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INDUSTRIAL ARBITRATION ACT,
1912–1973

INDUSTRIAL
ARBITRATION ACT

(INDUSTRIAL COMMISSION)

REGULATIONS, 1974

INDUSTRIAL ARBITRATION ACT, 1912-1973.

Department of Labour,
Perth, 14th February, 1974.

HIS Excellency the Governor in Executive Council acting pursuant to the Industrial Arbitration Act, 1912-1973 and section 11 of the Interpretation Act, 1918-1972 has been pleased to approve of the regulations set forth in the Schedule hereunder, made by the Western Australian Industrial Commission acting pursuant to the provisions of those Acts.

H. A. JONES.
Under Secretary for Labour.

The Western Australian Industrial Commission with the approval of His Excellency the Governor, and pursuant to the provisions of the Industrial Arbitration Act, 1918-1973, and section 11 of the Interpretation Act, 1918-1972, has been pleased to make the regulations set out in the Schedule hereunder to have and take effect on and from the date of the coming into operation of the Industrial Arbitration Act Amendment Act, 1973.

SCHEDULE.**INDUSTRIAL ARBITRATION ACT (INDUSTRIAL
COMMISSION) REGULATIONS, 1974.**

PART I.—INTRODUCTORY.

Citation.

1. These regulations may be cited as the Industrial Arbitration Act (Industrial Commission) Regulations, 1974.

Revocation and Saving.

2. (1) The Industrial Arbitration Act (Industrial Commission) Regulations, 1971, published in the *Government Gazette* on the 11th June, 1971 and amended by a notice so published on the 21st September, 1973, are hereby revoked.

- (2) Subject to section 4B of the Act any application, objection, hearing, case stated, appeal, deliberation or other proceeding made or pending before the date on which these regulations take effect, being of a kind to which these regulations apply, shall be treated as if made or pending under these regulations and may be heard, continued or otherwise dealt with accordingly, subject to any order or direction made or given by the Registrar, the Commission, the Commission in Court Session, a Board of Reference, or a Special Board, in any particular case.

Arrangement of Regulations.

3. These regulations are divided into Parts, as follows—

- PART I.—INTRODUCTORY (regs. 1 to 4).
- PART II.—INDUSTRIAL UNIONS AND ASSOCIATIONS (regs 5 to 29).
- PART III.—INDUSTRIAL AGREEMENTS (regs. 30 to 35).
- PART IV.—AWARDS (regs. 36 to 50).
- PART V.—BOARDS OF REFERENCE AND SPECIAL (DEMARCATIION) BOARDS (regs. 51 to 54).
- PART VI.—MISCELLANEOUS APPLICATIONS (regs. 55 to 62).
- PART VII.—APPEALS (regs. 63 to 68).
- PART VIII.—MEDIATION AND CONCILIATION (regs. 69 to 80).
- PART IX.—GENERAL REGULATIONS (regs. 81 to 99).
- PART X.—FEES, COSTS AND ALLOWANCES (regs. 100 to 104).
- SCHEDULE.—FORMS 1 TO 64.

Definitions.

4. (1) In these regulations unless the contrary intention appears—
- “benefit member” means a member of a society who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the society while not being a worker or employer;
 - “Council” means any body, however designated, representing not less than two industrial unions in any specified industry;
 - “Court” means the Western Australian Industrial Appeal Court;
 - “Industrial Magistrate” means a stipendiary magistrate appointed under section 103 of the Act to be an Industrial Magistrate;
 - “Registrar” means the Registrar of Industrial Unions appointed under section 166 of the Act and includes the Assistant Registrar of Industrial Unions so appointed;
 - “the Act” means the Industrial Arbitration Act, 1912.

(2) Words and expressions used in any of these regulations have, unless the contrary intention appears, the same respective meanings as in the Act.

* (3) A reference in these regulations to a form by number is a reference to the form so numbered in the Schedule to these regulations or to a form to the like effect.

PART II.—INDUSTRIAL UNIONS AND ASSOCIATIONS.

Registration of a Society as an Industrial Union (ss. 8, 9, 9B, 11, 13, 16, 20 and 21).

5. (1) An application to register a society as a union shall be made to the Commission in Court Session in accordance with Form No. 1.

(2) The application shall be signed by the officer of the society authorised to make the application, shall be lodged with the Registrar and shall be accompanied by—

- (a) a list in accordance with Form No. 2 of the name and address of each officer and member of the society;
- (b) three printed or clearly typewritten copies of the rules of the society referred to in paragraph (b) of section 9 of the Act;
- (c) a copy of the resolution authorising the application; and
- (d) a copy of the newspaper containing the advertisement calling the general meeting (or meetings) of the society referred to in Form No. 1.

*Vide s. 39 Act No. 30 of 1918.

(3) The applicant society shall, within fourteen days of filing the application, serve, on each union which the Registrar directs shall be so served, a copy of the application and a copy of the rules of the society relating to the qualifications of persons for membership of the society.

(4) Proof of such service of the application shall be given in accordance with Form No. 63 at or before the hearing of the application.

Registration of a Company as an
Industrial Union (s. 17).

6. (1) An application to register a company as an industrial union of employers shall be made to the Commission in Court Session in accordance with Form No. 3 under the seal of the company and the application shall be signed by the manager or other principal executive officer, or the secretary of the company in Western Australia.

(2) The application shall be lodged with the Registrar and shall be accompanied by—

- (a) a certified copy of the certificate of incorporation or other satisfactory evidence of the registration or incorporation of the company; and
- (b) two printed or clearly typewritten copies of the memorandum and articles of association or the rules of the company.

Registration of a Council or other body
as an Industrial Association (s. 33).

7. (1) An application to register a council as an industrial association shall be made to the Commission in Court Session in accordance with Form No. 4 signed by the officer of the council authorised to make the application, lodged with the Registrar and accompanied by—

- (a) a list in accordance with Form No. 5 of—
 - (i) the names of the industrial unions which are represented on the council;
 - (ii) the name and address of each person representing those unions on the council; and
 - (iii) the name and address of each officer of the council;
- (b) three printed or clearly typewritten copies of the rules of the council referred to in paragraph (b) of section 9 of the Act as applied by section 33 of the Act;
- (c) a copy of the resolution authorising the application; and
- (d) a copy of the newspaper containing the advertisement calling the general meeting (or meetings) of the council referred to in Form No. 4.

(2) The provisions of paragraph (d) of subsection (2) of section 9B of the Act do not apply to the rules of a council.

(3) The applicant council shall, within fourteen days of filing the application, serve, on each association which the Registrar directs shall be served, a copy of the application and a copy of the rules of the council which set out the names of the unions represented by the council.

(4) Proof of such service of the application shall be given in accordance with Form No. 63 at or before the hearing of the application.

Amalgamation of Unions (s. 10).

8. (1) An application to the Commission in Court Session to register as an industrial union a proposed new union to be formed by amalgamation of two or more unions shall be in accordance with Form No. 6.

(2) The application shall be under the respective seals of the unions to which the application relates and shall be signed by their respective presidents and secretaries.

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(3) The application shall be lodged with the Registrar and shall be accompanied by—

- (a) a list in accordance with Form No. 2 of the name and address of each officer and member of the proposed new union;
- (b) three printed or clearly typewritten copies of the rules of the proposed new union;
- (c) a copy of each of the resolutions authorising the application; and
- (d) a copy of the newspaper containing the advertisement calling the general meeting of each of the unions seeking amalgamation.

(4) The applicant unions shall, within fourteen days of filing the application, serve on each union which the Registrar directs shall be so served, a copy of the application and a copy of the rules of the proposed new union relating to the qualifications of persons for membership of the proposed new union.

(5) Proof of such service of the application shall be given in accordance with Form No. 63 at or before the hearing of the application.

Application to Commission in Court Session for Amendment or
Rescission of Rules (s. 23).

9. (1) An application by a union or association for an amendment of its rules* shall be made to the Commission in Court Session in accordance with Form No. 7.

(2) The application shall be signed by the secretary or the person authorised to make the application, lodged with the Registrar and shall be accompanied by—

- (a) three printed or clearly typewritten copies of the registered rules incorporating and showing in distinctive characters, each amendment of the rules of which registration is sought;
- (b) three printed or clearly typewritten copies of each amendment;
- (c) (i) in a case to which paragraph 1 of Form No. 7 applies, a copy of the newspaper containing the advertisement calling the general meeting of the union or association referred to in that Form; or
- (ii) in a case to which paragraph 2 of Form No. 7 applies, a copy of the notice calling the meeting referred to in that paragraph; or
- (iii) in a case to which paragraph 3 of Form No. 7 applies, copy of the order of the Commission in Court Session and a copy of any notice given pursuant to a requirement to give such notice under that order; and
- (d) a copy of the resolution authorising the application.

(3) Where the amendment relates to the qualification of persons for membership of the union or association the applicant union or association shall, within fourteen days of filing the application, serve on each union or association which the Registrar directs shall be so served, a copy of the application and a copy of the rules of the union or association relating to the qualification of persons for membership of the union or association and a copy of the amendments of which registration is sought.

(4) Proof of such service of the application shall be given in accordance with Form No. 63 at or before the hearing of the application.

(5) In this regulation "amendment", in relation to the rules of a union or association, means an amendment of any of those rules and includes the rescission of any of those rules, but does not include the rescission of all of those rules and substitution of a new set of rules for the rules so rescinded.

Application to Commission in Court Session Where a New Set of Rules is
to be Substituted for Registered Rules (s. 23).

10. (1) Where an application to amend the rules of a union or association seeks the substitution of new rules for the registered rules, the application to the Commission in Court Session shall be in accordance with Form No. 8.

(2) The application shall be lodged with the Registrar and shall be accompanied by—

- (a) three printed or clearly typewritten copies of the new rules;
- (b) (i) in a case to which paragraph 1(a) of Form No. 8 applies, a copy of the newspaper containing the advertisement calling the general meeting of the union or association referred to in that Form; or
- (ii) in a case to which paragraph 1(b) of Form No. 8 applies, a copy of the notice calling the meeting referred to in that paragraph; or
- (iii) in a case to which paragraph 1(c) of Form No. 8 applies, a copy of the order of the Commission in Court Session and a copy of any notice given pursuant to a requirement to give such notice under that order; and
- (c) a copy of the resolution authorising the application.

(3) Where the new rules would have the effect of altering the qualification of persons for membership of the union or association the applicant union or association shall, within fourteen days of filing the application, serve on each union or association which the Registrar directs shall be so served, a copy of the application and a copy of the existing rules of the union or association relating to the qualification of persons for membership of the union or association and a copy of the relevant portions of the new rules registration of which is sought.

(4) Proof of such service of the application shall be given in accordance with Form No. 63 at or before the hearing of the application.

Objections by Unions, Associations or Employers (ss. 11, 21, 23).

11. (1) Any person who is entitled to be heard in objection to an application referred to in any of the preceding regulations shall, if he desires to be so heard, file a notice of objection in the office of the Registrar in accordance with Form No. 9 and shall serve that notice on the society, union, council or association making the application not less than seven days before the hearing thereof.

(2) The notice shall state clearly the grounds of objection and shall specify with particularity the manner in which the objector is or is likely to be affected by the application.

(3) At the hearing of the application an objector is restricted to the grounds set out in his notice of objection.

Procedure by Registrar (s. 12).

12. (1) When the Registrar registers a society as a union he shall issue a certificate in accordance with Form No. 10.

(2) When the Registrar registers a council as an industrial association he shall issue a certificate in accordance with Form No. 11.

(3) When the Registrar registers a union formed by the amalgamation of two or more unions he shall issue a certificate in accordance with Form No. 12.

(4) When the Registrar registers an amendment or rescission of the rules of a union or association or the substitution of new rules he shall issue a certificate in accordance with Form No. 13.

(5) When the Registrar registers a company as a union he shall issue a certificate in accordance with Form No. 14.

Application to Amend Declaration Relating to Government Officers (s. 11A).

13. (1) Where the Commission in Court Session has made an order declaring certain persons to be Government officers under section 11A of the Act, an application to amend that order shall be in accordance with Form No. 36 lodged with the Registrar and it shall be accompanied by—

- (a) three copies of the order incorporating and showing in distinctive characters the amendment sought;
- (b) a brief statement of the grounds on which the application is made; and
- (c) in the case of a union or association, a declaration in accordance with Form No. 31.

(2) (a) The application shall be served on each union and employer likely to be affected thereby and, where the Civil Service Association of Western Australia Incorporated is not the applicant, upon that association.

(b) For the purpose of this subregulation, service of the application shall be in accordance with the directions of the Registrar.

(3) (a) Any person who desires to be heard in objection to an application referred to in this regulation, shall file a notice of objection in the office of the Registrar in accordance with Form No. 9 and shall serve that notice on the applicant not less than seven days before the hearing of the application.

(b) The notice shall state clearly the grounds of objection and shall specify with particularity the manner in which the objector is, or is likely to be, affected by the application.

Registered Office (s. 24).

14. An application for the registration of the address of a branch office of a union or association shall be made to the Registrar in accordance with Form No. 15.

15. Every change of address of the registered office or branch office shall be notified to the Registrar forthwith by the secretary of the union or association in accordance with Form No. 16.

Change of Name (ss. 13, 20).

16. An application under section 13 of the Act, by a union or association for the consent of the Commission in Court Session, to change its name shall be made by the secretary or other officer of the union or association in accordance with Form No. 17 and the application shall be filed in the office of the Registrar.

17. A notice in terms approved by the Registrar, intimating the intention of the applicant to make an application under section 13 of the Act shall be published in a newspaper circulating in the city, town or locality in which the head office of the applicant union or association is situated.

18. Upon filing and serving a notice of objection to an application within the time and in the manner prescribed in regulation 11 of these regulations any person interested may, by leave of the Commission in Court Session, be heard in opposition to the application.

19. Where the Commission in Court Session consents to an application under section 13 of the Act—

- (a) the Registrar shall cause a memorandum of the decision of the Commission to be entered in his register;
- (b) the Registrar shall issue to the applicant a certificate in accordance with Form No. 18; and
- (c) the rules of the applicant shall be deemed to be amended by substituting the new name for the previous name wherever it appears therein and the registered rules shall be altered accordingly.

Filing of Records of Industrial Union or Association (s. 25.)

20. (1) The list of the names, postal addresses and occupations of persons holding office and the number of members in a union or association required to be filed with the Registrar pursuant to subsection (4) of section 25 of the Act shall be so filed during the month of January in each year.

(2) The statutory declaration required by subsection (4) of section 25 of the Act shall be in accordance with Form No. 19 and may be made by the president or secretary of the union or association.

21. Notification of any change in the holding of office in an industrial union or association pursuant to subsection (5) of section 25 of the Act shall be filed with the Registrar in accordance with Form No. 20 within fourteen days of the date of the change.

22. All documents filed with the Registrar under section 25 of the Act may be inspected at the office of the Registrar during office hours on payment of the prescribed fee.

Annual Balance Sheet and Statement of Receipts and Expenditure (s. 28).

23. (1) The balance sheet of the assets and liabilities and the statement of the receipts and expenditure of a union or association required to be delivered to the Registrar under section 28 of the Act, shall be itemised with sufficient particularity to show that the financial affairs of the union or association have been conducted in accordance with the rules of the union or association.

(2) The balance sheet and statement of receipts and expenditure shall, within one month after the completion of the yearly audit, be delivered to the Registrar and shall be accompanied by a statutory declaration in accordance with Form No. 21.

Request for Election (s. 36M).

24. (1) For the purposes of section 36M of the Act, the number of members of an industrial union by whom a request for the conduct of an election under that section may be made is five hundred, or one-tenth of the total number of the members of the industrial union, whichever is the less.

(2) Subject to this regulation, a request for the conduct of an election under section 36M of the Act shall be made not less than one month, nor more than three months, before the last day on which persons may become candidates at the election but the Registrar may accept a request made less than one month before the date specified in this regulation, if he is satisfied that it is practicable for the election to be conducted under section 36M of the Act in pursuance of the request, and a request so accepted shall be deemed to have been made in due time.

25. Where the Registrar has, in pursuance of subsection (5) of section 36M of the Act, informed an industrial union that he has decided that a request in relation to an election has been duly made under that section, a person other than the person conducting the election in pursuance of that section shall not, except with the authority or at the direction of the person so conducting the election, do or purport to do any act in the conduct of the election.

Penalty: Forty dollars.

26. (1) An appeal to the Commission in Court Session against a decision of the Registrar under subsection (5b) of section 36M of the Act shall be in accordance with Form No. 36 and shall be accompanied by a statement of the grounds on which the appeal is based.

(2) The appeal shall be filed in the office of the Registrar within seven days of the union being informed of the Registrar's decision.

Cancellation of Registration of Industrial Union or Association (s. 29).

27. (1) An application to the Registrar by a union or association for cancellation of its registration pursuant to subsection (1) of section 29 of the Act shall be filed in the office of the Registrar in accordance with Form No. 22.

(2) The Registrar may, on receiving the application, require a ballot to be taken of all members of the union or association.

