



Queensland

Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015



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Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of Industrial Relations Act 1999	
2	Act amended	6
3	Amendment of s 3 (Principal object of this Act)	6
4	Amendment of s 71CA (Queensland Employment Standards subject to provisions of modern industrial instrument)	7
5	Replacement of s 71LA (Required or permitted provisions)	7
	71LA Required or permitted provisions	7
6	Omission of s 71LB (Non-allowable provisions)	7
7	Amendment of s 71LC (Provisions that contravene s 71LA or 71LB of no effect)	7
8	Omission of ch 2A, pt 3, div 2, sdiv 1 (Required content—all modern industrial instruments)	8
9	Insertion of new s 71MCA	8
	71MCA Dispute resolution procedure	8
10	Amendment of s 71N (General matters)	8
11	Amendment of s 71NA (Provisions related to Queensland Employment Standards)	8
12	Amendment of s 71NB (Other incidental provisions)	8
13	Insertion of new s 71NCA	9
	71NCA Other requirements	9
14	Replacement of s 71ND (General matters)	9
	71ND General matters	9
15	Amendment of s 71NE (Provisions about employment relationship)	10
16	Omission of ch 2A, pt 3, div 4 (Non-allowable content)	10

Contents

17	Amendment of s 140CA (Variation of award modernisation request)	10
18	Amendment of s 140D (Modern awards objectives)	10
19	Amendment of s 149 (Arbitration if conciliation unsuccessful) . . .	11
20	Amendment of s 149C (Arbitration powers of full bench)	11
21	Amendment of s 149D (Issues full bench must consider)	11
22	Amendment of s 156 (Certifying an agreement)	11
23	Amendment of s 158 (Other options open to commission instead of refusing to certify agreement).	12
24	Omission of s 176A (Claims including non-allowable content) . . .	12
25	Amendment of s 319 (Representation of parties)	12
26	Omission of ch 8, pt 7 (Other matters)	13
27	Omission of s 370A (Definitions for div 4)	13
28	Replacement of s 372 (Right of entry—authorised industrial officer)	13
	372 Right of entry—authorised industrial officer	13
29	Omission of s 372A (Notice of entry)	14
30	Omission of s 372B (Employer notice in response to entry notice)	14
31	Replacement of s 373 (Rights of authorised industrial officer after entering place)	14
	373 Right to inspect and request information—authorised industrial officer	14
32	Omission of ch 15, pt 2 (Particular provisions of industrial instruments)	
	17	
33	Insertion of new ch 20, pt 20	17
	Part 20 Transitional provisions for Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015	
	Division 1 Preliminary	
	839 Definitions for pt 20	17
	Division 2 Review of relevant modern awards	
	840 Purpose of div 2	18
	841 Commission must review and vary relevant modern award 18	
	842 Requirements for review of relevant modern award . .	19
	843 Other variations	20
	844 Commission may increase the number of modern awards 21	
	845 When variation of relevant modern award comes into operation	22
	846 Application of variation of relevant modern award . . .	22

	Division 3	Provisions for certified agreements	
	847	Change of nominal expiry date for relevant certified agreement	23
	848	No extension of relevant certified agreement	25
	849	Regulation may vary relevant certified agreement . . .	25
	850	Restriction on certification of agreements or determination of arbitration	25
	Division 4	Other matters	
	851	What happens to incomplete award modernisation process 26	
	852	Continuation of existing individual flexibility arrangements	26
	853	Application of s 831 for completion of arbitration or certification of agreement.	27
	854	Certification of agreement or making of determination if proceeding started before commencement	27
	855	Application of amended s 319	28
	856	Effect of repeal of ch 15, pt 2	28
	857	Transitional regulation-making power.	29
34		Amendment of sch 4 (Provisions for protected action ballots) . . .	29
35		Amendment of sch 5 (Dictionary).	30
Part 3		Minor or technical amendments	
36		Legislation amended	30
Schedule 1		Minor or technical amendments	31
		Industrial Relations Act 1999	31
		Industrial Relations Regulation 2011	31

2015

A Bill

for

An Act to amend the *Industrial Relations Act 1999*, and to make amendments to the legislation mentioned in schedule 1, for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015*. 4
5

