

PRACTICE NOTE NO. 13

First Issue Date: **15 September 2003**

Re-Issue Date: **1 February 2010**

Re-issued pursuant to Section 185A of the *Industrial Relations Act* 1996 and Section 15 of the *Civil Procedure Act* 2005.

Procedures for Review of Awards under s 19 of the Industrial Relations Act 1996

1. The purposes of this Practice Note are:
 - (a) to simplify and facilitate procedures for the review of awards under s 19 of the *Industrial Relations Act* 1996;
 - (b) to improve the prospects of parties to the award ("the parties") resolving any differences they may have in such matters by requiring them to define all issues between them before the callover of such matters; and
 - (c) to expedite the review of awards pursuant to s 19.
2. This Practice Note has effect from the date of re-issue.
3. The Industrial Registrar, in respect of each current award which has not been the subject of award review within the period specified in s 19(1) of the Act, shall cause a Notice of Award Review to be issued to all parties listed in the records of the Commission as having an interest in that award.
4. Each such award shall be the subject of callover before the Commission or the Registrar on a date to be fixed by the Commission approximately five weeks after the issue of the Notice of Award Review.
5. Not later than one week before the date of the callover, any party wishing to contend that an award should be varied pursuant to s 19 of the Act shall:
 - (a) file and serve a list of all changes proposed to the award (including whether the award should be rescinded because it is obsolete) either specifically or, in the case of substantial changes, by reference to the subject areas of change; and
 - (b) file a notice of appearance in accordance with the Rules.
6. Any other party wishing to appear in the s 19 proceedings shall also file a notice of appearance no later than one week before the date of the callover.
7. The parties shall confer on the changes proposed prior to the date of callover and be in a position to advise the Commission (or the Registrar) at the callover of their respective positions in respect of the changes proposed.

Boland J, President
1 February 2010