

Queensland



**INDUSTRIAL RELATIONS
LEGISLATION
AMENDMENT BILL 1995**



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	MINOR AMENDMENTS OF INDUSTRIAL RELATIONS ACT 1990	

1995

A BILL

FOR

***An Act to amend the Industrial Relations Act 1990 and the Public
Service Management and Employment Act 1988***

The Parliament of Queensland enacts—

1

PART 1—INTRODUCTORY

2

Short title

3

Clause **1.** This Act may be cited as the *Industrial Relations Legislation Amendment Bill 1995*.

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PART 2—AMENDMENT OF INDUSTRIAL RELATIONS ACT 1990

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Act amended by pt 2 and schedule

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Clause **2.** This part and the schedule amend the *Industrial Relations Act 1990*.

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Replacement of s 522 (Representation of public sector units)

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Clause **3.** Section 522—

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omit, insert—

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‘Representation of public sector units

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‘**522.(1)** In this section—

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“**court**” means the Industrial Court, the Industrial Commission or an Industrial Magistrates Court.

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‘**(2)** A unit of the public sector, or a person in a unit of the public sector, who is concerned as an employer in an industrial cause must be represented in a court by—

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(a) the unit’s chief executive or an officer or employee of the unit authorised by the chief executive; or

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21

(b) the department’s chief executive or an officer or employee of the

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- department authorised by the chief executive; or 1
- (c) if allowed by this Act—a lawyer or agent.’. 2

PART 3—AMENDMENT OF PUBLIC SERVICE 3

MANAGEMENT AND EMPLOYMENT ACT 1988 4

Act amended by pt 3 5

- Clause 4. This part amends the *Public Service Management and Employment Act 1988*. 6
- 7

Insertion of new s 42A 8

- Clause 5. After section 42— 9
- insert—* 10

‘Inconsistency between determinations and agreements made under the Industrial Relations Act 1990, pt 11 11

‘42A.(1) In this section— 13

“determination” includes a ruling. 14

‘(2) This section applies to a determination made by the Governor in Council that is prescribed under a regulation for this section. 15

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‘(3) If an agreement made under the *Industrial Relations Act 1990*, part 11 and a determination (whether made before or after the agreement) are inconsistent, the agreement prevails over the determination to the extent of the inconsistency. 17

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‘(4) This section has effect despite the *Industrial Relations Act 1990*, section 519.¹. 21

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¹ Section 519 deals with inconsistency between awards etc. and statutory determinations.

SCHEDULE	1
MINOR AMENDMENTS OF INDUSTRIAL RELATIONS ACT 1990	2 3
section 2 of the Act	4
1. Section 88(1), ‘order in council’—	5
<i>omit, insert—</i>	6
‘regulation’.	7
2. Section 221(6), ‘subsection (5)’—	8
<i>omit, insert—</i>	9
‘subsections (3) and (4)’.	10
3. Section 238(4)—	11
<i>omit, insert—</i>	12
‘(4) The entitlement to long service leave of employees is—	13
(a) for employees who have the entitlement under section 252—as	14
prescribed under a regulation; or	15
(b) for employees who have the entitlement under section 253—as	16
prescribed under the section.’.	17
4. Section 449, ‘Companies (Queensland) Code’—	18
<i>omit, insert—</i>	19
‘Corporations Law’.	20

SCHEDULE (continued)

5. Section 472(2), ‘determined from time to time by order in council’—	1
<i>omit, insert—</i>	2
‘prescribed under a regulation’.	3
 6. Section 475(2)—	4
<i>omit, insert—</i>	5
‘(2) When membership of an industrial organisation is terminated under	6
section 387, the former member—	7
(a) continues to be liable to pay any subscription, fee, dues, fine, levy	8
or other money that became payable before the membership is	9
terminated and are recoverable under this section; and	10
(b) is not liable to pay any subscription, fee, dues, fine, levy or other	11
money that becomes payable after the membership is	12
terminated.’.	13
 7. Section 618(2) and (3)—	14
<i>omit.</i>	15
 8. Section 618(4) to (7)—	16
<i>renumber</i> as section 618(2) to (5).	17
 9. Section 619—	18
<i>omit.</i>	19
 10. Section 620—	20
<i>omit.</i>	21
	22