

Fair Work Commission Amendment (General Protections Applications and Other Measures) Rule 2014

I, Iain Ross AO, President of the Fair Work Commission, acting after consultation with the Members of the Fair Work Commission, make the following rule.

Dated: 24 December 2014

Iain Ross AO

President of the Fair Work Commission

Contents

1 Name 1

2 Commencement 1

3 Authority 1

4 Schedules 1

Schedule 1—Amendments 2

Fair Work Commission Rules 2013 2

1 Name

This is the *Fair Work Commission Amendment (General Protections Applications and Other Measures) Rule 2014*.

2 Commencement

This rule commences on 1 January 2015.

3 Authority

This rule is made under the *Fair Work Act 2009.*

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Fair Work Commission Rules 2013

1 Rule 21 (heading)

Repeal the heading, substitute:

21 Response to a general protections application

2 Subrule 36(4)

Repeal the subrule (not including the note), substitute:

(4) Any response by the respondent to an application for the Commission to deal with a dispute under section 739 of the Act must be lodged, in writing, with the Commission as soon as practicable after the respondent is served with the application.

3 Clause 1 of Schedule 1 (cell at table item dealing with F3, column 7)

Repeal the cell, substitute:

|  |
| --- |
| Within 7 calendar days after the day the respondent was served with the Unfair Dismissal Application |

4 Clause 1 of Schedule 1 (cell at table item dealing with F8, column 3)

Repeal the cell, substitute:

|  |
| --- |
| General Protections Application involving dismissal |

5 Clause 1 of Schedule 1 (cell at table item dealing with F8, column 4)

Repeal the cell, substitute:

|  |
| --- |
| Section 365 of the Act and rule 45 |

6 Clause 1 of Schedule 1 (cell at table item dealing with F8A, column 3)

Repeal the cell, substitute:

|  |
| --- |
| Response to General Protections Application |

7 Clause 1 of Schedule 1 (cell at table item dealing with F8A, column 7)

Repeal the cell, substitute:

|  |
| --- |
| Within 7 calendar days after the day the respondent was served with the General Protections Application |

8 Clause 1 of Schedule 1 (after table item dealing with F8A)

Insert:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| F8C | Dispute resolution | General Protections Application not involving dismissal | Section 372 of the Act and rule 45 | Commission | Respondent | As soon as practicable after lodgment with the Commission |

9 Clause 1 of Schedule 1 (cell at table item dealing with F9A, column 7)

Repeal the cell, substitute:

|  |
| --- |
| Within 7 calendar days after the day the respondent was served with the Unlawful Termination Application |

10 Clause 1 of Schedule 1 (cell at table item dealing with F47B, column 7)

Repeal the cell, substitute:

|  |
| --- |
| Within 14 calendar days after the day the respondent was served with the Application for a Take‑home Pay Order (Individual Employee/Outworker) |

11 Clause 1 of Schedule 1 (cell at table item dealing with F47D, column 7)

Repeal the cell, substitute:

|  |
| --- |
| Within 14 calendar days after the day the respondent was served with the Application for a Take‑home Pay Order (Multiple Employees/Outworkers) |

12 Clause 1 of Schedule 1 (cell at table item dealing with F73, column 7)

Repeal the cell, substitute:

|  |
| --- |
| Within 7 calendar days after the day the person was served with the Application for an Order to Stop Bullying |

13 Clause 1 of Schedule 1 (cell at table item dealing with F74, column 7)

Repeal the cell, substitute:

|  |
| --- |
| Within 7 calendar days after the day the person was served with the Application for an Order to Stop Bullying |