



Queensland

# **Industrial Relations Amendment Bill 2009**





## Queensland

# Industrial Relations Amendment Bill 2009

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**2009**

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**A Bill**

for

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

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|                 |   |          |
|-----------------|---|----------|
|                 | <b>The Parliament of Queensland enacts—</b>                                   | 1        |
| <b>Clause 1</b> | <b>Short title</b>  | 2        |
|                 | This Act may be cited as the <i>Industrial Relations Amendment Act 2009</i> . | 3<br>4   |
| <b>Clause 2</b> | <b>Act amended</b>  | 5        |
|                 | This Act amends the <i>Industrial Relations Act 1999</i> .                    | 6        |
| <b>Clause 3</b> | <b>Amendment of s 75 (Conciliation before application heard)</b>              | 7<br>8   |
|                 | Section 75(6), ‘vice president’—  | 9        |
|                 | <i>omit, insert—</i>  | 10       |
|                 | ‘president’.  | 11       |
| <b>Clause 4</b> | <b>Amendment of s 160 (When an agreement passes the no-disadvantage test)</b> | 12<br>13 |
|                 | Section 160(5), ‘vice president’—   | 14       |
|                 | <i>omit, insert—</i>  | 15       |
|                 | ‘president’.  | 16       |
| <b>Clause 5</b> | <b>Amendment of s 209 (When does a QWA pass the no-disadvantage test)</b>     | 17<br>18 |
|                 | Section 209(4), ‘vice president’—   | 19       |
|                 | <i>omit, insert—</i>  | 20       |
|                 | ‘president’.  | 21       |
| <b>Clause 6</b> | <b>Insertion of new s 246A</b>  | 22       |
|                 | Chapter 8, part 1, division 2, after section 246—                             | 23       |

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*insert—*

**‘246A Functions of president**

‘The president is responsible for ensuring that the court, the commission and the registry perform their functions and exercise their powers in a way that—

- (a) is efficient; and
- (b) adequately serves the needs of employers and employees throughout Queensland.’

**Clause 7 Amendment of s 264 (Administrative responsibilities for the commission and registry)**

(1) Section 264(1), (2) and (3), ‘vice president’—

*omit, insert—*

‘president’.

(2) Section 264(4) and (5)—

*omit, insert—*

‘(4) The president is to be assisted by the vice president in performing responsibilities under subsection (1) or (2).

‘(4A) The president may delegate a power under subsection (3)—

(a) to the vice president; or

(b) if the vice president is not available—to 1 or more deputy presidents.

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

(3) Section 264(6) and (7)(b), ‘vice president’—

*omit, insert—*

‘president’.

|                  |  |    |
|------------------|--|----|
| <b>Clause 8</b>  | <b>Amendment of s 269 (Vice president to consider efficiencies that may be achieved by using dual commissioners)</b> | 1  |
|                  |  | 2  |
|                  |  | 3  |
|                  | (1) Section 269, heading, ‘Vice president’—  | 4  |
|                  | <i>omit, insert—</i>   | 5  |
|                  | ‘ <b>President</b> ’.  | 6  |
|                  | (2) Section 269, ‘vice president’—   | 7  |
|                  | <i>omit, insert—</i>   | 8  |
|                  | ‘president’.   | 9  |
| <b>Clause 9</b>  | <b>Amendment of s 270 (Reallocation of commission’s work)</b>  | 10 |
|                  | Section 270, ‘vice president’—   | 11 |
|                  | <i>omit, insert—</i>   | 12 |
|                  | ‘president’.   | 13 |
| <b>Clause 10</b> | <b>Amendment of s 299 (Functions and powers of registrar)</b>  | 14 |
|                  | Section 299(3), ‘or vice president’—   | 15 |
|                  | <i>omit.</i>   | 16 |
| <b>Clause 11</b> | <b>Amendment of s 708 (Approved forms)</b>   | 17 |
|                  | Section 708(1A)—   | 18 |
|                  | <i>omit.</i>   | 19 |
| <b>Clause 12</b> | <b>Insertion of new ch 20, pt 8</b>  | 20 |
|                  | After section 755—   | 21 |
|                  | <i>insert—</i>   | 22 |



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|                  |   |                  |
|------------------|---|------------------|
| <b>‘Part 8</b>   | <b>Transitional provision for<br/>Industrial Relations<br/>Amendment Act 2009</b>   | 1<br>2<br>3      |
| <b>‘756</b>      | <b>Delegations by vice president</b>  | 4                |
|                  | ‘A delegation made by the vice president that was in force immediately before the commencement of the <i>Industrial Relations Amendment Act 2009</i> continues to have effect after the commencement as if made by the president.’. | 5<br>6<br>7<br>8 |
| <b>Clause 13</b> | <b>Amendment of sch 2 (Appointments)</b>  | 9                |
|                  | (1) Schedule 2, section 4(3)(c), ‘vice president’—<br><i>omit, insert—</i><br>‘president’.  | 10<br>11<br>12   |
|                  | (2) Schedule 2, section 4A(2), ‘vice president’—<br><i>omit, insert—</i><br>‘president’.  | 13<br>14<br>15   |

