



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

No. 17]

PERTH: THURSDAY, 28 FEBRUARY

[1985

INDUSTRIAL RELATIONS ACT 1979.

INDUSTRIAL RELATIONS COMMISSION
REGULATIONS 1985.

INDUSTRIAL RELATIONS COMMISSION
(RAILWAYS CLASSIFICATION
BOARD [ELECTIONS])
REGULATIONS 1985.

INDUSTRIAL RELATIONS COMMISSION
(GOVERNMENT SCHOOL TEACHERS
TRIBUNAL [ELECTIONS])
REGULATIONS 1985.

INDUSTRIAL RELATIONS ACT 1979-84.

PURSUANT to the powers conferred by section 113 of the Industrial Relations Act 1979 and all other powers hereunto enabling, the Western Australian Industrial Relations Commission hereby:

- (1) revokes the following regulations:
 - (a) The Industrial Commission Regulations 1980 as amended.
 - (b) The Government School Teachers Arbitration and Appeal Regulations 1980 as amended.
 - (c) The Public Service Arbitration Act Regulations 1978.
 - (d) The regulations made under the provisions of the Railways Classification Board Act 1920, and published in the *Government Gazette* on the 25th February, 1921, and amended from time to time thereafter; and
 - (e) The Government Employees (Promotions Appeal Board) Regulations.
- (2) makes the regulations set forth in the Schedule below so that the revocations referred to in paragraph (1) and the regulations referred to in paragraph (2) take effect on and from the 1st day of March, 1985.

Schedule.

REGULATIONS.

PART I—PRELIMINARY.

1. These regulations may be cited as the Industrial Relations Commission Regulations, 1985. Citation.
2. In these regulations, unless the contrary intention appears— Interpretation.
 - “form” means a form in the Schedule to these regulations;
 - “paragraph” means a paragraph of the regulation or subregulation in which the term is used;
 - “regulation” means a regulation of these regulations;
 - “subparagraph” means a subparagraph of the paragraph in which the term is used; and
 - “subregulation” means a subregulation of the regulation in which the term is used.

PART II—THE REGISTRY.

3. (1) All documents required to be filed or lodged under the Act or these regulations shall be filed or lodged as the case may be in office of the Registrar. Lodging documents.
- (2) Documents required to be filed or lodged under the Act or these regulations shall, unless in any particular case the Registrar or Deputy Registrar otherwise expressly approves, be filed not earlier than 10.00 a.m. and not later than 4.00 p.m. on any day on which the office of the Registrar is open for business.
- (3) Where a document is required to be filed or lodged within a prescribed time and the office of the Registrar is not open for business on the last day on which it may be filed or lodged, it shall be deemed to have been filed or lodged within time if it is filed or lodged on the first day thereafter upon which the office of the Registrar is open for business.
- (4) Every document required to be filed or lodged under the Act or these regulations and copies thereof for service shall be in the form required by these regulations clearly written or typed or reproduced on one side only with an adequate margin.
- (5) The clerk receiving documents shall not accept any document unless it has been completed in accordance with the Act and these regulations.
- (6) Except where otherwise provided by these regulations or otherwise directed by the Commission one copy of every document for the use of the Commission together with at least as many documents as there are parties shall be filed or lodged in the office of the Registrar.
4. (1) The Registrar shall issue all processes out of the Commission and keep a register of all proceedings in and orders made by the Commission. Procedure by Registrar.
- (2) Each document presented to the Registrar at his office for filing or issue under the Act or these regulations shall be stamped with the stamp of the Commission endorsed with the date and time of filing and be marked by the Registrar with some distinguishing number, and all documents filed and subsequent proceedings taken in the Commission with reference to any particular 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.

(3) Subject to these regulations upon documents being accepted for filing and the party lodging the documents completing the copies as endorsed by the Registrar the Registrar shall cause the copies to be stamped and returned to the party.

Direction to Registrar to investigate and report.

5. A direction under section 93 (8) of the Act may be given orally or in writing, but if given orally the direction shall be confirmed in writing.

Stamp of Commission.

6. (1) There shall be a stamp which shall bear the words "The Stamp of the Western Australian Industrial Relations Commission" and which shall provide for a date and a facsimile of the signature of the Registrar.

(2) The stamp shall be in the custody of the Registrar.

(3) In addition to any other requirement of these regulations the stamp shall be affixed by the Registrar or at his direction to all documents issued in his name in relation to proceedings before the Commission.

Seal of Commission.

7. (1) The Seal of the Commission shall bear the Royal Arms and the words "The Seal of the Western Australian Industrial Relations Commission".

(2) The Seal shall be in the custody of the Registrar.

(3) The Seal shall be affixed by the Registrar or at his direction to all awards and orders of the Commission and to such other documents as the Commission may direct.

PART III—COMMISSION PROCEEDINGS.

Applications to the Commission.

8. (1) Proceedings before the Commission however constituted, shall, except where it is otherwise provided by the Act or by these regulations, be commenced by Notice of Application in accordance with Form 1 to which shall be attached such statements, statutory or other declarations or other documents as are required by these regulations or as are directed by the Commission or by an officer authorized by the Commission, to be attached thereto.

(2) A Notice of Application shall—

(a) be signed by the applicant or his agent and where necessary be sealed by the applicant;

(b) accurately describe all of the parties to the application, and their respective addresses for service; and

(c) have attached a written statement of claim which clearly and concisely specifies the exact nature of the relief sought and the purpose of the application.

(3) Subject to these regulations on receiving an application the Registrar shall endorse on Form 1 whether an answering statement is required and if so in what time unless the applicant makes an application to the Commission for a shortened time for answers in which case the copies of the application required to be lodged by these regulations shall not be returned to the applicant until the application for shortened time for answers has been determined by the Commission.

(4) Subject to these regulations the time required for filing any answering statement shall be 21 days from the date of being served with the Notice of Application.

(5) The applicant may by separate application apply to the Commission to shorten the time required for filing an answer, in which case the application shall be lodged at the same time as the substantive application.

(6) An application to shorten the time for filing an answer need not be served on the respondent and shall be determined by the Commission after making such enquiries as it considers appropriate in the circumstances of the case.

Duties of the Registrar in respect of applications.

9. (1) The Registrar shall, upon and after the filing of an application in the Commission, take such action in respect of the application as the Chief Commissioner either generally or in the particular case may direct.

(2) The Registrar shall keep a Register wherein he shall enter each application filed in the Commission, the action taken by him in relation to it, and the date on which the action is taken.

(3) Unless in any particular case the Chief Commissioner otherwise directs, the Registrar shall present each application to the Chief Commissioner for allocation when he is satisfied that the procedures necessary to enable the matter to be listed for hearing, including, when appropriate, the procedures referred to in sections 29A (2), (3) and (4) of the Act, have been complied with.

(4) Where the Chief Commissioner directs that before the matter is allocated the issues to be referred to the Commission for determination by arbitration be settled, those issues shall be settled before the Registrar unless the Chief Commissioner otherwise directs.

10. (1) An application for an award shall in addition to any other requirement imposed by the Act or these regulations clearly and concisely indicate: Application for award.

- (a) the area of operation and the scope of the proposed award; and
- (b) where relevant the names of such number of employers as is reasonably representative of those who would by common rule be bound by the proposed award.

(2) On filing the application the applicant shall through the Registrar seek directions from the Commission as to service of the application.

(3) Upon the Commission giving directions as to service the Registrar shall forthwith inform the applicant who shall thereupon lodge with the Registrar for stamping as many copies of the application as there are persons directed to be served with the application.

(4) The applicant shall upon the return to him of the stamped copies of the application for the award, serve a copy of the application together with its attachments on those persons directed by the Commission to be served with the application.

(5) A respondent who is served with an application for an award and who desires to contest the claim or any provision sought by the applicant shall, within the time endorsed on Form 1 or within such additional time as may be allowed pursuant to these regulations, file an answering statement in the Commission.

(6) An answering statement shall be attached to Form 3 and shall specifically admit or dispute, either with or without qualification, each part of the claim made by the applicant.

(7) An answering statement may contain a counter proposal in which case the proposal shall be set out in such detail as to clearly specify the nature of the relief proposed.

(8) A respondent filing an answering statement shall file one copy for retention by the Commission and in addition at least as many copies as there are applicants.

(9) A respondent shall, upon the return to him of stamped copies of the answering statement, serve a copy thereof upon the applicant.

(10) The provisions of this regulation with respect to the time within which answering statements are to be filed apply, with such modifications as are necessary, with respect to replies to counter proposals and subject thereto the time to be endorsed on Form 3 shall be 14 days.

(11) At any hearing by the Commission of an application for an award, a party who was served with a copy of the claims or a copy of any counter proposals and who did not file an answering statement or a reply to the counter proposals, as the case may be, within the times respectively allowed pursuant to these regulations shall be heard with respect to those claims or counter proposals only by leave of the Commission and then only on such conditions as the Commission may impose.

(12) (a) The information to be published pursuant to section 29A (2) of the Act shall be in a form approved by the Commission.

(b) The applicant in proceedings to which section 29A (2) of the Act applies shall if the Registrar so requests and in the time required by him lodge with the Registrar a draft for settlement of the notice to be published in the *Industrial Gazette* containing the information required by the Act.

11. (1) An application to vary the area of operation or the scope of an award shall have attached a statement of— Application to vary area of operation of award.

- (a) the persons whom the applicant seeks to affect by the proposed variation; and
- (b) the grounds on which the application is made.

(2) Subject to subregulation (1) regulation 10 shall apply with such modifications as may be necessary to an application of the kind herein mentioned.

12. (1) An application to vary an award which does not involve variation of the area of operation or the scope of the award shall have attached a statement of particulars of the cancellation, amendment or variation sought and when the application is made during the specified term of the award a short description of the circumstances which have arisen to cause the application. Application to vary award.

(2) Where the application seeks to vary the award with respect to a specified party or specified parties only, the application shall so state.

(3) Where the award applies to more than one industry and the applicant seeks to vary the award in respect of a specified industry or specified industries only, the application shall so state.

(4) The application shall be served on all the named parties to the award unless at the time of filing the application the applicant requests the Commission for directions as to service of the application in which case the Registrar shall not return to the applicant copies of the application until the Commission has given directions as to service of the application.

(5) Where the Commission gives directions as to service, the Registrar shall forthwith inform the applicant who shall thereupon lodge with the Registrar for stamping as many copies of the application as there are persons directed to be served with the application.

(6) A respondent who is served with an application to vary an award and who desires to contest the claim or any provision sought by the applicant shall, within the time endorsed on Form 1 or within such additional time as may be allowed pursuant to these regulations, file an answering statement in the Commission.

(7) An answering statement shall be attached to Form 3 and shall specifically admit or dispute, either with or without qualification, each part of the claim made by the applicant.

(8) An answering statement may contain a counter proposal in which case the proposal shall be set out in such detail as to clearly specify the nature of the relief proposed.

(9) A respondent filing an answering statement shall file one copy for retention by the Commission and in addition at least as many copies as there are applicants.

(10) A respondent shall, upon the return to him of stamped copies of the answering statement, serve a copy thereof upon the applicant.

(11) The provisions of this regulation with respect to the time within which answering statements are to be filed apply, with such modifications as are necessary, with respect to replies to counter proposals and subject thereto the time to be endorsed on Form 3 shall be 14 days.

(12) At any hearing by the Commission of an application for a variation of award, a party who was served with a copy of the claims or a copy of any counter proposals and who did not file an answering statement or a reply to the counter proposals, as the case may be, within the time allowed pursuant to these regulations shall be heard with respect to those claims or counter proposals only by leave of the Commission and then only on such conditions as the Commission may impose.

(13) (a) The information to be published pursuant to section 29A (2) of the Act shall be in a form approved by the Commission.

(b) The applicant to proceedings to which section 29A (2) of the Act applies shall if the Registrar so requests and in the time required by him lodge with the Registrar a draft for settlement of the notice to be published in the *Industrial Gazette* containing the information required by the Act.

Application for joinder of party to award.

13. (1) There shall be attached to an application to join any employer, organization of employees or association as a party to an award a written statement specifying the grounds on which the application is made and facts to show that the applicant is entitled to make the application.

(2) On filing the application the applicant shall through the Registrar seek directions from the Commission as to service of the application.

(3) Unless in any particular case the Chief Commissioner directs otherwise, the Registrar shall give notice of the application in the *Industrial Gazette* and such notice shall advise that the application may be inspected by any interested person without charge and that any such person may, by giving written notice of objection to the Commission and to the applicant within 28 days of publication of the notice, appear and be heard on the hearing of the application.

Application for interpretation of award, and industrial agreement.

14. (1) There shall be attached to an application for interpretation of an award within the meaning of section 46 (5) of the Act a statement of—

- (a) the number and title of the award and the number of the clause or clauses under which the question arises;
- (b) the facts giving rise to the application; and
- (c) the question to which an answer is desired.

(2) An application under subregulation (1) shall be served on each named party to the award unless the Commission considers that service on every party to the award is not necessary and directs the applicant to give notice of the application in such terms as the Commission may direct in a newspaper circulating in the locality where the award applies.

Application for industrial agreement.

15. (1) An application for registration of an industrial agreement shall be accompanied by—

- (a) the agreement executed by all of the parties thereto; and
- (b) a statement which summarises any changes which the agreement effects in the relevant rates of pay and conditions of employment of the employees to whom the agreement relates and which states the grounds upon which it is contended that the agreement satisfies the requirements of section 41 (2) of the Act.

(2) (a) The information to be published pursuant to section 29A (2) of the Act shall be in a form approved by the Commission.

(b) The applicant to proceedings to which section 29A (2) of the Act applies shall if the Registrar so requests and in the time required by him lodge with the Registrar a draft for settlement of the notice to be published in the *Industrial Gazette* containing the information required by the Act.

(3) Upon the registration of an industrial agreement the Registrar shall number the agreement in the Register of Industrial Agreements.

16. The notice signifying intention to retire from an industrial agreement shall be in accordance with Form 4 and be filed in the office of the Registrar and be served forthwith by the party retiring on each other party to the agreement.

Retirement from industrial agreement.

17. (1) The notice signifying concurrence with an industrial agreement shall be in accordance with Form 5 and shall be filed in the office of the Registrar.

Concurrence with industrial agreement.

(2) A separate form shall be so filed by each organization, association or employer, so concurring.

18. (1) There shall be attached to an application to join any employer or organization of employees as a party to an industrial agreement a statement specifying the grounds on which the application is made and the facts to show that the applicant is entitled to make the application.

Application for joinder of party to industrial agreement.

(2) On filing the application the applicant shall through the Register seek directions from the Commission as to service of the application.