Part 2 Amendment of Industrial Relations Act 1999 6
7

Clause 2 Act amended 8

This part amends the *Industrial Relations Act 1999*. 9

Note— 10

See also the amendments in schedule 1. 11

Clause 3 Amendment of s 3 (Principal object of this Act) 12

(1) Section 3— 13

insert— 14

(j) promoting and facilitating the regulation of 15
employment by awards and agreements; and 16

(2) Section 3(p)— 17

omit, insert— 18

(o) promoting collective bargaining and 19
establishing the primacy of collective 20
agreements over individual agreements. 21

Clause 4	Amendment of s 71CA (Queensland Employment Standards subject to provisions of modern industrial instrument)	1 2 3
	Section 71CA, note 2—	4
	<i>omit.</i>	5
Clause 5	Replacement of s 71LA (Required or permitted provisions)	6 7
	Section 71LA—	8
	<i>omit, insert—</i>	9
	71LA Required or permitted provisions	10
	(1) A modern industrial instrument must include the provisions required under—	11 12
	(a) part 2; and	13
	(b) for a modern award—division 2, subdivision 2; and	14 15
	(c) for a certified agreement—division 2, subdivision 3.	16 17
	(2) A modern industrial instrument may include the provisions permitted under division 3.	18 19
	(3) This section is subject to section 71NCA.	20
Clause 6	Omission of s 71LB (Non-allowable provisions)	21
	Section 71LB—	22
	<i>omit.</i>	23
Clause 7	Amendment of s 71LC (Provisions that contravene s 71LA or 71LB of no effect)	24 25
	Section 71LC, ‘or 71LB’—	26
	<i>omit.</i>	27

[s 8]

Clause 8	Omission of ch 2A, pt 3, div 2, sdiv 1 (Required content—all modern industrial instruments)	1 2
	Chapter 2A, part 3, division 2, subdivision 1—	3
	<i>omit.</i>	4
Clause 9	Insertion of new s 71MCA	5
	Chapter 2A, part 3, division 2, subdivision 2, after section 71MC—	6 7
	<i>insert—</i>	8
	71MCA Dispute resolution procedure	9
	A modern award must contain a dispute resolution procedure that provides for—	10 11
	(a) consultation at the workplace; and	12
	(b) the involvement of relevant organisations; and	13 14
	(c) any other matter prescribed by regulation.	15
Clause 10	Amendment of s 71N (General matters)	16
	Section 71N(1), ‘, other than non-allowable provisions,’—	17
	<i>omit.</i>	18
Clause 11	Amendment of s 71NA (Provisions related to Queensland Employment Standards)	19 20
	Section 71NA(1), ‘, other than a non-allowable provision,’—	21
	<i>omit.</i>	22
Clause 12	Amendment of s 71NB (Other incidental provisions)	23
	Section 71NB, ‘, other than non-allowable provisions,’—	24
	<i>omit.</i>	25

Clause 13	Insertion of new s 71NCA	1
	Chapter 2A, part 3, division 3, subdivision 1, after section 71NC—	2
	<i>insert—</i>	3
	71NCA Other requirements	4
	(1) Despite any other provision of this division, a modern industrial instrument may not include—	5
	(a) a provision that discriminates against an employee; or	6
	(b) a provision that displaces, or is otherwise inconsistent with, a provision of the Queensland Employment Standards.	7
	(2) For subsection (1)(a), a modern industrial instrument does not discriminate against an employee only because it provides for minimum wages for any of the following—	8
	(a) all young employees;	9
	(b) all employees with a disability;	10
	(c) all employees engaged as apprentices or trainees;	11
	(d) a class of employees mentioned in paragraph (a), (b), or (c).	12
	(3) Subsection (1)(b) does not apply to a provision that may be included in the modern industrial instrument under section 71NA.	13
		14
		15
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		25
Clause 14	Replacement of s 71ND (General matters)	26
	Section 71ND—	27
	<i>omit, insert—</i>	28
	71ND General matters	29
	(1) A modern award may include provisions to provide fair and just employment conditions.	30
		31

[s 15]

