



Queensland

Industrial Relations and Other Legislation Amendment Regulation 2022

Subordinate Legislation 2022 No. 100

made under the

Industrial Relations Act 2016

Statutory Bodies Financial Arrangements Act 1982

Workers' Compensation and Rehabilitation Act 2003

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Industrial Relations and Other Legislation Amendment Regulation 2022*.

Part 2 Amendment of Industrial Relations Regulation 2018

2 Regulation amended

This part amends the *Industrial Relations Regulation 2018*.

3 Amendment of s 9 (Application for issue of an authority—Act, s 337)

Section 9(d)(i)—

omit, insert—

- (i) 1 passport-sized photograph of the person signed on the reverse side by the person; and

Part 3 Amendment of Industrial Relations (Tribunals) Rules 2011

4 Rules amended

This part amends the *Industrial Relations (Tribunals) Rules 2011*.

[s 5]

5 Amendment of r 64I (Costs of production)

Rule 64I, heading, ‘Costs’—

omit, insert—

Reasonable expenses

6 Amendment of r 68 (Discontinuance generally)

Rule 68, heading, ‘Discontinuance generally’—

omit, insert—

Written request for discontinuance

7 Replacement of r 69 (Discontinuance during hearings)

Rule 69—

omit, insert—

69 Oral request for discontinuance

- (1) An applicant in a proceeding may, at any time, ask to be allowed to discontinue the proceeding by oral application.
- (2) The court, commission or registrar may allow the applicant to discontinue the proceeding on the terms the court, commission or registrar considers appropriate.

8 Amendment of r 101 (Application of div 1)

Rule 101—

insert—

- (i) a fair work claim.

9 Insertion of new rr 102A–102D

After rule 102—

insert—

102A Amending an application before hearing

- (1) An application for a claim may be amended, before the hearing of the application, by the applicant in the same way as starting a claim.
- (2) The applicant must serve the amended application on the respondent as soon as practicable after the amended application is filed, but at least 7 clear days before the hearing.
- (3) If the application is amended before the original application is served on the respondent, the applicant must serve a copy of the original application and the amended application on the respondent.

102B Amending an application during hearing

- (1) After the hearing of an application for a claim has started before a magistrate, the applicant may apply to the magistrate for leave to amend the application.
- (2) If the proposed amendments substantially alter the scope or nature of the claim, the applicant must file an amended application that incorporates the proposed amendments.
- (3) An amendment may be allowed or disallowed on the terms the magistrate considers appropriate.

102C Objecting to proposed amendment of application

- (1) A party served with an amended application may object to the amendment—
 - (a) by filing a response in the approved form within 7 clear days after being served; or
 - (b) if the application is scheduled for hearing within the 7 days—at the hearing.

[s 10]

- (2) The response must state—
 - (a) whether the objection is to all or part of the proposed amended application; and
 - (b) if the objection is to part of the proposed amended application—which part; and
 - (c) concise reasons for the objection.
- (3) The party must immediately serve the response on all other parties to the proceeding.

102D Decision about proposed amendment of application

- (1) If a party objects to all or part of an amended application, the magistrate may, after hearing the objecting party, allow or disallow the proposed amendment.
- (2) The magistrate may make the decision on the terms the magistrate considers appropriate.

10 Amendment of r 104 (Summons)

Rule 104—

insert—

- (5) In this section—
application, for a claim, includes an amended application.

11 Insertion of new r 123AC

After rule 123AB—

insert—

123AC Form of amended application

- (1) An amended application must replace the whole application.

-
- (2) An amended application must be in the approved form.
 - (3) An amendment must be distinguished from the original text by—
 - (a) if text is being added—underlining or shading the added text; or
 - (b) if text is being deleted—crossing out the deleted text.

12 Amendment of r 123R (Parties may elect to apply simplified procedures)

Rule 123R(1)—

omit, insert—

- (1) This rule applies to a proceeding for an unpaid amount claim in the commission or Industrial Magistrates Court, other than a claim for a relevant amount under section 531 of the Act.

13 Insertion of new pt 19, div 6

Part 19—

insert—

**Division 6 Transitional provision for
Industrial Relations and
Other Legislation
Amendment Regulation
2022**

246 Application of r 101 to fair work claims

- (1) New rule 101 applies, and is taken always to have applied, to a fair work claim in an Industrial Magistrates Court started on or after 1 March

[s 14]

2021.

(2) In this section—

new rule 101 means rule 101 as in force from the commencement.

Part 4 **Amendment of Statutory Bodies Financial Arrangements Regulation 2019**

14 **Regulation amended**

This part amends the *Statutory Bodies Financial Arrangements Regulation 2019*.

15 **Amendment of sch 4 (Statutory bodies allocated category 2 investment power)**

Schedule 4—

insert—

*Community Services Industry
(Portable Long Service Leave) Act
2020*

Community Services Industry
(Portable Long Service Leave)
Authority

Part 5 **Amendment of Workers’ Compensation and Rehabilitation Regulation 2014**

16 **Regulation amended**

This part amends the *Workers’ Compensation and Rehabilitation Regulation 2014*.

17 Amendment of s 76 (Actuarial calculation)

(1) Section 76(1), 'amount must'—

omit, insert—

amount,

(2) Section 76(2), 'state the following'—

omit.

18 Amendment of s 99 (NWE if impracticable to calculate rate of worker's remuneration)

Section 99(2)(a)(i), 'conditions, the worker'—

omit, insert—

conditions as the worker

ENDNOTES

- 1 Made by the Governor in Council on 4 August 2022.
- 2 Notified on the Queensland legislation website on 5 August 2022.
- 3 The administering agency is the Department of Education.

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