



Queensland

Industrial Relations and Other Legislation Amendment Bill 2022



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2022

A Bill

for

An Act to amend the *Anti-Discrimination Act 1991*, the *Associations Incorporation Act 1981*, the *Associations Incorporation Regulation 1999*, the *Industrial Relations Act 2016* and the *Public Trustee Act 1978* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Industrial Relations and Other
Legislation Amendment Act 2022*. 4
5

Clause 2 Commencement 6

Part 2, division 3 commences on a day to be fixed by
proclamation. 7
8

**Part 2 Amendment of Industrial
Relations Act 2016** 9
10

Division 1 Preliminary 11

Clause 3 Act amended 12

This part and schedule 1 amend the *Industrial Relations Act
2016*. 13
14

**Division 2 Amendments commencing on
assent** 15
16

**Clause 4 Amendment of s 4 (How main purpose is primarily
achieved)** 17
18

Section 4(i), after ‘preventing and eliminating’—
insert— 19
20

	sexual harassment, sex or gender-based harassment,	1 2
Clause 5	Amendment of s 40 (Entitlement to sick leave)	3
	(1) Section 40—	4
	<i>insert—</i>	5
	(3A) Sick leave is exclusive of a public holiday that falls during the leave.	6 7
	(2) Section 40(3A) to (5)—	8
	<i>renumber</i> as section 40(4) to (6).	9
Clause 6	Amendment of s 41 (Requirement for employee to give notice etc.)	10 11
	Section 41(1)(b)—	12
	<i>omit, insert—</i>	13
	(b) if the employee is absent for more than 2 days and the employer requires evidence of the illness—the employee giving the employer sufficient evidence of the illness to satisfy a reasonable person.	14 15 16 17 18
Clause 7	Amendment of s 45 (Employee to provide evidence to employer)	19 20
	Section 45(1), from ‘a doctor’s’—	21
	<i>omit, insert—</i>	22
	sufficient evidence to satisfy a reasonable person that the person is ill with an illness requiring care or support by another person.	23 24 25
Clause 8	Amendment of s 57 (Definitions for division)	26
	(1) Section 57, definition <i>maternity leave</i> —	27

[s 8]

<i>omit.</i>	1
(2) Section 57—	2
<i>insert</i> —	3
<i>stillborn child</i> means a child—	4
(a) who has shown no sign of respiration or heartbeat, or other sign of life, after delivery of the child has been completed; and	5 6 7
(b) who—	8
(i) has been gestated for 20 weeks or more; or	9 10
(ii) weighs 400g or more.	11
(3) Section 57, definition <i>child</i> , paragraphs (a) and (c), ‘5 years’—	12 13
<i>omit, insert</i> —	14
16 years	15
(4) Section 57, definition <i>long birth-related leave</i> , paragraph (a)—	16 17
<i>omit, insert</i> —	18
(a) leave taken by a pregnant employee—	19
(i) for the birth of the employee’s child; or	20
(ii) to enable the employee to be responsible for the care of the child; or	21 22
(5) Section 57, definition <i>short adoption leave</i> , ‘placed with’—	23
<i>omit, insert</i> —	24
adopted by	25
(6) Section 57, definition <i>short birth-related leave</i> , paragraph (b), after ‘living child’—	26 27
<i>insert</i> —	28
or stillborn child	29

Clause 9	Amendment of s 58 (Application of subdivision)	1
(1)	Section 58—	2
	<i>insert</i> —	3
	(1A) Also, this subdivision applies subject to section 87B.	4
	<i>Note</i> —	5
	Section 87B ends an employee’s entitlement to parental leave under this subdivision when the employee takes unpaid flexible parental leave under that section.	6
(2)	Section 58(2), definition <i>continuous service</i> , ‘employment contract’—	7
	<i>omit, insert</i> —	8
	contract of employment	9
(3)	Section 58(1A) and (2)—	10
	<i>renumber</i> as section 58(2) and (3).	11
Clause 10	Amendment of s 59 (Entitlement to birth-related leave)	12
(1)	Section 59(1), ‘maternity’—	13
	<i>omit, insert</i> —	14
	birth-related	15
(2)	Section 59(3)(a)—	16
	<i>omit, insert</i> —	17
	(a) if the employee’s spouse gave birth to a child and is taking long birth-related leave—may be taken concurrently with the employee’s spouse’s long birth-related leave; and	18
Clause 11	Amendment of s 63 (Employee notice—intention to take maternity leave)	19
(1)	Section 63, heading, from ‘to take’—	20

[s 12]

omit, insert— 1

**of pregnant employee to take birth-related
leave** 2
3

(2) Section 63(1), ‘maternity’— 4

omit, insert— 5

birth-related 6

(3) Section 63(2)(b), ‘she’— 7

omit, insert— 8

the employee 9

(4) Section 63(3)(a)— 10

omit, insert— 11

(a) if required by the employer—sufficient 12
evidence to satisfy a reasonable person that 13
the employee is pregnant and the expected 14
date of birth; and 15

(5) Section 63(3)(b), ‘her’— 16

omit, insert— 17

the employee’s 18

(6) Section 63— 19

insert— 20

(4) Without limiting subsection (3)(a), the employer 21
may require the evidence to be a health 22
practitioner’s certificate confirming the matters 23
mentioned in that subsection. 24

**Clause 12 Amendment of s 64 (Employee notice—intention to take
birth-related leave other than maternity leave)** 25
26

(1) Section 64, heading, from ‘to take’— 27

omit, insert— 28

of pregnant employee’s spouse to take 29

	birth-related leave	1
(2)	Section 64(1)—	2
	<i>omit, insert—</i>	3
	(1) This section applies if an employee whose spouse is pregnant or has given birth to a child wants to take birth-related leave.	4 5 6
(3)	Section 64(3)(a)—	7
	<i>omit, insert—</i>	8
	(a) if required by the employer—sufficient evidence to satisfy a reasonable person that the employee’s spouse is pregnant and the expected date of birth; and	9 10 11 12
(4)	Section 64(3)(b)(i), ‘maternity’—	13
	<i>omit, insert—</i>	14
	birth-related	15
(5)	Section 64—	16
	<i>insert—</i>	17
	(4) Without limiting subsection (3)(a), the employer may require the evidence to be a health practitioner’s certificate confirming the matters mentioned in that subsection.	18 19 20 21
Clause 13	Amendment of s 67 (Reasons not to give notice or documents)	22 23
(1)	Section 67(1)(b)—	24
	<i>omit, insert—</i>	25
	(b) the child’s adoption before the expected adoption date; or	26 27
(2)	Section 67(2)(a), ‘placement’—	28
	<i>omit, insert—</i>	29
	adoption	30

[s 14]

- (3) Section 67(2)(b), ‘doctor’s’— 1
omit, insert— 2
health practitioner’s 3
- (4) Section 67(2)— 4
insert— 5
- (c) in the case of the birth of a stillborn child—a 6
health practitioner’s certificate stating the 7
date on which the child was stillborn. 8

Clause 14 **Amendment of ch 2, pt 3, div 8, sdiv 4, hdg (Application to** 9
extend parental leave or return part-time) 10
Chapter 2, part 3, division 8, subdivision 4, heading, 11
‘return’— 12
omit, insert— 13
work 14

Clause 15 **Amendment of s 73 (Application for extension of parental** 15
leave) 16
Section 73(1), from ‘employer’— 17
omit, insert— 18
employer for an extension of the leave for an 19
unbroken period of up to 104 weeks in total, 20
minus the period of any short parental leave taken 21
by the employee. 22

Clause 16 **Amendment of s 74 (Application to work part-time)** 23
(1) Section 74— 24
insert— 25
(1A) Also, an employee who returned to work on a 26
full-time basis after taking parental leave may 27
apply to the employer to change to work on a 28

	part-time basis.	1
(2)	Section 74(1A) to (2)—	2
	<i>renumber</i> as section 74(2) to (3).	3
Clause 17	Amendment of s 75 (Application for extension or part-time work)	4
		5
(1)	Section 75(1)(b)—	6
	<i>insert</i> —	7
	(iv) for an application to change to work on a part-time basis—at least 7 weeks before change being applied for is to start; and	8 9 10
(2)	Section 75(1)(c), (d) and (f), after ‘return’—	11
	<i>insert</i> —	12
	or change	13
(3)	Section 75(1)(f)(ii), ‘continue to’—	14
	<i>omit</i> .	15
Clause 18	Amendment of s 78 (Cancelling parental leave)	16
(1)	Section 78(1)(b), after ‘living child’—	17
	<i>insert</i> —	18
	or stillborn child	19
(2)	Section 78(1)(c)—	20
	<i>omit, insert</i> —	21
	(c) the adoption of the child by the employee does not proceed; or	22 23
(3)	Section 78(2)(c)—	24
	<i>omit, insert</i> —	25
	(c) the adoption of the child by the employee does not proceed or continue; or	26 27

[s 19]

- (4) Section 78(4)— 1
omit, insert— 2
- (4) This section does not affect an employee’s 3
entitlement to— 4
- (a) special pregnancy-related leave or sick leave 5
under section 85; or 6
- (b) if the pregnancy of an employee’s spouse 7
ends other than by the birth of a living child 8
or a stillborn child—short birth-related 9
leave; or 10
- (c) birth-related leave for the birth of a stillborn 11
child under section 85A. 12

- Clause 19 Amendment of s 85 (Special maternity leave and sick 13
leave) 14**
- (1) Section 85, heading, ‘maternity’— 15
omit, insert— 16
pregnancy-related 17
- (2) Section 85(1)(a), after ‘living child’— 18
insert— 19
or stillborn child 20
- (3) Section 85(1)(b), ‘maternity’— 21
omit, insert— 22
birth-related 23
- (4) Section 85(1)(b), ‘her’— 24
omit, insert— 25
the employee’s 26
- (5) Section 85(2), ‘doctor’— 27
omit, insert— 28
health practitioner 29

-
- (6) Section 85(2)(a), ‘maternity’— 1
omit, insert— 2
pregnancy-related 3
- (7) Section 85(2)(b), ‘maternity’— 4
omit, insert— 5
pregnancy-related 6

- Clause 20 Insertion of new s 85A** 7
- After section 85— 8
insert— 9
- 85A Birth-related leave—stillborn child** 10
- (1) This section applies if an employee’s pregnancy 11
ends by the birth of a stillborn child. 12
- (2) The employee and the employee’s spouse are 13
each entitled to the birth-related leave that they 14
would have been entitled to if the child had been 15
born living. 16
- (3) For this division, the employee and the 17
employee’s spouse are taken to be responsible for 18
caring for a child. 19

- Clause 21 Insertion of new s 87B** 20
- After section 87A— 21
insert— 22
- 87B Flexible parental leave** 23
- (1) This section applies if— 24
- (a) an employee is entitled to parental leave 25
under subdivision 2 to be responsible for the 26
care of a child of the employee; and 27

[s 21]

- (b) the periods of the parental leave the employee has taken for the child, if any, total less than 52 weeks. 1
2
3
- (2) The employee is entitled to a maximum of 30 days of unpaid flexible parental leave in relation to the child. 4
5
6
- (3) However, the employee's entitlement to flexible parental leave under subsection (2) ends when— 7
8
 - (a) the sum of the following amounts equals or exceeds 52 weeks— 9
10
 - (i) the total of the periods of parental leave taken by the employee for the child; 11
12
 - (ii) the total number of days of flexible parental leave taken in relation to the child, expressed as a notional 5-day work week in the way mentioned in subsection (4); or 13
14
15
16
17
 - (b) the period mentioned in subsection (6) ends. 18
- (4) For subsection (3)(a)(ii), the number of days of flexible parental leave taken by the employee is expressed as a notional 5-day work week by adding 2 days of notional weekend for each 5 days of leave taken. 19
20
21
22
23
- (5) The employee's flexible parental leave under subsection (2) may be taken— 24
25
 - (a) whether or not the employee has taken any of the parental leave the employee is entitled to take to be responsible for the care of the child; and 26
27
28
29
 - (b) in an unbroken period or broken periods; and 30
31
 - (c) if the total period of the parental leave taken by the employee for the child concurrently with the employee's spouse, if any, does not exceed 8 weeks—concurrently with the 32
33
34
35

-
- employee's spouse's parental leave for the child. 1
2
- (6) The employee may take flexible parental leave 3
within the period of 104 weeks after— 4
- (a) the child was born; or 5
- (b) the child was adopted by the employee; or 6
- (c) the child started residing with the employee 7
under the surrogacy arrangement; or 8
- (d) the child's parentage was transferred to the 9
employee under a cultural recognition order. 10
- (7) If the child and another child of the employee 11
were born during the same multiple birth, or were 12
adopted by the employee on the same day, the 13
employee's entitlement to flexible parental leave 14
under this section— 15
- (a) applies jointly in relation to both children; 16
and 17
- (b) does not apply separately in relation to each 18
child. 19
- (8) The employee's entitlement to take parental leave 20
under subdivision 2 to be responsible for the care 21
of the child ends on the first day the employee 22
takes flexible parental leave in relation to the 23
child. 24
- (9) However, subsection (8) does not affect the 25
employee's entitlement to flexible parental leave 26
under this section. 27
- (10) In this section, a reference to parental leave taken 28
by an employee for a child— 29
- (a) is a reference to the parental leave taken by 30
the employee under subdivision 2 to be 31
responsible for the care of the child; but 32
- (b) does not include parental leave taken that is 33
part of an extended period of parental leave 34

[s 22]

	agreed to in response to an application under section 73.	1 2
Clause 22	Amendment of s 88 (Return to work after parental leave etc.)	3 4
	(1) Section 88(1)—	5
	<i>omit, insert—</i>	6
	(1) This section applies to an employee who returns to work after—	7 8
	(a) parental leave; or	9
	(b) special pregnancy-related leave or sick leave under section 85.	10 11
	(2) Section 88(2)(b) and (c) and (5), ‘maternity’—	12
	<i>omit, insert—</i>	13
	birth-related	14
Clause 23	Amendment of s 89 (Transfer to a safe job)	15
	(1) Section 89(1)—	16
	<i>omit, insert—</i>	17
	(1) This section applies whenever the present work of an employee is, because the employee is pregnant or breastfeeding, a risk to the health and safety of the employee or the employee’s unborn or newborn child.	18 19 20 21 22
	(2) Section 89(2)(a), ‘doctor’s’—	23
	<i>omit, insert—</i>	24
	health practitioner’s	25
	(3) Section 89(4)(a), ‘her’—	26
	<i>omit, insert—</i>	27
	the employee	28

-
- | | |
|---------------------------------|---|
| (4) Section 89(4)(b), ‘her’— | 1 |
| <i>omit, insert</i> — | 2 |
| the employee’s | 3 |
| (5) Section 89(5), ‘maternity’— | 4 |
| <i>omit, insert</i> — | 5 |
| birth-related | 6 |
| (6) Section 89(5), ‘doctor’— | 7 |
| <i>omit, insert</i> — | 8 |
| health practitioner | 9 |

Clause 24 Amendment of s 90 (Continuity of service) 10

- | | |
|--|----|
| (1) Section 90(1), ‘does’— | 11 |
| <i>omit, insert</i> — | 12 |
| and flexible parental leave do | 13 |
| (2) Section 90(2), ‘is not’— | 14 |
| <i>omit, insert</i> — | 15 |
| and flexible parental leave are not | 16 |
| (3) Section 90(2)(a), after ‘parental leave’— | 17 |
| <i>insert</i> — | 18 |
| or a period of flexible parental leave | 19 |
| (4) Section 90— | 20 |
| <i>insert</i> — | 21 |
| (3) In this section— | 22 |
| <i>flexible parental leave</i> means leave an employee | 23 |
| is entitled to under section 87B. | 24 |

[s 25]

