



# Workplace Relations Amendment Regulations 2006 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2006 No. 68

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Workplace Relations Act 1996*.

Dated 30 March 2006

P. M. JEFFERY  
Governor-General

By His Excellency's Command

KEVIN ANDREWS  
Minister for Employment and Workplace Relations

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**1 Name of Regulations**

These Regulations are the *Workplace Relations Amendment Regulations 2006 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Workplace Relations Regulations 2006***

Schedule 1 amends the *Workplace Relations Regulations 2006*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Chapter 2, Part 4, regulation 4.11**

*substitute*

**4.11 Application of the *Criminal Code***

Unless the contrary intention appears in the Act or these Regulations, Chapter 2 of the *Criminal Code* (other than section 13.2 and Part 2.7) applies to civil penalties in this Part as if those penalties were offences.

**[2] Chapter 2, Part 7, paragraph 7.1 (3) (a)**

*omit*

a workplace agreement or contract of employment

*insert*

a workplace agreement or a written contract of employment

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**[3] Chapter 2, Part 7, subregulation 7.1 (3), example, second paragraph**

*after*

the employer and employee have agreed

*insert*

, in writing,

**[4] Chapter 2, Part 7, paragraph 7.1 (4) (a)**

*omit*

a workplace agreement or contract of employment

*insert*

a workplace agreement or a written contract of employment

**[5] Chapter 2, Part 7, paragraph 7.1 (5) (a)**

*omit*

a workplace agreement or contract of employment

*insert*

a workplace agreement or a written contract of employment

**[6] Chapter 2, Part 8, subregulation 8.13 (1)**

*omit*

an employer must ensure that a workplace agreement includes the signatures of:

*insert*

an employer must obtain the signatures of:

**[7] Chapter 2, Part 8, after subregulation 8.13 (4)**

*insert*

(4A) It is a defence to a contravention of subregulation (1) that the workplace agreement:

(a) is a collective agreement; and

- (b) does not include the signature of a person (other than the employer) because of the person's failure or refusal to sign the agreement.

**[8] Chapter 2, Part 8 subregulation 8.14 (2)**

*omit both mentions of  
signed*

**[9] Chapter 2, Part 8, after subregulation 8.14 (4)**

*insert*

- (5) It is a defence to a contravention of subregulation (1) that the workplace agreement:
  - (a) is a collective agreement; and
  - (b) does not include the signature of a person (other than the employer) because of the person's failure or refusal to sign the agreement.

**[10] Chapter 2, Part 8, regulation 8.15**

*substitute*

**8.15 Application of the *Criminal Code***

Unless the contrary intention appears in the Act or these Regulations, Chapter 2 of the *Criminal Code* (other than section 13.2 and Part 2.7) applies to civil penalties in this Part as if those penalties were offences.

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**[11] Chapter 2, Part 9, regulation 9.26**

*substitute*

**9.26 Application of the *Criminal Code***

Unless the contrary intention appears in the Act or these Regulations, Chapter 2 of the *Criminal Code* (other than section 13.2 and Part 2.7) applies to civil penalties in this Part as if those penalties were offences.

**[12] Chapter 2, Part 19, regulation 19.3**

*substitute*

**19.3 Application of the *Criminal Code***

Unless the contrary intention appears in the Act or these Regulations, Chapter 2 of the *Criminal Code* (other than section 13.2 and Part 2.7) applies to civil penalties in this Part as if those penalties were offences.

**[13] Chapter 8, regulation 1.3**

*substitute*

**1.3 Application of the *Criminal Code***

Unless the contrary intention appears in the Act or these Regulations, Chapter 2 of the *Criminal Code* (other than section 13.2 and Part 2.7) applies to civil penalties in this Part as if those penalties were offences.

[14] **Schedule 8, title**

*substitute*

**Schedule 8 Further provisions —  
amendments of the Act  
relating to definitions**

(Chapter 4, item 1.1)

[15] **Schedule 8, Part 1, item [3], inserted paragraphs  
2 (2) (f) to (t)**

*substitute*

- (f) paragraph 100 (6) (d);
- (g) paragraph 100 (8) (a);
- (h) paragraph 100 (8) (b);
- (i) paragraph 100 (11) (a);
- (j) paragraph 100 (11) (b);
- (k) paragraph 100 (11) (c);
- (l) paragraph 100 (11) (d);
- (m) paragraph 151 (1) (b);
- (n) paragraph 151 (1) (c);
- (o) paragraph 151 (1) (f);
- (p) section 178, definition of *pre-reform State wage instrument*, subparagraph (b) (ii);
- (q) section 178, definition of *pre-reform Territory wage instrument*, subparagraph (a) (ii);
- (r) paragraph 513 (1) (e);
- (s) section 518;
- (t) Schedule 8, paragraph 3 (b), the second reference to *employee*, but not the first reference to *employee*;
- (u) Schedule 8, paragraph 10 (b), the reference to *employees* but not the reference to *employee*.

**[16] Schedule 8, Part 2, item [6], inserted paragraphs 3 (2) (d) and (e)**

*substitute*

- (d) paragraph 43 (1) (c);
- (e) subparagraph 64 (2) (b) (i);

**[17] Schedule 8, Part 3, item [9], inserted paragraph 4 (2) (p)**

*substitute*

- (p) subsection 515 (4), definition of *labour hire agency*;

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).