

IR301\*

Industrial Relations Act 1979

## Industrial Relations Commission Amendment Regulations (No. 2) 2010

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 (No. 2) 2010*.

### 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. Regulations amended

These regulations amend the *Industrial Relations Commission Regulations 2005*.

### 4. Regulation 4 amended

In regulation 4(2) delete “not earlier than 8.00 a.m. and not later than 5.00 p.m. on any day on which” and insert:

at a time when

### 5. Regulation 5 amended

In regulation 5(5)(a) delete “5.00 p.m.” and insert:

close of business

### 6. Regulation 6 amended

- (1) In regulation 6(1) delete “from 8.00 a.m. until 5.00 p.m. on Monday to Friday each week,” and insert:

on the days and at the times determined by the Registrar, after consultation with the Chief Commissioner,

- (2) In regulation 6(2) delete “prescribed in” and insert:

determined under

- (3) In regulation 6(3) delete “8.00 a.m. on the next day the office of the Registrar is open” and insert:

the time when the office of the Registrar next opens

- (4) After regulation 6(3) insert:

- (4) Opening hours determined under subregulation (1) are to be published on the Commission’s website at <http://www.wairc.wa.gov.au>.

**7. Regulation 53 amended**

In regulation 53(1):

- (a) delete paragraph (d);
- (b) after each of paragraphs (a) to (c) insert:

or

**8. Regulation 54A inserted**

After regulation 53 insert:

**54A. Orders as to specified matters on which agreement has not been reached**

- (1) An application under section 42G(1)(c) of the Act for an order as to specified matters on which agreement has not been reached must —
  - (a) be signed by all of the negotiating parties or their agents and, where necessary, be sealed by them; and

- (b) have attached a statement that —
  - (i) specifies the application mentioned in section 42G(1)(b) of the Act; and
  - (ii) specifies the matters on which agreement has not been reached; and
  - (iii) summarises the respective positions of the negotiating parties and the nature of the relief sought by each of them; and
  - (iv) provides any other information considered by the negotiating parties to be relevant to the application.
- (2) It is not necessary to serve the application or to file an answer to the application.

**9. Regulation 55 amended**

After regulation 55(1) insert:

- (2A) An application by all of the parties to an agreement must be signed by each of them or their agents, and when necessary, sealed by them.
- (2B) It is not necessary to serve an application referred to in subregulation (2A) on the parties to the agreement or to file an answer to the application.

**10. Schedule 1 amended**

- (1) In Schedule 1 Form 8 delete “appellant, sealed” and insert:

appellant, signed

- (2) In Schedule 1 Form 9A delete “appellant, sealed” and insert:

appellant, signed

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

Date: 5 October 2010.