(3) On being satisfied that the application complies with the provisions of the Act and regulations and that the cancellation is desired by a majority of members of the union or association concerned, the Registrar shall, upon the expiry of six weeks' notice given in accordance with Form No. 23 in a newspaper circulating generally in a city, town or locality in which the head office of the applicant union or association is situated, cancel such registration by notice in the *Gazette*.

28. (1) An application for cancellation of the registration of a union or association pursuant to subsection (2) of section 29 of the Act shall be filed in the office of the Registrar in accordance with Form No. 24 and shall be served forthwith upon the union or association the registration of which is sought to be cancelled.

(2) The application shall state clearly the grounds on which the application is made and the application shall be accompanied by a statutory declaration setting forth the facts on which the applicant relies and where necessary, facts to show that the applicant has a sufficient interest to make the application.

(3) Where the respondent union or association intends to oppose the application it shall, within fourteen days of being served with the application, advise the Registrar and the applicant in writing accordingly.

(4) Where the respondent union or association intends to admit the facts (or any of them) on which the applicant relies it shall, within fourteen days of being served with the application or within such further time as the Commission may, on application made to it within such fourteen days, allow, advise the Registrar and the applicant in writing accordingly.

29. The Registrar shall enter upon his register a memorandum of any order made by the Commission in Court Session directing the cancellation of the registration of any union or association.

PART III.—INDUSTRIAL AGREEMENTS.

Filing of Industrial Agreement (s. 38).

30. (1) An industrial agreement shall not be filed unless and until it has been presented to the Registrar and the Registrar is satisfied that it is in accord with the provisions of the Act.

(2) Upon the filing of the duplicate original of an industrial agreement the Registrar shall number the industrial agreement and note thereon the date of the filing thereof and shall endorse upon the original agreement a memorandum in accordance with Form No. 25.

Retirement from Industrial Agreement (s. 37).

31. The notice signifying intention to retire from an industrial agreement shall be filed in the office of the Registrar in accordance with Form No. 26 and shall be served forthwith by the party retiring on each other party to the agreement.

Variation of Industrial Agreement by Consent (s. 41).

32. (1) Any industrial agreement which varies, renews or cancels another industrial agreement shall be dealt with as provided in regulation 30 of these regulations.

(2) Where a party to the agreement which is being varied, renewed or cancelled is not a party to the amending agreement, that party shall be named in a schedule to the amending agreement.

Concurrence with Industrial Agreement (s. 39 (1)).

33. (1) The notice signifying concurrence with an industrial agreement shall be in accordance with Form No. 27 and shall be filed in the office of the Registrar.

(2) A separate form shall be so filed by each union, association or employer intending to become a party to the industrial agreement.

Application to Commission for an Order that a Union Become a Party to an Industrial Agreement (s. 39 (2)).

34. (1) An application by a union for an order that that union become a party to an industrial agreement shall be in accordance with Form No. 36 to which shall be annexed—

- (a) a statutory declaration setting out facts which the applicant considers entitle the Commission to make the order sought and any other facts upon which the applicant relies in making the application; and
- (b) a declaration in accordance with Form No. 31.

(2) The application, together with annexures, shall be filed with the Registrar and served on each party to the industrial agreement.

(3) Where any such party intends to oppose the application he shall, within fourteen days of being served with the application, advise the Registrar and the applicant in writing accordingly.

Application to Commission to Amend Industrial Agreement (ss. 42, 66).

35. (1) An application to the Commission by any party to an industrial agreement to cancel, amend or vary any provision of the agreement shall be in accordance with Form No. 36 to which shall be annexed—

- (a) particulars of the cancellation, amendment or variation sought;
- (b) where the applicant is a union or association a declaration in accordance with Form No. 31;
- (c) Form No. 28 in which all parties to the industrial matter or dispute agree that the matter or dispute be determined by the Commission; and
- (d) a short description of the circumstances which have arisen since the making of the agreement which at that time could not have reasonably been foreseen by the parties to the agreement,

but the applicant is not restricted at the hearing of the matter to the circumstances referred to in that short description.

(2) The application, together with its annexures, shall be filed with the Registrar and served on each other party to the agreement, and each such party shall file an answer thereto in accordance with Form No. 33 and serve it on the applicant within the time prescribed by regulation 41 of these regulations.

(3) (a) Any party who has filed an answer pursuant to subregulation (2) of this regulation may, in accordance with Form No. 33, put forward counter proposals but any such counter proposal shall relate to or be connected with the subject matter of the claim.

(b) The applicant shall reply to such counter proposals in accordance with Form No. 34 filed in the office of the Registrar and served on the respondent within fourteen days of the service on him of the counter proposals.

(4) The Commission may, if in its opinion it is desirable, require the parties to attend before the Registrar to settle issues—

- (a) after the respondents have filed and served their answers and counter proposals (if any) and, where necessary, the applicant has filed and served a reply; or
- (b) at any time after the time allowed pursuant to these regulations for filing answers or, as the case may be, replies, has expired.

PART IV.—AWARDS.

Reference of Industrial Dispute (ss. 66, 107).

36. (1) Subject to Part VIII of these regulations relating to Mediation and Conciliation, a reference of industrial dispute shall be filed in the office of the Registrar in accordance with Form No. 29 and shall be accompanied by Form No. 30 in which all parties to the industrial matter or dispute agree that the matter or dispute be determined by the Commission.

(2) In the case of a union or association the following documents shall be lodged with the reference:—

- (a) a declaration in accordance with Form No. 31;
- (b) a copy of the newspaper in which the resolution set out in Form No. 31, has been published;
- (c) when the request mentioned in subsection (3) of section 107 of the Act has been made, a further declaration in accordance with Form No. 32.

(3) (a) When filing the reference as prescribed by this regulation, there shall at the same time be produced to the Registrar as many copies in accordance with Form No. 29 as there are respondents and the Registrar shall sign a memorandum at the foot of each such copy setting forth the fact and date of the lodging of the original and shall then return to the applicant signed copies for service on each of the respondents.

(b) The applicant shall thereupon effect such service within a reasonable time.

Ballot (s. 107).

37. The prescribed time and manner for holding the ballot required under section 107 of the Act shall be as follows—

- (a) the taking of the ballot shall not extend beyond a period of seven days or such extended period as the Commission may order, and shall be commenced subsequently to the passing of the resolution of the special meeting;
- (b) a returning officer shall be appointed by the governing body of the union whose duty it shall be to generally supervise the conduct of the ballot and perform the other duties hereinafter prescribed;
- (c) ballot papers shall be prepared by the union and initialled by the returning officer, and one such paper so initialled, shall be supplied to or posted out to each member, addressed to him at his address, in such time if possible as to allow the member a reasonable opportunity to vote, and to no other person; and not more than one ballot paper shall be supplied to each voter;
- (d) the ballot paper shall not when issued indicate in any manner the name or identity of the voter; but if a voter signs or initials a ballot paper it shall not thereby be invalidated;
- (e) the ballot shall be taken by means of a ballot box, which shall be provided with a lock and key, and the returning officer alone shall have possession of the key;
- (f) before the ballot, the returning officer shall inspect the ballot box, and having ascertained that the box is empty, shall thereupon lock it and retain the key thereof in his possession until the close of the ballot;
- (g) where a voter is unable conveniently to attend at the voting place, he may post or forward his ballot paper to the returning officer during or prior to the period fixed for taking the ballot; and
 - (i) every ballot paper so posted or forwarded shall be accompanied under separate cover by a separate paper containing the voter's name; and
 - (ii) the envelope containing the ballot paper shall be securely closed by the voter and shall have the words "Ballot paper" written thereon;

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- (h) the returning officer shall mark off on the roll of members the name of each member who votes either in person or by means of a ballot paper posted or forwarded as provided in this regulation, and he shall, during the period fixed for taking the ballot, place in the ballot box each envelope received purporting to contain a ballot paper, after detaching, if necessary, the separate accompanying paper containing the voter's name, which he may thereupon destroy;
- (i) a vote shall be invalid if the ballot paper is received by the returning officer subsequent to the time fixed for the close of the ballot, or if the ballot paper is posted or forwarded without the accompanying paper containing the voter's name or if any one of the foregoing provisions is infringed or not complied with;
- (j) at the expiration of the time decided upon for the taking of the ballot, the returning officer shall, in the presence of such members of the union as may be present, open the ballot box, count the votes indicated on the ballot papers therein, and shall report the result of such count to the union;
- (k) the result of a ballot held under section 107 of the Act shall be recorded in the minutes of the union to which the ballot relates.

Answer and Counter Proposals (s. 179).

38. (1) Each respondent upon whom the copy reference is served shall file in the office of the Registrar an answer thereto in accordance with Form No. 33 and shall at the same time produce to the Registrar as many copies thereof as there are applicant parties to the reference; but any number of respondent parties may file one conjoint answer.

(2)(a) The Registrar shall sign at the foot or end of each such copy a memorandum setting forth the fact and date of the lodging of the original and shall then return to the respondent the signed copies.

(b) The respondent shall forthwith cause one such copy to be served upon each applicant.

(3)(a) Any employer, union or association not served with a copy of the reference who is likely to be bound or who desires to be a party to any award made on the reference may file an answer to the claims made therein and shall do so if he desires to contest the claims or any of them, and the provisions of subregulation (1) of this regulation apply in respect of any such answer.

(b) Any person who files an answer pursuant to paragraph (a) of this subregulation shall thenceforth be deemed to be a respondent unless the Commission otherwise directs.

(4) Any person who files an answer shall admit or dispute, either with or without qualification, every claim made by the applicant and may put forward any counter proposal, and any such counter proposal shall be included in the Form No. 33 so filed.

Reply to Counter Proposals (s. 179).

39. Where any counter proposal is put forward pursuant to subregulation (4) of regulation 38 of these regulations the applicant shall reply to such counter proposal in accordance with Form No. 34 filed in the office of the Registrar and served on the respondent within fourteen days of the service on him of the counter proposal.

Preliminary Point (s. 179).

40. (1) A person who desires that any question be determined as a preliminary point shall give notice accordingly to the Registrar and to all other parties but the giving of such notice does not relieve a person from the requirements of regulation 38 or 39 of these regulations.

(2) The notice shall be in writing and shall state, with particularity, the nature of the question to be determined and the grounds on which the person giving notice relies.

Time for Filing Answer (s. 179).

41. Subject to the provisions of regulations 42 and 43 of these regulations, the time within which an answer to a reference may be filed and served by any person shall be fourteen days from the date of service of the reference on that person.

Extension of Time (s. 179).

42. (1) Any party to a reference of an industrial dispute or any person intending to become a party thereto and desiring an extension of time within which to file an answer or a reply to counter proposals may, within the time allowed pursuant to these regulations for filing that answer or reply, apply to the Commission in Chambers for such extension.

(2) The application shall be in accordance with Form No. 36 and shall be filed in the office of the Registrar.

(3) The application shall be accompanied by a statement of the grounds on which the application is made.

(4) Notice of the hearing of the application shall be served on the party whose claims are being answered or, as the case may be, the party whose counter proposals are being replied to, and for that purpose the person applying for extension of time shall, upon filing the application, ascertain from the Registrar the time and place of hearing of the application and endorse Form No. 36 as so filed.

(5) The provisions of subregulations (3) and (4) of this regulation do not apply if all of the parties concerned consent to the extension of time and endorse the application accordingly.

Reduction of Time (s. 179).

43. (1) A party who is referring an industrial dispute to the Commission may apply to the Commission in Chambers for an order that answers be filed and served by any respondent within a shorter time than the time which would otherwise apply under regulation 41 of these regulations.

(2) The application shall be in accordance with Form No. 36 filed in the office of the Registrar and accompanied by a statement of the grounds on which the application is made.

(3) (a) The application shall be heard by the Commission *ex parte* and on the hearing the Commission shall give directions as to service of the application, its accompanying statement and the order made *ex parte*.

(b) Any such order shall provide that the respondent may, on twenty-four hours' notice to the applicant, move the Commission to vary or cancel the order by filing in the office of the Registrar a form in accordance with Form No. 36.

Default of Answer (s. 179).

44. If an answer is not filed within the time allowed pursuant to these regulations—

(a) the applicant may apply to the Commission for a date for the hearing of the industrial dispute referred to the Commission; and

(b) any respondent in default shall be heard only by leave of the Commission and subject to such conditions as the Commission may impose.

Settlement of Issues (s. 70).

45. (1) An applicant to a reference may, at any time after the time allowed pursuant to these regulations for filing an answer or, as the case may be, a reply has expired, take out an appointment with the Registrar for settlement of the issues in dispute.

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(2) The Registrar shall give at least two days' notice of the time appointed for settling issues to each respondent who has filed an answer and to the applicant.

(3) In a case to which paragraph (c) of subsection (2) of section 70 of the Act applies, the Commission may require such parties as it may direct to attend before the Registrar to settle issues.

(4) The Registrar shall preside at the settlement of issues and, unless the Commission otherwise directs, shall subsequently draw up the issues for the use of the Commission and shall supply a copy of those issues to the representative of each party attending the settlement.

(5) The provisions of this regulation do not apply in any case in which the Commission—

(a) after the respondents have filed and served their answers and counter proposals (if any) and, where necessary, the applicant has filed and served a reply; or

(b) at any time after the time allowed pursuant to these regulations for filing an answer or, as the case may be, reply, has expired,

decides that a settlement of issues is unnecessary.

Application for and Notice of Hearing (s. 70).

46. (1) Where all necessary procedure has been completed the party or parties or a majority of the parties which made the reference may apply in writing to the Registrar for a date and place to be fixed for the hearing of the matter to which the reference relates.

(2) Each respondent who has filed an answer and the applicant shall, in accordance with Form No. 35, be given at least seven days' notice of the time and place fixed for the hearing or such shorter notice as the Commission may direct.

Amendment of Award (s. 92).

47. (1) An application to the Commission by any union, association or employer who is bound by an award to review any provision of the award shall be in accordance with Form No. 36 to which shall be annexed—

(a) particulars of the amendment that is sought to the award; and

(b) where the applicant is a union or association a declaration in accordance with Form No. 31;

(c) Form No. 37 in which all parties to the industrial matter or dispute agree that the matter or dispute be determined by the Commission; and

(d) a short description of the circumstances which have arisen since the making of the award or since the provision was last reviewed by the Commission and which circumstances, at that time, could not reasonably have been foreseen by the parties,

but the applicant is not restricted at the hearing of the matter to the circumstances referred to in that short description.

(2) Where an application is made pursuant to liberty to apply reserved in an award, that fact shall be stated by the applicant on the Form No. 36.

(3) The requirement in paragraph (d) of subregulation (1) of this regulation does not apply where—

(a) the term of the award has expired;

(b) the application is made by a person who is not a party to the award;
or

(c) the application is agreed to by all of the parties to the award.

(4) The application, together with its annexures, shall be filed with the Registrar and unless the Commission otherwise directs, shall be served on each party to the award, but where the Commission directs that it is not necessary to serve every party to the award, the Commission may direct the applicant to give notice of the application in such terms as the Commission may direct in a newspaper circulating in the locality over which the award operates.

(5) Any party to an award affected by an application referred to in this regulation shall file in the office of the Registrar an answer thereto in accordance with Form No. 33 and may therein put forward counter proposals but any such counter proposal shall relate to or be connected with the subject matter of the claim.

(6) Subject to the provisions of this regulation, the provisions of regulations 38 to 46 of these regulations, both inclusive, apply *mutatis mutandis* to an application to amend an award.

Application to Commission for an Order that a Union Become a Party to an Award (s. 92B).

48. (1) An application by a union for an order that that union become a party to an award shall be in accordance with Form No. 36 to which shall be annexed—

- (a) a statutory declaration setting out facts which the applicant considers entitle the Commission to make the order sought and any other facts upon which the applicant relies in making the application; and
- (b) a declaration in accordance with Form No. 31.

(2) The application, together with annexures shall be filed with the Registrar and served on each party to the award.

(3) Where any such party intends to oppose the application he shall, within fourteen days of being served with the application, advise the Registrar and the applicant in writing accordingly.

Application by Employer to Vary Award (s. 86).

49. (1) An application by an employer for leave to apply to vary an award and, if leave be granted, for variation of the award pursuant to section 86 of the Act, shall be filed in the office of the Registrar in accordance with Form No. 36 to which shall be annexed—

- (a) particulars of the variation sought; and
- (b) a statutory declaration setting out facts to show that the applicant is entitled to make the application.

(2) The application for leave shall be dealt with *ex parte* by the Commission in Chambers and if leave is granted the application, together with its annexures and a copy of the order granting leave, shall be served on each union or association and employer who is a party to the award.

(3) Any party to an award affected by an application referred to in this regulation shall file in the office of the Registrar an answer thereto in accordance with Form No. 33 and may therein put forward counter proposals but any such counter proposals shall relate to, or be connected with, the subject matter of the claim.

(4) Subject to the provisions of this regulation, the provisions of regulations 38 to 46 of these regulations, both inclusive, apply *mutatis mutandis* to an application referred to in this regulation.

Extension of Area of Operation of Award (s. 84).