Clause 25	Amendment of s 121 (What employer must do to dismiss employee)	1 2
(1)	Section 121(2)—	3
	<i>insert—</i>	4
	(ba) sexual harassment or sex or gender based-harassment;	5 6
(2)	Section 121(2)(ba) to (d)—	7
	<i>renumber</i> as section 121(2)(c) to (e).	8
Clause 26	Amendment of s 173 (Parties must negotiate in good faith)	9 10
(1)	Section 173—	11
	<i>insert—</i>	12
	(2A) Without limiting subsection (2)(b), the parties must obtain, and disclose as soon as practicable after the start of negotiations, information relevant to the gender pay gap under the proposed instrument, including—	13 14 15 16 17
	(a) the distribution of the employees by gender; and	18 19
	(b) details of the gender pay gap; and	20
	(c) any major factors identified as contributing to the gender pay gap; and	21 22
	(d) if appropriate, the projected effect of the proposed instrument on the gender pay gap; and	23 24 25
	(e) other information relevant to the gender pay gap reasonably requested by another party to the negotiations; and	26 27 28
	(f) other information relevant to the gender pay gap prescribed by regulation.	29 30
	(2B) For subsection (3), the <i>gender pay gap</i> under the	31

	proposed instrument is the difference between the	1
	average weekly full-time equivalent earnings of	2
	male employees and female employees covered	3
	by the proposed instrument.	4
(2)	Section 173(2A) to (3)—	5
	<i>renumber</i> as section 173(3) to (5).	6
Clause 27	Amendment of s 178 (Consent application for arbitration)	7
	Section 178(2)—	8
	<i>insert</i> —	9
	(c) if the parties agree—the full bench may	10
	refer arbitration of the matter to a	11
	commissioner sitting alone.	12
Clause 28	Insertion of new s 179A	13
	After section 179—	14
	<i>insert</i> —	15
	179A Constitution of commission for arbitration	16
	proceedings	17
	(1) The full bench must arbitrate the matter.	18
	(2) However, the full bench may, with the consent of	19
	all of the negotiating parties, refer arbitration of	20
	the matter to a commissioner sitting alone.	21
Clause 29	Amendment of s 201 (Equal remuneration)	22
(1)	Section 201, after ‘the commission must’—	23
	<i>insert</i> —	24
	be	25
(2)	Section 201(a), from ‘provides for’—	26
	<i>omit, insert</i> —	27

[s 30]

	includes information about the way equal remuneration for work of equal or comparable value is implemented, or is to be implemented, in relation to the employees to be covered by the agreement; or	1 2 3 4 5
(3)	Section 201(b)— <i>omit, insert—</i>	6 7
	(b) for any other proposed bargaining instrument—the proposed bargaining instrument contains information about the way the employer has implemented, will implement (if the instrument is certified or made) or is implementing equal remuneration for work of equal or comparable value in relation to the employees to be covered by the agreement.	8 9 10 11 12 13 14 15 16
Clause 30	Amendment of s 246 (Definition for chapter)	17
	Section 246, definition <i>wage-related information—</i> <i>insert—</i>	18 19
	(e) other information relevant to the gender pay gap prescribed by regulation.	20 21
Clause 31	Amendment of s 250 (Requirement for application relating to proposed bargaining instrument)	22 23
(1)	Section 250(2)(c), after ‘employees—’— <i>insert—</i>	24 25
	states	26
(2)	Section 250(3)— <i>omit, insert—</i>	27 28
(3)	The affidavit must be in the form required under the rules.	29 30

Clause 32	Amendment of s 260 (Definitions for chapter)	1
	Section 260, definition <i>party</i> —	2
	<i>omit.</i>	3
Clause 33	Amendment of s 279 (Definitions)	4
	Section 279, definition <i>industrial association</i> —	5
	<i>omit.</i>	6
Clause 34	Amendment of s 290 (Meaning of <i>engages in industrial activity</i>)	7
	(1) Section 290, ‘industrial association’—	8
	<i>omit, insert</i> —	9
	industrial organisation	10
	(2) Section 290(b), note—	11
	<i>omit, insert</i> —	12
	<i>Note</i> —	13
	For subparagraph (vii), representation of a person by an	14
	industrial organisation includes a member, delegate or	15
	officer of the industrial organisation making	16
	representations or advocating on the person’s behalf.	17
	(3) Section 290—	18
	<i>insert</i> —	19
	(ba) gives or distributes information, or organises	20
	or encourages discussion, about the	21
	following matters for, or on behalf of, an	22
	industrial organisation—	23
	(i) the wages and employment conditions	24
	of employees;	25
	(ii) workplace rights; or	26
	(4) Section 290(ba) to (f)—	27
	<i>renumber</i> as section 290(c) to (g).	28
		29

[s 35]

Clause 35	Amendment of s 293 (Misrepresentations)	1
	(1) Section 293, heading, after ‘Misrepresentations’—	2
	<i>insert—</i>	3
	—engaging in industrial activity	4
	(2) Section 293(1)(b)(i), ‘industrial association’—	5
	<i>omit, insert—</i>	6
	industrial organisation	7
Clause 36	Insertion of new s 293A	8
	After section 293—	9
	<i>insert—</i>	10
	293A Misrepresentations—right to represent	11
	(1) This section applies in relation to an entity that is not an organisation.	12 13
	(2) A person or other entity must not make a false or misleading representation to another person that the person or entity has the right to represent the industrial interests of a person or a particular group of persons.	14 15 16 17 18
	<i>Note—</i>	19
	This subsection is a civil penalty provision.	20
	(3) For subsection (2), an entity does not have the right to represent the industrial interests of a person or a particular group of persons only because the entity’s rules state it has that right.	21 22 23 24
Clause 37	Amendment of s 315 (Employees to whom this part does not apply)	25 26
	Section 315(9), definition <i>short term casual employee</i> , paragraph (a)(ii), ‘1 year’—	27 28
	<i>omit, insert—</i>	29

	6 months	1
Clause 38	Amendment of s 320 (Matters to be considered in deciding an application)	2
	Section 320—	3
	<i>insert—</i>	4
	(2) Without limiting subsection (1), the commission may decide a dismissal was not harsh, unjust or unreasonable if—	5
	(a) the dismissal related to conduct of the employee while at work or otherwise in connection with the employee’s employment; and	6
	(b) the employee’s conduct was, wholly or partly—	7
	(i) unlawful; or	8
	(ii) sexual harassment or sex or gender-based harassment.	9
Clause 39	Omission of s 354A (Definition for division)	10
	Section 354A—	11
	<i>omit.</i>	12
Clause 40	Amendment of s 375 (Payment of unpaid wages if employee’s whereabouts unknown)	13
	(1) Section 375(2), ‘nearest clerk of the Magistrates Court’—	14
	<i>omit, insert—</i>	15
	public trustee	16
	(2) Section 375(3), ‘clerk’—	17
	<i>omit, insert—</i>	18
	public trustee	19

[s 41]

- (3) Section 375(4)— 1
omit, insert— 2
- (4) The public trustee must deal with the amount as 3
unclaimed moneys under the *Public Trustee Act* 4
1978. 5
- (4) Section 375— 6
insert— 7
- (6) In this section— 8
public trustee means the public trustee under the 9
Public Trustee Act 1978. 10

- Clause 41 Amendment of s 418 (Appointment of vice-president)** 11
- Section 418(4), definition *relevant entity*, paragraph (a)— 12
omit, insert— 13
- (a) an organisation, a State peak council or 14
another entity that represents the interests of 15
employers or has members who are 16
employers; 17

- Clause 42 Amendment of s 442 (Industrial commissioners)** 18
- Section 442(3), definition *relevant entity*, paragraph (a)— 19
omit, insert— 20
- (a) an organisation, a State peak council or 21
another entity that represents the interests of 22
employers or has members who are 23
employers; 24

- Clause 43 Insertion of new s 459A** 25
- After section 459— 26
insert— 27

459A Provision about general ruling for State wage case

- (1) This section applies if—
- (a) the commission makes a general ruling under section 458(1)(a) that increases the wages payable to employees under 1 or more awards; and
 - (b) applying the increase to the wages payable to employees, or a class of employees, under a particular award would result in the wages payable to the employees under the award equalling or exceeding the wages payable to employees in relation to the same employment under—
 - (i) a certified agreement or arbitration determination; or
 - (ii) a ruling under the *Public Service Act 2008*.
- (2) Without limiting section 459(2), the ruling may provide that the increase does not apply to the wages payable to the employees, or the class of employees, under the award.

Clause 44 Amendment of s 468 (Who may apply for an interpretation of an industrial instrument)

- (1) Section 468(1)(d)—
omit, insert—
- (d) a person who satisfies the commission that the person is not acting for an entity (other than an industrial organisation) that purports to represent the industrial interests of employees covered by the instrument;
- (2) Section 468(2)(b), after ‘agreement’—
insert—

[s 45]

	or award	1
(3)	Section 468(2)(c), after ‘agreement’—	2
	<i>insert—</i>	3
	or award, if the employee satisfies the	4
	commission that the employee is not an officer of,	5
	or acting for, an entity (other than an industrial	6
	organisation) that purports to represent the	7
	industrial interests of employees covered by the	8
	agreement or award	9
Clause 45	Amendment of s 473 (Power to grant injunctions)	10
	Section 473(1)—	11
	<i>insert—</i>	12
	(c) the commission considers appropriate for	13
	the prevention or settlement of an industrial	14
	dispute involving allegations of sexual	15
	harassment or sex or gender-based	16
	harassment.	17
Clause 46	Amendment of s 474 (Who may apply for an injunction)	18
(1)	Section 474(1)(b), after ‘paragraph (a);’—	19
	<i>insert—</i>	20
	or	21
(2)	Section 474(1)—	22
	<i>insert—</i>	23
	(ba) an applicant for an order in relation to a	24
	contravention, or alleged contravention, of a	25
	civil penalty provision; or	26
(3)	Section 474(1)(ba) to (f)—	27
	<i>renumber</i> as section 474(1)(c) to (g).	28
(4)	Section 474(2)—	29

omit.

1

Clause 47 Omission of s 478 (Definitions for subdivision)

2

Section 478—

3

omit.

4

Clause 48 Amendment of s 479 (Power of full bench to make orders about rights of associations or employee organisations to represent)

5

6

7

(1) Section 479, heading, ‘associations or’—

8

omit.

9

(2) Section 479(a), from ‘an association or’ to ‘to represent’—

10

omit, insert—

11

another organisation, to represent the industrial interests of

12

13

(3) Section 479(b), after ‘right to represent’—

14

insert—

15

the industrial interests of

16

(4) Section 479(c), ‘association or’—

17

omit.

18

(5) Section 479(c), after ‘right to represent’—

19

insert—

20

the industrial interests of

21

Clause 49 Replacement of s 480 (Who may apply for order)

22

Section 480—

23

omit, insert—

24

480 Who may apply for order

25

An organisation or employer may apply for an

26

[s 50]

	order under section 479.	1
Clause 50	Amendment of s 481 (Limitations on when order may be made)	2
		3
	(1) Section 481(2)(a), ‘association or’—	4
	<i>omit.</i>	5
	(2) Section 481(2)(a)—	6
	<i>insert—</i>	7
	(iii) preventing, obstructing or restricting negotiations or discussion between the employer and another organisation or the employer and the employer’s employees; or	8 9 10 11
	(3) Section 481(2)(b) to (d)—	12
	<i>omit, insert—</i>	13
	(b) an organisation to which the order would relate, or an officer, member or employee of the organisation, has made or is making representations directed at employees about the organisation having rights, functions or powers in relation to employees under this Act that the organisation does not have; or	14 15 16 17 18 19 20
	(c) the consequences or representations mentioned in paragraph (a) or (b)—	21 22
	(i) have stopped, but are likely to recur as a result of the conduct or threatened conduct; or	23 24 25
	(ii) are imminent as a result of the conduct or threatened conduct.	26 27
Clause 51	Insertion of new ch 11, pt 2, div 4, sdiv 10A	28
	Chapter 11, part 2, division 4—	29
	<i>insert—</i>	30

**Subdivision 10A Orders about entities not
eligible for registration
under chapter 12**

**483A Meaning of *eligible for registration under
chapter 12***

- (1) For this subdivision, an entity is *eligible for registration under chapter 12* as an employee organisation if the entity—
- (a) is an association; and
 - (b) satisfies the criteria for registration mentioned in sections 607(1)(a) and (d) and 608(1)(a), (b) and (d); and
 - (c) under the entity’s rules, has passed a resolution in favour of being registered under chapter 12; and
 - (d) has members who are employees; and
 - (e) has applied for registration as an employee organisation under chapter 12 if the entity has—
 - (i) had at least 20 members who are employees for a continuous period of at least 12 months; or
 - (ii) had at least 100 members who are employees for a continuous period of at least 4 weeks; and
 - (f) has not been refused an application for registration under chapter 12 within the previous 5 years.
- (2) For this subdivision, an entity is *eligible for registration under chapter 12* as an employer organisation if the entity—
- (a) is an association or corporation; and

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- (b) satisfies the criteria for registration mentioned in sections 607(1)(a) and (d) and 609(1)(a) to (e); and
- (c) has not been refused an application for registration under chapter 12.

483B Power of commission to make order about ineligible entity

- On application by an entity under section 483C, the commission may make an order declaring an entity, other than an organisation, to be an ineligible entity if satisfied—
- (a) the entity is not eligible for registration under chapter 12 as an employee organisation or employer organisation; or
 - (b) registration of the entity under chapter 12 would be inconsistent with the objects of this Act.

483C Who may apply for order

- The following entities may apply for an order under section 483B—
- (a) an organisation;
 - (b) an entity that is eligible for registration under chapter 12 as an employee organisation or employer organisation;
 - (c) an employer.

483D Ancillary orders

- (1) If the commission makes an order under section 483B in relation to an entity, it may also make an ancillary order it considers necessary to support the order, including an order prohibiting—

-
- (a) an officer, employee or agent of the entity from representing a person in a matter before the court, the commission, the full bench or the registrar; and
- (b) the entity from arranging for an agent to represent a person under chapter 6; and
- (c) the entity from holding out membership on the basis of being able to provide representation in stated industrial matters; and
- (d) another entity associated with the entity, or an officer, employee or agent of another entity associated with the entity, from engaging in the conduct mentioned in paragraph (a), (b) or (c).
- (2) An order under section 483B, and an ancillary order, may—
- (a) be subject to conditions; and
- (b) apply to an individual or other entity.
- (3) The commission may, on application by an entity affected by an order, make the further order it considers appropriate to ensure the order, an ancillary order and this Act are complied with.
- (4) An entity to which an order mentioned in subsection (2) or (3) applies must comply with the order.
- Maximum penalty—100 penalty units.
- 483E Revocation of order if grounds no longer apply**
- (1) This section applies if the entity to which an order under section 483B applies makes an application to the commission for the revocation of the order.
- (2) The registrar must, at least 7 days before the

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application for revocation will be heard, give 1
notice of the application to the entity (the *original* 2
applicant) that applied for the order under section 3
483B. 4

(3) The original applicant is entitled to be heard on 5
the application for revocation. 6

(4) If the commission is no longer satisfied that the 7
ground mentioned in section 483B(a) or (b) 8
applies, the commission must revoke the order 9
made under that section. 10

(5) If the commission revokes the order made under 11
section 483B, an ancillary order or further order 12
made under section 483D also stops having effect. 13

**483F Requirement to give copy of order to chief 14
executive (associations incorporation) 15**

(1) This section applies if— 16

(a) an order is made under section 483B in 17
relation to an incorporated association; and 18

(b) either— 19

(i) no appeal against the decision to make 20
the order is started during the period 21
for starting an appeal; or 22

(ii) an appeal against the decision to make 23
the order has been decided or 24
withdrawn, and the order has not been 25
set aside on appeal. 26

(2) The registrar must give the chief executive 27
(associations incorporation) a copy of— 28

(a) the order; and 29

(b) an ancillary order or further order made 30
under section 483D to support the order. 31

(3) The copies under subsection (2) must be given— 32

	(a) if subsection (1)(b)(i) applies—as soon as practicable after the period for starting an appeal ends; or	1 2 3
	(b) if subsection (1)(b)(ii) applies—as soon as practicable after the appeal, and any appeal of the decision on appeal, is decided or withdrawn.	4 5 6 7
Clause 52	Amendment of s 485 (Who may apply to reopen proceedings)	8 9
	Section 485(c)(ii)—	10
	<i>omit, insert—</i>	11
	(ii) a person who—	12
	(A) is bound or affected by, or dissatisfied with, the proceedings; and	13 14
	(B) satisfies the commission the person is not an officer of, or acting for, an entity (other than an industrial organisation) that purports to represent the industrial interests of employees or employers.	15 16 17 18 19
Clause 53	Amendment of s 530 (Legal representation)	20
	(1) Section 530(1)—	21
	<i>insert—</i>	22
	(ca) for proceedings before the commission, other than the full bench, relating to an industrial matter involving allegations of sexual harassment or sex or gender-based harassment—the commission gives leave; or	23 24 25 26 27
	(2) Section 530(1)(ca) to (g)—	28
	<i>renumber</i> as section 530(1)(d) to (h).	29
	(3) Section 530(4), ‘itself, himself or herself’—	30

