



Statutory Rules 1994 No. 200¹

Industrial Relations Court Rules² (Amendment)

WE, Judges of the Industrial Relations Court of Australia, hereby make the following Rules of Court under the *Industrial Relations Act 1988*.

Dated 26 May 1994.

M. R. WILCOX C.J.
R. M. NORTHROP J
J. E. J. SPENDER J
D. M. RYAN J
M. C. LEE J
J. W. VON DOUSSA J
M. F. MOORE J
M. J. BEAZLEY J
Judges of the Industrial
Relations Court of Australia

A. C. DAWSON
Registrar

1. Order 1 rule 3 is amended by adding the following words after the definition of “Australia”:

““authorised representative” means a person who is entitled under section 469 of the Act to represent a party or an intervener in a proceeding before the Court; provided that a person who would be an authorised representative upon the grant of leave by the Court to represent the party or intervener, shall be deemed to be an authorised person up to the time at which the person is first able to seek such leave.”

2. The following rules, sub-rules, paragraphs and forms, including their titles, are amended by adding the words “or authorised representative” after the word “solicitor” whenever appearing:

Table of Provisions

Order 4 rule 4 (1) (c)

Order 4 rule 4 (2)

Order 4 rule 5

Order 4 rule 12

Order 4 rule 13

Order 4 rule 14

Order 7 rule 4

Order 7 rule 6

Order 7 rule 7

Order 7 rule 8

Order 8 rule 9

Order 9 rule 1

Order 9 rule 3

Order 9 rule 4 (1) (b)

Order 15 rule 6 (8)

Order 24 rule 2

Order 27 rule 8

Order 41 rule 3 (2)

Order 41 rule 6

Order 45 rule 1

Order 45 rule 2

Order 45 rule 3

Order 45 rule 5

Order 45 rule 6

Order 45 rule 7

Order 45 rule 8

Order 47 rule 1

Order 47 rule 5

Order 47 rule 6

Order 48 rule 3

Form 4

Form 5

Form 5A

Form 6

Form 8

Form 9

Form 12

Form 15

Form 29

Form 41

Form 42

Form 43

Form 44

‘ Form 44A

Form 50

Form 53A

Form 54A

Form 129

Form 130

Form 131

Note that the words “or authorised representative” are added only in cases where the relevant word is “solicitor”, simpliciter. They

are not added in cases where the relevant word is a variant of that word e.g. “solicitor’s”.

3. Order 7 rule 6 (1) is amended by deleting the words “within ten kilometres of the Registry at the proper place (other than the document exchange referred to in rule 7 of this Order)”.

4. Order 7 rule 7 (1) is amended by deleting the words “at that solicitor’s said document exchange box) and substituting the words “at the document exchange box of that solicitor or authorised representative”.
5. Order 10 rule 1 (2) is amended by adding a new paragraph (j) as follows:
 - “(j) direct that an application to the Court pursuant to section 170EA of the Act be referred to the Australian Industrial Relations Commission for conciliation in accordance with section 170ED of the Act.”
6. Order 35 rule 10 (1) is amended by deleting the words “or the solicitors” and substituting “or their solicitors or authorised representatives”.
7. Order 36 rule 8 (4) is amended by deleting from paragraph (c) the word “proceedings” and substituting “proceedings, or which refers a matter to the Australian Industrial Relations Commission for conciliation in accordance with section 170ED of the Act”.
8. Order 41 rule 3 (1) (a) is amended by deleting the words “solicitor for the party, and, if the solicitor” and substituting the words “solicitor or authorised representative for the party, and, if a solicitor”.
9. Order 52 rule 28 is amended by adding after the word “solicitors” wherever appearing the word “or authorised representatives”.
10. Order 75 rule 2 is amended by inserting after the word “affidavit” the words “made by the employee, or an officer of the trade union which under subsection 170EA (2) made the application to the court on behalf of the employee and who has made an inquiry as to the facts of the case and deposes to the best of his or her knowledge, information and belief,”.
11. Order 74 rule 3 is amended by deleting the words “in which the respondent, or an officer of the respondent with personal knowledge of the facts,” and substituting the words “in which the respondent, or an officer of the respondent with personal

knowledge of the facts or who has made an inquiry as to the facts of the case and deposes to the best of his or her knowledge, information and belief.”.

12. Form 22 is amended by adding the words:

- a. “nor authorised representative” after the word “solicitor” in paragraph 5; and
- b. “or authorised representative” after the word “solicitor” at the end of the form.

13. Form 132 is amended by deleting the words “must file an appearance in the Registry” and substituting “must file in the Registry and serve on the applicant at the address stated below:

- a. an appearance, and
- b. an affidavit complying with the requirements of Order 75 rule 3 of the Rules of the Court”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 22 June 1994.
2. Statutory Rules 1994 No. 110 as amended by 1994 No. 145.