50. (1) An application for the extension of the operation of an award or part thereof shall be filed in the office of the Registrar in accordance with Form No. 38 to which shall be annexed—

- (a) a statement setting out the employers or unions the applicant seeks to bind by the proposed extension; and
- (b) where the applicant is a union or association a declaration in accordance with Form No. 31.

(2) The application shall be served on each person named in the statement referred to in paragraph (a) of subregulation (1) of this regulation, and on such other persons as the Registrar, after consultation with the Commissioner to whom the application has been allocated, may direct.

(3) The Registrar shall cause at least twenty-one days' notice of the hearing of the application to be advertised in accordance with Form No. 39 in a newspaper circulating in the area to which the award is sought to be extended.

(4) Any person desiring to be heard in objection to the application shall, not less than two days before the hearing, file in the office of the Registrar and serve upon the applicant a notice in accordance with Form No. 40.

PART V.—BOARDS OF REFERENCE AND SPECIAL
(DEMARCATIION) BOARDS.

Boards of Reference (s. 89).

51. (1) Any party who desires a sitting of a Board of Reference shall notify the Registrar and the other parties concerned of the nature of the dispute, and except where the Registrar on the grounds of urgency directs otherwise, every notification under this subregulation shall be in writing.

(2) Any person who intends to challenge the jurisdiction of a Board of Reference shall give notice of such intention.

52. (1) A Board of Reference shall consist of one representative of the workers and one representative of the employers, together with a chairman, who shall be such Commissioner as the Chief Industrial Commissioner may, from time to time, nominate, unless the parties agree that a person other than a Commissioner shall be the chairman.

(2)(a) The appointment of a chairman for any sitting of the Board shall be in accordance with Form No. 41 which shall be lodged with the Registrar by the person applying for that sitting.

(b) Nomination of a workers' representative by an industrial union for any sitting of the Board shall be lodged with the Registrar in accordance with Form No. 42.

(c) Nomination of an employers' representative for any sitting of the Board shall be lodged with the Registrar in accordance with Form No. 43 and shall be signed by at least three employers affected or likely to be affected, by the decision of the Board; or where there are less than three such employers, by the actual number of employers so affected or likely to be so affected.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this subregulation, a Board shall be deemed to have been constituted if the parties agree, or if the Registrar approves on the grounds of urgency, that the notifications and nominations referred to in those paragraphs may be given or made to the Registrar otherwise than in the forms specified therein.

(e) Where a notification or nomination has been given or made under paragraph (d) of this subregulation, the forms referred to in paragraphs (a), (b) and (c) of this subregulation shall be completed and lodged with the Registrar within such time as the chairman of the Board may direct.

53. (1) The Board may sit at such times and places as may be fixed by the chairman and notified to the representative members thereof, and may adjourn from time to time and place to place.

(2) The Board shall hold its deliberations in private, unless a majority of the members of the Board decides otherwise.

(3) A majority of the members of the Board, one of whom must be the chairman, shall constitute a quorum.

(4) (a) The decision of a Board shall be the decision of a majority of its members, unless the members other than the chairman are equally divided in opinion, in which case the decision of the Board shall be the decision of the chairman.

(b) The decision of the Board shall be signed by the chairman and forwarded to the Registrar, who shall forthwith notify the parties to the matter to which the decision relates.

(5) The chairman of a Board shall take notes of evidence and of proceedings before the Board, or cause a verbatim report to be taken, and shall forward those notes or that report to the Registrar together with any exhibits tendered at the proceedings before the Board, at the same time as he forwards the decision of the Board.

(6) If all members of the Board so agree, the workers' representative or the employers' representative may act as advocates in addition to their functions as members of such Board.

(7) The chairman or any member of a Board may require any person giving evidence before the Board to give his evidence on oath or affirmation.

(8) For the purpose of obtaining evidence, and compelling the attendance of persons to give evidence, and the punishment of persons failing to attend when summoned, or refusing to give evidence or produce documents and for making any order as to the payment of the expenses of witnesses, the Board shall have all the powers and authorities of the Commission.

(9) Any question of costs arising during or incidental to the hearing shall be referred to the Commission.

Special (Demarcation) Boards (s. 74).

54. (1) An application to the Commission for appointment of a Special Board shall be filed in the office of the Registrar in accordance with Form No. 36 and served on such persons as the Registrar, after consultation with the Commissioner to whom the application has been allocated, may direct.

(2) Where the Commission constitutes a Special Board it shall give directions as to the manner in which the nomination of a chairman and members shall be made and, where necessary, may give directions as to the procedure to be followed by the Board.

PART VI.—MISCELLANEOUS APPLICATIONS.

Interpretation of Award or Agreement (ss. 90, 91).

55. (1) An application for interpretation of an award or agreement shall be filed in the office of the Registrar in accordance with Form No. 44 and if the applicant is a union or association the application shall be accompanied by a declaration in accordance with Form No. 31.

(2) Unless the Commission otherwise directs the application shall be served on each party to the award or agreement but where the Commission directs that it is not necessary to serve every party to the award or agreement, the Commission may direct the applicant to give notice of the application in such terms as the Commission may direct in a newspaper circulating in the locality over which the award or agreement operates.

(3) Before effecting service the applicant shall ascertain the date of hearing and endorse it on the Form No. 44.

Cancellation or Suspension of Order, Award or Agreement (s. 98A).

56. (1) An application to the Commission for an order under section 98A of the Act shall be in accordance with Form No. 36 and shall be accompanied by a statutory declaration setting out—

(a) the facts on which the applicant relies; and

(b) where the applicant is not the Registrar facts to show that he has a sufficient interest to make the application.

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(2) (a) Upon filing the application the applicant shall apply to the Commission for directions as to service of the application and accompanying declaration, the date by which any answering declaration shall be filed and served and for the date of hearing of the application.

(b) Such directions and the date of hearing shall be endorsed upon the application prior to service.

(3) Any person who intends to oppose the application and who does not admit the facts or any of them stated in the declaration filed by the applicant shall, within the relevant time endorsed upon the application, file and serve upon the applicant a statutory declaration to that effect.

(4) Any declaration referred to in this regulation may be made by any person having knowledge of the facts stated therein and need not be made by the applicant, or, as the case may be, the respondent.

(5) Except by leave of the Commission, the applicant is, at the hearing of the application, restricted to the facts set out in his declaration.

Case stated by Industrial Magistrate (s. 99 (5)).

57. (1) A case stated by an Industrial Magistrate for the opinion of the Commission in Court Session on a question of interpretation shall be in writing signed by the Magistrate and shall set out—

- (a) full particulars of the matter in relation to which the question has arisen;
- (b) any findings of fact made by the Magistrate in relation to the matter which may be relevant to the question; and
- (c) a precise statement of the question on which the opinion of the Commission in Court Session is sought,

and shall be lodged with the Registrar together with a certified copy of the notes (if any) of the evidence and argument before the Magistrate.

(2) Where a case is stated at the request of the defendant in the proceedings before the Industrial Magistrate, the defendant shall be deemed to be the applicant in the proceedings before the Commission in Court Session.

Application for Production of Documents (s. 71).

58. (1) A party to proceedings before the Commission may apply to the Commission in accordance with Form No. 36 for an order directing any other party to the proceedings to produce for inspection by the applicant any book, paper or other document in the possession, power or control of the party against whom the order is sought relating to or containing anything relative to the matters in issue between them.

(2) The application shall be accompanied by a statutory declaration setting out the grounds on which the application is made.

(3) The application and the accompanying declaration shall be filed in the office of the Registrar and served upon the party to whom the application is directed.

Application for Exemption from Union Membership (s. 61B).

59. (1) A person who objects on the grounds of conscientious belief to being a member of a union shall apply to the Registrar in accordance with Form No. 45 for a certificate of exemption from membership of the union.

(2) Upon receipt of any such application, the Registrar shall, if satisfied that the applicant is qualified for exemption, require the person concerned to forward an amount equivalent to the subscription prescribed by the rules of the union concerned and on receipt of such amount issue a certificate of exemption in accordance with Form No. 46.

(3) The Registrar may renew such certificate in accordance with Form No. 47 from time to time on the payment of such amount as he may require pursuant to subsection (3) of section 61B of the Act.

(4) The Registrar shall notify any person whose application for exemption has been refused or any person whose exemption certificate has not been renewed of such refusal in accordance with Form No. 48.

Application for Examination of Witness (s. 77).

60. (1) Application for an order for the examination of any witness or person under subsection (4) of section 77 of the Act, shall be made to the Commission in Chambers.

(2) (a) Any such examination shall take place in the presence of the parties or their agents, or of such of them as shall appear, and the witnesses shall be subject to cross-examination and re-examination.

(b) The deposition taken on any such examination shall be taken down in writing by or in the presence of the examiner so as to represent as nearly as may be the statement of the witness, and when completed shall be read over to the witness and signed by him in the presence of the parties or such of them as may think fit to attend.

(3) If any person duly summoned by subpoena to attend for examination shall refuse to attend, or if having attended he shall refuse to be sworn or affirmed, or shall refuse to answer any lawful question, application may be made to the Commission in Chambers *ex parte*, or on notice, for an order directing such witness to pay the costs occasioned by his refusal or objection.

(4) The original depositions authenticated by the signature of the examiner shall be transmitted by him to the office of the Registrar and there filed.

(5) Unless otherwise directed by the Commission, no deposition shall be given in evidence at the hearing without the consent of the party against whom the deposition may be offered in evidence unless the Commission is satisfied the deponent is dead or beyond the jurisdiction of the Commission or unable from sickness or other causes to attend the hearing; in any of which cases the depositions certified under the hand of the person taking the examination shall be admissible in evidence without proof of the signature to such certificate.

Further Particulars (s. 71).

61. A party to a reference or any person intending to become a party thereto or a party to an application to the Commission may apply to the Commission in Chambers for an order that any other party to the reference or, as the case may be, the application, furnish further and better particulars of the nature of any claim or answer or of any matter stated in or in relation to the reference or application.

General Form of Application and Procedure.

62. (1) Applications to the Commission, except where some other method or form is prescribed, shall be by Notice of Motion in accordance with Form No. 36 filed with the Registrar and supported by a statutory declaration setting out the facts on which the applicant relies.

(2) Where no procedure is prescribed by the Act or by these regulations any party or person concerned may make application *ex parte* to the Commission and the Commission may direct the procedure to be followed.

PART VII.—APPEALS.

Appeal from Decision, Order or Award of the Commission (s. 108C).

63. (1) Notice of appeal under section 108C of the Act shall be in accordance with Form No. 49 and shall be filed in the office of the Registrar within twenty-one days from the date of the decision, order or award appealed against.

(2) Forthwith after filing the notice the appellant shall serve a copy of the notice on each other party who appeared in the proceedings leading to the decision, order or award or on the agent who represented that party.

64. (1) Subject to the provisions of subregulation (2) of this regulation, the filing of a notice of appeal shall stay the operation of the decision, order or award or, as the case may be, the part or parts thereof the subject of appeal.

(2)(a) Upon application made by any person referred to in subregulation (2) of regulation 63 of these regulations in accordance with Form No. 36 filed with the Registrar the Commission may, subject to such conditions as it may determine, direct that the decision, order or award or, as the case may be, the part or parts thereof the subject of appeal shall operate according to its tenor.

(b) An application under this subregulation shall, after being filed, be served forthwith upon each other person referred to in subregulation (2) of regulation 63 of these regulations but before effecting service the applicant shall ascertain the date of hearing and endorse it on the Form No. 36.

65. (1) The appellant shall, within seven days of filing the notice of appeal, lodge at the office of the Registrar three copies of an appeal book bound in such manner as the Registrar may approve.

(2) Unless the Registrar otherwise directs, each appeal book shall contain—

- (a) a copy of the notice of appeal;
- (b) a copy of the reference or application to the Commission instituting the proceedings before the Commission;
- (c) a copy of that part or those parts of the issues, containing the matters relevant to the appeal, which were before the Commission;
- (d) a copy of the decision, order or award the subject of the appeal and the Commission's reasons therefor;
- (e) a copy of any exhibits tendered to the Commission in respect of the matters the subject of the appeal; and
- (f) a copy of a statement of the page numbers of the transcript of proceedings at which reference is made to the subject matter of the appeal.

Appeal from Determination, Decision or Finding
of Board of Reference (s. 89).

66. (1) Notice of an appeal under section 89 of the Act shall be in accordance with Form No. 36 and three copies thereof shall be filed in the office of the Registrar within fourteen days from the date of the determination, decision, or finding appealed against and each such copy shall be accompanied by a statement of the grounds of appeal.

(2) Forthwith after filing the notice the appellant shall serve a copy of the notice on each other party who appeared in the proceedings leading to the determination, decision or finding or on the agent who represented that party.

(3) The filing of a notice of appeal under this regulation shall stay the operation of the determination, decision or finding the subject of the appeal.

(4) At least two days prior to the date of hearing of the appeal the appellant shall lodge with the Registrar three certified copies of—

- (a) the notes of evidence and of the proceedings or the report referred to in subregulation (5) of regulation 53 of these regulations;
- (b) any exhibits tendered to the Board; and
- (c) the determination, decision or finding of the Board.

Review of Decisions of the Western Australian Coal Industry Tribunal
(Mining Act, 1904, s. 323).

67. (1) An application to the Commission in Court Session to permit a review of any decision or settlement given or effected by the Western Australian Coal Industry Tribunal and, if permission is granted, to review such decision or settlement shall be in accordance with Form No. 36 and three copies thereof shall be filed in the office of the Registrar and each such copy shall be accompanied by—

- (a) a copy of the decision or settlement showing distinctively the part or parts of which a review is sought; and
- (b) a statement of the grounds on which the review is sought.

(2) The application shall, after being filed, be served forthwith upon each other party to the proceedings before the Tribunal.

68. Where the Commission in Court Session permits the decision or settlement to be reviewed the applicant shall serve on the Western Australian Coal Industry Tribunal a copy of the application and its accompanying documents and a copy of the order permitting the review.

PART VIII.—MEDIATION AND CONCILIATION.

Appointment of Mediator (s. 108F).

69. (1) (a) A request by the parties to an industrial dispute for the appointment of a mediator shall be made to a Commissioner in accordance with Form No. 50 by lodging that Form in the office of the Registrar.

(b) A request for the appointment of a Mediator shall be deemed to have been made to a Commissioner on the day upon which Form No. 50 is received in the office of the Registrar.

(2) A Mediator, on being appointed, shall be notified of that appointment in accordance with Form No. 51 a copy of which shall be forwarded to each of the parties to the industrial dispute in respect of which the appointment is made.

70. When the appointment of a Mediator is ended he shall, in writing, notify the Commissioner by whom he was appointed of the time spent and of any expenses incurred by him in connection with the settlement of the dispute.

Reference by Mediator of a Memorandum of Agreement (s. 108G).

71. (1) Where, as a result of negotiations relating to an industrial dispute at which a Mediator has presided, an agreement is reached as to the whole of the matters in dispute, and, pursuant to section 108G of the Act, all of the parties to the dispute request that the memorandum of the terms of agreement be referred to the Commission for issuance as an award, the reference by the Mediator shall be in accordance with Form No. 52 to which shall be annexed—

- (a) the memorandum of the terms of the agreement; and
- (b) the request in writing, in accordance with Form No. 53, of all the parties to the dispute that the memorandum be so referred, and in which the Mediator shall declare which of the parties shall be deemed to be the applicant and respondent, respectively, for the purposes of any proceedings in relation to the memorandum.

(2) Where the memorandum is referred to the Commission under this regulation the Registrar shall, after receiving the reference and consulting with the Commission, notify all unions, associations and other persons that may, in the opinion of the Commission, be affected thereby of the reference, and shall, if the Commission so directs, give notice of the reference in a newspaper circulating in the locality to which the reference relates.

72. (1) Where, as a result of negotiations relating to an industrial dispute at which a Mediator has presided an agreement is reached as to the whole of the matters in dispute, and pursuant to section 108G of the Act, all of the

parties to the dispute request that the memorandum of the terms of agreement be referred to the Commission for issuance as an order amending an award the reference by the Mediator shall be in accordance with Form No. 54 to which shall be annexed—

- (a) the memorandum of the terms of the agreement which shall be drawn in the form of an amendment to the said award; and
- (b) the request in writing, in accordance with Form No. 53, of all the parties to the dispute that the memorandum be so referred,

and in which the Mediator shall declare which of the parties shall be deemed to be the applicant and respondent, respectively, for the purposes of any proceedings in relation to the memorandum.

(2) Where the memorandum is referred to the Commission under this regulation the party deemed to be the applicant in Form No. 54 shall, unless the Commission otherwise directs, serve that Form, together with its annexures, on each party to the award but where the Commission directs that it is not necessary to serve every party to the award, the Commission may direct the said applicant to give notice of the reference by the Mediator, in such terms as the Commission may direct, in a newspaper circulating in the locality over which the award operates.

(3) Any party to an award affected by a memorandum referred to in this regulation shall file in the Office of the Registrar an answer thereto in accordance with Form No. 33 and may therein put forward counter proposals but any such counter proposal shall relate to or be connected with the subject matter of the memorandum.

