

INDUSTRIAL RELATIONS AMENDMENT BILL 2002

EXPLANATORY NOTES

GENERAL OUTLINE

Objectives of the Legislation

This Bill will amend the *Industrial Relations Act 1999* to:

- (a) introduce revised arrangements for the management and administration of the Queensland Industrial Relations Commission (QIRC) including deleting reference to the commissioner administrator, allowing for the appointment of two deputy presidents and placing the responsibility for the administration of the commission and the orderly and expeditious exercise of the commission's jurisdiction and powers with the vice president;
- (b) specify that the vice president may establish panels for particular industries;
- (c) specify that members of the commission are to comply with directions of the vice president;
- (d) specify that a full bench of the commission is to be constituted by at least three commissioners, including a presidential member; and
- (e) clarify the authority to approve leave of absence for members of the commission.

Reasons for the Bill

The primary reason for the Bill is to improve the operations of the Queensland Industrial Relations Commission.

How objectives will be achieved

The objectives of the Bill will be achieved by—

- (f) establishing the composition of the commission as including two deputy presidents;
- (g) deleting the position of commissioner administrator;
- (h) providing that a full bench of the commission will consist of three members of the commission including a presidential member;
- (i) placing the administrative responsibilities for the commission and the registry with the vice president and providing that the vice president is to be assisted by deputy presidents in the orderly and expeditious discharge of the commission's jurisdiction and powers;
- (j) specifying that members of the commission are to comply with the directions of the vice president;
- (k) specifying the arrangements for the approval of leave of absence for members of the commission;

Administrative cost to Government

The appointment of the two deputy presidents will be from the existing members of the commission. The additional cost of creating these two positions will be marginal.

Fundamental legislative principles

The Bill is consistent with Fundamental Legislative Principles.

Consultation

There has been extensive consultation with unions following the report of the *Review of Enterprise Bargaining in the Queensland Public Sector* in September 2002. Unions have agreed that there would be some benefit from clarifying the management and administration of the commission, including the capacity to establish panels for particular industries.

NOTES ON CLAUSES

Short Title

Clause 1 sets out the short title of the Bill.

Commencement

Clause 2 provides for the commencement of the Bill. The provisions of the Bill commence on a day to be fixed by proclamation.

Act amended

Clause 3 provides that the Bill amends the *Industrial Relations Act 1999*.

Amendment of s 256 (Composition)

Clause 4 amends section 256 to provide for the membership of the commission to be the president, the vice president, two deputy presidents and at least 5 other industrial commissioners. The reference to the commissioner administrator is deleted. Sub-section (2) is amended to provide that a full bench of the commission is constituted by at least three members of the commission, including a presidential member (either the president, vice president or a deputy president).

Insertion of new s 258A (Deputy presidents of the commission)

Clause 5 inserts a new section 258A to provide for the appointment of deputy presidents of the commission and to detail the requirements for appointment. Those requirements are similar to the requirements for the appointment of commissioners. The amendment is necessary to give effect to the revised composition of the commission as set out in clause 4.

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

Clause 6 replaces any reference to the commissioner administrator with references to the vice president.

Sub-clause (2) of clause 6 specifies that the vice president is to be assisted by the deputy presidents in performing the vice president's

functions, and that the vice president may delegate any or all of the vice president's functions to a deputy president. This is to give effect to the role of deputy presidents in assisting the vice president in the orderly and quick discharge of the business of the commission. This sub-clause also specifies that a commissioner must comply with a direction of the vice president or a deputy president given for the performance of the vice president's responsibilities.

Sub-clause (2) further provides that the vice president must assign an industry or group of industries to a panel of members of the commission. It also provides that the vice president can direct that a member of the commission, other than a member of a particular panel, deal with a matter.

Insertion of a new Chapter 20 – Other Transitional Provisions

Clause 7 inserts a new chapter 20 into the *Industrial Relations Act 1999* which provides transitional provisions for the *Industrial Relations Amendment Act 2002*. The transitional provisions ensure that the person appointed as commissioner administrator immediately before the commencement of the amendment Act continues to be a commissioner after the commencement.

Amendment of Schedule 2, Part 1, Section 4 (Leave of absence)

Clause 8 inserts new subsections into section 4 of Schedule 2 (Appointments and Procedures) clarifying who approves leave and provides that the Minister is responsible for approving leave for the president and vice president, with the vice president responsible for approving leave for deputy presidents and commissioners.

Amendment of Schedule 5 (Dictionary)

Clause 9 inserts new definitions for 'deputy president' and 'presidential member' into the dictionary.

SCHEDULE

CONSEQUENTIAL AMENDMENTS

INDUSTRIAL RELATIONS ACT 1999

Clause 1 deletes reference to the 'commissioner administrator' wherever it appears in the Act, and replaces it with 'vice president'. The deletion of reference to the commissioner administrator is to give effect to the revised composition of the commission and the revised arrangements for the administration of the commission.

Clause 2 deletes any reference to the commissioner administrator in section 259.

Clause 3 amends section 261(1) by deleting references to the commissioner administrator and inserting reference to deputy presidents in order to give effect to the revised composition of the commission.

Clause 4 amends section 261(2) by deleting references to the commissioner administrator and inserting reference to deputy presidents in order to give effect to the revised composition of the commission.

Clause 5 amends section 281(2) by deleting reference to the commissioner administrator and inserting reference to deputy presidents in order to give effect to the revised composition of the commission.

Clause 6 amends the heading of Schedule 2 (Appointments and Procedures) to delete reference to the commissioner administrator and insert reference to deputy presidents.

Clause 7 deletes reference to the commissioner administrator where it appears in section 1(3) of Schedule 2 (Appointments and Procedures), and replaces it with vice president. The deletion of references to the commissioner administrator is to give effect to the revised composition of the commission and the revised arrangements for the administration of the commission.

Clause 8 deletes reference to the commissioner administrator where it appears in section 1(4) of Schedule 2 (Appointments and Procedures), and replaces it with vice president. The deletion of references to the commissioner administrator is to give effect to the revised composition of

the commission and the revised arrangements for the administration of the commission.

Clause 9 deletes the definition of commissioner administrator in Schedule 5 (Dictionary).

Clause 10 amends the definition of members of the commission in Schedule 5 (Dictionary) to remove reference to commissioner administrator and include reference deputy president.

JUDGES (SALARIES AND ALLOWANCES) ACT 1967

Clause 1 replaces reference to the commissioner administrator with reference to a deputy president where it appears in section 3A of the *Judges (Salaries and Allowances) Act 1967*.