

Electrical Safety and Other Legislation Amendment Bill 2011

Amendments agreed to during Consideration

1 Clause 52 (Insertion of new ch 20, pt 12)

Page 90, lines 11 to 13—

omit, insert—

‘pre-reform Act means the Workplace Relations Act as in force immediately before the commencement of the Work Choices Amendment Act, schedule 1.’.

2 Clause 52 (Insertion of new ch 20, pt 12)

Page 90, lines 14 to 18—

omit, insert—

‘remuneration, in relation to an employee—

- (a) includes the wage or salary payable to the employee;
and
- (b) does not include amounts payable or other benefits made available to the employee under a contract of service.’.

3 Clause 52 (Insertion of new ch 20, pt 12)

Page 90, line 20—

omit, insert—

‘substitute State award, other than for section 768 or 768A, means a substitute State award under section 768(5) or 768A(2)(a).’.

4 Clause 52 (Insertion of new ch 20, pt 12)

Page 90, after line 28—

insert—

‘Work Choices Amendment Act means the Workplace Relations Amendment (Work Choices) Act 2005 (Cwlth).’.

5 Clause 52 (Insertion of new ch 20, pt 12)

Page 91, lines 1 to 17—

omit, insert—

‘768 Award binding particular local governments and their employees

‘(1) Subsection (2) applies if—

- (a) immediately before the commencement, a local government was a respondent to a transitional award; and
- (b) the respondents named or listed in the transitional award are the same or substantially the same as the respondents named or listed in a substitute State award as in force immediately before the commencement.

‘(2) On the commencement, the substitute State award mentioned in subsection (1)(b) applies to the local government and any employee of the local government.

‘(3) However, in relation to employees to whom a transitional award applied immediately before the commencement, the substitute State award is amended so that the remuneration under the transitional award continues to apply.

‘(4) Subject to subsection (3), the substitute State award has effect according to its terms.

‘(5) This section does not affect the operation of section 165.

‘(6) In this section—

substitute State award means an award taken to be made by the commission, and amended, as provided for in section 747.

‘768A Award binding other local governments and their employees

- ‘(1) This section makes provision in relation to an award as defined in the pre-reform Act, section 4(1) that was continued as a transitional award, if—
- (a) a local government, other than a local government to which section 768(2) applies, was a respondent to the award; and
 - (b) immediately before the commencement, the transitional award continued in force.
- ‘(2) On the commencement, the award—
- (a) is taken to be an award made by the commission under section 125 (also a *substitute State award*); and
 - (b) applies to the local government and any employee of the local government.
- ‘(3) The substitute State award is taken to be amended so that the remuneration applying to employees under the transitional award immediately before the commencement applies to the employees to whom the substitute State award applies.
- ‘(4) Subject to subsection (3) and section 770, the substitute State award has effect according to its terms and, despite section 133, an action to enforce the substitute State award may be commenced at any time.
- ‘(5) This section does not affect the operation of section 165.’.

6 Clause 52 (Insertion of new ch 20, pt 12)

Page 92, line 12, ‘section 769’—

omit, insert—

‘sections 768A and 769’.

7 Clause 52 (Insertion of new ch 20, pt 12)

Page 92, lines 15, 19, 21 and 23, ‘agreement’—

omit, insert—

‘instrument’.

8 Clause 52 (Insertion of new ch 20, pt 12)

Page 93, lines 1 and 2—

omit.

9 Clause 52 (Insertion of new ch 20, pt 12)

Page 93, lines 4 and 5—

omit, insert—

‘(1) This section applies to an employee to whom a substitute State instrument applies after the commencement.’.

10 Clause 52 (Insertion of new ch 20, pt 12)

Page 93, lines 12 to 14—

omit, insert—

‘(i) the day a certified agreement, certified by the commission after the commencement, applies to the employee;’.

11 Clause 52 (Insertion of new ch 20, pt 12)

Page 93, lines 23 to 25—

omit, insert—

‘(i) the day a certified agreement, certified by the commission after the commencement, applies to the employee;’.

12 Clause 52 (Insertion of new ch 20, pt 12)

Page 93, after line 29—

insert—

‘(4) In this section—

remuneration, in relation to an employee, includes amounts payable or other benefits made available to the employee under a contract of service.’.

13 Clause 52 (Insertion of new ch 20, pt 12)

Page 94, lines 2 to 22—

omit, insert—

‘(1) Sections 8A, 9, 9A, 10, 11 and 15 do not apply in relation to an employee to whom a substitute State agreement applies until the earlier of the following—

(a) 27 March 2012;

(b) the day a certified agreement, certified by the commission after the commencement, applies to the employee.

‘(2) Sections 8A, 9, 9A, 10, 11 and 15 do not apply in relation to an employee to whom a substitute State award applies until the earlier of the following—

(a) 27 March 2012;

(b) the day a certified agreement, certified by the commission after the commencement, applies to the employee;

(c) the substitute State award is repealed;

(d) the commission makes a new award that replaces the substitute State award for the employee.

‘(3) Despite subsection (2), sections 8A, 9, 9A, 10, 11 and 15 continue to apply in relation to an employee to whom an industrial instrument applied immediately before the commencement.’.

14 Clause 66 (Amendment of s 561 (Appeal to industrial court))

Page 102, lines 16 to 22—

omit, insert—

‘Section 561(2)—

omit, insert—

‘(2) The *Industrial Relations Act 1999* applies to the appeal.’.’.

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