(3) Unless in any particular case the Chief Commissioner directs otherwise, the Registrar shall give notice of the application in the *Industrial Gazette* and such notice shall advise that the application may be inspected by any party to the award without charge and that any such party may, by giving written notice of objection to the Commission and to the applicant within 28 days of publication of the notice, appear and be heard on the hearing of the application.

19. (1) Subject to this regulation the provisions of regulation 15 with such modifications as may be necessary apply to any industrial agreement which varies, renews, or cancels another industrial agreement.

Variation of industrial agreement by consent.

(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.

20. (1) An application by any party to an industrial agreement to cancel, amend or vary any provision thereof shall include particulars of the cancellation, amendment or variation sought and a short description of the circumstances which have arisen to warrant the application.

Application to Commission to amend industrial agreement.

(2) The applicant shall upon the return to him of the stamped copies of the application, serve a copy together with its attachments on each other party to the agreement.

(3) A respondent who is served with an application and who desires to contest the claim or any provision sought by the applicant shall, within the time endorsed on Form 1 or within such additional time as may be allowed pursuant to these regulations, file an answering statement in the Commission.

(4) An answering statement shall be attached to Form 3 and shall specifically admit or dispute, either with or without qualification, each part of the claim made by the applicant.

(5) An answering statement may contain a counter proposal in which case the proposal shall be set out in such detail as to clearly specify the nature of the relief proposed.

(6) A respondent shall, upon the return to him of stamped copies of the answering statement, serve a copy thereof upon the applicant.

(7) The provisions of this regulation with respect to the time within which answering statements are to be filed apply, with such modifications as are necessary, with respect to replies to counter proposals and subject thereto the time to be endorsed on Form 3 shall be 14 days.

(8) At any hearing by the Commission of an application, a party who was served with a copy of the claims or a copy of any counter proposals and who did not file an answering statement or a reply to the counter proposals, as the case may be, within the time allowed pursuant to these regulations shall be heard with respect to those claims or counter proposals only by leave of the Commission and then only on such conditions as the Commission may impose.

21. (1) An application for relief under section 29 (b) of the Act shall include a statement in summary form of the material facts on which the applicant relies, and shall specify the nature of the relief sought.

Applications by individual employees.

(2) The applicant shall upon the return to him of the stamped copies of the application serve a copy of the application together with its attachments on each respondent.

(3) A respondent who is served with an application and who desires to contest the claim or any provision sought by the applicant shall, within the time endorsed on Form 1 file an answering statement in the Commission.

(4) An answering statement shall be attached to Form 3 and shall in summary form specify the facts on which the respondent relies and admit or dispute, either with or without qualification, each part of the claim made by the applicant.

(5) A respondent shall, upon the return to him of stamped copies of the answering statement serve a copy thereof upon the applicant.

(6) At any hearing by the Commission of an application a party who was served with a copy of the application and who did not file an answering statement within the time allowed pursuant to these regulations shall be heard on such conditions as the Commission may impose.

PART IV—CONFERENCES.

- Orders under section 32. 22. A direction or an order made by the Commission under section 32(3) of the Act when given or committed to writing shall be under Seal and shall be served by the Registrar or by such other person as the Commission may direct, on such person or persons as the Commission may direct.
- Compulsory conference. 23. (1) An application for a conference under section 44 of the Act shall set out the reasons for which the conference is sought.
(2) No answering statement need be filed to an application for a conference under section 44.
(3) A summons to a conference under section 44 of the Act may be given by a Commissioner or by any officer of the Commission at the direction of a Commissioner, orally, in writing, by telephone, by telex, by telegram or by any electronic means.
- Memorandum following compulsory conference. 24. Where at the conclusion of a conference under section 44 of the Act a matter is to be heard and determined by the Commission, the Commissioner presiding over the conference shall draw up or cause to be drawn up and sign, a memorandum of the matter requiring hearing and determination and for that purpose may direct parties to file in the Commission, statements of claim, answers, counterproposals and replies in such manner and within such time as the Commission sees fit.

PART V—BOARDS OF REFERENCE.

- Boards of Reference. 25. (1) Nomination of an employees' representative by an organization or association of employees shall be made to the Chief Commissioner in writing.
(2) Nomination of an employers' representative shall be made in writing by not less than three employers concerned or by the actual number concerned if less than three.
(3) Where more than one organization of employees is a party to the award, the manner of nomination and appointment of employee's representatives shall be as directed by the Chief Commissioner.
(4) Where an award applies to more than one location application may be made to the Chief Commissioner to limit the appointment of representatives or any of them to a specified location or locations.
- Appeals from Boards of Reference. 26. (1) An appeal from a decision of a Board of Reference shall be in accordance with Form 6 and forthwith after being filed, shall be served by the appellant on every other party to the proceedings before the Board of Reference or on the agent who represented that party.
(2) Subject to subregulation (3), the filing of an appeal under subregulation (1) shall stay the operation of the decision which is the subject of the appeal.
(3) Upon application made by any person referred to in subregulation (1) the Commission may, subject to such conditions as it may determine, direct that a decision which is subject to an appeal shall continue to operate according to its tenor pending the determination of the appeal.
(4) An application under subregulation (3) shall, after being filed, be served forthwith on each other person referred to in subregulation (1) but before effecting service the applicant shall ascertain the date of hearing and endorse it on Form 1.

PART VI—GENERAL ORDERS.

- Notice of General Orders. 27. Where, pursuant to section 50 (5) of the Act the Commission in Court Session makes a General Order which applies in substitution for, or in addition to, or operates to vary provisions of any Act specified in the General Order, the Registrar shall give notice forthwith to that effect in the *Industrial Gazette* and, in two consecutive weeks, in a newspaper having circulation throughout the State.
- General Orders and minimum wages. 28. The provisions of regulation 27 with such changes as are necessary apply with respect to any General Order to the extent that the General Order prescribes a minimum wage which is payable to employees who are not employed under awards.

PART VII—APPEALS.

- Appeals to Full Bench. 29. (1) An appeal to the Full Bench from a decision of the Commission shall be filed in accordance with Form 7 and be accompanied by a statement specifying briefly, but specifically, the grounds relied upon in support of the appeal, and what decision the appellant seeks in lieu of that appealed from.

(2) Without affecting the specific provision of the foregoing subregulation, it is not sufficient to allege that a decision or part of it is against the evidence or the weight of evidence or that it is wrong in law; the notice must specify the particulars relied on to demonstrate that it is against the evidence and the weight of evidence and the specific reasons why it is alleged to be wrong in law.

(3) In the case of an appeal from a decision which is a finding the statement setting out the grounds of appeal shall in addition briefly state the reasons why it is considered that the matter is of such importance that in the public interest an appeal should lie.

(4) The appellant shall upon the return to him of the stamped copies of the notice of appeal serve a copy of the notice on each person who was a party to the proceedings before the Commission or on the agent or solicitor who represented that party.

(5) Upon proof of service of the notice of appeal on the parties required in subregulation (4) the Registrar shall transmit the appeal to the Chief Commissioner to be listed for hearing.

(6) Upon application made by any person who has a sufficient interest the President may, subject to such conditions as he determines, order that the operation of the decision appealed against be stayed wholly or in part pending the hearing and determination of the appeal.

(7) An application under subregulation (6) shall be filed in the office of the Registrar and be in accordance with Form 1.

(8) Before returning the stamped copies of the application for an order staying the operation of a decision the Registrar shall ascertain the date of hearing from the President and endorse it on Form 1.

(9) The applicant shall, on the return to him of the stamped copies of the application, serve it on each person referred to in subregulation (4).

(10) The appellant shall, within 7 days of filing a notice of appeal, lodge in the Commission, three copies of an appeal book prepared and bound in such manner as the Registrar may approve and unless in any particular case the Registrar directs otherwise, each appeal book shall contain—

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

(11) The Registrar shall not accept an appeal book unless all documents contained therein are clearly legible.

(12) The appellant shall, after lodging the appeal books, serve a copy on each person referred to in subregulation (4).

(13) The provisions of these regulation relating to appeals to the Full Bench from a decision of the Commission shall apply, so far as is practicable and with such modifications to forms as are necessary, to and in relation to appeals to the Full Bench from a decision of an Industrial Magistrate.

30. (1) An appeal against a decision of the Director of Industrial Training under section 37C of the Industrial Training Act, 1975 shall be initiated in accordance with regulation 23 of the Industrial Training (General Apprenticeship) Regulations 1981 as amended.

Appeals from decision of Director of Industrial Training.

(2) The Registrar of Industrial Training shall provide to the Commission—

- (a) proof that all parties to the appeal have been notified of the appeal and have received a copy of the notice of appeal;
- (b) copies of the decision and reasons for decision, the subject of the appeal; and
- (c) any papers relevant to the appeal which are held by the Registrar of Industrial Training or by the Director of Industrial Training.

(3) The Commission shall give notice to the parties to the appeal of the time and date fixed for the hearing of the appeal, which notice shall not, except with the agreement of all parties, be less than 7 days before the day fixed for the hearing.

(4) On determination of the appeal the Registrar shall notify the Registrar of Industrial Training and the parties to the appeal of the Commission's decision and shall return to the Registrar of Industrial Training all papers provided to the Commission by him.

31. (1) An application to the Commission in Court Session for a review of any decision or settlement given or effected by Western Australian Coal Industry Tribunal shall be in accordance with Form 1.

Review of decisions of the Western Australian Coal Industry Tribunal,

(2) Three copies of the application shall be filed in the office of the Registrar and there shall be attached to each such copy a statement specifying briefly, but specifically, the grounds relied upon in support of the application and what determination the applicant seeks in lieu of that made by the Tribunal.

(3) Without affecting the specific provisions of the foregoing subregulation, it is not sufficient to allege that a decision or part of it is against the evidence or the weight of evidence or that it is wrong in law; the notice must specify the particulars relied on to demonstrate that it is against the evidence and the weight of evidence and the specific reasons why it is alleged to be wrong in law.

(4) Where the statement of grounds of the application for review do not in the opinion of the Registrar comply with this regulation the Registrar shall before returning the stamped copies of the application refer the question to the Chief Commissioner for his direction.

(5) The application, after being filed, shall, together with the attachments, be served forthwith upon each other party to the proceedings before the Tribunal and on the clerk to the Western Australian Coal Industry Tribunal.

(6) The applicant shall, within 7 days of filing an application for review, lodge in the Commission three copies of an appeal book prepared and bound in such manner as the Registrar may approve and unless in any particular case the Registrar directs otherwise, each book shall contain—

- (a) a copy of the application or reference instituting proceedings before the Tribunal;
- (b) where applicable, a copy of that part or those parts of the transcript containing the matters relevant to the review which were before the Tribunal;
- (c) a copy of the decision or settlement which is the subject of the application and the Tribunal's reasons therefore; and
- (d) a copy of all relevant exhibits tendered during those proceedings.

(7) The receiving clerk shall not accept an appeal book unless all documents contained therein are clearly legible.

(8) The applicant shall after lodging the appeal books, serve a copy on each other party to the proceedings before the Tribunal.

(9) Upon proof of service of the notice of appeal on the parties required in subregulation (5) the Registrar shall transmit the application to the Chief Commissioner to be listed for hearing.

(10) On determination of the application to review the Registrar shall notify the clerk to the Tribunal of the Commission's decision.

PART VIII—GOVERNMENT SCHOOL TEACHERS TRIBUNAL

Interpretation to this Part.

32. In this Part of these regulations the terms "Chairman", "Department", "Director-General", "teacher" and "Tribunal" shall, unless the context otherwise requires, have the same meaning as that attributed to those terms in Division 1 of Part IIA of the Act.

Lodging documents.

33. Except where otherwise provided by these regulations or otherwise directed by the Chairman three copies of every document for the use of the Tribunal together with at least as many documents as there are respondents shall be filed or lodged with the Registrar.

Appeals by government teachers.

34. (1) An appeal to the Tribunal under section 78 (1) (b) of the Act shall be commenced by filing a notice of appeal in accordance with Form 8.

(2) A notice of appeal shall clearly and concisely set out the grounds of the appeal and shall be signed by the appellant or his agent.

(3) An appeal under section 78 (1) (b) (i) of the Act shall be made within 14 days of the date on which the notice given under the Education Act Regulations, 1960 of the decision with respect to which the appeal is made, is served or deemed to have been served on the appellant.

(4) An appeal under section 78 (1) (b) (ii) of the Act may be made at any time.

(5) An appeal under section 78 (1) (b) (iii) and section 78 (1) (b) (iv) of the Act shall be made within 30 days of the date of the decision appealed against.

(6) Notwithstanding subregulations (3) and (5) of this regulation, where a teacher is employed in a remote locality or is temporarily absent from his school, he may lodge notice of an appeal by telegram within the time prescribed in subregulation (3) or (5) as the case requires, if notice of appeal is lodged in accordance with subregulation (1) within 7 days next following the last day under subregulation (3) or (5), as the case requires, and an appeal so made is deemed to have been made within the time prescribed by subregulations (3) and (5).

(7) The appellant shall upon the return to him of the stamped copy of the notice of appeal serve or cause to be served a copy of the notice on the Director-General.

(8) Upon proof of service of the notice of appeal the Registrar shall remit the appeal for hearing.

35. For the purposes of the interpretation of that term in subsection (1) of section 80 of the Act—
 “efficiency” means special qualifications, aptitude and experience for the position to be filled together with diligence, good conduct of the teacher and his status at the time of the application but any service by him in an acting capacity shall be disregarded. Efficiency.
36. A teacher’s service for the purpose of calculating his seniority shall be deemed to have commenced on the 1st January of the year in which the teacher commenced full-time employment with the Department if the teacher’s continuous full-time service with the Department commenced on or before the 30th March in that year. Seniority of government teachers.
37. The class of office in respect of which an appeal does not lie pursuant to section 78 (2) (c) is the class of office declared as “special positions” under Section F of Division 6 of Part IV of the Education Act Regulations, 1960. “Special Positions”.
38. A conference held in pursuance of section 32 of the Act or pursuant to section 44 of the Act shall be convened by and before the Chairman, who may exercise the powers therein vested in the Commission. Conferences.
39. An application required by these regulations to be made in Chambers shall be made before the Chairman and be determined by him. Chambers.
40. (1) Where any notice or document is required to be served under the Act or these regulations on a teacher such service may in addition to any method of service prescribed by these regulations be effected—
 (a) by personal service on the teacher;
 (b) by posting the notice or document to the teacher at the school at which the teacher is employed; or
 (c) if service is to be effected during summer vacation as defined under the Education Act Regulations, 1960, by posting the notice or document to the teacher by post to the last known postal address of the teacher. Service.
- (2) Service of any document or notice for the purposes of the Act on the Minister or the Director-General may in addition to any other method of service prescribed by these regulations be effected by personal delivery to the Department or by post to the address of the Department.
41. The Chairman shall give all such directions and do all such things as he deems necessary and expedient to give effect to the intention of the Act and these regulations. Directions.
42. (1) The Tribunal may in writing signed by the Chairman approve of the payment of such amounts as it thinks reasonable as reimbursement for expenses incurred in relation to proceedings under section 78 (1)(b)(i) of the Act by—
 (a) the appellant or respondent in respect of travelling and for board and lodging where it is necessary to attend at the hearing of an appeal at a town or city other than where the appellant or respondent, as the case may be, is ordinarily employed; and
 (b) any witness in respect of time lost from his employment in attending at the hearing of the appeal, in travelling and for board and lodging associated with the attendance, provided that if in the opinion of the Tribunal the evidence of any witness was not relevant to the case no reimbursement of expenses shall be approved by the Tribunal for those witnesses. Out of pocket expenses of appellants, respondents and witnesses.
- (2) Upon receipt of notification in writing from the Chairman the Registrar shall cause the appellant, respondent or witness as the case may be to be paid the sum approved by the Tribunal.