	(2)	Without limiting subsection (1), a modern award may include provisions about—	1 2
	(a)	minimum wages, including—	3
	(i)	wage rates for young employees, employees with a disability and employees engaged as apprentices or trainees; and	4 5 6 7
	(ii)	piece rates; and	8
	(b)	skill-based classifications and career structures.	9 10
Clause 15		Amendment of s 71NE (Provisions about employment relationship)	11 12
		Section 71NE(1), ‘, other than non-allowable provisions,’—	13
		<i>omit.</i>	14
Clause 16		Omission of ch 2A, pt 3, div 4 (Non-allowable content)	15
		Chapter 2A, part 3, division 4—	16
		<i>omit.</i>	17
Clause 17		Amendment of s 140CA (Variation of award modernisation request)	18 19
		Section 140CA(3) and (4)—	20
		<i>omit.</i>	21
Clause 18		Amendment of s 140D (Modern awards objectives)	22
	(1)	Section 140D(2)(h)—	23
		<i>omit.</i>	24
	(2)	Section 140D(3)(a), ‘, (h)’—	25
		<i>omit.</i>	26

	(3) Section 140D(5), definitions <i>financial position considerations</i> and <i>public sector entity</i> —	1 2
	<i>omit.</i>	3
Clause 19	Amendment of s 149 (Arbitration if conciliation unsuccessful)	4 5
	Section 149(2)(c)—	6
	<i>omit.</i>	7
Clause 20	Amendment of s 149C (Arbitration powers of full bench)	8
	Section 149C(2)—	9
	<i>omit, insert</i> —	10
	(2) An arbitration determination by the full bench must include the provisions required to be included in a certified agreement under chapter 2A, part 3, division 2, subdivision 3.	11 12 13 14
Clause 21	Amendment of s 149D (Issues full bench must consider)	15
	(1) Section 149D(2)(e) to (g)—	16
	<i>omit.</i>	17
	(2) Section 149D(3)—	18
	<i>omit.</i>	19
Clause 22	Amendment of s 156 (Certifying an agreement)	20
	(1) Section 156(1)(d), ‘subdivisions 1 and’—	21
	<i>omit, insert</i> —	22
	subdivision	23
	(2) Section 156(1AA)—	24
	<i>omit.</i>	25

[s 23]

Clause 23	Amendment of s 158 (Other options open to commission instead of refusing to certify agreement)	1 2
	Section 158(4) to (6)—	3
	<i>omit.</i>	4
Clause 24	Omission of s 176A (Claims including non-allowable content)	5 6
	Section 176A—	7
	<i>omit.</i>	8
Clause 25	Amendment of s 319 (Representation of parties)	9
	(1) Section 319(2)(b) and (ba)—	10
	<i>omit, insert—</i>	11
	(b) for proceedings before the commission, other than proceedings under section 278 or 408F—	12 13 14
	(i) the proceedings relate to a matter under chapter 4; or	15 16
	(ii) all parties consent; or	17
	(iii) the proceedings relate to a matter under chapter 3, or under section 275, 276 or 279, or under chapter 12, part 2 or part 16 and, on application by a party or person—	18 19 20 21 22
	(A) the commission is satisfied, having regard to the matter the proceedings relate to, that there are special circumstances making it desirable for the party or person to be legally represented; or	23 24 25 26 27 28
	(B) the commission is satisfied the party or person can be adequately represented only by a lawyer; or	29 30 31

	(2) Section 319(3A)—	1
	<i>omit.</i>	2
	(3) Section 319(4), ‘(2)(ba)(ii)’—	3
	<i>omit, insert—</i>	4
	(2)(b)(iii)	5
Clause 26	Omission of ch 8, pt 7 (Other matters)	6
	Chapter 8, part 7—	7
	<i>omit.</i>	8
Clause 27	Omission of s 370A (Definitions for div 4)	9
	Section 370A—	10
	<i>omit.</i>	11
Clause 28	Replacement of s 372 (Right of entry—authorised industrial officer)	12
	Section 372—	13
	<i>omit, insert—</i>	14
	372 Right of entry—authorised industrial officer	15
	(1) An authorised industrial officer may enter a workplace at which an employer carries on a calling of the officer’s organisation, during the employer’s business hours, to exercise a power under section 373.	16
		17
		18
		19
		20
		21
	(2) On entering the workplace, the officer must first—	22
		23
	(a) notify the employer or the employer’s representative of the officer’s presence; and	24
		25
	(b) produce the officer’s authorisation, if required by the employer or representative.	26
		27

[s 29]

