



Queensland

Industrial Relations Amendment Bill 2009



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Contents

		Page
1	Short title	4
2	Act amended	4
3	Amendment of s 75 (Conciliation before application heard)	4
4	Amendment of s 160 (When an agreement passes the no-disadvantage test)	4
5	Amendment of s 209 (When does a QWA pass the no-disadvantage test)	4
6	Insertion of new s 246A	4
	246A Functions of president	5
7	Amendment of s 264 (Administrative responsibilities for the commission and registry)	5
8	Amendment of s 269 (Vice president to consider efficiencies that may be achieved by using dual commissioners)	6
9	Amendment of s 270 (Reallocation of commission's work)	6
10	Amendment of s 299 (Functions and powers of registrar)	6
11	Amendment of s 708 (Approved forms)	6
12	Insertion of new ch 20, pt 8	6
	Part 8 Transitional provision for Industrial Relations Amendment Act 2009	
	757 Delegations by vice president	7
13	Amendment of sch 2 (Appointments)	7
Schedule	Minor amendments	8

2009

A Bill

for

**An Act to amend the *Industrial Relations Act 1999*, for
particular purposes**

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Industrial Relations Amendment Act 2009</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Industrial Relations Act 1999</i> .	6
Clause 3	Amendment of s 75 (Conciliation before application heard)	7 8
	Section 75(6), ‘vice president’—	9
	<i>omit, insert—</i>	10
	‘president’.	11
Clause 4	Amendment of s 160 (When an agreement passes the no-disadvantage test)	12 13
	Section 160(5), ‘vice president’—	14
	<i>omit, insert—</i>	15
	‘president’.	16
Clause 5	Amendment of s 209 (When does a QWA pass the no-disadvantage test)	17 18
	Section 209(4), ‘vice president’—	19
	<i>omit, insert—</i>	20
	‘president’.	21
Clause 6	Insertion of new s 246A	22
	Chapter 8, part 1, division 2, after section 246—	23

insert—

‘246A Functions of president

‘The president is responsible for ensuring that the court, the commission and the registry perform their functions and exercise their powers in a way that—

- (a) is efficient; and
- (b) adequately serves the needs of employers and employees throughout Queensland.’

Clause 7 Amendment of s 264 (Administrative responsibilities for the commission and registry)

(1) Section 264(1), (2) and (3), ‘vice president’—

omit, insert—

‘president’.

(2) Section 264(4) and (5)—

omit, insert—

‘(4) The president is to be assisted by the vice president in performing responsibilities under subsection (1) or (2).

‘(4A) The president may delegate a power under subsection (3)—

- (a) to the vice president; or
- (b) if the vice president is not available—to 1 or more deputy presidents.

‘(5) A commissioner must comply with a direction of the president, the vice president or a deputy president given for the performance of responsibilities under subsection (1) or (2).’

(3) Section 264(6) and (7)(b), ‘vice president’—

omit, insert—

‘president’.

Clause 8	Amendment of s 269 (Vice president to consider efficiencies that may be achieved by using dual commissioners)	1
		2
		3
	(1) Section 269, heading, ‘Vice president’—	4
	<i>omit, insert—</i>	5
	‘ President ’.	6
	(2) Section 269, ‘vice president’—	7
	<i>omit, insert—</i>	8
	‘president’.	9
Clause 9	Amendment of s 270 (Reallocation of commission’s work)	10
	Section 270, ‘vice president’—	11
	<i>omit, insert—</i>	12
	‘president’.	13
Clause 10	Amendment of s 299 (Functions and powers of registrar)	14
	Section 299(3), ‘or vice president’—	15
	<i>omit.</i>	16
Clause 11	Amendment of s 708 (Approved forms)	17
	Section 708(1A)—	18
	<i>omit.</i>	19
Clause 12	Insertion of new ch 20, pt 8	20
	After section 756—	21
	<i>insert—</i>	22

'Part 8	Transitional provision for Industrial Relations Amendment Act 2009	1 2 3
'757	Delegations by vice president	4
	'A delegation made by the vice president that was in force immediately before the commencement of the <i>Industrial Relations Amendment Act 2009</i> continues to have effect after the commencement as if made by the president.'	5 6 7 8
Clause 13	Amendment of sch 2 (Appointments)	9
	(1) Schedule 2, section 4(3)(c), 'vice president'— <i>omit, insert—</i> 'president'.	10 11 12
	(2) Schedule 2, section 4A(2), 'vice president'— <i>omit, insert—</i> 'president'.	13 14 15

Schedule	Minor amendments	1
	section 2	2
1	Chapter 2, part 3, division 1, heading, ‘pt’— <i>omit, insert—</i> ‘part’.	3 4 5
2	Sections 50(1)(a) and 137(1)(a), ‘; or’— <i>omit, insert—</i> ‘;’.	6 7 8
3	Section 71(9), ‘subsections’— <i>omit, insert—</i> ‘subsection’.	9 10 11
4	Section 72(2)(b), ‘subsection’— <i>omit, insert—</i> ‘subsections’.	12 13 14
5	Section 73(2)(f)(ii), after ‘the’— <i>insert—</i> ‘repealed’.	15 16 17
6	Section 75(3)(b), before ‘inform’— <i>insert—</i> ‘must’.	18 19 20

7	Section 115(2)(b)(i), after ‘because’—	1
	<i>insert—</i>	2
	‘of’.	3
8	Section 143(2)(a), ‘and’—	4
	<i>omit.</i>	5
9	Section 203(2)(b), before ‘the’—	6
	<i>insert—</i>	7
	‘give’.	8
10	Section 273(3)—	9
	<i>omit.</i>	10
11	Section 403(1)(b)(ii), before ‘has’—	11
	<i>insert—</i>	12
	‘the mortgagee’.	13
12	Section 518(4)(a), after ‘extension’—	14
	<i>insert—</i>	15
	‘is made’.	16
13	Section 534(b), ‘, the person’—	17
	<i>omit.</i>	18
14	Section 606(2)(b), before ‘an’—	19
	<i>insert—</i>	20
	‘of’.	21

Schedule

15	Section 607(1), ‘a person’— <i>omit.</i>	1 2
16	Section 607(1)(a), before ‘was’— <i>insert—</i> ‘a person’.	3 4 5
17	Section 641(3)(a), after ‘amendments’— <i>insert—</i> ‘of’.	6 7 8
18	Section 670(1)(b)(ii), second mention— <i>renumber</i> as section 670(1)(b)(iii).	9 10
19	Schedule 5, definition <i>audit report</i>— <i>omit, insert—</i> ‘ <i>audit report</i> , for chapter 12, see section 558(1)(b).’.	11 12 13
20	Schedule 5, definitions <i>employee</i> and <i>employer</i>, ‘means’— <i>omit.</i>	14 15 16
21	Schedule 5, definition <i>industrial action</i>, ‘means’— <i>omit.</i>	17 18
22	Schedule 5, definition <i>industrial action</i>, paragraph (a), before ‘a’— <i>insert—</i> ‘means’.	19 20 21 22

23	Schedule 5, definition <i>industrial relations commission</i>—	1
	<i>omit, insert—</i>	2
	<i>'industrial relations commission</i> means the Queensland Industrial Relations Commission established under section 255.'	3
		4
		5
24	Schedule 5—	6
	<i>insert—</i>	7
	<i>'registry</i> see section 294.'	8