



Industrial Relations and Other Legislation Amendment Bill 2026



Queensland

Industrial Relations and Other Legislation Amendment Bill 2026

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184	Amendment of s 209 (Information statements—Act, ss 46B and 132AA)	180
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2026

A Bill

for

An Act to amend the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*, the *Building and Construction Industry (Portable Long Service Leave) Act 1991*, the *Community Services Industry (Portable Long Service Leave) Act 2020*, the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, the *Industrial Relations Act 2016*, the *Planning and Environment Court Act 2016*, the *Workers' Compensation and Rehabilitation Act 2003* and the *Workers' Compensation and Rehabilitation Regulation 2025* 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 and Other* 4
Legislation Amendment Act 2026. 5

Clause 2 Commencement 6
(1) The following provisions commence on 1 January 2027— 7
 (a) section 135; 8
 (b) section 138; 9
 (c) section 153; 10
 (d) section 175; 11
 (e) section 176; 12
 (f) section 177; 13
 (g) section 178; 14
 (h) section 181, to the extent it inserts chapter 40, part 6; 15
 (i) section 182(1), to the extent it inserts definition *claims* 16
 history summary. 17
(2) The following provisions commence on a day to be fixed by 18
 proclamation— 19
 (a) section 95; 20
 (b) section 98; 21
 (c) section 99; 22
 (d) section 136; 23
 (e) section 137; 24

- (f) section 141; 1
- (g) section 143; 2
- (h) section 145; 3
- (i) section 146; 4
- (j) section 147; 5
- (k) section 181, to the extent it inserts chapter 40, parts 3 6
and 5; 7
- (l) section 182(1), to the extent it inserts definitions 8
relevant register and *relevant specialist*; 9
- (m) section 182(4). 10

Part 2 **Amendment of Brisbane Olympic and Paralympic Games Arrangements Act 2021**

Clause 3 Act amended 14

This part amends the *Brisbane Olympic and Paralympic Games Arrangements Act 2021*. 15
16

Clause 4 Insertion of new s 53DFAA 17

After section 53DF— 18

insert— 19

53DFAA Application of liquor legislation in relation to music from relevant venues

- (1) This section applies if— 22
 - (a) an authority venue or other venue is listed in 23
schedule 4AA (a *relevant venue*); and 24
 - (b) a licence relates to premises comprising all 25
or part of the relevant venue; and 26

[s 5]

	(c) the relevant venue is being used for a games-related use or legacy use.	1 2
	(2) If the licence is subject to a condition about noise coming from the premises, the condition does not apply in relation to noise from amplified music played at the premises.	3 4 5 6
	(3) The <i>Liquor Act 1992</i> , sections 46, 46A and 187 do not apply in relation to noise from amplified music played at the premises.	7 8 9
	(4) This section applies despite the <i>Liquor Act 1992</i> .	10
	(5) In this section— <i>licence</i> means a licence under the <i>Liquor Act 1992</i> .	11 12 13
Clause 5	Amendment of ch 3A, pt 2A, div 2, hdg (Vesting of land)	14
	Chapter 3A, part 2A, division 2, heading, after ‘land’— <i>insert</i> —	15 16
	in authority	17
Clause 6	Insertion of new ch 3A, pt 2A, div 2A	18
	Chapter 3A, part 2A— <i>insert</i> —	19 20
	Division 2A Vesting of other land in Cross River Rail Delivery Authority	21 22 23
	53DFEA Definitions for division	24
	In this division— <i>arena-related land</i> means the land comprising part of lot 1291 on SP149280 that is identified as ‘new lot area’ on the plan shown in schedule 4AB.	25 26 27 28

remainder of lot 1291 means the land comprising
lot 1291 on SP149280 other than the arena-related
land.

**53DFEB Lodgement of plan of survey for lot 1291
on SP149280**

- (1) The chief executive must ensure the following documents are lodged before 31 December 2026—
 - (a) a plan of survey of—
 - (i) the arena-related land; and
 - (ii) the remainder of lot 1291;
 - (b) a written notice (a *vesting notice*) stating that the lot created under this section for the arena-related land is to be recorded in the freehold land register as vested in the cross river rail authority under section 53DFEC.
- (2) The plan of survey must—
 - (a) generally correspond with the plan shown in schedule 4AB to the extent the plan identifies the arena-related land; and
 - (b) define the arena-related land as 1 lot for the purposes of the Land Title Act; and
 - (c) define the remainder of lot 1291 as 1 lot for the purposes of the Land Act; and
 - (d) comply with the *Survey and Mapping Infrastructure Act 2003*; and
 - (e) be certified as accurate by a cadastral surveyor within the meaning of the *Surveyors Act 2003*.
- (3) Despite any other Act or law, if a plan of survey and vesting notice are lodged in accordance with this section—

[s 6]

- (a) the lot defined in the plan for the arena-related land is created as a separate lot under the Land Title Act; and
- (b) the lot defined in the plan for the remainder of lot 1291 is created as a separate lot under the Land Act; and
- (c) the registrar of titles must, as soon as practicable after the lodgement of the plan, record the particulars of the plan in the freehold land register and the appropriate register under the Land Act; and
- (d) no fee is payable for—
 - (i) the lodgement of the plan or vesting notice; or
 - (ii) the recording of the particulars mentioned in paragraph (c).

53DFEC Vesting of new lot for arena-related land in Cross River Rail Delivery Authority

- (1) This section applies in relation to the lot under the Land Title Act that is created for the arena-related land under section 53DFEB(3)(a).
- (2) Immediately after the lot is created, the lot is vested in the cross river rail authority as an estate in fee simple subject to any Land Act reservations for the land.
- (3) Sections 53DFF and 53DFG apply in relation to the lot as if—
 - (a) the lot were schedule 4A land; and
 - (b) the lot were vested under division 2; and
 - (c) a reference in section 53DFF to a preserved interest did not apply; and
 - (d) a reference in section 53DFF to a Land Act reservation for the land were a reference to a

	Land Act reservation within the meaning of this section; and	1 2
(e)	the vesting day for the lot were the day the lot vests in the cross river rail authority under subsection (2); and	3 4 5
(f)	the reference in section 53DFF(5) to the authority were a reference to the cross river rail authority.	6 7 8
(4)	Also, on the vesting of the lot under subsection (2), any declaration of the arena-related land as a State-controlled road or motorway under the <i>Transport Infrastructure Act 1994</i> is revoked.	9 10 11 12
(5)	Subsection (4) applies despite any requirement that would otherwise apply under the <i>Transport Infrastructure Act 1994</i> in relation to the revocation of the declaration.	13 14 15 16
(6)	In this section—	17
	<i>cross river rail authority</i> means the Cross River Rail Delivery Authority established under the <i>Cross River Rail Delivery Authority Act 2016</i> , section 8.	18 19 20 21
	<i>Land Act reservation</i> , for the land comprising the lot under the Land Title Act created for the arena-related land under section 53DFEB(3)(a), means a reservation or condition that—	22 23 24 25
(a)	is mentioned in the Land Act, section 21; and	26 27
(b)	would have applied in relation to the land if, instead of vesting under this part, a deed of grant had been issued under the Land Act for the land.	28 29 30 31
53DFED Effect of creation of new lot for remainder of lot 1291		32 33
(1)	This section applies in relation to the lot created	34

[s 7]

- under the Land Act for the remainder of lot 1291 1
- under section 53DFEB(3)(b). 2
- (2) The land comprising the lot continues to be 3
- dedicated as a reserve under the Land Act on the 4
- same terms as the dedication of the land as a 5
- reserve immediately before the lot was created. 6
- (3) For the purposes of the Land Act, section 31A, the 7
- boundaries of the reserve mentioned in subsection 8
- (2) are changed, on lodgement of the plan of 9
- survey under section 53DFEB(1), to exclude the 10
- arena-related land. 11
- (4) A declaration of the remainder of lot 1291 as a 12
- State-controlled road or motorway in effect under 13
- the *Transport Infrastructure Act 1994* 14
- immediately before the lot was created continues 15
- for the lot. 16

Clause 7 Amendment of sch 2 (Other venues) 17

Schedule 2, part 1, section 1, definition *arena land*, paragraph 18
(d)— 19

omit, insert— 20

(d) either— 21

- (i) if a lot has vested in the cross river rail 22
- authority under section 53DFEC—the 23
- lot; or 24

Note— 25

See section 53DFEB in relation to the creation of 26
a lot under the Land Title Act for the arena-related 27
land within the meaning of section 53DFEA. 28

- (ii) otherwise—lot 1291 on SP149280. 29

Clause 8 Insertion of new schs 4AA and 4AB 30

After schedule 4— 31

insert—

Schedule 4AA Relevant venues

section 53DFAA

Authority venues

- a facility known as the Sunshine Coast Stadium located at 320 Nicklin Way, Bokarina 4575
- a facility known as the Toowoomba Showgrounds located at Harvey Road, Glenvale 4350
- a facility known as Barlow Park Stadium located on land bounded by Scott Street, Spence Street and Severin Street, Parramatta Park 4870