[s 54]

<i>omit, insert—</i>	1
the party’s or person’s interests in the proceedings	2
(4) Section 530(4), examples, first dot point, ‘industrial association’—	3 4
<i>omit, insert—</i>	5
industrial organisation	6
(5) Section 530(5)(b)(ii) and (iii)—	7
<i>omit, insert—</i>	8
(ii) a State peak council; or	9
(iii) another entity that only has members who are employers.	10 11
(6) Section 530(6), ‘subsection (1)(e)’—	12
<i>omit, insert—</i>	13
subsection (1)(f)	14

Clause 54	Insertion of new s 578A	15
	After section 578—	16
	<i>insert—</i>	17
	578A Requirement to give copy of civil penalty order to chief executive (associations incorporation)	18 19 20
	(1) This section applies if a civil penalty order—	21
	(a) is made against an incorporated association or an officer of an incorporated association; and	22 23 24
	(b) either—	25
	(i) no appeal against the decision to make the civil penalty order is started during the period for starting an appeal; or	26 27 28
	(ii) an appeal against the decision to make the civil penalty order has been decided	29 30

	or withdrawn, and the order has not been set aside on appeal.	1 2	
(2)	The registrar must give the chief executive (associations incorporation) a copy of the civil penalty order.	3 4 5	
(3)	The copy of the civil penalty order must be given—	6 7	
(a)	if subsection (1)(b)(i) applies—as soon practicable after the period for starting an appeal ends; or	8 9 10	
(b)	if subsection (1)(b)(ii) applies—as soon as practicable after the appeal, and any appeal of the decision on appeal, is decided or withdrawn.	11 12 13 14	
Clause 55	Insertion of new ch 11, pt 8A	15	
	Chapter 11—	16	
	<i>insert—</i>	17	
	Part 8A	Particular applications	18
		under the Associations	19
		Incorporation Act 1981	20
	578B Purpose of part	21	
	The purpose of this part is to make provision for an objection process in relation to a relevant incorporation Act application, including—	22 23 24	
(a)	consultation with organisations and State peak councils; and	25 26	
(b)	the giving of a notice to the chief executive (incorporations Act) objecting to the application on the objection ground; and	27 28 29	

[s 55]

- (c) if an objection is contested, the making of a
declaration by the commission about
whether the objection ground is established
in relation to the application.

578C What is a *relevant incorporation Act application* and who is the *applicant*

- (1) A *relevant incorporation Act application* is—
- (a) an application under the *Associations Incorporation Act 1981*, section 9 for incorporation of an association; or
- (b) an application by an incorporated association under the *Associations Incorporation Act 1981*, section 48 for registration of an amendment of its rules.
- (2) The *applicant*, for a relevant incorporation Act application, is—
- (a) for an application mentioned in subsection (1)(a)—the appointed person for the application under the *Associations Incorporation Act 1981*, section 7(1); or
- (b) for an application mentioned in subsection (1)(b)—the incorporated association that made the application.

578D What is the *objection ground*

- (1) The *objection ground*, for a relevant incorporation Act application, is the ground that, if the application were granted, it would be reasonable for the incorporated association to be mistaken for—
- (a) an organisation; or

-
- (b) an entity that has functions that are the same as, or comparable to, the functions of an organisation; or
- (c) an entity that is lawfully able to further, protect or represent the industrial interests of its members or other persons under this Act.
- (2) The incorporated association mentioned in subsection (1) is—
- (a) for a relevant incorporation Act application that is an application for incorporation of an association—the incorporated association that would come into existence if the application were granted; or
- (b) for a relevant incorporation Act application that is an application for registration of an amendment of the rules of an incorporated association—the incorporated association that made the application.

578E Registrar must give notice of relevant incorporation Act application

- (1) This section applies if the chief executive (incorporation Act) gives the registrar a copy of a relevant incorporation Act application under the *Associations Incorporation Act 1981*, section 10A or 48A.
- (2) The registrar must give each organisation and each State peak council (each a *recipient*)—
- (a) a notice that complies with subsection (3); and
- (b) a copy of the relevant incorporation Act application.
- (3) The notice must state the following matters—

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- (a) whether the relevant incorporation Act application is an application for—
 - (i) an association’s incorporation; or
 - (ii) registration of an amendment of an incorporated association’s rules;
 - (b) that the recipient may object to the relevant incorporation Act application;
 - (c) the objection ground on which the recipient may object to the application;
 - (d) that an objection must be made in the approved form and filed on or before the day stated in the notice (the *cut off day* for objections).
- (4) The cut off day for objections stated in the notice must be at least 14 days after the day the notice is given to the recipient.

578F No objections received

- (1) This section applies if—
 - (a) the registrar has complied with section 578E(2) in relation to a relevant incorporation Act application; and
 - (b) no objections to the application are filed on or before the cut off day for objections stated in a notice given under section 578E.
- (2) The registrar must give the chief executive (incorporation Act) and the applicant for the relevant incorporation Act application a notice stating—
 - (a) no objections were made to the application; and
 - (b) the objection ground is not established for the application.

**578G Notice of intended action to relevant
incorporation Act application**

- (1) This section applies if—
- (a) the registrar has complied with section 578E(2) in relation to a relevant incorporation Act application; and
 - (b) 1 or more persons to whom a notice was given under that section (each an *objector*) files an objection to the application before the cut off day for objections stated in the notice.
- (2) Within 14 days after the cut off day for objections, the registrar must—
- (a) consider the objections filed and whether the objection ground is established for the relevant incorporation Act application; and
 - (b) give the applicant for the relevant incorporation Act application and each objector a notice stating—
 - (i) whether or not the registrar proposes to give the chief executive (incorporation Act) a notice objecting to the application (the *proposed action*); and
 - (ii) if the applicant or objector does not agree with the proposed action, the applicant or objector may apply to the commission for a declaration about whether the objection ground is, or is not, established for the application; and
 - (iii) an application mentioned in subparagraph (ii) must be made on or before the day stated in the notice.
- (3) The day stated in the notice under subsection (2)(b)(iii) must be at least 14 days after the day the notice is given to the applicant or objector.

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- (4) For subsection (2)(b)(i), the registrar may propose to object to the relevant incorporation Act application only if the registrar is satisfied the objection ground is established for the application.

578H Application for declaration

- (1) A recipient of a notice under section 578G(2)(b) about a relevant incorporation Act application may apply to the commission for the making of a declaration about whether the objection ground is, or is not, established for the application.
- (2) The application must be made on or before the day stated in the notice.

578I Making of declaration by commission

- (1) The registrar must, at least 7 days before an application under section 578H is heard, give notice of the application to—
- (a) the applicant for the relevant incorporation Act application; and
- (b) each organisation and each State peak council.
- (2) Each entity given notice of the hearing under subsection (1) is entitled to be heard on the application.
- (3) The commission—
- (a) must hear the objection in the way prescribed by regulation; and
- (b) may make a declaration that the objection ground is, or is not, established for the relevant incorporation Act application.

578J Notice of declaration made by commission	1
The registrar must give notice of a declaration made by the commission under section 578I to—	2 3
(a) the applicant for the relevant incorporation Act application; and	4 5
(b) if the applicant for the declaration is not the applicant for the relevant incorporation Act application—the applicant for the declaration; and	6 7 8 9
(c) each entity that was heard on the application for the declaration.	10 11
578K Notice to chief executive (incorporation Act)—objection	12 13
(1) The registrar must give the chief executive (incorporation Act) a notice stating that the objection ground is established for a relevant incorporation Act application if—	14 15 16 17
(a) the commission makes a declaration under section 578I that the objection ground is established for the application; or	18 19 20
(b) both of the following apply—	21
(i) the registrar gives a notice under section 578G(2) stating that the registrar proposes to give the chief executive (incorporation Act) a notice objecting to the application;	22 23 24 25 26
(ii) no application is made to the commission under section 578H for a declaration.	27 28 29
(2) The registrar must give the notice as soon as practicable after—	30 31
(a) the declaration is made; or	32

[s 55]

- (b) the day stated in the notice given under section 578G(2) for making an application for a declaration. 1
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- (3) The chief executive must give a copy of the notice to the applicant for the relevant incorporation Act application. 4
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578L Notice to chief executive (incorporation Act)—no objection 7
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- (1) The registrar must give the chief executive (incorporation Act) a notice stating that the objection ground is not established for the relevant incorporation Act application if— 9
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 - (a) the commission makes a declaration under section 578I that the objection ground is not established for the application; or 13
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 - (b) both of the following apply— 16
 - (i) the registrar gives a notice under section 578G(2) stating that the registrar does not propose to give the chief executive (incorporation Act) a notice objecting to the application; 17
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 - (ii) no application is made to the commission under section 578H for a declaration. 22
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- (2) The registrar must give the notice as soon as practicable after— 25
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 - (a) the declaration is made; or 27
 - (b) the day stated in the notice given under section 578G(2) for making an application for a declaration. 28
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- (3) The chief executive must give a copy of the notice to the applicant for the relevant incorporation Act application. 31
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Clause 56	Amendment of s 607 (Registration criteria for all applications)	1 2
(1)	Section 607(1)—	3
	<i>insert—</i>	4
	(da) the applicant does not have an officer—	5
	(i) who is the subject of an order made under section 483D; or	6 7
	(ii) against whom a civil penalty order was made in the previous 5 years; or	8 9
	(iii) who was an officer of a cancelled incorporated association;	10 11
	(db) the applicant is free from control by, or improper influence from, a person who was an officer of a cancelled incorporated association;	12 13 14 15
(2)	Section 607(1)(da) to (e)—	16
	<i>renumber</i> as section 607(1)(e) to (g).	17
(3)	Section 607—	18
	<i>insert—</i>	19
	(1A) For subsection (1)(e)(iii) and (f), a person was an officer of a cancelled incorporated association if—	20 21 22
	(a) the incorporation of an incorporated association was cancelled—	23 24
	(i) under the <i>Associations Incorporation Act 1981</i> , section 93B; and	25 26
	(ii) in the previous 5 years; and	27
	(b) the person was an officer of the incorporated association immediately before its incorporation was cancelled.	28 29 30
(4)	Section 607(2), ‘subsection (1)(e)’—	31
	<i>omit, insert—</i>	32

[s 57]

	subsection (1)(g)	1
(5)	Section 607(1A) and (2)—	2
	<i>renumber</i> as section 607(2) and (3).	3
Clause 57	Amendment of s 608 (Additional criteria for registration as employee organisation)	4
		5
(1)	Section 608(1)(a), from ‘influence from’—	6
	<i>omit, insert—</i>	7
	influence from—	8
	(i) an employer; or	9
	(ii) an employer organisation; or	10
	(iii) another entity that represents the interests of employers or has members who are employers;	11 12 13
(2)	Section 608(1)—	14
	<i>insert—</i>	15
	(ca) the application was made—	16
	(i) within 12 months after the applicant gained its 20th member who is an employee; or	17 18 19
	(ii) within 4 weeks after the applicant gained its 100th member who is an employee;	20 21 22
	(e) the applicant is not the subject of an order made under section 483B;	23 24
	(f) the applicant is free from control by, or improper influence from—	25 26
	(i) an entity the subject of an order made under section 483B; or	27 28
	(ii) an officer, member or employee of an entity mentioned in subparagraph (i).	29 30

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- (3) Section 608(1)(ca) to (f)— 1
renumber as section 608(1)(d) to (g). 2
- (4) Section 608(2), ‘or (d)’— 3
omit, insert— 4
 , (d) or (e) 5

- Clause 58 Amendment of s 878 (General deregistration grounds)** 6
 Section 878(g), from ‘influence from’— 7
 omit, insert— 8
 influence from— 9
 (i) an employer; or 10
 (ii) an employer organisation; or 11
 (iii) another entity that represents the interests of 12
 employers or has members who are 13
 employers. 14

- Clause 59 Omission of ch 15, pt 3 (Other provisions for health 15
employees)** 16
 Chapter 15, part 3— 17
 omit. 18

- Clause 60 Amendment of s 975 (Proceedings)** 19
 (1) Section 975(2)— 20
 omit. 21
 (2) Section 975(3) to (5)— 22
 renumber as section 975(2) to (4). 23

- Clause 61 Insertion of new ss 981A and 981B** 24
 After section 981— 25

[s 61]

insert—

**981A Disclosure of information to assess
achievement of Act's main purpose**

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- (1) The chief executive may ask the registrar, or another chief executive, for statistical or other information to help the chief executive to assess the extent to which the main purpose of this Act is being achieved.
 - (2) The registrar or other chief executive may give the requested information to the chief executive.
 - (3) Nothing in this section permits the chief executive to ask for, or requires or permits the registrar or other chief executive to give, confidential information.
 - (4) In this section—
confidential information includes information that—
 - (a) identifies, or is likely to lead to the identification, of an individual; and
 - (b) is commercially sensitive; and
 - (c) is of a private or confidential nature.

**981B Requirement to give notice of conviction and
penalty to chief executive (associations
incorporation)**

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- (1) This section applies if—
 - (a) an incorporated association or an officer of an incorporated association is convicted of an offence against this Act; and
 - (b) a penalty is imposed for the conviction; and
 - (c) either—

	(i) no appeal against the conviction or penalty is started during the period for starting an appeal; or	1 2 3
	(ii) an appeal against the conviction or penalty has been decided or withdrawn, and the conviction or penalty has not been set aside on appeal.	4 5 6 7
	(2) The registrar must give the chief executive (associations incorporation) a written notice about the conviction and the penalty imposed.	8 9 10
	(3) The notice must be given—	11
	(a) if no appeal against the conviction or penalty is started during the period for starting an appeal—as soon practicable after the period for starting an appeal ends; or	12 13 14 15
	(b) if an appeal against the conviction or penalty is started—as soon as practicable after the appeal, and any appeal of the decision on appeal, is decided or withdrawn.	16 17 18 19
Clause 62	Insertion of new ch 18, pt 6	20
	Chapter 18—	21
	<i>insert—</i>	22
	Part 6	23
	Transitional provisions for Industrial Relations and Other Legislation Amendment Act 2022	24 25 26
	1093 Declaration about sick leave being exclusive of public holidays	27 28
	(1) To remove any doubt, it is declared that sick leave under section 40 is, and always has been, exclusive of a public holiday that falls during the	29 30 31

[s 62]

- leave. 1
- (2) Section 40, as in force from the commencement, 2
and subsection (1) do not affect an existing 3
industrial instrument, or a replacement industrial 4
instrument, to the extent the instrument provides 5
for the effect on an employee’s entitlement to sick 6
leave if a public holiday falls during a period of 7
sick leave taken by the employee. 8
- (3) An *existing industrial instrument* is an industrial 9
instrument— 10
- (a) in effect before the commencement; and 11
- (b) that provides for the effect on an employee’s 12
entitlement to sick leave if a public holiday 13
falls during a period of sick leave taken by 14
the employee. 15
- (4) A *replacement industrial instrument*, in relation 16
to an existing industrial instrument, is an 17
industrial instrument— 18
- (a) made after the commencement; and 19
- (b) that covers the same, or substantially the 20
same, employees as the existing industrial 21
instrument; and 22
- (c) that provides for the effect on an employee’s 23
entitlement to sick leave if a public holiday 24
falls during a period of sick leave taken by 25
the employee to be the same, or 26
substantially the same, as under the existing 27
industrial instrument. 28
- 1094 Required evidence for personal leave taken 29
or started before commencement 30**
- (1) This section applies in relation to the following 31
leave under chapter 2, part 3, division 6— 32
- (a) sick leave to which section 41 applies, taken 33
by an employee before the commencement; 34