	(3)	The employer must not refuse an authorised industrial officer entry to the workplace if the officer complies with subsection (2).	1 2 3
		Maximum penalty—27 penalty units.	4
	(4)	If the officer does not comply with subsection (2), the officer may be treated as a trespasser.	5 6
	(5)	Subsection (2) does not apply if, on entering the workplace, the officer discovers that neither the employer nor the employer’s representative having charge of the workplace is present.	7 8 9 10
Clause 29		Omission of s 372A (Notice of entry)	11
		Section 372A—	12
		<i>omit.</i>	13
Clause 30		Omission of s 372B (Employer notice in response to entry notice)	14 15
		Section 372B—	16
		<i>omit.</i>	17
Clause 31		Replacement of s 373 (Rights of authorised industrial officer after entering place)	18 19
		Section 373—	20
		<i>omit, insert—</i>	21
		373 Right to inspect and request information—authorised industrial officer	22 23
	(1)	This section applies to an authorised industrial officer who has entered a workplace under section 372.	24 25 26
	(2)	The officer may inspect the time and wages record of—	27 28
	(a)	a member employee; or	29

-
- (b) an employee who is eligible to become a member of the officer's organisation. 1
2
- (3) The officer may also inspect a record required to be kept under the code made under section 400I. 3
4
- (4) The employer— 5
- (a) must allow the officer to inspect the record for an employee mentioned in subsection (2)(a) or (b), unless the employee has made a written request to the employer that the record not be available for inspection by an authorised industrial officer or a particular authorised industrial officer; and 6
7
8
9
10
11
12
- (b) must not allow the officer to inspect the record for an employee who has made a written request to the employer that the record not be available for inspection by an authorised industrial officer or a particular authorised industrial officer; and 13
14
15
16
17
18
- (c) must allow the officer to inspect the record mentioned in subsection (3). 19
20
- Maximum penalty—27 penalty units. 21
- (5) The officer may make a copy of the time and wages record or the record mentioned in subsection (3), but can not require any help from the employer. 22
23
24
25
- (6) A person must not, by threats or intimidation, persuade or attempt to persuade an employee or prospective employee to make, or refuse to make, a written request to the employer or prospective employer that the record not be available for inspection by an authorised industrial officer. 26
27
28
29
30
31
- Maximum penalty—27 penalty units. 32
- (7) If the employer keeps particulars other than those mentioned in section 366 in the record, the 33
34
-

[s 31]

- employer need not make the other particulars available for inspection. 1
2
- (8) The officer may discuss matters under this Act with the following persons during working or non-working time— 3
4
5
- (a) the employer; 6
- (b) a member employee, or an employee who is eligible to become a member of the officer’s organisation. 7
8
9
- (9) The officer may discuss any other matter with a member employee, or an employee who is eligible to become a member of the officer’s organisation, during non-working time. 10
11
12
13
- (10) A person must not obstruct the officer exercising a power under subsection (8) or (9). 14
15
- Maximum penalty—27 penalty units. 16
- (11) The officer must not— 17
- (a) wilfully obstruct the employer, or an employee during the employee’s working time; or 18
19
20
- (b) contravene a requirement of this section. 21
- Maximum penalty—27 penalty units. 22
- (12) A person must not act as an authorised industrial officer under this section, unless the person holds a current authorisation. 23
24
25
- Maximum penalty—27 penalty units. 26
- (13) In this section— 27
- member employee* means— 28
- (a) an employee who is a member of the authorised industrial officer’s organisation; 29
30
or 31

	(b) a former employee who was, or is, a member of the officer's organisation.	1 2	
	<i>time and wages record</i> means the time and wages record required to be kept under section 366.	3 4 5	
Clause 32	Omission of ch 15, pt 2 (Particular provisions of industrial instruments)	6 7	
	Chapter 15, part 2—	8	
	<i>omit.</i>	9	
Clause 33	Insertion of new ch 20, pt 20	10	
	Chapter 20—	11	
	<i>insert—</i>	12	
	Part 20	Transitional provisions for Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015	13 14 15 16 17
	Division 1	Preliminary	18
	839 Definitions for pt 20		19
	In this part—		20
	<i>amended Act</i> means this Act as amended by the amending Act.		21 22
	<i>amending Act</i> means the <i>Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015</i> .		23 24 25
	<i>pre-amended Act</i> means this Act as in force immediately before the commencement.		26 27

[s 33]

