

# Industrial Relations and Other Legislation Amendment (Postponement) Regulation 2023

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Grace Grace, Minister for Education, Minister for Industrial Relations and Minister for Racing, provide this human rights certificate with respect to the *Industrial Relations and Other Legislation Amendment (Postponement) Regulation 2023* (the Postponement Regulation) made under the *Industrial Relations and Other Legislation Amendment Act 2022* (IROLA Act).

In my opinion, the Postponement Regulation is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The purpose of the Postponement Regulation is to delay the automatic commencement of Part 2, Division 3 (Amendments commencing on proclamation) of the IROLA Act on 4 November 2023.

Upon commencement, Part 2, Division 3 of the IROLA Act will introduce a new Chapter 10A into the Industrial Relations Act 2016 (the IR Act) which will empower the Queensland Industrial Relations Commission to make determinations to set minimum standards of work for independent courier drivers; make consequential amendments for civil penalty breaches under Chapter 10A; and make updates to the IR Act's Dictionary.

Currently, the *Independent Contractors Act 2006* (Cth) (IC Act) and the *Independent Contractors Regulation 2016* (Cth) (IC Regulation) govern services contracts under which independent couriers are engaged to perform work. These Commonwealth laws 'cover the field' for independent contractors, unless a State or Territory law is exempted.

The Australian Government is investigating industrial reforms, including to consider empowering the Fair Work Commission (FWC) to set minimum standards for workers in 'employee-like' forms of work, and giving the FWC powers to set minimum standards to improve road and transport safety and sustainability.

Section 15DA(2) of the *Acts Interpretation Act 1954* (AI Act) provides that if a law has not commenced within one year of Royal Assent, the provisions not commenced will automatically commence on the next day.

The Royal Assent date for the IROLA Act was 3 November 2022.

While all other provisions of the IROLA Act have commenced, Part 2, Division 3 will automatically commence on 4 November 2023 unless it is delayed.

The Postponement Regulation extends the period before automatic commencement of Part 2, Division 3 of the IROLA Act to the end of 3 November 2024, unless earlier commenced by proclamation.

## **Human Rights Issues**

The Postponement Regulation does not affect or engage human rights.

## **Conclusion**

I consider that the Postponement Regulation is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**GRACE GRACE MP**  
MINISTER FOR EDUCATION  
MINISTER FOR INDUSTRIAL RELATIONS AND  
MINISTER FOR RACING

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