

Industrial Relations Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 181

made under the

Industrial Relations Act 1999

General Outline

Short title

Industrial Relations Amendment Regulation (No. 1) 2016

Authorising law

Sections 692(3) and 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 the National Injury Insurance Agency, Queensland (NIIA-Qld) by declaring it as not a national system employer for the purposes of FW Act.

The NIIA-Qld was established as an independent statutory body under the corporation established under the *National Injury Insurance Scheme (Queensland) Act 2016*. A declaration excluding the NIIA-Qld from the national workplace relations system will provide certainty to the employer and employees and retain the NIIA-Qld 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 the NIIA-Qld from the national workplace relations system. Section 14(2) of the FW Act sets out a two-stage declaration and endorsement process:

- a) the regulation declares the NIIA-Qld not to be a national system employer for the purposes of the FW Act; and
- b) the Commonwealth provides an endorsement of the declaration under subsection 14(4)(a) of the FW Act confirming that the NIIA-Qld is not a national system employer 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

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (Category (c) Regulatory proposals for the internal management of the public sector or statutory authority).

The Commonwealth Minister for Employment, Minister for Women, Minister Assisting the Prime Minister for the Public Service, Senator the Honourable Michaelia Cash MP has been consulted and has confirmed the Federal Government's in-principle support to endorse the exclusion of NIIA-Qld from the national Fair Work system pursuant to subsection 14(4) of the FW Act.