

Australian Industrial Relations Commission Amendment Rules 2001 (No. 2) 2001 No. 101

EXPLANATORY STATEMENT

STATUTORY RULES 2001 No. 101

Australian Industrial Relations Commission Amendment Rules 2001 (No. 2)

(Issued by the Authority of the President of the Australian Industrial Relations Commission)

Authority

Section 48 of the *Workplace Relations Act* 1996 (the Act) authorises the making of the rules of the Australian Industrial Relations Commission (the Commission).

Under subsection 48(1) of the Act the President of the Commission by signed instrument, after consultation with members of the Commission, may make rules, not inconsistent with the Act, with respect to:

- (a) the practice and procedure to be followed in the Commission; or
- (b) the conduct of business in the Commission;

and, in particular:

- (c) the manner in which, and the time within which, applications, submissions and objections may be made to the Commission; and
- (d) the manner in which applications, submissions and objections may be dealt with by the Commission.

Moreover, subsection 4(1) of the, Act states:

" 'prescribed' includes prescribed by Rules of the Commission made under section 48;"

Purpose

A number of amendments have been made to improve the workings of the

Details

The President of the Commission, after consultation with members of the Commission, has made amendments to the Rules to the following effect:

Rule 1 is a formal provision stating the name of these Rules.

Rule 2 provides that these Rules commence on Gazettal.

Rule 3 is a formal provision, providing that the Australian Industrial Relations Commission Rules are amended as set out in these Rules.

Schedule 1

Item 1 amends sub-rule 58(1) by deleting the reference to the Commission and thereby clarifying that the notice of initiation of a bargaining period to both the Commission and each other negotiating party must be in accordance with Form R40.

Item 2 provides for the notice of initiation of a bargaining period to be given to each other negotiating party personally or by post or facsimile transmission.

Item 3 recognises that as a result of State Legislation, Federal award employees in NSW and Qld not employed by constitutional corporations can no longer make application to the Australian Industrial Relations Commission in respect of a harsh, unjust or unreasonable dismissal but must rather access their respective state legislation. The inclusion of NSW corrects a drafting omission from Statutory Rules 2001 No 1 and as a result of amendments to the Queensland Industrial Relations Act 1999, adds Qld to the list of States where this objection maybe relevant.

Item 4 amends the heading on the certificate under s170CF, Form R24, to more accurately describe the form.

Item 5 amends the notice of initiation of bargaining period, Form R40, by deleting the reference to the Australian Industrial Relations Commission in accordance with Item 1.