

Queensland



# **INDUSTRIAL RELATIONS AMENDMENT ACT 2002**

**Act No. 73 of 2002**



# Queensland



## INDUSTRIAL RELATIONS AMENDMENT ACT 2002

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## **Industrial Relations Amendment Act 2002**

**Act No. 73 of 2002**

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**An Act to amend the *Industrial Relations Act 1999*, and for other purposes**

*[Assented to 13 December 2002]*

**The Parliament of Queensland enacts—****1 Short title**

This Act may be cited as the *Industrial Relations Amendment Act 2002*.

**2 Commencement**

This Act commences on a day to be fixed by proclamation.

**3 Act amended**

This Act amends the *Industrial Relations Act 1999*.

**4 Amendment of s 256 (Composition)**

(1) Section 256(1)(b)—

*omit, insert—*

‘(b) the vice president, 2 deputy presidents and at least 5 other industrial commissioners (“**commissioners**”).’.

(2) Section 256(2)(b)—

*omit, insert—*

‘(b) otherwise—3 or more members including at least 1 presidential member.’.

**5 Insertion of new s 258A**

After section 258—

*insert—*

**‘258A Deputy presidents of the commission**

‘(1) The Governor in Council may appoint a person as a deputy president of the commission—

- (a) if the person is not already a commissioner—by commission; or
- (b) if the person is already a commissioner—by gazette notice.

‘(2) The person must be a person who has the experience, qualifications and standing mentioned in section 259(2).’.

## **6 Amendment of section 264 (Administrative responsibilities for the commission and registry)**

(1) Section 264(1) to (3), ‘commissioner administrator’—

*omit, insert—*

‘vice president’.

(2) Section 264—

*insert—*

‘(4) The vice president is to be assisted by the deputy presidents in performing responsibilities under subsection (1) or (2) and may delegate a power under subsection (3) to a deputy president.

‘(5) A commissioner must comply with a direction of the vice president or a deputy president given for the performance of responsibilities under subsection (1) or (2).

‘(6) The vice president must assign an industry or group of industries to a panel of members.

‘(7) The powers of the commission in relation to that industry, other than the powers of the full bench, may only be exercised by—

(a) a member of the panel; or

(b) another member of the commission to whom the vice president has assigned a particular matter.

‘(8) A panel must consist of at least 1 presidential member and 1 commissioner.

‘(9) A member of the commission may be a member of more than 1 panel.’.

## **7 Insertion of new ch 20**

After chapter 19—

*insert—*

## **‘CHAPTER 20—OTHER TRANSITIONAL PROVISIONS**

### **‘733 Transitional provision for 2002 amendment Act**

‘(1) The person who, immediately before the commencement of the 2002 amendment Act, was the commissioner administrator continues to be a commissioner after the commencement.

‘(2) The 2002 amendment Act does not affect the validity of any decisions or delegations made before the commencement of that Act.

‘(3) A delegation made by the commissioner administrator that was in force immediately before the commencement of the 2002 amendment Act continues to have effect after the commencement as if made by the vice president.

‘(4) In this section—

“**2002 amendment Act**” means the *Industrial Relations Amendment Act 2002*.’.

### **8 Amendment of sch 2 (Appointments and procedures)**

(1) Schedule 2, section 4, heading, ‘**Leave**’—  
*omit, insert—*

‘**Extended leave**’.

(2) Schedule 2, part 1—  
*insert—*

### **‘4A Leave of absence**

‘(1) The Minister may grant leave of absence to the president or vice president on the terms the Minister considers appropriate.

‘(2) The vice president may grant leave of absence to a deputy president or commissioner on the terms the vice president considers appropriate.’.

### **9 Amendment of sch 5 (Dictionary)**

Schedule 5—  
*insert—*



‘ **“deputy president”** see section 258A.

**“presidential member”** means the president, the vice president or a deputy president.’.

## **10 Consequential amendments**

The schedule amends the Acts it mentions.

## SCHEDULE

### CONSEQUENTIAL AMENDMENTS

section 10

#### INDUSTRIAL RELATIONS ACT 1999

- 1 Sections 75(6), 253(2)(b), 269, 270, 278(6), 281(3) to (5) and (7), 299(3), 408F(5), ‘commissioner administrator’—**

*omit, insert—*

‘vice president’.

- 2 Section 259(3) to (7)—**

*omit.*

- 3 Section 261(1), ‘commissioner administrator’—**

*omit, insert—*

‘a deputy president’.

- 4 Section 261(2) and heading, ‘commissioner administrator’—**

*omit, insert—*

‘deputy president’.

- 5 Section 281(2), ‘commissioner administrator’s’—**

*omit, insert—*

‘vice president’s’.

## SCHEDULE 1 (continued)

**6 Schedule 2, part 1, heading, ‘commissioner administrator’—***omit, insert—***‘DEPUTY PRESIDENTS’.****7 Schedule 2, section 1(3), from ‘vice president’ to ‘commissioners’—***omit, insert—***‘the vice president, a deputy president or a commissioner’.****8 Schedule 2, section 1(4)—***omit, insert—*

**(4)** A person acting as the president, the vice president, a deputy president or a commissioner is entitled to the salary and allowances payable to the president, the vice president, a deputy president or a commissioner.’.

**9 Schedule 5, definition “commissioner administrator”—***omit.***10 Schedule 5, definition “member”, first definition, ‘the commissioner administrator’—***omit, insert—***‘a deputy president’.****JUDGES (SALARIES AND ALLOWANCES) ACT 1967****1 Section 3A(1)(b), ‘commissioner administrator’—***omit, insert—***‘a deputy president’.**

