

Treasury and Trade and Other Legislation Amendment Bill 2013

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Tim Nicholls MP

Title of the Bill

Treasury and Trade and Other Legislation Amendment Bill 2013

Objective of the Amendments

The objective of the amendments is to insert Chapter 4 'Industrial relations amendments' into the Bill which ensure that appropriate eligibility criteria are used for appointments to the position of deputy president (court) of the Industrial Court of Queensland.

Achievement of the Objective

The objective is achieved by way of amendments to the Bill as described below.

Alternative Ways of Achieving Policy Objectives

There is no alternative way to achieve the policy objective.

Estimated Cost for Government Implementation

There are no costs associated with the amendments.

Consistency with Fundamental Legislative Principles

The proposed amendments are to commence from 1 July 2013. The amendments raise a potential breach of fundamental legislative principles in regard whether they have sufficient regard to the rights and liberties of individuals; and sufficient regard to the institution of parliament. However, it is considered essential to ensure that the appropriate criteria are used for appointments to the Industrial Court of Queensland and as the position does not attach additional remuneration, the amendment will not cause any financial loss or detriment to an individual.

Consultation

Consultation on the proposed amendments was undertaken with the vice president of Industrial Court of Queensland who has administrative responsibility for the Industrial Court of Queensland.

NOTES ON PROVISIONS

Clause 1 inserts clause 1A which provides that Chapter 4 is taken to have commenced from 1 July 2013.

Clause 2 inserts after clause 111, Chapter 4 ‘Industrial relations amendments’ which amends the *Industrial Relations Act 1999* to clarify that a ‘legally qualified deputy president’ means a deputy president of the commission who, immediately before the commencement, is a local lawyer within the meaning of the *Legal Profession Act 2007* of at least 5 years standing’. The clause also clarifies that a person who was appointed to deputy president (court) under section 791 who is not a legally qualified deputy president within the meaning of the definition ‘legally qualified deputy president’ as provided for in this amendment, is taken to never have been appointed deputy president (court).

Clause 3 amends the long title of the Bill to include ‘the *Industrial Relations Act 1999*’.