

Industrial Relations Amendment Regulation (No. 3) 2013

Explanatory notes for SL 2013 No. 268

made under the

Industrial Relations Act 1999

General Outline

Short title

Industrial Relations Amendment Regulation (No. 3) of 2013

Authorising law

Industrial Relations Act 1999

Section 692(3) of the *Industrial Relations Act 1999* provides that a regulation may declare an entity to be not a national system employer for the purposes of the *Fair Work Act 2009* (Cth).

Section 709(1) of the *Industrial Relations Act 1999* provides the head of power under which the Governor in Council may make regulations under this Act.

Policy objectives and the reasons for them

The objective of this regulation is to remove any ambiguity concerning the industrial relations status of local governments by declaring that the four new councils created as a result of the recent de-amalgamation under the *Local Government (De-amalgamation Implementation) Regulation 2013*, are not national system employers for the purposes of *Fair Work Act 2009* (Cth).

All of Queensland's existing councils are already excluded from the national *Fair Work Act 2009* (Cth). The four recently created councils, the Douglas, Livingstone, Mareeba and Noosa Shire Councils, are not automatically excluded from the national *Fair Work Act 2009* (Cth) and an exclusion from the national system is sought for the new councils in order to provide consistency of workplace regulation across all Queensland councils.

Achievement of policy objectives

The policy objectives are achieved by amending the *Industrial Relations Regulation 2011* to exclude the four new local governments from the national workplace relations system. Section 14(2) of the *Fair Work Act 2009* (Cth) sets out a two-stage declaration and endorsement process:

- a) The regulation lists the councils declared not to be national system employers for the purposes of the *Fair Work Act 2009* (Cth); and
- b) The Commonwealth endorses the declaration confirming that the councils are not national system employers and therefore not covered by the national workplace relations system.

Consistency with policy objectives of authorising law

This regulation is required to properly give effect to the policy objectives.

Inconsistency with policy objectives of other legislation

None have been identified.

Benefits and costs of implementation

There will be no identified impacts on the community as a result of this regulation.

Consistency with fundamental legislative principles

No fundamental legislative principle issues have been identified in the preparation of this regulation.

Consultation

The Department of Local Government, Community Recovery and Resilience supports the exclusion of the four councils from the national workplace relations system.

The Commonwealth Minister for Employment, the Honourable Eric Abetz MP, has confirmed the Federal Government's in-principle support to exclude the four local governments from the national Fair Work system pursuant to subsection 14(2) of the *Fair Work Act 2009* (Cth).