



PRACTICE NOTE 2 OF 2021

Inspection and search of Commission records

Introduction

This Practice Note 2 of 2021 replaces Practice Note 1 of 2000, issued on 28 June 2000.

1. Practice Note 2 of 2021 is issued by The Western Australian Industrial Relations Commission (**the Commission**) for the purpose of informing interested persons of the process required to be undertaken when seeking to inspect or search the Commission's records.
2. In accordance with s 113(1) of the *Industrial Relations Act 1979 (the IR Act)* and reg 39(3) of the *Industrial Relations Commission Regulations 2005*, Practice Note 2 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.

Conducting searches

3. No search of Commission files, records or documents is to be conducted by any officer of the Commission for or on behalf of any member of the public, department, organisation or body.

Due diligence searches

4. Searches of the Commission's due diligence database may be conducted by interested persons, with the approval of the Registrar. Due diligence searches are conducted to determine whether a company (or an individual) has been, or still is, involved in proceedings before the Commission.
5. All requests to conduct a due diligence search must be made in writing to the Commission. Requests will be accepted via email, post, or facsimile, or delivered in person to the Commission's Registry.
6. The party requesting the search is responsible for conducting the search or assigning an alternative party to conduct the search on their behalf. Any requesting party outside of Perth who cannot attend the Commission will be required to contact an agent in Perth to conduct the search for them.
7. The Commission's due diligence database contains records of the Commission and the Industrial Magistrate's Court (WA) dating back to 1999.



Inspection of Commission records

8. No active Commission file is to be inspected without the consent of the Commissioner to whom the matter has been allocated. Where the matter is before a Full Bench, the consent of the presiding Chief Commissioner or Senior Commissioner must be sought, and in the case of a Commission in Court Session, the consent of the presiding Commissioner.
9. Subject to par 8 above, all applications, notices of appeal, responses, counter-proposals and transcripts of proceedings (provided that the Commission has not made an order preventing any such inspection) shall be available for inspection at the office of the Registrar during office hours.
10. All documents filed with the Registrar under s 63 and s 65 of the IR Act may be inspected at the office of the Registrar during office hours.
11. No information produced in evidence in proceedings before the Commission under s 33(5) of the IR Act will be available for production or inspection unless an order is made by the Commission permitting it.
12. Subject to this Practice Note, persons who have an interest, in the opinion of the Registrar, may inspect a decision (as defined in s 7 of the IR Act), including the reasons for decision, provided that a sufficient interest wider than idle interest or mere curiosity is established.
13. No fees or charges are applicable in relation to the inspection of the Commission's records.

Requests for copies of Commission records

14. Copies of Commission records may be provided upon request. Such requests should be made via the Commission's Registry. Applicable fees and charges are set out in *Fees and charges* below.

Fees and charges

15. In accordance with the Industrial Relations (General) Regulations 1997, the following fees and charges apply:

Due diligence search (per named entity)	\$20.00 each
Transcript of Commission proceedings	\$3.30 per page
Photocopy of a document	\$0.22 per page



Relevant legislation

Industrial Relations Act 1979, ss 7, 27, 28, 33, 63, 65, 113.

Industrial Relations Commission Regulations 2005, regs 39, 80.

Industrial Relations (General) Regulations 1997, Sch 1, Sch 2.

Useful resources

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

S J Kenner
SENIOR COMMISSIONER