(b) carer’s leave to which section 45(1) applies, taken by an employee before the commencement;	1 2 3
(c) birth-related leave started by an employee before the commencement.	4 5
(2) Former section 41, 45, 63 or 64 continues to apply in relation to the evidence the employee is required to give the employer for the leave as if the <i>Industrial Relations and Other Legislation Amendment Act 2022</i> had not been enacted.	6 7 8 9 10
(3) In this section— <i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	11 12 13 14
1095 Entitlement to adoption leave and cultural parent leave in relation to child over 5 years	15 16
(1) This section applies if—	17
(a) an employee adopts a child aged over 5 years; or	18 19
(b) the parentage of a child aged over 5 years is transferred to an employee under a cultural recognition order.	20 21 22
(2) Chapter 2, part 3, division 8, as in force from the commencement, applies in relation to parental leave for the adoption or transfer of parentage, regardless of whether the adoption happened, or the cultural recognition order was made, before or after the commencement.	23 24 25 26 27 28
1096 Application to work part-time after taking parental leave	29 30
An employee may make an application under section 74(2), as in force from the	31 32

[s 62]

commencement, regardless of whether the employee returned to work as mentioned in that section before or after the commencement.	1 2 3
1097 Entitlement to birth-related leave after birth of stillborn child	4 5
Section 85A, as in force from the commencement, applies in relation to the birth of a stillborn child after the commencement, regardless of whether the pregnancy that ends by the birth started before or after the commencement.	6 7 8 9 10
1098 Entitlement to flexible parental leave	11
Section 87B, as in force from the commencement, applies to an employee regardless of whether the employee became entitled to the parental leave under chapter 2, part 3, division 8, subdivision 2 mentioned in that section before or after the commencement.	12 13 14 15 16 17
1099 Unpaid wages held by clerk of a Magistrates Court before commencement	18 19
(1) This section applies if, immediately before the commencement, the clerk of a Magistrates Court held an amount paid to the clerk by an employer as wages payable to a former employee under former section 375.	20 21 22 23 24
(2) The clerk must pay the amount to the public trustee.	25 26
(3) The public trustee must deal with the amount as unclaimed moneys under the <i>Public Trustee Act 1978</i> .	27 28 29
(4) In this section— <i>former section 375</i> means section 375 as in force from time to time before the commencement.	30 31 32

public trustee means the public trustee under the
Public Trustee Act 1978. 1
2

**1100 Existing applications for orders about right to
represent group of employees** 3
4

(1) This section applies to an application for an order 5
under section 479 made, but not decided, before 6
the commencement. 7

(2) Former chapter 11, part 2, division 4, subdivision 8
10 continues to apply to the application as if the 9
Industrial Relations and Other Legislation 10
Amendment Act 2022 had not been enacted. 11

(3) In this section— 12
former chapter 11, part 2, division 4, subdivision 13
10 means chapter 11, part 2, division 4, 14
subdivision 10 as in force from time to time 15
before the commencement. 16

**1101 Health employment overpayments and health
employment transition loans** 17
18

(1) The repeal of chapter 15, part 3 by the *Industrial* 19
Relations and Other Legislation Amendment Act 20
2022 does not affect the validity of an agreement 21
between a health employer and a health 22
employee, or a health employer and a former 23
health employee, entered into before the 24
commencement, about— 25

(a) the recovery, by the employer, of an amount 26
paid by the employer to the employee or 27
former employee in relation to employment, 28
or purportedly in relation to employment, to 29
which the employee or former employee 30
was not entitled (an *overpayment*); or 31

[s 63]

	(b) a loan made by the employer to the employee or former employee mentioned in repealed section 949(1).	1 2 3
(2)	However, an unrecoverable outstanding amount may not be recovered by the State as a debt due to the State.	4 5 6
(3)	An <i>unrecoverable outstanding amount</i> is an amount of an overpayment mentioned in subsection (1)(a), or a loan mentioned in subsection (1)(b), if—	7 8 9 10
	(a) the overpayment or loan was made before 14 August 2012; and	11 12
	(b) immediately before the commencement—	13
	(i) the amount of the overpayment or loan had not been recovered by a health employer; and	14 15 16
	(ii) the health employee had not agreed in writing to repay the amount of the overpayment or loan to a health employer; and	17 18 19 20
	(iii) the health employee had not repaid any of the amount of the overpayment or loan to a health employer.	21 22 23
(4)	For subsection (3)(b)(iii), a deduction from an amount payable to a health employee under repealed chapter 15, part 3 does not count as an amount repaid by the employee.	24 25 26 27
(5)	In this section—	28
	<i>health employee</i> see repealed section 947.	29
	<i>health employer</i> see repealed section 947.	30
Clause 63	Amendment of sch 1 (Industrial matters)	31
	(1) Schedule 1—	32

insert— 1
25A sexual harassment or sex or gender-based 2
harassment of an employee in the workplace 3
or otherwise in the course of the employee’s 4
employment 5
(2) Schedule 1, items 25A to 30— 6
renumber as schedule 1, items 26 to 31. 7

Clause 64 Amendment of sch 3 (Civil penalties) 8
Schedule 3, entry for chapter 8, ‘293(1) 9
(Misrepresentations),’— 10
omit, insert— 11
293(1) (Misrepresentations—engaging in 12
industrial activity), 293A(2) (Misrepresentations 13
—right to represent), 14

Clause 65 Amendment of sch 5 (Dictionary) 15
(1) Schedule 5, definitions *amount in relation to employment,* 16
association, continuing health employee, discrimination, 17
doctor’s certificate, eligible association, expected placement 18
date, final payment, health employee, health employer, 19
industrial association, industrial cause, maternity leave, 20
party, both mentions, Queensland Health, registered 21
employee organisation, right to represent, special maternity 22
leave and untaken leave— 23
omit. 24
(2) Schedule 5— 25
insert— 26
applicant, for a relevant incorporation Act 27
application, for chapter 11, part 8A, see section 28
578C(2). 29
association means an unincorporated entity 30
formed or carried on to protect and promote its 31

[s 65]

members' interests.	1
chief executive (associations incorporation)	2
means the chief executive of the department in	3
which the <i>Associations Incorporation Act 1981</i> is	4
administered.	5
discrimination means discrimination that would	6
contravene the <i>Anti-Discrimination Act 1991</i> .	7
eligible for registration under chapter 12 , for	8
chapter 11, part 2, division 4, subdivision 10A,	9
see section 483A.	10
expected adoption date see section 65(2)(a).	11
health practitioner means a person registered to	12
practise a health profession, other than as a	13
student, under the Health Practitioner Regulation	14
National Law.	15
health practitioner's certificate means a	16
certificate signed by a health practitioner.	17
incorporated association means an incorporated	18
association under the <i>Associations Incorporation</i>	19
<i>Act 1981</i> .	20
industrial cause includes—	21
(a) an industrial matter; and	22
(b) an industrial dispute; and	23
(c) a work-related matter under the	24
<i>Anti-Discrimination Act 1991</i> ; and	25
(d) another matter within the jurisdiction of the	26
commission.	27
industrial organisation means any of the	28
following—	29
(a) an employee organisation;	30
(b) an association of employees that is eligible	31
for registration under chapter 12 within the	32
meaning of section 483A(1);	33

-
- (c) an employer organisation; 1
- (d) an association of employers that is eligible 2
for registration under chapter 12 within the 3
meaning of section 483A(2); 4
- (e) a branch of an organisation or association 5
mentioned in paragraph (a), (b), (c) or (d). 6
- objection ground**, for a relevant incorporation 7
Act application, for chapter 11, part 8A, see 8
section 578D. 9
- party**— 10
- (a) in relation to a bargaining instrument or 11
proposed bargaining instrument, for chapter 12
4, see section 168; or 13
- (b) to an industrial dispute, means any of the 14
parties between which the industrial dispute 15
exists. 16
- relevant incorporation Act application**, for 17
chapter 11, part 8A, see section 578C(1). 18
- sex or gender-based harassment** means the 19
harassment of a person (the **harassed person**), on 20
the basis of the harassed person's sex or gender, 21
by another person who— 22
- (a) engages in unwelcome conduct of a 23
demeaning nature in relation to the harassed 24
person on the basis of— 25
- (i) the harassed person's sex or gender; or 26
- (ii) a characteristic a person of the harassed 27
person's sex or gender generally has; or 28
- (iii) a characteristic often imputed to a 29
person of the harassed person's sex or 30
gender; or 31
- (iv) a sex or gender the harassed person is 32
presumed to have, or to have had at any 33

[s 65]

time, by the person engaging in the conduct; or	1 2
(v) a sex or gender the harassed person has had, even if the harassed person did not have that sex or gender at the time of the conduct; and	3 4 5 6
(b) engages in the conduct—	7
(i) with the intention of offending, humiliating or intimidating the harassed person; or	8 9 10
(ii) in circumstances in which a reasonable person would have anticipated the possibility that the harassed person would be offended, humiliated or intimidated by the conduct.	11 12 13 14 15
sexual harassment means sexual harassment that would contravene the <i>Anti-Discrimination Act 1991</i> or the <i>Sex Discrimination Act 1984</i> (Cwlth).	16 17 18
special pregnancy-related leave , for chapter 2, part 3, division 8, see section 85.	19 20
stillborn child , for chapter 2, part 3, division 8, see section 57.	21 22
(3) Schedule 5, definition <i>demarcation dispute</i> , paragraph (c), ‘association or’—	23 24
<i>omit</i> .	25
(4) Schedule 5, definition <i>remuneration</i> , paragraph (b), ‘service’—	26 27
<i>omit, insert</i> —	28
employment	29

Division 3	Amendments commencing on proclamation	1 2
Clause 66	Insertion of new ch 10A	3
	After chapter 10—	4
	<i>insert—</i>	5
	Chapter 10A Independent couriers	6 7
	Part 1 Preliminary	8
	406A Definitions for chapter	9
	In this chapter—	10
	<i>applied provision</i> means a provision of this Act (other than a provision of this chapter) that a provision of this chapter states is an applied provision.	11 12 13 14
	<i>applies to</i> , for a contract instrument, see section 406H.	15 16
	<i>certification application</i> means an application under section 406ZC to certify an agreement proposed to be a negotiated agreement.	17 18 19
	<i>contract</i> includes—	20
	(a) an arrangement or understanding; and	21
	(b) a collateral contract relating to a contract.	22
	<i>contract determination</i> see section 406N(1)(a).	23
	<i>contract instrument</i> means—	24
	(a) a contract determination; or	25
	(b) a negotiated agreement.	26

[s 66]

<i>courier service contract</i> see section 406D.	1
<i>courier vehicle</i> means—	2
(a) a motor vehicle within the meaning of the <i>Transport Operations (Road Use Management) Act 1995</i> ; or	3 4 5
(b) a bicycle, including a bicycle that has an auxiliary motor; or	6 7
(c) a scooter within the meaning of the <i>Transport Operations (Road Use Management) Act 1995</i> .	8 9 10
<i>covers</i> , for a contract instrument, see section 406I.	11
<i>independent courier</i> see section 406B.	12
<i>negotiated agreement</i> see section 406V(1).	13
<i>negotiating party</i> , in relation to negotiations under part 4 with a view to a negotiated agreement being made, means—	14 15 16
(a) a person who is a party to the negotiations; or	17 18
(b) a person who has given notice under section 406X of the person’s intention to be a party to the negotiations; or	19 20 21
(c) another person who has received a notice of intention to start negotiations under section 406W and refuses to negotiate.	22 23 24
<i>principal contractor</i> see section 406C.	25
<i>proposed negotiated agreement</i> means—	26
(a) in relation to negotiations under part 4—the negotiated agreement proposed to be made as a result of the negotiations; or	27 28 29
(b) in relation to a certification application—the agreement the subject of the application.	30 31
<i>relevant contract determination</i> , in relation to a	32

proposed negotiated agreement, see section 406ZD(2).	1 2
<i>relevant employee organisation</i> —	3
(a) in relation to a proposed negotiated agreement—see section 406W(4); or	4 5
(b) in relation to a negotiated agreement—means an employee organisation or federal organisation of employees the agreement applies to; or	6 7 8 9
(c) in relation to an independent courier—means an employee organisation or federal organisation of employees of which the independent courier is a member.	10 11 12 13
<i>scope order</i> , in relation to a proposed negotiated agreement, see section 406ZB(1).	14 15
<i>unfair contract</i> see section 406ZU.	16
<i>unfairly terminated</i> , for a courier service contract, see section 406ZX.	17 18
<i>valid majority</i> means a majority of the independent couriers who are covered by a negotiated agreement, or who will be covered by a proposed negotiated agreement, who cast a valid vote to give an approval in relation to the agreement or proposed agreement, after the principal contractor has given the independent couriers a reasonable opportunity to decide whether they want to give the approval.	19 20 21 22 23 24 25 26 27

406B Who is an independent courier	28
(1) An <i>independent courier</i> is a person who provides a service transporting goods using a courier vehicle if, in the course of providing the service, the courier vehicle is driven only by—	29 30 31 32

[s 66]

- (a) if the person is an individual—the individual; or 1
2
- (b) if the person is a partnership—a partner in the partnership; or 3
4
- (c) if the person is a corporation— 5
 - (i) an executive officer of the corporation; 6
or 7
 - (ii) a member of the family of an executive officer of the corporation. 8
9
- (2) It does not matter whether— 10
 - (a) a person mentioned in subsection (1)(b) or (c) is employed by the independent courier or engaged in another way; or 11
12
13
 - (b) a person other than the independent courier is temporarily employed, or temporarily engaged in another way, to provide the service, and drive the courier vehicle in the course of providing the service, while the independent courier is sick, taking leave or otherwise temporarily unavailable. 14
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- (3) In this section— 21
 - drive*, a courier vehicle, includes ride the vehicle. 22
 - executive officer*, of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer. 23
24
25
26
27

406C Who is a *principal contractor* 28

A *principal contractor* is a person who— 29

- (a) carries on a business that includes arranging for goods to be transported by independent couriers; and 30
31
32

-
- (b) in carrying on the business, uses 2 or more independent couriers to transport the goods. 1
2

406D What is a *courier service contract* 3

- (1) A *courier service contract* is a contract between a principal contractor and an independent courier— 4
5
- (a) under which the independent courier transports goods under arrangements made by the principal contractor; and 6
7
8
- (b) that is not a contract of employment. 9
- (2) A *courier service contract* includes a contract declared to be a courier service contract by an order of the commission under section 406E. 10
11
12
- (3) Without limiting subsection (1) or (2), a courier service contract may be a franchise arrangement. 13
14

406E Declaration that contract is courier service contract 15
16

- The commission may make an order declaring that a contract is a courier service contract if satisfied the contract— 17
18
19
- (a) has the effect of avoiding the provisions of this chapter; and 20
21
- (b) provides for, or affects, the remuneration and working conditions of an independent courier who transports goods under arrangements made by another person; and 22
23
24
25
- (c) is not a contract of employment between the independent courier and another person. 26
27

Part 2 **General provisions for contract instruments** 28
29

[s 66]

Division 1	General requirements for	1
	commission exercising	2
	powers	3
406F	Criteria and considerations for commission	4
	exercising powers	5
(1)	In exercising its powers under this chapter, the	6
	commission must ensure a contract instrument	7
	provides for remuneration and working	8
	conditions for independent couriers, for the work	9
	performed to provide services transporting goods	10
	under the instrument, that—	11
	(a) are fair and just; and	12
	(b) are comparable to the remuneration and	13
	working conditions an employee would	14
	receive under an industrial instrument or this	15
	Act for performing similar work; and	16
	(c) generally reflect the prevailing minimum	17
	remuneration and working conditions of	18
	independent couriers covered, or to be	19
	covered, by the instrument.	20
(2)	For subsection (1), the commission must consider	21
	the following matters—	22
	(a) whether the remuneration provided for by	23
	the contract instrument represents, for the	24
	work performed by an independent courier	25
	under the instrument—	26
	(i) fair recovery for the costs likely to be	27
	incurred by the independent courier to	28
	perform the work; and	29
	(ii) a fair return for the independent	30
	courier’s work and capital investment	31
	likely to be required to perform the	32
	work;	33

