

Holidays and Other Legislation Amendment Bill 2012

Explanatory Notes for Amendments to be Moved During Consideration in Detail by the Honourable Jarrod Bleijie MP

Title of the Bill

Holidays and Other Legislation Amendment Bill 2012

Objectives of the Amendments

The objective of the amendment to be moved during Consideration in Detail is to include a provision in the *Oaths Act 1867* (Oaths Act) to require industrial commissioners to take an oath of allegiance and an oath of office. This will be the same oath that applies to members of the Industrial Court.

Alternative Ways of Achieving Policy Objectives

The only way to achieve the requirement that commissioners take the oath of allegiance and office is by including it in legislation.

The proposed amendment of the Oaths Act amendment is simple and consistent with existing arrangements where members of the Industrial Court swear an oath prescribed by the Oaths Act. Keeping oath requirements for industrial commissioners and members of the Industrial Court in the same section of the Oaths Act is considered appropriate and desirable as it avoids confusion.

An alternative to making a minor amendment to the Oaths Act is to amend the *Industrial Relations Act 2009* (IR Act) to allow an oath to be prescribed under the *Industrial Relations Regulation 2011*. This is similar to the approach taken for members of tribunals under the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) and the *Commonwealth Fair Work Act 2009* (FW Act). However if oath requirements for industrial commissioners and members of the Industrial Court are to be kept in the

same legislation this approach would also require amendment of the Oaths Act to delete the reference to members of the Industrial Court.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Estimated Cost for Government Implementation

There are no direct financial considerations of the amendments to be moved during Consideration in Detail.

Consultation

The Department of the Premier and Cabinet and the Department of Justice and Attorney-General have been consulted and are in agreement with this action.

Officers of the Office of the Queensland Parliamentary Counsel have been consulted and have drafted these amendments.

Notes on Provisions

Clause 1 of section 3(2) inserts commissioners of the Queensland Industrial Relations Commission as officers who shall take the oath of allegiance and the oath of office prescribed in the section.

The insertion of a new subsection (3) enables commissioners appointed before the commencement of this amendment to take the oath of allegiance and the oath of office if they chose to.