<i>pre-modernisation award</i> see section 140B.	1
<i>relevant certified agreement</i> means a certified agreement that is—	2 3
(a) a modern industrial instrument; and	4
(b) certified by the commission before the commencement.	5 6
<i>relevant modern award</i> means a modern award made by the commission before the commencement.	7 8 9
<i>relevant pre-modernisation award</i> , in relation to a relevant modern award, means a pre-modernisation award that applied to all or some of the employees to whom the relevant modern award applies.	10 11 12 13 14

Division 2	Review of relevant modern awards	15 16
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840 Purpose of div 2	17
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The purpose of this division is— 18

- | | |
|--|----------------------|
| (a) to provide for the review and variation by the commission of modern awards made, under the award modernisation process, before the commencement; and | 19
20
21
22 |
| (b) to ensure the awards mentioned in paragraph (a) are not inconsistent with the amended Act. | 23
24
25 |

841 Commission must review and vary relevant modern award	26 27
--	----------

- | | |
|---|----------------------|
| (1) This section applies to a relevant modern award if the Minister gives the commission a variation notice under section 140CA in relation to the award modernisation process. | 28
29
30
31 |
|---|----------------------|

-
- (2) The commission must review the relevant modern award and vary it under this division as soon as practicable after receiving the variation notice. 1
2
3
4
- (3) For reviewing the relevant modern award under this division— 5
6
- (a) the commission must carry out the review in accordance with section 140CC; and 7
8
- (b) section 140CE and chapter 5A, part 3 do not apply. 9
10
- (4) The award modernisation process under which the relevant modern award was made continues for the purpose of enabling the award to be reviewed and varied under this division. 11
12
13
14

842 Requirements for review of relevant modern award 15
16

- (1) In reviewing a relevant modern award under this division, the commission must vary the award to remove— 17
18
19
- (a) a provision required to be included by repealed section 71M, 71MA or 71MB; and 20
21
- (b) any provision ancillary to a provision mentioned in paragraph (a). 22
23
- Example for paragraph (b)—* 24
- clause 8.2 of the Queensland Public Service Officers and Other Employees Award—State 2014 25
26
- (2) Also, the commission must vary the relevant modern award to include a provision that was in a relevant pre-modernisation award about any of the following— 27
28
29
30
- (a) union encouragement; 31
- (b) union delegates; 32

[s 33]

- (c) industrial relations education leave or trade union training leave; 1
2
- (d) right of entry; 3
- (e) prevention and settlement of disputes, including employee grievance procedures; 4
5
- (f) termination, change and redundancy. 6
- (3) For subsection (2), the commission may amend the provision for insertion in the relevant modern award as the commission considers appropriate having regard to— 7
8
9
10
 - (a) the desirability of a modern award not duplicating provisions of the Queensland Employment Standards; and 11
12
13
 - (b) the modern awards objectives under section 140D; and 14
15
 - (c) in relation to a provision mentioned in subsection (2)(e)—the requirements under section 71MCA. 16
17
18
- (4) In this section— 19
 - provision*, of a relevant pre-modernisation award, includes a provision of the award that was of no effect because of repealed chapter 15, part 2. 20
21
22

843 Other variations 23

- (1) The commission may vary a relevant modern award to provide for a matter contained in a relevant pre-modernisation award. 24
25
26
- (2) For deciding whether to vary the relevant modern award under subsection (1), the commission must have regard to— 27
28
29
 - (a) the provisions permitted to be included in a relevant modern award under section 71ND; 30
31
and 32

-
- (b) the desirability of a modern award not duplicating provisions of the Queensland Employment Standards; and
 - (c) the modern awards objectives under section 140D; and
 - (d) a submission made by a party covered by the relevant modern award about the proposed variation.

844 Commission may increase the number of modern awards

- (1) This section applies if the making of the relevant modern award resulted in a significant reduction in the number of awards covering an industry or occupation.
- (2) Before reviewing and varying the relevant modern award under this division, the commission must consider whether to increase the number of modern awards covering the industry or occupation.
- (3) The commission must consider a submission made by a party covered by the relevant modern award about whether to increase the number of modern awards covering the industry or occupation.
- (4) If the commission decides to increase the number of modern awards covering the industry or occupation, the commission must—
 - (a) vary the relevant modern award to reduce its coverage; and
 - (b) make 1 or more additional modern awards covering the employees excluded from coverage of the relevant modern award under paragraph (a).

[s 33]

- (5) An additional modern award made under subsection (4)(b) is, for the purposes of this division, taken to be a relevant modern award.

