “to be”;
- (e) delete “Court,” and insert:

court,
- (f) delete “Court.” and insert:

court.

33. Regulation 49 amended

- (1) In regulation 49(1):
 - (a) delete “Court” and insert:

court
 - (b) delete “to be”.
- (2) In regulation 49(2) delete “Court” (each occurrence) and insert:

court

- (3) In regulation 49(3) delete “to be” (1st occurrence).

34. Regulation 52 amended

- (1) In regulation 52(1) and (2) delete “is to” and insert:

must

- (2) In regulation 52(4) delete “approved form.” and insert:

court-approved form.

35. Regulation 53 amended

In regulation 53(3)(c) before “Board.” insert:

CILSLP

36. Regulation 54 amended

In regulation 54(2)(c) before “Board.” insert:

CILSLP

37. Regulation 57 amended

- (1) In regulation 57(4) delete “to be”.
- (2) In regulation 57(6) delete “approved form.” and insert:

court-approved form.

38. Regulation 60 amended

In regulation 60 delete “to be”.

39. Regulation 61 amended

- (1) In regulation 61(1):
- (a) delete “a Court order” and insert:

an order of the court

- (b) delete “approved form” and insert:

court-approved form

- (c) delete “Court” (2nd occurrence) and insert:

court

- (2) In regulation 61(3) delete “Court,” and insert:

court,

40. Regulation 64 amended

In regulation 64(2):

- (a) delete “a Court” and insert:

the court

- (b) delete “Court” (2nd and 3rd occurrences) and insert:

court

41. Regulation 65 amended

- (1) In regulation 65(1):

- (a) delete “a Court” and insert:

the court

- (b) delete “Court” (2nd occurrence) and insert:

court

- (2) In regulation 65(2):

- (a) delete “Court” and insert:

court

- (b) delete paragraph (a) and insert:

- (a) has been informed of a litigation guardian’s liability under subregulation (3); and

- (3) In regulation 65(3) delete “Court” and insert:

court

42. Regulation 66 amended

In regulation 66 delete “a Court” and insert:

the court

43. Regulation 67 amended

(1) In regulation 67(1) delete “a Court” and insert:

the court

(2) In regulation 67(2) delete “Court” and insert:

court

44. Regulation 69 amended

In regulation 69:

(a) delete “Court” and insert:

court

(b) delete “approved forms” and insert:

court-approved forms

(c) in paragraph (a) delete “each Court’s” and insert:

the court’s

45. Regulation 72 amended

In regulation 72:

(a) delete “(to be called practice directions)” and insert:

(a *practice direction*)

(b) delete “Court and its registries.” and insert:

court and its registry.

46. Regulation 73 amended

- (1) In regulation 73(2) delete “Court” and insert:

court

- (2) In regulation 73(3) delete “A Court hearing an application under subregulation (1) may affirm, vary or set aside the decision as the Court” and insert:

The court may affirm, vary or set aside the decision as the court

47. Various references to “approved form” amended

In the provisions listed in the Table delete “approved form” and insert:

court-approved form

Table

r. 15	r. 29(2)
r. 30(2)	r. 32(2)
r. 33(2)	r. 68

48. Various references to “Court” amended

In the provisions listed in the Table delete “Court” (each occurrence) and insert:

court

Table

r. 24(4)	r. 33(3)
r. 36	r. 38(2)
r. 39	r. 50(a)
r. 70	

Note: The headings to the amended regulations listed in the Table are to read as set out in the Table.

Table

Amended regulation	Regulation heading
r. 4	Terms used
r. 8	Court's powers to deal with default by party
r. 10	Use of experts
r. 11	Court's power to order costs
r. 12	Court's power to order payment of interest
r. 13	Making claim or counterclaim
r. 14	Response to claim
r. 18	General duties and powers of clerk at pre-trial conference
r. 21	Failure to comply with order
r. 23	Status of things said or done at pre-trial conference
r. 33	Response to invitation to admit
r. 37	Issuing witness summons
r. 43	Meaning of lodge
r. 48	Court's seal may be applied electronically
r. 50	Meaning of serve
r. 61	Making application
r. 67	Settlement of claims by or against person under legal disability
r. 68	Form of affidavit

Part 3 — *Industrial Relations (General)* *Regulations 1997* amended

49. Regulations amended

This Part amends the *Industrial Relations (General) Regulations 1997*.

50. Regulation 3 inserted

At the end of Part 1 insert:

3. Term used: Clerk

In these regulations —

Clerk means the clerk of the Court.

51. Part 2 heading replaced

Delete the heading to Part 2 and insert:

Part 2 — Employment records**52. Part 4 inserted**

After regulation 6 insert:

Part 4 — Employers declared not to be national system employers**7. Employers declared not to be national system employers (Act s. 80A(2))**

For the purposes of section 80A(2) of the Act, each employer specified in Schedule 4 is declared not to be a national system employer for the purposes of the FW Act.

