

# NOTICE

## REVIEW OF SCOPE CLAUSES OF AWARDS UNDER SECTION 37D OF THE *INDUSTRIAL RELATIONS ACT 1979 (WA)*

Notice is given of an application on the motion of the Western Australian Industrial Relations Commission to review the scope clauses of the *Building Trades Award 1968* with a view to varying the award in accordance with s 37D of the *Industrial Relations Act 1979*.

Sections 37D(1) to (4) provides that the Commission may vary the scope of private sector awards of its own motion as follows:

- (1) Except as provided in this section, the Commission may vary the scope of a private sector award of its own motion.
- (2) A variation must not be made in relation to —
  - (a) an application under section 50(2) that does not seek the variation of the scope of the private sector award; or
  - (b) a State Wage order under section 50A.
- (3) A variation must specify that the scope of the private sector award extends to and binds —
  - (a) employers of a class or classes specified in the award, whether or not the employers are also specified by name in the award; and
  - (b) employees —
    - (i) of employers referred to in paragraph (a); and
    - (ii) of a class or classes specified in the award.
- (4) For the purposes of subsection (3)(a) and (b)(ii), the class may be described by reference to —
  - (a) a particular industry or part of an industry; or
  - (b) a particular kind of work.

Any person wishing to obtain further information should contact the Associate to Chief Commissioner Kenner – [isla.gibson@wairc.wa.gov.au](mailto:isla.gibson@wairc.wa.gov.au)

S. BASTIAN  
REGISTRAR

3 October 2022