

Queensland Rail Transit Authority Bill 2013

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Scott Emerson MP

Title of the Bill

Queensland Rail Transit Authority Bill 2013

Objectives of the Amendments

The amendments to be moved during Consideration in Detail have the following objectives.

Firstly, a minor amendment will be made to clause 9(1)(b) of the Bill to replace an incorrect reference to “railway stock” with the correct reference which is “rolling stock”.

The second amendment will be made to clause 43 to include an example of what may be deleted under this clause. This amendment provides some context to the provision by illustrating one example where there may be a practical need for commercially sensitive matters to be deleted from the annual report prior to publication.

The third amendment to be moved during Consideration in Detail will clarify the obligations on the Authority to consult with employees and employee representatives about any proposed or future organisational change. The clarification will ensure that the Authority has the same obligations to consult over organisational change as the majority of other public service employers. The clarification will ensure employees of the new Authority will be treated in precisely the same way as nurses, teachers, prison officers and ambulance officers when it comes to organisational change in the workplace.

Achievement of the Objectives

The amendments will support the policy objectives of the Bill which are outlined in the Explanatory Note to the Bill. In particular, the amendments will ensure the Bill uses the correct terminology, provides an example of when there may be a need for commercially sensitive information to be deleted from the annual report and appropriately outlines the industrial relations consequences associated with the changes.

Alternative Ways of Achieving Policy Objectives

Amendment of the Bill is required to properly give effect to the relevant policy objectives.

Estimated Cost for Government Implementation

There are no direct financial consequences of the amendments to be moved during Consideration in Detail.

Consistency with Fundamental Legislative Principles

The amendments to be moved during Consideration in Detail do not raise any Fundamental Legislative Principle issues.

Consultation

The Department of the Premier and Cabinet, Queensland Treasury and Trade and the Public Service Commission have been consulted and agree with the proposed amendments.

NOTES ON PROVISIONS

Clause 1 amends clause 9(1)(b) by replacing the reference to “railway stock” with “rolling stock” to correct a minor error.

Clause 2 amends clause 43 by inserting an example of a commercially sensitive matter that may be deleted from an annual report under this clause.

Clause 3 inserts new clauses 76(3) and 76(4).

Clause 76(3) ensures that clause 8 (Consultation regarding major workplace change) of the Rail Industry Award 2010 will apply regardless of any provision in a certified agreement to the contrary. This clause is necessary because the federal enterprise agreements, which become state certified agreements, provide that the agreements operate to the exclusion of the award. Clause 76(3) specifies that clause 8 of the award applies to the Authority, the employees under the particular certified agreement, and any relevant state registered employee organisation. Clause 8 of the award is not incorporated into the certified agreement; it applies through the operation of the legislation.

Clause 76(4) provides that clause 8 of the Rail Industry Award 2010 is a termination, change and redundancy (TCR) provision for the purposes of section 691D(4) of the IR Act. The inclusion of clause 76(4) ensures that the principles set out at section 691D(2) of the IR Act will apply to clause 8 of the Rail Industry Award 2010 when it becomes a state award. In accordance with section 691D(3) of the IR Act those parts of clause 8 of the award that are inconsistent with the principles will be of no effect.