CUMULATIVE DIGEST

MATTERS REFERRED TO IN DECISIONS OF THE INDUSTRIAL APPEAL COURT, INDUSTRIAL RELATIONS COMMISSION AND INDUSTRIAL MAGISTRATES COURT CONTAINED IN VOL. 92 PART 1, SUB PARTS 1 - 6.

Digest Headings

* Denotes New Heading

Industrial Appeal Court
Full Bench
Commission In Court Session
President
Industrial Magistrate

Public Service Appeal Board Public Service Arbitrator Commissioner Board of Reference Police Appeal

Page Editor's Note: The Registrar wishes to advise that as from January 2004, the format of the "Cumulative Digest" published at the back of the Western Australian Industrial Gazette has changed to incorporate 'Catchword Phrases", please refer to the Notice at (83WAIG3937). All documents within the above headings are in chronological order. FULL BENCH Industrial Law (WA) - Application pursuant to s 62(2) and s 71(5) of the Industrial Relations Act 1979 (WA) for the Full Bench to authorise registration of alterations to registered rules - Holding of office by persons who hold office in the applicant's counterpart Federal body - Statutory criteria satisfied. - The Construction Forestry Mining and Energy Union of Workers -v- (Not applicable) - FBM 6 of 2009 - Full Bench - The Honourable J H Smith, Acting President Chief Commissioner A R Beech Commissioner S M Mayman - 21/12/2011 1 Industrial Law (WA) - Application pursuant to s 71 for a declaration relating to qualifications of persons for membership of a state branch of a federal organisation and offices that exist within the branch - The Construction, Forestry, Mining and Energy Union of Workers - v- (Not applicable) - FBM 7 of 2011 - Full Bench - The Honourable J H Smith, Acting President Chief Commissioner A R Beech Commissioner S M Mayman - 21/12/2011..... 6 Industrial Law (WA) - applications pursuant to s 72A - coverage of employee organisations - brickmaking and tile manufacturing enterprises - effect of coverage of organisations registered under the Act who are also transitionally recognised under sch 1 of the Fair Work (Registered Organisations) Act 2009 and national system employers - effect of orders sought to obtain and or retain state right of 102 Industrial Law (WA) - appeal against a decision of a single Commissioner - summary dismissal for misconduct - evidentiary onus on employer considered - the role of the Commission in assessing the actions and beliefs of the employer at the time of a dismissal considered - Commissioner erred in not finding misconduct had occurred but in the circumstances the Full Bench not satisfied that penalty of dismissal was warranted - the requirements of procedural fairness in conducting an investigation considered - Commissioner erred in finding a breach of procedural fairness. - The Minister for Health in his incorporated capacity under section 7 of the Hospitals and Health Services Act 1927 (WA) as the hospitals formerly comprised in the Metropolitan Health Services Board -v- Denise Drake-Brockman - FBA 7 of 2011 - Full Bench - The Honourable J H Smith, Acting President Chief Commissioner A R Beech Commissioner J L Harrison - 15/03/2012...... Industrial Law (WA) - order made by Full Bench under s 72A of the Industrial Relations Act 1979 (WA) providing for representation rights at specified enterprises - Full Bench referred matters to President to alter rules of the applicants - role of President discussed - alterations made that are in the opinion of the President necessary to reflect the order of the Full Bench - Instruments in writing altering the rules of the applicants issued - The Australian Workers' Union, West Australian Branch, Industrial Union of Workers -v- FBM 2 OF 2011 - FBM 14 of 2010 and FBM 2 of 2011 - Full Bench - The Honourable J H Smith, Acting President Acting Senior Commissioner P E Scott Commissioner J L Harrison - 24/02/2012 227 Industrial Law (WA) - claims dismissed on grounds that they did not disclose a reasonable cause of action - interpretation of industrial agreement - cl 11.13 of the WA Health - LHMU - Support Workers Industrial Agreement 2007 prohibits contracting out and privatisation - no arguable case before the Industrial Magistrate on which a finding could be made that the functions and duties performed at hospitals covered by the agreement had been, or are intended to be contracted out, or privatised, within the meaning of the provisions of the industrial agreement - principles to be applied when determining a summary dismissal application considered. - United Voice WA -v- The Minister for Health - FBA 8 of 2011 - Full Bench - The Honourable J H Smith, Acting President Commissioner S J Kenner Commissioner J L Harrison - 24/05/2012...... 585 COMMISSION IN COURT SESSION Absolving Cooki Sasion's own motion - Minimum wage for employees under Minimum Conditions of Employment Act 1993 Award rates of wage - Award minimum wage - State wage principles - ON THE Commission's Own Motion -v- (not applicable) APPL 2 of 2012 - Commission in Court Session - Chief Commissioner A R Beech Acting Senior Commissioner P E Scott
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