

# Industrial Relations Regulation 2018

Explanatory notes for SL 2018 No. 19

made under the

*Industrial Relations Act 2016*

## General Outline

### Short title

Industrial Relations Regulation 2018

### Authorising law

Section 990 of the *Industrial Relations Act 2016* (the IR Act) generally empowers the Governor in Council to make regulations under this Act. Other sections provide that particular matters may be set out in regulations.

### Policy objectives and the reasons for them

The IR Act arose from the 2015 review of the industrial relations framework in Queensland, which recommended extensive changes to existing legislation and a new Act to replace the *Industrial Relations Act 1999*. As the IR Act is new primary legislation, it is proposed to replace the existing *Industrial Relations Regulation 2011* (the 2011 Regulation).

The purpose of the *Industrial Relations Regulation 2018* (the Regulation) is to give full effect to certain provisions in the IR Act. Various sections of the IR Act permit certain content or additional direction to be prescribed by regulation. Matters included in the Regulation are generally those considered to be too technical or detailed to be included in corresponding provision of the primary legislation.

### Achievement of policy objectives

The Regulation sets out requirements and procedures for elements of the IR Act, including:

- authorisation of industrial officers
- recovery of overpaid wages
- fees and charges of private employment agents, and
- management of registered industrial organisations, including the conduct of elections, requirements for financial policies, reporting, and procedures for amalgamations and withdrawals.

The Regulation also declares certain employers not to be employers covered by the national system as set out in the *Fair Work Act 2009*.

## **Consistency with policy objectives of authorising law**

The objective of the IR Act is to provide for a framework for cooperative industrial relations that is fair and balanced, and which supports the delivery of high quality services, economic prosperity and social justice for Queenslanders.

The Regulation is consistent with these objectives, as it enables the proper functioning of the Queensland industrial system

## **Inconsistency with policy objectives of other legislation**

The Regulation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

Making the Regulation provides an opportunity to ensure the IR Act's subordinate legislation is updated to reflect the provisions of the IR Act and contemporary drafting principles. There are no new costs associated with the implementation of the Regulation.

## **Consistency with fundamental legislative principles**

There are no breaches to fundamental legislative principles.

## **Consultation**

All key stakeholders were consulted on the drafting of the Regulation, including:

- President Justice Martin and Deputy President O'Connor of the Queensland Industrial Relations Commission
- the Queensland Council of Unions
- the Australian Workers Union
- the Local Government Association of Queensland, and
- the Queensland Law Society.

All parties supported the provisions of the Regulation. The Office of Best Practice Regulation advised that the amendments can be excluded from further assessment under the Queensland Government Guide to better Regulation.