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EMPLOYMENT DISPUTE RESOLUTION ACT 2008

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## EMPLOYMENT DISPUTE RESOLUTION REGULATIONS 2008



Employment Dispute Resolution Act 2008  
Industrial Relations Act 1979

## **Employment Dispute Resolution Regulations 2008**

Made by the Chief Commissioner under the *Employment Dispute Resolution Act 2008* and the *Industrial Relations Act 1979*.

### **1. Citation**

These regulations are the *Employment Dispute Resolution Regulations 2008*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Employment Dispute Resolution Act 2008* comes into operation.

### **3. Terms used in these regulations**

- (1) In these regulations —

“**EDR Act**” means the *Employment Dispute Resolution Act 2008*;

“**Registrar**” has the meaning given in the IR Act section 7(1).

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- (2) Words and expressions used in these regulations have the same respective meanings as in the EDR Act.

**4. Meaning of “Commonwealth workplace agreement”**

An AWA within the meaning given in the Workplace Relations Act Schedule 7A clause 1 is prescribed for the purposes of the definition of “Commonwealth workplace agreement” in the EDR Act section 3.

**5. Practice and procedure: employment dispute referrals**

If an employment dispute is referred to the IR Commission under the EDR Act Part 2 Division 2 —

- (a) the referral is to be in a form approved in writing by the Chief Commissioner (see section 13(2) of the Act); and
- (b) unless otherwise specified in the referral agreement, the EDR Act or these regulations, the *Industrial Relations Commission Regulations 2005* apply with such changes as are necessary as if the referral were an application under the IR Act; and
- (c) the forms set out in the *Industrial Relations Commission Regulations 2005* are to be used, with such changes as are necessary, accordingly.

**6. Appeals**

The *Industrial Relations Commission Regulations 2005* regulations 102 (except regulation 102(4) and (13)), 103 and 103A apply to an appeal under the EDR Act section 22.

**7. Applications under the EDR Act section 27**

- (1) An application to the IR Commission under the EDR Act section 27(1) or (2) is to be made in the form of Form 1 in Schedule 1.

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- (2) The application, and any other documents that are to be filed or lodged in relation to the application, are to be filed or lodged in the office of the Registrar.
- (3) The *Industrial Relations Commission Regulations 2005* regulations 4, 5 and 7(1), (2), (4) and (5) apply in relation to the application and related documents.

**8. Register**

- (1) The Registrar is to keep a register of the following —
  - (a) all requests for mediation proceedings under the EDR Act section 7;
  - (b) all referrals of an employment dispute under the EDR Act section 13;
  - (c) all applications under the EDR Act section 27 to have a dispute resolution process conducted.
- (2) The register may be in the form of a record or information stored by electronic means.

**9. Allocation**

The Registrar is to present each request, referral and application referred to in regulation 8(1) to the Chief Commissioner for allocation as soon as is practicable after it is lodged or filed with the Registrar.

**10. Service**

The *Industrial Relations Commission Regulations 2005* regulations 24, 27 and 28 apply in relation to an application to the IR Commission under the EDR Act section 27(1) or (2) as if the application were filed in proceedings before the Commission.

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**11. Proceedings for enforcement**

The *Industrial Relations Commission Regulations 2005* regulation 60 applies for the purposes of enforcing a decision or direction under the EDR Act section 20 or 25(3).

**12. Publication of notice of variation**

- (1) If an order made under the EDR Act section 18(1)(a) (an “**EDR order**”) varies the operation of an existing award, order or industrial agreement under the IR Act, the Registrar must publish a notice of the variation —
  - (a) in the next available issue of the *Western Australian Industrial Gazette* published under the IR Act; and
  - (b) in a newspaper circulating throughout the State or on an internet site maintained by the IR Commission.
- (2) The notice must specify —
  - (a) the award, order or industrial agreement that was varied; and
  - (b) the parties to the EDR order; and
  - (c) the date on which the EDR order was made.

**Employment Dispute Resolution Regulations 2008**Forms **Schedule 1****Schedule 1 — Forms**

Form 1

[r. 7]

<i>Employment Dispute Resolution Act 2008</i> s. 27(1) or (2) Western Australian Industrial Relations Commission Application No. .... of 20....		<b>Application to conduct dispute resolution process or model dispute resolution process</b>
<b>Applicant</b>	Name	
	Contact person	
	Mailing address	
	Telephone	
	Fax	
	Email address	
<b>Application</b> [Tick one box]	I apply to have — <input type="checkbox"/> a dispute resolution process conducted by the Commission under the <i>Employment Dispute Resolution Act 2008</i> section 27(1) <input type="checkbox"/> a model dispute resolution process conducted by the Commission under the <i>Employment Dispute Resolution Act 2008</i> section 27(2)	
<b>Matter in dispute<sup>1</sup></b>		
<b>Is the matter urgent?</b> [Tick one box]	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Parties to the matter in dispute<sup>2</sup></b>		
<b>Party 1</b>	Full name	
	Contact person	
	Mailing address	
	Telephone	
	Fax	
	Email address	

**Employment Dispute Resolution Regulations 2008****Schedule 1 Forms**

<b>Party 2</b>	Full name		
	Contact person		
	Mailing address		
	Telephone		
	Fax		
	Email address		
<b>Party 3</b>	Full name		
	Contact person		
	Mailing address		
	Telephone		
	Fax		
	Email address		
<b>Name of relevant Commonwealth workplace agreement</b>		Number (if applicable)	
<b>Type of assistance sought from IR Commission</b>			
<b>Signature of applicant</b>		Date	

Notes to Form 1 —

1. Provide a brief description. Attach schedule if necessary.
2. If more than 3 parties are involved attach a sheet identifying relevant details of each additional party.

J. H. SMITH, Acting Chief Commissioner.

Dated 31 July 2008.