(4) Subject to the provisions of this regulation, the provisions of regulations 38 to 46 of these regulations, both inclusive, apply *mutatis mutandis* to a memorandum referred to in this regulation.

Reference by Mediator of a Dispute to the Commission (s. 108H).

73. Where an agreement as to all of the matters in dispute is not reached in negotiations presided over by a Mediator a memorandum of the matters agreed upon (if any) and the matters still in dispute shall, pursuant to section 108H of the Act and on the request in writing of parties to the dispute, be referred to the Commission in accordance with Form No. 55 to which shall be annexed—

- (a) the memorandum of the matters agreed upon (if any) and the matters in dispute; and
- (b) the request in writing, in accordance with Form No. 53, of all the parties to the dispute that the memorandum be so referred,

and in which the Mediator shall declare which of the parties shall be deemed to be the applicant and respondent, respectively, for the purposes of any proceedings in relation to the memorandum.

74. (1) Where, upon or at any time after the making of an order under subsection (2) of section 108H of the Act, the parties to the dispute request the Commission to issue an award in the terms of that order the request shall be in accordance with Form No. 56.

(2) Where a request is made to the Commission under this regulation the Registrar shall, after receiving the request and consulting with the Commission, notify all unions, associations and other persons that may, in the opinion of the Commission, be affected thereby of the request, and shall, if the Commission so directs, give notice of the request in a newspaper circulating in the locality to which the request relates.

75. (1) Where, upon or at any time after the making of an order under subsection (2) of section 108H of the Act the parties to the dispute request the Commission to amend the award by which the parties are bound so as to give effect to the terms of that order the request shall be in accordance with Form No. 57.

(2) Where a request is made to the Commission under this regulation the party deemed to be the applicant in Form No. 55 referred to in regulation 73 of these regulations shall, unless the Commission otherwise directs, serve a copy of Form No. 57 together with a copy of the order made pursuant to subsection (2) of section 108H of the Act on each party to the award but where the Commission directs that it is not necessary to serve every party to the award, the Commission may direct the said applicant to give notice of the request by the parties, in such terms as the Commission may direct, in a newspaper circulating in the locality over which the award operates.

(3) Any party to an award affected by a request referred to in this regulation shall file in the office of the Registrar an answer thereto in accordance with Form No. 33 and may therein put forward counter proposals but any such counter proposal shall relate to or be connected with the subject matter of the request.

(4) Subject to the provisions of this regulation, the provisions of regulations 38 to 46 of these regulations, both inclusive, apply *mutatis mutandis* to a request referred to in this regulation.

Conciliation (ss. 108I, 173).

76. (1) An application for a conference under section 108I of the Act shall be lodged with the Registrar and shall be in accordance with Form No. 58 stating—

- (a) the parties to the dispute;
- (b) the subject matter of the dispute; and
- (c) the persons who the applicant considers should be summoned to attend the conference.

(2) Where the application for a conference is made by the Attorney General it shall be accompanied by the statement required by paragraph (b) of subsection (4) of section 108I of the Act.

(3) A copy of the application shall be forwarded to each person named therein at the same time as it is lodged with the Registrar.

77. A summons to a conference may be given orally, by telephone, by Telex, in writing, or by telegram by a Commissioner or by any officer of the Commission at the direction of a Commissioner.

78. Where as a result of a conference held under section 108I of the Act an agreement is reached as to the whole of the matters in dispute, the provisions of regulations 71 and 72 of these regulations with such adaptations as the circumstances require apply, unless the Commissioner presiding over the conference otherwise directs, in relation to a memorandum of the terms of agreement referred to in subsection (5) of section 108I.

79. Where an agreement as to all of the matters in dispute is not reached at a conference held under section 108I of the Act the provisions of regulations 73 to 75 of these regulations, both inclusive, with such adaptations as the circumstances require, apply, unless the Commissioner presiding over the conference otherwise directs, in relation to a memorandum referred to in subsection (6) of section 108I.

80. Where, under the provisions of section 173 of the Act, all parties agree to the dispute or matters in difference being heard and determined by the Commissioner who presided over the conference they shall sign a consent in accordance with Form No. 59.

PART IX.—GENERAL REGULATIONS.

Procedure Before Commission.

81. (1) Subject to the provisions of subregulations (2) and (3) of this regulation, the procedure before the Commission shall be as follows—

- (a) the applicant shall state his case and shall then call his witnesses;
- (b) unless the Commission otherwise permits, the examination-in-chief may be conducted by not more than one person on behalf of the applicant, and the cross-examination may be conducted by not more than one person on behalf of each respondent;
- (c) the applicant shall be allowed to re-examine, but the re-examination shall be confined to matters arising out of the cross-examination;
- (d) the case for the applicant shall then close;
- (e) the respondent shall then state his case and call his witnesses and the provisions of paragraphs (b), (c) and (d) of this subregulation apply *mutatis mutandis*;
- (f) the applicant may then address and call witnesses in respect of any counter proposal of the respondent.

(2) The foregoing procedure may be modified or varied by the Commission where the Commission considers it just or expedient so to do.

(3) The procedure to be followed with respect to any intervenor shall be as directed by the Commission.

Intervention.

82. (1) Where, pursuant to the Act, a person intends to intervene in any proceedings before the Commission, he shall give notice accordingly to the Commission and to the parties to those proceedings.

(2) Where practicable, the notice—

- (a) shall be given in writing;
- (b) shall be given not less than two days before the day on which the intervenor intends to appear in those proceedings; and
- (c) shall state grounds on which such intervention is made or intended.

Warrant to Appear as Agent (s. 67).

83. (1) A person shall not be recognised as agent for any party to a reference or other matter unless he is duly appointed in writing in accordance with Form No. 60 filed with the Registrar.

(2) The provisions of subregulation (1) of this regulation do not apply to or with respect to a legal practitioner but where a party intends to be represented by a legal practitioner he shall give to each other party and to the Commission seven days' notice (or such other time as the Commission may approve) to that effect.

Notice to Admit.

84. (1) In relation to any dispute or other matter before the Commission any party may, at least ten days (or such other time as may be fixed by the Commission) before the date fixed for the hearing thereof, give notice to any other party in accordance with Form No. 61 filed with the Registrar, requiring that party to admit any fact relative to the issue.

(2) A party on whom a notice to admit has been served shall, within seven days or such other time as the Commission, on the application of that party, may direct, serve upon the party giving the notice a reply in writing admitting or denying the fact with or without qualification, as the case may be.

(3) On receiving the reply referred to in subregulation (2) of this regulation the party giving the notice shall forthwith file the reply with the Registrar.

(4) Failure to reply to a notice to admit within the time prescribed or directed by the Commission may render the party in default liable to pay the costs of establishing the fact referred to in the notice.

Summons to Witness by Party to Proceedings (s. 77).

85. A summons to witness—

- (a) shall be in accordance with Form No. 62;
- (b) may contain the names of not more than five witnesses; and
- (c) shall be prepared in duplicate and filed with the Registrar and the Registrar shall retain the original and sign and seal the duplicate and issue it to the party applying for the purpose of service.

Summons to Witness on Commission's Own Motion.

86. (1) The Commission may, in writing, summon any person whose evidence may, in the opinion of the Commission, be material to the subject matter to attend the Commission at such place and time as shall be specified therein; and the person may be required by the summons to bring any books, papers or other documents which the Commission may believe to be material and the Commission may examine the person upon oath or otherwise.

(2) If any person on whom such a summons is served—

- (a) neglects or fails to appear according to the summons;
- (b) refuses to be sworn or to give evidence or to answer such questions as shall be put to him by the Commission; or
- (c) neglects or fails to produce any books, papers or other documents mentioned in the summons, that person commits an offence against these regulations.

Penalty: Forty dollars.

(3) Any witness attending in pursuance of such a summons is entitled to expenses for travelling and maintenance according to the scale prescribed by these regulations.

Exhibits.

87. A party to any proceeding before the Commission may not remove any exhibit put in during the proceedings without the leave of the Commission.

Declarations and Affidavits.

88. (1) Any declaration or affidavit shall be filed with the Registrar before being used in any proceedings and, except where these regulations otherwise provide, shall be served on each other party to the proceedings not less than twenty-four hours before the time affixed for the hearing.

(2) Any declaration required to be made in pursuance of the provisions of these regulations may be declared before any person authorised to take declarations under section 2 of the Declarations and Attestations Act, 1913.

Service.

89. Where any notice or document is required to be served under the Act or these regulations such service may be effected—

- (a) in the case of an industrial union, in accordance with subsection (3) of section 15 of the Act;
- (b) in the case of a company or other corporation, by leaving it at, or sending it by prepaid post to the registered office of the company or corporation;
- (c) in the case of a partnership, firm or unincorporated company or body, by leaving it at, or sending it by prepaid post to the principal place of business thereof in Western Australia; or
- (d) in the case of any other person, by delivering it to him personally, or by leaving it for him at his usual or last known place of abode, or if he is in business, at his usual or last known place of business; or by sending it by prepaid post to his usual or last known place of abode, or if he is in business, to his usual or last known place of business; but no place shall be deemed to be the place of business of any person unless he is a principal in the business.

Proof of Service.

90. Where service of any document is required under the Act or these regulations proof of such service shall be given by statutory declaration in accordance with Form No. 63 filed in the office of the Registrar within seven days of the date upon which service is effected, but in any case not later than the date given for the hearing of the matter to which the document relates.

Notice of Hearing.

91. Except where otherwise provided in these regulations, each party to any proceedings shall be given at least seven days' notice (or such shorter notice as the Commission may direct) in accordance with Form No. 35 of the time and place fixed for hearing.

Procedure by Registrar.

92. (1) (a) All applications made to the Commission shall be filed with the Registrar who shall issue all processes out of the Commission and keep a register of all proceedings in and orders made by the Commission.

(b) Except where otherwise provided by these regulations or otherwise directed by the Commission, one copy of any document for the use of the Commission shall be filed with the Registrar.

(2) Each matter brought into the Commission under the Act shall be marked by the Registrar with some distinguishing number, and all documents filed and subsequent proceedings taken in the Commission with reference to the matter shall be distinguished by the same number, and the entries in the records kept with regard to each matter shall be entered together and shall be kept separate from the entries with respect to any other matter.

Practice.

93. Where there is no established practice or usage of the Commission and where none of the regulations made under the Act is applicable, the practice to be followed shall be as directed by the Commission.

Waiver of Procedural Regulations.

94. The Commission may, in relation to any proceeding before it, and the Registrar may, in relation to any proceeding before him, in special circumstances, and either absolutely or subject to conditions, exempt any person from compliance with any procedural requirement of these regulations.

95. Non-compliance with any of these regulations shall not render void any proceedings before the Commission a Commissioner or the Registrar, but the proceedings may be set aside either wholly or in part as irregular, or amended, or otherwise dealt with in such manner and upon such terms as the Commission a Commissioner or the Registrar, as the case may be, thinks fit.

Forms.

96. Any form referred to in these regulations may be modified to meet the special circumstances of the case.

Oath of Office and Secrecy (s. 59).

97. (a) The oath prescribed under section 59 of the Act shall be in accordance with Form No. 64.

(b) The record of the oath, when administered as herein prescribed, shall be lodged with the Registrar.

Seal of Commission (s. 44).

98. (1) There shall be a Seal of the Commission bearing the Royal Arms and the words "The Seal of The Western Australian Industrial Commission".

(2) The Seal shall be in the custody of the Registrar and shall be affixed by him to awards, orders and processes as provided in these regulations, and to such other documents as the Commission may direct.

Times within which Documents may be Filed.

99. Documents required to be filed under these regulations shall be filed not earlier than 10 a.m. and not later than 4 p.m. on any day on which the office of the Registrar is open for business.

PART X.—FEES, COSTS AND ALLOWANCES.

Fees Payable to Registrar.

100. (1) The following fees shall be paid to the Registrar on the filing of documents under the Act or these regulations and all other regulations made under the Act and for the supply of documents, authentications or other services hereinafter specified:—

	\$
(a) On filing duplicate original of industrial agreement, reference of industrial dispute or application by society for registration	2.00
All other applications	1.00
Answers to reference of industrial dispute or application	1.00
Any other document	0.40
(b) For every document required to be authenticated by the Registrar or other officer	1.00
(c) For every inspection on same day of one or more documents in the custody of the Registrar	0.40
The Registrar may dispense with this fee where he considers it reasonable so to do.	
(d) For certifying—	
(i) copy of registered rules of a union	2.00
(ii) copy of award, agreement or order or other document	1.00
(e) For supplying certified copy of award, agreement or order or other document	
(i) not exceeding 216 words	0.40
(ii) exceeding 216 words 10 cents per folio of 72 words, in addition to the certification fee.	
(f) For a photostat copy of any document—per sheet	0.15
(2) No fee shall be payable for any of the following matters:—	
(a) The registration of treasurer, trustee, secretary or any other officer of a union.	
(b) The cancellation or withdrawal of certificate of registration.	
(c) Notice of change of registered office.	
(d) Warrant to appear as agent.	
(e) Any document in respect of which a fee is already chargeable under or by virtue of the Act or any other statute.	
(f) An application for a certificate of exemption from membership of a union.	
(g) Any document required to be filed under the provisions of section 25 of the Act.	
(h) Declaration of service.	

(3) All fees received by the Registrar, or any other officer, under or by virtue of the Act and these regulations, shall be paid into the Treasury to the credit of the Consolidated Revenue Fund.

Allowances to Witnesses.

101. (1) The allowance to be made to witnesses pursuant to the Act for their attendance at the Commission and for travelling expenses shall be according to the scale prescribed for the time being under the rules of the Supreme Court.

(2) An expert or scientific witness may, in addition to the allowances prescribed by subregulation (1) of this regulation, be allowed such sum as the Commission thinks fit.

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Costs.

102. Where the Commission orders any costs of any proceedings to be paid to a party thereto, there shall be allowed to that party—

- (1) the amount of fees paid under regulation 100 of these regulations by that party;
- (2) the witnesses' expenses in accordance with the rates prescribed by regulation 101 of these regulations;
- (3) further sums in respect of the trouble and loss of time of the party as indicated by the following items:—
 - (a) For preparing any document, ten cents per folio, with a minimum of fifty cents.
 - (b) Copies thereof, five cents per folio, with a minimum of twenty-five cents.
 - (c) Attendance filing documents, one dollar.
 - (d) Service of any document, where personal service necessary, in addition to necessary fares, fifty cents.
 - (e) Such further allowance as in the opinion of the Commission may reasonably be charged in respect of convening and holding meetings including the hire of a hall in which to hold the meeting of the executive of the union and the out-of-pocket expenses allowed to the executive for attending the meeting.

Fees payable to Examiners of Apprentices.

103. (1) The fees to be paid to an examiner of apprentices, other than an apprenticeship officer, appointed under the Act are—

- (a) two dollars and seventy cents for every hour or part thereof incurred in time expended in travel and examination of apprentices, but the minimum payment shall be not less than ten dollars unless the Registrar otherwise directs and the maximum payment for any one day shall not in any event exceed twenty dollars; or
- (b) where the examination is a special examination approved by the Registrar, three dollars for each apprentice examined but the minimum payment shall not be less than six dollars; and in this case the Registrar may also direct that the fee be paid by the apprentice or his union.

(2) In addition to the foregoing fees, where an examiner in the performance of his duties is required to travel, he will be entitled to reimbursement of all fares and other bona fide expenses actually incurred, particulars of which must be submitted to and approved by the Registrar.

Fees Payable to Members of Board of Reference or Special (Demarcation) Board.

104. (1) The fees payable to every representative member of a Board of Reference or Special (Demarcation) Board for the time occupied by him in attendance at meetings of the Board shall be at the rate of \$1.50 per hour with a minimum of \$4.20 for each meeting at which the member shall attend, or, in any case, such amount not exceeding \$8.40 per day as may be approved by the Registrar in consideration of the special circumstances of the case.

(2) The fee payable to the chairman of any such Board, other than a member of the Commission, for the time occupied by him in presiding at meetings of the Board shall be at the rate of \$2.10 per hour with a minimum of \$6.30 for each meeting at which he shall preside.

Schedule

(Forms 1 to 64 follow)

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Form 1 (Reg. 5)
Industrial Arbitration Act, 1912

APPLICATION BY A SOCIETY FOR REGISTRATION AS A UNION

Name of society

To the Commission in Court Session.

Application is hereby made by the officer of the abovenamed society, whose name appears in the declaration incorporated in this Form, for registration as a union.

*1. The society is a society of workers and the number of members of the society (other than honorary or benefit members) is not less than fifteen.

* The society is a society of employers and the members of the society have throughout the six months next preceding this date employed on an average, taken per month, not less than fifteen workers.

2. The members of the society are associated for the purpose of protecting or furthering the interests of workers/employers in or in connection with the following specified industry (or in connection with the following divers industries) in Western Australia, namely **

.....

.....

3. The locality in respect of which the society seeks registration is

.....

.....

4. The office of the society is at.....

.....

