

# **Australian Industrial Relations Commission Amendment Rules 2004 (No. 1) 2004 No. 6**

## **EXPLANATORY STATEMENT** **STATUTORY RULES 2004 NO. 6**

### **Australian Industrial Relations Commission Amendment Rules 2004 (No. 1)**

(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 Rules.

#### **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 *Gazetta*.

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

## **Schedule 1**

The following amendments are consequential to:

- the amendments made to the *Workplace Relations Act 1996* by the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.
- the amendments made to the *Workplace Relations Regulations 1996* by the *Workplace Relations Amendment Regulations 2004*.

### **Item 1 - Rule 47 Costs**

Subrule (1) provides for an application for an order for costs under section 170CJ be made by using the Form in the Rules.

Subrule (2) allows the Commission to tax costs in accordance with the new Schedule in the *Workplace Relations Regulations*.

Subrule (3) allows a lower rate to be charged for an item of work done or service provided than that specified for the item in the new Schedule in the *Workplace Relations Regulations*, if the Commission considers it reasonable in the circumstances.

Subrule (4) gives only a Presidential Member, nominated by signed instrument by the President, the power to tax costs.

**Item 2** - Amendment to Rule 68 is an editing modification.

**Item 3** - Inserts a new Rule 68A for an application for Supported Wage System - minimum wage order for certain Victoria employees arising as a result of the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.

**Item 4** - Inserts a new Form R49A for an application for Supported Wage System - minimum wage order arising as a result of the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.

**Item 5** - Inserts a new Form R50A for Notice of hearing for an application for Supported Wage System - minimum wage order to apply to certain Victorian employees arising as a result of the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.

**Item 6** - Amendments to Forms R55 and R56 insert a reference to Victoria for common rule applications arising as a result of the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.

**Item 7** - Amendment to Form R57 inserts a reference to Victoria for common rule applications arising as a result of the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.

**Item 8** - Amendment to Form R58 inserts a reference to Victoria for common rule applications arising as a result of the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.

**Item 9** - Amendments to Forms R59, R60 and R61 insert a reference to Victoria for common rule applications arising as a result of the *Workplace Relations Amendment (Improved Protection For Victorian Workers) Act 2003*.