

CE301*

Labour Relations Reform Act 2002

Labour Relations Reform (Consequential Amendments) Regulations 2003

Made by the Governor in Executive Council under section 105 of the Act.

1. Citation

These regulations may be cited as the *Labour Relations Reform (Consequential Amendments) Regulations 2003*.

2. Commencement

These regulations come into operation on 15 September 2003.

3. *Industrial Magistrates' Courts (General Jurisdiction) Regulations 2000* amended

- (1) The amendment in this regulation is to the *Industrial Magistrates' Courts (General Jurisdiction) Regulations 2000**.

[* *Published in Gazette 19 December 2000, p. 7307-44.*
For amendments to 23 June 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 189.]

- (2) Regulation 56(1) is amended by deleting “, other than an order under section 63 of the *Workplace Agreements Act 1993*”.

4. *Industrial Relations Act 1979* amended

- (1) The amendments in this regulation are to the *Industrial Relations Act 1979**.

[* *Reprinted as at 8 November 2002.*
For subsequent amendments see Act No. 20 of 2003.]

- (2) Section 7 is amended as follows:
 - (a) in the definition of “employee” by deleting “, subject to section 7B”;
 - (b) in the definition of “employer” by deleting “, subject to section 7B”;
 - (c) in the definition of “industrial matter” by deleting “, subject to section 7C,”;
 - (d) in the definition of “vary” by deleting the semicolon and inserting instead a full stop;
 - (e) by deleting the definition of “workplace agreement”.
- (3) Section 24(3) is repealed.
- (4) Section 29AA(5) is amended in the definition of “industrial instrument” as follows:
 - (a) after paragraph (c) by inserting —
“ or ”;
 - (b) after paragraph (d) by deleting “or”;
 - (c) by deleting paragraph (e).
- (5) Section 44(14) is repealed.
- (6) Section 49I(2)(a) is amended by deleting “, other than workplace agreements,”.
- (7) Section 73(3)(a) is amended as follows:
 - (a) after subparagraph (ii) by deleting “; or” and inserting instead a comma;
 - (b) by deleting subparagraph (iii).
- (8) Section 73(8a) is repealed.
- (9) Section 80ZE(3) is repealed.
- (10) Section 114(3) is repealed.

5. *Industrial Relations (Industrial Agents) Regulations 1997* amended

- (1) The amendments in this regulation are to the *Industrial Relations (Industrial Agents) Regulations 1997**.

[* *Published in Gazette 4 December 1997, p. 7073-93.*]

- (2) Regulation 21(1) is amended as follows:
 - (a) by deleting “is” in the first place where it occurs and inserting instead —
“ was ”;
 - (b) by deleting “has” and inserting instead —
“ had ”.

- (3) Regulation 21(3) is repealed and the following subregulation is inserted instead —

“

- (3) A person who is taken to be registered as an industrial agent under subregulation (1) ceases to be taken to be so registered if the registration of that person as an industrial agent is cancelled under these regulations.

”.

6. *Industrial Relations (Workplace Agreements) Regulations 1995 repealed*

The *Industrial Relations (Workplace Agreements) Regulations 1995* are repealed.

7. *Long Service Leave Act 1958 amended*

- (1) The amendments in this regulation are to the *Long Service Leave Act 1958**.

[* Reprinted as approved 11 July 1974.
For subsequent amendments see *Western Australian Legislation Information Tables for 2002, Table 1, p. 230.*]

- (2) Section 4(1) is amended as follows:
- (a) after the definition of “ordinary pay” by deleting the semicolon and inserting instead a full stop;
 - (b) by deleting the definition of “workplace agreement”.
- (3) Section 4(3)(b) is amended by deleting “a workplace agreement,”.

8. *Marketing of Potatoes Act 1946 amended*

- (1) The amendments in this regulation are to the *Marketing of Potatoes Act 1946**.

[* Reprinted as at 7 January 2000.
For subsequent amendments see *Western Australian Legislation Information Tables for 2002, Table 1, p. 236.*]

- (2) Section 18(1a) is repealed and the following subsection is inserted instead —

“

- (1a) In subsection (1) —
- “**relevant instrument**” means an applicable order, award or industrial agreement under the *Industrial Relations Act 1979* or an employer-employee agreement under Part VID of that Act.

”.

9. *Minimum Conditions of Employment Act 1993 amended*

- (1) The amendments in this regulation are to the *Minimum Conditions of Employment Act 1993**.

[* Reprinted as at 4 October 2002.]