|                 |  |                |
|-----------------|--|----------------|
| <b>Schedule</b> | <b>Minor amendments</b>  | 1              |
|                 | section 2  | 2              |
| <b>1</b>        | <b>Chapter 2, part 3, division 1, heading, ‘pt’—</b><br><i>omit, insert—</i><br><b>‘part’.</b> | 3<br>4<br>5    |
| <b>2</b>        | <b>Sections 50(1)(a) and 137(1)(a), ‘; or’—</b><br><i>omit, insert—</i><br><b>‘;’.</b>         | 6<br>7<br>8    |
| <b>3</b>        | <b>Section 71(9), ‘subsections’—</b><br><i>omit, insert—</i><br><b>‘subsection’.</b>           | 9<br>10<br>11  |
| <b>4</b>        | <b>Section 72(2)(b), ‘subsection’—</b><br><i>omit, insert—</i><br><b>‘subsections’.</b>        | 12<br>13<br>14 |
| <b>5</b>        | <b>Section 73(2)(f)(ii), after ‘the’—</b><br><i>insert—</i><br><b>‘repealed’.</b>              | 15<br>16<br>17 |
| <b>6</b>        | <b>Section 75(3)(b), before ‘inform’—</b><br><i>insert—</i><br><b>‘must’.</b>                  | 18<br>19<br>20 |

|           |   |    |
|-----------|---|----|
| <b>7</b>  | <b>Section 115(2)(b)(i), after ‘because’—</b> | 1  |
|           | <i>insert—</i>                                | 2  |
|           | ‘of’.   | 3  |
| <b>8</b>  | <b>Section 143(2)(a), ‘and’—</b>              | 4  |
|           | <i>omit.</i>                                  | 5  |
| <b>9</b>  | <b>Section 203(2)(b), before ‘the’—</b>       | 6  |
|           | <i>insert—</i>                                | 7  |
|           | ‘give’.                                       | 8  |
| <b>10</b> | <b>Section 273(3)—</b>                        | 9  |
|           | <i>omit.</i>                                  | 10 |
| <b>11</b> | <b>Section 403(1)(b)(ii), before ‘has’—</b>   | 11 |
|           | <i>insert—</i>                                | 12 |
|           | ‘the mortgagee’.                              | 13 |
| <b>12</b> | <b>Section 518(4)(a), after ‘extension’—</b>  | 14 |
|           | <i>insert—</i>                                | 15 |
|           | ‘is made’.                                    | 16 |
| <b>13</b> | <b>Section 534(b), ‘, the person’—</b>        | 17 |
|           | <i>omit.</i>                                  | 18 |
| <b>14</b> | <b>Section 606(2)(b), before ‘an’—</b>        | 19 |
|           | <i>insert—</i>                                | 20 |
|           | ‘of’.   | 21 |

Schedule

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|           |  |                      |
|-----------|--|----------------------|
| <b>15</b> | <b>Section 607(1), ‘a person’—</b><br><i>omit.</i>   | 1<br>2               |
| <b>16</b> | <b>Section 607(1)(a), before ‘was’—</b><br><i>insert—</i><br>‘a person’.   | 3<br>4<br>5          |
| <b>17</b> | <b>Section 641(3)(a), after ‘amendments’—</b><br><i>insert—</i><br>‘of’.   | 6<br>7<br>8          |
| <b>18</b> | <b>Section 670(1)(b)(ii), second mention—</b><br><i>renumber</i> as section 670(1)(b)(iii).  | 9<br>10              |
| <b>19</b> | <b>Schedule 5, definition <i>audit report</i>—</b><br><i>omit, insert—</i><br>‘ <i>audit report</i> , for chapter 12, see section 558(1)(b).’. | 11<br>12<br>13       |
| <b>20</b> | <b>Schedule 5, definitions <i>employee</i> and <i>employer</i>,<br/>‘means’—</b><br><i>omit.</i>   | 14<br>15<br>16       |
| <b>21</b> | <b>Schedule 5, definition <i>industrial action</i>, ‘means’—</b><br><i>omit.</i>   | 17<br>18             |
| <b>22</b> | <b>Schedule 5, definition <i>industrial action</i>, paragraph (a),<br/>before ‘a’—</b><br><i>insert—</i><br>‘means’.                           | 19<br>20<br>21<br>22 |

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|           |  |   |
|-----------|--|---|
| <b>23</b> | <b>Schedule 5, definition <i>industrial relations commission</i>—</b>  | 1 |
|           | <i>omit, insert—</i>   | 2 |
|           | <i>'industrial relations commission</i> means the Queensland Industrial Relations Commission established under section 255.' | 3 |
|           |  | 4 |
|           |  | 5 |
| <b>24</b> | <b>Schedule 5—</b>   | 6 |
|           | <i>insert—</i>   | 7 |
|           | <i>'registry</i> see section 294.'   | 8 |