

Industrial Relations Commission Amendment Regulations (No. 2) 2022

SL 2022/6

Made by the Chief Commissioner of The Western Australian Industrial Relations Commission.

1. Citation

These regulations are the *Industrial Relations Commission Amendment Regulations (No. 2) 2022*.

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. Part 9D inserted

After regulation 94G insert:

Part 9D — Disputes under the *Police Act 1892* Part 2D Division 3

94H. Term used: Tribunal

In this Part —

Tribunal has the meaning given in the *Police Act 1892* section 33ZZA(2) in relation to the Police Compensation Tribunal.

94I. Application of Part

This Part applies to a dispute lodged with the Tribunal under the *Police Act 1892* section 33ZZB.

94J. Lodgment of dispute by medically retired member

The lodgment of a dispute by a medically retired member under the *Police Act 1892* section 33ZZB(1), (3) or (4) must be by notice of dispute in the approved form.

94K. Lodgment of dispute on behalf of medically retired member

- (1) The lodgment of a dispute on behalf of a medically retired member under the *Police Act 1892* section 33ZZB(7) must be by notice of dispute in the approved form.
- (2) For the purposes of the *Police Act 1892* section 33ZZB(7)(b) and (c), a person lodging a dispute on behalf of a medically retired member must be a person who meets the requirements of subregulation (3) and is —
 - (a) the spouse, or de facto partner, of the medically retired member; or
 - (b) closely associated with the medically retired member; or
 - (c) a next friend of the medically retired member for the purpose of the dispute; or
 - (d) a legal practitioner.
- (3) A person cannot lodge a dispute on behalf of a medically retired member unless the person is an adult who —
 - (a) has no interest in the proceedings that is adverse to the interest of the medically retired member; and
 - (b) can fairly and competently conduct the proceedings for the medically retired member.
- (4) For the purposes of subregulation (2)(b), a person is closely associated with the medically retired member if, and only if, the person —
 - (a) regularly provides, or arranges for the provision of, domestic services and support to the medically retired member; or
 - (b) maintains a close personal relationship with the medically retired member.
- (5) It is immaterial for the purposes of subregulation (4) whether or not the person is related in any way to the medically retired member.

94L. Application of certain regulations

- (1) The provisions of these regulations that are set out in the Table apply to the lodgment of disputes with, and the hearing and determination of disputes by, the Tribunal as if —
 - (a) references in the provisions to the Commission were references to the Tribunal; and
 - (b) references in the provisions to a notice of application were references to a notice of dispute.

Table

Part 2 except r. 8(1), (3) and (4)	Part 3 except r. 13(3)(a) and Division 4
Part 4	Part 11 Division 2

- (2) Subregulation (1) applies —
 - (a) except as otherwise provided by this Part; and
 - (b) in a particular case subject to the direction of the Tribunal.

94M. Procedures specific to Tribunal proceedings

- (1) A notice of dispute must be signed by —
 - (a) the medically retired member who lodges the dispute with the Tribunal under the *Police Act 1892* section 33ZZB(1), (3) or (4); or
 - (b) the person who lodges the dispute on behalf of a medically retired member under the *Police Act 1892* section 33ZZB(7).
- (2) Unless in a particular case the Chief Commissioner otherwise directs, the Registrar must present a notice of dispute to the Chief Commissioner for allocation of the matter as soon as practicable after the notice is filed.
- (3) The Registrar must endorse on the notice of dispute the time within which a response under regulation 14 must be filed.
- (4) The time required for filing a response is —
 - (a) 21 days from the date of being served with the notice of dispute; or
 - (b) if an application to the Tribunal for a shortened time for response is granted — the time determined by the Tribunal.
- (5) A summons to attend conciliation proceedings under the *Police Act 1892* section 33ZZF may be given by the Tribunal orally, in writing, by telephone or by email.

- (6) If the Tribunal gives a direction, or makes an order, under the *Police Act 1892* section 33ZZF(4) in writing or reduces it to writing (the **conciliation document**), the Tribunal may give directions (a **service direction**) as to service of the conciliation document.
- (7) The conciliation document must be —
 - (a) sealed; and
 - (b) served —
 - (i) if a service direction is made — in accordance with the service direction; or
 - (ii) otherwise — by the Registrar on the parties.

94N. Chief Commissioner may approve modified form of summons

- (1) For the purposes of this Part, the Chief Commissioner may approve a modified version of the form set out in Schedule 1 Division 1 (a **modified form**) in which any reference in that form to the Commission is changed to a reference to the Tribunal.
- (2) If the Chief Commissioner approves a modified form for the purposes of this Part, the Commission must publish the modified form on the Commission’s website.

5. Regulation 97 amended

In regulation 97(1) in the Table in the 2nd row in the 1st column after “13(3)(a)” insert:

and Division 4

6. Regulation 99C amended

In regulation 99C(1) in the Table in the 2nd row in the 1st column after “13(3)(a)” insert:

and Division 4

7. Regulation 99D amended

Delete regulation 99D(6).

S. KENNER, Chief Commissioner
The Western Australian Industrial Relations Commission
