

Unvalidated References:

Industrial Relations Act 1962

Industrial Relations Act

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This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 174.

Industrial Relations Regulation 1972

ARRANGEMENT OF SECTIONS.

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2. Filing of awards, etc.
3. Record of proceedings.
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SCHEDULE 1

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Industrial Relations Regulation 1972

MADE under the *Industrial Relations Act 1962*.

Dated 200 .

1. OATH AND AFFIRMATION OF OFFICE.

The prescribed oath and affirmation to be taken under Section 12 or 19 of the Act shall be as set out in Schedule 2.

2. FILING OF AWARDS, ETC.

(1) The Registrar shall register, in a Register Book to be kept for the purpose—

- (a) subject to Section 33 of the Act, all agreements referred to in that section; and
- (b) all awards made by a Tribunal; and
- (c) all determinations made by the Minimum Wages Board.

(2) The Registrar shall file the original copies of—

- (a) all agreements made under the Act; and
- (b) all awards made by a Tribunal; and
- (c) all determinations of the Minimum Wages Board.

3. RECORD OF PROCEEDINGS.

(1) A member of a Tribunal, or the Chairman of a Board of Inquiry or of the Minimum Wages Board, shall cause a sufficient record of the proceedings before the Tribunal, Board of Inquiry or the Minimum Wages Board, as the case may be, to be kept, including—

- (a) a record of the parties appearing or represented; and
- (b) the submissions (if any) made by each party and the reasons (if any) stated in support of their submissions; and
- (c) the decision of the Tribunal or the Minimum Wages Board, or the report of the Board of Inquiry, as the case may be.

(2) On the termination of the proceedings—

- (a) the records prescribed by Subsection (1); and
- (b) all other papers and documents used in connection with the proceedings,

shall be forwarded by a member of the Tribunal or by the Chairman of the Board of Inquiry or the Minimum Wages Board, as the case may be, to the Registrar.

4. REPRESENTATION OF ORGANIZATIONS.

(1) Except where otherwise expressly provided by the Act or this Regulation if—

- (a) a summons, application, notice or other document is required by the Act or this Regulation to be taken out, made, given or signed; or
- (b) an act is required to be done,

on behalf of an organization, the summons, application, notice or document may be taken out, made, given or signed, or the act may be done, on behalf of the organization—

- (c) by an officer or person duly authorized under the rules of the organization to represent the organization in proceedings under the Act; or
- (d) in the absence of express provision in the rules—by a person authorized by resolution of the organization or by the executive committee to represent the organization either generally in proceedings under the Act, or specially.

(2) A member of a Tribunal the Chairman of a Board of Inquiry or of the Minimum Wages Board or the Departmental Head may require an officer of an organization or other person who, on behalf of the organization, submits a log of claims or an application, or proposes to take any steps, in proceedings before the Tribunal, the Board of Inquiry, the Minimum Wages Board or the Departmental Head, as the case may be, to produce a statutory declaration or affidavit setting out how he is authorized to act on behalf of the organization.

5. ADDRESS FOR SERVICE.

A document that is filed in connection with a matter before a Tribunal, a Board of Inquiry, the Minimum Wages Board, or the Departmental Head shall be endorsed with the name and address of the party filing it, and the address so endorsed shall be deemed to be the address for service of the party.

6. NOTICE TO PARTIES OF HEARING OF DISPUTE.

(1) Where a dispute is referred to a Tribunal under Section 29 or 30 of the Act, a member of the Tribunal may, of his own motion or on the application of a party, fix a time and place for hearing the parties to the dispute, and persons claimed to be parties, with a view to the settlement of the dispute by arbitration.

(2) After a time and place has been fixed under Subsection (1), a member of the Tribunal shall issue a notice in Form 1.

7. SUMMONS TO WITNESSES.

(1) A requirement under Section 52(1)(b) of the Act shall be in Form 2, or in a form approved in a particular case by the Tribunal, the Board of Inquiry, the Minimum Wages Board or the Departmental Head, as the case may be.

(2) Any number of witnesses may be included in one requirement, but a copy served need contain only the name of the witness on whom it is served.

8. SUBSTITUTED SERVICE OF DOCUMENTS.

(1) Where provision is made for personal or other service of a document in proceedings before a Tribunal, a Board of Inquiry, the Minimum Wages Board or the Departmental Head, it or he may, subject to the Act, make such order—

- (a) for substituted or other service; or
- (b) for the substitution for the service otherwise required of notice by letter, telegram, public advertisement or otherwise,

as it or he thinks proper.

(2) Where a Tribunal, a Board of Inquiry, the Minimum Wages Board or the Departmental Head orders that notice by telegram or public advertisement be substituted for the service otherwise required, the notice shall contain such particulars as the Tribunal, the Board of Inquiry, the Minimum Wages Board or the Departmental Head, as the case may be, directs.

9. NOTICE OF DELEGATION.

A notice of appointment under Section 67(2) of the Act by an employer or prospective employer shall be in Form 3.

