

Industrial Relations (Prohibition of Bargaining Services Fees) Amendment Bill 2007

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr Cowper, MLA)

**Industrial Relations (Prohibition of Bargaining
Services Fees) Amendment Bill 2007**

A Bill for

**An Act to amend the Industrial Relations Act to prohibit an
employment agreement containing a bargaining service fee.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Industrial Relations (Prohibition of Bargaining Services Fees) Amendment Act 2007*.

5 **2. Commencement**

This Act comes into operation on a day fixed by proclamation.

Part 2 — Amendments to *Industrial Relations Act 1979*

3. The Act amended

The amendments in this Part are to the *Industrial Relations Act 1979*.

5 **4. Section 96A amended**

Section 96A is amended by inserting the following definition in the appropriate alphabetical position —

“

10 **“bargaining services”** means services provided by (or
 on behalf of) an organisation in relation to an
 award, industrial agreement or order under this
 Act, or any arrangement between persons relating
 to employment, including the negotiation, making,
15 operation, extension, variation or termination of
 the award, industrial agreement or order under this
 Act or arrangement between persons relating to
 employment;

”.

5. Section 96A amended

20 Section 96A is amended by inserting the following definition in
 the appropriate alphabetical position —

“

25 **“bargaining services fee”** means a fee, howsoever
 described, payable to an organisation (or to
 someone else in lieu of an organisation) wholly or
 partly for the provision, or purported provision, of
 bargaining services, but does not include
 membership dues.

”.

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6. Section 96BA inserted

After section 96B the following section is inserted —

“

5 **96BA. Provision requiring or permitting payment of
 bargaining services fee to have no effect**

- (1) An award, industrial agreement or order under this Act,
 or any arrangement between persons relating to
 employment must not require or permit payment of a
 bargaining services fee.
- 10 (2) The prohibition in subsection (1) extends to awards,
 industrial agreements, orders and arrangements that are
 in force at the commencement of section 28 of the
 Industrial Relations Amendment Act 1993.
- 15 (3) A provision of any award, industrial agreement or
 order under this Act or any arrangement between
 persons relating to employment that is contrary to this
 section is of no effect.

”.

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