PART IX—PUBLIC SERVICE ARBITRATION.

43. In this part of these regulations the terms “Arbitrator”, “Association”, “Board”, “employer” and “Government officer” shall, unless the context otherwise requires have the same meaning as is attributed to those terms in Division 2 of Part II A of the Act. Interpretation in this Part.
44. (1) An application in respect of a claim under sections 80E (2)(a) and 80E (2)(b) of the Act shall be commenced by filing a Notice of Appeal in accordance with Form 9. Reclassification appeals.
- (2) The notice of appeal shall clearly and concisely set out the grounds of appeal and shall be signed by the appellant or his agent.
- (3) A claim under section 80E (2)(a) or 80E (2)(b) of the Act may be made at any time, provided however that in respect of a claim under section 80E (2)(a) not more than one claim shall be made in relation to the same office within a period of 12 months unless the duties and responsibilities of that office are altered within this period.
- (4) The appellant shall upon the return to him of the stamped copy of the notice of appeal serve or cause it to be served on his employer, and if the employer is not the Public Service Board, one copy on the Public Service Board.

(5) Upon proof of service of the notice of appeal on the employer and the Public Service Board as the case may be the appellant may apply to the Registrar for a date of hearing.

Public Service Appeal Board. 45. (1) An appeal to the Board under section 80I (1) of the Act shall be commenced by filing a Notice of Appeal in accordance with Form 10.

(2) An appeal shall be commenced within 21 days after the date of the decision, determination or recommendation in respect of which the appeal is made or where that decision, determination or recommendation is published in the *Government Gazette* within one month of the date of that publication.

(3) A notice of appeal shall clearly and concisely set out the grounds of appeal and be signed by the appellant.

(4) The appellant shall at the time of filing the notice of appeal lodge with the Registrar at least three copies of the notice for use of the Board and at least as many additional copies as there are respondents to the appeal.

(5) The appellant shall on return to him of the stamped copy of the notice of appeal serve it on the respondent.

(6) Upon proof of service of the notice of appeal on the respondent the appellant may request that the appeal be set down for hearing.

(7) The Chairman shall fix the date, time and place for the hearing of the appeal and shall cause the Registrar to arrange a sitting of the Board and notify the parties.

(8) The parties shall be given not less than 14 days notice of the hearing of the appeal, unless the Chairman otherwise directs.

(9) No appeal shall be heard by the Board unless the appellant supplies the Board at least 4 days prior to the hearing with three copies of a statement in writing of the facts on which the appellant relies and also serves a copy of the same statement on the other party to the appeal or his representative.

PART X—RAILWAYS CLASSIFICATION BOARD.

Interpretation of this Part. 46. In this Part of these regulations the terms "Board", "head of branch", "member", "Minister for Railways", "Railways Commission", "salaried position" and "sub-head of branch" shall, unless the context otherwise requires have the same meaning as is given to those terms in Division 3 of Part IIA of the Act.

47. Except where otherwise provided by these regulations or otherwise directed by the Chairman of the Board three copies of every document for the use of the Board together with at least as many documents as there are parties shall be filed or lodged with the Registrar.

Classification appeals. 48. (1) An application in respect of a matter referred to in section 80R (2) of the Act shall be commenced by Notice of Appeal in accordance with Form 9.

(2) The notice of appeal shall clearly and concisely set out the grounds of appeal and shall be signed by the appellant or his agent.

(3) An application may be commenced at any time but not more than one application shall be made concerning the classification or reclassification of the same salaried position within a period of 12 months unless the duties and responsibilities of that position have altered within that period.

(4) The appellant shall upon the return to him of the stamped copy of the notice of appeal serve or cause it to be served on the Railways Commission.

(5) Upon proof of service of notice of appeal the appellant may apply to the Registrar for a date of hearing.

Conferences. 49. A conference held pursuant to section 32 or 44 of the Act shall be convened by and held before the Chairman who may exercise all of the powers therein vested in the Commission.

Chambers. 50. An application required by these regulations to be made in Chambers shall be made before the Chairman and be determined by him.

Service on Railways Commission. 51. Service of any document or notice for the purposes of the Act or these regulations may in addition to any other method of service prescribed by these regulations be effected by personal delivery to the head of branch to whom the railway officer is ultimately responsible, or by post to the address of the Railways Commission.

Directions. 52. The Chairman shall give all such directions and do all such things as he deems necessary or expedient to give effect to the intention of the Act and these regulations.

PART XI—PROMOTIONS APPEAL BOARD.

Interpretation in this Part. 53. In this Part of these regulations the terms "Board", "eligible employee", "office", "organization", "promotion", "promoting authority", "relevant organization" and "vacant office" shall, unless the context otherwise requires, have the same meaning as is attributed to

those terms in Division 4 of Part II A of the Act, and the term “prescribed employees” in relation to any vacant office shall mean all employees of the promoting authority in which the vacancy exists.

54. (1) Whenever notice of a vacancy or of the creation of a new office is required to be published pursuant to section 80Y (1) (a) of the Act such notice shall be published in the manner following—

Publication of notice of vacancy or new office.

- (a) by insertion of such notice in any gazette, circular, weekly notice or other publication, if any, to which prescribed employees usually have access; or
- (b) where no such gazette, circular, weekly notice or other publication exists, by attaching copies of such notice on the official notice boards of the promoting authority.

(2) When in the opinion of the promoting authority publication of a notice in the manner hereinbefore prescribed is not reasonably practicable or would not be sufficient to afford all prescribed employees a reasonable opportunity to apply for the vacancy or new office, the promoting authority may, either in lieu of or in addition to publication as aforesaid, serve a copy of such notice on every prescribed employee eligible for promotion to such vacancy or new office. Provided that publication in the manner prescribed in paragraph (1) of this regulation shall not be dispensed with except with the approval of the Chairman of the Board.

55. The date on or before which applications for promotion shall be receivable by the promoting authority concerned shall not be less than 14 days after the date of publication of the notice as hereinbefore prescribed.

Date for lodgment of applications for vacancy or new office.

56. A notice of vacancy or new office published in accordance with regulation 54 of these regulations shall specify, in addition to the date on or before which applications shall be receivable, the title or description of such vacancy or new office, the official item number, if any, the classification or remuneration attaching thereto and the name and address of the promoting authority by whom applications are receivable.

Notice of vacancy or new office.

57. A notice giving particulars of the recommendation for promotion made by the promoting authority concerned, which such promoting authority is required to serve on each and every applicant pursuant to section 80Y(1)(d) of the Act, shall be in accordance with Form 11 and shall be served on all applicant employees not recommended within 21 days after the date on which the recommendation was made.

Service of notice of promotion.

58. After service of the notice referred to in the next preceding regulation the promoting authority shall forthwith notify the Registrar in writing in accordance with Form 12 that it has caused such notice to be served in accordance with section 80Y(1)(d) of the Act upon the applicants named in such notification.

Promoting authority to notify Registrar of service of notice of recommendation on applicants.

59. An appeal pursuant to section 80ZA of the Act shall be instituted by filing one copy of a Notice of Appeal in accordance with Form 13.

Form of appeal.

60. (1) Subject as hereinafter provided an appeal pursuant to section 80ZA of the Act shall be instituted within 14 days of the date on which notice referred to in regulation 57 of these regulations is served or deemed to have been served on the appellant.

Time for lodging appeals.

(2) Notwithstanding subregulation (1) where an employee is employed in a remote locality or is temporarily absent from work he may lodge notice of an appeal by telegram within the time prescribed by subregulation (1) if a notice of appeal is lodged in accordance with regulation 59 within 7 days next following the last day under subregulation (1) and an appeal so made is deemed to have been made within the time required by subregulation (1).

61. (1) Upon the expiration of the time prescribed for lodgment of appeals in respect of any vacancy or new office the Registrar shall forthwith notify the Chairman of the Board of the appeals (if any) which have been lodged and the Chairman shall as soon as conveniently may be thereafter fix the date, time and place of the hearing of such appeals.

Registrar notify Chairman if appeals are lodged, otherwise promoting authority.

(2) If upon the expiration of the time aforesaid no appeals have been lodged the Registrar shall forthwith notify the promoting authority in writing accordingly.

62. The Registrar shall give to—

- (a) the appellant or to each appellant if there is more than one;
- (b) the person named in the notice of intention to promote;

Form of notice of hearing appeal.

- (c) the promoting authority together with the names and other relevant particulars of all appellants; and
- (d) the representative of the relevant organization or the appellant or appellants as the case may be,
- at least 7 days notice or such shorter time as the Chairman of the Board may allow of the date, time and place of the hearing of an appeal, in accordance with Form 14.
- Nomination of Board member by promoting authority. 63. (1) When an appeal is instituted the Registrar shall, in accordance with Form 15, request the promoting authority to nominate a person to serve as its representative on the board pursuant to section 80Z(2) (b) of the Act.
- (2) The promoting authority shall forthwith upon receipt of the request referred to in subregulation (1) of this regulation notify the Registrar in accordance with Form 16, of the nomination.
- (3) The requirements of subregulations (1) and (2) of this regulation shall not be required to be observed in each appeal where the promoting authority nominates in writing a person or a number of persons in order of priority in accordance with Form 16 in the schedule to these regulations to serve as its representative on the Board and such nomination or nominations shall continue in force until withdrawal in writing by the promoting authority is received by the Registrar or until a person declines to continue as a nominee.
- Registrar to serve notice on relevant organization requesting nomination of employees' representative. 64. (1) When an appeal is lodged the Registrar shall in accordance with Form 17 request the relevant organization to nominate a person to serve as its representative on the board pursuant to section 80Z(2) (c) of the Act.
- (2) Each relevant organization requested to nominate a person in accordance with subregulation (1) of this regulation shall deliver to the Registrar its nomination in accordance with Form 18.
- (3) The requirements of subregulations (1) and (2) of this regulation shall not be required to be observed in each appeal where the relevant organization nominates in writing a person or number of persons in order of priority in accordance with Form 19 to serve as its representative on the Board and such nomination or nominations shall continue in force until withdrawal in writing by the relevant organization is received by the Registrar or until a person declines to continue as a nominee.
- Appellant required to nominate a representative. 65. (1) Where, pursuant to section 80Z(2) (c) of the Act, the Registrar requests an appellant or appellants, as the case may be, to appoint or nominate a person to serve as his representative on the Board, the request shall be made in accordance with Form 20.
- (2) The nomination by an appellant or appellants, requested in accordance with subregulation (1) of this regulation, shall be made to the Board in accordance with Form 18.
- Appellant failing to appoint employees' representative deemed to have abandoned appeal. 66. If an employee appellant who has been served with a notice in accordance with regulation 65 of these regulations fails to appoint an employees' representative at least 7 days before the date fixed for the hearing of the appeal, he shall be deemed to have abandoned his appeal.
- Registrar to confer where disagreement on nomination. 67. (1) Where there is more than one relevant organization or more than one appellant concerned in an appeal and a person is not nominated unanimously by the respective organizations or appellants, as the case may be, to serve as the representative on the Board, the Chairman may direct the Registrar to confer with each organization or appellant with a view to obtaining unanimity in the nomination.
- (2) Where notwithstanding subregulation (1) of this regulation the organizations or appellants fail to reach unanimity in the nomination the Chairman of the Board, pursuant to section 80Z(4) of the Act shall select one of the nominees and the Registrar shall notify each relevant organization or each appellant of the name of the person selected.
- If only one nomination received from organizations. 68. If at the expiration of the time appointed for the closing of nominations by the relevant organizations only one person has been nominated to be a representative on the Board, such person shall be deemed to be the nominated representative of all the relevant organizations.
- If only one nomination received from appellants. 69. If at the expiration of the time appointed for the closing of nominations by the appellants only one person has been nominated to be a representative on the Board, such person shall be deemed to be the nominated representative of all the appellants.
- Withdrawal of appeal. 70. If an appellant desires to abandon his appeal he shall notify the Registrar in writing or by telegram at least 4 days before the date fixed for the hearing.
- Service of notices. 71. The service of any notice or other document required by the Act or by these regulations to be served on any person may in addition to any other method prescribed by these regulations be effected by posting the notice or document to him as a letter through the Government Correspondence Despatch Office, when such Office provides facilities for delivery, addressed to such person at his usual or last known place of employment or business.

72. (1) The Board may in writing signed by the Chairman approve of the payment of such amounts as it thinks reasonable as reimbursement for expenses incurred in relation to proceedings under Division 4 of Part IIA of the Act by—

- (a) the appellant or respondent in respect of travelling and for board and lodging where it is necessary to attend at the hearing of an appeal at a town or city other than where the appellant or respondent, as the case may be, is ordinarily employed; and
- (b) any witness in respect of time lost from his employment in attending at the hearing of the appeal, in travelling and for board and lodging associated with the attendance, provided that if in the opinion of the Board the evidence of any witness was not relevant to the case no reimbursement of expenses shall be approved by the Board for those witnesses.

(2) Upon receipt of notification in writing from the Chairman the Registrar shall cause the appellant, respondent or witness as the case may be to be paid the sum approved by the Board.

Out of pocket expenses of appellants, respondents and witnesses.

PART XII—ENFORCEMENT OF ACT.

73. (1) An application for enforcement under section 84A of the Act shall be made by filing a Notice of Application in accordance with Form 21.

(2) Where the application is made by the Registrar or a Deputy Registrar to enforce a direction, order or declaration made under section 32(3), or in respect of a contravention or failure to comply with section 44(3) a copy of the direction given to the Registrar shall be attached to the summons.