- (2) Section 3(1) is amended as follows:
- (a) by deleting the definition of “employee” and inserting the following definition instead —
- “
- “**employee**” means a person who is an employee within the meaning of the IR Act, but does not include a person who belongs to a class of persons prescribed by the regulations as persons not to be treated as employees for the purposes of this Act;
- ”;
- (b) in the definition of “employer” by deleting “, but for the purposes of this Act section 7B of that Act is to be disregarded”;
- (c) after the definition of “trainee” by deleting the semicolon and inserting instead a full stop;
- (d) by deleting the definition of “workplace agreement”.
- (3) Section 5(1) is amended as follows:
- (a) by deleting paragraph (a);
- (b) in paragraph (c) by deleting “a workplace agreement,”.
- (4) Section 5(2) is amended by deleting “a workplace agreement,”.
- (5) Section 7 is amended by deleting paragraph (a) and inserting the following paragraph instead —
- “
- (a) under section 102 of the *Labour Relations Reform Act 2002*;
- ”.
- (6) Section 32 is amended in the definition of “continuous service” by deleting “a workplace agreement,”.
- (7) Section 44(1) is amended by deleting “a workplace agreement,” and inserting instead —
- “ an ”.
- (8) Each provision specified in the Table to this subregulation is amended by deleting “workplace agreement,”.

Table

s. 17B(1)	s. 18(1)
s. 17C(1)(d)	s. 18(2)
s. 17D(1)(b)	s. 39(b)
s. 17D(2)	

10. Occupational Safety and Health Regulations 1996 amended

- (1) The amendment in this regulation is to the *Occupational Safety and Health Regulations 1996**.

[* Reprinted as at 19 July 2002.]

For amendments to 12 June 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 259, and Gazette 8 April 2003.*]

- (2) Regulation 2.2(11) is amended in the definition of “award” as follows:
- (a) by deleting paragraph (a) and inserting the following paragraph instead —
- “
- (a) an award under the *Industrial Relations Act 1979*, and includes any industrial agreement or order under that Act;
- ”;
- (b) after paragraph (b) by deleting “or”;
- (c) after paragraph (c) by deleting the full stop and inserting instead —
- “
- ; or
- (d) an award under the *Coal Industry Tribunal of Western Australia Act 1992*, and includes any order under that Act and any agreement that comes within section 12(4) or 17(1) of that Act.
- ”.

11. Perth International Centre for Application of Solar Energy Act 1994 amended

- (1) The amendments in this regulation are to the *Perth International Centre for Application of Solar Energy Act 1994**.
- [* Act No. 36 of 1994.
For subsequent amendments see *Western Australian Legislation Information Tables for 2002, Table 1, p. 287.*]
- (2) Section 8(1)(b) is amended by deleting “and the *Workplace Agreements Act 1993*”.
- (3) Section 9(2) is amended by deleting “and the *Workplace Agreements Act 1993*”.

12. Port Authorities Act 1999 amended

- (1) The amendments in this regulation are to the *Port Authorities Act 1999**.
- [* Act No. 22 of 1999.
For subsequent amendments see *Western Australian Legislation Information Tables for 2002, Table 1, p. 305, and Act No. 21 of 2003.*]
- (2) Section 16 is amended as follows:
- (a) in subsection (4) by deleting “and of Part 3 of the *Workplace Agreements Act 1993*”;
- (b) by deleting subsection (5).

13. *Public and Bank Holidays Act 1972 amended*

- (1) The amendment in this regulation is to the *Public and Bank Holidays Act 1972**.

[* Reprinted as at 4 January 2002.

For subsequent amendments see Western Australian Legislation Information Tables for 2002, Table 1, p. 313.]

- (2) Section 3 is amended by deleting “, a workplace agreement under the *Workplace Agreements Act 1993*”.

14. *Public Sector Management Act 1994 amended*

- (1) The amendments in this regulation are to the *Public Sector Management Act 1994**.

[* Reprinted as at 9 February 2001.

For subsequent amendments see Western Australian Legislation Information Tables for 2002, Table 1, p. 317.]

- (2) Section 29(1)(h)(i) is amended by deleting “any workplace agreement made under the *Workplace Agreements Act 1993* or of an”.

- (3) Section 30(d) is amended by deleting “, any workplace agreement made under the *Workplace Agreements Act 1993* or of an” and inserting instead —

“ or ”.

- (4) Section 53(1) is amended by deleting “, any workplace agreement made under the *Workplace Agreements Act 1993* or of an” and inserting instead —

“ or ”.

