
COMMISSIONER WORKPLACE AGREEMENTS

WX301*

WORKPLACE AGREEMENTS ACT 1993**WORKPLACE AGREEMENTS AMENDMENT REGULATIONS 1998**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Workplace Agreements Amendment Regulations 1998*.

Principal regulations

2. In these regulations the *Workplace Agreements Regulations 1993** are referred to as the principal regulations.

[* *Published in Gazette 30 November 1993, p. 6443-48.*

For amendments to 16 April 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 313.]

Part 2 repealed and a Part substituted

3. Part 2 of the principal regulations is repealed and the following Part is substituted

“

**PART 2 — LODGEMENT OF AGREEMENTS FOR
REGISTRATION OR APPROVAL****Lodgement of agreements for registration or approval**

3. (1) This regulation applies to an agreement that is —

- (a) a workplace agreement;
- (b) an agreement under section 23 (1) or 24 (1) of the Act;
- (c) a collective workplace agreement to which Part 2A of the Act applies; or
- (d) an agreement under section 23 (1) of the Act as applied by section 40J (1) of the Act.

(2) A person who wishes to lodge an agreement with the Commissioner for registration, or with the Tribunal for approval, as is applicable to the case, must do so in accordance with subregulations (3), (4) and (5).

(3) An agreement must be accompanied by a completed application to register or to approve, as is applicable to the case, in the form of Form 1 in Schedule 1 unless the Commissioner is of the view that the information required to be set out in Form 1 is adequately contained in the lodged agreement or in any other accompanying document.

(4) A collective workplace agreement to which Part 2A of the Act applies or an agreement under section 23 (1) as applied by section 40J (1) of the Act must be accompanied by the information required to be set out in Form 2 in Schedule 1.

(5) An agreement or any accompanying form or document may be lodged —

- (a) by presenting a signed copy of it at the Commissioner's registry office between the hours of 8.30 a.m. and 5.00 p.m. from Monday to Friday, except on a day that is a public holiday or a public service holiday;
- (b) by posting a signed copy of it by registered post addressed to the Commissioner's registry office; or
- (c) by sending a facsimile of the original document by facsimile transmission to the Commissioner's registry office.

(6) Unless the contrary is proved, lodgement of an agreement or any accompanying form or document by registered post is to be treated as being effected at the time when the post would have been delivered in the ordinary course of delivery of registered post.

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

(8) The Commissioner may refuse to accept an agreement for registration or lodgement unless —

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

”.

Regulation 5 amended

4. (1) Regulation 5 (1) (a) of the principal regulations is amended by deleting “Form 2” and substituting the following —

“ Form 3 ”.

(2) The provisions of regulation 5 of the principal regulations set out in the Table to this regulation are amended in each case by deleting “certified mail” and substituting the following —

“ registered post ”.

Table

reg. 5 (1) (b) (ii)
reg. 5 (1) (b) (iii)
reg. 5 (2) (twice)

(3) Regulation 5 (2) of the principal regulations is amended by deleting “the mail” and substituting the following —

“ the post ”.

Schedule 1 amended

5. Schedule 1 to the principal regulations is amended by deleting Form 1 and Form 2 and substituting the following forms —

“

Form 1

[reg. 3 (3)]

Workplace Agreements Act 1993 sections 29 and 40F APPLICATION FOR REGISTRATION OR APPROVAL OF AGREEMENT

Please complete sections 1 - 7 inclusive

1. I/we wish to have the attached agreement registered as (✓ where applicable):
 - ☐ An individual workplace agreement.
 - ☐ A collective workplace agreement (other than an agreement intended to prevail over a federal award).
 - ☐ An agreement under section 23 (1) of the Act (addition of party or parties to a collective workplace agreement).
 - ☐ An agreement under section 24 (1) of the Act (cancellation of a workplace agreement).
 - ☐ A collective workplace agreement or addition to a collective workplace agreement intended to prevail over a federal award. (If this option is ticked, a Form 2 must also be complete. See Employer Guide for details).
2. EMPLOYER (complete below or state page number in agreement where details are found).

COMPANY NAME (Pty. Ltd., Ltd., Inc. or individual's name)	
TRADING NAME	
BUSINESS ADDRESS	
MAILING ADDRESS (if different)	
	Postcode:
PHONE	
CONTACT NAME & POSITION	

3. EMPLOYEE(S)

Attach typed schedule OR state page of agreement where details are found OR enter details on reverse of this form.

4. A party requests a meeting with the Commissioner/
Tribunal. Indicate name(s) if ticked.

✓ if yes ☐

5. Have you previously lodged a workplace agreement with this office?

✓ if yes ☐

6. Is the employer a public sector agency?

✓ if yes ☐

7. Signature(s) of applicant (s) Date

.....
Date

Name(s) (PLEASE PRINT)

If this form is lodged by a bargaining agent authorized to do so

Name of bargaining agent:.....

Address for service:.....

Page 2 of Form 1

EMPLOYEE DETAILS

Attach typed schedule **or** copy this form if necessary **or** phone (08) 9482 7800 for copies

[illegible]

Form 2

[reg. 3 (4)]

Workplace Agreements Act 1993 section 40F
**INFORMATION FOR TRIBUNAL'S CONSIDERATION
UNDER SECTION 40G**
Page 1

Please complete sections 1 - 5 inclusive

See Employer Guide for more information on what the Tribunal needs to be satisfied of when approving a workplace agreement under section 40G of the Act.

1. List in full the award or awards that cover the employees' work.
2. What is the employees' award classification? (If employees are on different classifications please list the award classification and title for each employee).
3. How was the effect of the workplace agreement explained to the employees? (e.g. by written information, informal discussions, informal meetings).
4. Has the employer offered a workplace agreement in the same terms to all employees doing the same kind of work as the employees covered by this application?
☒ if yes ☐
If no, what are the reasons?

Page 2 of Form 2

**COMPLETE THIS PAGE FOR EACH AWARD
CLASSIFICATION GROUP WHERE TERMS AND
CONDITIONS ARE THE SAME**

Please make copies of this page if necessary or phone
(08) 9482 7800 for copies.

5. Describe how the workplace agreement differs from the award in relation to the following 4 matters:		
	Award	Workplace Agreement
Pay (e.g. base rates, allowances, shift/overtime/penalty rates, casual rates.)		
Hours (e.g. ordinary time hours of work, span of hours, rest breaks.)		
Leave (e.g. annual leave, personal/carer's leave, sick leave, long service leave.)		
Other main differences (e.g. new classifications, superannuation.)		
6. I declare that the information provided on this form is provided in good faith and to the best of my knowledge is true and correct. Name of person making declaration: <div style="display: flex; justify-content: space-between;"> <div>..... Full name (PLEASE PRINT)</div> <div>..... (Position)</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>..... (Signature)</div> <div>..... (Date)</div> </div>		

If this form is lodged by a bargaining agent authorized to do so

Name of bargaining agent:

Address for service:

Form 3

[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)*

If this form is lodged by a bargaining agent authorized to do so

Name of bargaining agent:

Address for service:

— See over for information as to service of notices —

Page 2 of Form 3

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

Service of noticesRegulation 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 registered post 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 registered post, 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 Command of the Governor,

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