(3) A direction to the Registrar or Deputy Registrar referred to in sections 84A(2) and 93(9) of the Act shall be given by a Commissioner in writing.

(4) Where the application is made other than by the Registrar or a Deputy Registrar at the direction of the Commissioner there shall be attached to the application a statement in summary form of the circumstances giving rise to the application.

(5) The Registrar shall ascertain from the President a date to be specified in the summons endorsed on the notice of application and that date shall not without good cause be less than 14 days from the date on which the notice of application is filed in the Registrar's office.

(6) The Registrar shall forthwith cause the notice of application to be served on the respondent and in any event not less than 7 days before the date set for hearing of the application.

(7) The applicant shall appear in person or be represented at the hearing of the application.

Proceedings before the Full Bench for enforcement of the Act.

PART XIII—PROCEDURE GENERALLY.

74. (1) A person who is entitled to be heard in objection to any application and who desires to be so heard shall, except where the Act or these regulations provide otherwise, file a notice of objection in the Commission in accordance with Form 22 and serve it on the person to whom the objection is directed not less than 7 days before the hearing of the matter which is the subject of the objection.

(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.

75. (1) Subject to subregulation (3) an applicant may withdraw or wholly discontinue an application against any respondent or withdraw any part of the claim contained in the application at any time before it has been set down for hearing by filing a notice in accordance with Form 23 in the office of the Registrar.

(2) A copy of the notice shall after being filed be served on every respondent directly affected by it.

(3) Where a counterproposal has been filed in answer to an application the application may only be withdrawn under the provisions of subregulation (1) with the consent of the respondent making the counter-proposal endorsed on Form 23.

(4) Save as in this regulation otherwise provided it shall not be competent for an applicant to withdraw or discontinue the application without leave of the Commission but the Commission may before, at or after the hearing, order the application be discontinued or dismissed or any part of it be struck out.

76. (1) Where all necessary procedure has been completed, any party to an application may apply in writing to the Registrar for a date and place to be fixed for the hearing of the application.

(2) Except where otherwise provided in the Act or in these regulations, each party to any proceedings shall be given at least 7 days' notice (or such shorter notice as the Commission may direct) in accordance with Form 24 of the time and place fixed for hearing.

General form of objection.

Discontinuance of application.

Application for and notice of hearing.

(3) Notwithstanding subregulation (1), a matter may be listed for hearing by the Commission without a request from any party where the Commission considers it appropriate in the circumstances of the case to do so.

Procedure before Commission.

77. (1) Subject to subregulations (2) and (3), the procedure before the Commission shall be as follows—

- (a) the applicant shall state his case and 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 paragraphs (b), (c) and (d) shall apply with such modifications as are necessary; and
- (f) the applicant may then address and call witnesses in respect of any counter-proposal of the respondent.

(2) The procedure in subregulation (1) 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 intervener shall be as directed by the Commission.

(4) In proceedings in the nature of an appeal against promotion heard before a constituent authority the procedure shall be as follows—

- (a) the promoting authority shall state its case and shall then call witnesses to support its recommendation;
- (b) each appellant in order of time of lodging his appeal shall be entitled to cross-examine witnesses called by the promoting authority and the promoting authority shall be entitled to re-examine its witnesses on the same terms and conditions as set out in subregulations (1) (b) and (1) (c) hereof;
- (c) the case for the promoting authority shall then close; and
- (d) each appellant in order of time of lodging his appeal shall state his case and call witnesses in support thereof and the provisions of subparagraph (b) shall apply with such modifications as are necessary.

Extension or abridgement of time.

78. (1) A party to any matter before the Commission may apply to the Commission to extend or abridge the time prescribed for doing any act or thing.

(2) An application to extend or abridge the time for doing any act or thing shall unless the Commission otherwise directs be made to the Commission in Chambers.

(3) An application to extend the time for the doing of any act or thing shall be made to the Commission before that time has expired.

(4) The applicant shall attach to his application a written statement specifying the period of extension or abridgement as the case may be which is sought and the grounds on which the application is made.

(5) Unless the Commission otherwise directs it shall not be necessary to serve the application which may be determined by the Commission after making such enquiries as it considers appropriate to the circumstances of each case.

(6) Subregulation (4) does not apply if all of the persons concerned consent to the extension of time and endorse the application accordingly.

Notice to admit.

79. (1) In relation to any matter before the Commission any party to a matter before the Commission may, at least 10 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 25 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 7 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), the party giving the notice shall forthwith file the reply with the Registrar.

(4) In the case of a failure to reply to a notice to admit within the time prescribed or directed the Commission may direct the party in default to pay the costs of establishing the fact referred to in the notice.

Production of documents.

80. (1) A party to any proceedings before the Commission may apply to the Commission in Chambers 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) There shall be attached to the application a written statement of the grounds on which the application is made.

(3) It shall not be necessary for the respondent to file an answer to the application but the application shall not be listed for hearing until proof of service on the party to whom the application is directed has been filed in accordance with Form 2.

(4) Notwithstanding the provisions of the foregoing subregulations the Commission may at any stage during the hearing of any matter before it permit an application to be instituted orally for the production of documents upon such terms as the Commission thinks just.

81. (1) A party to any matter before the Commission or a person intending to become a party thereto may apply to the Commission in Chambers for an order that any other party to the matter furnish further and better particulars of any claim, answer, counter proposal or any other matter stated in or in relation to the matter. Further particulars.

(2) The application shall detail the nature of the particulars sought.

(3) It shall not be necessary to file an answer to the application but the application shall not be listed for hearing until proof of service on the other party has been filed in accordance with Form 2.

(4) Notwithstanding the provisions of the foregoing regulations the Commission may at any stage during the hearing of any matter before it permit an application to be instituted orally for further and better particulars of the kind referred to in subregulation (1) or of its own motion direct that the same be furnished upon such terms as the Commission thinks just.

82. (1) An application for an order for the examination of any witness or person under section 33(1)(d) of the Act shall be made to the Commission in Chambers. Application for examination of witness.

(2) It shall not be necessary for the respondent to file an answer to the application but the application shall not be listed for hearing until proof of service of the application on the other parties to the substantive matter before the Commission has been filed in accordance with Form 2.

(3) Any examination referred to in subregulation (1) shall take place in the presence of the parties or their representatives, or of such of them as shall appear, and the witness may be cross-examined and re-examined.

(4) The deposition taken on any examination referred to in subregulation (1) 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 attend.

(5) If any person duly summoned by subpoena to attend for examination refuses to attend, or if having attended he refuses to be sworn or affirmed, or refuses 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.

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

(7) 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 that the deponent is dead or beyond the jurisdiction of the Commission or unable from sickness or other cause 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.

83. (1) A summons to witness shall be in accordance with Form 26. Summons to witness.

(2) A summons shall be directed to one witness only.

(3) Each summons shall be prepared in duplicate by the party requesting it and be filed with the Registrar and the Registrar shall retain the original and sign and affix the stamp of the Commission to the duplicate and issue it to the party applying for the purpose of service.

(4) Service of a summons shall be effected by serving it personally on the person named in the summons.

(5) At the time of service, the person serving the summons shall tender to the person named in the summons sufficient money to enable him to travel between his place of residence or employment (whichever is appropriate) and the place of hearing mentioned in the summons.

84. (1) An application to the Commission under section 33(2) of the Act for cause to be shown why a person served with a summons to witness should appear and give evidence before the Commission shall be made to the Commission in Chambers. Application to set aside witness summons.

(2) The application shall be served on the party on whose application the summons issued.

(3) No answer need be filed to the application but the application shall not be listed for hearing until proof of service is filed in accordance with Form 2.

- Exhibits. 85. 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. 86. (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 fixed for the hearing.
(2) Any declaration required to be made in pursuance of these regulations may be declared before a justice of the peace or any person authorized to take declarations under section 2 of the Declarations and Attestations Act 1913 in consequence of this provision.
- Intervention. 87. (1) Where pursuant to the Act a person intends to intervene or, as the case may be, intends to seek leave to intervene in any proceedings before the Commission, he shall give notice accordingly to the Commission and to the parties to that proceeding.
(2) Where practicable, a notice under subregulation (1)—
(a) shall be in writing;
(b) shall be given not less than 2 days before the day on which the intervener intends to appear in those proceedings; and
(c) shall state the grounds on which intervention is made or intended.
- Warrant to appear as agent. 88. (1) Subject to this regulation a person shall not be recognised as agent for a party to any proceeding in the Commission unless he is appointed in writing in accordance with Form 27 filed in the Commission.
(2) A person may, in writing filed in the Commission, give to any other person or to any member of a class of persons a continuing authorization to act or appear for him, or to act and appear for him, in all matters in the Commission.
(3) An authorization given pursuant to subregulation (2) may be for a specified period of time or indefinitely and may be withdrawn by writing filed in the Commission at any time, but shall remain in force unless and until it is so withdrawn.
(4) Where a person appoints another person as his agent in respect of any matter in the Commission and at the time at which he signs Form 27 expressly validates any action taken in respect of that matter prior to the time of that signing by the person appointed agent, all such prior action shall be deemed to have been taken by the principal.
(5) A document instituting a proceeding or any subsequent document therein may be signed as necessary and lodged for filing by the duly appointed agent of a party on whose behalf it is filed.
(6) Any document lodged for filing by an agent for a party shall be lodged and filed in the name of the party and bear upon it endorsement of the name of the agent and the fact that he is acting as the agent of his principal.
- Service. 89. (1) The party by or on behalf of whom any notice or document is filed or issued in a proceeding before the Commission shall forthwith thereafter, effect service upon other parties entitled to be served unless the Commission otherwise directs.
(2) 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 organization in the manner prescribed by section 60(3) of the Act;
(b) in the case of a corporation (other than an organization), by leaving it at, or sending it by prepaid post to, its principal place of business or principal office in the State or the registered office of the 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 a principal of a 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 a principal of a business, to his usual or last known place of business.
- Substituted service. 90. (1) Where provision is made for personal or other service of any notice or document in or in relation to proceedings before the Commission, the Commission may subject to the Act, make such order for substituted or other service or for the substitution, for the service otherwise required, of notice by letter, telegram, public advertisement or otherwise, as it thinks just.
(2) An application for substituted service shall be dealt with *ex parte* in Chambers unless the Commission otherwise directs.
(3) An application for substituted service shall set out in detail the grounds on which it is based.
(4) Where the Commission orders that notice by telegram or public advertisement be substituted for the service otherwise required, the notice shall contain such particulars as the Commission directs.

91. (1) 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 2 filed in the office of the Registrar within 7 days of the date upon which service is effected unless the date given for the hearing of the matter is within that time in which case the proof of such service shall be given not later than the date for the hearing of the matter to which the document relates.

Proof of service.

(2) The declaration of service shall state with particularity the full name and the address of each person or party served, and the method by which service was effected.

(3) When service of any document is effected by prepaid post, unless the contrary is proven such service shall be deemed to have been effected at the time at which the letter containing the document would be delivered in the ordinary course of post.

92. The Commission may, in relation to any proceedings 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.

Waiver of procedural regulations.

93. Non-compliance with any of these regulations shall not render void any proceedings before the Commission 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 or the Registrar, as the case may be, thinks fit.

Non-compliance with regulations.

94. (1) Where in any particular case the provisions of the Act and these regulations do not make any or adequate provision for a procedure to be followed and there is no established practice or usage of the Commission or where a difficulty arises or doubt exists as to the procedure to be followed the Commission may give such directions with respect to the procedure to be followed as it considers necessary.

Practice.

(2) Directions under this regulation shall be directed to providing a speedy and inexpensive determination of the proceedings and shall be consistent with these regulations.

(3) Practice notes published by the Commission in the *Industrial Gazette* with respect to any matter or class of matters shall become effective 14 days after publication therein.

PART XIV—ORGANIZATIONS AND INDUSTRIAL ASSOCIATIONS

95. (1) An application to register an organization shall be made in triplicate to the Full Bench in accordance with Form 28.

Registration of organization.

(2) The application shall be lodged in the office of the Registrar with the following attachments—

- (a) three copies of a list containing the full names of the officers of the organization with their respective addresses;
- (b) three printed or type-written copies of the rules of the organization, certified as being correct by the president or secretary of the organization;
- (c) three copies of the notice given to members in accordance with section 55 (4) (b) of the Act, including a statement as to how such notice was disseminated to members; and
- (d) three copies of the resolution of the organization authorizing the application.

(3) Any person who objects to the registration of the organization shall give notice of that objection in accordance with Form 22 within 21 days of the publication of the *Industrial Gazette* in which notice of the application is advertised and otherwise the provisions of regulation 74 apply with respect to any objection to the registration.

96. (1) An application to register a council or other body as an association shall be made in triplicate to the Full Bench in accordance with Form 28.

Registration of council as industrial association.

(2) The application shall be lodged in the office of the Registrar with the following attachments—

- (a) three copies of a list containing the full names of the organizations which are represented on the council;
- (b) three copies of a list containing the full name and address of each person representing those organizations on the council;
- (c) three copies of a list containing the full names of the officers of the council with their addresses;
- (d) three printed or type-written copies of the rules of the council, certified as being correct by the president or chairman and secretary of the council;
- (e) three copies of the notice given to members of the council in accordance with section 55(4)(b) of the Act as applied by section 67 (3) of the Act, including a statement as to how such notice was disseminated to members; and
- (f) three copies of the resolution authorizing the application.

(3) Any person who objects to the registration of the council or other body as an association shall give notice of that objection in accordance with Form 22 within 21 days of the publication of the *Industrial Gazette* in which notice of the application is advertised and otherwise the provisions of regulation 74 apply with respect to any objection to the registration.

Amalgamation
of
organizations.

97. (1) An application to register as an organization a proposed new organization to be formed by the amalgamation of two or more organizations shall be made in triplicate to the Full Bench in accordance with Form 29.

(2) The application shall be made under the seals of the amalgamating organizations and be signed by the secretary and principal executive officer of each of the amalgamating organizations.

(3) The application shall be lodged in the office of the Registrar with the following attachments—

- (a) three copies of a list containing the names of the members and the full names of the officers of the proposed new organization with their respective addresses;
- (b) three printed or type-written copies of the rules of the proposed new organization certified as being correct by the president or secretary of the new organization;
- (c) three copies of the notice given to the members of each amalgamating organization in accordance with section 55 (4) (b) of the Act as applied by section 72 (3) of the Act, including a statement as to how such notice was disseminated to members; and
- (d) three copies of the resolution of such amalgamating organization authorizing the application.

(4) Any person who objects to the registration of the organization shall give notice of that objection in accordance with Form 22 within 21 days of the publication of the *Industrial Gazette* in which notice of the application is advertised and otherwise the provisions of regulation 74 apply with respect to any objection to the registration.

