

Western Australia

# **Minimum Conditions of Employment (Blue Flu) Amendment Bill 2005**

---

## CONTENTS

---

### **Part 1 — Preliminary**

- |    |              |   |
|----|--------------|---|
| 1. | Short title  | 2 |
| 2. | Commencement | 2 |

### **Part 2 — Amendment to the Minimum Conditions of Employment Act 1993**

- |    |                    |   |
|----|--------------------|---|
| 3. | The Act amended    | 3 |
| 4. | Section 22 amended | 3 |



Western Australia

LEGISLATIVE ASSEMBLY

*(Introduced by Mr Buswell MLA)*

**Minimum Conditions of Employment (Blue Flu)  
Amendment Bill 2005**

**A Bill for**

**An Act to amend section 22 of the *Minimum Conditions of  
Employment Act 1993* and for related purposes.**

The Parliament of Western Australia enacts as follows:

## **Part 1 — Preliminary**

**1. Short title**

This Act may be cited as the *Minimum Conditions of Employment (Blue Flu) Amendment Act 2005*.

5 **2. Commencement**

This Act comes into operation on the day on which it receives royal assent.

---

**Part 2 — Amendment to the Minimum Conditions of Employment Act 1993**

**3. The Act amended**

5 The amendments in this Part are to the *Minimum Conditions of Employment Act 1993*.

**4. Section 22 amended**

(1) Section 22 is amended by inserting before “An” the subsection designation “(1)”.

10 (2) At the end of section 22 the following subsections are inserted —

“

15 (2) Despite subsection (1), where the employer considers, on reasonable grounds, that an employee’s claim for paid leave is for a period of absence was industrially motivated, then the employee has no entitlement to paid leave unless the employee provides a medical certificate and a statutory declaration that supports their claim.

20 (3) An employee who makes a false claim for paid leave under section 19(1) commits an offence.  
Penalty: \$500.

25 (4) In this section “**industrially motivated**” means motivated by one or more of the following purposes, or by purposes that include one or more of the following purposes:

- 30 (a) supporting or advancing claims against an employer in respect of the employment of employees of that employer;
- (b) advancing industrial objects of an industrial association;

**Minimum Conditions of Employment (Blue Flu) Amendment Bill 2005**

**Part 2** Amendment to the Minimum Conditions of Employment Act  
1993

**s. 4**

---

(c) disrupting the performance of work.

The employer referred to in paragraph (a) need not be the employer whose employees do the work to which the action relates.

5

”.

=====