

Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015

Amendments during consideration in detail to be moved by

The Honourable the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships

1 Clause 18 (Insertion of new ch 1, pt 4, div 6, sdiv 3B)

Page 21, lines 12 to 15—

omit, insert—

- (c) a volunteer fire fighter or volunteer fire warden engaged by the authority responsible for the management of the State's fire services; or
- (d) a person appointed or employed under the repealed *Fire Brigades Act 1964*, section 24; or
- (e) a person appointed or employed under the repealed *Rural Fires Act 1946*, section 9.

2 Clause 18 (Insertion of new ch 1, pt 4, div 6, sdiv 3B)

Page 21, lines 18 and 19—

omit.

3 Clause 18 (Insertion of new ch 1, pt 4, div 6, sdiv 3B)

Page 21, lines 20 to 27 and page 22, lines 1 to 3—

omit.

4 Clause 18 (Insertion of new ch 1, pt 4, div 6, sdiv 3B)

Page 22, lines 11 to 15—

omit, insert—

column 2 opposite the specified disease.

5 Clause 18 (Insertion of new ch 1, pt 4, div 6, sdiv 3B)

Page 23, lines 1 to 4—

omit, insert—

- (2) A period of 12 months may be included only if, throughout the period, the person—
 - (a) was employed for the purpose of firefighting; and
 - (b) attended fires to the extent reasonably necessary to fulfil the purpose of the person's employment.

6 Clause 18 (Insertion of new ch 1, pt 4, div 6, sdiv 3B)

Page 23, lines 10 to 24—

omit, insert—

Example—

A person was employed for firefighting and attended fires for 10 years before working in administrative and management roles for another 20 years. For section 36D(1)(b), the person was employed as a firefighter for 10 years.

- (4) In this section—
firefighting means extinguishing, controlling or preventing the spread of fires.

7 Clause 18 (Insertion of new ch 1, pt 4, div 6, sdiv 3B)

Page 23, lines 25 to 33 and page 24, lines 1 to 21—

omit.

8 Clause 22 (Amendment of sch 6 (Dictionary))

Page 27, lines 9 and 10—

omit.

9 Clause 22 (Amendment of sch 6 (Dictionary))

Page 28, line 6—

omit, insert—

volunteer firefighter means a person mentioned in section 36B, definition *firefighter*, paragraph (b), (c) or (e).

10 After clause 37

Page 34, after line 8—

insert—

**Division 1A Amendment of Industrial
Relations Act 1999**

37AA Act amended

This division amends the *Industrial Relations Act 1999*.

**37AB Amendment of s 75 (Conciliation before
application heard)**

Section 75(6), 'vice'—

omit.

**37AC Amendment of s 140F (Periodic reviews of a
modern award)**

Section 140F(2) and (3), 'or vice-president'—

omit.

37AD Amendment of s 149 (Arbitration if conciliation unsuccessful)

Section 149(3)(a), 'vice-president'—

omit, insert—

president

37AE Amendment of s 149A (Arbitration period)

(1) Section 149A, 'vice-president'—

omit, insert—

president

(2) Section 149A(4)(b), 'vice-president's'—

omit, insert—

president's

37AF Amendment of s 149B (Full bench to determine matters by arbitration unless vice-president directs otherwise)

Section 149B, 'vice-president'—

omit, insert—

president

37AG Amendment of s 160 (When an agreement passes the no-disadvantage test)

Section 160(5), 'vice'—

omit.

37AH Amendment of s 242E (Functions of the president)

Section 242E(4), after 'vice-president'—

insert—

or a deputy president (court)

37AI Amendment of s 246C (Deputy presidents (court))

Section 246C(2)(a), from 'local' to '2007,'—

omit, insert—

lawyer

37AJ Amendment of s 252 (President's annual report)

(1) Section 252(3)—

omit.

(2) Section 252(4)—

renumber as section 252(3).

37AK Amendment of s 259AA (Dealing with matters as commissioner and ombudsman)

Section 259AA(3), 'vice'—

omit.

37AL Amendment of s 264 (Administrative responsibilities for the commission and registry)

(1) Section 264(1), (2), (3), (4AA), (4A), (6) and (7)(b), 'vice'—

omit.

