



The Western Australian Industrial Relations Commission

COVID-19 Special Procedures Note

Introduction

1. The Western Australian Industrial Relations Commission is closely monitoring the advice provided by the Australian Department of Health regarding COVID-19. We are committed to providing a safe environment for those persons coming to our premises, staff and Commissioners.
2. The Department of Health advises that you must self-isolate in the following circumstances to help limit the spread of COVID-19. All people who arrive in Australia from midnight 15 March 2020 or think they may have been in close contact with a confirmed case of COVID-19, are required to self-isolate for 14 days. **This includes Australian citizens.**
3. **We ask that anyone who is feeling unwell or is at risk, according to official advice, does not attempt to attend our premises.**
4. Until further notice, given the impact of COVID-19, proceedings before the Commission will be altered in the following manner. To the extent necessary, this Special Procedures Note applies for the purposes of regs 32A, 35, 37 and 39 of the *Industrial Relations Commission Regulations 2005*.

Registry operations and electronic filing of all documents

5. **Level 17 of our premises, including the Commission's Registry counter, is now inaccessible to the public** and documents will not be received in person for filing. All applications, submissions and other documents must now be filed or lodged electronically via email

to registry@wairc.wa.gov.au or through the Registry Forms portal on the Commission's website at <http://www.wairc.wa.gov.au>. **Level 18 may be accessed by special arrangement with the Registrar.**

6. **Urgent applications** that are in relation to or deal with the consequences of COVID-19 will be given priority processing and should be sent to COVID19@wairc.wa.gov.au. **Other and non-urgent applications** can still be lodged as usual. Please note that it may take longer to process applications due to the resources available to the Commission at this time.

Signing of documents, declarations and affidavits

7. As all documents are now to be filed electronically in the Commission's Registry, to enable this to occur more easily, in cases where scanning technology is not accessible, the Commission will temporarily allow documents to be signed electronically. This includes by having the person required to sign the document type their name in the relevant space in the signature block instead of physically signing the document.
8. For the time being, unwitnessed and unsworn or affirmed, declarations and affidavits respectively, may be filed in the Registry. However, there may be a requirement later for the witnessing, swearing or affirmation of these documents, when circumstances permit.

Personal service of a summons

9. As it may now be difficult to serve documents personally, in the case of a summons to witness to give evidence and/or to produce documents in accordance with Form 9, the following procedure will apply. A request should be made to the Chambers of the Commissioner dealing with the matter that personal service be dispensed with, along with providing an alternative electronic address for service, such as an email address or mobile phone number.
10. The person will need to satisfy the Commissioner that the alternative means of service will be received by the person to be served, for example, by having had email correspondence with or having spoken to the person to be served by telephone. If the Commissioner is satisfied that electronic service will be effective the Commissioner

will make an order dispensing with personal service and instead, enable service of the summons by the electronic means specified. If necessary, a Commissioner may administer an oath or affirmation by telephone or video link, to confirm service in this manner.

11. Once the summons has been served the person taking out the summons will be required to complete a Form 9A Proof of Service of Summons which may be lodged electronically in the Commission's Registry. Conduct money, which is an amount of money a person taking out a summons must give to the person summonsed to cover travel costs from their place of residence to the place of the hearing, will not apply in the present circumstances.
12. Additionally, at the time a summons is issued by the Registry, it will have attached an information sheet providing information to the person receiving the summons about the Commission's COVID-19 special procedures regarding filing documents and appearing before the Commission.

Conciliation conferences and hearings

13. Subject to par 15 below, in order to ensure public health and safety and the health and safety of staff and Commissioners, all conciliation conferences and hearings will be conducted by telephone or video link as far as possible. This applies to existing matters as well as future matters before the Commission. If you have a current matter before the Commission, you will be advised of any change to your listing as soon as practicable.
14. This will also apply to all conferences and hearings before the Occupational Health and Safety Tribunal, the Road Freight Transport Industry Tribunal and mediation conferences under the *Employment Dispute Resolution Act 2008* (WA). An information notice will accompany listings for conferences and hearings, in relation to the requirements for proceedings to be conducted by telephone or video link.

Full Bench and Commission in Court Session proceedings

15. All proceedings before the Full Bench and the Commission in Court Session will be heard on the papers unless it is not possible to do so.

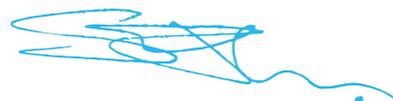
16. The parties to the proceedings before the Full Bench or the Commission in Court Session as the case may be, will be notified by letter from the Associate to the Presiding Member, of the timetable for the filing and service of full written submissions. Consideration will be given to the circumstances of unrepresented parties on a case by case basis.

Urgent applications

17. In the case of urgent applications where an urgent listing of a conference or a hearing is sought, the relevant party should, on filing the application, contact either the Registrar or Deputy Registrar who will ensure that the application is quickly brought to the attention of the Chief Commissioner for allocation. Once allocated, all inquiries in relation to urgent applications should be directed to the Chambers of the relevant Commissioner.
18. As set out at par 6 of this Note, any urgent applications arising from or dealing with the consequences of COVID-19 should be sent to COVID19@wairc.wa.gov.au.

Conclusion

19. We appreciate your understanding and patience as we work through this unprecedented and exceptionally challenging time. If you would like further information about our services at this time, please call the Commission's Registry on 08 9420 4444 or email registry@wairc.wa.gov.au
20. For the latest updates, please visit the Australian Department of Health's website (link to <https://www.health.gov.au/health-topics/novel-coronavirus-2019-ncov>).



S J KENNER

Senior Commissioner

30 March 2020