5. The matters hereinafter mentioned are provided for in the rules of the society, as follow, that is to say:—

- (1) The name of the society, in Rule No.
- (2) The office of the society, at which place the business shall be conducted, in Rule No.
- (3) The whole of the purposes for which the society is formed, in Rule No.
- (4) The appointment and removal of the governing body (by the name of), in Rule No., and the powers and duties of the said governing body, in Rule No.
- (5) The appointment and removal and powers and duties of a trustee or trustees (if any), in Rule No.
- (6) The appointment of a president, in Rule No., the appointment of a secretary, in Rule No.; and the appointment of a treasurer, in Rule No.
- (7) The appointment of other officers, in Rule No.
- (8) The supplying of any vacancy occurring in each of the positions or offices included in subclauses (4) to (7) above inclusive, by death, resignation, or other cause, in Rules Nos.
- (9) The powers, duties, and removal of the president, in Rule No., of the secretary, in Rule No., of the treasurer, in Rule No., and of other officers, in Rules Nos.
- (10) The manner of calling general or special meetings, in Rule No., and the quorum thereat, in Rule No.

* Strike out whichever is inapplicable.

** Insert the industry or industries in which the members are engaged.

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- (11) The manner of voting at general or special meetings, in Rule No.....
- (12) The mode in which industrial agreements and all deeds and instruments shall be made and executed on behalf of the society, in Rule No....., and the manner in which the society shall be represented in proceedings before the Court and the Commission, in Rule No.
- (13) The device, custody, and use of the seal of the society, in Rule No.
- (14) The control of the property belonging to the society, in Rule No.
- (15) The investment of the funds, in Rule No.
- (16) The keeping of the accounts, in Rule No.
- (17) The audit of the accounts at least once every year, in Rule No.
- (18) The inspection of the books and register of members of the society by every person having an interest in the funds of the society, in Rule No.
- (19) The keeping by the society of a register of the members, in Rule No.
- (20) The mode in which and the terms and qualifications on which persons shall become or cease to be members, in Rule No.
- (21) That a member shall not discontinue his membership without giving at least three months' previous written notice to the secretary of his intention so to do, or paying a sum equal to three months' contributions in lieu of notice, nor until such member has paid all fees, fines, levies or other dues, payable by him to the society under its rules, to the end of the period covered by such notice or has obtained a clearance card duly issued in accordance with the rules, in Rule No.
- (22) The purging of the register by striking off members in arrears of dues, in Rule No.; and that such members when struck off, shall not be free from such arrears, in Rule No.
- (23) The manner of amending, repealing and altering the rules and the making of additional rules, in Rule No.
- (24) The manner in which any dispute between the society and any of its members shall be decided, in Rule No.
- (25) The furnishing to the Registrar by the secretary, within one month after the completion of the yearly audit of the accounts, of a duly audited statement of receipts and expenditure and balance sheet of the assets and liabilities of the society made up to the date of closing such accounts, in Rule No.
- (26) That a person shall not be a member of the society who is not a worker/employer, in Rule No.
- (27) That no part of the funds or property of the society shall be paid or applied for or in connection with or to aid or assist any person engaged in any strike or lockout within Western Australia, in Rule No.
- (28) That all industrial disputes in which the society or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the Act, in Rule No.
- (29) That no amendment, repeal or alteration of the rules of the society shall be made unless the amendment, repeal or alteration has been passed and approved by a vote of the majority of the members of the society present in person at a general meeting called for the purpose in manner provided by paragraph (a) of section 9 of the Act, in Rule No.
- (30) Rules relating to elections for office, in Rules No.

6. On the day of, 19....., the majority of members present in person at a general meeting of the society specially called for the purpose passed and approved rules of the society for the purposes of the Act.

7. On the.....day of....., 19....., the majority of members present in person at a general meeting of the society specially called for the purpose passed the following resolution:—

Insert name of officer

That this society be registered as an industrial union under the Industrial Arbitration Act, 1912, and that.....be, and he is hereby directed to make application for such registration.

8. The said general meeting (or meetings) was (or were) called in accordance with section 9 of the Act.

DECLARATION

I,..... (Full name in Block Letters)

of..... (Address)

do solemnly and sincerely declare as follows, that is to say —

(1). That I am the duly appointed..... of the society named in this Form.

(2) That to the best of my knowledge and belief the particulars and information set forth in this Form are true and correct.

(3) That the three copies of rules annexed hereto and marked "A" are true copies of the rules referred to in paragraph 6 of this Form.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at..... in the State of Western Australia, this

.....day of.....19....., before me —

..... J.P., Commissioner for Declarations or other authorised person.

Filed in my office this.....day of.....19.....

Registrar

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Form 2 (Regs. 5, 8)
Industrial Arbitration Act, 1912
LIST OF OFFICERS AND MEMBERS OF
SOCIETY/INDUSTRIAL UNION

Name of society/industrial union.....
.....

DECLARATION

I,.....
(Full name in Block Letters)

of.....
(Address)

do solemnly and sincerely declare as follows, that is to say:-

(1) That I am the duly appointed secretary of the society/industrial union named in this Form.

(2) That to the best of my knowledge and belief the particulars and information set forth in this Form are true and correct.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at.....
in the State of Western Australia, this
..... day of..... 19.....,
before me -

J.P., Commissioner for Declarations or
other authorised person.

The name and address of each officer and member of the abovenamed society industrial union as at the..... day of..... 19....., is :-

	NAME	ADDRESS
President		
Vice-President		
Treasurer		
Secretary		
Trustee		
Trustee		
Trustee		
Trustee		

(See Over)

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Form 3 (Reg. 6)
Industrial Arbitration Act, 1912

**APPLICATION TO REGISTER A COMPANY AS AN
INDUSTRIAL UNION OF EMPLOYERS**

Name of company.....

To the Commission in Court Session

Application is hereby made under the seal of the abovenamed company by the manager or other principal executive officer, or the secretary of that company in Western Australia, whose name appears in the declaration incorporated in this Form to register that company as an industrial union of employers.

1. The company is incorporated under the Companies Act, 1961 (or is a foreign company within the meaning of the Companies Act, 1961).

2. The memorandum, articles of association or rules of the company do not expressly forbid the registration of the company as an industrial union of employers.

3. The address of the registered office of the company in Western Australia is.....

4. On the..... day of..... 19..... at a meeting of the board of directors of the company duly convened and held in accordance with the articles of association or rules of the company, it was resolved that the company be registered as an industrial union of employers under the Industrial Arbitration Act, 1912, and that the manager (or other principal executive officer or the secretary) in Western Australia be authorised and directed to make application for such registration. The resolution was as follows:--

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

5. The name and address of each director of the company and of the manager or other principal executive officer of the company in Western Australia is:--

	NAME	ADDRESS
Director
"
"
Manager or other principal .. executive officer in Western Australia

(Seal of company)

83668/9/70 -O/MGD

DECLARATION

I,
(Full name in Block Letters)

of
(Address)

do solemnly and sincerely declare as follows, that is to say:-

(1) That I am the of the company named in this Form.

(2) That to the best of my knowledge and belief the particulars and information set forth in this Form are true and correct.

(3) That the two copies of the memorandum and articles of association (or the rules) annexed hereto and marked "A" are true copies of the memorandum and articles of association (or rules) of the said company.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at
in the State of Western Australia, this
..... day of 19.....
before me -
.....
J.P., Commissioner for Declarations or
other authorised person. }

Filed in my office this day of 19.....

.....
Registrar

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Form 4 (Reg. 7)
Industrial Arbitration Act, 1912

**APPLICATION BY A COUNCIL FOR REGISTRATION AS AN
INDUSTRIAL ASSOCIATION**

Name of council.....

To the Commission in Court Session

Application is hereby made by the officer of the abovenamed council, whose name appears in the declaration incorporated in this Form, for registration as an industrial association.

1. The council represents not less than two industrial unions of employers/workers.
2. The office of the council is at.....
3. The matters hereinafter mentioned are provided for in the rules of the council, as follows, that is to say :-
 - (1) The name of the council, in Rule No.....
 - (2) The office of the council at which place the business shall be conducted, in Rule No.....
 - (3) The whole of the purposes for which the council is formed, in Rule No.....
 - (4) The appointment and removal of the governing body (by the name of), in Rule No....., and the powers and duties of the said governing body, in Rule No.....
 - (5) The appointment and removal and powers and duties of a trustee or trustees (if any), in Rule No.....
 - (6) The appointment of a president, in Rule No.....; the appointment of a secretary, in Rule No.....; and the appointment of a treasurer, in Rule No.....
 - (7) The appointment of other officers, in Rule No.....
 - (8) The supplying of any vacancy occurring in each of the positions or offices included in subclauses (4) to (7) above, inclusive, by death, resignation or other cause, in Rules Nos.....
 - (9) The powers, duties, and removal of the president; in Rule No.....; of the secretary, in Rule No.....; of the treasurer, in Rule No.....; and of other officers, in Rules No.....
 - (10) The manner of calling general or special meetings in Rule No....., and the quorum thereat, in Rule No.....
 - (11) The manner of voting at general or special meetings, in Rule No.....
 - (12) The mode in which industrial agreements and all deeds and instruments shall be made and executed on behalf of the council, in Rule No....., and the manner in which the council shall be represented in proceedings before the Court and the Commission, in Rule No.....
 - (13) The device, custody, and use of the seal of the council, in Rule No.....
 - (14) The control of the property belonging to the council, in Rule No.....
 - (15) The investment of the funds, in Rule No.....
 - (16) The keeping of the accounts, in Rule No.....
 - (17) The audit of the accounts at least once every year, in Rule No.....

- (18) The inspection of the books and register of members of the council by any person authorised in that behalf by an industrial union represented on the council, in Rule No.....
- (19) The keeping by the council of a register of the industrial unions represented thereon and of the persons respectively representing such unions, in Rule No.....
- (20) The mode in which and the terms and qualifications on which such industrial unions shall be entitled to be or cease to be so represented, in Rule No.....
- (21) That a union shall not discontinue its representation unless and until it has given at least three months' previous written notice of its intention so to do, in Rule No.....
- (22) The purging of the register by striking off unions in arrears of dues, in Rule No....., and that such unions when struck off shall not be free from such arrears, in Rule No.....
- (23) The manner of amending, repealing, and altering the rules, and the making of additional rules, in Rule No.....
- (24) The manner in which any dispute between the council and any union represented thereon shall be decided, in Rule No.....
- (25) The furnishing to the Registrar by the secretary, within one calendar month after the completion of the yearly audit of the accounts, of a duly audited statement of receipts and expenditure and balance sheet of the assets and liabilities of the council made up to the date of closing such accounts, in Rule No.....
- (26) That no part of the funds or property of the council shall be paid or applied for or in connection with or to aid or assist any person engaged in any strike or lock-out within Western Australia, in Rule No.....
- (27) That all industrial disputes in which the council or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the Act, in Rule No.....
- (28) Rules relating to elections for office, in Rules No.....

4. On the.....day of....., 19....., the majority of representatives present in person at a general meeting of the council specially called for the purpose passed and approved rules of the council for the purposes of the Act.

5. On the.....day of....., 19....., the majority of representatives present in person at a general meeting of the council specially called for the purpose passed the following resolution:—

That this council be registered as an industrial association under the Industrial Arbitration Act, 1912, and that.....
.....be, and he is hereby directed to make application for such registration.

Insert name
of officer.

6. The said general meeting (meetings) was (were) called in accordance with section 9 of the Act.

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DECLARATION

I,.....
(Full Name in Block Letters)

of.....
(Address)

do solemnly and sincerely declare as follows, that is to say :-

(1) That I am the duly appointed.....
of the council named in this Form.

(2) That to the best of my knowledge and belief the particulars and informa-
tion set forth in this Form are true and correct.

(3) That the three copies of rules annexed hereto and marked "A"
are true copies of the rules referred to in paragraph 4 of this Form.

And I make this solemn declaration by virtue of section 106 of the Evidence
Act, 1906.

Declared at..... in the State of Western Australia, this day of.....19..... before me - J.P., Commissioner for Declarations or other authorised person.	}
--	---	-------------------------

Filed in my office this.....day of.....19.....

.....
Registrar

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Form 5. (Reg. 7)
Industrial Arbitration Act, 1912

**LIST OF OFFICERS, INDUSTRIAL UNIONS AND REPRESENTATIVES
OF COUNCIL/INDUSTRIAL ASSOCIATION**

Name of council/industrial association.....
.....

DECLARATION

I,.....
(Full name in Block Letters)

of.....
(Address)

do solemnly and sincerely declare as follows, that is to say:-

(1) That I am the duly appointed secretary of the council/industrial association named in this Form.

(2) That to the best of my knowledge and belief the particulars and information set forth in this Form are true and correct.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at.....
in the State of Western Australia, this
.....day of....., 19.....,
before me --
.....
J.P., Commissioner for Declarations or
other authorised person.

The name and address of each officer of the abovenamed council/industrial association as at the.....day of....., 19....., is:-

Office	Name of Officer	Address
President		
Vice-President		
Treasurer		
Secretary		
Trustee		
Trustee		
Trustee		
Other Officers		
Other Officers		
Other Officers		

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The name of each industrial union represented on the abovenamed council/industrial association and the name and address of each person representing each such union as at the.....day of....., 19....., is :-

Industrial union	Person representing union on council	Address

Filed in my office this.....day of....., 19.....

.....
Registrar

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Form 6 (Reg. 8)

Industrial Arbitration Act, 1912

**AMALGAMATION OF UNIONS
APPLICATION BY TWO OR MORE INDUSTRIAL UNIONS FOR
REGISTRATION AS ONE UNION**

Name of proposed new union.....
To the Commission in Court Session

Application is hereby made on behalf of the industrial unions seeking amalgamation for registration as one union.

1. The members of each of the applicant unions are associated for the purpose of protecting or furthering the interests of workers/employers in connection with the following specified industry in Western Australia, namely.....

(or in connection with the following related industries in the State, namely.....

2. The locality in respect of which registration is sought is.....

3. The office of the proposed new union (hereinafter referred to as "the society") is at.....

4. The matters hereinafter mentioned are provided for in the rules of the society as follows, that is to say:—

- (1) The name of the society, in Rule No.....
- (2) The office of the society at which place the business shall be conducted, in Rule No.....
- (3) The whole of the purposes for which the society is formed, in Rule No.....
- (4) The appointment and removal of the governing body (by the name of), in Rule No..... and the powers and duties of the said governing body, in Rule No.....
- (5) The appointment and removal and powers and duties of a trustee or trustees (if any), in Rule No.....
- (6) The appointment of a president, in Rule No.....; the appointment of a secretary, in Rule No....., and the appointment of a treasurer, in Rule No.....
- (7) The appointment of other officers, in Rule No.....
- (8) The supplying of any vacancy occurring in each of the positions or offices included in subclauses (4) to (7) above, inclusive, by death, resignation or other cause, in Rules No.....
- (9) The powers, duties and removal of the president, in Rule No.....; of the secretary, in Rule No.....; of the treasurer, in Rule No.....; and of other officers, in Rules No.....
- (10) The manner of calling general or special meetings, in Rule No....., and the quorum thereat, in Rule No.....
- (11) The manner of voting at general or special meetings, in Rule No.....
- (12) The mode in which industrial agreements and all deeds and instruments shall be made and executed on behalf of the society, in Rule No.....; and the manner in which the society shall be represented in proceedings before the Court and the Commission, in Rule No.....
- (13) The device, custody and use of the seal of the society, in Rule No.....
- (14) The control of the property belonging to the society, in Rule No.....
- (15) The investment of the funds, in Rule No.....
- (16) The keeping of the accounts, in Rule No.....

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- (17) The audit of the account at least once every year, in Rule No.....
- (18) The inspection of the books and register of the members of the society by every person having an interest in the funds of the society, in Rule No.....
- (19) The keeping by the society of a register of the members, in Rule No.....
- (20) The mode in which and the terms and qualifications on which persons shall become or cease to be members, in Rule No.....
- (21) That a member shall not discontinue his membership without giving at least three months' previous written notice to the secretary of his intention so to do, or paying a sum equal to three months' contributions in lieu of notice, nor until such member has paid all fees, fines, levies or other dues payable by him to the society under its rules to the end of the period covered by such notice or has obtained a clearance card duly issued in accordance with the rules, in Rule No.
- (22) The purging of the register by striking off members in arrears of dues, in Rule No.....and that such members when struck off shall not be free from such arrears, in Rule No.
- (23) The manner of amending, repealing and altering the rules and the making of additional rules, in Rule No.....
- (24) The manner in which any dispute between the society and any of its members shall be decided, in Rule No.....
- (25) The furnishing to the Registrar by the secretary within one calendar month after the completion of the yearly audit of the accounts, of a duly audited statement of receipts and expenditure and balance sheet of the assets and liabilities of the society made up to the date of closing such accounts, in Rule No.....
- (26) That a person shall not be a member of the society who is not a worker/employer, in Rule No.....
- (27) That no part of the funds or property of the society shall be paid or applied for, or in connection with, or to aid or assist any person engaged in any strike or lockout within Western Australia, in Rule No.....
- (28) That all industrial disputes in which the society or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the Act, in Rule No.....
- (29) That no amendment, repeal or alteration of the rules of the society shall be made unless the amendment, repeal or alteration has been passed and approved by a vote of the majority of the members of the society present in person at a general meeting called for the purpose in manner provided by paragraph (a) of section 9 of the Act, in Rule No.....
- (30) Rules relating to elections for office, in Rules No.....