Other venues

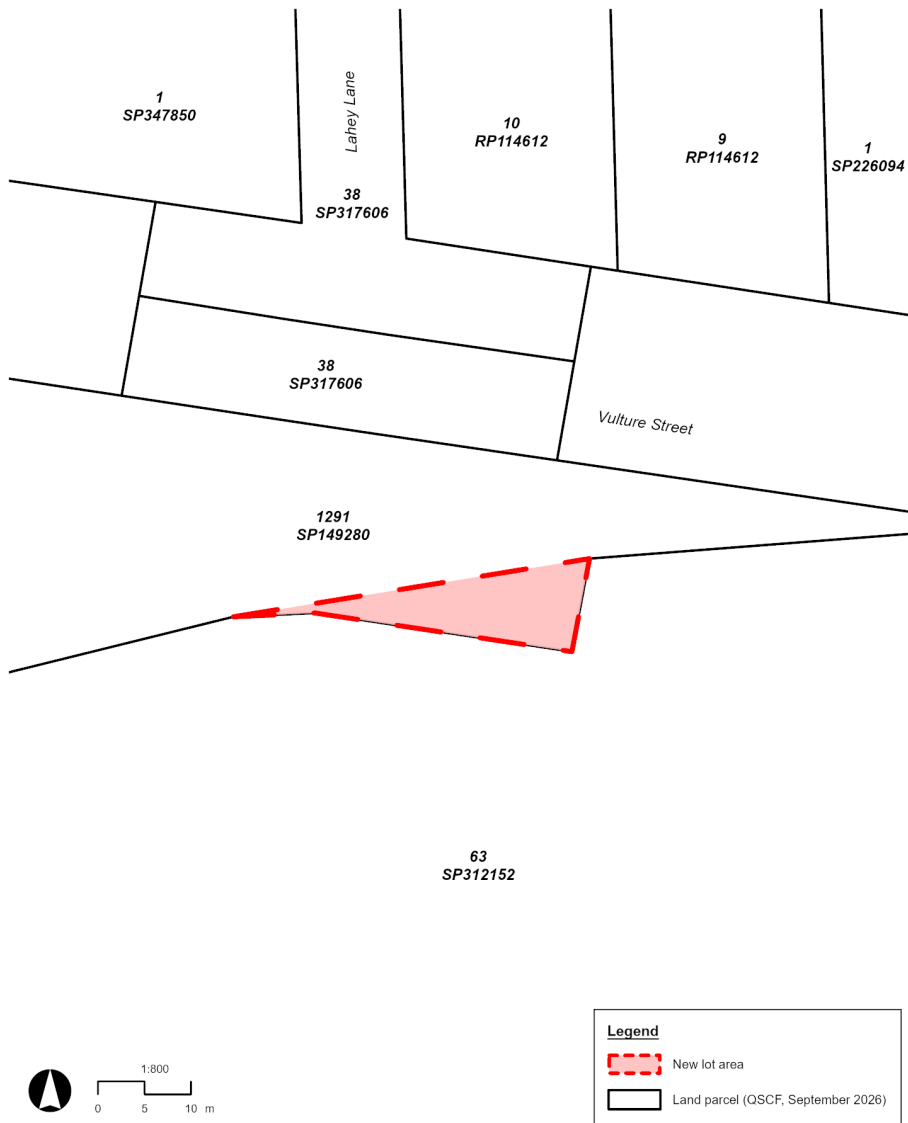
- a facility to be known as the Gabba Arena located on the arena land within the meaning of schedule 2, part 1, section 1

Schedule 4AB Proposed lot to vest in Cross River Rail Delivery Authority

section 53DFEA, definition *arena-related land*

[s 9]

1



Clause 9	Amendment of sch 4A, hdg (Vesting of particular land)	2
	Schedule 4A, heading, after ‘land’—	3
	<i>insert—</i>	4

	in authority	1
Clause 10	Amendment of sch 6 (Dictionary)	2
	Schedule 6—	3
	<i>insert—</i>	4
	<i>arena-related land</i> , for chapter 3A, part 2A, division 2A, see section 53DFEA.	5 6
	<i>remainder of lot 1291</i> , for chapter 3A, part 2A, division 2A, see section 53DFEA.	7 8
Part 3	Amendment of Building and Construction Industry (Portable Long Service Leave) Act 1991	9 10 11
Clause 11	Act amended	12
	This part amends the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i> .	13 14
Clause 12	Amendment of s 56 (Application for entitlement to long service leave or payment instead of long service leave)	15 16
	(1) Section 56(3), ‘paid all’—	17
	<i>omit, insert—</i>	18
	paid for all	19
	(2) Section 56(3)(b)—	20
	<i>omit, insert—</i>	21
	(b) the worker and the authority agree, by signed agreement, that the worker be paid for all or part of the entitlement.	22 23 24

[s 13]

Part 4	Amendment of Community	1
	Services Industry (Portable	2
	Long Service Leave) Act 2020	3

Clause 13	Act amended	4
	This part amends the <i>Community Services Industry (Portable</i>	5
	<i>Long Service Leave) Act 2020</i> .	6

Clause 14	Amendment of s 52 (Cancellation of registration)	7
	Section 52(1)(d) and (2), ‘section 72(4)’—	8
	<i>omit, insert—</i>	9
	section 72(3)	10

Clause 15	Amendment of s 72 (Application for long service leave entitlement by registered worker)	11
	(1) Section 72(2) and (3)—	12
	<i>omit, insert—</i>	13
	(2) A registered worker may be paid for all or part of	14
	the registered worker’s long service leave	15
	entitlement, without taking long service leave,	16
	only if—	17
	(a) either or both of the following apply—	18
	(i) an industrial instrument provides for	19
	the registered worker to be paid instead	20
	of taking the long service leave;	21
	(ii) the registered worker has accrued	22
	2,555 days of service in the register of	23
	workers; and	24
	(b) the registered worker has entered into a	25
	written agreement with each of the	26
	following entities to be paid for all or part of	27
	the entitlement—	28
		29

- (i) the authority; 1
 - (ii) the registered worker's employer. 2
- (2) Section 72(5) and (6), 'or (4)'— 3
 - omit, insert—* 4
 - or (3) 5
- (3) Section 72(4) to (6)— 6
 - renumber* as section 72(3) to (5). 7

Part 5 8

Amendment of Contract 9

Cleaning Industry (Portable 10

Long Service Leave) Act 2005

Clause 16 **Act amended** 11

This part amends the *Contract Cleaning Industry (Portable* 12
Long Service Leave) Act 2005. 13

Clause 17 **Amendment of s 71 (Application for long service leave** 14
entitlement) 15

(1) Section 71(2) and (3)— 16

omit, insert— 17

(2) A registered worker may be paid for all or part of 18
the registered worker's long service leave 19
entitlement, without taking long service leave, 20
only if— 21

(a) either or both of the following apply— 22

(i) an industrial instrument provides for 23
the registered worker to be paid instead 24
of taking the long service leave; 25

(ii) the registered worker has accrued 26
3,650 days of service in the register of 27
workers; and 28

[s 18]

- (b) the registered worker has entered into a signed agreement with the authority to be paid for all or part of the entitlement.
- (2) Section 71(6), ‘or (4)’—
omit, insert—
 - or (3)
- (3) Section 71(4) to (6)—
renumber as section 71(3) to (5).

Part 6

Amendment of Industrial Relations Act 2016

Clause 18

Act amended

This part amends the *Industrial Relations Act 2016*.

Clause 19

Amendment of s 3 (Main purpose of Act)

Section 3—
insert—

- (c) encourages productivity in workplaces and supports fair wages and employment conditions.

Clause 20

Amendment of s 9 (What is an *industrial matter*)

(1) Section 9—
insert—

- (2A) Also, a matter is not an industrial matter if it affects or relates to a conversion decision under the *Public Sector Act 2022*, section 129.

(2) Section 9(3), after ‘subsection (2)’—
insert—

	or (3)	1
(3)	Section 9(2A) and (3)—	2
	<i>renumber</i> as section 9(3) and (4).	3
Clause 21	Amendment of s 110 (Payment instead of long service leave)	4
(1)	Section 110(3), from ‘only if’—	5
	<i>omit, insert</i> —	6
	only if the employee and employer agree by a signed agreement the payment may be made.	7
(2)	Section 110(4)—	8
	<i>omit.</i>	9
(3)	Section 110(5) and (6)—	10
	<i>renumber</i> as section 110(4) and (5).	11
Clause 22	Omission of ss 145 and 146	12
	Sections 145 and 146—	13
	<i>omit.</i>	14
Clause 23	Amendment of s 163 (Purpose of chapter)	15
(1)	Section 163(b), from ‘provide for’—	16
	<i>omit, insert</i> —	17
	provide for—	18
	(i) the commission to help the parties reach agreement or, if agreement can not be reached, to reduce the matters in dispute; and	19
	(ii) the matter to be arbitrated by the commission if conciliation is not successful; and	20
		21
		22
		23
		24
		25
		26
		27

[s 24]

