

Industrial Relations and Other Legislation Amendment Bill 2022

Amendments during consideration in detail to be moved by
The Honourable the Minister for Education, Minister for Industrial
Relations and Minister for Racing

1 After clause 7

Page 11, after line 25—

insert—

7A Amendment of s 52 (Entitlement to domestic and family violence leave)

(1) Section 52(1), ‘other than’—

omit, insert—

including

(2) Section 52(2) and (3)—

omit.

(3) Section 52(4), (5) and (7), ‘, (2) or (3)’—

omit.

(4) Section 52(8), from ‘long term’ to ‘short term’—

omit.

(5) Section 52(4) to (9)—

renumber as section 52(2) to (7).

2 After clause 52

Page 39, after line 19—

insert—

52A Amendment of s 529 (Representation of parties generally)

(1) Section 529(1)—

omit, insert—

(1) A party to proceedings, or a person ordered
or permitted to appear or to be represented in

the proceedings, may be represented in the proceedings by—

- (a) a lawyer, only in accordance with section 530; or
 - (b) an employee or officer of an organisation appointed in writing as the agent of the party or person; or
 - (c) if the party or person is an organisation—an employee, officer or member of the organisation; or
 - (d) if the party or person is an employer—an employee or officer of the employer; or
 - (e) another person appointed in writing as the agent of the party or person, only with the leave of the industrial tribunal conducting the proceedings.
- (1A) However, a party or person may not be represented under subsection (1)(e) by a person who—
- (a) directly or indirectly demands or receives a fee for representing the party or person; or
 - (c) is an employee or officer of, or acting for, an entity (other than an organisation) that purports to represent the industrial interests of employees or employers.
- (1B) The industrial tribunal may give leave under subsection (1)(e) only if—
- (a) giving leave would enable the proceedings to be dealt with more efficiently, having regard to the complexity of the matter; or
 - (b) it would be unfair not to allow the party or person to be represented because the

party or person is unable to represent
itself, himself or herself; or

- (c) it would be unfair not to allow the party
or person to be represented having
regard to fairness between the party or
person, and other parties or persons in
the proceedings.

- (2) Section 529(2)—

insert—

industrial tribunal means the Court of
Appeal, court, full bench or commission or
an Industrial Magistrates Court.

- (3) Section 529(1A) to (2)—

renumber as section 529(2) to (4).

3 After clause 53

Page 40, after line 14—

insert—

53A Amendment of s 530A (Representation—public service appeals)

Section 530A(2) to (4)—

omit, insert—

- (2) A party to the appeal may—
 - (a) appear personally; or
 - (b) be represented in the proceeding by
another person under section 529.
- (3) However, a party may not be represented
under subsection (2)(b) by a lawyer.
- (4) For this section, a party is taken not to be
represented by a lawyer if the lawyer is—
 - (a) an employee or officer of the party or
person; or

- (b) if the party is represented by an organisation—an employee or officer of the organisation.

4 **Clause 62 (Insertion of new ch 18, pt 6)**

Page 58, after line 30—

insert—

1102 Existing appointment of agent to represent party or person in proceedings

- (1) This section applies if a party or person appointed an agent under former section 529 to represent the party or person in proceedings and, immediately before the commencement, the proceedings had not ended.
- (2) Former section 529 continues to apply in relation to the appointment of the agent to represent the party or person in the proceedings as if the *Industrial Relations and Other Legislation Amendment Act 2022* had not been enacted.
- (3) In this section—
former section 529 means section 529 as in force from time to time before the commencement.

5 **Clause 66 (Insertion of new ch 10A)**

Page 111, after line 16—

insert—

406ZZG Authorisation for competition legislation

- (1) The following things are specifically authorised for the *Competition and Consumer Act 2010* (Cwlth), section 51(1)(b) and the Competition Code of Queensland—
 - (a) a courier service contract;
 - (b) a contract determination;

- (c) a negotiated agreement;
- (d) anything done by a person—
 - (i) to negotiate, enter into or perform a courier service contract; or
 - (ii) to negotiate with a view to a negotiated agreement being made; or
 - (iii) to comply with a contract determination or negotiated agreement; or
 - (iv) to comply with this chapter.
- (2) Anything authorised to be done by subsection (1) is authorised only to the extent it would otherwise contravene the *Competition and Consumer Act 2010* (Cwlth) or the Competition Code of Queensland.

6 Clause 75 (Amendment of s 9 (Application for incorporation))

Page 116, lines 10 to 14—

omit, insert—

Section 9—

insert—

- (4) Further, the application must be accompanied by a statutory declaration by the appointed person stating whether the association has an industrial purpose.

7 Clause 85 (Insertion of new pt 18, div 5)

Page 122, line 12, ‘9(3)(c)’—

omit, insert—

9(4)