

INDUSTRIAL RELATIONS COMMISSION, APPEAL SYSTEM

3056. Mrs C.L. Edwardes to the Minister for Consumer and Employment Protection

I refer the Minister to the article in *The Sydney Morning Herald*, of 22 July 2004 titled 'Judges put brakes on industrial commission' and ask -

- (a) is the Minister aware of the view of the New South Wales (NSW) Court of Appeal that the Industrial Relations Commission has, 'neither the expertise or the power to handle complex commercial disputes';
- (b) is the Minister aware that in four separate judgements the NSW Court of Appeal said that it (the commission) could only hear cases with 'an industrial character';
- (c) will the Minister now seek advice as to the potential impact of these Court of Appeal rulings on the Western Australian legislation;
- (d) will the Minister now reintroduce a full appeal system to the Western Australian Industrial Relations Commission; and
- (e) if not, why not?

Mr J.C. KOBELKE replied:

- (a) Yes.
- (b) Yes.
- (c) No. It is my understanding that views referenced in questions (a) and (b) related to NSW IRC having jurisdiction in matter of unfair contracts. The Industrial Relations Act 1979 (WA) does not contain an unfair contracts jurisdiction under which the four NSW Court of Appeal judgements were argued.
- (d)-(e) It is hard to see how this question is in anyway related to questions (a) to (c) and as such makes no sense.