

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

(Introduced by Hon. Tom Stephens)

WORKPLACE AGREEMENTS (PROVISION OF CHOICE) AMENDMENT BILL 1998

A BILL FOR

AN ACT to amend the *Workplace Agreements Act 1993*.

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Workplace Agreements (Provision of Choice) Amendment Act 1998*.

5 Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act the *Workplace Agreements Act 1993** is referred to as the principal Act.

[* *Act No. 13 of 1993.*
5 *For subsequent amendments see 1997 Index to*
 Legislation of Western Australia, Table 1, p. 258.]

New section 24A

4. The principal Act is amended by inserting after section 24 the following —

10 “
 Employee may give notice to cancel
 agreement

24A. (1) Notwithstanding any other
15 provision of this Act an employee may cancel a
 registered workplace agreement by written
 notice to the employer in the form prescribed by
 regulation under this section.

 (2) An employee must lodge a notice to
cancel under this section with the Commissioner.

20 (3) A workplace agreement the subject of a
 notice under this section shall, subject to
 subsection (5), cease to have effect 28 days after
 such notice is lodged with the Commissioner and
25 the contract of employment that such workplace
 agreement governed shall continue subject to the
 terms and conditions of —

 (a) the relevant provisions (if any);

- 5 (b) the *Minimum Conditions of Employment Act 1993* (if applicable);
 or
- (c) any other agreement governing the
 contract other than agreement under
 this Act.
- 10 (4) Within 7 days of a notice to cancel being
 lodged in accordance with this section the
 Commissioner must notify any employer who is a
 party to the workplace agreement the subject of
 such notice informing the employer of —
- (a) the notice to cancel; and
- (b) the date from which such notice has
 effect.
- 15 (5) Where an employee gives notice to cancel
 a workplace agreement in accordance with this
 section the provision as to unfair dismissal
 implied in the agreement by section 18 shall
20 after the commencement of the effect of such
 notice be treated as subsisting in relation to the
 contract of employment governed by that
 agreement.
- 25 (6) The Minister must, within 28 days from
 the commencement of this section, make
 regulations prescribing a form of notice for the
 purposes of this section.

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New section 25A

5. The principal Act is amended by inserting after section 25 the following —

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5 Employees to sign election notice

25A. (1) An employer who is an intended party to —

10 (a) an agreement that is intended by the parties to be registered as a workplace agreement; or

(b) an agreement under section 23 (1),

15 must, prior to entering into such agreement, ensure that a copy of an election notice in the form prescribed by regulation under this section is given to and signed by each employee who is an intended party to the agreement.

(2) An election notice prescribed by regulation for the purposes of this section shall include —

20 (a) a statement in plain english signed by the employer that the employer has informed the employee that the contract of employment the subject of an agreement referred to in
25 subsection (1) —

(i) is available to the employee whether or not the employee chooses to enter —

(A) such agreement; or

- 5 (B) an award or any other
agreement other than one
covered by this Act; and
- 5 (ii) has been offered to the employee
under both forms of agreement
referred to in subparagraphs
(i) (A) and (i) (B) respectively of
paragraph (a);
- 10 (b) a statement in plain english signed by
the employee that —
- 15 (i) the contract of employment the
subject of an agreement referred
to in subsection (1) has been
offered to the employee by the
employer under both forms of
agreement referred to in
subparagraphs (i) (A) and (i) (B)
of paragraph (a); and
- 20 (ii) that the employee has elected to
enter the form of agreement
referred to in subparagraph
(i) (A) of paragraph (a); and
- (c) a heading in bold upper case lettering
as follows —
- 25 “ **PROVISION OF CHOICE** ”.
- (3) An election notice under this section
must be lodged with any agreement which is
lodged with the Commissioner for registration.

cl. 5

Workplace Agreements (Provision of Choice)
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(4) The Minister must, within 28 days from the commencement of this section, make regulations prescribing a form of notice for the purposes of this section.

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