Alteration of
rules.

98. (1) An application to alter the rules of an organization or association with respect to the qualification of persons for membership or the area of the State within which the organization or association operates or intends to operate shall be made in triplicate to the Full Bench in accordance with Form 29.

(2) An application to alter the rules of an organization or association which does not relate to its name and where the alteration would not have the effect of altering the qualification of persons for membership or the area of the State within which the organization or association operates, or intends to operate, shall be made to the Registrar in accordance with Form 29.

(3) An application under subregulation (1) shall be lodged in the office of the Registrar with the following attachments—

- (a) three printed or type-written copies of the registered rules of the organization or association incorporating and showing in distinctive characters, each alteration of the rules of which registration is sought;
- (b) three printed or type-written copies of each alteration;
- (c) three copies of the notice given to members in accordance with section 62 (3)(b) of the Act including a statement as to how such notice was disseminated to members; and
- (d) three copies of the resolution authorizing the application.

(4) An application under subregulation (2) shall be lodged in the office of the Registrar together with one printed or typewritten copy of the attachments specified in subregulation (3).

(5) Any person who objects to the alteration of the rules shall give notice of that objection in accordance with Form 22 within 21 days of the publication of the *Industrial Gazette* in which notice of the application is advertised and otherwise the provisions of regulation 74 apply with respect to any objection to the alteration.

Substitution of
new set of
rules.

99. (1) An application for the substitution of a new set of rules for the registered rules of an organization or association, where the substitution alters the name of the organization or association, the rules of the organization or association with respect to the qualification of persons for membership or the area of the State within which the organization or association operates or intends to operate shall be made in triplicate to the Full Bench in accordance with Form 29.

(2) An application for the substitution of a new set of rules for the registered rules of an organization or association, where the substitution does not alter the name of the organization or association, the rules of the organization or association with respect to the qualification of persons for membership or to the area of the State within which the organization or association operates or intends to operate shall be made to the Registrar in accordance with Form 29.

(3) The provisions of regulation 97 apply, with such modifications as are necessary, to and in relation to an application for the substitution of a new set of rules, but in addition if the application is made to the Full Bench it shall be accompanied by three printed or typewritten

copies and if made to the Registrar shall be accompanied by one printed or typewritten copy of the new rules certified as being correct by the president or secretary of the organization or association.

100. (1) An application to change the name of an organization or association shall be made in triplicate to the Full Bench in accordance with Form 29. Change of name.

(2) The application shall be lodged in the office of the Registrar and with the following attachments—

- (a) three copies of the notice given to members informing them—
 - (i) of the proposal for the change of name and the reasons therefor;
 - (ii) of the proposed new name; and
 - (iii) that the members or any of them may object to the making of the application by forwarding a written objection to the Registrar and affording members a reasonable opportunity to object, including a statement as to how such notice was disseminated to members;
- (b) three copies of the proposed new name; and
- (c) three copies of the resolution authorizing the application.

(3) Any person who objects to the change of name of the organization shall give notice of that objection in accordance with Form 22 within 21 days of the publication of the *Industrial Gazette* in which notice of the application is advertised and otherwise the provisions of regulation 74 apply with respect to any objection to the change of name.

101. An application to the Full Bench for a declaration in accordance with section 71 (2) of the Act shall be accompanied by three copies of— Counterpart certificates.

- (a) the rules of the organization and of its Counterpart Federal Body;
- (b) a statement comparing the rules relating to the qualifications of persons for membership of the organization and of its Counterpart Federal Body;
- (b) a statement comparing the offices which exist within the organization, and the offices which exist within the Branch of the Counterpart Federal Body;
- (d) a statement indicating the number of persons currently members of the organization and the number of persons currently members of the Branch of the Counterpart Federal Body; and
- (e) a statement indicating the number and categories of persons affected by sections 71 (3)(a) and (b) of the Act.

102. (1) A request for a direction under section 73(1) of the Act shall be in writing and shall set out in detail the circumstances giving rise to the request. Summons for cancellation of registration of organization.

(2) A summons under section 73(1) of the Act shall be in accordance with Form 30.

(3) A copy of the direction to the Registrar to issue the summons shall be attached to the summons and served therewith.

(4) On ascertaining the return date to be included in the summons the Registrar shall cause the summons to be served on the organization the registration of which is sought to be cancelled or suspended not less than 14 days before the return date.

(5) Unless the Full Bench otherwise directs the Registrar shall appear personally or be represented before the Full Bench on the return of the summons.

(6) After hearing the organization and any evidence it wishes to offer, the Full Bench may make such order in accordance with section 73 of the Act as it thinks fit.

103. (1) A request by an organization or association to cancel its registration shall be made to the Registrar in accordance with Form 31. Request by organization or association for cancellation of registration.

(2) The request shall state clearly the grounds on which the request is made and contain sufficient evidence to satisfy the Registrar that the cancellation has the consent of a majority of the total number of members of the organization or association.

104. (1) Where an application is made by the Registrar pursuant to section 73(12) of the Act to cancel the registration of an organization or association it shall be made in triplicate to the Full Bench in accordance with Form 32. Application by Registrar for cancellation of registration.

(2) The application shall state clearly the grounds on which it is made and the application shall be accompanied by a statutory declaration setting forth the facts on which the Registrar relies.

(3) The application shall be served upon the organization or association the registration of which is sought to be cancelled.

(4) Where the respondent organization or association intends to oppose the application it shall give notice of that objection in accordance with Form 7 within 14 days of being served with the application, and otherwise the provisions of regulation 74 apply with respect to any such objection.

(5) Where the respondent organization or association intends to admit the facts (or any of them) on which the Registrar relies it shall, within 14 days of being served with the application, advise the Registrar in writing accordingly.

(6) After the expiration of the time prescribed in subregulations (4) and (5) the Registrar shall ascertain from the President a date for hearing the application and shall forthwith notify the organization or association of the hearing.

Certificates of registration.

105. (1) Where the Registrar is authorized by the Full Bench to register an organization he shall give to the organization a certificate in accordance with Form 33.

(2) Where the Registrar is authorized by the Full Bench to register a council or other body as an association he shall give to the association a certificate in accordance with Form 34.

(3) Where the Registrar is authorized by the Full Bench to register an organization formed by the amalgamation of two or more organizations he shall give to the organization a certificate in accordance with Form 35.

(4) When the Registrar registers an alteration of the rules of an organization or association he shall give to the organization a certificate in accordance with Form 36.

(5) When the Registrar registers a change of name of an organization or association he shall give to the organization or association a certificate in accordance with Form 37.

Filing of records of organization or industrial association.

106. (1) The list of names, residential addresses and occupations of persons holding office and a record of the number of members in an organization or association required to be filed with the Registrar pursuant to section 63 (2) of the Act shall be so filed during the month of January in each year and be current as at the first day of that month.

(2) The statutory declaration required by section 63 (2) of the Act may be made by the president or secretary of the organization or association.

(3) Notification of any change in the holding of office in an organization or association pursuant to section 63 (2) of the Act shall be filed with the Registrar in writing within 14 days of the date of the change.

Balance sheet etc. of organization.

107. (1) The balance sheet and statement of receipts and expenditure of an organization or association required to be delivered to the Registrar under section 65 of the Act, shall be itemised with sufficient particularity to show that the financial affairs of the organization or association have been conducted in accordance with the rules of the organization or association.

(2) The balance sheet and statement of receipts and expenditure shall be accompanied, when delivered to the Registrar, by a statutory declaration made by the secretary of the organization or association to the effect that he placed at the disposal of the auditor all relevant books and documents in relation to the financial affairs of the organization or association.

Penalty—\$40.00.

Inspection of document.

108. All documents filed with the Registrar under sections 63 and 65 of the Act may be inspected at the office of the Registrar during office hours on payment of the prescribed fee.

Notification of change of address.

109. Notification of every change of address of the registered office of an organization or association shall be notified to the Registrar, by the secretary of the organization or association, in writing, within 14 days of the date of change.

Penalty—\$40.00.

PART XV—REMUNERATION FOR MEMBERS OF CONSTITUENT AUTHORITIES.

Remuneration and reimbursement of expenses for members of constituent authorities.

110. (1) The remuneration payable to a member of a constituent authority shall be the same as that payable to members of Category C Government Boards, Committees and other agencies.

(2) No remuneration shall be payable to a member of a constituent authority for his services as a member where he is employed (whether in a permanent capacity or not) by a public authority and he continues to receive his usual rate of remuneration from his employer in respect of that employment while attending on the constituent authority in the course of his employment.

(3) Where a member of a constituent authority is employed (whether in a permanent capacity or not) by a public authority and he attends on the constituent authority outside his normal work hours as an extraneous duty but the remuneration paid to him by his employer in his normal employment is not affected by his attendance on the constituent authority, the remuneration payable to him for his services as a member shall be 50 per cent of the remuneration prescribed in subregulation (1).

(4) Where a member of the constituent authority is employed (whether in a permanent capacity or not) by a public authority and he does not continue to receive his usual rate of remuneration for his services in attending a sitting of the constituent authority at the direction of the Chairman, the member may be paid an amount equal to the amount he would otherwise not receive.

(5) A secretary or official of an organization who is remunerated by the organization for the time his services are used as a member of the constituent authority shall not be remunerated in accordance with subregulation (1) unless, in the discretion of the Chairman, the circumstances are such that full or part remuneration should be so payable by the constituent authority.

(6) Reimbursement for out of pocket expenses incurred by a member of a constituent authority attending a sitting of the constituent authority including reimbursement for travelling expenses shall be in accordance with the Public Service Miscellaneous Allowances Award and the Public Service Motor Vehicle Allowance Award respectively.

(7) In this regulation the expression "member" of a constituent authority includes his deputy when and so often as the deputy acts in the place of that member.

(8) The provisions of this regulation do not apply to a member of a constituent authority who is a Commissioner.

PART XVI—FEES.

111. (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 specified service, namely—

	\$
(a) All applications (including appeals to constituent authorities)	5.00
Answers to any application.....	5.00
Any other document.....	5.00
(b) For every document required to be authenticated by Registrar or other officer.....	4.00
(c) For certifying a copy of the registered rules of an organization, copy of an award or other document.....	4.00
(d) For every inspection on same day of one or more documents in the custody of the Registrar (the Registrar may dispense with this fee when he considers it reasonable so to do).....	1.00
(e) For a photographic copy of transcript of proceedings—for each page (the Registrar may dispense with this fee when permission to do so has been given by the Chief Commissioner).....	1.00
(f) For a photographic copy of reasons for judgment consisting of not more than 10 pages—for each copy issued to a person not a party to the proceedings or a person, who although a party, did not appear, or who was not represented at the proceedings, and for each copy in excess of one copy issued to a represented party to the proceedings,.....	2.75
and for each page in excess of 10.....	.20
(g) For photographic copies of exhibits or other documents—for each page.....	.20

Fees payable to Registrar.

(2) No fee shall be payable for any of the following matters—

- (a) the registration of treasurer, trustee, secretary or any other officer of an organization;
- (b) the cancellation of certificate of registration;
- (c) notice of change of registered office;
- (d) warrant to appear as agent; or
- (e) any document in respect of which a fee is already chargeable under or by virtue of the Act or any other statute.

(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.

Form 1.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF APPLICATION.

To
(name and address of respondent/s—attach schedule if space insufficient)

TAKE NOTICE THAT
(name and address of applicant/s—attach schedule if necessary)

has this day applied to the Commission (if to a constituent authority, state which
.....)

for
(state object of application—for example, conference, award, amendment or interpretation of a specified award or as the case may be)

The grounds on which the application is made are
(give details—attach schedule if necessary)
(Affix Stamp of Commission)

.....

Applicant's signature.

NOTE 1: This notice must be completed by the applicant, signed and, where necessary, sealed by him and a written statement of claim or other adequate description of the subject matter of the application must be attached.

NOTE 2: (a) No answering statement is required OR
(b) Any respondent who wishes to oppose the claim herein or any part of it shall file an answering statement in accordance with the Industrial Relations Commission Regulations, 1985 within 21 days of being served with this notice.

(strike out (a) or (b) as necessary)

For endorsements see back hereof

Form 2

Industrial Relations Act 1979

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

IN THE MATTER of the Industrial Relations Act, 1979 and

IN THE MATTER of *

* State nature of proceedings.

DECLARATION OF SERVICE.

I, (Full name in Block Letters)

of in the State of (Address)

Western Australia do solemnly and (Occupation)

sincerely declare that on the day of.....

19....., I did serve (Description of document served)

*upon (Name of person or party served)

*by (State method of service—refer Reg. 89)

*at (Place of service or in case of service by post address of person or party served)

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 authorized persons.)

(Affix Stamp of Commission).

..... Signature.

* Attach schedule if space insufficient.

Form 3.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF ANSWER AND COUNTER PROPOSAL.

To (name and address of applicant/s—attach schedule if space insufficient)

TAKE NOTICE THAT (name and address of respondent/s—attach schedule if necessary)

has this day filed in the Commission a statement in answer to the claims made by you in the above number matter.

The particulars to the answer and counter proposal are:..... (give details—attach schedule if necessary)

(Affix Stamp of Commission)

..... Respondent's Signature.

NOTE 1: This notice must be completed by the respondent/s, signed and, where necessary, sealed and a written statement admitting or disputing each claim made by the applicant/s must be attached.

NOTE 2: Any applicant who desires to oppose any counter proposal in the attached statement shall file a reply in accordance with the Industrial Relations Commission Regulations, 1985 within 14 days of being served with this notice.

Form 4.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF RETIREMENT FROM INDUSTRIAL AGREEMENT.

To (name of party/ies being given notice)

TAKE NOTICE THAT (name of party giving notice)

being a party to Agreement No. of has this day given notice of intention to retire from and cease to be a party to the said agreement at the expiration of 30 days from the date of this notice.

(Affix Stamp of Commission)

..... Signature of party giving notice.

NOTE: This form is to be completed by the person giving notice of intention to retire from the agreement, signed and, where necessary, sealed by him.

Form 5.

INDUSTRIAL RELATIONS ACT 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

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
andfiled in the Western Australian Industrial Relations Commission
and numbered of 19.....
DATED at Perth this day of 19.....

L.S.

.....
Signature of concurring party.

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

L.S.

.....
.....
.....
Signatures of each original party.

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

.....
REGISTRAR.

Form 6.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF APPEAL FROM BOARD OF REFERENCE.