	(iii) the balloting of employees by the employer	1
	in particular circumstances despite 1 or	2
	more negotiating parties not reaching	3
	agreement; and	4
(2)	Section 163—	5
	<i>insert—</i>	6
	(ca) to enable the employer to apply to the	7
	commission, in particular circumstances, for	8
	certification of an agreement approved by a	9
	majority of relevant employees despite 1 or	10
	more negotiating parties not reaching	11
	agreement; and	12
(3)	Section 163(ca) and (d)—	13
	<i>renumber</i> as section 163(d) and (e).	14
Clause 24	Amendment of s 165 (Who may make certified agreements)	15
	Section 165(b)(i)—	16
	<i>insert—</i>	17
	<i>Note—</i>	18
	See also section 174A in relation to direct ballot	19
	agreements and employee organisations that are	20
	non-approving parties.	21
		22
Clause 25	Amendment of s 168 (Definitions for chapter)	23
	Section 168—	24
	<i>insert—</i>	25
	<i>direct ballot agreement</i> see section 174A(3).	26
	<i>non-approving party</i> , in relation to a direct ballot	27
	agreement, see section 174A(5).	28

Clause 26	Insertion of new s 170A	1
	After section 170—	2
	<i>insert—</i>	3
	170A Relevant employee's entitlement to representation	4
		5
	(1) This section applies if, during negotiations under this chapter, a relevant employee asks a relevant employee organisation of which the employee is a member to represent the employee in negotiating with the employer about the proposed bargaining instrument.	6 7 8 9 10 11
	(2) The employer must give the employee organisation a reasonable opportunity to represent the relevant employee in the negotiations before—	12 13 14 15
	(a) for a proposed agreement—the agreement is made; or	16 17
	(b) for a proposed bargaining award—an application is made under part 5 for the making of the bargaining award.	18 19 20
	(3) Subsection (2) stops applying if, after the request mentioned in subsection (1) is made—	21 22
	(a) the relevant employee withdraws the request; or	23 24
	(b) the employee stops being a relevant employee.	25 26
	<i>Note—</i>	27
	See also section 242 in relation to certificates about requested representation.	28 29
Clause 27	Amendment of s 171 (Proposed bargaining instrument to be given to employees for approval)	30 31
	(1) Section 171—	32
	<i>insert—</i>	33

[s 27]

- (1A) Also, this section applies if— 1
 - (a) negotiations under this chapter relate to a 2
proposed agreement, other than an excluded 3
instrument, between an employer and 1 or 4
more employee organisations; and 5
 - (b) the employer— 6
 - (i) has reached agreement with at least 1 7
employee organisation but can not 8
reach agreement with any of the other 9
negotiating parties; and 10
 - (ii) wishes to proceed with the proposed 11
agreement despite not reaching 12
agreement with all of the negotiating 13
parties. 14
- (2) Section 171(2)(c), from ‘employee may’ to ‘the agreement’— 15
omit, insert— 16
employee may make a request mentioned in 17
section 170A(1) 18
- (3) Section 171(2), note— 19
omit. 20
- (4) Section 171(3)— 21
omit, insert— 22
 - (3) The employer must not ask relevant employees to 23
approve the proposed instrument until— 24
 - (a) if subsection (1A) applies—the day that is 25
28 days after the day the peace obligation 26
period ended; or 27
 - (b) otherwise—the day that is 21 days after the 28
later of the following— 29
 - (i) the day the notice of intention for the 30
negotiations was given; 31

- (ii) the day a scope order in relation to the proposed instrument came into effect.
- (3A) Also, the employer must not ask relevant employees to approve the proposed bargaining instrument in the circumstances mentioned in subsection (1A) after arbitration of the instrument starts.
- (5) Section 171(4) and (5)—
omit.
- (6) Section 171(3A) to (9)—
renumber as section 171(4) to (8).

Clause 28 Amendment of s 173 (Parties must negotiate in good faith)

- (1) Section 173—
insert—
- (4A) Subsection (1) does not require a negotiating party—
- (a) to make concessions during the negotiations; or
- (b) to reach agreement on the terms of a proposed bargaining instrument.
- (4B) If the employer asks the relevant employees to approve a proposed agreement in the circumstances mentioned in section 171(1A), the making of the request does not, of itself, contravene the requirement to negotiate in good faith.
- (2) Section 173(5), ‘subsections (1) and (2)’—
omit, insert—
subsections (1) to (6)
- (3) Section 173(4A) to (5)—

[s 29]

renumber as section 173(5) to (7). 1

Clause 29 Amendment of s 174 (Peace obligation period to assist negotiations) 2
3

(1) Section 174— 4

insert— 5

(1A) Also, during the peace obligation period the 6
employer can not ask the relevant employees to 7
approve a proposed agreement in the 8
circumstances mentioned in section 171(1A). 9

Note— 10

See also section 171(3). 11

(2) Section 174(2), definition *peace obligation period*, paragraph 12
(a)— 13

omit, insert— 14

(a) starting on either— 15

(i) the day the notice of intention for the 16
negotiations is given; or 17

(ii) if a scope order for a proposed 18
bargaining instrument comes into 19
operation and the instrument is a 20
scoped out instrument—the day stated 21
in an order under section 187A(2); and 22

(3) Section 174(2)— 23

insert— 24

scoped out instrument see section 187A. 25

Clause 30 Insertion of new s 174A 26

After section 174— 27

insert— 28

174A Direct ballot agreements

- (1) This section applies, during negotiations under this chapter for an agreement with 1 or more employee organisations, if—
 - (a) the employer asks relevant employees to approve the agreement in the circumstances mentioned in section 171(1A); and
 - (b) the agreement is approved by a valid majority of the relevant employees at the time in a properly conducted ballot; and
 - (c) at least 7 days before a part 5 application to certify the agreement is made, the employer gives each employee organisation that is a negotiating party an election invitation.
- (2) An employee organisation mentioned in subsection (1)(c) may, by written notice given to the employer before the part 5 application is made, elect—
 - (a) to agree on the terms of the agreement; or
 - (b) to withdraw as a party to the agreement.
- (3) The agreement is a **direct ballot agreement** if at least 1 of the employee organisations elects to agree on the terms of the agreement under subsection (2)(a).
- (4) If an employee organisation elects to withdraw as a party to the agreement under subsection (2)(b), the organisation must give a copy of the notice to—
 - (a) the commission; and
 - (b) each other negotiating party.
- (5) If an employee organisation does not make an election under subsection (2), the organisation is a **non-approving party** in relation to the agreement.

[s 31]

<i>Note—</i>	1
A non-approving party is covered by the direct ballot agreement—see section 221(2).	2 3
(6) The direct ballot agreement does not cover an employee organisation that elects to withdraw as a party to the agreement under subsection (2)(b).	4 5 6
(7) In this section—	7
<i>election invitation</i> means a written notice stating—	8 9
(a) that the agreement has been approved by a valid majority of the relevant employees at the time in a properly conducted ballot; and	10 11 12
(b) each employee organisation that is a negotiating party may, before a part 5 application to certify the agreement is made, elect—	13 14 15 16
(i) to agree on the terms of the agreement; or	17 18
(ii) to withdraw as a party to the agreement; and	19 20
(c) how an employee organisation may make the election; and	21 22
(d) if an employee organisation does not make the election—that the employee organisation will be a non-approving party in relation to the agreement.	23 24 25 26

Clause 31	Amendment of s 175 (Application of division)	27
(1)	Section 175(1)(a) and (b)—	28
	<i>omit, insert—</i>	29
	(a) both of the following periods have ended—	30
	(i) the peace obligation period;	31

-
- (ii) the period of 28 days after the last day of the peace obligation period; and 1
2
- (b) a negotiating party asks the commission to 3
help the negotiating parties reach agreement 4
by giving written notice of the request to— 5
- (i) the commission; and 6
- (ii) each other negotiating party. 7
- (2) Section 175— 8
insert— 9
- (3) For this Act, the day conciliation of the matter 10
starts is the day the request mentioned in 11
subsection (1)(b) is given. 12
- (3) Section 175— 13
insert— 14
- Note—* 15
- Industrial action organised, or engaged in, while the 16
commission is conciliating the matter under this 17
division is not protected industrial action—see section 18
234. 19

Clause 32 Amendment of s 176 (Commission’s role in conciliation) 20

- (1) Section 176(4)— 21
omit. 22
- (2) Section 176(5)— 23
renumber as section 176(4). 24

Clause 33 Insertion of new s 176A 25

- After section 176— 26
insert— 27

[s 34]

176A Direct ballot may be conducted during conciliation	1
	2
(1) This section applies if the negotiations relate to a proposed agreement between an employer and 1 or more employee organisations.	3
	4
	5
(2) Subject to subsection (3), the employer may ask the relevant employees to approve the proposed agreement in the circumstances mentioned in section 171(1A) during conciliation of the matter.	6
	7
	8
	9
(3) Before making the request, the employer must give written notice of the proposed request to the commissioner conciliating the matter.	10
	11
	12

Clause 34 Amendment of s 177 (Referral to arbitration by conciliating member)	13
	14
(1) Section 177(1)(b)—	15
<i>omit, insert—</i>	16
(b) the conciliating member is satisfied—	17
(i) the period of 3 months after the nominal expiry date of an existing bargaining instrument or arbitration determination that applies to the parties has ended; or	18
	19
	20
	21
	22
(ii) at any time after the day conciliation of the matter starts, there is no reasonable likelihood that further conciliation or negotiation will result in the negotiating parties reaching agreement on the matters at issue within a reasonable period.	23
	24
	25
	26
	27
	28
	29
(2) Section 177—	30
<i>insert—</i>	31
(1A) For subsection (1)(b)(ii), the conciliating member must consider the views of the negotiating parties	32
	33