845 When variation of relevant modern award comes into operation

A variation of the relevant modern award made under this division comes into operation on the day the commission makes a determination varying the award.

846 Application of variation of relevant modern award

- (1) A variation of a relevant modern award made under this division applies to an employee who is a party covered by the award if—
- (a) the variation is in operation; and
 - (b) one of the following applies—
 - (i) the employee is covered by a certified agreement that is certified after the variation comes into operation;
 - (ii) the employee is covered by a determination that is made after the variation comes into operation;
 - (iii) if the employee is not covered by a certified agreement on the day the variation comes into operation—the day the variation comes into operation or, if the commission states a later day in the determination varying the award, the stated day.
- (2) Subsection (3) applies to an employee who was covered by a relevant certified agreement immediately before the commencement.

-
- (3) To remove any doubt, it is declared that the pre-variation modern award continues to apply to the employee until the variation of the relevant modern award starts applying to the employee under subsection (1). 1
2
3
4
5
- Note for subsections (1) to (3)—* 6
- For an employee who was not covered by a relevant certified agreement before the commencement, other than an employee mentioned in subsection (1)(b)(iii), see section 824. 7
8
9
- (4) In this section— 10
- pre-variation modern award* means the relevant modern award as it read immediately before the commencement. 11
12
13

Division 3 Provisions for certified agreements 14 15

847 Change of nominal expiry date for relevant certified agreement 16 17

- (1) This section applies if— 18
- (a) each prescribed modern award for a relevant certified agreement has been reviewed and varied under division 2; and 19
20
21
- (b) the nominal expiry date for the relevant certified agreement is more than 3 months after the variation day. 22
23
24
- (2) On the variation day, the nominal expiry date for the relevant certified agreement is taken to be the earlier of— 25
26
27
- (a) the day that is 3 months after the variation day; or 28
29
- (b) if an earlier day is prescribed for the expiry by regulation, the prescribed day. 30
31

Note— 32

[s 33]

- See section 164(2)(a) in relation to the continued operation of the relevant certified agreement after its nominal expiry date. 1
2
3
- (3) On the variation day— 4
- (a) the requirements under section 143 for a proposed agreement are taken to have been satisfied; and 5
6
7
- (b) the parties to the relevant certified agreement are taken to have begun negotiations for a proposed agreement. 8
9
10
- (4) For subsection (3)(a), the proposed parties to the proposed agreement are— 11
12
- (a) each party to the relevant certified agreement; and 13
14
- (b) an employee organisation that could have been bound by the relevant certified agreement under section 166(2). 15
16
17
- (5) In this section— 18
- prescribed modern award***, for a relevant certified agreement, means a relevant modern award, or a modern award made under section 844, that applies to all or some of the parties covered by the relevant certified agreement. 19
20
21
22
23
- variation day*** means— 24
- (a) if there is 1 prescribed modern award for the relevant certified agreement—the day the commission makes a determination under division 2 varying the prescribed modern award; or 25
26
27
28
29
- (b) if there is more than 1 prescribed modern award for the relevant certified agreement—the day the commission makes a determination under division 2 varying the last of the prescribed modern awards for the relevant certified agreement. 30
31
32
33
34
35

848 No extension of relevant certified agreement	1
Section 168 does not apply to a relevant certified agreement.	2 3
849 Regulation may vary relevant certified agreement	4 5
(1) A regulation may vary a relevant certified agreement in the way stated in the regulation.	6 7
(2) The variation takes effect from the day the regulation commences or, if the regulation states a later day, the later day.	8 9 10
(3) This section applies subject to chapter 2A, part 3, of the amended Act.	11 12
850 Restriction on certification of agreements or determination of arbitration	13 14
(1) This section applies if—	15
(a) a relevant modern award has not been reviewed and varied by the commission under division 2; and	16 17 18
(b) after the commencement, an agreement is proposed under chapter 6 that would cover all or some of the parties covered by the relevant modern award.	19 20 21 22
(2) The commission—	23
(a) must refuse to certify the proposed agreement; and	24 25
(b) may not make an arbitration determination under section 150.	26 27
(3) This section is taken to have had effect on and from the day of introduction into the Legislative Assembly of the Bill for the amending Act.	28 29 30

[s 33]

