

IR301*

Industrial Relations Act 1979

Industrial Relations Commission Amendment Regulations 2008

Made by the Chief Commissioner of the Western Australian Industrial Relations Commission after consulting the members of the Commission.

1. Citation

These regulations are the *Industrial Relations Commission Amendment 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 after that day.

3. The regulations amended

The amendments in these regulations are to the *Industrial Relations Commission Regulations 2005*.

4. Regulation 47 amended

- (1) Regulation 47(1) is amended by inserting before “declaration” —
“ statutory ”.
- (2) Regulation 47(2) is repealed and the following subregulation is inserted instead —
“
(2) Any statutory declaration required to be made under these regulations must be made before a person who is an authorised witness under the *Oaths, Affidavits and Statutory Declarations Act 2005* section 12(6).
”.

5. Regulation 102 amended

- (1) Regulation 102(7) is repealed and the following subregulation is inserted instead —

“

- (7) An application made under subregulation (6) must —
- (a) be in the form of a notice of application in Form 1; and
 - (b) be supported by a statutory declaration setting out the facts relied on to support the application.

”.

- (2) Regulation 102(10) is amended as follows:

- (a) by inserting after “contain” —

“ the following ”;

- (b) in paragraph (c) by deleting “such” and inserting instead —

“ the ”;

- (c) by inserting after paragraph (d) —

“

- (da) any written submissions, or outline of submissions, provided to the Commission;

”;

- (d) by deleting “and” after paragraph (f);

- (e) in paragraph (g) by deleting “those” and inserting instead —

“ the ”;

- (f) by deleting the full stop after paragraph (g) and inserting a semicolon instead;

- (g) by inserting after paragraph (g) —

“

- (h) a copy of any other document which will be required by the Full Bench to determine the appeal, including any further particulars of the claim or answer filed in the proceedings.

”.

6. Regulation 103A inserted

After regulation 103 the following regulation is inserted —

“

103A. Discontinuance of appeal to Full Bench

- (1) An appeal to the Full Bench cannot be discontinued other than under an order of the Full Bench.

- (2) The appellant in an appeal from a decision of the Commission may at any time apply to the Full Bench for an order discontinuing the appeal —
- (a) by lodging a notice of application in Form 1; and
 - (b) by serving a stamped 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; and
 - (c) by having a declaration of service completed, and filing the declaration.
- (3) The declaration of service must be in an approved form.
- (4) On an application for an order to discontinue an appeal the Full Bench, after giving the parties served with the application an opportunity to be heard or make submissions —
- (a) may grant or refuse the application; and
 - (b) may in addition make any other order that is just.

”.

7. **Schedule 1 amended**

Schedule 1 Form 4 is amended as follows:

- (a) by deleting “do solemnly and”;
- (b) by inserting before “This declaration” —

“

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

”.

Dated: 17th January 2008.

A. R. BEECH, Chief Commissioner,
Western Australian Industrial Relations Commission.