*5. (1) On the.....day of.....19....., the majority of members present in person at a general meeting of the.....Union
(name of second union seeking amalgamation)
 specially called for the purpose passed the resolution appearing in paragraph 7 of this Form.

(2) On the.....day of.....19....., the majority of members present in person at a general meeting of the.....Union
(name of first union seeking amalgamation)
 specially called for the purpose passed the resolution appearing in paragraph 7 of this Form.

6. The said general meetings were called in accordance with section 9 of the Act.

* Add further paragraphs if more than two unions are seeking amalgamation.

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7. Each of the resolutions referred to in paragraph 5 of this Form was in these terms:—

That this union —

(i) authorises an amalgamation being effected between the.....

.....union
(name of first union seeking amalgamation)

and the.....

.....union,
(name of other union or unions)

the new union so created to be known as.....

.....
(name of new union)

(ii) approves the rules of the said new union;
and

(iii) authorises and empowers

.....to take all necessary
(name of authorised person)
steps and do all things requisite to secure the registration of the said
new union under the Industrial Arbitration Act, 1912.

Dated this.....day of.....19.....

[Seal] President

[Seal] Secretary

[Seal] President

[Seal] Secretary

DECLARATION

I (We),.....
(full name or names in Block Letters)

of.....
(Address)

do solemnly and sincerely declare as follows, that is to say :—

(1) That I (We) am (are) the person (persons) named in paragraph 7 of this Form.

(2) That to the best of my (our) knowledge and belief the particulars and information set forth in this Form are true and correct.

(3) That the three copies of rules annexed hereto and marked "A" are true copies of the rules referred to in paragraph 7 of this Form.

And I (We) make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at.....
in the State of Western Australia, this

.....day of.....19.....
before me —

.....
J.P., Commissioner for Declarations or
other authorised person.

Filed in my office this.....day of.....19.....

Registrar

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Form 7 (Reg. 9)
Industrial Arbitration Act, 1912

**APPLICATION FOR AN AMENDMENT OF RULES UNDER
REGULATION 9**

Name of industrial union/industrial association.....

.....

To The Commission in Court Session

Application is hereby made by the officer of the abovenamed industrial union/industrial association whose name appears in the declaration incorporated in this Form for an amendment of rules of the union/association.

1. On the.....day of....., 19....., the majority of members present at a general meeting of the abovenamed union/association specially called for the purpose in accordance with section 9 of the Act passed resolutions amending the rules of the union/association and authorising this application.

or

2. On the.....day of....., 19....., the majority of members present at a duly convened and constituted meeting of the.....of the union/association, a body that is authorised to amend, repeal or alter rules pursuant to section 23 (6) of the Act, passed resolutions amending the rules of the union/association and authorising this application.

or

3. On the.....day of....., 19....., the majority of members present at a duly convened and constituted meeting of the.....of the union/association, a body that was authorised to amend, repeal or alter rules by a direction of the Commission in Court Session given on the.....day of.....19....., pursuant to section 23 (8) of the Act, passed resolutions amending the rules of the union/association and authorising this application.

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DECLARATION

I,
(Full name in Black Letters)

of
(Address)

do solemnly and sincerely declare as follows, that is to say :-

(1) That I am the secretary or the
of the union/association named in this Form.

(2) That to the best of my knowledge and belief the particulars and information
set forth in this Form are true and correct.

(3) That the schedule annexed hereto marked "A" is a true copy of the resolutions
referred to in this Form.

And I make this solemn declaration by virtue of section 106 of the Evidence
Act, 1906.

Declared at in the State of Western Australia, this day of19.... before me - J.P., Commissioner for Declarations or other authorised person.	}
---	---	-------

Filed in my office thisday of19.....

.....
Registrar

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Form 8 (Reg. 10)
Industrial Arbitration Act, 1912

**APPLICATION FOR THE SUBSTITUTION OF A NEW SET OF RULES
FOR THE REGISTERED RULES**

Name of industrial union/industrial association.....

To the Commission in Court Session

Application is hereby made by the officer of the abovenamed union/association whose name appears in the declaration incorporated in this Form for the substitution of a new set of rules for the registered rules.

1. (a) On the.....day of....., 19....., the majority of members present at a general meeting of the abovenamed union/association specially called for the purpose in accordance with section 9 of the Act passed resolutions amending the rules of the union/association and authorising this application.

or

- (b) On the.....day of....., 19....., the majority of members present at a duly convened and constituted meeting of the.....of the union/association, a body that is authorised to amend, repeal or alter rules pursuant to section 23 (6) of the Act, passed resolutions amending the rules of the union/association and authorising this application.

or

- (c) On the.....day of....., 19....., the majority of members present at a duly convened and constituted meeting of the.....of the union/association, a body that was authorised to amend, repeal or alter rules by a direction of the Commission in Court Session given on the.....day of....., 19....., pursuant to section 23 (8) of the Act, passed resolutions amending the rules of the union/association and authorising this application.

2. The locality in respect of which registration is sought is.....

3. The matters hereinafter mentioned are provided for in the rules of the union/association, as follow, that is to say:—

- (1) The name of the union/association, in Rule No.....
- (2) The office of the union/association, at which place the business shall be conducted, in Rule No.....
- (3) The whole of the purposes for which the union/association is formed, in Rule No.....
- (4) The appointment and removal of the governing body (by the name of.....), in Rule No....., and the powers and duties of the said governing body, in Rule No.....
- (5) The appointment and removal, and powers and duties of a trustee or trustees (if any), in Rule No.....
- (6) The appointment of a president, in Rule No.....; the appointment of a secretary, in Rule No.....; and the appointment of a treasurer, in Rule No.....

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- (7) The appointment of other officers, in Rule No.
- (8) The supplying of any vacancy occurring in each of the positions or offices included in subclauses (4) to (7) above inclusive, by death, resignation or other cause, in Rules Nos.
- (9) The powers, duties, and removal of the president in Rule No.; of the secretary, in Rule No.; of the treasurer, in Rule No.; and of other officers, in Rules No.
- (10) The manner of calling general or special meetings, in Rule No.; and the quorum thereat, in Rule No.
- (11) The manner of voting at general or special meetings, in Rule No.
- (12) The mode in which industrial agreements and all deeds and instruments shall be made and executed on behalf of the union/association, in Rule No., and the manner in which the union/association shall be represented in proceedings before the Court and the Commission, in Rule No.
- (13) The device, custody, and use of the seal of the union/association, in Rule No.
- (14) The control of the property belonging to the union/association, in Rule No.
- (15) The investment of the funds, in Rule No.
- (16) The keeping of the accounts, in Rule No.
- (17) The audit of the accounts at least once every year, in Rule No.
- (18) The inspection of the books and register of members of the union/association by every person having an interest in the funds of the union/association in Rule No.
- (19) The keeping by the union/association of a register of the members, in Rule No.
- (20) The mode in which and the terms and qualifications on which persons shall become or cease to be members, in Rule No.
- (21) That a member shall not discontinue his membership without giving at least three months' previous written notice to the secretary of his intention so to do, or paying a sum equal to three months' contributions in lieu of notice, nor until such member has paid all fees, fines, levies, or other dues, payable by him to the union/association under its rules, to the end of the period covered by such notice, or has obtained a clearance card duly issued in accordance with the rules, in Rule No.
- (22) The purging of the register by striking off members in arrears of dues, in Rule No.; and that such members when struck off shall not be free from such arrears, in Rule No.
- (23) The manner of amending, repealing and altering the rules, and the making of additional rules, in Rule No.
- (24) The manner in which any dispute between the union/association and any of its members shall be decided, in Rule No.
- (25) The furnishing to the Registrar by the secretary, within one calendar month after the completion of the yearly audit of the accounts, of a duly audited statement of receipts and expenditure and balance sheet of the assets and liabilities of the union/association made up to the date of closing such accounts, in Rule No.
- (26) That a person shall not be a member of the union/association who is not a worker/employer, in Rule No.

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- (27) That no part of the funds or property of the union/association shall be paid or applied for, or in connection with, or to aid or assist any person engaged in any strike or lockout within Western Australia, in Rule No.....
- (28) That all industrial disputes in which the union/association or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the Act, in Rule No.....
- (29) That no amendment, repeal or alteration of the rules of the union/association shall be made unless the amendment, repeal or alteration has been passed and approved by a vote of the majority of the members of the union/association present in person at a general meeting called for the purpose in manner provided by paragraph (a) of section 9 of the Act, in Rule No.....
- (30) Rules relating to elections for office, in Rules Nos.....

DECLARATION

I,
(Full name in Block Letters)

of
(Address)

do solemnly and sincerely declare as follows, that is to say :-

- (1) That I am the duly appointed
of the union/association named in this Form.
- (2) That to the best of my knowledge and belief the particulars and information set forth in this Form are true and correct.
- (3) That the schedule annexed hereto and marked "A" is a true copy of the resolutions referred to in this Form.
- (4) That the three copies of rules annexed hereto and marked "B" are true copies of the rules passed and approved by the meeting referred to in paragraph 1 of this Form.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at
in the State of Western Australia, this

..... day of 19.....
before me -

.....
J.P., Commissioner for Declarations or
other authorised person.

Filed in my office this day of 19.....

.....
Registrar

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Form 9 (Reg. 11, 13, 18)
Industrial Arbitration Act, 1912

NOTICE OF OBJECTION

In the Matter of the
Industrial Arbitration
Act, 1912

—and—

In the Matter of.....
.....
.....
.....

Name of Objector.....

The abovenamed objector hereby objects to the whole (or part) of the above-
mentioned application

.....
.....
.....
(if part only, specify part objected to)

The grounds of objection are :-

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

Dated this day of, 19.....

.....
Objector

Filed in my office this day of, 19.....

.....
Registrar

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Form 10 (Reg. 12)
Industrial Arbitration Act, 1912

CERTIFICATE OF REGISTRATION AS AN INDUSTRIAL UNION

I hereby certify that the society called
.....
.....
whose registered office is at
..... has this
day been duly registered as an industrial union under the Industrial Arbitration Act, 1912,
and, pursuant to section 13 of that Act, is a body corporate.

Given under my hand this day of, 19

.....
Registrar

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Form 11 (Reg. 12)
Industrial Arbitration Act, 1912

**CERTIFICATE OF REGISTRATION AS AN INDUSTRIAL
ASSOCIATION**

I hereby certify that the council called.....
.....
.....
whose registered office is at.....
.....has this
day been duly registered as an industrial association under the Industrial Arbitration
Act, 1912, and that association is, pursuant to section 34 of that Act, a body corporate.

Given under my hand this day of....., 19.....

.....
Registrar

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Form 12 (Reg. 12)
Industrial Arbitration Act, 1912

**CERTIFICATE OF REGISTRATION OF AN INDUSTRIAL UNION
FORMED BY AMALGAMATION.**

I hereby certify that the industrial unions formerly registered under the names

(1)

(2)

have this day been duly registered under the Industrial Arbitration Act, 1912, as one industrial union by the name

and that union is, pursuant to section 13 of that Act, a body corporate. The registrations of the aforementioned unions, namely

(1)

(2)

are this day cancelled.

Given under my hand this day of 19

.....
Registrar

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Form 13 (Reg. 12)
Industrial Arbitration Act, 1912

CERTIFICATE OF REGISTRATION OF AMENDMENT
OF RULES

I hereby certify that the annexed amendment of rules/substitute rules
of.....
.....
has this day been duly registered at my office under the provisions of the Industrial
Arbitration Act, 1912.

Given under my hand this.....day of....., 19.....

.....
Registrar

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Form 14 (Reg. 12)
Industrial Arbitration Act, 1912

**CERTIFICATE OF REGISTRATION OF COMPANY AS AN
INDUSTRIAL UNION**

I hereby certify that the company named.....
.....
whose registered office in Western Australia is at.....
.....
has this day been duly registered as an industrial union under the Industrial Arbitration
Act, 1912.

Given under my hand this.....day of.....
19.....

.....
Registrar

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Form 15 (Reg. 14)
Industrial Arbitration Act, 1912

APPLICATION FOR REGISTRATION OF BRANCH OFFICE

Name of industrial union/association

To the Registrar.

Application is hereby made that, in addition to the registered office of the above-named industrial union/association, situated at
the following branch office of the said union/association, situated at
..... be registered, viz. :-

Dated this day of, 19

.....
President (or Secretary).

Address of branch office registered this day of
....., 19

.....
Registrar.

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Form 16 (Reg. 15)
Industrial Arbitration Act, 1912

**NOTICE OF CHANGE OF ADDRESS OF
A REGISTERED OFFICE**

Name of industrial union/association.....
.....

To the Registrar.

Notice is hereby given that the address of the registered office (or branch
office) of the abovenamed industrial union/association is changed from.....

and is now.....

Dated this.....day of....., 19.....

.....
Secretary.

Change of address registered this.....day of.....
19.....

.....
Registrar.

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Form 17 (Reg. 16)
Industrial Arbitration Act, 1912

IN THE WESTERN AUSTRALIAN INDUSTRIAL COMMISSION

No.....of 19.....

APPLICATION FOR CONSENT TO CHANGE NAME

Name of applicant union/association.....

To the Commission in Court Session.

Application is hereby made to the Commission in Court Session on behalf of the abovenamed industrial union/association for the consent of the Commission in Court Session to the proposal of the abovenamed union/association to change its name to:-

“.....”

DECLARATION

I,.....of.....
(Full name in Block Letters) (Address)

do solemnly and sincerely declare as follows:-

1. That I am the person authorised to make this application.
2. That the applicant was duly registered under its present title as an industrial union/association on the.....day of.....19.....
3. That at a meeting of the union/association duly convened and held at.....day of.....19....., a resolution was passed by a majority of the members present in the following terms :-
“That the name of this union/association be changed so as to read”
.....
and that the secretary (or.....) of the union/association be, and he is hereby authorised and empowered to sign all documents and to do everything necessary to obtain the consent of the Commission in Court Session to the such change of name
4. That attached hereto is a copy of the “.....” newspaper issued on the.....day of....., 19....., a newspaper circulating in the city (town or locality) of....., where the office of the applicant is situated.

5. That on page.....of that newspaper can be found a notice in terms which were approved by the Registrar intimating the intention of the applicant to make this application.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at
in the State of Western Australia, this

.....day of....., 19.....,
before me --

.....
J.P., Commissioner for Declarations or
other authorised person.

}
}

Filed in my office this.....day of....., 19.....

.....
Registrar

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Form 18 (Reg. 19)
Industrial Arbitration Act, 1912

CERTIFICATE OF REGISTRATION OF CHANGE OF NAME

I hereby certify that on the.....day of.....
19....., on the hearing of an application duly made on behalf of the industrial union/
association formerly registered under the title of.....

.....
.....

the Commission in Court Session consented to the name of the union/association
being changed to read, and that name is accordingly now registered as.....

.....
.....

Dated thisday of 19.....

.....
Registrar.

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Form 19 (Reg. 20)
Industrial Arbitration Act, 1912

**DECLARATION AS TO PERSONS HOLDING OFFICE AND NUMBER
OF MEMBERS IN INDUSTRIAL UNION/ASSOCIATION**

Name of industrial union/association

.....

I,
(Full name in Block Letters)

of
(Address)

do solemnly and sincerely declare as follows :-

1. That I am the secretary/president of the abovenamed union/association.
2. That on the 31st day of December, 19...., there were..... members in the abovenamed union/association.
3. That annexed hereto and signed by me is a true copy of the list of the names, postal addresses and occupations of the persons presently holding office in the abovenamed union/association.
4. That such annexure is a correct statement of the information contained therein.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at.....
in the State of Western Australia, this

.....day of....., 19.....
before me --

.....
J.P., Commissioner for Declarations or
other authorised person.

.....

Filed in my office this..... day of....., 19.....

.....
Registrar

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Form 20 (Reg. 21)
Industrial Arbitration Act, 1912

**NOTICE OF CHANGE IN OFFICE OF INDUSTRIAL
UNION/ASSOCIATION**

Name of industrial union/association

.....

I,
(Full name in Block Letters)

of
(Address)

secretary/president of the abovenamed union/association hereby give notice of the following change in the holding of an office in the said union/association :-

Title or description of office.....

Full name of previous holder.....

Postal address.....

Occupation.....

Full name of present holder.....

Postal address.....

Occupation.....

Date of change.....

Dated this day of, 19.....

.....Signature
(Secretary or President)

Filed in my office this day of, 19.....

.....
Registrar

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Form 21 (Reg. 23)
Industrial Arbitration Act, 1912

**DECLARATION VERIFYING BALANCE SHEET AND STATEMENT
OF RECEIPTS AND EXPENDITURE**

Name of industrial union/association.....