- (5) Section 64(1) is amended by deleting “, any workplace agreement made under the *Workplace Agreements Act 1993* or of an” and inserting instead —

“ or ”.

- (6) Section 99(1) is amended by deleting “and of Part 3 of the *Workplace Agreements Act 1993*”.

- (7) Section 101 is amended by deleting “and section 58 of the *Workplace Agreements Act 1993*”.

15. *Public Sector Management (Redeployment and Redundancy) Regulations 1994 amended*

- (1) The amendments in this regulation are to the *Public Sector Management (Redeployment and Redundancy) Regulations 1994**.

[* Reprinted as at 1 March 2002.

For amendments to 23 June 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 301, and Gazette 16 May 2003.]

- (2) Regulation 3 is amended as follows:
- (a) in the definition of “award” —
 - (i) by inserting after paragraph (b) —
“ or ”; and
 - (ii) by deleting paragraph (c) and “or” after it;
 - (b) in the definition of “enterprise bargaining allowance” —
 - (i) after subparagraph (c)(ii) by inserting —
“ or ”;
 - (ii) after subparagraph (c)(iii) by deleting “or”; and
 - (iii) by deleting subparagraph (c)(iv).

16. Rules of the Supreme Court 1971 amended

- (1) The amendments in this regulation are to the *Rules of the Supreme Court 1971**.
- [* Reprinted as at 1 December 2000.
For amendments to 23 June 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 373.*]
- (2) Order 65 is amended as follows:
- (a) by deleting Rule 2(1)(a);
 - (b) in Rule 3(1) by deleting “or if the appeal is against a refusal to register a workplace agreement, from the date of receipt of notice of refusal”;
 - (c) in Rule 3(2) by deleting “, or who is or is deemed to be a party to a workplace agreement”.
- (3) Order 67 is amended in Rule 11(1)(d) by deleting “other than an agreement lodged with or registered by the Commissioner of Workplace Agreements”.
- (4) Order 81D Rule 1A is repealed and the following Rule is inserted instead —

“

1A. Application

This Order applies with the necessary modifications to a determination of an arbitrator under Schedule 1 Part 4 clause 31 of the *Gas Pipelines Access (Western Australia) Act 1998*.

”.

17. Salaries and Allowances Act 1975 amended

- (1) The amendment in this regulation is to the *Salaries and Allowances Act 1975**.
- [* Reprinted as at 8 September 2000.
For subsequent amendments see *Western Australian Legislation Information Tables for 2002, Table 1, p. 348.*]
- (2) Section 6(4a) is repealed.

18. Salaries and Allowances Regulations 1975 amended

- (1) The amendments in this regulation are to the *Salaries and Allowances Regulations 1975**.

[* Reprinted as at 26 November 1999.

For amendments to 23 June 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 340.*]

- (2) The Schedule is amended as follows:

- (a) in Column 1 by deleting “*Workplace Agreements Act 1993*”;
- (b) in Column 2 by deleting “*Commissioner of Workplace Agreements*”.

19. State Superannuation Regulations 2001 amended

- (1) The amendment in this regulation is to the *State Superannuation Regulations 2001**.

[* Published in *Gazette* 16 February 2001, p. 921-1074.

For amendments to 23 June 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 362 and Gazette* 13 June 2003.]

- (2) Schedule 1 Division 2 is amended by deleting item 8.

20. Deleting reference to “the Workplace Agreements Act 1993,” from various Acts

Each provision specified in the Table to this regulation is amended by deleting “the *Workplace Agreements Act 1993*,”.

Table

<i>Conservation and Land Management Act 1984</i>	s. 20(5)
<i>Forest Products Act 2000</i>	s. 39(4)
<i>Zoological Parks Authority Act 2001</i>	s. 25(4)

21. Deleting reference to “the Workplace Agreements Act 1993 or” from various Acts

Each provision specified in the Table to this regulation is amended by deleting “the *Workplace Agreements Act 1993* or”.

Table

<i>Botanic Gardens and Parks Authority Act 1998</i>	s. 24(3)
<i>Curriculum Council Act 1997</i>	s. 21(4)
<i>Electricity Corporation Act 1994</i>	s. 15(4)
<i>Fire and Emergency Services Authority of Western Australia Act 1998</i>	s. 20(3)
<i>School Education Act 1999</i>	s. 236(5)
<i>Water and Rivers Commission Act 1995</i>	s. 23(4)
<i>Water Corporation Act 1995</i>	s. 15(4)
<i>Western Australian Treasury Corporation Act 1986</i>	s. 8B(4)

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.