To (name of respondent/s)

TAKE NOTICE THAT (name of appellant/s)

has this day instituted an appeal to the Commission in Court Session against the decision given on the day of 19..... by the Board of Reference constituted for the purposes of

(state name and number of award, order, or General Order)

in respect of (state briefly the subject matter of the Board's decision)

on the ground/s set forth in the attached schedule (Affix Stamp of Commission)

..... Signature of appellant.

NOTE: This form is to be completed by the appellant, signed and, where necessary, sealed by him and a statement of the ground/s of appeal must be attached.

Form 7.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF APPEAL TO FULL BENCH.

To (name of respondent/s)

TAKE NOTICE THAT (name of appellant/s)

has this day instituted an appeal against the decision of the Commission constituted by (name of Commissioner, Government School Teachers Tribunal, Public Service Arbitrator, Railways Classification Board) given day of 19..... in matter numbered of or the following part or parts of the said decision namely

on the ground/s set forth in the attached schedule. (Affix Stamp of Commission)

..... Signature of appellant.

NOTE 1: This form is to be completed by the appellant, signed and, where necessary, sealed by him and a statement of the ground/s of appeal must be attached.

NOTE 2: An appeal book in accordance with the Industrial Relations Commission Regulations, 1985, shall be filed in the Commission and served on the respondent/s within seven (7) days of the filing of this notice.

Form 8.

INDUSTRIAL RELATIONS ACT 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF APPEAL BY GOVERNMENT SCHOOL TEACHER.

TAKE NOTICE that (here give full name or title of appellant/s

.....
.....

has this day instituted an appeal against the following: (here state subject matter of decision appealed against)

.....
.....

on the grounds or for the reasons which follow: (here set forth clearly and concisely the grounds of appeal)

.....
.....

DATED at this day of19.....

(Affix Stamp of Commission)

.....
Signature of appellant.

NOTE: The appellant is required to sign this notice.

Form 9.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF APPEAL TO PUBLIC SERVICE ARBITRATOR/RAILWAYS CLASSIFICATION BOARD.

TO: (name and address of respondent)

TAKE NOTICE THAT (name of appellant and departmental address if relevant)

has this day instituted an appeal against the (x appropriate squares)

- Salary
Range of Salary allocated to the office occupied by me
Title

The grounds on which appeal is made are:

The particulars of the office to which the appeal relates are:

Department or Authority Dept. No. Item No. Title Classification Division, Branch, Section

(Affix Stamp of Commission)

Signature of appellant.

NOTE: The appellant is required to sign this notice.

Form 10.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

Before the Public Service Appeal Board.

NOTICE OF APPEAL TO PUBLIC SERVICE APPEAL BOARD.

To: (name and address of respondent)

TAKE NOTICE THAT (name and address of appellant)

has this day instituted an appeal against the decision (give details of the decision)

made on the day of 19

on the following grounds: (attach schedule if necessary)

(Affix Stamp of Commission)

Signature of appellant.

NOTE: The appellant is required to sign this notice.

Form 11.

INDUSTRIAL RELATIONS ACT 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

No. of 19

NOTICE OF PROMOTION.

- (a) Date (a), 19
- (b) Name and address of applicant (b)

Title and description of advertised vacancy:

.....

Name and position of applicant promoted:

.....

Subject to the provisions of Division 4 of Part II A of the Industrial Relations Act, 1979, you may appeal against the provision by delivering to:

Registrar,
 Western Australian Industrial Relations Commission,
 Supply House,
 815-823 Hay Street,
 PERTH. 6000

a notice of appeal in the prescribed Form within fourteen clear days after the date of this notice. Appeal forms may be obtained at the head office or branch offices of Departments.

An appeal may be made on the ground of—
 Special qualifications and aptitude together with merit,
 diligence, experience and good conduct.

- (c) Signature of officer of promoting authority (c)

- (d) Title of above officer and name of promoting authority. (d)

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

ADVICE TO REGISTRAR OF SERVICE OF NOTICES OF PROMOTION.

Registrar,
Western Australian Industrial Relations Commission,
Supply House,
815-823 Hay Street,
PERTH 6000

Title and description of advertised vacancy:

.....

Name and position of applicant promoted:

.....

Method and date of publication of vacancy:

.....

- (a) Name award or Industrial Agreement regulating vacancy; if none state "NONE" (a) The advertised vacancy is regulated by the provisions of (a)
- (b) Attach list if necessary (b) List the name, position and department or public authority of all applicants who have been advised of the above
- (c) Signature and title of officer of promoting authority (c)
- (d) Name and address of promoting authority (d)
- (e) Date (e) 19.....

Form 13.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF PROMOTION APPEAL.

To—
 Registrar,
 Western Australian Industrial Relations Commission,
 Supply House,
 815-823 Hay Street,
 PERTH 6000

VACANT OFFICE	Promoting Authority (include name of Department)	Item No.
	Title	Classification
OFFICER RECOMMENDED	Surname and Initials	
PERSONAL PARTICULARS OF APPELLANT	Surname and Initials	
	Department	Item No.
	Title	Classification
	Departmental Address for service of notices (Branch, Section etc)	Telephone No./ Extension
GROUNDS OF APPEAL OTHER PARTICULARS At the time I made application for promotion to the vacancy I was a member of the following organization:	

Date Signature of appellant

Acknowledgement Slip (to be completed by appellant)

Name Your Notice of Appeal against
 Department the recommendation for promotion of
 and Departmental
 Address to the vacant office of

 has been received.

(Affix Stamp of Commission).

Form 14.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF HEARING OF PROMOTION APPEAL.

The appeal as detailed below will be heard by the Western Australian Industrial Relations Commission constituted by the Promotions Appeal Board, Supply House, 815-823 Hay Street, PERTH 6000.

- (1) ADVERTISED VACANCY
- (2) APPLICANT PROMOTED
- (3) HEARING DATE AND TIME

(Affix Stamp of Commission)

Form 15.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE REQUESTING PROMOTING AUTHORITY TO NOMINATE A REPRESENTATIVE ON PROMOTIONS APPEAL BOARD.

- (a) Insert name in full of employee promoted NOTICE is hereby given that an appeal(s) has/have been lodged against the promotion of (a)
- (b) Insert title or description of vacancy or new office and the department to the vacancy (or new office) of (b)
Name(s) of the appellant(s) is/are as follows

As the Promoting Authority you are requested to nominate forthwith on the prescribed form (attached) an employers' representative member of the Promotions Appeal Board for the purpose of the hearing of the appeal(s)

DATED at Perth this day of 19.....

REGISTRAR.

- (c) Insert name of promoting authority and address TO (c)

NOMINATION OF PROMOTING AUTHORITY REPRESENTATIVE ON PROMOTIONS APPEAL BOARD.

(a) Insert full name of person nominated (a)

(b) Insert official or other address for service of notice (b)

(c) Insert official title or occupation (c) is hereby nominated pursuant to the abovementioned Act to be the Promoting Authority representative member of the Promotions Appeal Board at the hearing of the appeal(s) against

(d) Insert full name of employee promoted (d) the promotion of (d)

(e) Insert title or description of vacancy or new office to the vacancy (or new office) of (e)

Dated at this day of 19.....

(f) Signature of officer of promoting authority (f)

(g) Title of above officer and name of promoting authority (g)

I, the abovenamed (a) hereby consent to act in the capacity mentioned above.

(h) Signature of person nominated (h)

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE REQUESTING A RELEVANT ORGANIZATION TO NOMINATE AN EMPLOYEES' REPRESENTATIVE ON PROMOTIONS APPEAL BOARD.

Notice is given that an appeal(s) has/have been lodged against the promotion of

(insert name in full of employee promoted)

to the vacancy (or new office) of

(insert title or description of vacancy or new office and department)

The appellant(s) whose name(s) is/are listed hereunder, claim(s) membership (or otherwise) of a relevant organization as shown at the time when application was made for appointment to the said vacancy (or new office)

APPELLANT

ORGANIZATION

If your organization is a party to an award or industrial agreement whereby the terms and conditions of employment appertaining to the vacancy (or new office) are regulated, it is a relevant organization and it is requested that you nominate a person to be a member of the Board.

The nomination on the prescribed form (attached) is requested to be delivered to this office within seven days of your receipt of this notice.

Dated at PERTH this day of 19.....

REGISTRAR.

To

NOTE: Section 80Z(4) of the Act states that where there is more than one relevant organization, a person shall be nominated unanimously by all relevant organizations, or in default of an agreement thereon a person shall be selected by the Chairman of the Board from persons nominated respectively by the relevant organizations.

Form 18.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOMINATION OF EMPLOYEES' REPRESENTATIVE ON PROMOTIONS APPEAL BOARD BY EMPLOYEE APPELLANT OR APPELLANTS.

TO the Registrar

I, the undersigned employee appellant nominate

of

(Official title or occupation)

to be the employees' representative member of the Promotions Appeal Board at the hearing of my appeal against the promotion of

.....to the vacancy (or new office) of

.....Dated at this day of19

Signature of employee appellant.

I, the abovenamed hereby consent to act in the capacity mentioned above.

Signature of person nominated.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOMINATION OF EMPLOYEES' REPRESENTATIVE ON PROMOTIONS APPEAL BOARD BY A RELEVANT ORGANIZATION OR ORGANIZATIONS.

- (a) Insert full name of person nominated (a)
- (b) Insert official or other address for service of notice (b)
- (c) Insert official title or occupation (c) is nominated to be the employees' representative member of the Promotions Appeal Board at the hearing of the appeal(s) against
- (d) Insert full name of employee promoted (d) the promotion of (d)
- (e) Insert title or description of vacancy or new office to the vacancy (or new office) of (e)
- (f) Signature of Secretary Dated at this day of 19..... (f) Secretary.
- (g) Name of relevant organization (g) (f) Secretary. (g) (f) Secretary.
- (h) Signature of person nominated I, the abovenamed (a) hereby consent to act in the capacity mentioned above. (h)

Form 20.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE REQUESTING APPELLANT TO NOMINATE A REPRESENTATIVE TO THE PROMOTIONS APPEAL BOARD.

- (a) Insert full name of employee promoted For the purpose of the hearing of the appeal(s) against the promotion of (a)
- (b) Insert title and description of vacancy to the vacancy (or new office) of (b)

You are requested to submit forthwith on the prescribed form (attached) a nomination for your representative on the Board.

The consent in writing of the nominee to act in this position is required on the nomination form.

In this appeal

- (i) the appellant(s) is not a member of a relevant organization; or
- (ii) there is no relevant organization; or
- (iii) the relevant organization(s) failed to nominate a person to be a representative on the Board when requested to do so.

DATED at Perth this day of 19.....

.....
REGISTRAR.

To
.....
.....

NOTE: Regulation 66 provides that if a nomination is not made at least 7 days before the date fixed for hearing of the appeal you are deemed to have abandoned your appeal.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF APPLICATION TO ENFORCE INDUSTRIAL RELATIONS ACT.

TO:

of TAKE NOTICE THAT (Minister, Registrar, Deputy Registrar, Industrial Inspector or interested party)

of

has this day applied to the Full Bench of the Western Australian Industrial Relations Commission for the enforcement of

(specify part of the Act, direction, order or declaration alleged to be breached)

YOU ARE THEREFORE SUMMONED to appear before the Full Bench of the Western Australian Industrial Commission at Supply House, 815-823 Hay Street, Perth in Court No: ... on the ... day of ... 19 ... at ... o'clock in the ... noon there to answer the application for enforcement of the said (order, Act etc.)

pursuant to section 84A of the said Act.

DATED at Perth this ... day of ... 19.....

(Affix Stamp of Commission)

Signature of applicant.

NOTE 1: Where the application is initiated other than by the Registrar it shall be signed and where necessary sealed by the applicant.

Form 22.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

IN THE MATTER of the Industrial Relations Act 1979 and

IN THE MATTER of
.....
.....

NOTICE OF OBJECTION.

Name of Objector

The abovenamed objector hereby objects to the whole (or part) of the abovementioned 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.

(Affix Stamp of Commission)

Form 23.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

NOTICE OF DISCONTINUANCE OF APPLICATION.

TO:
(Respondent)

of

TAKE NOTICE THAT the applicant wishes to discontinue the application and hereby withdraws the application (or as the case may be)

DATED at Perth this day of 19.....

.....
Signature of applicant.

(Affix Stamp of Commission)

Form 24.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

IN THE MATTER OF

.....

BETWEEN:

.....

Applicant.

AND:

.....

Respondent.

NOTICE OF HEARING

TO:

TAKE NOTICE that the Full Bench/Commission in Court Session/Commission (Mr. Commissioner), Government School Teachers Tribunal, Public Service Arbitrator, Railways Classification Board Promotions Appeal Board will sit at 815 Hay Street (Cnr. Hay and King Streets), Perth, in Court No., or at on the day of 19 at o'clock in the noon to hear the abovementioned matter. (Affix Stamp of Commission)

Form 25.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

Between

.....
.....

Applicant.

and

.....
.....

Respondent.

NOTICE TO ADMIT.

To
of

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 Stamp of Commission)

.....
Signature.

NOTE: This form is to be completed and signed by the party requesting the admission or denial of the abovementioned facts.

Form 26.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS 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 discharged from attendance, to give evidence concerning the abovementioned matter on behalf of

(name and address of party taking out summons)

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.

(Affix Stamp of Commission)

Form 27.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS 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
(Name of party for whom agent is appearing)

.....
as agent in the abovementioned proceedings.

Dated this day of, 19.....

Affix seal where necessary

.....
Signature of Party.

(Affix Stamp of Commission)

Form 28.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

APPLICATION FOR REGISTRATION OF ORGANIZATION/ASSOCIATION.

To the Registrar

..... (set out name of organization/association)

hereby makes application for registration under Part II Division 4 of the Industrial Relations Act, 1979.

The following documents are lodged in support of this application—

- (1) A list containing the full names and addresses of officers of the organization;
(2) Certified copy of the rules of the organization;
(3) Copy of the resolution authorizing the application.

The registered office of the organization will be situated at

Dated at Perth this day of, 19.....

..... for and on behalf of the organization/association

Form 29.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

APPLICATION TO REGISTER ADDITIONS TO AND/OR ALTERATIONS AND/OR REVISION OF RULES OF A REGISTERED ORGANIZATION OR ASSOCIATION.

To the Full Bench or Registrar (as the case may be)

Application is hereby made by (insert name of organization or association)

an organization/association registered under the Industrial Relations Act for the registration or alteration to the name/rules of the organization/association particulars of which are attached hereto.

The alterations were proposed by the organization/association in accordance with its rules and the Industrial Relations Act on the day of 19.....

DATED at Perth this day of 19.....

..... for and on behalf of the organization/association

Form 30.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

SUMMONS FOR CANCELLATION OR SUSPENSION OF REGISTRATION OF ORGANIZATION.