(b) the market for the services to transport goods;	1 2	
(c) the level of financial risk assumed by the independent courier to provide the services;	3 4	
(d) the certainty and security of the services the independent courier is required to provide under the instrument;	5 6 7	
(e) whether the contract instrument allows the independent courier to use the courier's courier vehicle and other equipment to provide services for another principal contractor, or for the courier's personal use;	8 9 10 11 12	
(f) the matters mentioned in section 141(2);	13	
(g) the value of the annual leave, personal leave, long service leave and other leave to which an employee mentioned in subsection (1)(b) is entitled under an industrial instrument or this Act.	14 15 16 17 18	
(3) The commission may also consider any other matters the commission considers relevant.	19 20	
(4) Section 141(2) is an applied provision for the commissioner exercising powers under this chapter.	21 22 23	
<i>Note—</i>	24	
See section 406ZZF about interpreting an applied provision.	25 26	
Division 2	Effect of contract instruments	27 28
406G	Contravening contract instruments	29
(1) A person must not contravene a contract instrument that applies to the person.	30 31	

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Note— 1

This subsection is a civil penalty provision. 2

- (2) A contract instrument does not impose 3
obligations, or confer entitlements, on a person 4
unless the instrument applies to the person. 5

406H Who a contract instrument *applies to* 6

- (1) A contract instrument *applies to* a principal 7
contractor, independent courier, organisation or 8
federal organisation if— 9
- (a) the instrument is in operation; and 10
- (b) the instrument covers the principal 11
contractor, independent courier, 12
organisation or federal organisation. 13
- (2) However, a contract determination does not *apply* 14
to a principal contractor or independent courier to 15
the extent an exemption under section 406R 16
excludes the principal contractor or independent 17
courier from the operation of the determination. 18
- (3) A reference in this Act to a contract instrument 19
applying to an independent courier is a reference 20
to the instrument applying to the independent 21
courier in relation to a particular class of courier 22
service contracts. 23

406I Who a contract instrument *covers* 24

- (1) This section applies in relation to a contract 25
instrument that is in operation. 26
- (2) A contract instrument *covers* a principal 27
contractor, independent courier, organisation or 28
federal organisation if— 29
- (a) the instrument states that it covers (however 30
described) the principal contractor, 31

-
- independent courier, organisation or federal
organisation; or 1
2
- (b) this Act, or an order made under this Act,
has the effect that the instrument covers the
principal contractor, independent courier,
organisation or federal organisation. 3
4
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6
- (3) However, a contract instrument does not *cover* a
principal contractor, independent courier,
organisation or federal organisation if another
provision of this Act, or an order made under this
Act, provides or has the effect that the instrument
does not cover the principal contractor,
independent courier, organisation or federal
organisation. 7
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- (4) A negotiated agreement also *covers* an employee
organisation or federal organisation of employees
if— 15
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17
- (a) the agreement is made with the organisation
or federal organisation; or 18
19
- (b) a decision of the commission certifying the
agreement states that the agreement covers
the organisation or federal organisation. 20
21
22
- (5) A negotiated agreement to which a group of
independent couriers is a party *covers* all of the
independent couriers in the group, including
independent couriers who enter a courier service
contract with the principal contractor after the
negotiated agreement is made. 23
24
25
26
27
28
- (6) A reference in this Act to a contract instrument
covering an independent courier is a reference to
the instrument covering the independent courier
in relation to a particular class of courier service
contracts. 29
30
31
32
33

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406J Application of contract determination to successor principal contractors	1 2
To the extent a contract determination applies to a stated principal contractor, the determination applies to—	3 4 5
(a) the principal contractor and any successor of the principal contractor; and	6 7
(b) each independent courier who enters a courier service contract with the principal contractor and any successor.	8 9 10
406K Application of negotiated agreement to successor principal contractors	11 12
(1) This section applies if—	13
(a) a negotiated agreement applies to a principal contractor; and	14 15
(b) at a later time, a new principal contractor becomes the successor (whether or not immediate) of the whole or part of the business of the principal contractor.	16 17 18 19
(2) From the later time—	20
(a) to the extent the negotiated agreement applies to the whole or part of the business, the negotiated agreement—	21 22 23
(i) applies to the new principal contractor; and	24 25
(ii) does not apply to the previous principal contractor; and	26 27
(b) a reference in this chapter to the principal contractor, to the extent the context relates to the whole or part of the business—	28 29 30
(i) is a reference to the new principal contractor; and	31 32

-
- (ii) is not a reference to the previous principal contractor. 1
2

Division 3 Interaction of contract instruments and courier service contracts 3
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406L Relationship of contract determination with negotiated agreement 6
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- (1) A contract determination may apply to an independent courier in relation to a particular class of courier service contracts at the same time a negotiated agreement applies to the independent courier in relation to the same class of courier service contracts. 8
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- (2) If both a contract determination and negotiated agreement apply to an independent courier in relation to a class of courier service contracts, the negotiated agreement applies to the extent of any inconsistency. 14
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406M Relationship of contract instrument with courier service contract 19
20

- (1) This section applies to a courier service contract— 21
22
- (a) in effect when a contract instrument came into operation; or 23
24
- (b) entered into after a contract instrument came into operation. 25
26
- (2) The contract instrument prevails over the courier service contract to the extent of any inconsistency. 27
28
29
- (3) The courier service contract must be interpreted, 30

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and takes effect, as if it were amended to the 1
extent necessary to make the contract consistent 2
with the contract instrument. 3

- (4) However, there is no inconsistency only because 4
the courier service contract provides for working 5
conditions at least as favourable for the 6
independent courier as the contract instrument. 7

Part 3 Contract 8 **determinations** 9

406N Contract determination fixing minimum 10 remuneration and working conditions for 11 independent couriers 12

- (1) The commission may, on an application by an 13
entity mentioned in section 406O or its own 14
initiative— 15
- (a) make a determination (a *contract* 16
determination) fixing minimum 17
remuneration and working conditions for 18
independent couriers under— 19
- (i) a class of courier service contracts; or 20
- (ii) different classes of courier service 21
contracts; or 22
- (b) make an order varying a contract 23
determination. 24

Note— 25

See section 406F for the matters the commission must 26
consider in exercising its powers under this chapter in 27
relation to a contract instrument. 28

- (2) A contract determination must state the class of 29
courier service contracts, or different classes of 30
courier service contracts, for which the 31
determination operates. 32

-
- (3) A contract determination may state that it stops operating on a stated day. 1
2
- (4) A class of courier service contracts may be identified by reference to a stated principal contractor. 3
4
5

406O Who may apply for contract determination 6

- (1) The following entities may, under section 406N, apply for the making or variation of a contract determination for a class of courier service contracts— 7
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9
10
- (a) a principal contractor who engages independent couriers under the class of courier service contracts; 11
12
13
- (b) 2 or more principal contractors who engage independent couriers under the class of courier service contracts and who— 14
15
16
- (i) are related bodies corporate within the meaning of the Corporations Act; or 17
18
- (ii) are engaged in a joint venture or common enterprise; or 19
20
- (iii) undertake similar work; 21
- (c) an employer organisation, federal organisation of employers, or State peak council of which principal contractors who may be directly affected by the contract determination are members; 22
23
24
25
26
- (d) an employee organisation, federal organisation of employees, or State peak council of which independent couriers who may be directly affected by the contract determination are members. 27
28
29
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31
- (2) An entity who applies for the making or variation of a contract determination for a class of courier 32
33

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service contracts must serve a copy of the application on— 1
2
(a) each other entity mentioned in subsection (1) in relation to the class of courier service contract; and 3
4
5
(b) each other person directed by the commission. 6
7

406P Notice of application and hearing 8

(1) As soon as practicable after an application for the making or variation of a contract determination is made under section 406O, the registrar must publish on the QIRC website— 9
10
11
12
(a) a copy of the application; and 13
(b) a notice stating— 14
(i) details of the class of courier service contracts that the application relates to; and 15
16
17
(ii) the hearing date for the application; and 18
19
(iii) that any person may make a written submission to the commission about the application before the hearing date. 20
21
22
(2) Also, the registrar must ensure a copy of the notice mentioned in subsection (1)(b) is published at least 21 days before the hearing date— 23
24
25
(a) in a newspaper circulating throughout the State; and 26
27
(b) in another newspaper or publication the registrar considers gives sufficient notice of the application to the public or the part of the public likely to be affected by or concerned with the application. 28
29
30
31
32
(3) Publication of the notice under subsection (2) may 33

be in the electronic or online version of a 1
newspaper or other publication. 2

406Q Entities that may be heard on application 3

- (1) A person, organisation, federal organisation or 4
State peak council that will be covered by the 5
proposed contract determination are entitled to be 6
heard on an application for the contract 7
determination. 8
- (2) Another person may be heard only with the leave 9
of the commission. 10
- (3) The commission may give leave under subsection 11
(2) only if the commission is satisfied there is a 12
reasonable possibility that, if leave is not given, 13
the commission will not be informed of an issue 14
relevant to deciding the application. 15
- (4) This section does not affect another right of an 16
organisation, federal organisation or another 17
person to be heard on, or to intervene in, the 18
application. 19

406R Exemptions from contract determination 20

- (1) The commission may, on application, make an 21
order exempting a person, contract, negotiated 22
agreement or other matter from the operation of a 23
contract determination, including, for example— 24
- (a) a class of principal contractors or 25
independent couriers; or 26
- (b) a class of courier service contracts; or 27
- (c) principal contractors or independent 28
couriers in a particular locality. 29
- (2) The commission may make the order if satisfied 30
the exemption is not contrary to the public 31
interest. 32

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(3)	An exemption has effect for the period, of not more than 3 years, stated in the exemption.	1 2
(4)	The commission may review, vary or revoke an exemption on application or on its own initiative.	3 4
406S When contract determination operates		5
(1)	A contract determination starts operating on the day stated in the determination.	6 7
(2)	The stated day may be earlier than the day the contract determination is made but must not be earlier than the earliest of the following days—	8 9 10
(a)	the day the application for the determination was made;	11 12
(b)	the day the commission initiated the proceeding for the determination;	13 14
(c)	the day the commission was given notice of the dispute giving rise to the determination.	15 16
(3)	A contract determination continues in operation until—	17 18
(a)	the determination is replaced by another contract determination; or	19 20
(b)	if the determination states a day it stops operating—the stated day; or	21 22
(c)	the determination is revoked under section 406T.	23 24
406T Commission’s power to revoke contract determination		25 26
(1)	To provide for fair and just remuneration and working conditions for independent couriers, the commission may make an order revoking a contract determination.	27 28 29 30
(2)	However, the commission must not make the	31

order unless satisfied no independent couriers will be adversely affected by the revocation of the contract determination.	1 2 3
(3) The commission may make the order—	4
(a) on its own initiative; or	5
(b) on the application of—	6
(i) an organisation or federal organisation that represents, or is entitled to represent, the industrial interests of a person covered by the contract determination; or	7 8 9 10 11
(ii) a principal contractor covered by the contract determination; or	12 13
(c) on a review of the contract determination under section 406U.	14 15
406U Commission’s power to review contract determination	16 17
(1) The commission may review a contract determination—	18 19
(a) on its own initiative; or	20
(b) on the application of—	21
(i) a person the determination applies to; or	22 23
(ii) an organisation or federal organisation that represents, or is entitled to represent, a person the determination applies to.	24 25 26 27
(2) An application mentioned in subsection (1)(b) may include a request to vary a provision of the contract determination about remuneration or working conditions.	28 29 30 31

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Part 4	Negotiated agreements	1
Division 1	Preliminary	2
406V	What is a <i>negotiated agreement</i>	3
(1)	A <i>negotiated agreement</i> is a written agreement—	4
(a)	about the remuneration and working conditions of independent couriers engaged by a principal contractor in relation to a class of courier service contracts; and	5 6 7 8
(b)	that has been certified under division 3.	9
(2)	A negotiated agreement for a class of courier service contracts is made between—	10 11
(a)	a party or parties representing 1 or more principal contractors under the class of courier service contracts, as mentioned in subsection (3); and	12 13 14 15
(b)	a party or parties representing independent couriers engaged under the class of courier service contracts, as mentioned in subsection (4).	16 17 18 19
(3)	For subsection (2)(a), the party or parties are—	20
(a)	1 principal contractor; or	21
(b)	2 or more principal contractors, collectively taken to be 1 party to the negotiated agreement, who—	22 23 24
(i)	are related bodies corporate within the meaning of the Corporations Act; or	25 26
(ii)	are engaged in a joint venture or common enterprise; or	27 28
(iii)	undertake similar work; or	29

-
- (c) an employer organisation or federal organisation of employers that represents, or is entitled to represent, 1 or more principal contractors. 1
2
3
4
- (4) For subsection (2)(b), the party or parties are— 5
- (a) 1 or more employee organisations that represent, or are entitled to represent, the independent couriers who are, or are eligible to be, members of the organisation; or 6
7
8
9
- (b) a group of the independent couriers at the time the agreement is made, whether all or a category of the independent couriers, who are collectively taken to be 1 party to the negotiated agreement. 10
11
12
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Division 2 Negotiation process 15

406W Notice of intention to negotiate 16

- (1) This section applies if a person (the *proposer*) proposes to negotiate with a view to a negotiated agreement being made. 17
18
19
- (2) The proposer must give each other proposed party to the negotiations a written notice of the proposer's intention to start negotiating. 20
21
22
- (3) Without limiting subsection (2), a principal contractor who proposes to negotiate with a group of independent couriers must give the notice to each relevant employee organisation. 23
24
25
26
- (4) A *relevant employee organisation*, in relation to a proposed negotiated agreement, is each employee organisation or federal organisation of employees that— 27
28
29
30
- (a) is to be covered by the proposed agreement; 31
or 32

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- (b) is entitled to represent the industrial interests of independent couriers who are to be covered by the proposed agreement. 1
2
3
- (5) The notice must be given at least 14 days before the negotiations are proposed to start. 4
5
- (6) If an existing negotiated agreement applies to the parties, the notice must not be given more than 6 months before the nominal expiry date of the existing agreement. 6
7
8
9

406X Notice of intention to be party to negotiations 10

- (1) This section applies if— 11
 - (a) a person (the *proposer*) gives notice under section 406W of the proposer’s intention to start negotiating with a view to making negotiated agreement; and 12
13
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15
 - (b) a person who receives the notice wants to be a party to the negotiations. 16
17
- (2) The person must give written notice of the person’s intention to be a party to the negotiations to— 18
19
20
 - (a) the proposer; and 21
 - (b) the commission. 22
- (3) A notice under subsection (2) must be given within 21 days after the person receives the proposer’s notice under section 406W. 23
24
25
- (4) An agreement proposed to be a negotiated agreement may only be made during the period mentioned in subsection (3) if notice of intention to be a party to the negotiations has been given under subsection (2) by— 26
27
28
29
30
 - (a) each proposed party to the negotiations; and 31
 - (b) each relevant employee organisation for the proposed agreement. 32
33

406Y Proposed negotiated agreement to be given to independent couriers for approval	1 2
(1) This section applies if, during negotiations under this part, the negotiating parties propose to make a negotiated agreement.	3 4 5
(2) The principal contractor must take reasonable steps to ensure that, at least 14 days before the day the independent couriers who are to be covered by the proposed negotiated agreement are asked to approve the proposed agreement—	6 7 8 9 10
(a) each independent courier has, or has ready access to, a copy of the proposed agreement; and	11 12 13
(b) the terms of the proposed agreement are explained to each independent courier; and	14 15
(c) for an agreement with a group of independent couriers—each independent courier is informed that the independent courier may be represented in the negotiations by a relevant employee organisation.	16 17 18 19 20 21
(3) The principal contractor must not ask the independent couriers to approve the proposed negotiated agreement until 21 days after the later of the following—	22 23 24 25
(a) the day notice of intention to start the negotiations was given under section 406W;	26 27
(b) the day a scope order in relation to the proposed negotiated agreement came into effect.	28 29 30
(4) If an independent courier is represented in the negotiations by a relevant employee organisation, the principal contractor must give the organisation a reasonable opportunity to represent the independent courier in the negotiations before the proposed negotiated agreement is made.	31 32 33 34 35 36

