



## Australian Industrial Relations Commission Amendment Rules 2004 (No. 1)<sup>1</sup>

Statutory Rules 2004 No. 1<sup>2</sup>

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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  
under the *Workplace Relations Act 1996*.

Dated *10 February* 2004

President



**1 Name of Rules**

These Rules are the *Australian Industrial Relations Commission Amendment Rules 2004 (No. 1)*.

**2 Commencement**

These Rules commence on the date of their notification in the *Gazette*.

**3 Amendment of Australian Industrial Relations Commission Rules 1998**

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

**Schedule 1 Amendments**

(rule 3)

**[1] Rule 47**

*substitute*

**47 Costs**

- (1) An application for an order for costs under section 170CJ of the Act must be made in accordance with Form R26.
- (2) The Commission may order that costs be taxed in accordance with Schedule 5 to the Regulations.
- (3) The Commission may allow an item of work done or service performed to be costed at a lower rate than the rate (if any) specified for the item in Schedule 5 to the Regulations, if the lower rate is reasonable in the circumstances of the case.

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- (4) The power of the Commission to tax costs must be exercised only by a Presidential Member nominated, by signed instrument, by the President to be responsible for the exercise of the power.

**[2] Paragraph 68 (3) (f)**

*substitute*

- (f) any other persons the Commission directs.

**[3] After rule 68**

*insert*

**68A Application for Supported Wage System — minimum wage order for certain Victorian employees**

- (1) An application under section 501A of the Act for an order that the Supported Wage System applies must be in accordance with Form R49A.
- (2) On the Commission fixing a time and place for the hearing of the application, a Registrar must:
- (a) publish a notice in accordance with Form R50A in the Australian Industrial Registry Bulletin; and
  - (b) give a copy of the notice to the applicant; and
  - (c) give additional notice as the Commission directs.
- (3) The applicant must serve a copy of the application and the notice in accordance with Form R50A on:
- (a) each organisation that is entitled to represent the industrial interests of 1 or more of the employees within the work classification that is the subject of the application; and
  - (b) each organisation of which an employer of employees within the work classification is a member; and
  - (c) if the applicant is the employer of an employee or group of employees — the employee, or group of employees, within the work classification that is the subject of the application; and

- (d) if the applicant is an employee, or group of employees, within a work classification that is the subject of the application — the employer or employers of the employee or group of employees; and
  - (e) the Minister; and
  - (f) any other persons the Commission directs.
- (4) If the Commission makes an order under section 501A of the Act and directs that the order be published, a Registrar must publish the order in the Australian Industrial Registry Bulletin and in any other way that the Commission directs.

**[4] Schedule 1, after Form R49**

*insert*

**Form R49A Application for Supported Wage System — minimum wage order to apply to certain Victorian employees**

(rule 68A)

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**APPLICATION FOR SUPPORTED WAGE SYSTEM — MINIMUM WAGE ORDER TO APPLY TO CERTAIN VICTORIAN EMPLOYEES**

Application is made by [*name of applicant and statement of the basis on which the applicant is able to make the application*] for the Supported Wage System to apply to employees within the work classification described as follows:  
[*description of work classification*].

The order sought is:

[*Set out the terms of the order sought including any group of employees within a work classification to be specified in the order*]

The grounds on which this application is made are as follows:

[*Set out, in numbered paragraphs, the grounds including the particulars of the grounds*]

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The following employee organisations and employer organisations may, to the best of the knowledge and belief of the applicant, have an interest in the matter:

*[Set out employee organisations and employer organisations which may have an interest in the matter]*

The following employers may, to the best of the knowledge and belief of the applicant, have an interest in the matter:

*[Set out employers who may have an interest in the matter]*

Dated 20 .

*[Signature of applicant]*

**[5] Schedule 1, after Form R50**

*insert*

**Form R50A Notice of hearing for application for  
Supported Wage System — minimum  
wage order to apply to certain Victorian  
employees**

(rule 68A)

*Workplace Relations Act 1996*

AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

**NOTICE OF HEARING FOR APPLICATION FOR SUPPORTED  
WAGE SYSTEM — MINIMUM WAGE ORDER TO APPLY TO  
CERTAIN VICTORIAN EMPLOYEES**

IN the matter of:

*[case number]*

Notice is given —

- (a) that on *[date]* the Commission received an application for the Supported Wage System to apply to employees within the work classification described as follows:  
*[description of work classification]*;
- (b) that the matter will be heard at *[time]* on *[date]* at *[place]* before *[name of Commission member]*; and
- (c) that each employee organisation that is entitled to represent the industrial interests of 1 or more of the employees within the work classification that is the subject of the application and each employer organisation of which an employer of any of those employees is a member, and that wishes to be heard in relation to the application is invited to attend the Commission on that date; and
- (d) that any employer of employees within the work classification that is the subject of the application and that wishes to be heard in relation to the application is invited to attend the Commission on that date.

A copy of the application may be inspected free of charge at the Australian Industrial Registry at *[address]* or at the following places:

*[Signature]*  
Registrar

**[6] Schedule 1, Forms R55 and R56**

*omit each mention of*  
*in the [Territory]*

*insert*  
*in [name of Territory, or Victoria]*

**[7] Schedule 1, Form R57**

*after*  
*Territory*

*insert*  
*or Victoria*

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**[8] Schedule 1, Form R58**

*omit*

in the *[Territory]*

*insert*

in *[name of Territory, or Victoria]*

**[9] Schedule 1, Forms R59, R60 and R61**

*after each mention of*

*Territory*

*insert*

*or Victoria*

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**Notes**

1. These Rules amend Statutory Rules 1998 No. 1, as amended by 1999 Nos. 1, 71 and 276; 2000 No. 170; 2001 Nos. 39, 101 and 332; 2003 Nos. 6, 7, 86 and 298.

2. Notified in the *Commonwealth of Australia Gazette* on 6 2004.

*17 February*