TO: (organization) of

TAKE NOTICE:

YOU ARE HEREBY REQUIRED to appear before the Full Bench of the Western Australian Industrial Relations Commission at Supply House, 815-823 Hay Street, Perth in Court No. on the day of 19..... at o'clock in the noon and thereafter as required to show cause why the registration of the organization should not be cancelled or suspended under section 73 of the Industrial Relations Act 1979.

DATED at Perth this day of 19.....

..... REGISTRAR.

Form 31.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

REQUEST BY ORGANIZATION/ASSOCIATION TO CANCEL ITS REGISTRATION.

TO the Registrar:

Request is hereby made by (organization/association)

an organization/association registered under the Industrial Relations Act for an application to cancel its registration.

The grounds on which the request is made are

..... (set out in detail—attach schedule if necessary)

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

The number of members present at the meeting which resolved to seek the cancellation/suspension of the organization/association was and the number in favour of this action was

DATED at Perth this day of 19.....

..... for and on behalf of the organization/association

Form 32.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

No. of 19

APPLICATION TO CANCEL REGISTRATION OF ORGANIZATION/ASSOCIATION.

TO (name of organization/association)

TAKE NOTICE that the Registrar has this day applied to have the registration of (organization/association)

cancelled, on the following grounds:

(give particulars)

AND TAKE NOTICE that notice of any objection to the cancellation must be given in writing in accordance with Form 22 within 14 days of the service of this application.

DATED at Perth this day of 19

REGISTRAR.

Form 33.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

CERTIFICATE OF REGISTRATION AS AN ORGANIZATION.

I hereby certify that the organization called

whose registered office is at

has this day been duly registered as an organization under the Industrial Relations Act 1979, and, pursuant to section 60 of that Act, is a body corporate.

Given under my hand this day of 19

REGISTRAR.

Form 34.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

CERTIFICATE OF REGISTRATION AS AN INDUSTRIAL ASSOCIATION.

I certify that the council called
.....
whose registered office is at
.....
has this day been duly registered as an industrial association under the Industrial Relations Act 1979, and that association is, pursuant to sections 60 and 67 of that Act, a body corporate.

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

.....
REGISTRAR.

Form 35.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

CERTIFICATE OF REGISTRATION AS AN ORGANIZATION FORMED BY AMALGAMATION.

I hereby certify that the organizations formerly registered under the names
(1)
.....
(2)
.....
have this day been duly registered under the Industrial Relations Act 1979, as one organization by the name

.....
and that organization is, pursuant to section 60 of that Act, a body corporate. The registrations of the aforementioned organizations, namely

- (1)
- (2)

.....
are this day cancelled.

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

.....
REGISTRAR.

Form 36.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES.

I hereby certify that the annexed alteration of rules of has this day been duly registered at my office under the provisions of the Industrial Relations Act 1979. Rules referred to Given under my hand this day of, 19.....

REGISTRAR.

Form 37.

Industrial Relations Act 1979.

IN THE WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

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 organization/association formerly registered under the title of the Full Bench consented to the name of the organization/association being changed to read, and that name is accordingly now registered as Given under my hand this day of, 19.....

REGISTRAR.

DATED the 27th day of February, 1985.

D. J. O'DEA, President.

E. R. KELLY, Chief Commissioner.

B. J. COLLIER, Senior Commissioner.

G. G. HALLIWELL, Commissioner.

G. J. MARTIN, Commissioner.

G. A. JOHNSON, Commissioner.

G. L. FIELDING, Commissioner.

O. K. SALMON, Commissioner.

INDUSTRIAL RELATIONS ACT 1979.

PURSUANT to the powers conferred by section 113 of the Industrial Relations Act 1979 and all other powers hereunto enabling, the Western Australian Industrial Relations Commission hereby makes the following regulations, to take effect on and from the 1st day of March, 1985.

PART I—PRELIMINARY.

1. These regulations may be cited as the Industrial Relations Commission (Railways Classification Board [Elections]) Regulations 1985. Citation.

2. (1) In these regulations unless the contrary intention appears:—

“election” means an election conducted under these regulations;

“office” means office of member under section 80N (2) (c) of the Act;

“Railways Commission” means the Western Australian Government Railways Commission;

“regulation” means a regulation of these regulations;

“subregulation” means a subregulation of the regulations;

“Union” means the Western Australian Railway Officers Union; and

“Weekly Notice” means the publication entitled “Weekly Notice” published by the Railways Commission.

(2) In these regulations, other than in regulation 6 and 7, the terms “Chief Electoral Officer” includes the officer appointed by the Chief Electoral Officer pursuant to section 80N (4) of the Act.

3. In carrying out any function under these regulations or fixing any date or period for the purposes of that regulation the Chief Electoral Officer shall have regard to the prescribed periods referred to in regulation 4.

4. The prescribed period for the purposes of section 80N (4) is 80 days, and for the purposes of section 80N (5) (a) is 90 days.

5. Where pursuant to section 80N (3) of the Act the Union receives a written request to submit the name of a person willing to act in an office the Union shall forthwith in writing notify the Chief Electoral Officer of the request.

6. Where pursuant to regulation 5 the Chief Electoral Officer receives notification from the Union the Chief Electoral Officer shall cause an election to be held for the purpose of filling the office referred to in the notification.

7. (1) The Chief Electoral Officer shall as soon as possible after the receipt by him of the notification referred to in regulation 5 cause a notice to be published in the “Weekly Notice” setting out—

(a) the title of the office for which an election is to be held;

(b) the place where application forms for nomination are available;

(c) the place for lodging nominations; and

(d) the times and dates of the commencement and close of the period for lodging nominations for the election,

and inviting nominations of persons as candidates in the election.

(2) Where the request of the Minister made pursuant to section 80N (3) of the Act specifies that nominations are required for the office of member and the office of deputy member separate elections shall be held simultaneously for each office.

(3) The date to be specified in any notice published pursuant to subregulation (1) as the last day for the lodging of nominations shall be a date that is not later than 21 days after the first publication of the notice of the election in the “Weekly Notice”.

8. (1) A nomination of a person as a candidate for election for appointment to an office—

(a) shall be in writing;

(b) shall contain a statement signed by the candidate that he is willing to accept and act in the office to which he is elected;

(c) shall be signed by two members of the Union; and

(d) where nominations are called for the office of member and the office of deputy member nominations for each office shall be made separately.

(2) Where the Chief Electoral Officer receives a nomination that does not conform to subregulation (1) he shall notify the candidate of that fact as soon as possible.

(3) A person whose nomination does not conform to subregulation (1) is not eligible to be a candidate in an election.

(4) A person who is nominated as a candidate in an election may, at any time before the day fixed as the date for the close of nomination, by notice in writing addressed to the Chief Electoral Officer, withdraw his consent to his nomination as a candidate in the election and where he does so he is deemed not to have nominated in the election.

9. Where at the close of nominations no person has been nominated as a candidate for election for appointment to an office the Chief Electoral Officer shall notify the Union of that fact and the Union shall notify the Minister accordingly.

10. Where at the close of nominations only one candidate is nominated to be elected for appointment to an office the Chief Electoral Officer shall notify the Union of that fact and the Union shall submit the name of the candidate to the Minister for appointment to the office to be filled.

11. The Union shall, not later than 7 days after the day fixed as the date for the close of nominations, furnish the Chief Electoral Officer with an electoral roll for the purposes of the election being held.

12. The electoral roll to be furnished pursuant to regulation 11—

(a) shall contain the full names of the persons who on the day 14 days before the day fixed as the date for close of nominations, were members of the Union;

(b) shall be listed in accordance with the place of employment of the officers with the Railways Commission and in alphabetical order of surnames, or last names and, where the surnames or last names are identical, also in alphabetical order of the christian or given names; and

(c) shall be numbered consecutively.

13. The electoral roll for an election shall be open for inspection during reasonable hours while an election is in progress by any member of the Union, or by any person authorized by the Chief Electoral Officer.

14. (1) The laws, for the time being in force that apply to the conduct of an election for the Legislative Assembly of the Parliament of the State apply with such modifications as are necessary to and in relation to an election.

(2) An election shall be by secret postal ballot.

15. The Chief Electoral Officer shall use a private box at a post office or such other address as he thinks fit for the purposes of conducting the election.

16. (1) Where more than one person has been nominated for election for appointment to an office the Chief Electoral Officer shall, at the close of nominations, publish a notice of that fact in a daily newspaper.

(2) The notice referred to in subregulation (1)—

(a) shall set out the title of the office for which the election is being held;

(b) shall set out the names of the candidates in the election; and

(c) shall state the date and hours thereof for the close of the poll.

17. As soon as possible after the publication of the notice referred to in regulation 16 the Chief Electoral Officer shall forward by pre-paid post or by some other means to every person whose name is on the electoral roll for the election at his address shown on the roll, a sealed envelope containing the following items—

(a) ballot paper bearing the initials of the Chief Electoral Officer or a facsimile of those initials;

(b) an envelope marked with the words "Ballot Paper"; and

(c) an envelope addressed to the Chief Electoral Officer—

(i) on which is printed the number printed in the electoral roll against the name of the elector to whom the envelope is posted; and

(ii) which makes provision on the reverse thereof for the full name of the voter and his signature.

18. (1) Every ballot paper issued for the purposes of an election shall be of the same colour and size.

(2) Notwithstanding subregulation (1) where an election is being held for two offices simultaneously the Chief Electoral Officer may determine that both ballot papers issued in respect of the election may be printed on a single sheet.

19. If on written application made before the close of the poll the Chief Electoral Officer is satisfied by a person who is entitled to vote that—

(a) a ballot paper has not been received by that person; or

(b) a ballot paper has been received by that person but the ballot paper has been spoilt, lost, damaged or destroyed, the Chief Electoral Officer shall forward to the applicant a fresh ballot paper together with the other items referred to in regulation 17.

20. (1) Voting at an election shall be by preferential ballot.

(2) An elector who wishes to record his vote—

(a) where only two persons are candidates in an election—

(i) shall mark his ballot paper by writing the numeral “1” opposite the name of the candidate for whom he votes; and

(ii) may mark his ballot paper by writing the numeral “2” opposite the name of the other candidate on the ballot paper;

(b) where more than two persons are candidates in an election, shall mark his ballot paper—

(i) by writing the numeral “1” opposite the name of the candidate for whom he votes; and

(ii) by writing the numerals “2”, “3” and so on (as the case requires) opposite the names of the other candidates on the ballot paper,

so as to indicate the order of his preference, and after having marked his ballot paper in the manner prescribed in paragraph (a) or (b), as the case requires, of this subregulation the elector shall—

(c) enclose the ballot paper alone in the envelope marked “Ballot Paper” and seal the envelope;

(d) write his name in block letters and sign his name on the envelope addressed to the Chief Electoral Officer;

(e) enclose the envelope marked “Ballot Paper” in the envelope marked with the address of the Chief Electoral Officer; and

(f) forward the envelope addressed to the Chief Electoral Officer to the address of the Chief Electoral Officer on the envelope so as to reach that address not later than the day, and the hour thereof, fixed in the notice published pursuant to regulation 16.

21. (1) The Chief Electoral Officer shall place and keep in a locked and sealed ballot box all envelopes purporting to contain ballot papers received by him up to the close of the poll.

(2) An envelope containing a ballot paper received after the close of the poll shall not be admitted to the count.

22. (1) A candidate may by notice in writing given to the Chief Electoral Officer at any time before the close of the poll appoint a person, other than himself, as a scrutineer.

(2) The Chief Electoral Officer shall give to every person appointed to be scrutineer reasonable notice of the place at which the count of the ballot papers will be undertaken and the date and hour thereof so as to enable the scrutineer to be present during the count.

(3) A person who is appointed as scrutineer under subregulation (1) may—

(a) be present while the Chief Electoral Officer carries out his functions under regulations 23 and 24; and

(b) direct the attention of the Chief Electoral Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny and the admission or rejection of a ballot paper to the count.

23. (1) As soon as practicable after the poll has closed and not before, in the presence of such of the scrutineers as may attend—

(a) each envelope addressed to the Chief Electoral Officer shall be checked against the electoral roll;

(b) each counterfoil shall be checked against the electoral roll;

(c) each envelope addressed to the Chief Electoral Officer shall be checked to ensure that it contains the full name and signature of the voter;

(d) the name of each voter who has forwarded an envelope addressed to the Chief Electoral Officer and ballot paper shall be marked on the electoral roll;

(e) if the envelope addressed to the Chief Electoral Officer is in order, the ballot paper envelope enclosed therein shall be placed unopened into a sealed ballot box;

(f) if the envelope addressed to the Chief Electoral Officer has been found not to be in order the envelope containing the ballot paper shall be marked “Not in Order”; and

(g) the ballot box containing the unopened ballot paper envelopes shall be opened and the ballot papers removed from the envelopes.

(2) For the purposes of the count each ballot paper shall be sorted according to the candidate receiving the first preference on the ballot paper but where a ballot paper—

- (a) does not bear the initials of the Chief Electoral Officer or a facsimile thereof;
- (b) has upon it a mark or any writing by means of which the elector can be identified; or
- (c) is not marked in accordance with such of the requirements set out in regulation 21 as apply to the election being conducted,

the ballot paper shall be rejected as informal.

(3) A person who is appointed as scrutineer for an election may make submissions on the rejection of a ballot paper from, or the admission of a ballot paper to, the count to the Chief Electoral Officer.

(4) The Chief Electoral Officer shall consider any submissions made to him under subregulation (3) before rejecting a ballot paper from, or admitting a ballot paper to the count.

(5) Where the Chief Electoral Officer rejects a ballot paper from the count or admits a ballot paper to the count after submissions have been made to him under subregulation (3) the Chief Electoral Officer shall endorse on the ballot paper the word "REJECTED" or the word "ADMITTED" as the case requires and initial such endorsement.

24. (1) Where—

- (a) an election is held for only one office; or
- (b) an election is held for the offices of member and deputy member simultaneously and a person is not candidate for both offices,

the successful candidate shall be ascertained in accordance with the laws for the time being in force regulating the elections for the Legislative Assembly of the Parliament of the State.

(2) Where—

- (a) an election is held for the offices of member and deputy member simultaneously; and
- (b) a person is a candidate for both offices,

the count for the office of member shall be completed before the count for the office of deputy member is commenced otherwise the count for both offices may proceed simultaneously.