[s 35]

	in deciding whether there is no reasonable likelihood that further conciliation or negotiation will result in the negotiating parties reaching agreement on the matters at issue within a reasonable period.	1 2 3 4 5
	(3) Section 177(4)—	6
	<i>omit.</i>	7
Clause 35	Amendment of s 178 (Consent application for arbitration)	8
	Section 178(5), examples, third dot point, ‘173(5)’—	9
	<i>omit, insert—</i>	10
	173(7)	11
Clause 36	Amendment of s 180 (Commission to arbitrate disputed matters)	12 13
	(1) Section 180(2), note—	14
	<i>omit.</i>	15
	(2) Section 180(4)—	16
	<i>omit, insert—</i>	17
	(4) In determining the matters in dispute, the commission must consider at least the following—	18 19 20
	(a) the merits of the case;	21
	(b) the interests of the employees and employers to whom the proposed arbitration determination will apply;	22 23 24
	(c) the significance to the employees or employers of particular terms of an existing bargaining instrument or arbitration determination;	25 26 27 28

[s 37]

- (d) the public interest, including the effect of the proposed arbitration determination on the delivery of public services; 1
2
3
- (e) the extent to which the proposed arbitration determination will support workplace productivity; 4
5
6
- (f) for a matter involving a public sector employer— 7
8
 - (i) the likely effect of the proposed arbitration determination on the State’s economy and the community; and 9
10
11
 - (ii) the State’s financial position and fiscal strategy; and 12
13
 - (iii) the financial position of the public sector employer; 14
15
- (g) the extent to which the conduct of the negotiating parties was reasonable during the negotiations; 16
17
18
- (h) the extent to which the negotiating parties have complied with the requirement under section 173 to negotiate in good faith; 19
20
21
- (i) incentives to continue to negotiate at a later time. 22
23
- (5) In this section— 24
public sector employer see the *Fair Work (Commonwealth Powers) and Other Provisions Act 2009*, section 3(1). 25
26
27

Clause 37 Amendment of s 185 (Making scope orders) 28

(1) Section 185— 29

insert— 30

(2A) Without limiting subsection (1)(d), the 31
commission may be satisfied that making the 32

[s 38]

- scope order is reasonable in all the circumstances
only if satisfied the order—
- (a) will promote the fair and efficient conduct
of the negotiations; and
 - (b) will not adversely affect the business or
operational needs of any employer to be
covered by the proposed bargaining
instrument, having regard to—
 - (i) the nature of the work performed by
the group of employees mentioned in
subsection (1)(c); and
 - (ii) the likely financial effects of the order
on the employer, including effects on
productivity.
- (2) Section 185(2A) and (3)—
renumber as section 185(3) and (4).

- Clause 38 Insertion of new s 187A**
- After section 187—
insert—
- 187A Order to be made about peace obligation
period in particular circumstances**
- (1) This section applies if—
- (a) the commission makes a scope order in
relation to a proposed bargaining instrument
(the *scoped out instrument*); and
 - (b) the employees stated in the order—
 - (i) comprise some, but not all, of the
employees in relation to whom the
notice of intention for the negotiations
was given; and
 - (ii) because of the scope order, will not be
covered by the proposed bargaining

[s 39]

	instrument that was the subject of the	1
	notice of intention.	2
(2)	The commission must make an order about the	3
	starting day of the peace obligation period for the	4
	scoped out instrument.	5
(3)	For subsection (2), the starting day must be—	6
(a)	if the commission considers it is appropriate	7
	to enable the parties to the scoped out	8
	instrument to reach agreement about the	9
	matters being negotiated after the scope	10
	order comes into operation—the day after	11
	the day the scope order comes into	12
	operation; or	13
(b)	otherwise—the day the notice of intention	14
	mentioned in subsection (1)(b) was given.	15
(4)	This section does not limit section 187.	16
Clause 39	Amendment of s 189 (Application for certification of	17
	agreement)	18
(1)	Section 189(2)(a)—	19
	<i>omit, insert—</i>	20
(a)	either—	21
(i)	all parties have agreed on the terms of	22
	the agreement; or	23
(ii)	the agreement is a direct ballot	24
	agreement and all parties other than	25
	non-approving parties have agreed on	26
	the terms of the agreement; and	27
(2)	Section 189(3), after ‘all the parties,’—	28
	<i>insert—</i>	29
	other than a non-approving party in relation to a	30
	direct ballot agreement,	31

Clause 40	Insertion of new s 189A	1
	After section 189—	2
	<i>insert—</i>	3
	189A Commission may make order simplifying application process	4
		5
	(1) The commission may, on an application by a party to an agreement, make an order providing for a form requirement to be taken to be satisfied for the purposes of an application to certify the agreement.	6
		7
		8
		9
		10
	(2) The order is subject to any conditions stated in it.	11
	(3) For subsection (1), a <i>form requirement</i> is a requirement under this part about the form in which information about the agreement must be provided to the commission.	12
		13
		14
		15
	<i>Example of a requirement about the form in which information must be provided—</i>	16
		17
	a requirement for the information to be given to the commission by an affidavit or using an approved form	18
		19
	(4) Despite subsection (1), the commission may make an order under this section only if satisfied—	20
		21
		22
	(a) none of the parties to the agreement objects to the making of the order; and	23
		24
	(b) if the order is complied with, the commission will be sufficiently informed to enable it to certify the agreement.	25
		26
		27
Clause 41	Amendment of s 192 (Entities that may be heard on application)	28
		29
	Section 192(1), after ‘instrument’—	30
	<i>insert—</i>	31
	, including because the organisation is a non-approving party in relation to a direct ballot	32
		33

[s 42]

	agreement	1
Clause 42	Amendment of s 195 (Compliance with bargaining process requirements)	2 3
	(1) Section 195(a), after ‘169,’—	4
	<i>insert—</i>	5
	170A,	6
	(2) Section 195(b)(i), ‘171(2)(c)’—	7
	<i>omit, insert—</i>	8
	170A(1)	9
Clause 43	Amendment of s 196 (Proposed bargaining instrument to be in writing and signed by parties)	10 11
	(1) Section 196—	12
	<i>insert—</i>	13
	(2A) Also, subsection (1)(b) does not apply if the commission is satisfied that—	14 15
	(a) the proposed bargaining instrument is a direct ballot agreement; and	16 17
	(b) all parties other than non-approving parties have—	18 19
	(i) signed the agreement; or	20
	(ii) agreed on the terms of the agreement; and	21 22
	(c) the part 5 application—	23
	(i) was made within a reasonable time after the agreement was approved by a valid majority of the relevant employees at the time in a properly conducted ballot; and	24 25 26 27 28

	(ii) identifies which of the parties are non-approving parties.	1 2
(2)	Section 196(3), from ‘subsection (2)’ to ‘all parties’— <i>omit, insert—</i>	3 4
	subsections (2) and (3), in deciding whether all parties, other than non-approving parties in relation to a direct ballot agreement,	5 6 7
(3)	Section 196— <i>insert—</i>	8 9
	(4) To remove any doubt, it is declared that a party may sign the proposed bargaining instrument by electronic signature.	10 11 12
(4)	Section 196(2A) to (4)— <i>renumber</i> as section 196(3) to (5).	13 14
Clause 44	Amendment of s 200 (Agreements—requirements about parties)	15 16
	Section 200(2)— <i>insert—</i>	17 18
	(c) for a direct ballot agreement—has withdrawn as a party to the agreement under section 174A(2)(b).	19 20 21
Clause 45	Amendment of s 221 (Who is covered by a bargaining instrument)	22 23
	Section 221(2)(a)— <i>omit, insert—</i>	24 25
	(a) either—	26
	(i) the instrument is made with the organisation; or	27 28

[s 46]

	(ii) the instrument is a direct ballot agreement and the organisation is a non-approving party; or	1 2 3
Clause 46	Amendment of s 223 (Extension of nominal expiry date)	4
	Section 223(1)(a), ‘the 1 or more’—	5
	<i>omit, insert</i> —	6
	1 or more of the	7
Clause 47	Amendment of s 225 (Amendment on application)	8
	Section 225(1)(a), ‘and the organisations’—	9
	<i>omit, insert</i> —	10
	and 1 or more of the organisations	11
Clause 48	Amendment of s 233 (When industrial action is protected industrial action)	12 13
	(1) Section 233(6)—	14
	<i>omit.</i>	15
	(2) Section 233(7)—	16
	<i>renumber</i> as section 233(6).	17
Clause 49	Amendment of s 234 (When industrial action is not protected industrial action)	18 19
	(1) Section 234(1)—	20
	<i>insert</i> —	21
	(c) during conciliation or arbitration for the proposed instrument; or	22 23
	(d) after a part 5 application has been made by a negotiating party in relation to the proposed instrument; or	24 25 26

