

Industrial Relations Amendment Regulation (No. 2) 2014

Explanatory notes for SL 2014 No. 50

made under the

Industrial Relations Act 1999

General Outline

Short title

Industrial Relations Amendment Regulation (No. 2) 2014

Authorising law

Section 692(3) and Section 709(1) of the *Industrial Relations Act 1999*

Policy objectives and the reasons for them

The objective of this regulation is to remove any ambiguity concerning the industrial relations status of TAFE Queensland by declaring it as not a national system employer for the purposes of *Fair Work Act 2009* (Cth).

TAFE Queensland was established as an independent statutory body under the *TAFE Queensland Act 2013* on 1 July 2013. As TAFE Queensland is a body corporate and will have some trading activity, TAFE Queensland could be considered to be a constitutional corporation and subject to the *Fair Work Act 2009*. A declaration excluding TAFE Queensland from the national workplace relations system will provide certainty to the employer and employees and retain TAFE Queensland within the jurisdiction of the Queensland industrial relations system.

Achievement of policy objectives

The policy objectives are achieved by amending the *Industrial Relations Regulation 2011* to exclude TAFE Queensland 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 Education, Training and Employment supports the exclusion of TAFE Queensland 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 TAFE Queensland from the national Fair Work system pursuant to subsection 14(2) of the *Fair Work Act 2009* (Cth).