10. TRANSCRIPTS.

One copy of any transcript of proceedings before a Tribunal, as prepared for the Tribunal, shall, subject to any limitations on its availability that are determined by the Tribunal, be made available free of charge to each party to the proceedings.

11. SEARCHES.

(1) Subject to the Act and to Subsection (2), a person may inspect the proceedings in any matter on payment of the prescribed fee.

(2) Subsection (1) does not authorize the inspection of, or of the relevant transcript of any evidence—

- (a) given, tendered or taken in private, under Section 51 or 55 of the Act; or
- (b) that the Tribunal, the Board of Inquiry, the Minimum Wages Board or the Departmental Head before which or whom it was given, tendered or taken directs should not be subject to inspection under that subsection.

12. FEES.

(1) The fees payable in respect of matters under the Act or this Regulation are as set out in Schedule 3.

(2) Fees shall be paid in advance, and the Registrar may refuse to receive or issue a document, or to do an act or permit an inspection, in respect of which a fee is payable until the fee is paid.

SCHEDULE 1

PAPUA NEW GUINEA.

Industrial Relations Act 1962.

***Form 1 – Notice Fixing Time and Place for Hearing of an Industrial
Dispute.***

Act, Secs. 29, 30. Form 1.Reg., Sec. 6.

You are claimed to be a party to an industrial dispute in relation to the following industrial matters or in which the following claims are being made by (*set out names of claimants*) against (*set out names of other parties*), namely:—

(Set out matters or claims)

You are notified that the industrial dispute will be heard by ... at ... a.m./p.m. on ... 20..., at ..., which are the time and place fixed for hearing the parties to the dispute.

You may appear and be heard at the time and place so fixed.

If you do not satisfy the Tribunal within 14 days after the service on you of this notification or within the time between that service and the conclusion of the hearing of the industrial dispute, whichever first occurs, that you are not a party to the industrial dispute, you will be bound by any award made by it in settlement of the dispute.

Dated ... 20....

Member of the Tribunal.

To—Each of the persons and organizations mentioned above (*or the name and address of person to whom notice is to be given*).

PAPUA NEW GUINEA.

Industrial Relations Act 1962.

Form 2 – Summons to Witness.

Act, Sec. 52(1).

Form 2.Reg., Sec. 7.

(Title of proceedings).

To *(name of witness)*

You are summoned to attend before *(state whether a Tribunal, a Board of Inquiry, the Minimum Wages Board, or Departmental Head)* at . . . a.m./p.m. on . . . 20 . . . , and from day to day until the hearing of the above-mentioned matter is completed or until you are excused from further attendance, to give evidence in relation to the subject matter of these proceedings.

You are required to bring with you and produce the following books, documents and things:—

(Set out books, etc., required)

Dated . . . 20

Member of Tribunal *(or* Chairman of Board of Inquiry *or* Chairman of the Minimum Wages Board *or* the Departmental Head).

PAPUA NEW GUINEA.

Industrial Relations Act 1962.

Form 3 – Notice to Departmental Head of Delegation of Employer’s Powers.

Act, Sec. 67. Form 3.Reg., Sec. 9.

Notice is given that (*insert name*), a person in the full-time employment of (*insert employer's full name; if a business firm give trading name in full*) of (*if a business firm give address of principal place of business; if a company give address of registered office, registered agent, etc.*), has been appointed to have and perform the following functions, duties and responsibilities:—

for the purposes of Section 67 of the *Industrial Relations Act*, for which I am responsible under that Act (*or a registered award or a registered determination of the Minimum Wages Board*) in relation to my employees, prospective employees, accompanying dependants and transit employees (*or the following employees, prospective employees, accompanying dependants and transit employees, or as the case may be*), other than such functions, duties or responsibilities as are specifically required by that Act, award or determination to be actually performed by me.

Dated . . . 20. . .

(Signature of Employer.)

(If a company, to be signed by a Director, the Secretary, Agent or other authorized officer.)

SCHEDULE 2 – OATH AND AFFIRMATION OF OFFICE.

Act, Secs., 12, 19.Reg., Sec. 1.

Oath.

I, . . . , do swear that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of Chairman of the Minimum Wages Board (*or* member of the Minimum Wages Board *or* member of an Arbitration Tribunal) under the *Industrial Relations Act*, and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

So help me God!

Affirmation.

I, . . . , do solemnly and sincerely promise and declare that I will well and truly serve the Independent State of Papua New Guinea and its People in the office of Chairman of the Minimum Wages Board (*or* member of the Minimum Wages Board *or* member of an Arbitration Tribunal) under the *Industrial Relations Act*, and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

SCHEDULE 3 – FEES.

Reg., Sec. 12.

FEES .		
1.	For the issue of a copy of a printed registered award (or registered determination of the Minimum Wages Board)	As priced by the Government Printer
2.	For the inspection of documents filed with the Registrar	K0.50 for each document.
3.	For providing a copy of any form or document	K0.09 per folio of 70 words.
4.	For each additional copy prepared at the same time	Free.
5.	Copy of transcript of proceedings	K0.09 per folio of 70 words (except where made available to a party under Section 10).

Industrial Relations Regulation 1972