

INDUSTRIAL RELATIONS (GENERAL) AMENDMENT REGULATIONS 2022

1134. Hon Nick Goiran to the parliamentary secretary representing the Minister for Industrial Relations:

I refer to the *Industrial Relations (General) Amendment Regulations 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to (c), what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

Hon Matthew Swinbourn replied:

- (a) The *Industrial Relations Act 1979* (IR Act) was amended on 20 June 2022 to enable certain employers, including local governments, to be declared not to be national system employers for the purposes of the *Fair Work Act 2009*. The *Industrial Relations (General) Regulations 1997* were concurrently amended on 20 June 2022 to declare every Western Australian local government and regional local government not to be a national system employer. The *Industrial Relations (General) Amendment Regulations 2022* fix the date that the declaration commences (1 January 2023).
- (b) Consultation occurred with the Federal Minister for Employment and Workplace Relations, the Department of Employment and Workplace Relations, the Western Australian Local Government Association (WALGA) and the Australian Services Union Western Australian Branch.
- (c) Yes.
- (d) WALGA advocated for a later commencement date for the declaration than 1 January 2023, and also advocated to exclude the application of State awards to new State instruments formed under the *Industrial Relations Act* for local governments.
- (e) The *Industrial Relations (General) Amendment Regulations 2022* address WALGA's concerns about State awards by excluding their application to new State instruments for a period of two years.
- (f) The Western Australian and Commonwealth Government consider that 1 January 2023 is an appropriate commencement date for the declaration. The Western Australian Government publicly announced in 2019 that it intended to amend the IR Act to enable a declaration to be made in relation to local governments, and the relevant declaration was made on 20 June 2022. Local governments have therefore had adequate lead-in time to prepare for the commencement of the declaration.