[s 50]

	(e) while an order of the commission suspending the industrial action is in effect under division 4; or	1 2 3
	(f) if the industrial action has been terminated by an order of the commission under division 4 or a declaration by the Minister under division 5.	4 5 6 7
(2)	Section 234(2)— <i>omit.</i>	8 9
(3)	Section 234(3), ‘subsection (1) or (2)’— <i>omit, insert—</i> subsection (1)	10 11 12
(4)	Section 234(3)— <i>renumber</i> as section 234(2).	13 14
Clause 50	Amendment of s 236 (Notice of industrial action must be given)	15 16
	Section 236(1), from ‘instrument—’— <i>omit, insert—</i> instrument at least 3 working days before the day the intended action starts.	17 18 19 20
Clause 51	Amendment of s 238 (Employer must not prejudice employee for engaging in protected industrial action)	21 22
	Section 238(2)(b)— <i>omit, insert—</i> (b) refusing to pay the employee, or reducing payments made to the employee under division 3A;	23 24 25 26 27

[s 52]

Clause 52	Insertion of new ch 4, pt 8, div 3A	1
	Chapter 4, part 8—	2
	<i>insert—</i>	3
	Division 3A Payment of employees	4
	engaging in protected	5
	industrial action	6
	 239A Application of division	7
	(1) This division applies in relation to the payment of	8
	wages, allowances and remuneration by an	9
	employer to an employee who engages in	10
	protected industrial action.	11
	(2) This division is not intended to prevent an	12
	employer refusing, as permitted under the	13
	common law, to pay an employee because the	14
	employee has failed or refused to perform work,	15
	whether fully or partially.	16
	 239B Protected industrial action for which	17
	employee not entitled to payment	18
	(1) This section applies if an employee engages in	19
	protected industrial action that involves—	20
	(a) a failure or refusal by the employee to attend	21
	for work; or	22
	(b) a failure or refusal by the employee who	23
	attends for work to perform any work at all.	24
	(2) The employee is not entitled to be paid for any	25
	day during the period of the protected industrial	26
	action.	27

**239C Protected industrial action for which
employer may reduce payment**

- (1) This section applies if an employee engages in, or proposes to engage in—
 - (a) protected industrial action that does not involve—
 - (i) a failure or refusal by the employee to attend for work; or
 - (ii) a failure or refusal by the employee who attends for work to perform any work at all; or
 - (iii) a refusal by the employee to work a period of overtime requested or required by the employer; or
 - (b) protected industrial action that involves a refusal mentioned in paragraph (a)(iii) that contravenes an industrial instrument that applies to the employee.
- (2) The employer may reduce the amount paid to the employee in accordance with subsections (3) to (5) for each day (a *relevant day*) on which the employee engages in the protected industrial action.
- (3) The employer may reduce the amount paid to the employee for the relevant day by a proportion that—
 - (a) is reasonable, having regard to the nature and extent of the protected industrial action; and
 - (b) is worked out by carrying out the steps mentioned in subsection (4).
- (4) For subsection (3)(b), the steps are as follows—
 - (a) identifying the work that is the subject of the protected industrial action;

[s 53]

- (b) estimating the time the employee would usually spend performing the work during the relevant day; 1
2
3
- (c) calculating the time estimated under paragraph (b) as a percentage of the employee's usual hours of work for the relevant day. 4
5
6
7
- (5) The employer must not reduce the amount paid to the employee under this section if the employer has not given the employee a notice in accordance with section 239D of the proposed reduction. 8
9
10
11

239D Requirement to give notice before refusing to make, or reducing, payment 12
13

- (1) This section applies if the employer proposes to refuse to pay, or reduce the amount paid, to an employee under this division. 14
15
16
- (2) The employer must give the employee a written notice stating that, for each day on which the employee engages in the protected industrial action, either— 17
18
19
20
 - (a) the employee will not be paid; or 21
 - (b) the amount paid to the employee will be reduced by a stated proportion. 22
23
- (3) If the notice states that the amount paid to the employee for the day will be reduced by a stated proportion, the notice must also state the basis on which the proportion has been worked out. 24
25
26
27

Clause 53 Insertion of new s 241A 28

After section 241— 29

insert— 30

241A Suspension or termination if serious disruption to delivery of public services	1 2
(1) The commission must, on application by a person mentioned in subsection (3), suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in, or threatened to be engaged in, if satisfied—	3 4 5 6 7
(a) the industrial action is causing, or is threatening to cause, serious disruption to the delivery of a public service; and	8 9 10
(b) the disruption is causing, or would cause, harm to persons who will not be covered by the proposed instrument; and	11 12 13
(c) the industrial action is contrary to the public interest.	14 15
(2) For subsection (1)(c), the factors relevant to deciding whether the protected industrial action is contrary to the public interest include the following—	16 17 18 19
(a) the main purpose of this Act and the purpose of this chapter;	20 21
(b) the nature of the public services that are being or will be disrupted by the industrial action;	22 23 24
(c) the source, nature and degree of the harm mentioned in subsection (1)(b);	25 26
(d) the likelihood the harm will continue to be caused or will be caused.	27 28
(3) For subsection (1), an application may be made by—	29 30
(a) a negotiating party for the proposed bargaining instrument; or	31 32
(b) the Minister; or	33
(c) another person prescribed by regulation.	34

[s 54]

	(4) In this section—	1
	<i>harm</i> means a detrimental effect of a significant	2
	nature on a person’s physical, psychological or	3
	emotional wellbeing.	4
Clause 54	Insertion of new ch 4, pt 8, div 5	5
	Chapter 4, part 8—	6
	<i>insert</i> —	7
	Division 5 Termination by Minister	8
	241B Power of Minister to terminate protected industrial action	9
		10
	(1) This section applies if the Minister is satisfied	11
	that—	12
	(a) protected industrial action for a proposed	13
	bargaining instrument is being engaged in,	14
	or is threatened, impending or probable; and	15
	(b) the industrial action has threatened, is	16
	threatening or would threaten—	17
	(i) to endanger the life, personal safety or	18
	health, or welfare of the State’s	19
	population or part of it; or	20
	(ii) to cause significant damage to the	21
	State’s economy or an important part of	22
	it; or	23
	(iii) to significantly disrupt the delivery of a	24
	public service and the disruption is	25
	contrary to the public interest; or	26
	(iv) to otherwise have a significant effect	27
	that is contrary to the public interest.	28
	(2) The Minister may, on the Minister’s own	29
	initiative, terminate the protected industrial action	30

by written declaration. 1

(3) The declaration takes effect on the later of the 2
following days— 3

(a) the day the declaration is made; 4

(b) the day section 241C(2)(b) is complied 5
with. 6

(4) The declaration is a statutory instrument, but is 7
not subordinate legislation. 8

241C Publishing declaration etc. 9

(1) This section applies if the Minister makes a 10
declaration under section 241B(2). 11

(2) The Minister must— 12

(a) publish the declaration in the gazette; and 13

(b) give a copy of the declaration to— 14

(i) the commission; and 15

(ii) each negotiating party that is an 16
employer; and 17

(iii) if the protected industrial action the 18
subject of the declaration is for a 19
proposed bargaining instrument that is 20
an agreement with 1 or more employee 21
organisations—the employee 22
organisations who are negotiating 23
parties. 24

(3) If the proposed bargaining instrument is an 25
agreement with employees, the employer must 26
give a copy of the declaration to the relevant 27
employees. 28

241D Ministerial directions related to declaration 29

(1) This section applies if a declaration under section 30

[s 55]

- 241B(2) is in effect in relation to a proposed bargaining instrument. 1
2
- (2) The Minister may give a written direction to a relevant person requiring the person to take, or not to take, stated action if satisfied the direction is reasonably required to remove or reduce the threat mentioned in section 241B(1)(b). 3
4
5
6
7
- (3) For subsection (2), a *relevant person* is— 8
- (a) an employee who will be covered by the proposed instrument; or 9
10
- (b) an employee organisation that is a negotiating party for the proposed instrument; or 11
12
13
- (c) an officer or employee of an employee organisation mentioned in paragraph (b) acting in that capacity; or 14
15
16
- (d) an employer who will be covered by the proposed instrument. 17
18
- (4) The direction is a statutory instrument, but is not subordinate legislation. 19
20

241E Contravention of Ministerial direction 21

A person to whom a direction is given under section 241D(2) must not contravene the direction. 22
23
24

Note— 25

This section is a civil penalty provision. 26

Clause 55 Amendment of s 242 (Certificate as to requested representation) 27 28

- (1) Section 242(1), ‘section 171’— 29
- omit, insert—* 30
- section 170A(1) 31

- (2) Section 242(2), ‘section 171(5)’— 1
omit, insert— 2
section 170A(3) 3

Clause 56 Insertion of new s 243A 4

After section 243— 5
insert— 6

243A Conduct of ballot by electoral commission 7

- (1) This section applies in relation to a ballot required 8
under this chapter for the commission to be 9
satisfied that a valid majority of persons 10
employed at a particular time— 11
(a) have made or terminated a bargaining 12
instrument; or 13
(b) have approved a proposed bargaining 14
instrument. 15
(2) The electoral commission may, on request by a 16
relevant party, conduct the ballot for the 17
employer. 18
(3) If the ballot is conducted by the electoral 19
commission under subsection (2), the costs of the 20
ballot are payable by the relevant party who made 21
the request. 22
(4) In this section— 23
electoral commission means the Electoral 24
Commission of Queensland. 25
relevant party means— 26
(a) the employer; or 27
(b) an employee organisation that is a party to 28
the bargaining instrument, or proposed 29
bargaining instrument, mentioned in 30
subsection (1). 31

