



PRACTICE NOTE 12 OF 2021

Written and oral submissions to the Full Bench and the Commission in Court Session

Introduction

This Practice Note 12 of 2021 replaces Practice Note 3 of 2021, issued on 23 March 2021.

1. Practice Note 12 of 2021 is issued by The Western Australian Industrial Relations Commission for the purpose of informing appellants/applicants, respondents, interveners, and objectors to matters listed for hearing and determination before the Commission, of the practice required to be undertaken concerning the filing of documents.
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 12 of 2021 is effective 14 days after the date of its publication in the Western Australian Industrial Gazette, being 22 December 2021, and remains in force until such time as it is replaced.
3. For the purposes of this Practice Note “the Commission” means the Full Bench, the Commission in Court Session or the Commission constituted to hear and determine appeals under s 106 of the *Prisons Act 1981*; s 11CH of the *Young Offenders Act 1994*; and s 33P and s 33ZI of the *Police Act 1892*.

Exclusion to comply with this Practice Note

4. The Commission may, in any appeal or application made to it, direct that an unrepresented party need not comply with this Practice Note in whole or in part, if in all the circumstances the Commission considers it appropriate to do so.

Required Practice

5. Subject to par 4 above, in any appeal or other matter listed for hearing and determination by the Commission, unless it is directed otherwise, the following practice applies.
6. The appellant/applicant is to file a written outline of submissions, and a list of the legislation and authorities they rely upon at least 14 calendar days prior to the date and time listed for the hearing of the matter.
7. A copy of the appellant/applicant’s documents filed in accordance with par 6 above, will be served on the respondent and any intervener or objector by the Registrar within 24 hours of filing.

8. The respondent and any intervener or objector are to file a written outline of submissions, and a list of the legislation and authorities they rely upon at least seven calendar days prior to the date and time listed for the hearing of the matter.
9. A copy of the respondent's (and any intervener or objector's) documents filed in accordance with par 8 above will be served on the applicant/appellant by the Registrar within 24 hours of filing.
10. Any legislation or authorities which the appellant/applicant, respondent, intervener, or objector intends to refer to or read from at the hearing should be marked with an asterisk (*).
11. In circumstances where par 10 above is complied with, parties are not required to provide hard copies of that legislation and/or those authorities to the Commission, at the hearing of the matter.
12. In accordance with s 61 of the Interpretation Act 1984, where the last day of filing of a written outline of submissions falls on an 'excluded day' (...Saturday, Sunday, public service holiday, and a bank holiday or public holiday throughout the State... - see s 61(2)), the time for filing an outline of submissions will be the next business day.

Relevant legislation

Industrial Relations Act 1979, ss 27, 28, 49, 55, 66, 67, 72, 72A, 73, 82, 84, 84A, 113.

Prisons Act 1981, s 106.

Young Offenders Act 1994, s 11CH.

Police Act 1892, s 33P.

Interpretation Act 1984, s 61.

Industrial Relations Commission Regulations 2005, regs 39, 59, 60, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 102, 103.

Useful resources

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



S J Kenner
CHIEF COMMISSIONER