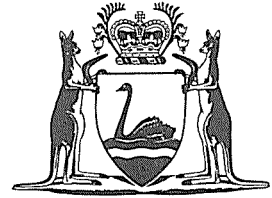


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WORKPLACE AGREEMENTS ACT 1993

**WORKPLACE AGREEMENTS
REGULATIONS 1993**

**MINIMUM CONDITIONS OF EMPLOYMENT
ACT 1993**

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WORKPLACE AGREEMENTS ACT 1993

WORKPLACE AGREEMENTS REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY

Citation

1. These regulations may be cited as the *Workplace Agreements Regulations 1993*.

Commencement

2. These regulations come into operation on the day on which the *Workplace Agreements Act 1993* comes into operation.

PART 2 — LODGEMENT AND REGISTRATION OF AGREEMENTS

How, when and where agreements may be lodged

3. (1) A workplace agreement or agreement under section 23 (1) or 24 (1) of the Act may be lodged with the Commissioner for registration —

- (a) by presenting a signed copy of it at the Commissioner's registry office —
 - (i) from Monday to Friday between the hours of 8.30 am and 5.00 pm; or
 - (ii) on Saturday between the hours of 9.00 am and 11.00 am, except on a day that is a public holiday or a public service holiday;
- (b) by posting a signed copy of it by certified mail addressed to the Commissioner's registry office; or
- (c) by sending a facsimile of the original agreement by facsimile transmission to the Commissioner's registry office.

(2) Unless the contrary is proved, lodgment of an agreement by certified mail is to be treated as being effected at the time when the mail would have been delivered in the ordinary course of delivery of certified mail.

(3) Where an agreement is sent by facsimile transmission, lodgment of the agreement is to be treated as being effected upon completion of the transmission of the agreement unless it is subsequently established by or on behalf of the Commissioner that the agreement was not in fact received by the registry office facsimile machine or that the facsimile received was not legible or complete.

Requirements for registration of agreements

4. (1) A workplace agreement or agreement under section 23 (1) or 24 (1) of the Act lodged for registration must be accompanied by a completed application to register in the form of Form 1 in Schedule 1.

(2) The Commissioner may refuse to accept the agreement for registration unless —

- (a) it is typed on one side only of the paper; and
- (b) it is in the English language.

PART 3 — NOTICE OF INDUSTRIAL ACTION**Notices of intention to take industrial action**

5. (1) A notice under section 79 (1) of the Act of intention to take industrial action is to be —

- (a) in the form of Form 2 in Schedule 1; and
- (b) served on a party —
 - (i) by delivering it to the party personally;
 - (ii) by sending it by certified mail to the party's usual or last known place of abode, or if he or she is the principal of a business, at the party's usual or last known place of business;
 - (iii) where the party is a corporation or an association of persons (whether incorporated or not), by delivering or leaving the notice or sending the notice by certified mail, addressed in each case to the corporation or association at its principal place of business or principal office in the State; or
 - (iv) by sending it by facsimile transmission to the party's facsimile machine number.

(2) Unless the contrary is proved, service by certified mail is to be treated as being effected at the time when the mail would have been delivered in the ordinary course of delivery of certified mail.

(3) Where the notice is sent by facsimile transmission, service of the notice is to be treated as being effected upon completion of the transmission unless it is subsequently established by the party to be served that the notice was not in fact received by the party's facsimile machine or that the facsimile received was not legible or complete.

PART 4 — MISCELLANEOUS**Keeping of employment records**

6. For the purposes of section 47 (3) (a) of the Act, records must be —

- (a) in a form that is legible and prepared using indelible material; or
- (b) stored in an electronic form that is capable of being reproduced in a legible printed format,

and made, in relation to each payment to the employee, within 14 days of the payment.

SCHEDULE 1

FORMS

FORM 1

[reg. 4 (1)]

Workplace Agreements Act 1993 section 29

APPLICATION FOR REGISTRATION OF AGREEMENT

Application No. _____ of 19 _____

Workplace agreement No. (if existing agreement) _____

_____ of 19 _____
Date received by registry office

1. (Name(s) of applicant(s)) _____
wish (wishes) to have the attached agreement registered as —

- (✓) a workplace agreement.
- (✓) an agreement under section 23 (1) of the Act (addition of a party or parties to a collective workplace agreement).
- (✓) an agreement under section 24 (1) of the Act (cancellation of a workplace agreement).

2. Employer's details (state name, address, postcode and telephone number or refer to page of agreement where details can be found).

.....
.....
.....
.....

3. Employee's or employees' details (state name, address, postcode and telephone number or refer to page of agreement where details can be found). Attach schedule if insufficient space to enter details on this form.

.....
.....
.....
.....