[s 57]

Clause 57	Amendment of s 244 (Coercion)	1
	(1) Section 244(3)(a), ‘section 171(2)(c)’—	2
	<i>omit, insert—</i>	3
	section 170A(1)	4
	(2) Section 244—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	See also chapter 6, part 4 in relation to particular disputes relating to industrial action.	8 9
 Clause 58	 Amendment of s 268 (Payments for strikes not compellable)	 10 11
	(1) Section 268, heading—	12
	<i>omit, insert—</i>	13
	268 Industrial action taken with intention to coerce payment	14 15
	(2) Section 268(1)—	16
	<i>omit.</i>	17
	(3) Section 268(2), ‘a strike’—	18
	<i>omit, insert—</i>	19
	industrial action	20
	(4) Section 268(2), ‘make the payment’—	21
	<i>omit, insert—</i>	22
	pay the employee for a period when the employee engages in industrial action	23 24
	(5) Section 268(3), ‘a strike’—	25
	<i>omit, insert—</i>	26
	industrial action	27
	(6) Section 268(3), ‘make the payment’—	28

omit, insert—

pay an employee for a period when the employee
engages in industrial action

(7) Section 268(7)—

omit, insert—

(7) This section applies subject to chapter 4, part 8.

(8) Section 268—

insert—

Note—

See also chapter 4, part 8, division 3A in relation to the
payment of an employee who is engaging in protected
industrial action.

Clause 59 Amendment of s 269 (Orders for contravention of s 268)

Section 269(2)(c) and (3)(b), ‘strike’—

omit, insert—

industrial action

**Clause 60 Omission of s 270 (Commission must not deal with
claims for payments for strikes)**

Section 270—

omit.

**Clause 61 Amendment of s 293A (Misrepresentations—right to
represent)**

Section 293A, heading, after ‘represent’—

insert—

(entity other than organisation)

[s 62]

Clause 62	Insertion of new s 293B	1
	After section 293A—	2
	<i>insert—</i>	3
	293B Misrepresentations—person ineligible to be member (organisation)	4
		5
	An organisation, or an officer or employee of the organisation, must not knowingly make a false or misleading representation to another person that the organisation has the right to represent the industrial interests of a person who is not eligible to be a member of the organisation.	6
		7
		8
		9
		10
		11
	<i>Note—</i>	12
	This section is a civil penalty provision.	13
 Clause 63	 Insertion of new ch 8, pt 1A	 14
	Chapter 8—	15
	<i>insert—</i>	16
	Part 1A	17
	Protection for whistleblowers	18
	 Division 1	 19
	Preliminary	
	 314A Purpose of part	 20
	The purpose of this part is to promote the making of protected disclosures about wrongdoing by or for organisations by providing for protection from reprisals.	21
		22
		23
		24
	 314B Application of part	 25
	This part does not limit or otherwise affect—	26
	(a) part 1; or	27

-
- (b) the operation of the *Public Interest Disclosure Act 2010*, chapter 4; or 1
2
- (c) a provision of another Act or law in relation 3
to reprisals. 4

314C Definitions for part 5

In this part— 6

detriment includes— 7

- (a) harm, injury or prejudice to safety, including 8
psychological harm; or 9
- (b) property damage or loss; or 10
- (c) intimidation or harassment; or 11
- (d) adverse discrimination, disadvantage or 12
adverse treatment about career, profession, 13
employment, trade or business; or 14
- (e) financial loss; or 15
- (f) damage to reputation, including, for 16
example, personal, professional or business 17
reputation. 18

disclosable conduct means an act or omission 19
that— 20

- (a) contravenes, or may contravene, a provision 21
of any of the following— 22
- (i) an industrial law; 23
- (ii) the Commonwealth Fair Work Act; 24
- (iii) the Commonwealth Registered 25
Organisations Act; 26
- (iv) the *Competition and Consumer Act* 27
2010 (Cwlth); or 28
- (b) constitutes, or may constitute, an offence 29
against a law of the State or the 30
Commonwealth. 31

[s 63]

discloser, for a protected disclosure, see section 1
314D(1). 2
protected disclosure see section 314D. 3
reprisal means a reprisal under section 314G(5). 4

314D What is a *protected disclosure* 5

- (1) A disclosure of information by a person (the 6
discloser) is a *protected disclosure* if— 7
- (a) the discloser is any of the following— 8
- (i) an officer or former officer of an 9
organisation or a branch of an 10
organisation; 11
 - (ii) an employee or former employee of an 12
organisation or a branch of an 13
organisation; 14
 - (iii) a member or former member of an 15
organisation or a branch of an 16
organisation; 17
 - (iv) a person who is a party to, or was a 18
party to, a contract for the supply of 19
goods or services to, or has entered into 20
any other transaction with— 21
 - (A) an organisation or a branch of an 22
organisation; or 23
 - (B) an officer or employee of an 24
organisation or a branch of an 25
organisation who is, or was, 26
acting on behalf of the 27
organisation or branch; 28
 - (v) an employee or former employee of a 29
person mentioned in subparagraph (iv); 30
 - (vi) any other person prescribed by 31
regulation; and 32

-
- (b) the disclosure is made in writing to—
 - (i) the registrar; or
 - (ii) an inspector; and
 - (c) the discloser has reasonable grounds to suspect the information indicates 1 or more instances of disclosable conduct by—
 - (i) the organisation or the branch of the organisation; or
 - (ii) an officer or employee, or a former officer or employee, of the organisation or the branch of the organisation.
 - (2) A disclosure is taken to have been made by the discloser to a person mentioned in subsection (1)(b) if the disclosure is made to the person by a lawyer acting on the discloser's behalf.

Division 2 Investigation of protected disclosures

314E Protected disclosure made to registrar

- (1) If a protected disclosure is made to the registrar, the registrar must—
 - (a) as soon as practicable, decide whether to refer the making of the protected disclosure to an inspector for investigation of the information the subject of the disclosure under chapter 13, part 2; and
 - (b) within 14 days after the day the disclosure is made, inform the discloser or, if the disclosure was made by a lawyer acting on the discloser's behalf, the lawyer, of the registrar's decision under paragraph (a); and

[s 63]

- (c) if the information the subject of the protected disclosure constitutes, or may constitute, an offence punishable by imprisonment—refer the information to a police officer. 1
2
3
4
5
- (2) However, the registrar must refer the making of the protected disclosure to an inspector unless— 6
7
 - (a) the registrar considers the information disclosed does not amount to disclosable conduct; or 8
9
10
 - (b) the registrar is satisfied the information the subject of the protected disclosure is the same, or substantially the same, as information that is being or has been investigated under chapter 13, part 2; or 11
12
13
14
15
 - (c) it is impracticable for the information the subject of the disclosure to be investigated. 16
17
- Example for paragraph (c)—* 18
 - It is impracticable for the information to be investigated because the discloser has not provided the discloser’s contact details. 19
20
21

314F Protected disclosures made or referred to inspector 22 23

- (1) If a protected disclosure is made to an inspector, the inspector must, within 14 days after the disclosure was made— 24
25
26
 - (a) give the discloser or the discloser’s lawyer written notice acknowledging the making of the disclosure; and 27
28
29
 - (b) inform the registrar of the making of the disclosure. 30
31
- (2) If a protected disclosure is made, or the making of a protected disclosure is referred under section 314E, to an inspector, the inspector must— 32
33
34

-
- (a) commence the investigation within 30 days after the protected disclosure was made or referred to the inspector; and
 - (b) complete the investigation—
 - (i) within 90 days after the protected disclosure was made or referred to the inspector; or
 - (ii) within an extended period decided by the chief inspector; and
 - (c) inform the registrar and the discloser, or the discloser's lawyer, of—
 - (i) the inspector's findings; and
 - (ii) any action the inspector intends to take in relation to the information the subject of the protected disclosure.
 - (3) If the chief inspector decides to extend the period for completing the investigation under subsection (2)(b)(ii), the inspector must inform the discloser or the discloser's lawyer of the extended period.
 - (4) Also, if a protected disclosure is made to an inspector and the information the subject of the protected disclosure constitutes, or may constitute, an offence punishable by imprisonment the inspector must refer the information to a police officer.

Division 3 Protection from reprisals

314G Reprisal and grounds for reprisal

- (1) A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person has made or intends to make a protected disclosure.