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- (5) Subsection (4) stops applying if— 1
 - (a) the independent courier stops being 2
represented by the relevant employee 3
organisation; or 4
 - (b) the independent courier stops being an 5
independent courier who will be covered by 6
the proposed negotiated agreement. 7
- (6) If the proposed negotiated agreement is amended, 8
the steps in subsections (2) and (3) must be taken 9
again for the proposed agreement as amended. 10
- (7) However, subsection (6) does not apply if the 11
commission is satisfied the amendment was 12
only— 13
 - (a) for a formal or clerical reason; or 14
 - (b) in another way that does not adversely affect 15
an independent courier’s interests. 16

406Z Parties must negotiate in good faith 17

- (1) The negotiating parties must negotiate in good 18
faith. 19
- (2) Without limiting subsection (1), each party must 20
do the following things— 21
 - (a) attend and participate in negotiating 22
meetings; 23
 - (b) disclose relevant information, other than 24
confidential or commercially sensitive 25
information, in a timely way; 26
 - (c) genuinely consider proposals made by other 27
parties, respond in a timely way and give 28
reasons for the party’s response; 29
 - (d) not engage in capricious or unfair conduct 30
that undermines freedom of association or 31
the negotiating process. 32

-
- (3) Without limiting subsection (2)(b), the parties must obtain, and disclose as soon as practicable after the start of the negotiations, information relevant to the gender pay gap under the proposed negotiated agreement, including—
- (a) the distribution of the independent couriers by gender; and
 - (b) details of the gender pay gap; and
 - (c) any major factors identified as contributing to the gender pay gap; and
 - (d) if appropriate, the projected effect of the proposed negotiated agreement on the gender pay gap; and
 - (e) other information relevant to the gender pay gap reasonably requested by another party to the negotiations; and
 - (f) other information relevant to the gender pay gap prescribed by regulation.
- (4) For subsection (3), the *gender pay gap* under the proposed negotiated agreement is the difference between the average weekly full-time equivalent earnings of male independent couriers and female independent couriers covered by the proposed negotiated agreement.
- (5) Subject to subsections (1) and (2), the negotiating parties may make an agreement about procedures or principles for the conduct of the negotiations.
- 406ZA Conciliation and arbitration by commission**
- (1) A negotiating party may ask the commission to help the parties reach agreement.
 - (2) The commission has jurisdiction to—

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- (a) conciliate the matter to help the negotiating parties reach agreement on all matters or as many matters as possible; and 1
2
3
- (b) determine, by arbitration, matters in dispute following conciliation. 4
5
- (3) Chapter 4, part 3— 6
 - (a) is an applied provision for this section; and 7
Note— 8
See section 406ZZF about interpreting an applied provision. 9
10
 - (b) without limiting section 406ZZF, applies for this section as if the reference in section 180(3)(a) to a proposed bargaining instrument the subject of a part 5 application were a reference to the proposed negotiated agreement for the certification application. 11
12
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- (4) If the commission makes an arbitration determination under chapter 4, part 3, the determination is taken to be a negotiated agreement certified by the commission under division 3. 17
18
19
20
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406ZB Scope orders 22

- (1) A negotiating party may apply to the commission for an order providing for the matters mentioned in subsection (2) in relation to a proposed negotiated agreement (a *scope order*) if the negotiating party has concerns the proposed negotiated agreement— 23
24
25
26
27
28
 - (a) will not cover appropriate independent couriers; or 29
30
 - (b) will cover independent couriers whom it is inappropriate for the agreement to cover. 31
32
- (2) A scope order in relation to a proposed negotiated agreement must state— 33
34

(a) the principal contractor, or principal contractors, to be covered by the agreement; and	1 2 3
(b) the independent couriers to be covered by the agreement; and	4 5
(c) the organisations or federal organisations to be parties to the agreement.	6 7
(3) Chapter 4, part 4 (other than sections 184(1) and 186)—	8 9
(a) is an applied provision for this section; and	10
<i>Note—</i>	11
See section 406ZZF about interpreting an applied provision.	12 13
(b) without limiting section 406ZZF, applies for this section as if the application referred to in section 184(2) were the application under subsection (1).	14 15 16 17
Division 3	
Certifying negotiated agreements	18 19
Subdivision 1	
Making and hearing applications	20 21
406ZC Application for certification of negotiated agreement	22 23
(1) A party to an agreement proposed to be a negotiated agreement may apply to the commission to certify the agreement.	24 25 26
(2) The application must be made within 21 days after—	27 28

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- (a) the day the agreement is signed by or for all of the parties; or 1
2
- (b) the day the agreement was approved by the independent couriers who will be covered by the agreement as required under section 406ZH. 3
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406ZD Notice of hearing 7

- (1) The registrar must, at least 7 days before a certification application will be heard, place a notice in the registry stating details of— 8
9
10
 - (a) the names of the parties to the agreement proposed to be a negotiated agreement; and 11
12
 - (b) a relevant contract determination for the proposed negotiated agreement; and 13
14
 - (c) the hearing date. 15
- (2) A *relevant contract determination* for a proposed negotiated agreement is a contract determination that— 16
17
18
 - (a) regulates any working conditions of the independent couriers engaged in the same kind of work as the work performed by the independent couriers to be covered by the proposed agreement; and 19
20
21
22
23
 - (b) immediately before the day the proposed agreement is certified, covers a principal contractor who engages independent couriers mentioned in paragraph (a). 24
25
26
27

406ZE Entities that may be heard on application 28

- (1) The following are entitled to be heard on a certification application— 29
30
 - (a) a person who will be covered by the proposed negotiated agreement; 31
32

-
- (b) an organisation or federal organisation that will be a party to the proposed agreement. 1
2
- (2) Another organisation or federal organisation may be heard only with the leave of the commission. 3
4
- (3) The commission may give leave under subsection (2) only if the commission is satisfied there is a reasonable possibility that, if leave is not given, the commission will not be informed of an issue relevant to deciding the application. 5
6
7
8
9
- (4) This section does not affect another right of an organisation, federal organisation or another person to be heard on, or to intervene in, the application. 10
11
12
13

Subdivision 2 Deciding applications 14

406ZF Requirements for commission's decision 15

- (1) The commission must grant a certification application if— 16
17
- (a) each requirement under section 406ZG is satisfied for the application; and 18
19
- (b) the commission is not required to refuse to grant the application under section 406ZL, 406ZM or 406ZN. 20
21
22
- (2) If subsection (1) does not apply, the commission must refuse to grant the certification application. 23
24
- (3) Before refusing to grant the certification application, the commission must give persons who will be covered by the proposed negotiated agreement an opportunity to take action that may be necessary to enable the commission to grant the application. 25
26
27
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30
- (4) The commission may conciliate an industrial matter concerned with a view to helping the 31
32

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persons take the action necessary to enable the 1
commission to grant the application. 2

406ZG Requirements for granting application 3

- (1) The commission must be satisfied about the 4
following matters in relation to the proposed 5
negotiated agreement— 6
- (a) notice of intention to start negotiating the 7
agreement was given under section 406W; 8
 - (b) the principal contractor took the reasonable 9
steps required under section 406Y; 10
 - (c) the principal contractor did not coerce, or 11
attempt to coerce, an independent courier 12
not to be represented, or to stop being 13
represented, by a relevant employee 14
organisation as mentioned in section 15
406Y(2)(c); 16
 - (d) the agreement is agreed by parties as 17
required under section 406ZH; 18
 - (e) the agreement states— 19
 - (i) the parties to the agreement; and 20
 - (ii) for an agreement to which a group of 21
independent couriers is a party—the 22
name of each member of the group; 23
and 24
 - (iii) the class of courier service contracts to 25
which the agreement relates; and 26
 - (iv) a nominal expiry date that is no later 27
than 4 years after the day the 28
agreement will come into operation; 29
 - (f) the agreement passes the no-disadvantage 30
test under section 406ZI; 31
 - (g) the agreement passes the equal 32
remuneration test under section 406ZK; 33

-
- (h) subject to subsection (2), each relevant employee organisation is a party to the agreement; 1
2
3
- (i) if a scope order in relation to the agreement is in effect—the agreement is not inconsistent with the scope order; 4
5
6
- (j) the agreement is stated in plain English and its structure and content is easy to understand. 7
8
9
- (2) Subsection (1)(h) does not apply in relation to a relevant employee organisation if the commission is satisfied the organisation— 10
11
12
- (a) has been given the opportunity to be a party to the proposed negotiated agreement, but does not want to be a party; or 13
14
15
- (b) has no members who are to be covered by the proposed negotiated agreement. 16
17
- 406ZH Proposed negotiated agreement agreed by all parties** 18
19
- (1) An agreement that is proposed to be a negotiated agreement is agreed by all of the parties if— 20
21
- (a) the agreement is signed by or for all of the parties; or 22
23
- (b) the commission is satisfied all parties have agreed on the terms of the agreement and the agreement was approved by— 24
25
26
- (i) for an agreement to which a group of independent couriers is a party—at least 65% of the independent couriers who will be covered by the agreement in a secret ballot; or 27
28
29
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31
- (ii) otherwise—a valid majority of the independent couriers who will be 32
33

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covered by the agreement in a properly conducted ballot.	1 2
(2) In deciding whether all parties have agreed on the terms of the agreement, the commission may consider—	3 4 5
(a) whether the parties negotiated in good faith as required under section 406Z; and	6 7
(b) any other evidence supporting or not supporting the alleged agreement.	8 9
406ZI No-disadvantage test	10
(1) The commission must be satisfied the proposed negotiated agreement does not disadvantage independent couriers in relation to their working conditions.	11 12 13 14
(2) The agreement disadvantages independent couriers only if the commission considers the agreement would result in—	15 16 17
(a) a reduction in the independent couriers' entitlements and protections under—	18 19
(i) a relevant contract determination; or	20
(ii) a contract determination decided by the commission under section 406ZJ(3) for the proposed agreement; or	21 22 23
(b) remuneration and working conditions that—	24
(i) are not fair and just; or	25
(ii) are less favourable than the remuneration and working conditions an employee would receive under an industrial instrument or this Act for performing similar work.	26 27 28 29 30

Note—

- See section 406F for the matters the commission must consider in exercising its powers under this chapter in relation to a contract instrument.
- (3) Subsection (2) does not apply if the commission considers that, in the context of the remuneration and working conditions as a whole, the reduction or less favourable conditions are not against the public interest.
- (4) If the president considers exceptional circumstances exist, the president may require the registrar to give the commission a report comparing the proposed negotiated agreement with—
- (a) a relevant contract determination; or
 - (b) a contract determination decided by the commission under section 406ZJ(3) for the proposed agreement; or
 - (c) the remuneration and working conditions an employee would receive under an industrial instrument or this Act for performing similar work.

406ZJ Deciding relevant contract determination

- (1) This section applies if—
- (a) a principal contractor, organisation or federal organisation proposes to make a negotiated agreement; and
 - (b) there is no relevant contract determination for some or all of the independent couriers to whom the agreement will apply.
- (2) The principal contractor, organisation or federal organisation must apply to the commission for a decision under subsection (3).
- (3) On application, the commission must decide that

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a contract determination that regulates the remuneration and working conditions of independent couriers engaged in similar work as the independent couriers under the proposed agreement is appropriate for deciding whether the agreement passes the no-disadvantage test under section 406ZI.

406ZK Equal remuneration test

The commission must be satisfied, in relation to the independent couriers to be covered by the agreement—

- (a) a proposed negotiated agreement provides for equal remuneration for work of equal or comparable value; and
- (b) a principal contractor to whom the proposed negotiated agreement applies has implemented, is implementing or, if the agreement is certified, will implement equal remuneration for work of equal or comparable value.

406ZL Refusal to grant application—generally

- (1) The commission must refuse to grant a certification application for an agreement proposed to be a negotiated agreement if the commission considers—
 - (a) a provision of the agreement—
 - (i) is inconsistent with an equal remuneration order; or
 - (ii) seeks to prohibit or restrict an application being made for an equal remuneration order; or
 - (b) a provision of the agreement is an objectionable term; or

-
- (c) a provision of the agreement is discriminatory. 1
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- (2) For subsection (1)(c), a provision of the agreement is not discriminatory only because it provides for minimum remuneration for— 3
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- (a) all independent couriers under 21 years; or 6
- (b) all independent couriers with disability; or 7
- (c) a class of independent couriers mentioned in paragraph (a) or (b). 8
9
- (3) The commission has jurisdiction to make an equal remuneration order in relation to the agreement. 10
11
- (4) Chapter 5, part 3 and chapter 8, part 1 are applied provisions for this section. 12
13
- Note—* 14
- See section 406ZZF about interpreting an applied provision. 15
16
- (5) In this section— 17
- equal remuneration order*** means an order made under chapter 5, part 3. 18
19
- objectionable term*** means a term that permits, or has the effect of permitting, or purports to permit or have the effect of permitting— 20
21
22
- (a) a contravention of chapter 8, part 1; or 23
- (b) the payment of a bargaining services fee within the meaning of section 298. 24
25
- permit*** includes require. 26

406ZM Refusal to grant application—contravention of industrial action provision 27
28

- (1) The commission must refuse to grant a certification application if the commission is satisfied that, in connection with negotiations for the proposed negotiated agreement— 29
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- (a) the principal contractor has contravened an industrial activity provision; or 1
2
- (b) the principal contractor has caused an entity to engage in conduct that, had the principal contractor engaged in the conduct, would be a contravention by the principal contractor of an industrial activity provision; or 3
4
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- (c) an entity has, for the principal contractor, engaged in conduct mentioned in paragraph (b) or caused another entity to engage in the conduct. 8
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10
11
- (2) Subsection (1) does not apply if the commission is satisfied the contravention or conduct, and its effects, have been fully remedied. 12
13
14
- (3) Chapter 8, part 1, division 4 is an applied provision for this section. 15
16
- Note—* 17
- See section 406ZZF about interpreting an applied provision. 18
19
- (4) In this section— 20
- industrial activity provision* means a provision of chapter 8, part 1, division 4. 21
22
- 406ZN Refusal to grant application—*independent couriers covered by proposed negotiated agreement*** 23
24
25
- (1) The commission must refuse to grant a certification application for an agreement proposed to be a negotiated agreement if— 26
27
28
- (a) the agreement applies only to a group or category of independent couriers engaged by a principal contractor; and 29
30
31
- (b) the commission considers— 32

-
- (i) the agreement defines the group or category in a way that results in other independent couriers not being covered by the proposed negotiated agreement; and
 - (ii) it would be reasonable for the other independent couriers to be covered by the proposed negotiated agreement; and
 - (iii) it is unfair that the other independent couriers are not covered by the proposed negotiated agreement.
- (2) For subsection (1)(b)(ii), in deciding whether it would be reasonable for the other independent couriers to be covered by the proposed negotiated agreement, the commission must consider—
- (a) the nature of the work performed by the other independent couriers; and
 - (b) the geographical, organisational and operational relationship between the group or category and the other independent couriers.

Subdivision 3 Other provisions 23

406ZO Provisions for preventing and settling disputes 24 25

The procedures for preventing and settling disputes contained in a negotiated agreement may, with the commission's approval, authorise the commission to settle a dispute. 26
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28
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406ZP Publication of negotiated agreements 30

- (1) As soon as practicable after granting a 31

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certification application for a proposed negotiated agreement, the commission must give the registrar—	1 2 3
(a) a copy of the negotiated agreement certified by the commission; and	4 5
(b) written reasons for the certification.	6
(2) As soon as practicable after the registrar receives a copy of the negotiated agreement, the registrar must—	7 8 9
(a) give notice of certification of the agreement to the parties; and	10 11
(b) ensure a copy of the agreement is published on the QIRC website.	12 13
406ZQ When negotiated agreements operate	14
A negotiated agreement—	15
(a) starts operating when it is certified; and	16
(b) continues to operate until it is terminated under section 406ZS or 406ZT.	17 18
Division 4	19
Amending and terminating negotiated agreements	20
406ZR Amendment on application	21
(1) An application to amend a negotiated agreement may be made by—	22 23
(a) if the agreement applies to 1 or more relevant employee organisations—the principal contractor and each relevant employee organisation the agreement applies to; or	24 25 26 27 28

-
- (b) if the amendment amends the parties to the agreement—the person who wants to become a party to the agreement; or
- (c) otherwise—the principal contractor.
- (2) The commission must approve the amendment if, and must not approve the amendment unless, satisfied—
- (a) the amendment is approved as required under subsection (3) or (4); and
- (b) the commission would be required to certify the negotiated agreement as amended if it were an agreement for which a certification application were made.
- (3) An amendment that amends the parties to the agreement must be approved by—
- (a) the principal contractor; and
- (b) either—
- (i) for a negotiated agreement that applies to a relevant employee organisation—the relevant employee organisation; or
- (ii) for a negotiated agreement to which a group of independent couriers is a party—at least 65% of the independent couriers covered by the agreement in a secret ballot.
- (4) Any other amendment must be approved by—
- (a) for an agreement to which a group of independent couriers is a party—at least 65% of the independent couriers covered by the agreement in a secret ballot; or
- (b) otherwise—a valid majority of the independent couriers covered by the agreement in a properly conducted ballot.