(2) Section 264(4A)—

insert—

(aa) to the vice president; or

(3) Section 264(4A)(b), after 'if'—

insert—

the vice president or

- (4) Section 264(4A)(aa) to (b)—
renumber as section 264(4A)(a) to (c).
- (5) Section 264(5), 'vice president or a deputy president'—
omit, insert—

president, vice president, a deputy president or an industrial commissioner

37AM Amendment of s 269 (Vice president to consider efficiencies that may be achieved by using dual commissioners)

- (1) Section 269, heading, 'Vice president'—
omit, insert—

President

- (2) Section 269, 'vice'—
omit.

37AN Amendment of s 270 (Reallocation of commission's work)

Section 270, 'vice'—
omit.

37AO Amendment of s 281 (Reference to full bench)

- (1) Section 281(2)—
omit, insert—
- (2) A commissioner may refer the matter only with the president's approval.
- (2) Section 281(3), (4) and (5), 'vice'—
omit.

37AP Amendment of s 299 (Functions and powers of registrar)

Section 299(3)—

omit, insert—

- (3) In performing a function or exercising a power, the registrar must comply with a direction given by the president in relation to the court or the commission.

37AQ Amendment of s 301 (Delegation by registrar)

Section 301(b), 'vice'—

omit.

37AR Amendment of s 308 (Reference of matter to Commonwealth official)

Section 308(1), (2) and (5)(b), 'vice'—

omit.

37AS Amendment of s 309 (Conferences with industrial authorities)

- (1) Section 309(1)(a) and (2), 'vice'—

omit.

- (2) Section 309(3)—

omit.

37AT Amendment of s 310 (Joint sessions with industrial authorities)

- (1) Section 310(1)(a) and (2), 'vice'—

omit.

- (2) Section 310(3)—

omit.

37AU Amendment of s 311 (Similar matters before full bench and industrial authority)

Section 311, 'vice'—

omit.

37AV Amendment of s 311A (Adoption of result of joint session)

Section 311A(1), 'vice'—

omit.

37AW Amendment of s 313 (Vice president may decide matter not to be dealt with in joint session)

- (1) Section 313, heading, 'Vice president'—

omit, insert—

President

- (2) Section 313, 'vice'—

omit.

37AX Amendment of s 320 (Basis of decisions of the commission and magistrates)

Section 320(5), note, 'vice-president'—

omit, insert—

president

37AY Insertion of ch 20, pt 21

After section 857—

insert—

Part 21

Transitional provision for Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015

858 Action taken by vice-president

- (1) This section applies to a relevant action taken by the vice-president that is still in force immediately before the commencement.
- (2) The action continues to have effect after the commencement as if the action had been taken by the president.
- (3) In this section—

relevant action means an action taken by the vice-president under a provision amended by the *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015*.

37AZ Amendment of sch 2 (Appointments)

- (1) Schedule 2, part 1, section 4A(2), 'the vice-president'—
omit, insert—
any other member
- (2) Schedule 2, part 1, section 4A(3)—
omit.

**Division 1B Amendment of Industrial
Relations (Tribunals) Rules
2011**

37BA Rules amended

This division amends the *Industrial Relations (Tribunals) Rules 2011*.

**37BB Amendment of r 79 (Application to refer
matter to full bench)**

Rule 79, 'vice'—
omit.

**Division 1C Amendment of Trading
(Allowable Hours) Act 1990**

37BC Act amended

This division amends the *Trading (Allowable Hours) Act 1990*.

**37BD Amendment of s 23A (Reference to full
bench)**

Section 23A(2) and (3)(b), 'vice-president'—
omit, insert—
president

37BE Insertion of pt 8, div 4

After section 52—
insert—

Division 4

Transitional provision for Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015

53 Referral by vice-president

- (1) This section applies to a referral by the vice-president under section 23A in relation to a matter that immediately before the commencement had not been decided by the full bench.
- (2) The referral continues to have effect, and the full bench may hear and decide the matter referred to it, after the commencement as if the referral had been made by the president.

37BF Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

president means the president of the industrial commission under the *Industrial Relations Act 1999*.

11 Long title

Long title, after '*Electrical Safety Act 2002*,'—

insert—

***the Industrial Relations Act 1999, the
Industrial Relations (Tribunals) Rules 2011, the
Trading (Allowable Hours) Act 1990,***

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