[s 63]

- (2) An attempt to cause detriment includes an attempt to induce a person to cause detriment. 1
2
- (3) Also, a person must not use threats or intimidation to attempt to persuade another person not to make a protected disclosure. 3
4
5
- (4) Despite subsections (1) and (3), a person does not take a reprisal against another person to the extent the person takes administrative action that is reasonable to protect the other person from detriment. 6
7
8
9
10
- (5) A contravention of subsection (1) or (3) is a reprisal or the taking of a reprisal. 11
12
- (6) A ground mentioned in subsection (1) or (3) as the ground for a reprisal is the unlawful ground for the reprisal. 13
14
15
- (7) For the contravention mentioned in subsection (5) to happen, it is sufficient if the unlawful ground is a substantial ground for the act or omission that is the reprisal, even if there is another ground for the act or omission. 16
17
18
19
20

314H Offence for taking reprisal 21

A person must not take a reprisal. 22

Maximum penalty—200 penalty units. 23

314I Damages entitlement for reprisal 24

- (1) A reprisal is a tort and a person who takes a reprisal is liable in damages to a person to whom detriment is caused as a result. 25
26
27
- (2) Any appropriate remedy that may be granted by a court for a tort may be granted by a court for the taking of a reprisal. 28
29
30
- (3) If the claim for damages goes to trial in the Supreme Court or the District Court, the claim 31
32

must be decided by a judge sitting without a jury. 1

- (4) The right of a person to bring proceedings for 2
damages under this section does not affect any 3
other right or remedy available to the person 4
arising from the reprisal. 5

314J Commission may make orders to prevent, 6
stop or remedy effects of reprisal 7

- (1) The commission may, on application, make 1 or 8
more orders mentioned in subsection (2) the 9
commission considers appropriate to prevent, 10
stop or remedy the effects of a reprisal. 11
- (2) For subsection (1), the commission may make any 12
of the following orders— 13
- (a) an order for compensation for loss, damage 14
or injury; 15
- (b) an order requiring an apology be made to 16
the person the subject of the reprisal; 17
- (c) if the reprisal has adversely affected the 18
person's employment— 19
- (i) an order for reinstatement of the 20
person; or 21
- (ii) an order for payment of an amount to 22
the person for lost remuneration; or 23
- (iii) an order to maintain continuity of the 24
person's employment; or 25
- (iv) an order to maintain the period of the 26
person's continuous service with the 27
employer; 28
- (d) an injunctive order, including an interim 29
injunction; 30
- (e) any other order the commission considers 31
appropriate to prevent, stop or remedy the 32
effects of the reprisal. 33

[s 63]

- | | |
|--|----|
| (3) An application may be made by— | 1 |
| (a) a person claiming that detriment has been, | 2 |
| or may be, caused to the person from the | 3 |
| reprisal; or | 4 |
| (b) the registrar; or | 5 |
| (c) the chief inspector; or | 6 |
| (d) an inspector. | 7 |
| (4) The commission must start to deal with an | 8 |
| application made under this section within 14 | 9 |
| days after the application is made. | 10 |
| (5) In considering the terms of an order, the | 11 |
| commission must take into account— | 12 |
| (a) if the commission is aware of any final or | 13 |
| interim outcomes arising out of an | 14 |
| investigation into the matter that is being, or | 15 |
| has been, undertaken by another | 16 |
| entity—those outcomes; and | 17 |
| (b) any other matter the commission considers | 18 |
| relevant. | 19 |
| (6) A reference in this section to a reprisal includes a | 20 |
| reference to the taking of a reprisal. | 21 |
| (7) This section does not limit the commission's | 22 |
| jurisdiction to make orders or grant injunctions. | 23 |

314K Contravention of injunctive order 24

A person must not contravene an injunctive order
under section 314J(2)(d). 25
26

Note— 27

This section is a civil penalty protection. 28

314L Protection from liability if protected disclosure made	1 2
(1) If a person makes a protected disclosure—	3
(a) the person is not subject to any civil or criminal liability, or any liability arising by way of administrative process including disciplinary action, for making the disclosure; and	4 5 6 7 8
(b) no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the person on the basis of the disclosure.	9 10 11 12
(2) Without limiting subsection (1)—	13
(a) the person has qualified privilege in relation to the disclosure; and	14 15
(b) a contract to which the person is a party may not be terminated on the basis that the disclosure constitutes a breach of the contract.	16 17 18 19
(3) For subsection (2)(a), <i>qualified privilege</i> , in relation to the disclosure, means the person—	20 21
(a) has qualified privilege in relation to the disclosure in proceedings for defamation; and	22 23 24
(b) is not, in the absence of malice on the person's part, liable to an action for defamation at the suit of a person in relation to the disclosure.	25 26 27 28
(4) This section does not limit or otherwise affect any right, privilege or immunity a person has, other than under this section, as a defendant in proceedings for defamation.	29 30 31 32
(5) In this section—	33
<i>malice</i> includes ill will to the person concerned or	34

[s 64]

	any other improper motive.	1
Clause 64	Amendment of s 336 (Definitions for part)	2
(1)	Section 336, definition <i>authorised officer</i> —	3
	<i>omit.</i>	4
(2)	Section 336—	5
	<i>insert</i> —	6
	<i>authorised officer</i> means a person who holds an	7
	authorised officer’s authority.	8
	<i>authorised officer’s authority</i> see section 337(3).	9
Clause 65	Replacement of ch 9, pt 1, div 2 (Authorised officers)	10
	Chapter 9, part 1, division 2—	11
	<i>omit, insert</i> —	12
	Division 2 Authorised officers	13
	Subdivision 1 Authorised officer’s	14
	 authorities	15
	337 Application for, and grant of, authority	16
(1)	An organisation, with the consent of an officer or	17
	employee of the organisation, may apply to the	18
	registrar to authorise the officer or employee to	19
	exercise the powers of an authorised officer under	20
	this part.	21
(2)	The authority must be applied for in the approved	22
	form.	23
(3)	The registrar may grant an authority under this	24
	section (an <i>authorised officer’s authority</i>) to the	25
	officer or employee if the registrar is satisfied the	26

officer or employee is a fit and proper person to
hold the authority. 1 2

- (4) The registrar may impose the conditions on the
authorised officer's authority that the registrar
considers appropriate. 3 4 5

Note— 6

See section 560 in relation to the circumstances in
which a person aggrieved by a decision of the registrar
under this section may appeal against the decision. 7 8 9

Subdivision 2 Fit and proper persons 10

338 Application of subdivision 11

This subdivision applies in relation to an officer
or employee of an organisation for the purposes of
deciding— 12 13 14

- (a) an application by the organisation for an
authorised officer's authority to be granted
to the officer or employee under section
337; or 15 16 17 18
- (b) an application by the organisation for
renewal of an authorised officer's authority
held by the officer or employee under
section 338K; or 19 20 21 22
- (c) if the officer or employee holds an
authorised officer's authority—whether the
officer or employee continues to be a fit and
proper person to hold the authority. 23 24 25 26

338A Deciding whether officer or employee is or continues to be fit and proper person 27 28

- (1) In deciding whether the officer or employee is or
continues to be a fit and proper person to hold an
authorised officer's authority, the registrar must 29 30 31

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- have regard to the following matters— 1
- (a) whether the officer or employee has 2
completed relevant training within the last 3
years; 4
 - (b) whether the officer or employee has 5
previously held an authorised officer's 6
authority or an equivalent authority; 7
 - (c) if the officer or employee has previously 8
held an authorised officer's authority or an 9
equivalent authority (each *the previous* 10
authority)— 11
 - (i) whether the previous authority was 12
revoked or suspended; and 13
 - (ii) if conditions were imposed on the 14
previous authority—the conditions; 15
 - (d) whether the officer or employee holds an 16
equivalent authority; 17
 - (e) if the officer or employee holds an 18
equivalent authority— 19
 - (i) whether the authority is or has been 20
suspended; and 21
 - (ii) if conditions are or have been imposed 22
on the authority—the conditions; 23
 - (f) whether the officer or employee is 24
disqualified under another Act or law from 25
applying for an equivalent authority; 26
 - (g) whether the officer or employee has a 27
conviction for an offence against an 28
industrial law, other than a spent conviction 29
for an offence against a law of the State; 30
 - (h) whether the officer or employee has a 31
conviction for an offence against a law of 32
the State, other than a spent conviction, or 33
another jurisdiction that— 34

-
- (i) involves unlawful entry onto premises; 1
or 2
- (ii) involves fraud or dishonesty; or 3
- (iii) is a violent offence; 4
- (i) whether the officer or employee has been 5
liable to pay a penalty for the contravention 6
of an industrial law; 7
- (j) whether, under an administration scheme 8
established under section 876E(2)(a), the 9
officer or employee has— 10
- (i) been suspended, or removed from 11
office, as an officer of the C&G 12
division; or 13
- (ii) been subject to disciplinary action as a 14
member, officer or former officer of the 15
C&G division; or 16
- (iii) been an employee of the C&G division 17
whose employment has been 18
terminated; 19
- (k) any other matter the registrar considers 20
relevant in deciding whether the officer or 21
employee is or continues to be a fit and 22
proper person to hold an authorised officer's 23
authority. 24
- (2) Subsection (3) applies if the registrar reasonably 25
believes— 26
- (a) the officer or employee is under the control 27
of, or substantially influenced by, another 28
person; and 29
- (b) the other person would not be a fit and 30
proper person to hold an authorised officer's 31
authority. 32
- (3) The registrar must decide that the officer or 33
employee is not, or does not continue to be, a fit 34

