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Australian Industrial Relations Commission Amendment Rules 1999 (No. 1)

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Statutory Rules 1999 No. 1

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I, GEOFFREY MICHAEL GIUDICE, President of the Australian Industrial Relations Commission, having consulted with the members of the Commission, make the following rules of the Commission under section 48 of the *Workplace Relations Act 1996*.

Dated 5 May 1999.

President



Australian Industrial Relations Commission Amendment Rules 1999 (No. \angle)¹

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Statutory Rules 1999 No. \angle ²

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made under the

Workplace Relations Act 1996

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Rule 1

1 Name of rules

These rules are the *Australian Industrial Relations Commission Amendment Rules 1999 (No. 2)*.

2

2 Commencement

These rules commence on gazettal.

3 Amendment of *Australian Industrial Relations Commission Rules 1998*

Schedule 1 amends the *Australian Industrial Relations Commission Rules 1998*.

2

Australian Industrial Relations Commission Amendment Rules 1999 (No. 2)

1999, 2

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2

Schedule 1 Amendments

(rule 3)

[1] Paragraph 11 (1) (b)

omit

brought; and

insert

brought, or the relevant extract from the transcript; and

[2] Paragraph 11 (1) (c)

substitute

(c) each document:

(i) that was an exhibit in the proceedings; and

(ii) that relates to the grounds of appeal set out in the notice; and

[3] Subparagraph 49 (1) (b) (ii)

omit

Registry.

insert

Registry; and

[4] After subparagraph 49 (1) (b) (ii)*insert*

(iii) enough copies of the agreement to enable the Industrial Registry, in the event of certification of the agreement by the Commission, to provide a copy to:

(A) the employer; and

(B) if the agreement was negotiated by an employee acting on his or her own behalf and on behalf of other employees — that employee.

[5] Schedule, Forms R18, R19 and R20*omit each mention of*

\$100

insert

\$50

[6] Schedule, Form R21, list of possible bases of objection on jurisdictional grounds*omit*

the employer is not a constitutional corporation **

insert

the employer is not a constitutional corporation *

[7] Schedule, Form R21, list of possible bases of objection on jurisdictional grounds

omit

the employee was employed on a fixed term contract

insert

the employee was engaged under a contract of employment for a specified period of time or for a specified task (see paragraphs 30B (1) (a) and (b) of the *Workplace Relations Regulations 1996*)

[8] Schedule, Form R21, list of possible bases of objection on jurisdictional grounds

omit

the employee is an employee to whom subregulation 30 BAA (2) of the *Workplace Relations Regulations 1996* applies

Note Subregulation 30 BAA (2) of the *Workplace Relations Regulations 1996* applies to an employee who:

- was first employed after 18 December 1998; and
- was neither an apprentice nor a trainee; and
- had not completed 6 months continuous service with the employer.

The employee is excluded from the operation of certain provisions of the *Workplace Relations Act 1996*.

the employee is an employee to whom subregulation 30 BAB (2) of the *Workplace Relations Regulations 1996* applies

Note Subregulation 30 BAB (2) of the *Workplace Relations Regulations 1996* applies to an employee if:

- the employee was first employed after 18 December 1998; and
- the employee was neither an apprentice nor a trainee; and

-
- the employer's undertaking employed no more than 15 employees (however, see the accompanying Guidesheet to Exclusions in relation to casual employees).

The employee is excluded from the operation of certain provisions of the *Workplace Relations Act 1996*.

[9] Schedule, Form R21, list of possible bases of objection on jurisdictional grounds

before

**** May only be a relevant jurisdictional objection in NSW, Qld, W.A., S.A. and Tasmania**

insert

*** May only be a relevant jurisdictional objection in W.A., S.A. and Tasmania**

[10] Schedule, Form R28, question 2.4

omit

2.4 Does this agreement apply to the whole or only to a part of a single business?

If the agreement applies to the whole of the single business, proceed to Part 3.

If the agreement applies only part of the single business, is the part of the single business a geographically distinct part or a distinct operational or organisational unit within the single business?

insert

2.4 Does this agreement apply to the whole or only to a part of a single business, as defined in subsection 170LB (3) of the Act?

WHOLE / PART (If WHOLE, proceed to Part 3)

If PART, is the part of the single business a geographically distinct part or a distinct operational or organisational unit within the single business?

[11] Schedule, Form R28, Part 3

insert after question 3.3

3.3A Contact person for receipt of hearing details concerning application (the person authorised by the employer(s) to speak about the agreement on behalf of the employer(s))

Full name:

Position:

Address of contact person:

.....

.....POSTCODE

Telephone number (business hours): ()

Facsimile number: ()

[12] Schedule, Form R30*omit*

The application must be accompanied by:

- an original of the written agreement signed by the parties to the agreement,
- three copies for the use of the Industrial Registry, and
- sufficient additional copies to enable the Industrial Registry to provide a copy of the agreement to each party in the event of certification by the Commission.

insert

The application must be accompanied by:

- an original of the written agreement signed by:
 - (a) the employer; and
 - (b) if the agreement was negotiated by an employee acting on his or her own behalf and on behalf of other employees — that employee, and
- three copies for the use of the Industrial Registry, and
- enough copies to enable the Industrial Registry, in the event of certification of the agreement by the Commission, to provide a copy of the agreement to:
 - (a) the employer; and
 - (b) if the agreement was negotiated by an employee acting on his or her own behalf and on behalf of other employees — that employee.

[13] Schedule, Form R30, question 2.4

omit

2.4 Does this agreement apply to the whole or only to a part of a single business?

If the agreement applies to the whole of the single business, proceed to Part 3.

If the agreement applies only to a part of the single business, is the part of the single business a geographically distinct part or a distinct operational or organisational unit within the single business?

insert

2.4 Does this agreement apply to the whole or only to a part of a single business, as defined in subsection 170LB (3) of the Act?

WHOLE / PART (If WHOLE, proceed to Part 3)

If PART, is the part of the single business a geographically distinct part or a distinct operational or organisational unit within the single business?

[14] Schedule, Form R30, Part 3*insert after question 3.3*

3.3A Contact person for receipt of hearing details concerning application (the person authorised by the employer(s) to speak about the agreement on behalf of the employer(s))

Full name:

Position:

Address of contact person:

.....

.....POSTCODE

Telephone number (business hours): ()

Facsimile number: ()

[15] Schedule, Form R32, question 2.4*omit*

2.4 Does this agreement apply to the whole or only to a part of a single business?

If the agreement applies to the whole of the single business, proceed to Part 3.

If the agreement applies only to a part of the single business, is the part of the single business a geographically distinct part or a distinct operational or organisational unit within the single business?

insert

2.4 Does this agreement apply to the whole or only to a part of a single business, as defined in subsection 170LB (3) of the Act?

WHOLE / PART (If WHOLE, proceed to Part 3)

If PART, is the part of the single business a geographically distinct part or a distinct operational or organisational unit within the single business?

[16] Schedule, Form R32, Part 3

insert after question 3.3

3.4 Contact person for receipt of hearing details concerning application (the person authorised by the employer(s) to speak about the agreement on behalf of the employer(s))

Full name:

Position:

Address of contact person:

.....

.....POSTCODE

Telephone number (business hours): ()

Facsimile number: ()

[17] Schedule, Forms R63 and R64

omit each mention of

employers

insert

employees

Notes

1. These rules amend Statutory Rules 1998 No. 1, as amended by 1999 No. 1.
2. Made by the President of the Australian Industrial Relations Commission on \angle 1999, and notified in the *Commonwealth of Australia Gazette* on \angle 1999.

5 May
12 May