



PRACTICE NOTE 1 OF 2021

Delivery of reserved decisions

Introduction

1. Practice Note 1 of 2021 is issued by The Western Australian Industrial Relations Commission (the **Commission**) for the purpose of informing parties to matters before it of the general practice around the delivery of reserved decisions.
2. In accordance with s 113(1) of the *Industrial Relations Act 1979* and reg 39(3) of the *Industrial Relations Commission Regulations 2005*, Practice Note 1 of 2021 is effective 14 days after the date of its publication in the Western Australian Industrial Gazette, being 23 March 2021, and remains in force until such time as it is replaced.

Practice of Commission

3. It is the general practice of the Commission to deliver reserved decisions as soon as practicable after the completion of the hearing.

Communication between the Commission and parties

4. Commissioners may indicate an approximate time frame to parties for a particular decision to be delivered, taking into account their other commitments. In some cases, it is necessary to deliver a decision as a matter of urgency. Other cases, where the issues to be determined are more complex or where there have been lengthy hearings, or hearings involving considerable reference material or evidence, a longer period of time may be required for the Commissioner to write and deliver their reasons for decision.
5. It is difficult to set specific time frames within which Commissioners will deliver their decisions. That is because there are times when Commissioners' workloads are high, meaning the time available to them for writing decisions is sometimes insufficient.
6. Parties or their legal practitioners or agents should not feel inhibited from making enquiries regarding the progress of a decision which has not been delivered within any time frame given to them at the conclusion of the hearing.
7. Where a party to proceedings wishes to enquire about the time being taken for the delivery of a reserved decision, they, or where applicable, their legal practitioner or agent, should contact the Associate to the Commissioner concerned. In the case of a Full Bench or Commission in Court Session



matter, contact should be made with the Associate to the presiding Commissioner.

8. If, after having contacted the relevant Associate, the party (or their legal practitioner or agent) wishes to pursue their enquiry further, they may raise the matter with the Chief Commissioner in writing.

Relevant legislation

Industrial Relations Act 1979, ss 22B, 27, 28, 113.

Industrial Relations Commission Regulations 2005, reg 39.

Useful resources

9. The Commission's website contains additional [resources](#).

S J Kenner
SENIOR COMMISSIONER