

Industrial Relations Commission Amendment Regulations 2015

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 2015*.

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 27 amended

In regulation 27(4) delete “relevant”.

5. Regulation 61 amended

(1) Delete regulation 61(3) and insert:

- (3) Unless the Commission otherwise directs, after the application is filed the applicant must —
 - (a) serve a stamped copy of it together with its attachments on each respondent as soon as reasonably practicable; and
 - (b) file a statutory declaration of service in Form 4.

(2) Delete regulation 61(6) and insert:

- (6) Unless the Commission otherwise directs, the respondent must —
 - (a) serve a stamped copy of the notice of answer and answering statement on the applicant as soon as reasonably practicable; and
 - (b) file a statutory declaration of service in Form 4.

6. Regulation 63A inserted

At the end of Part 6 Division 1 insert:

63A. Application by employee or former employee under *Public Sector Management Act 1994*

- (1) In this regulation —
employing authority has the meaning given in the *Public Sector Management Act 1994* section 3(1).
- (2) The following applications to the Commission must be made in a notice of referral in Form 4A —
 - (a) a referral by an employee or former employee under the *Public Sector Management Act 1994* section 78(2) or (3);
 - (b) a referral by an employee under the *Public Sector Management Act 1994* section 95(2) or 96A(2);
 - (c) a referral by a former employee under the *Public Sector Management Act 1994* section 96A(2).
- (3) Unless the Commission otherwise directs, after the application is filed the applicant must —
 - (a) serve a stamped copy of it together with its attachments on the applicant's employing authority or former employing authority as soon as reasonably practicable; and
 - (b) file a statutory declaration of service in Form 4.
- (4) An employing authority that is served with the application and that wants to respond to it may file a notice of answer in Form 5 within 21 days of being served with the application.
- (5) An answering statement must be attached to the notice of answer and must, in summary form —
 - (a) specify the facts on which the employing authority relies; and
 - (b) admit or dispute, either with or without qualification, each part of the application made by the applicant.
- (6) Unless the Commission otherwise directs, the employing authority must —
 - (a) serve a stamped copy of the notice of answer and answering statement on the applicant as soon as reasonably practicable; and

(b) file a statutory declaration of service in Form 4.

7. Schedule 1 Form 4A inserted

After Schedule 1 Form 3 insert:

**Form 4A — Notice of referral by employee or former employee
under *Public Sector Management Act 1994***

[r. 63A(2)]

Industrial Relations Act 1979

In the Western Australian Industrial Relations Commission

No. of 20

To:
.....
.....
.....
(name of employing authority that made the decision or finding)

TAKE NOTICE THAT
.....
.....
(name of applicant)

has this day referred to the Commission the decision or finding made under the
Public Sector Management Act 1994 that is set out in the attached written particulars.

.....
(signature of applicant)

- NOTE 1: This form must be completed and signed by the applicant and written particulars of the subject matter of the application must be attached to it.
- NOTE 2: Unless the Commission otherwise directs, after the application is filed the applicant must serve (e.g. by posting or delivering it to the employing authority personally) a stamped copy, together with its attachments, on the employing authority as soon as reasonably practicable and file a Form 4 statutory declaration of service declaring that this has been done.
- NOTE 3: An employing authority that is served with an application and that wants to respond to it may file a notice of answer in Form 5 within 21 days of being served with the application. An answering statement must be attached to the notice of answer and must, in summary form, specify the facts on which the employing authority relies and admit or dispute, either with or without qualification, each part of the application made by the applicant.

All Forms are available from the Registry or downloadable at www.wairc.wa.gov.au.

(Stamp of Commission)

8. Schedule 1 Form 4 amended

Delete the reference after the heading to Schedule 1 Form 4 and insert:

[r. 28(1), 61(3) and (6), 63A(3) and (6), 98(4) and (5), 99, 99D(5) and (7) and 99E]

9. Schedule 1 Form 5 amended

Delete the reference after the heading to Schedule 1 Form 5 and insert:

[r. 14, 48(5), 50(6), 61(4), 63A(4), 99D(6) and 99E]

10. Schedule 1 Form 9 amended

Delete the reference after the heading to Schedule 1 Form 9 and insert:

[r. 99, 99E and 102(1)]

11. Schedule 1 Form 14 amended

Delete the reference after the heading to Schedule 1 Form 14 and insert:

[r. 16(1) and (4), 99 and 99E]

12. Schedule 1 Form 15 amended

Delete the reference after the heading to Schedule 1 Form 15 and insert:

[r. 32(2), 99, 99E and 103(8)]

13. Schedule 1 Form 16 amended

Delete the reference after the heading to Schedule 1 Form 16 and insert:

[r. 23(1), 99 and 99E]

14. Schedule 1 Form 17 amended

Delete the reference after the heading to Schedule 1 Form 17 and insert:

[r. 41(1), 99 and 99E]

15. Schedule 1 Form 18 amended

Delete the reference after the heading to Schedule 1 Form 18
and insert:

[r. 63(1) and (3), 99 and 99E]

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