4. The applicant(s) request(s) a meeting with the Commissioner (see section 30 (3) of the Act). (✓ if "yes")

5. Is this a new workplace agreement obtained in place of an expired workplace agreement? (✓ if "yes")

If yes, did industrial action by or against the applicant take place for the purpose of obtaining the new workplace agreement? (✓ if "yes")

.....
Signature(s) of applicant(s)

.....
Date

(Attach schedule if insufficient space for all signatures on this form)

[See reverse side of form for information]

[Reverse side of Form 1]

INFORMATION

1. A copy of a workplace agreement or an agreement under section 23 (1) must be given to each employee who is a party to the agreement before it is lodged for registration.

2. To register an agreement, the Commissioner of Workplace Agreements must be satisfied that —

- (a) the agreement complies with the *Workplace Agreements Act 1993*;
- (b) each party to the agreement appears to understand his or her rights and obligations under the agreement;
- (c) no party to the agreement was persuaded by threats or intimidation to enter into the agreement; and
- (d) each party genuinely wishes to have the agreement registered.

3. The Commissioner may obtain information in any way that he or she thinks appropriate to be satisfied of these matters. If you wish to meet the Commissioner to discuss any of these matters, complete item 4 accordingly.

4. Offences

Section 68 (1) of the Act provides that a person must not by threats or intimidation persuade or attempt to persuade another person to enter into, or not enter into —

- (a) an agreement under this Act; or
- (b) an agreement under this Act that contains or does not contain particular provisions.

Section 96 of the Act provides that a person must not make a statement or give an answer to the Commissioner or the Commissioner's delegate, that the person knows to be false or misleading in a material particular.

FORM 2

[reg. 5 (1) (a)]

Workplace Agreements Act 1993 section 79 (1)

NOTICE OF INTENTION TO TAKE INDUSTRIAL ACTION

Expired workplace agreement No. _____ of 19_____

Date of expiry

To:
.....
.....
[Name and address of party to be served]

Take notice that
.....
.....
(name(s) of party or parties intending to take industrial action)

intend(s) to take industrial action for the purpose of obtaining a new workplace agreement in place of the expired workplace agreement specified above.

Nature of proposed industrial action
.....

Place / places of proposed industrial action
.....

Commencement date and time of proposed industrial action
.....

Duration of proposed industrial action
.....

[Attach schedule if insufficient space for details]

.....
Signature(s) of party or parties
intending to take industrial action

.....
Date

(Attach schedule if insufficient space
for all signatures on this form)

— See over for information as to service of notices —

[Reverse side of Form 2]

A notice in this form must be served at least 7 days before the commencement of the proposed industrial action.

Service of notices

Regulation 5 (1) (b) of the *Workplace Agreements Regulations 1993* provides that a notice under section 79 (1) of the Act of intention to take industrial action is to be served on a party —

- (a) by delivering it to the party personally;
- (b) by sending it by certified mail to the party's usual or last known place of abode, or if he or she is the principal of a business, at the party's usual or last known place of business;
- (c) where the party is a corporation or an association of persons (whether incorporated or not), by delivering or leaving the notice or sending the notice by certified mail, addressed in each case to the corporation or association at its principal place of business or principal office in the State; or
- (d) by sending it by facsimile transmission to the party's facsimile machine number.

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By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

MINIMUM CONDITIONS OF EMPLOYMENT ACT 1993

MINIMUM CONDITIONS OF EMPLOYMENT REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Minimum Conditions of Employment Regulations 1993*.

Commencement

2. These regulations come into operation on the day on which the *Workplace Agreements Act 1993* comes into operation.

Persons who are not employees for purposes of Act

3. The classes of persons set out in Schedule 1 are prescribed as persons who are not to be treated as employees for the purposes of the Act.

Keeping of employment records

4. For the purposes of section 44 (3) (a) of the Act, records must be —

- (a) in a form that is legible and prepared using indelible material; or
- (b) stored in an electronic form that is capable of being reproduced in a legible printed format,

and made, in relation to each payment to the employee, within 14 days of the payment.

SCHEDULE 1

[reg. 3]

**PERSONS WHO ARE NOT EMPLOYEES FOR THE PURPOSES OF
THE ACT****Persons paid wholly by commission**

1. Persons whose services are remunerated wholly by commission or percentage reward.

Piece workers

2. Persons whose services are remunerated wholly at piece rates.

Persons with disabilities in supported employment

3. Persons —
 - (a) who receive a disability support pension under the *Social Security Act 1991* of the Commonwealth; and
 - (b) whose employment is supported by "supported employment services" within the meaning of the *Disability Services Act 1986* of the Commonwealth.

Volunteers etc.

4. Persons who are not entitled to be paid for work done by them but who receive some benefit or entitlement in relation to the work.

National Trust (WA)

5. Persons appointed under section 22 (1) of the *National Trust of Australia (W.A.) Act 1964* to carry out the duties of wardens in relation to property that is managed, maintained, preserved, or protected, whether solely or jointly, by the National Trust of Australia (W.A.).

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.