Division 4	Other matters	1
851	What happens to incomplete award modernisation process	2
		3
(1)	This section applies if, before the commencement, an award modernisation process was started under section 140C.	4 5 6
(2)	If the commission had started to modernise a pre-modernisation award before the commencement but no modern award was made—	7 8 9 10
(a)	the commission must continue to modernise the pre-modernisation award under the amended Act; and	11 12 13
(b)	any reference of the matter to the full bench ends on the commencement.	14 15
(3)	If the commission had not started to modernise a pre-modernisation award before the commencement, the modernisation process must be conducted under the amended Act.	16 17 18 19
(4)	For this section, the process for modernising a pre-modernisation award starts when the commission releases an exposure draft of the proposed modern award.	20 21 22 23
852	Continuation of existing individual flexibility arrangements	24
		25
(1)	This section applies to an individual flexibility arrangement entered into under an industrial instrument before the commencement.	26 27 28
(2)	The individual flexibility arrangement continues to operate despite the repeal of section 71MB.	29 30

853 Application of s 831 for completion of arbitration or certification of agreement	1 2
(1) This section applies to a matter to which section 831 applies.	3 4
(2) For making an arbitration determination for the matter—	5 6
(a) the determination may include a provision mentioned in repealed chapter 15, part 2; and	7 8 9
(b) section 149D of the amended Act applies.	10
(3) If the employer and 1 or more parties reach agreement on the terms of a proposed certified agreement, the agreement may include a provision mentioned in repealed chapter 15, part 2.	11 12 13 14 15
(4) This section applies despite section 831(3).	16
854 Certification of agreement or making of determination if proceeding started before commencement	17 18 19
(1) This section applies if—	20
(a) before the commencement—	21
(i) an agreement was proposed under chapter 6 of the pre-amended Act; and	22 23
(ii) the agreement was not certified by the commission; and	24 25
(iii) no arbitration determination was made; and	26 27
(b) each prescribed modern award for the proposed agreement has been reviewed and varied by the commission under division 2.	28 29 30

[s 33]

- (2) The amended Act applies for the certification of the agreement or the making of an arbitration determination under section 150. 1
2
3
- (3) In this section— 4
prescribed modern award, for a proposed 5
agreement, means a relevant modern award, or a 6
modern award made under section 844, that 7
applies to all or some of the parties who would be 8
covered by the proposed agreement. 9
- 855 Application of amended s 319** 10
- (1) Section 319 as amended by the amending Act 11
applies to all proceedings before the commission 12
started on or after the commencement. 13
- (2) For subsection (1), an arbitration under section 14
149 starts when the requirements under section 15
149(1) are first satisfied. 16
- 856 Effect of repeal of ch 15, pt 2** 17
- (1) This section applies if— 18
- (a) before the commencement, all or part of a 19
provision of a relevant industrial instrument 20
was of no effect because of the operation of 21
repealed chapter 15, part 2; and 22
- (b) on the commencement, the instrument is 23
still in force. 24
- (2) On the commencement, the provision, or part of 25
the provision, takes effect. 26
- (3) In this section— 27
relevant industrial instrument has the meaning 28
given under repealed section 691A. 29

857 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which—
- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the pre-amended Act to the operation of the amended Act; and
- (b) this Act does not make provision or sufficient provision.
- (2) Without limiting subsection (1), a transitional regulation may continue the operation of a provision of the pre-amended Act that was omitted by the amending Act.
- (3) A transitional regulation may have retrospective operation to a day that is not earlier than the day of the commencement.
- (4) A transitional regulation must declare it is a transitional regulation.
- (5) This section and any transitional regulation expire 2 years after the day of commencement.

- Clause 34 Amendment of sch 4 (Provisions for protected action ballots)**
- (1) Schedule 4, section 8(1)(d)—
omit.
- (2) Schedule 4, section 12A—
omit.

Schedule 1 Minor or technical amendments 1

section 36 2

Industrial Relations Act 1999 3

1 Section 89(2)— 4
 omit. 5

2 Section 140CE(1)(b), after ‘relates’— 6
 insert— 7
 on a stated day determined by the commission, having regard 8
 to section 824 9

3 Section 176(3A)— 10
 omit. 11

4 Chapter 15, part 1, heading— 12
 omit. 13

Industrial Relations Regulation 2011 14

1 Sections 7A to 7C— 15
 omit. 16

2 Schedule 1AA— 17
 omit. 18

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