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- (5) In applying subsection (2)(b)—
 - (a) the requirement in section 406ZG(1)(d) about the agreement being agreed by all of the parties is taken to be satisfied; and
 - (b) section 406ZF(3) and (4) is to be disregarded.
- (6) The amendment takes effect when the commission's approval takes effect.

406ZS Termination on or before nominal expiry date

- (1) On or before the nominal expiry date of a negotiated agreement, all of the parties to which the agreement applies may apply to the commission to terminate the agreement.
- (2) The commission must approve the termination if, and must not approve the termination unless, satisfied the termination is approved by—
 - (a) for a negotiated agreement to which a group of independent couriers is a party—at least 65% of the independent couriers covered by the agreement in a secret ballot; or
 - (b) otherwise—a valid majority of the independent couriers covered by the agreement in a properly conducted ballot.
- (3) The termination takes effect when the commission's approval takes effect.

406ZT Termination after nominal expiry date

- (1) After the nominal expiry date of a negotiated agreement, the following persons may apply to the commission to terminate the agreement—
 - (a) the principal contractor;

-
- (b) an employer organisation or federal organisation of employers the agreement applies to, if the organisation or federal organisation has at least 1 member who is a principal contractor;
- (c) for a negotiated agreement to which a group of independent couriers is a party—at least 65% of the independent couriers covered by the agreement in a secret ballot;
- (d) if paragraph (c) does not apply—a valid majority of the independent couriers covered by the agreement in a properly conducted ballot;
- (e) a relevant employee organisation the agreement applies to, if the organisation has at least 1 member who is an independent courier.
- (2) The person who intends to apply to terminate the negotiated agreement must give all of the other persons the agreement applies to notice of the intention at least 3 months before making the application.
- (3) The commission must approve the termination if, and must refuse to approve the termination unless, satisfied subsection (2) has been complied with and either—
- (a) for an agreement that provides that it may be terminated if particular conditions are met—the conditions have been met; or
- (b) for another agreement—
- (i) the other parties to the agreement agree to it being terminated; or
- (ii) termination of the agreement is not contrary to the public interest.
- (4) The termination takes effect when the

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commissioner's approval takes effect. 1

Part 5 Individual courier service contracts 2
3

Division 1 Amending or voiding courier service contracts 4
5

406ZU What is an *unfair contract* 6

- (1) A courier service contract is an *unfair contract* if the contract— 7
8
- (a) is harsh, unconscionable or unfair; or 9
 - (b) is against the public interest; or 10
 - (c) provides, or has provided, a total remuneration for performing the work stated in the contract less than that which— 11
12
13
 - (i) a person performing the work an independent courier would receive under a contract instrument; or 14
15
16
 - (ii) an employee performing the work would receive under an industrial instrument or this Act; or 17
18
19
 - (d) is designed to, or does, avoid the provisions of a contract instrument. 20
21
- (2) However, a courier service contract is not an *unfair contract* under subsection (1)(c) if the commissioner considers that, in the context of the remuneration and working conditions provided for by the contract as a whole, the reduction in remuneration is not against the public interest. 22
23
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406ZV Power to amend or declare void unfair courier service contracts	1 2
(1) On application by an entity under section 406ZW, the commission may amend or declare void (wholly or partly) a courier service contract to the extent the commission considers—	3 4 5 6
(a) the contract is inconsistent with a contract instrument; or	7 8
(b) the contract is an unfair contract.	9
(2) In deciding whether to amend or declare void the courier service contract, or part of the courier service contract, the commission may consider—	10 11 12
(a) the relative bargaining power of—	13
(i) the parties to the contract; and	14
(ii) if applicable, a person acting for the parties; or	15 16
(b) whether any undue influence or pressure was exerted on, or any unfair tactics were used against, a party to the contract; or	17 18 19
(c) a contract instrument; or	20
(d) an industrial instrument, a federal industrial instrument or this Act; or	21 22
(e) anything else the commission considers relevant.	23 24
(3) The commission may consider the courier service contract to be an unfair contract if it considers the contract—	25 26 27
(a) was an unfair contract when it was entered into; or	28 29
(b) became an unfair contract after it was entered into because of the conduct of the parties or an amendment of the contract, or	30 31 32

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for another reason the commission considers sufficient.	1 2
(4) The commission may make an order it considers appropriate about payment of an amount for a courier service contract amended or declared void.	3 4 5 6
406ZW Who may apply for amendment or declaration	7 8
An application to amend or declare void a courier service contract under section 406ZV may be made by—	9 10 11
(a) a party to the contract; or	12
(b) for the independent courier—an inspector; or	13 14
(c) for a party to the contract who is, or has applied to become, a member of an organisation or federal organisation—the organisation or federal organisation acting with the party’s written consent.	15 16 17 18 19
Division 2 Unfair termination of courier service contracts	20 21
406ZX When is courier service contract <i>unfairly terminated</i>	22 23
A courier service contract is <i>unfairly terminated</i> if termination of the contract is harsh, unjust or unreasonable.	24 25 26
406ZY Unfair termination of courier service contract	27 28
(1) This section applies if it is claimed that an	29

independent courier's courier service contract with a principal contractor was unfairly terminated by the principal contractor.	1 2 3
(2) An application (an <i>unfair termination application</i>) for reinstatement or compensation may be made to the commission by—	4 5 6
(a) the independent courier; or	7
(b) with the independent courier's consent, an organisation or federal organisation that is entitled to represent the industrial interests of the independent courier.	8 9 10 11
(3) The application must be made within—	12
(a) 21 days after the day the termination takes effect; or	13 14
(b) if the commission allows a further period on an application made at any time—the further period.	15 16 17
(4) The commission must deal with the application as quickly as possible.	18 19
406ZZ Conciliation before application heard	20
(1) The commission must hold a conference to attempt to settle an unfair termination application by conciliation before it hears the application.	21 22 23
(2) Section 318 is an applied provision for this section.	24 25
<i>Note—</i>	26
See section 406ZZF about interpreting an applied provision.	27 28
406ZZA Arbitration when conciliation unsuccessful	29 30
(1) If the commission considers all reasonable steps to settle an application by conciliation have been	31 32

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- made, but have been unsuccessful, the
commission may hear and decide the application
by—
- (a) making an order under section 406ZZB or
406ZZC; or
 - (b) dismissing the application.
- (2) In deciding whether termination of the courier
service contract was harsh, unjust or
unreasonable, the commission must consider the
following matters—
- (a) how long the independent courier provided
services transporting goods for the principal
contractor under the contract or otherwise;
 - (b) whether the independent courier was
notified of the reasons for termination;
 - (c) whether the termination related to—
 - (i) the operational requirements of the
principal contractor's business or
service; or
 - (ii) the independent courier's conduct,
capacity or performance;
 - (d) if the termination relates to the independent
courier's conduct, capacity or
performance—
 - (i) whether the independent courier had
been warned about the conduct,
capacity or performance; or
 - (ii) whether the independent courier was
given an opportunity to respond to the
claim about the conduct, capacity or
performance;
 - (e) any other matters the commission considers
relevant.

406ZZB Remedies—reinstatement of courier service contract	1 2
(1) This section applies if the commission considers an independent courier’s courier service contract was unfairly terminated by the principal contractor.	3 4 5 6
(2) The commission may order the principal contractor to reinstate the courier service contract for the independent courier on conditions at least as favourable as the conditions of the terminated courier service contract, immediately before it was terminated.	7 8 9 10 11 12
(3) Reinstatement of the courier service contract includes re-engagement under a new courier service contract.	13 14 15
(4) The commission may also make an order it considers appropriate about—	16 17
(a) payment of an amount for—	18
(i) the termination; and	19
(ii) the period between the termination and reinstatement under subsection (2); or	20 21
(b) a period after the termination of the courier service contract to be treated as a period of engagement under relevant courier service contracts.	22 23 24 25
(5) This section does not limit the commission’s power to make an interim or interlocutory order.	26 27
406ZZC Remedies—compensation	28
(1) If, and only if, the commission considers reinstatement under section 406ZZB would be impracticable, the commission may order the principal contractor to pay the independent courier an amount of compensation decided by the commission.	29 30 31 32 33 34

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- (2) The commission must not award an amount of compensation that is more than the amount of remuneration paid to the independent courier during the 6 months immediately before the termination of the contract. 1
2
3
4
5
- (3) The commission must take into account any amount paid to the independent courier by the principal contractor on termination of the courier service contract. 6
7
8
9
- (4) This section does not limit the commission's power to make an interim or interlocutory order. 10
11

406ZZD Further orders if principal contractor fails to reinstate 12
13

- (1) If a principal contractor wilfully contravenes an order to reinstate a courier service contract for an independent courier, the commission may— 14
15
16
 - (a) further order the principal contractor to pay the independent courier— 17
18
 - (i) an amount of not more than the monetary value of 50 penalty units; and 19
20
 - (ii) an amount for lost remuneration; and 21
 - (b) make further orders until the principal contractor complies with an order under section 406ZZB or this section. 22
23
24
- (2) This section does not affect another provision of this Act allowing proceedings to be taken against the principal contractor. 25
26
27

Part 6 General provisions 28

406ZZE Dispute resolution 29

- (1) This section applies in relation to a dispute that— 30

-
- (a) exists between— 1
- (i) a principal contractor, employer 2
organisation or federal organisation of 3
employers; and 4
 - (ii) an independent courier, employee 5
organisation or federal organisation of 6
employees; and 7
- (b) is about— 8
- (i) the interpretation or enforcement of a 9
contract instrument, unless this Act 10
otherwise provides; or 11
 - (ii) another matter that would be an 12
industrial dispute if the principal 13
contractor were an employer and the 14
independent courier were an employee. 15
- (2) Chapter 6— 16
- (a) is an applied provision for the dispute; and 17
- Note—* 18
- See section 406ZZF about interpreting an applied 19
provision. 20
- (b) without limiting section 406ZZF, applies for 21
the dispute as if a reference to an industrial 22
dispute were a reference to the dispute. 23

406ZZF Interpretation of applied provisions 24

- (1) An applied provision applies for a provision of 25
this chapter, or a stated purpose, as if a reference 26
in the applied provision to a term stated in column 27
1 of the table below were a reference to the term 28
stated opposite in column 2— 29

Column 1	Column 2
an employer	a principal contractor

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Column 1	Column 2
an employee	an independent courier
a modern award	a contract determination
a certified agreement or bargaining instrument	a negotiated agreement
a proposed certified agreement or proposed bargaining instrument	a proposed negotiated agreement
an industrial instrument	a contract instrument
a negotiating party for a proposed certified agreement or proposed bargaining instrument	a negotiating party under section 406A for a proposed negotiated agreement
an employer organisation that is, or is to be, a party to an industrial instrument	an employer organisation or federal organisation of employers that is, or is to be, a party to a contract instrument
an employee organisation that is, or is to be, a party to an industrial instrument	an employee organisation or federal organisation of employees that is, or is to be, a party to a contract instrument

- (2) For a provision of this chapter that relates to a negotiated agreement or a proposed negotiated agreement, the applied provision applies as if—
- (a) there were a peace obligation period for the negotiations and the period had ended; and
 - (b) a reference to the requirement under section 173 to negotiate in good faith were a reference to the requirement to negotiate in good faith under section 406Z; and
 - (c) a reference to the proposed bargaining instrument being certified or made by the commission under chapter 4, part 5 were a reference to the proposed negotiated

	agreement being certified under part 4, division 3.	1 2
(3)	For a provision of this chapter that relates to work of equal or comparable value, the applied provision applies as if a reference to remuneration included the fees, allowances and other amounts payable, or other benefits made available, to an independent courier under a courier service contract.	3 4 5 6 7 8 9
(4)	Without limiting subsection (1), (2) or (3)—	10
(a)	a reference in an applied provision to another provision that applies for this chapter is a reference to the other provision as it applies for this chapter; and	11 12 13 14
(b)	an applied provision also applies with other necessary changes.	15 16
Clause 67	Amendment of s 595 (Definitions for chapter)	17
	Section 595, definitions <i>Commonwealth Registered Organisations Act</i> and <i>federal organisation— omit.</i>	18 19 20
Clause 68	Amendment of sch 3 (Civil penalties)	21
	Schedule 3— <i>insert—</i>	22 23
Chapter 10A—Independent couriers		
s 406G(1) (Contravening contract instrument)	(a) an independent courier to whom the contract instrument applies	the commission penalty units 27

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- (b) an employee organisation or federal organisation of employees of which an independent courier mentioned in paragraph (a) is a member
- (c) an inspector

Clause 69	Amendment of sch 5 (Dictionary)	1
(1)	Schedule 5, definitions <i>Commonwealth Registered Organisations Act</i> , covers, <i>federal organisation</i> , <i>negotiating party</i> , <i>relevant employee organisation</i> , <i>scope order</i> and <i>valid majority</i> —	2
	<i>omit.</i>	3
(2)	Schedule 5—	4
	<i>insert</i> —	5
	<i>applied provision</i> , for chapter 10A, see section 406A.	6
	<i>certification application</i> , for chapter 10A, see section 406A.	7
	<i>Commonwealth Registered Organisations Act</i> means the <i>Fair Work (Registered Organisations) Act 2009</i> (Cwlth).	8
	<i>contract</i> , for chapter 10A, see section 406A.	9
	<i>contract determination</i> , for chapter 10A, see section 406N(1)(a).	10
	<i>contract instrument</i> , for chapter 10A, see section 406A.	11
	<i>courier service contract</i> , for chapter 10A, see	12
		13
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section 406D.	1
<i>courier vehicle</i> , for chapter 10A, see section 406A.	2 3
<i>covers</i> —	4
(a) in relation to a bargaining instrument, see section 221; or	5 6
(b) in relation to a contract instrument, for chapter 10A, see section 406I.	7 8
<i>federal organisation</i> means an organisation under the Commonwealth Registered Organisations Act.	9 10 11
<i>independent courier</i> , for chapter 10A, see section 406B.	12 13
<i>negotiated agreement</i> , for chapter 10A, see section 406V(1).	14 15
<i>negotiating party</i> —	16
(a) for chapter 4, see section 168; or	17
(b) in relation to negotiations under chapter 10A, part 4 with a view to a negotiated agreement being made, for chapter 10A, see section 406A.	18 19 20 21
<i>principal contractor</i> , for chapter 10A, see section 406C.	22 23
<i>proposed negotiated agreement</i> , for chapter 10A, see section 406A.	24 25
<i>relevant contract determination</i> , in relation to a proposed negotiated agreement, for chapter 10A, see section 406ZD(2).	26 27 28
<i>relevant employee organisation</i> —	29
(a) for chapter 4, see section 168; or	30
(b) for chapter 10A, see section 406A.	31
<i>scope order</i> —	32

190 Interim orders protecting complainant's interests (tribunal)	1 2
(1) This section applies if a complaint has been referred to, but not yet determined by, the tribunal.	3 4 5
(2) The complainant may apply to the tribunal for an order prohibiting a person from doing an act that might prejudice an order the tribunal might make after a hearing.	6 7 8 9
(3) A party may apply to the tribunal for an order varying or revoking an order made under subsection (2).	10 11 12
(4) This section does not limit the tribunal's powers under the relevant tribunal Act.	13 14
Clause 72 Insertion of new ch 11, pt 7	15
Chapter 11—	16
<i>insert—</i>	17
Part 7 Transitional provision for Industrial Relations and Other Legislation Amendment Act 2022	18 19 20 21
279 Application of s 190 to existing complaints	22
Section 190 applies for a complaint mentioned in that section, regardless of whether the complaint was made, or referred to the tribunal, before or after the commencement.	23 24 25 26

