

CE306\*

Industrial Relations Act 1979

**Industrial Relations (General) Amendment  
Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Industrial Relations (General) Amendment Regulations 2004*.

**2. The regulations amended**

The amendments in these regulations are to the *Industrial Relations (General) Regulations 1997\**.

[\* *Published in Gazette 30 September 1997, p. 5440-41.*  
*For amendments to 31 March 2003 see Gazette*  
*26 July 2002.*]

**3. Part 5 amended**

Part 5 is amended by renumbering —

- (a) regulation 6 as regulation 8;
- (b) regulation 7 as regulation 9;
- (c) regulation 8 as regulation 10, and subregulations (3) and (4) of that regulation as subregulations (2) and (3) respectively; and
- (d) regulation 9 as regulation 11.

**4. Part 6 inserted**

Before Schedule 1 the following Part is inserted —

“

**Part 6 — Bargaining for industrial agreement**

**12. Notice initiating bargaining**

A notice given under section 42(1) of the Act —

- (a) may be given in the form of GFB 1 in Schedule 3; and
- (b) must be accompanied by all of the particulars set out in that form.

**13. Response to notice initiating bargaining**

A person to whom a notice is given under section 42(1) of the Act may notify the initiating party of his or her response in the form of GFB 2 in Schedule 3.

**14. Notice and response to be given to Commission**

- (1) A notice given under section 42(1) of the Act, or a response under section 42A(1) of the Act, cannot be admitted in any proceeding or conference before the Commission unless a copy of that notice or response has been filed in the office of the Registrar of the Commission at least 7 days before the proceeding or conference.
- (2) Subregulation (1) does not apply in respect of an application under section 42A(2).

”.

**5. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) by deleting “[r.7]” and inserting instead —  
“ [r. 9] ”;
- (b) by deleting item 1 and inserting the following item instead —

“

1	For filing a claim under section 29(1)(b) of the Act	50.00
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”.

**6. Schedule 2 amended**

Schedule 2 is amended by deleting “[r.7]” and inserting instead —

“ [r. 9] ”.

**7. Schedule 3 inserted**

After Schedule 2 the following Schedule is inserted —

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**Schedule 3 — Forms**

**GFB 1**

[r. 12]

*Industrial Relations Act 1979*

**NOTICE TO INITIATE BARGAINING**

To .....

.....

.....

(name of party being given notice)<sup>1</sup>

Take notice that .....

.....

(name of party giving notice)

has this .....day of .....given notice initiating bargaining for an industrial agreement.

1. Types of employment to be covered by agreement<sup>2</sup>

2. Area in which agreement is to operate<sup>3</sup>

3. Intended parties to the agreement<sup>4</sup>

.....  
Signature of party giving notice

<sup>1</sup> This notice is not to be given to an organisation or association of employers unless that organisation or association has given written consent to being given such notice.

<sup>2</sup> If all employment is intended to be covered then state that. If is not intended to cover all the employment, specify by classification or occupation and specify whether full-time, part-time and casual employment is to be covered.

<sup>3</sup> Nominate the area of the State (eg. whole State or metropolitan area or north of the 26<sup>th</sup> parallel) as well as any particulars relating to the employers' premises.

<sup>4</sup> If the intention is for the initiating party to bargain as a collective group, specify the other parties who will comprise that group

**INFORMATION FOR RECIPIENTS OF NOTICE TO INITIATE BARGAINING**

The party who gave you this notice (the "initiating party") is seeking to negotiate an industrial agreement which will bind you in respect of the employees in the employment identified in the particulars of the notice.

The initiating party is also seeking to negotiate the agreement within the requirements of the good faith bargain provisions of the *Industrial Relations Act 1979*. These provisions place certain procedural requirements on the negotiating parties to assist them to reach agreement. These procedural requirements can be enforced by the Western Australian Industrial Relations Commission.

If you wish to enter into negotiations for an industrial agreement, you should notify the initiating party within 21 days of receiving this notice.

Note: Documents served by post are deemed received 2 working days after they are posted. The response may be in the form of the attached GFB 2.

If there are other parties identified in the notice as intended parties to the agreement and you wish to negotiate separately with the initiating party, you may make an application to the Western Australian Industrial Relations Commission for a direction that you may negotiate separately.

Note: You must still respond to the initiating party within 21 days of receiving the notice if you wish to enter into negotiations for an industrial agreement.

If you do not wish to enter into negotiations for an industrial agreement, you do not need to take any action. Alternatively, you may notify the initiating party that you will not enter into negotiations for an industrial agreement. You may use GFB 2 for the notification.

If you do not enter into negotiations for an industrial agreement, the initiating party may apply to the Western Australian Industrial Relations Commission for an enterprise order which will determine the pay and conditions for employees who were proposed to be covered by the industrial agreement.

**GFB 2**

[r. 13]

***Industrial Relations Act 1979***

**RESPONSE TO INITIATION OF BARGAINING**

To .....  
.....  
.....  
(name of party who provided notice initiating bargaining)

Take notice that .....

.....

(name of party responding to notice)

has this .....day of.....responded to the notice and:

- wishes to enter into negotiations for an industrial agreement.
- does not wish to enter into negotiations for an industrial agreement.

(tick appropriate box)

.....

Signature of party responding to notice

”.

By Command of the Governor,

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