I, of
(Full name in Block Letters) (Address)

do solemnly and sincerely declare as follows :-

1. That I am the secretary of the abovenamed union/association.
2. That annexed hereto and marked "A" is the duly audited balance sheet of the assets and liabilities of the abovenamed union/association as at19.....
3. That annexed hereto and marked "B" is the duly audited statement of receipts and expenditure of the abovenamed union/association for the year ended.....19.....
4. That such annexures are, to the best of my knowledge and belief, a correct statement of the information contained therein.
5. That the auditor whose certificate is endorsed on those annexures was duly appointed in accordance with the rules of the union/association.
6. That, to the best of my knowledge and belief, all securities, deeds, documents, books, papers and accounts and the rules of the union/association were placed at the disposal of the auditor.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at
in the State of Western Australia, this

.....day of.....,19.....
before me -

.....
J.P., Commissioner for Declarations or
other authorised person.

Filed in my office this.....day of....., 19.....

.....
Registrar

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Form 22 (Reg. 27)
Industrial Arbitration Act, 1912

**APPLICATION BY UNION/ASSOCIATION TO CANCEL ITS REGISTRATION
UNDER SUBSECTION (1) OF SECTION 29 OF THE ACT**

Name of industrial union/association.....

To the Registrar.

1. The abovenamed union/association hereby applies for the cancellation of its registration under the Industrial Arbitration Act, 1912, on the following grounds:-

2. At a special general meeting duly held on the.....day of
.....19....., it was resolved by a majority of the members present and entitled to vote as follows :-

“That the secretary (or.....) is hereby authorised to apply to the Registrar for cancellation of the registration of this union/association under the Industrial Arbitration Act, 1912.”

3. The number of members present at that meeting who voted in favour of that resolution was

4. The number of members whose names are at present lawfully on the register kept by the union/association is

Dated this.....day of....., 19.....

.....
Secretary (or other officer)

Address of secretary (or other officer).....

Filed in my office this.....day of....., 19.....

.....
Registrar

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Form 23 (Reg. 27)
Industrial Arbitration Act, 1912

NOTICE OF INTENTION TO CANCEL REGISTRATION

Notice is hereby given that it is the intention of the Registrar to proceed on the.....day of.....19....., to cancel the registration of the.....
.....
.....
under the Industrial Arbitration Act, 1912 unless cause be shown to the contrary in the meantime.

The ground of such proposed cancellation is as follows:—

.....
.....
.....
.....

Dated this.....day of.....;19.....

.....
Registrar of Industrial Unions

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Form 24 (Reg. 28)
Industrial Arbitration Act, 1912

**APPLICATION TO CANCEL REGISTRATION OF INDUSTRIAL
UNION/ASSOCIATION UNDER SUBSECTION (2) OF
SECTION 29 OF THE ACT**

No. of 19.....

To the Commission in Court Session.

Application is hereby made for an order directing cancellation of the registration
of the industrial union/association registered under the name of.....

The application is made upon the following grounds, namely :-

(Set forth grounds)

Dated this day of 19.....

.....
Signature of Applicant

.....
Address for service

Filed in my office this day of 19.....

.....
Registrar

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Form 25 (Reg. 30)
Industrial Arbitration Act, 1912

MEMORANDUM OF REGISTRATION OF INDUSTRIAL AGREEMENT

A duplicate original of the within industrial agreement was filed in my office on the.....day of.....
19....., and was registered No.....of 19.....in the register of industrial agreements kept by me.

Dated this day of.....
19.....

Registrar

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Form 26 (Reg. 31)
Industrial Arbitration Act, 1912

NOTICE OF RETIREMENT FROM INDUSTRIAL AGREEMENT

To the Registrar,

TAKE NOTICE that the following industrial union/association/employer namely

.....

one of the parties to the industrial agreement dated the

day of....., 19....., made between

.....

and

filed at your office and numbered.....of 19..... and which

expires/expired on the.....day of.....19.....,

will retire from that agreement and cease to be a party thereto at the expiration of thirty

days from the date of the filing of this notice.

Dated this.....day of.....19.....

Signed on behalf of the above union/association in accordance with the
rules of that union/association.

(Seal)

.....
.....

or signed on behalf of the above employer.

.....

Filed in my office this.....day of....., 19.....

.....
Registrar.

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Form 27 (Reg. 33)
Industrial Arbitration Act, 1912

NOTICE OF CONCURRENCE IN INDUSTRIAL AGREEMENT

To the Registrar,

TAKE NOTICE that.....
hereby signifies concurrence with the industrial agreement dated the.....
day of....., 19....., made between.....
.....
and.....
and filed at your office and numberedof 19.....

* Seal

.....
Signature of concurring party

The original parties to that industrial agreement hereby consent to.....
.....
becoming a party thereto.

Dated this.....day of....., 19.....

Signature of each original party —

.....

* Seal

.....

.....

Filed in my office this.....day of....., 19.....

.....
Registrar

* Affix seal where necessary.

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Form 28 (Reg. 35)
Industrial Arbitration Act, 1912

In the Western Australian Industrial Commission

No..... of.....

IN THE MATTER of the Industrial
Arbitration Act, 1912, and

IN THE MATTER of an industrial
dispute between.....

.....

.....

and.....

.....

.....; and

IN THE MATTER of an application
to amend an Industrial Agreement
made on the.....day of

..... 19.....,

and numbered of 19.....

We, the undersigned, being all the parties to an industrial matter or dispute notified in an application to amend the above industrial agreement, and filed this day in the office of the Registrar and numbered of 19....., do hereby agree that the said matter or dispute be determined by the Commission.

Dated this day of, 19.....

Signatures of Parties—

.....

.....

*[Seal]

.....

.....

Filed in my office this.....day of....., 19.....

.....

Registrar.

* Affix seal where necessary.

71

Form 29 (Reg. 36)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. 19.....

Between

.....

.....

Applicant.

and

.....

.....

Respondent.

REFERENCE OF INDUSTRIAL DISPUTE

1. Application is hereby made to the Commission for the settlement of the matters in dispute hereinafter referred to between the abovementioned parties.

2. The particulars of the matters claimed are set forth in the attached schedule.

3. The applicant requests that this matter be inquired into by the Commission sitting at and that an award be made in the terms of the attached schedule or in such other terms as the Commission may determine.

4. The applicant is/is not represented on an industrial association.

Dated this day of, 19....

* Seal

.....
Applicant

Address for service

Filed in my office this day of, 19.....

.....
Registrar.

* Affix seal where necessary.

72

Form 30 (Reg. 36)
Industrial Arbitration Act, 1912

In the Western Australian Industrial Commission

No.....of 19.....

IN THE MATTER of the Industrial
Arbitration Act, 1912, and

IN THE MATTER of an Industrial
Dispute between.....

.....
.....
.....

and.....
.....
.....; and

IN THE MATTER of a Reference of
Industrial Dispute.

We, the undersigned, being all the parties to an industrial matter or
dispute notified in a reference of industrial dispute and filed this day in the
office of the Registrar and numbered..... of 19....., do hereby agree
that the said matter or dispute be determined by the Commission.

Dated this day of, 19.....

Signatures of Parties—

.....
.....
.....

*[Seal]

Filed in my office this.....day of....., 19.....

.....
Registrar.

* Affix seal where necessary.

73

Form 31 (Reg. 36)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. of 19.....

Between

.....

.....
Applicant.

and

.....

.....
Respondent.

**DECLARATION ACCOMPANYING REFERENCE OF INDUSTRIAL
DISPUTE OR OTHER APPLICATION BY UNION/ASSOCIATION**

I,
(Full name in Block Letters)

of
(Address)

solemnly and sincerely declare that —

1. I am the of the abovenamed applicant
union/association.

2. On the day of 19....., a meeting of the
governing body of the applicant union/association was duly held at
at which the following resolution was submitted to and passed by a majority of the mem-
bers thereof qualified to vote who were present at that meeting :-

Insert copy of
resolution {
.....
.....
.....
.....
.....

3. The number present at that meeting constituted a quorum of the governing
body as prescribed by the rules.

* 4. The resolution was published in the issue of the
newspaper on the day of 19....., which
newspaper circulates in the district in which the registered office of the applicant union/
association is situated.

74

* 5. A request in writing signed by not less than ten per centum of the members of the applicant union/association pursuant to sub section (3) of section 107 of the Act was/was not made to the governing body.

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906:

Declared at
in the State of Western Australia, this

.....day of....., 19...
before me —

.....
J.P., Commissioner for Declarations or
other authorised person.

}
.....
}

Filed in my office this.....day of....., 19.....

.....
Registrar

* In the case of a reference of industrial dispute only. Strike out if not applicable.

75

Form 32 (Reg. 36)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No.....of 19.....

Between

.....
.....
Applicant.

and

.....
.....
Respondent.

DECLARATION IN CASE OF BALLOT

I,.....
(Full name in Block Letters)

of.....
(Address)

do solemnly and sincerely declare :-

1. That I am the.....of the abovenamed
applicant union/association.

2. That on the.....day of, 19.....,
a request in writing signed by not less than ten per centum of the members of the
applicant union/association was made to the governing body thereof to submit the matter
of the intended reference to a ballot of the members.

3. That pursuant to that request a ballot of those members was held in
the manner prescribed by regulation 37 of the regulations made under the Act,
with the following result:-

In favour of the proposed reference.....(number).

Against the proposed reference.....(number).

And I make this solemn declaration by virtue of section 106 of the Evidence
Act, 1906.

Declared at.....
in the State of Western Australia, this
.....day of....., 19.....
before me -

.....
J.P., Commissioner for Declarations or
other authorised person.

Filed in my office this.....day of....., 19.....

.....
Registrar

76

Form 33 (Reg. 38)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No.....of 19.....

Between

.....

.....

Applicant.

and

.....

.....

Respondent.

ANSWER AND COUNTER PROPOSALS

* The respondent, in answer to the applicant's claim, says as follows:—

.....
.....
.....
.....
.....
.....
.....
.....

* The respondent submits the following counter proposals:—

.....
.....
.....
.....
.....

Dated this.....day of....., 19.....

.....
Signature

Affix seal where necessary

Address.....

Filed in my office this.....day of....., 19.....

.....
Registrar

* Attach schedule if space insufficient.

77

Form 34 (Reg. 39)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. of 19.

Between

.....

.....
Applicant.

and

.....

.....
Respondent.

REPLY

The applicant, in reply to the counterproposals, says as follows :-

*

Dated this.....day of....., 19.....

Affix seal where
necessary.

.....
Applicant

Filed in my office this.....day of....., 19.....

.....
Registrar

* Attach schedule if space insufficient.

78

Form 35 (Reg. 46, 91)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. of 19.....

IN THE MATTER OF.....

Between

Applicant.

and

Respondent.

NOTICE OF HEARING

To

TAKE NOTICE that the Commission in Court Session/Commission (Mr. Commissioner.....) will sit at Vapech House, 638 Murray Street, West Perth or at on the day of 19... at o'clock in the noon to hear the abovementioned matter.

Dated this day of 19.....

For and on behalf of the Commission.

79

Form 36
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No.....of 19.....

IN THE MATTER OF.....

.....

.....

NOTICE OF MOTION

To.....
(Name of respondent)

of.....
(Address of respondent)

.....

TAKE NOTICE THAT this Commission will be moved by/on behalf of.....

.....
(Name of applicant)

on a date to be fixed due notice of which will be given for an order that -

.....

.....

.....

.....

Dated this..... day of....., 19.....

Affix seal where necessary. Applicant

Filed in my office this..... day of....., 19.....

..... Registrar

(Endorsements where required)

80

Form 37 (Reg. 47)
Industrial Arbitration Act, 1912

In the Western Australian Industrial Commission

No..... of 19.....

IN THE MATTER of the Industrial
Arbitration Act, 1912, and

IN THE MATTER of an industrial
dispute between.....

.....
.....

and.....

.....
.....; and

IN THE MATTER of an application
to amend Award numbered.....
of 19.....

We, the undersigned, being all the parties to an industrial matter or
dispute notified in an application to amend the above Award and filed this
day in the office of the Registrar and numbered of 19....., do
hereby agree that the said matter or dispute be determined by the Commission.

Dated this.....day of..... 19.....

Signatures of Parties—

.....
.....
.....
.....

*[Seal]

Filed in my office this.....day of..... 19.....

.....
Registrar.

* Affix seal where necessary.

31

Form 38 (Reg. 50)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No.....of 19.....

IN THE MATTER of the.....

Award made on the.....day of

....., 19.....; and

Numbered.....of.....; and

IN THE MATTER of an application to extend the operation of the said award or portion thereof.

APPLICATION TO EXTEND OPERATION OF AWARD

Name of applicant.....

- 1. Application is hereby made to the Commission for an order extending the operation of -
 - (a) The abovementioned award; or
 - (b) The following provisions of the abovementioned award, namely :

.....
.....
.....

so that the award (or those provisions) shall have effect over the following locality (or area), namely :

.....
.....

- 2. The award (or those provisions) presently operate over the following locality (or area), namely :

.....
.....

- 3. The application is made on the following grounds, namely :

.....
.....

Dated this.....day of....., 19.....

.....
Applicant

Address for service.....

Filed in my office this.....day of....., 19.....

.....
Registrar

82

Form 39 (Reg. 50)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. of 19.....

IN THE MATTER of the

Award made on the day of

....., 19....., and

Numbered..... of.....; and

IN THE MATTER of an application made

by.....

to extend the operation of the award or

portion thereof.

NOTICE OF APPLICATION HAVING BEEN FILED

TAKE NOTICE that

1. On the..... day of....., 19....., the abovenamed applicant caused to be filed at my office an application for an order extending the operation of the abovementioned award (or portion thereof).

2. The applicant proposes that an order be made extending the operation of —

(a) the abovementioned award; or

(b) the following provisions of the abovementioned award, namely :—

.....
.....
.....

so that the award (or those provisions) shall have effect over the following locality (or area), namely :—

.....
.....
.....

3. The application referred to in paragraph 1 of this notice is open for inspection at my office by any person interested.

83

AND TAKE FURTHER NOTICE that the Commission proposes to deal with the application at Vapech House, 638 Murray Street, West Perth, or at on the.....day of....., 19....., at o'clock in the.....noon.

Any person desiring to be heard in objection to the application must, not less than two clear days before the said date of hearing, file in the office of the Registrar and serve upon the applicant a notice in accordance with Form No. 40 in the regulations made under the Act.

Dated this.....day of, 19.....

.....
Registrar

84

Form 40 (Reg. 50)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No.....of 19.....

IN THE MATTER of an application made

by.....

to extend the operation of the

Award made on the.....day of

....., 19....., and

numbered.....of.....19.....

NOTICE OF OBJECTION

TAKE NOTICE that on the.....day of....., 19.....,
I, the undersigned, intend to appear before the Commission to object to the abovementioned application on the following grounds, namely :-

.....
.....
.....

Dated this.....day of....., 19.....

.....
Signature

Address.....

Filed in my office this.....day of....., 19.....

.....
Registrar

85

Form 41 (Reg. 52)
Industrial Arbitration Act, 1912

IN THE MATTER of the.....
.....
Award/Industrial Agreement.
numbered.....of 19....., and
IN THE MATTER of a sitting of the
Board of Reference appointed thereunder
to determine.....
.....
.....

BOARD OF REFERENCE - APPOINTMENT OF CHAIRMAN

* Strike out if not required.

* (1) We, the undersigned parties to the above matter, hereby request the Chief Industrial Commissioner to appoint a chairman of such Board.

* (2) We, the undersigned parties to the above matter, hereby notify that we have agreed that.....
.....
of.....
should act as chairman of such Board.

Dated this.....day of....., 19.....

Signature of Parties :

.....
.....
.....
.....

CONSENT OF NOMINEE

I, the abovenamed, consent to such nomination.

.....
Registrar.

To the Registrar,
The Western Australian Industrial Commission,
Perth.

86

Form 42 (Reg. 52)
Industrial Arbitration Act, 1912

IN THE MATTER of the.....
.....
Award/Industrial Agreement.
numbered.....of 19....., and
IN THE MATTER of a sitting of the
Board of Reference appointed thereunder
to determine.....
.....
.....

BOARD OF REFERENCE - NOMINATION OF WORKERS' REPRESENTATIVE

We, the secretary and president of the.....
.....
industrial union/association hereby nominate.....
.....
of.....as the
workers' representative member of the said Board.

Dated this.....day of....., 19.....

*Seal

.....
Signature of Secretary

.....
Signature of President

CONSENT OF NOMINEE

I, the abovenamed.....
hereby consent to such nomination.

.....
Signature

To the Registrar,
The Western Australian Industrial Commission,
Perth.

* Affix seal where necessary.

87

Form 43 (Reg. 52)
Industrial Arbitration Act, 1912

IN THE MATTER of the.....
.....
Award/Industrial Agreement.
numbered..... of 19....., and
IN THE MATTER of a sitting of the
Board of Reference appointed thereunder
to determine.....
.....
.....

BOARD OF REFERENCE - NOMINATION OF EMPLOYERS' REPRESENTATIVE

We, the undersigned, being employers affected or likely to be affected by a decision in the matter to be determined hereby nominate.....
of..... as the employers' representative member of the Board of Reference.