53. Regulation 8 deleted

Delete regulation 8.

54. Schedule 1 amended

In Schedule 1 item 1 delete “filing a claim under section 29(1)(b)” and insert:

referring an industrial matter under section 29(1)(c), (d) or (e)

55. Schedule 4 inserted

After Schedule 3 insert:

Schedule 4 — Employers declared not to be national system employers

[r. 7]

Division 1 — Local government employers

Table

City of Albany	City of Armadale
Shire of Ashburton	Shire of Augusta Margaret River
Town of Bassendean	City of Bayswater

City of Belmont	Shire of Beverley
Shire of Boddington	Shire of Boyup Brook
Shire of Bridgetown-Greenbushes	Shire of Brookton
Shire of Broome	Shire of Broomehill-Tambellup
Shire of Bruce Rock	City of Bunbury
City of Busselton	Town of Cambridge
City of Canning	Shire of Capel
Shire of Carnamah	Shire of Carnarvon
Shire of Chapman Valley	Shire of Chittering
Town of Claremont	City of Cockburn
Shire of Collie	Shire of Coolgardie
Shire of Coorow	Shire of Corrigin
Town of Cottesloe	Shire of Cranbrook
Shire of Cuballing	Shire of Cue
Shire of Cunderdin	Shire of Dalwallinu
Shire of Dandaragan	Shire of Dardanup
Shire of Denmark	Shire of Derby-West Kimberley
Shire of Donnybrook-Balingup	Shire of Dowerin
Shire of Dumbleyung	Shire of Dundas
Town of East Fremantle	Shire of East Pilbara
Shire of Esperance	Shire of Exmouth
City of Fremantle	Shire of Gingin
Shire of Gnowangerup	Shire of Goomalling
City of Gosnells	City of Greater Geraldton
Shire of Halls Creek	Shire of Harvey
Shire of Irwin	Shire of Jerramungup
City of Joondalup	City of Kalamunda
City of Kalgoorlie-Boulder	City of Karratha
Shire of Katanning	Shire of Kellerberrin

Shire of Kent	Shire of Kojonup
Shire of Kondinin	Shire of Koorda
Shire of Kulin	City of Kwinana
Shire of Lake Grace	Shire of Laverton
Shire of Leonora	City of Mandurah
Shire of Manjimup	Shire of Meekatharra
City of Melville	Shire of Menzies
Shire of Merredin	Shire of Mingenew
Shire of Moora	Shire of Morawa
Town of Mosman Park	Shire of Mount Magnet
Shire of Mount Marshall	Shire of Mukinbudin
Shire of Mundaring	Shire of Murchison
Shire of Murray	Shire of Nannup
Shire of Narembeen	Shire of Narrogin
City of Nedlands	Shire of Ngaanyatjaraku
Shire of Northam	Shire of Northampton
Shire of Nungarin	Shire of Peppermint Grove
Shire of Perenjori	City of Perth
Shire of Pingelly	Shire of Plantagenet
Town of Port Hedland	Shire of Quairading
Shire of Ravensthorpe	City of Rockingham
Shire of Sandstone	Shire of Serpentine-Jarrahdale
Shire of Shark Bay	City of South Perth
City of Stirling	City of Subiaco
City of Swan	Shire of Tammin
Shire of Three Springs	Shire of Toodyay
Shire of Trayning	Shire of Upper Gascoyne
Town of Victoria Park	Shire of Victoria Plains
City of Vincent	Shire of Wagin

Shire of Wandering	City of Wanneroo
Shire of Waroona	Shire of West Arthur
Shire of Westonia	Shire of Wickepin
Shire of Williams	Shire of Wiluna
Shire of Wongan-Ballidu	Shire of Woodanilling
Shire of Wyalkatchem	Shire of Wyndham-East Kimberley
Shire of Yalgoo	Shire of Yilgarn
Shire of York	

Division 2 — Regional local government employers

Table

Bunbury Harvey Regional Council	Eastern Metropolitan Regional Council
Mindarie Regional Council	Murchison Regional Vermin Council
Resource Recovery Group	Rivers Regional Council
Tamala Park Regional Council	Western Metropolitan Regional Council

Note: The heading to regulation 4 is to read:

How employment records must be kept (Act s. 49D(3))

Part 4 — *Long Service Leave Regulations 1997* amended

56. Regulations amended

This Part amends the *Long Service Leave Regulations 1997*.

57. Regulation 3 amended

In regulation 3(1), (2) and (3) delete “purpose of section 4(2)(d)” and insert:

purposes of section 7C(2)(b)

Note: The heading to amended regulation 3 is to read:

**Prescribed rate for cash value of board and lodging
(Act s. 7C(2)(b))**

V. MOLAN, Clerk of the Executive Council.