

Queensland



**INDUSTRIAL RELATIONS  
LEGISLATION  
AMENDMENT ACT 1995**

**Act No. 14 of 1995**

Queensland



**INDUSTRIAL RELATIONS  
LEGISLATION AMENDMENT ACT 1995**

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Queensland



**Industrial Relations Legislation Amendment  
Act 1995**

**Act No. 14 of 1995**

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

*[Assented to 11 April 1995]*

**The Parliament of Queensland enacts—**

## **PART 1—INTRODUCTORY**

### **Short title**

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

## **PART 2—AMENDMENT OF INDUSTRIAL RELATIONS ACT 1990**

### **Act amended by pt 2 and schedule**

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

### **Replacement of s 522 (Representation of public sector units)**

3. Section 522—

*omit, insert—*

#### **‘Representation of public sector units**

‘522.(1) In this section—

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

‘(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—

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

- department authorised by the chief executive; or
- (c) if allowed by this Act—a lawyer or agent.<sup>1</sup>.

## **PART 3—AMENDMENT OF PUBLIC SERVICE MANAGEMENT AND EMPLOYMENT ACT 1988**

### **Act amended by pt 3**

**4.** This part amends the *Public Service Management and Employment Act 1988*.

### **Insertion of new s 42A**

**5.** After section 42—

*insert—*

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

**‘42A.(1)** In this section—

**“determination”** includes a ruling.

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

**‘(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.

**‘(4)** This section has effect despite the *Industrial Relations Act 1990*, section 519.<sup>1</sup>.

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<sup>1</sup> Section 519 deals with inconsistency between awards etc. and statutory determinations.

**SCHEDULE****MINOR AMENDMENTS OF INDUSTRIAL  
RELATIONS ACT 1990**

section 2 of the Act

**1. Section 88(1), ‘order in council’—***omit, insert—*

‘regulation’.

**2. Section 221(6), ‘subsection (5)’—***omit, insert—*

‘subsections (3) and (4)’.

**3. Section 238(4)—***omit, insert—*

‘(4) The entitlement to long service leave of employees is—

- (a) for employees who have the entitlement under section 252—as prescribed under a regulation; or
- (b) for employees who have the entitlement under section 253—as prescribed under the section.’.

**4. Section 449, ‘Companies (Queensland) Code’—***omit, insert—*

‘Corporations Law’.

## SCHEDULE (continued)

**5. Section 472(2), ‘determined from time to time by order in council’—**

*omit, insert—*

‘prescribed under a regulation’.

**6. Section 475(2)—**

*omit, insert—*

‘(2) When membership of an industrial organisation is terminated under section 387, the former member—

- (a) continues to be liable to pay any subscription, fee, dues, fine, levy or other money that became payable before the membership is terminated and are recoverable under this section; and
- (b) is not liable to pay any subscription, fee, dues, fine, levy or other money that becomes payable after the membership is terminated.’.

**7. Section 618(2) and (3)—**

*omit.*

**8. Section 618(4) to (7)—**

*renumber* as section 618(2) to (5).

**9. Section 619—**

*omit.*

**10. Section 620—**

*omit.*

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