(3) Where—

- (a) an election is held for the offices of member and deputy member simultaneously;
- (b) a person is a candidate for the office of member and the office of deputy member; and
- (c) a person who is a candidate for the offices of member and deputy member is the successful candidate for the office of member,

the ballot papers shall be re-arranged again under the names of the respective candidates in accordance with the first preferences indicated thereon, except that each ballot paper on which a first preference for the candidate elected as member is indicated shall be placed in the parcel of the candidate next in order of the voter's preference and if a candidate has an absolute majority of votes, the successful candidate shall be ascertained in accordance with the laws for the time being in force relating to elections for the Legislative Assembly of the Parliament of the State as modified by this subregulation.

25. The Chief Electoral Officer may, at any time before the declaration of the poll, if he thinks fit, on his own motion or on the written request of a candidate or a scrutineer for a candidate in an election, order a recount of the votes cast in the election.

26. (1) The Chief Electoral Officer shall declare the result of an election as soon as practicable and shall, immediately thereafter forward to the Union the name of the successful candidate in the election.

(2) The Union upon receiving the names of the successful candidate in an election shall forthwith submit the name to the Minister for the appointment of that person to the office to be filled in accordance with the request made by the Minister pursuant to section 80N (3) of the Act.

27. The Chief Electoral Officer shall take such steps as are necessary for the purpose of ensuring the secrecy of the ballot, the safe custody of ballot papers and for the prevention of any irregularity in the conduct of the election.

28. (1) The Chief Electoral Officer may appoint such persons as are necessary to conduct an election.

(2) The persons employed in the conduct of an election shall be paid such amounts as are prescribed in relation to the conduct of State Parliamentary elections for duties performed by a returning officer and presiding officers respectively at those elections and at the rate so prescribed for the count and scrutiny of votes.

DATED the 27th day of February, 1985.

D J O'DEA
President

E R KELLY
Chief Commissioner

B J COLLIER
Senior Commissioner

G G HALLIWELL
Commissioner

G J MARTIN
Commissioner

G A JOHNSON
Commissioner

G L FIELDING
Commissioner

O K SALMON
Commissioner

INDUSTRIAL RELATIONS ACT 1979

PURSUANT to the powers conferred by section 113 of the Industrial Relations Act 1979 and all other powers hereunto enabling, the Western Australian Industrial Relations Commission hereby:

- (1) revokes the Government School Teachers Tribunal (Elections) Regulations 1981 as amended; and
 - (2) makes the regulations set forth in the Schedule below
- so that the revocations referred to in paragraph (1) and the regulations referred to in paragraph (2) take effect on and from the 1st day of March, 1985.

Schedule

REGULATIONS

PART I—PRELIMINARY.

1. These regulations may be cited as the Industrial Relations Commission (Government School Teachers Tribunal [Elections]) Regulations 1985.
2. (1) In these regulations unless the contrary intention appears—
 - “Department” means the Education Department of the State;
 - “Education Circular” means the publication entitled “Education Circular” published by the Department;
 - “election” means an election conducted under these regulations;
 - “office” means office of member under section 74(2)(c) of the Act or a deputy of that member;
 - “regulation” means a regulation of these regulations;
 - “subregulation” means a subregulation of the regulation in which the term is used; and
 - “Union” means the State School Teachers’ Union of Western Australia (Incorporated).
 (2) In these regulations, other than regulation 5 and 6, and term “Chief Electoral Officer” includes the officer appointed by the Chief Electoral Officer pursuant to section 74(5) of the Act.
3. In carrying out any function under these regulations or fixing any date or period for the purposes of these regulations the Chief Electoral Officer shall have regard to the prescribed period referred to in regulation 4.
4. The prescribed period for the purposes of section 74(6)(a) of the Act is 90 days.
5. Where pursuant to section 74(4) of the Act the Union receives a written request to submit the name of a person willing to act in an office the Union shall forthwith in writing notify the Chief Electoral Officer of the request.
6. Where pursuant to regulation 5 the Chief Electoral Officer receives notification from the Union the Chief Electoral Officer shall cause an election to be held for the purpose of filling the office referred to in the notification.
7. (1) The Chief Electoral Officer shall as soon as possible after the receipt by him of the notification referred to in regulation 5 cause a notice to be published in the Education Circular setting out—
 - (a) the title of the office for which an election is to be held;
 - (b) indicating the place where application forms for nomination are available;
 - (c) the places for lodging nominations; and
 - (d) the times and dates of the commencement and close of the period for lodging nominations for the election
 and inviting nominations of persons as candidates in the election.
 (2) Where the request of the Minister made pursuant to section 74(4) specifies that nominations are required for the office of member and the office of deputy member separate elections shall be held simultaneously for each office.
 (3) The date to be specified in any notice published pursuant to subregulation (1) as the last day for the lodging of nominations shall be a date that is not later than 21 days after the first publication of the notice of the election in the Education Circular.
8. (1) A nomination of a person as a candidate for election for appointment to an office—
 - (a) shall be in writing;
 - (b) shall contain a statement signed by the candidate that he is willing to accept and act in the office to which he is elected;

- (c) shall be signed by two members of the Union; and
 - (d) where nominations are called for the office of member and the office of deputy member nominations for each office shall be made separately.
- (2) Where the Chief Electoral Officer receives a nomination that does not conform to subregulation (1) he shall notify the candidate of that fact as soon as possible.
- (3) A person whose nomination does not conform to subregulation (1) is not eligible to be a candidate in an election.
- (4) A person who is nominated as a candidate in an election may, at any time before the day fixed as the date for the close of nomination, by notice in writing addressed to the Chief Electoral Officer, withdraw his consent to his nomination as a candidate in the election and where he does so he is deemed not to have nominated in the election.
9. Where at the close of nominations no person has been nominated as a candidate for election for appointment to an office the Chief Electoral Officer shall notify the Union of that fact and the Union shall notify the Minister accordingly.
10. Where at the close of nominations only one candidate is nominated to be elected for appointment to an office the Chief Electoral Officer shall notify the Union of that fact and the Union shall submit the name of the candidate to the Minister for appointment to the office to be filled.
11. The Union shall, not later than 7 days after the day fixed as the date for the close of nominations, furnish the Chief Electoral Officer with an electoral roll for the purposes of the election being held.
12. The electoral roll to be furnished pursuant to regulation 11—
- (a) shall contain the full names of the persons who on the day 14 days before the day fixed as the date for close of nominations, were members of the Union;
 - (b) shall be listed in accordance with the place of employment of the teachers with the Department and in alphabetical order of surnames, or last names and, where the surnames, or last names are identical, also in alphabetical order of the christian or given names; and
 - (c) shall be numbered consecutively.
13. The electoral roll for an election shall be open for inspection during reasonable hours while an election is in progress by any member of the Union, or by any person authorized by the Chief Electoral Officer.
14. (1) The laws for the time being in force that apply to the conduct of an election for the Legislative Assembly of the Parliament of the State apply with such modifications as are necessary to and in relation to an election.
- (2) An election shall be by secret postal ballot.
15. The Chief Electoral Officer shall use a private box at a post office or such other address as he thinks fit for the purposes of conducting the election.
16. (1) Where more than one person has been nominated for election for appointment to an office the Chief Electoral Officer shall, at the close of nominations, publish a notice of that fact in a daily newspaper.
- (2) The notice referred to in subregulation (1)—
- (a) shall set out the title of the office for which the election is being held;
 - (b) shall set out the names of the candidates in the election; and
 - (c) shall state the date and hours thereof for the close of the poll.
17. As soon as possible after the publication of the notice referred to in regulation 16 the Chief Electoral Officer shall forward by pre-paid post or by some other means to every person whose name is on the electoral roll for the election at his address shown on the roll, a sealed envelope containing the following items—
- (1) ballot paper bearing the initials of the Chief Electoral Officer or a facsimile of those initials;
 - (2) an envelope marked with the words "Ballot Paper"; and
 - (3) an envelope addressed to the Chief Electoral Officer—
 - (a) on which is printed the number printed in the electoral roll against the name of the elector to whom the envelope is posted; and
 - (b) which makes provision on the reverse thereof for the full name of the voter and his signature.
18. (1) Every ballot paper issued for the purposes of an election shall be of the same colour and size.
- (2) Notwithstanding subregulation (1) where an election is being held for two offices simultaneously the Chief Electoral Officer may determine that both ballot papers issued in respect of the election may be printed on a single sheet.

19. If on written application made before the close of the poll the Chief Electoral Officer is satisfied by a person who is entitled to vote that—

- (a) a ballot paper has not been received by that person; or
- (b) a ballot paper has been received by that person but the ballot paper has been spoilt, lost, damaged or destroyed,

the Chief Electoral Officer shall forward to the applicant a fresh ballot paper together with the other items referred to in regulation 17.

20. (1) Voting at an election shall be by preferential ballot.

(2) An elector who wishes to record his vote—

- (a) where only two persons are candidates in an election—
 - (i) shall mark his ballot paper by writing the numeral “1” opposite the name of the candidate for whom he votes; and
 - (ii) may mark his ballot paper by writing the numeral “2” opposite the name of the other candidate on the ballot paper;
- (b) where more than two persons are candidates in an election, shall mark his ballot paper—
 - (i) by writing the numeral “1” opposite the name of the candidate for whom he votes; and
 - (ii) by writing the numerals “2”, “3” and so on (as the case requires) opposite the names of the other candidates on the ballot paper,

so as to indicate the order of his preference, and after having marked his ballot paper in the manner prescribed in paragraph (a) or (b), as the case requires, of this subregulation the elector shall—

- (c) enclose the ballot paper alone in the envelope marked “Ballot Paper” and seal the envelope;
- (d) write his name in block letters and sign his name on the envelope addressed to the Chief Electoral Officer;
- (e) enclose the envelope marked “Ballot Paper” in the envelope marked with the address of the Chief Electoral Officer; and
- (f) forward the envelope addressed to the Chief Electoral Officer to the address of the Chief Electoral Officer on the envelope so as to reach that address not later than the day, and the hour thereof, fixed in the notice published pursuant to regulation 16.

21. (1) The Chief Electoral Officer shall place and keep in a locked and sealed ballot box all envelopes purporting to contain ballot papers received by him up to the close of the poll.

(2) An envelope containing a ballot paper received after the close of the poll shall not be admitted to the count.

22. (1) A candidate may by notice in writing given to the Chief Electoral Officer at any time before the close of the Poll appoint a person, other than himself, as a scrutineer.

(2) The Chief Electoral Officer shall give to every person appointed to be scrutineer reasonable notice of the place at which the count of the ballot papers will be undertaken and the date and hour thereof so as to enable the scrutineer to be present during the count.

(3) A person who is appointed as scrutineer under subregulation (1) may—

- (a) be present while the Chief Electoral Officer carries out his functions under regulations 23 and 24; and
- (b) direct the attention of the Chief Electoral Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny and the admission or rejection of a ballot paper to the count.

23. (1) As soon as practicable after the poll has closed and not before, in the presence of such of the scrutineers as may attend—

- (a) each envelope addressed to the Chief Electoral Officer shall be checked against the electoral roll;
- (b) each counterfoil shall be checked against the electoral roll;
- (c) each envelope addressed to the Chief Electoral Officer shall be checked to ensure that it contains the full name and signature of the voter;
- (d) the name of each voter who has forwarded an envelope addressed to the Chief Electoral Officer and ballot paper shall be marked on the electoral roll;
- (e) if the envelope addressed to the Chief Electoral Officer is in order, the ballot paper envelope enclosed therein shall be placed unopened into a sealed ballot box;

- (f) if the envelope addressed to the Chief Electoral Officer has been found not to be in order the envelope containing the ballot paper shall be marked "Not in Order"; and
- (g) the ballot box containing the unopened ballot paper envelopes shall be opened and the ballot papers removed from the envelopes.

(2) For the purposes of the count each ballot paper shall be sorted according to the candidate receiving the first preference on the ballot paper but where a ballot paper—

- (a) does not bear the initials of the Chief Electoral Officer or a facsimile thereof;
- (b) has upon it a mark or any writing by means of which the elector can be identified; or
- (c) is not marked in accordance with such of the requirements set out in regulation 21 as apply to the election being conducted,

the ballot paper shall be rejected as informal.

(3) A person who is appointed as scrutineer for an election may make submissions on the rejection of a ballot paper from, or the admission of a ballot paper to, the count to the Chief Electoral Officer.

(4) The Chief Electoral Officer shall consider any submissions made to him under subregulation (3) before rejecting a ballot paper from, or admitting a ballot paper to the count.

(5) Where the Chief Electoral Officer rejects a ballot paper from the count or admits a ballot paper to the count after submissions have been made to him under subregulation (3) the Chief Electoral Officer shall endorse on the ballot paper the word "REJECTED" or the word "ADMITTED" as the case requires and initial such endorsement.

24. (1) Where—

- (a) an election is held for only one office; or
- (b) an election is held for the offices of member and deputy member simultaneously and a person is not a candidate for both offices,

the successful candidate shall be ascertained in accordance with the laws for the time being in force regulating the elections for the Legislative Assembly of the Parliament of the State.

(2) Where—

- (a) an election is held for the offices of member and deputy member simultaneously; and
- (b) a person is a candidate for both offices,

the count for the office of member shall be completed before the count for the office of deputy member is commenced otherwise the count for both offices may proceed simultaneously.

(3) Where—

- (a) an election is held for the offices of member and deputy member simultaneously;
- (b) a person is a candidate for the office of member and the office of deputy member; and
- (c) a person who is a candidate for the offices of member and deputy member is the successful candidate for the office of member,

the ballot papers shall be re-arranged again under the names of the respective candidates in accordance with the first preferences indicated thereon, except that each ballot paper on which a first preference for the candidate elected as member is indicated shall be placed in the parcel of the candidate next in order of the voter's preference and if a candidate then has an absolute majority of votes, the successful candidate shall be ascertained in accordance with the laws for the time being in force relating to elections for the Legislative Assembly of the Parliament of the State as modified by this subregulation.

25. The Chief Electoral Officer may, at any time before the declaration of the poll, if he thinks fit, on his own motion or on the written request of a candidate or a scrutineer for a candidate in an election, order a recount of the votes cast in the election.

26. (1) The Chief Electoral Officer shall declare the result of an election as soon as practicable and shall immediately thereafter forward to the Union the name of the successful candidate in the election.

(2) The Union upon receiving the names of the successful candidate in an election shall forthwith submit the name to the Minister for the appointment of that person to the office to be filled in accordance with the request made by the Minister pursuant to section 74(4) of the Act.

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28. (1) The Chief Electoral Officer may appoint such persons as are necessary to conduct an election.

(2) The persons employed in the conduct of an election shall be paid such amounts as are prescribed in relation to the conduct of State Parliamentary elections for duties performed by a returning officer and presiding officers respectively at those elections and at the rate so prescribed for the count and scrutiny of votes.

DATED the 27th day of February, 1985.

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