

Australian Industrial Relations Commission Amendment Rules 2003 (No. 2) 2003 No. 7

EXPLANATORY STATEMENT

STATUTORY RULES 2003 No. 7

Australian Industrial Relations Commission Amendment Rules 2003 (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

Amendments have been made as a result of the Workplace Relations Amendment (Genuine Bargaining) Act 2002.

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 - Rule 60 (Application to suspend or terminate bargaining period)

Insertion of subrule (1A) to provide that if subsection 170MW(8A) of the Workplace Relations Act applies, an application to suspend or terminate a bargaining period must be in accordance with Form R42A.

Item 2 - Rule 60A (Application to prevent the initiation of a new bargaining period)

Insertion of rule 60A to provide that an application under subsection 170MWA (4) or (5) must be in accordance with Form R42B.

Item 3 - Form R42A (Application to suspend or terminate bargaining period)

Form R42B (Application to prevent the initiation of a new bargaining period)

New Forms arising from amendment to Rule 60 and insertion of Rule 60A (see items 1 and 2).