

Western Australia

Employment Dispute Resolution Act 2008
Industrial Relations Act 1979

**Employment Dispute Resolution
Regulations 2008**

As at 16 Mar 2012

Version 00-c0-01

Extract from www.slp.wa.gov.au, see that website for further information

Western Australia

Employment Dispute Resolution Regulations 2008

CONTENTS

1.	Citation	1
2.	Commencement	1
3.	Terms used in these regulations	1
4.	Meaning of “Commonwealth workplace agreement”	2
5.	Practice and procedure: employment dispute referrals	2
6.	Appeals	2
7.	Applications under the EDR Act section 27	2
8.	Register	3
9.	Allocation	3
10.	Service	3
11.	Proceedings for enforcement	3
12.	Publication of notice of variation	4

Schedule 1 — Forms

Notes

Compilation table	7
Provisions that have not come into operation	7

Western Australia

Employment Dispute Resolution Act 2008
Industrial Relations Act 1979

Employment Dispute Resolution Regulations 2008

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.

[Regulation 2 correction in Gazette 5 Dec 2008 p. 5087.]

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).
- (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.
- (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.

[Regulation 9 correction in Gazette 5 Dec 2008 p. 5087.]

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.

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.

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....		Application to conduct dispute resolution process or model dispute resolution process
Applicant	Name	
	Contact person	
	Mailing address	
	Telephone	
	Fax	
	Email address	
Application [Tick one box]	I apply to have — a dispute resolution process conducted by the Commission under the <i>Employment Dispute Resolution Act 2008</i> section 27(1) a model dispute resolution process conducted by the Commission under the <i>Employment Dispute Resolution Act 2008</i> section 27(2)	
Matter in dispute¹		
Is the matter urgent? [Tick one box]	Yes No	
Parties to the matter in dispute²		
Party 1	Full name	
	Contact person	
	Mailing address	
	Telephone	
	Fax	

Employment Dispute Resolution Regulations 2008

Schedule 1 Forms

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

Notes

¹ This is a compilation of the *Employment Dispute Resolution Regulations 2008*^{1a}. The following table contains information about those regulations.

Compilation table

Citation	Gazettal	Commencement
<i>Employment Dispute Resolution Regulations 2008</i>	28 Nov 2008 p. 5019-26 (Printers correction 5 Dec 2008 p. 5087)	r. 1 and 2: 28 Nov 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2008 (see r. 2(b) and <i>Gazette</i> 28 Nov 2008 p. 5029)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Employment Dispute Resolution Amendment Regulations 2012</i> r. 3-7 ²	16 Mar 2012 p. 1250-1	1 Apr 2012 (see r. 2(b) and <i>Gazette</i> 16 Mar 2012 p. 1246)

² On the date as at which this compilation was prepared, the *Employment Dispute Resolution Amendment Regulations 2012* r. 3-7 had not come into operation. They read as follows:

3. Regulations amended

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

4. Regulation 4 replaced

Delete regulation 4 and insert:

4. Meaning of “Commonwealth enterprise agreement” (EDR Act section 3)

An AWA, within the meaning of that term in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Commonwealth), is prescribed for the purposes of the

definition of *Commonwealth enterprise agreement* in the EDR Act section 3(1).

5. Regulation 7 amended

In regulation 7(1) delete “27(1) or (2)” and insert:

27

6. Regulation 10 amended

In regulation 10 delete “27(1) or (2)” and insert:

27

7. Schedule 1 amended

In Schedule 1 Form 1:

- (a) delete “s. 27(1) or (2)” and insert:

s. 27

- (b) delete “**or model dispute resolution process**”;

- (c) delete “**Application** [Tick one box]” and insert:

Application

- (d) delete the passage that begins with “I apply” and ends with “27(2)” and insert:

I apply to have a dispute resolution process conducted by the Commission under the *Employment Dispute Resolution Act 2008* section 27

- (e) delete “**Commonwealth workplace agreement**” and insert:

Commonwealth enterprise agreement