[s 73]

Division 2	Amendment of Associations Incorporation Act 1981	1 2
Clause 73	Act amended	3
	This division amends the <i>Associations Incorporation Act 1981</i> .	4 5
Clause 74	Amendment of s 5 (Eligibility for incorporation)	6
	Section 5(1)(b)(iii), from ‘that is’ to ‘that Act’— <i>omit.</i>	7 8
Clause 75	Amendment of s 9 (Application for incorporation)	9
	Section 9(3)— <i>insert—</i>	10 11
	(c) include a statutory declaration by the appointed person stating whether the association has an industrial purpose.	12 13 14
Clause 76	Insertion of new s 10A	15
	After section 10— <i>insert—</i>	16 17
	10A Chief executive must advise industrial registrar about particular applications	18 19
	(1) This section applies in relation to an association’s application for incorporation if—	20 21
	(a) the application states that the association has an industrial purpose; or	22 23
	(b) the chief executive is otherwise satisfied the association has an industrial purpose.	24 25
	(2) The chief executive must—	26

	(a) give a copy of the application to the industrial registrar; and	1 2
	(b) give the applicant written notice stating—	3
	(i) a copy of the application has been given to the industrial registrar under this section; and	4 5 6
	(ii) that the chief executive will be required to refuse the application if the industrial registrar gives a notice under the <i>Industrial Relations Act 2016</i> , section 578K stating that the objection ground is established for the application.	7 8 9 10 11 12 13
	(3) The chief executive must not decide the application under section 12 before the industrial registrar has given the chief executive a notice about the application under the <i>Industrial Relations Act 2016</i> , section 578F, 578K or 578L.	14 15 16 17 18
Clause 77	Amendment of s 12 (Chief executive to make decision about application)	19 20
	Section 12—	21
	<i>insert—</i>	22
	(3) However, the chief executive must refuse the application if the industrial registrar gives the chief executive a notice under the <i>Industrial Relations Act 2016</i> , section 578K stating that the objection ground is established for the application.	23 24 25 26 27 28
Clause 78	Amendment of s 48 (Application to register amendment of rules)	29 30
	(1) Section 48(6)(b), from ‘stating’—	31
	<i>omit, insert—</i>	32

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	stating—	1
	(i) the amendment complies with this Act; and	2
	(ii) whether the effect of the amendment is to give the incorporated association an industrial purpose.	3 4 5
(2)	Section 48—	6
	<i>insert</i> —	7
	(8A) However, the chief executive must refuse the application if the industrial registrar gives the chief executive a notice under the <i>Industrial Relations Act 2016</i> , section 578K stating that the objection ground is established for the application.	8 9 10 11 12 13
(3)	Section 48(8A) to (11)—	14
	<i>renumber</i> as section 48(9) to (12).	15
Clause 79	Insertion of new s 48A	16
	After section 48—	17
	<i>insert</i> —	18
	48A Chief executive must advise industrial registrar about particular applications	19 20
	(1) This section applies if an incorporated association applies to the chief executive for registration of an amendment of its rules and either—	21 22 23
	(a) the application states that the amendment of the association’s rules gives the association an industrial purpose; or	24 25 26
	(b) the chief executive is otherwise satisfied the effect of the amendment of the association’s rules is to give the association an industrial purpose.	27 28 29 30
	(2) The chief executive must—	31

	(a) give a copy of the application to the industrial registrar; and	1 2
	(b) give the applicant written notice stating—	3
	(i) a copy of the application has been given to the industrial registrar under this section; and	4 5 6
	(ii) that the chief executive will be required to refuse the application if the industrial registrar gives the chief executive a notice under the <i>Industrial Relations Act 2016</i> , section 578K stating that the objection ground is established for the application.	7 8 9 10 11 12 13
	(3) The chief executive must not decide the application under section 48(8) before the industrial registrar gives the chief executive a notice about the application under the <i>Industrial Relations Act 2016</i> , section 578F, 578K or 578L.	14 15 16 17 18
Clause 80	Amendment of s 93 (Cancellation of incorporation by chief executive)	19 20
	Section 93, heading, after ‘executive’—	21
	<i>insert—</i>	22
	—generally	23
Clause 81	Insertion of new s 93B	24
	After section 93A—	25
	<i>insert—</i>	26
	93B Cancellation of incorporation by chief executive—adverse order or industrial penalty	27 28
	(1) This section applies if the industrial registrar gives the chief executive notice that an adverse order has been made, or an industrial penalty has	29 30 31

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	been imposed, against an incorporated association or an officer or member of an incorporated association.	1 2 3
(2)	The chief executive must cancel the incorporation of the incorporated association.	4 5
(3)	The chief executive must give a written notice about the cancellation to—	6 7
	(a) a person who is last known to the chief executive as the secretary or another officer of the incorporated association before the cancellation; and	8 9 10 11
	(b) the industrial registrar.	12
(4)	A notice under subsection (3) must state—	13
	(a) the reason for the cancellation; and	14
	(b) for the notice given to the industrial registrar—the name of each person who was known to the chief executive as an officer of the incorporated association immediately before the incorporation was cancelled.	15 16 17 18 19
(5)	In this section—	20
	<i>adverse order</i> means an order under the <i>Industrial Relations Act 2016</i> , section 293A, 483B or 483D.	21 22
	<i>industrial penalty</i> means a penalty, including a civil penalty, under the <i>Industrial Relations Act 2016</i> .	23 24 25
Clause 82	Amendment of s 94 (Vesting of property on cancellation)	26
	Section 94, ‘pursuant to section 93’—	27
	<i>omit, insert</i> —	28
	under section 93 or 93B	29

Clause 83	Amendment of s 94A (Definitions for part)	1
	Section 94A, definitions <i>deregistered association</i> and <i>deregistration</i> , paragraph (c), ‘section 92C or 93’—	2
	<i>omit, insert—</i>	3
	section 92C, 93 or 93B	4
Clause 84	Amendment of s 109 (Affected person may apply for review)	6
	(1) Section 109(1), ‘, other than under section 106K,’—	7
	<i>omit.</i>	8
	(2) Section 109—	9
	<i>insert—</i>	10
	(1A) However, subsection (1) does not apply to a decision under section 10A(1)(b), 12(3), 48(9), 48A(1)(b), 93B(2) or 106K.	11
	(3) Section 109(1A) and (2)—	12
	<i>renumber</i> as section 109(2) and (3).	13
Clause 85	Insertion of new pt 18, div 5	14
	Part 18—	15
	<i>insert—</i>	16
	Division 5	17
	Transitional provision for Industrial Relations and Other Legislation Amendment Act 2022	18
		19
		20
		21
		22
		23
	163 Existing applications related to industrial purpose	24
	(1) This section applies if—	25
		26

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	(a) an application under section 9 or 48 was made, but not decided, before the commencement; and	1 2 3
	(b) on the commencement, the application is an application to which section 10A or 48A applies.	4 5 6
	(2) This Act, as in force from the commencement, applies for deciding the application.	7 8
	(3) Without limiting subsection (2), the chief executive may, by notice, require the applicant to give the chief executive a statutory declaration mentioned in section 9(3)(c) or 48(6)(b)(ii).	9 10 11 12
Clause 86	Amendment of sch 2 (Dictionary)	13
	Schedule 2—	14
	<i>insert—</i>	15
	<i>industrial purpose</i> means a purpose of furthering, protecting or representing the industrial interests of the members of an industrial association or other persons.	16 17 18 19
	<i>industrial registrar</i> means the registrar under the <i>Industrial Relations Act 2016</i> .	20 21
	<i>objection ground</i> see the <i>Industrial Relations Act 2016</i> , section 578D.	22 23
Division 3	Amendment of Associations Incorporation Regulation 1999	24 25
Clause 87	Regulation amended	26
	This division amends the <i>Associations Incorporation Regulation 1999</i> .	27 28

Clause 88	Amendment of s 3 (General references)	1
	Section 3(1)(i)—	2
	<i>insert—</i>	3
	(iv) the name of an organisation under the	4
	<i>Industrial Relations Act 2016</i> ;	5
Division 4	Amendment of Public Trustee Act 1978	6
		7
Clause 89	Act amended	8
	This division amends the <i>Public Trustee Act 1978</i> .	9
Clause 90	Amendment of s 6 (Definitions)	10
	Section 6—	11
	<i>insert—</i>	12
	<i>employer</i> , in relation to an amount of unpaid wages, for part 8, division 1, see section 98.	13
		14
	<i>former employee</i> , for part 8, division 1, see section 98.	15
		16
	<i>unpaid wages</i> , for part 8, division 1, see section 98B.	17
		18
Clause 91	Amendment of s 98 (Definitions)	19
	(1) Section 98—	20
	<i>insert—</i>	21
	<i>employer</i> , in relation to an amount of unpaid wages—	22
		23
	(a) has the meaning given by the <i>Industrial Relations Act 2016</i> , section 7; or	24
		25

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	(b) if the unpaid wages relate to contracted work within the meaning of the <i>Industrial Relations Act 2016</i> , section 355—has the meaning given by the <i>Industrial Relations Act 2016</i> , section 355.	1 2 3 4 5
	<i>former employee</i> , in relation to an amount of unpaid wages, means a former employee of an employer within the meaning of the <i>Industrial Relations Act 2016</i> , section 8.	6 7 8 9
	<i>unpaid wages</i> see section 98B.	10
(2)	Section 98, definition <i>unclaimed moneys</i> — <i>insert</i> —	11 12
	(d) an amount of unpaid wages.	13
Clause 92	Insertion of new s 98B	14
	After section 98A— <i>insert</i> —	15 16
	98B Meaning of <i>unpaid wages</i>	17
	<i>Unpaid wages</i> are wages payable by an employer to a former employee that are required to be, or have been, paid to the public trustee under the <i>Industrial Relations Act 2016</i> , section 375 or 1099.	18 19 20 21 22
Clause 93	Amendment of s 99A (Public trustee’s register of unclaimed moneys)	23 24
(1)	Section 99A(1), after ‘this division’— <i>insert</i> —	25 26
	or the <i>Industrial Relations Act 2016</i> , section 375	27
(2)	Section 99A(2)— <i>insert</i> —	28 29

	(ca) if the moneys are an amount of unpaid wages—	1 2
	(i) the name of the employer who paid the amount to the public trustee; and	3 4
	(ii) the following particulars about the former employee to whom the amount was payable—	5 6 7
	(A) name;	8
	(B) date of birth;	9
	(C) last known address;	10
(3)	Section 99A(2)(ca) and (d)—	11
	<i>renumber</i> as section 99A(2)(d) and (e).	12
Clause 94	Amendment of s 102 (Unclaimed moneys to be paid to public trustee by accountable person)	13 14
(1)	Section 102(1) and (2), after ‘superannuation benefits’—	15
	<i>insert</i> —	16
	or unpaid wages	17
(2)	Section 102(1)—	18
	<i>insert</i> —	19
	<i>Note</i> —	20
	See also the <i>Industrial Relations Act 2016</i> , sections 375 and 1099 in relation to the obligation of an employer to pay unpaid wages to the public trustee.	21 22 23

Schedule 1	Other amendments	1
	section 3	2
1	Section 20, heading and (4), definition <i>relevant contract</i>, ‘service’—	3 4
	<i>omit, insert—</i>	5
	employment	6
2	Section 56(2)(a)(ii), note 1, ‘(maternity leave)’—	7
	<i>omit.</i>	8
3	Section 56(2)(a)(ii), note 1, ‘birth of her child’—	9
	<i>omit, insert—</i>	10
	child’s birth	11
4	Section 56(2)(b), ‘with whom an adopted child is placed’—	12 13
	<i>omit, insert—</i>	14
	who adopts a child	15
5	Section 56(2)(b), note, ‘placement’—	16
	<i>omit, insert—</i>	17
	adoption	18
6	Section 60(2)(c), ‘placement of an adopted child with the employee’—	19 20
	<i>omit, insert—</i>	21
	adoption of the child	22

7	Section 65(2)(a), from ‘of placement’—	1
	<i>omit, insert—</i>	2
	of adoption (the <i>expected adoption date</i>); and	3
8	Section 65(2)(b) and (3)(a), ‘placement’—	4
	<i>omit, insert—</i>	5
	adoption	6
9	Sections 79(4), definition <i>other paid leave</i>, paragraph (c), 90(2)(b)(iii) and 124(3), ‘an employment contract’—	7
	<i>omit, insert—</i>	8
	a contract of employment	10
10	Sections 103(3), 124(2)(c) and 134(6)(a), ‘employment contract’—	11
	<i>omit, insert—</i>	12
	contract of employment	13
11	Section 103(2)(c) and schedule 5, definition <i>strike</i>, paragraph 1(a)(i), ‘employment contracts’—	14
	<i>omit, insert—</i>	15
	contracts of employment	16
12	Section 178(5), examples, third dot point, ‘section 173(3)’—	17
	<i>omit, insert—</i>	18
	section 173(5)	19
13	Section 179, note, ‘full bench’—	20
	<i>omit, insert—</i>	21
	commission	22

Schedule 1

14	Sections 180 and 182, heading, ‘Full bench’—	1
	<i>omit, insert—</i>	2
	Commission	3
15	Sections 180, 181, 182, 183(1)(a), 530(2)(a), 554(3) and 557(3), ‘full bench’—	4
	<i>omit, insert—</i>	5
	<i>commission</i>	6
	<i>commission</i>	7
16	Sections 271(a) and (b) and 282(1)(b) and schedule 5, definition <i>strike</i>, paragraph 3(b), ‘his or her’—	8
	<i>omit, insert—</i>	9
	<i>the employee’s</i>	10
	<i>the employee’s</i>	11
17	Section 278(1)(b)(i) and (ii), ‘industrial associations’—	12
	<i>omit, insert—</i>	13
	<i>industrial organisations</i>	14
18	Section 282(4), 308, 599(a) to (f), ‘association’—	15
	<i>omit, insert—</i>	16
	<i>organisation</i>	17
19	Section 284(1)(c)(ii), ‘his or her’—	18
	<i>omit, insert—</i>	19
	<i>the person’s</i>	20
20	Section 286(1), ‘he or she’—	21
	<i>omit, insert—</i>	22
	<i>the person</i>	23

21	Section 291(a), 294(2), 298, ‘industrial association’—	1
	<i>omit, insert—</i>	2
	industrial organisation	3
22	Section 291(c), ‘section 290(c) to (f)’—	4
	<i>omit, insert—</i>	5
	section 290(d) to (g)	6
23	Section 308, heading, ‘industrial associations’—	7
	<i>omit, insert—</i>	8
	industrial organisations	9
24	Chapter 9, part 1, division 6, heading and sections 354B(3)(b)(iv) and 354C(1)(b), (2), (5) and (6), ‘registered’—	10
		11
		12
	<i>omit.</i>	13
25	Sections 354B(1) and (2)(b) and 354C(1)(a), ‘a registered’—	14
		15
	<i>omit, insert—</i>	16
	an	17
26	Section 373(4), ‘are to be paid’—	18
	<i>omit.</i>	19
27	Section 398(3)(a), ‘service or contract for service’—	20
	<i>omit, insert—</i>	21
	employment or contract for services	22

Schedule 1

28	Section 471(1)(a)(i), ‘service’—	1
	<i>omit, insert—</i>	2
	employment	3
29	Section 482(e), after ‘right to represent’—	4
	<i>insert—</i>	5
	the industrial interests of	6
30	Section 483(1), ‘association or’—	7
	<i>omit.</i>	8
31	Section 483(1)(b), ‘in relation to making an agreement’—	9
	<i>omit.</i>	10
32	Section 483(2)(b), ‘, an association’—	11
	<i>omit.</i>	12
33	Section 483(4), ‘, association’—	13
	<i>omit.</i>	14
34	Section 599, ‘an <i>industrial association</i>’—	15
	<i>omit, insert—</i>	16
	an <i>industrial organisation</i>	17
35	Section 599(d) and (e), ‘association’s’—	18
	<i>omit, insert—</i>	19
	organisation’s	20