Dated this..... day of....., 19.....

Signature	Name of Employer	Address of Employer
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

CONSENT OF NOMINEE

I, the abovenamed..... hereby consent to such nomination.

To the Registrar,
The Western Australian Industrial Commission,
Perth.

.....
Signature

88

Form 44 (Reg. 55)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. of 19.....

IN THE MATTER of the

.....

Award/Industrial Agreement made on the

..... day of 19...., and

numbered of 19.... and

IN THE MATTER of an application for

interpretation of the award/agreement.

APPLICATION FOR INTERPRETATION

Clause of the award/agreement reads as follows :-

.....
.....
.....

The following question; which has arisen under that clause, is submitted to the Commission for interpretation :-

Question :

Dated this day of, 19.....

.....
Applicant

Filed in my office this day of, 19.....

.....
Registrar

TAKE NOTICE that the Commission (Mr. Commissioner.....)
will sit at Vapech House, 638 Murray Street, West Perth or at.....
..... on the day of.....
19....., at o'clock in the noon to hear the
abovementioned matter.

90

Form 46 (Reg. 59)

Industrial Arbitration Act, 1912

CERTIFICATE OF EXEMPTION FROM MEMBERSHIP OF AN INDUSTRIAL UNION

(1) I hereby certify that
of.....
in the State of Western Australia has complied with the provisions of section 61 B of the Act.

(2) I hereby issue a certificate of exemption from membership of the
.....
industrial union.

(3) This certificate will, unless renewed, expire at 4 p.m. on the
.....day of....., 19.....

Given under my hand this.....day of.....
19.....

.....
Registrar.

91

Form 47 (Reg. 59)

Industrial Arbitration Act, 1912

**RENEWAL OF CERTIFICATE OF EXEMPTION FROM MEMBERSHIP
OF AN INDUSTRIAL UNION**

I hereby certify that the certificate of exemption granted on the
..... day of, 19....., to.....
.....
of.....
from membership of the
.....
industrial union has been renewed by me until 4 p.m. on the.....
day of, 19.....

Given under my hand this.....day of.....
....., 19.....

.....
Registrar

92

Form 48 (Reg. 59)

Industrial Arbitration Act, 1912

REFUSAL TO GRANT EXEMPTION FROM MEMBERSHIP OF AN INDUSTRIAL UNION

To.....
.....
.....

You are hereby notified that I have this day refused your application dated theday of....., 19....., for a certificate of exemption from membership (or renewal thereof) of the..... industrial union as I am satisfied that your objections to being a member of the union on the grounds of conscientious belief are not genuine.

Dated this.....day of....., 19.....

.....
Registrar

Take notice you are entitled to appeal against this refusal under section 61 B (5) of the Industrial Arbitration Act, 1912.

93

Form 49 (Reg. 63)
Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No.....of 19.....

Between

.....

Appellant.

and

.....

Respondent.

**NOTICE OF APPEAL TO COMMISSION IN COURT SESSION FROM
A DECISION/ORDER/AWARD OF THE COMMISSION.**

1. Take notice that the abovenamed appellant hereby appeals against the decision/
order/award of the Commission dated the.....day of.....
.....19....., given in Reference/Application No.....of 19.....

2. The appeal is against –

(a) the whole of the decision/order/award.

(b) the following part or parts of the decision/order/award, namely :–

.....
.....
.....

3. The matters appealed against should be set aside or varied in the following
manner –

.....
.....
.....

4. The grounds of appeal are –

.....
.....
.....

(Here set out with particularity the grounds of appeal on each matter).

Dated this.....day of....., 19.....

Affix seal where necessary

Appellant

Filed in my office this.....day of....., 19.....

Registrar

94

Form 50 (Reg. 69)
Industrial Arbitration Act, 1912

No. M.....of 19.....

IN THE MATTER of the Industrial
Arbitration Act, 1912, and

IN THE MATTER of an industrial
dispute between.....

and.....

REQUEST TO APPOINT A MEDIATOR

We, the parties to the industrial dispute specified in the schedule attached hereto, do hereby request a Commissioner of The Western Australian Industrial Commission to appoint.....(full name) of (address) as Mediator for the purpose of the said dispute.

Dated this.....day of....., 19.....

Signatures of Parties—

*[Seal]

* Affix seal where necessary.

95

Form 51 (Reg. 69)

Industrial Arbitration Act, 1912

No. M.....of 19.....

IN THE MATTER of the Industrial Arbitration Act, 1912, and

IN THE MATTER of an industrial dispute between.....

.....

.....

and.....

.....

.....

APPOINTMENT AS A MEDIATOR

WHEREAS on the.....day of..... 19..... a request was made to the undersigned Commissioner by the abovenamed parties to the industrial dispute specified in the schedule attached hereto to appoint..... (name) of..... (address) as Mediator for the purpose of the said dispute;

AND WHEREAS the said is willing to act as Mediator.

NOW THEREFORE I, pursuant to the provisions of section 108F of the Industrial Arbitration Act, 1912, do hereby appoint the said..... as Mediator for the purpose of the dispute.

Dated this.....day of..... 19.....

.....

Commissioner.

This appointment shall end when—

- (a) the said Mediator has completed the functions prescribed by the Act in relation to the dispute;
- (b) any of the abovenamed parties advises the Commissioner by whom the Mediator was appointed, in writing, that he no longer desires the services of the Mediator with respect to the dispute; or
- (c) the said Mediator resigns his appointment in the manner prescribed in paragraph (c) of subsection (2) of section 108F.

96

Form 52 (Reg. 71)

Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. M..... of 19.....

IN THE MATTER of the Industrial Arbitration Act, 1912, and

IN THE MATTER of an industrial dispute between.....

.....

.....

and.....

.....

REFERENCE OF MEMORANDUM OF AGREEMENT FOR ISSUANCE AS AN AWARD

WHEREAS pursuant to section 108F of the Industrial Arbitration Act, 1912, I, the undersigned Mediator, was appointed to preside at negotiations between the abovenamed parties on a request to a Commissioner made on the day of.....19.....

AND WHEREAS as a result of those negotiations an agreement was reached as to the whole of the matters in dispute and pursuant to section 108G of the Act all of the parties to the dispute requested me in writing to refer the memorandum of the terms of agreement, a copy of which is annexed hereto and endorsed and signed by me for the purpose of identification, to the Commission for issuance as an award to operate over the following locality, namely.....

NOW THEREFORE I, pursuant to the powers in this behalf vested in me by the said Act, do hereby refer that memorandum to the Commission in accordance with the Act and do hereby declare that for the purposes of any proceedings in relation thereto..... shall be deemed to be the applicant and..... the respondent.

Dated this..... day of.....19.....

.....
Mediator.

Form 53 (Reg. 71, 72, 73)
Industrial Arbitration Act, 1912

No. M..... of 19.....

IN THE MATTER of the Industrial
Arbitration Act, 1912, and

IN THE MATTER of an industrial
dispute between.....

.....
.....
and.....
.....
.....

**REQUEST BY PARTIES THAT MEDIATOR
REFER MEMORANDUM TO COMMISSION**

To.....
.....

We, the undersigned, being parties to the matter referred to herein, do hereby request that, as Mediator appointed pursuant to Part IV B of the Industrial Arbitration Act, 1912, in relation to the said matter, you refer the memorandum in that matter to the Commission—

- * (a) for issuance as an award.
- * (b) for issuance as an order amending Award No..... of 19.....
- * (c) for hearing and determination pursuant to section 108H of the said Act.

Dated this.....day of.....19.....

Signatures of Parties—

.....
.....
.....
.....

† [Seal]

* Strike out whichever is inapplicable.

† Affix seal where necessary.

98

Form 54 (Reg. 72)

Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. M.....of 19.....

IN THE MATTER of the Industrial Arbitration Act, 1912, and

IN THE MATTER of an industrial dispute between.....

.....

.....

and.....

.....

REFERENCE OF A MEMORANDUM OF AGREEMENT FOR ISSUANCE AS AN ORDER AMENDING AN AWARD

WHEREAS pursuant to section 108F of the Industrial Arbitration Act, 1912, I, the undersigned Mediator, was appointed to preside at negotiations between the abovenamed parties on a request to a Commissioner made on theday of....., 19.....

AND WHEREAS as a result of those negotiations an agreement was reached as to the whole of the matters in dispute and pursuant to section 108G of the Act all of the parties to the dispute requested me in writing to refer the memorandum of the terms of agreement, a copy of which is annexed hereto and endorsed and signed by me for the purpose of identification, to the Commission for issuance as an order amending Award No.....of 19.....

NOW THEREFORE I, pursuant to the powers in this behalf vested in me by the said Act, do hereby refer that memorandum to the Commission in accordance with the Act and do hereby declare that for the purposes of any proceedings in relation thereto.....shall be deemed to be the applicant and.....the respondent.

Dated this.....day of.....19.....

.....
Mediator.

99

Form 55 (Reg. 73)

Industrial Arbitration Act, 1912.

In The Western Australian Industrial Commission.

No. M.....of 19.....

IN THE MATTER of the Industrial Arbitration Act, 1912, and

IN THE MATTER of an industrial dispute between.....

.....

.....

and.....

.....

REFERENCE OF MEMORANDUM TO COMMISSION FOR HEARING AND DETERMINATION

WHEREAS pursuant to section 108F of the Industrial Arbitration Act, 1912, I, the undersigned Mediator, was appointed to preside at negotiations between the abovenamed parties on a request to a Commissioner made on theday of....., 19.....

AND WHEREAS an agreement as to all of the matters in dispute could not be reached at those negotiations and pursuant to section 108H of the Act the parties to the dispute requested me in writing to refer a memorandum of the matters agreed upon (if any) and the matters in dispute, a copy of which is annexed hereto and endorsed and signed by me for the purpose of identification, to the Commission for hearing and determination of the matters in dispute.

NOW THEREFORE I, pursuant to the powers in this behalf vested in me by the said Act, do hereby refer that memorandum to the Commission in accordance with the Act and do hereby declare that for the purposes of any proceedings in relation thereto.....shall be deemed to be the applicant and.....the respondent.

Dated thisday of....., 19.....

.....
Mediator.

100

Form 56 (Reg. 74)

Industrial Arbitration Act, 1912.

In The Western Australian Industrial Commission

No. M.....of 19.....

IN THE MATTER of the Industrial Arbitration Act, 1912, and

IN THE MATTER of an industrial dispute between.....

.....

.....

and.....

.....

.....

REQUEST BY PARTIES FOR ORDER UNDER SECTION 108H TO BE ISSUED AS AN AWARD

WHEREAS on the..... day of....., 19....., the Commission made an Order under subsection (2) of section 108H of the Industrial Arbitration Act, 1912.

NOW THEREFORE WE, being the parties bound by the said Order, do hereby request that the said Order be issued as an award to operate over the following locality, namely—

.....
.....

Dated this.....day of....., 19.....

Signatures of Parties—

.....

*[Seal]

.....

.....

.....

* Affix seal where necessary.

101

Form 57 (Reg. 75)
Industrial Arbitration Act, 1912
In The Western Australian Industrial Commission

No. M.....of 19.....

IN THE MATTER of the Industrial
Arbitration Act, 1912, and

IN THE MATTER of an industrial
dispute between.....

.....

.....

and.....

.....

.....

**REQUEST BY PARTIES FOR AN AWARD TO BE AMENDED IN THE
TERMS OF AN ORDER UNDER SECTION 108H**

WHEREAS on the.....day of....., 19....., the
Commission made an Order under subsection (2) of section 108H of the
Industrial Arbitration Act, 1912.

NOW THEREFORE WE, being the parties bound by the said Order, do
hereby request that the said Order be issued as an amendment to Award
No.....of 19..... being an award by which we are bound, so as to give
effect to the terms of the said Order.

Dated this.....day of....., 19.....

Signatures of Parties—

.....

.....

* [Seal]

.....

.....

* Affix seal where necessary.

102

Form 58 (Reg. 76)
Industrial Arbitration Act, 1912

No. C.....of 19.....

APPLICATION FOR CONFERENCE

To the Registrar

1. In pursuance of section 108I of the Industrial Arbitration Act, 1912,

.....
(name of applicant)

hereby makes application for a conference to be convened for the purpose of preventing or settling a dispute between.....

and.....

with respect to the following matters:—

.....
.....
.....

(attach schedule if space insufficient)

2. The applicant considers that the following persons should be summoned to attend the conference:—

.....
.....
.....
.....

Dated this.....day of....., 19.....

.....
Applicant.

103

Form 59 (Reg. 80)
Industrial Arbitration Act, 1912

No. C.....of 19.....

IN THE MATTER of the Industrial Arbitration Act, 1912,

and

IN THE MATTER of a dispute between

.....
.....
and.....
.....

CONSENT BY PARTIES TO DISPUTE BEING DEALT WITH BY A COMMISSIONER

Whereas a conference has been held pursuant to section 108 I of the Act, and an agreement as to the whole or part of the matters in dispute has not been reached, now we, being parties to the dispute specified at the foot hereof do hereby consent to the dispute being heard and determined by the Commissioner, presiding over that conference.

(Matters in dispute)

.....
.....
.....
.....
.....
.....

Dated this.....day of....., 19.....

Affix seal where necessary,

.....
.....
.....
.....

(Parties)

104

Form 60 (Reg. 83)

Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No.....of 19.....

Between

.....

.....
Applicant.

and

.....

.....
Respondent.

WARRANT TO APPEAR AS AGENT

.....
(Full name in Block Letters)

of.....
(Address)

is hereby authorised to appear and act for *.....
.....
as agent in the abovementioned proceedings.

Dated thisday of....., 19.....

Affix seal where necessary.

.....

Signature of Party

Filed in my office thisday of....., 19.....

.....

Registrar

* Name of party for whom agent is appearing.

105

Form 61 (Reg. 84)
Industrial Arbitration Act, 1912
In The Western Australian Industrial Commission

No. of 19.....

Between

.....
.....
Applicant.

and

.....
.....
Respondent.

NOTICE TO ADMIT

To.....

TAKE NOTICE that you are required within seven days of receiving this notice to admit or deny in writing the following facts—

.....
.....
.....
.....

and TAKE FURTHER NOTICE that should you fail to reply to this notice within seven days or such other time as the Commission upon your application may direct you may be liable to pay the costs of establishing such facts before the Commission.

Dated this..... day of, 19.....

Affix seal where necessary
(Signature)

Filed in my office this..... day of, 19.....

.....
Registrar

106

Form 62 (Reg. 85)

Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. of 19.....

Between

.....

.....

Applicant.

and

.....

.....

Respondent.

SUMMONS TO WITNESS

Name in full, occupation and address

To.....
.....
.....
.....
.....

You are hereby summoned to appear before the abovenamed Commission at.....
on.....the.....day of....., 19.....,
at.....o'clock in the.....noon, and thereafter from day to day until dis-
charged from attendance, to give evidence concerning the abovementioned matter on
behalf of the applicant (respondent).

And you are also required to have and produce at the same time and place all books,
papers, or other documents in your possession or under your control in any way relating
to the proceedings in the said matter and in particular (but not exclusively) the following:-
.....
.....

If you fail or neglect to comply with this summons you are liable to a penalty.

Dated at....., this.....day of.....
19.....

Issued in the name of and on behalf of The Western Australian Industrial Commis-
sion.

.....
Registrar

107

Form 63 (Reg. 90)

Industrial Arbitration Act, 1912

In The Western Australian Industrial Commission

No. of 19.....

IN THE MATTER of the Industrial Arbitration Act, 1912

and

IN THE MATTER of *

* State nature of proceedings

DECLARATION OF SERVICE

I, (Full name in Block Letters)
of (Address) in the State of
Western Australia, (Occupation) do solemnly and
sincerely declare that on the day of
19....., I did serve (Description of documents served)
upon (Name of person or party served)
by (State method of service)
at (Place of service)

And I make this solemn declaration by virtue of section 106 of the Evidence Act, 1906.

Declared at in the State of Western Australia, this
..... day of, 19....
before me -
.....
J.P., Commissioner for Declarations or
other authorised person.

Filed in my office this day of, 19.....

Registrar

108
Form 64 (Reg. 97)
Industrial Arbitration Act, 1912

OATH OF OFFICE AND SECRECY

I, of
make oath and say as follows :-

1. That I have, as appears by notice in the Government Gazette of Western Australia, of the day of, 19....., been appointed as a member of The Western Australian Industrial Commission under the abovenamed Act.

2. That I will faithfully and impartially perform the duties of the office of such member and will not, except in the discharge of those duties, disclose to any person any evidence or other matter brought before the Commission.

Sworn at
in the State of Western Australia, this
..... day of, 19.....,
before me -

}

.....

.....
Judge of the Supreme Court
of Western Australia

Dated the day of, 1974.

By the Western Australian Industrial Commission,

B. M. O'SULLIVAN,
Chief Industrial Commissioner.

E. R. KELLY,
Commissioner.

D. E. CORT,
Commissioner.

J. R. FLANAGAN,
Commissioner.

B. J. COLLIER,
Commissioner.