[s 65]

and proper person to hold the authority. 1

(4) In this section— 2

C&G division see section 876C. 3

corresponding law means a law, or provisions of 4
a law, of another jurisdiction that provides for the 5
same or similar matters as— 6

(a) this part; or 7

(b) the *Work Health and Safety Act 2011*, part 7. 8

equivalent authority means— 9

(a) a WHS entry permit under the *Work Health 10
and Safety Act 2011*; or 11

(b) an entry permit under the Commonwealth 12
Fair Work Act; or 13

(c) another authority that— 14

(i) under a corresponding law, permits a 15
person who is an officer or employee, 16
however called, of an organisation to 17
enter a workplace for a lawful purpose 18
under that law; and 19

(ii) is prescribed by regulation. 20

relevant training means— 21

(a) training, provided or approved by the 22
registrar, in relation to the powers of an 23
authorised officer under division 5; or 24

(b) other training prescribed by regulation. 25

338B Registrar may make inquiries 26

The registrar may make inquiries to decide 27
whether the officer or employee is or continues to 28
be a fit and proper person to hold an authorised 29
officer's authority. 30

338C Registrar may request criminal history

- | | |
|--|----|
| | 1 |
| (1) For the purposes of section 338B, the registrar | 2 |
| may ask the police commissioner for— | 3 |
| (a) a written report about the criminal history of | 4 |
| the officer or employee; and | 5 |
| (b) a brief description of the circumstances of a | 6 |
| conviction mentioned in the officer or | 7 |
| employee's criminal history. | 8 |
| (2) The police commissioner must comply with the | 9 |
| request. | 10 |
| (3) However— | 11 |
| (a) the registrar may make the request under | 12 |
| subsection (1) only if the officer or | 13 |
| employee has given the registrar written | 14 |
| consent for the request; and | 15 |
| (b) the duty to comply applies only to | 16 |
| information in the possession of the police | 17 |
| commissioner or to which the police | 18 |
| commissioner has access. | 19 |
| (4) If the officer or employee does not give the | 20 |
| written consent to the registrar, the officer or | 21 |
| employee is taken not to be or not to continue to | 22 |
| be a fit and proper person to hold an authorised | 23 |
| officer's authority. | 24 |
| (5) The registrar must ensure information provided | 25 |
| by the police commissioner under subsection (2) | 26 |
| is destroyed as soon as practicable after the | 27 |
| information is no longer needed for the purpose | 28 |
| for which it was requested. | 29 |
| (6) The registrar must give the officer or employee a | 30 |
| copy of information given to the registrar under | 31 |
| subsection (2). | 32 |
| (7) This section does not limit any other inquiry that | 33 |
| may be made under section 338B. | 34 |

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- (8) In this section— 1
criminal history, of a person, means the person’s 2
criminal history as defined under the *Criminal* 3
Law (Rehabilitation of Offenders) Act 1986, other 4
than spent convictions. 5

**338D Registrar may request other information from 6
chief inspector 7**

- (1) For the purposes of section 338B, the registrar 8
may ask the chief inspector for information in 9
relation to the officer or employee that is likely to 10
be held by the chief inspector. 11
- (2) The chief inspector must comply with a request 12
under subsection (1). 13
- (3) However, the duty to comply applies only to 14
information in the possession of the chief 15
inspector or to which the chief inspector has 16
access. 17
- (4) This section does not limit any other inquiry that 18
may be made under section 338B. 19

**Subdivision 3 Term, revocation and 20
suspension of authorities 21**

338E Term of authority 22

- (1) An authorised officer’s authority— 23
(a) has effect for a term of 3 years; and 24
(b) comes into effect on the day it is granted. 25
- (2) However, an authorised officer’s authority stops 26
having effect if— 27
(a) the authority is revoked or suspended under 28
this subdivision; or 29

-
- (b) the organisation that applied for the authority gives notice to the registrar under section 338I(1) that the organisation surrenders the authority; or
 - (c) if the holder of the authority holds an entry permit under the Commonwealth Fair Work Act—the entry permit is revoked.
- (3) An authorised officer's authority that is suspended stops having effect only for the period of the suspension.

338F Application by employer to revoke or suspend authority—abuse of power

- (1) A person mentioned in subsection (2) may apply, in writing, to the commission for an authorised officer's authority to be revoked or suspended if the person reasonably suspects the officer has abused the officer's powers.
- (2) For subsection (1), the persons are as follows—
 - (a) an employer;
 - (b) an inspector;
 - (c) the registrar.
- (3) If the commission is reasonably satisfied the authorised officer has abused the officer's powers, the commission may, after considering any representations made under section 338H(2)(a)—
 - (a) revoke the authorised officer's authority; or
 - (b) suspend the authorised officer's authority for the period stated in subsection (5); or
 - (c) impose conditions on the authorised officer's authority the commission considers appropriate.
- (4) For this section, an authorised officer has abused the officer's powers if the officer has—

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- (a) contravened a condition of the authority; or 1
- (b) entered an employer's workplace other than 2
under section 348; or 3
- (c) contravened section 348(5); or 4
- (d) exercised the officer's power to enter in an 5
unreasonable or vexatious way; or 6
- (e) made unreasonable, vexatious or 7
inappropriate use of information obtained 8
from inspecting a record made available 9
because of the officer's powers as an 10
authorised officer. 11
- (5) For subsection (3)(b), the period is— 12
 - (a) if the officer has never held an authorised 13
officer's authority that was revoked or 14
suspended under subsection (3)—a 15
minimum of 3 months; or 16
 - (b) if, under subsection (3), 1 or more 17
authorised officer authorities previously 18
held by the officer were revoked or 19
suspended under subsection (3) on not more 20
than 1 occasion—a minimum of 12 months; 21
or 22
 - (c) if, under subsection (3), 1 or more 23
authorised officer authorities previously 24
held by the officer were revoked or 25
suspended on more than 1 occasion—a 26
minimum of 2 years. 27
- (6) Despite subsection (3), the commission may 28
revoke or suspend the authorised officer's 29
authority only if the proposed action stated in the 30
show cause notice given under section 338H was 31
revocation or suspension of the authority, as 32
applicable. 33

**338G Revocation or suspension of authority on
commission's initiative**

- (1) This section applies if the commission considers a person who holds an authorised officer's authority is no longer a fit and proper person to hold the authority.

Note—

See subdivision 2 in relation to deciding whether the person continues to be a fit and proper person to hold an authorised officer's authority.

- (2) The commission may, after considering any representations made under section 338H(2)(a)—

- (a) revoke the authorised officer's authority; or
- (b) suspend the authorised officer's authority for the period stated in subsection (3); or
- (c) impose conditions on the authorised officer's authority the commission considers appropriate.

- (3) For subsection (2)(b), the period is—

- (a) if the officer has never held an authorised officer's authority that was revoked or suspended under subsection (2)—a minimum of 3 months; or
- (b) if, under subsection (2), 1 or more authorised officer authorities previously held by the officer were revoked or suspended on not more than 1 occasion—a minimum of 12 months; or
- (c) if, under subsection (2), 1 or more authorised officer authorities previously held by the officer were revoked or suspended on more than 1 occasion—a minimum of 2 years.

- (4) Despite subsection (2), the commission may revoke or suspend the authorised officer's

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authority only if the proposed action stated in the
show cause notice given under section 338H was
revocation or suspension of the authority, as
applicable.

338H Requirements before deciding to revoke, suspend or impose conditions on authority

- (1) This section applies if the commission proposes to
revoke, suspend or impose conditions on an
authorised officer's authority under section 338F
or 338G.
- (2) The commission—
 - (a) must give each of the following persons a
notice (a *show cause notice*) inviting the
person to show why the authority should not
be revoked, suspended or have conditions
imposed (the *proposed action*)—
 - (i) the holder of the authorised officer
authority;
 - (ii) the organisation that applied for the
authority; and
 - (b) may, if the commission considers it
appropriate, immediately suspend the
authority until the commission decides to—
 - (i) revoke, suspend or impose conditions
on the authority under section 338F or
338G; or
 - (ii) take no action in relation to the
authority.
- (3) For subsection (2)(a), the show cause notice must
state each of the following—
 - (a) the proposed action;
 - (b) the grounds for the proposed action;

-
- (c) the facts and circumstances forming the basis for the grounds; 1 2
 - (d) if the proposed action is to suspend the authority—the proposed period of the suspension; 3 4 5
 - (e) if the proposed action is to impose conditions on the authority—the proposed conditions; 6 7 8
 - (f) that representations may be made to the commission about the proposed action within 21 days after the day the show cause notice is given to the person; 9 10 11 12
 - (g) how the representations may be made; 13
 - (h) if the commission has suspended the authority under subsection (2)(b)—that the authority is suspended until the commission decides to— 14 15 16 17
 - (i) revoke, suspend or impose conditions on the authority; or 18 19
 - (ii) take no action in relation to the authority. 20 21

338I Surrender of authority by organisation 22

- (1) The organisation that applied for the grant of an authorised officer's authority may give written notice to the registrar that the organisation surrenders the authority. 23 24 25 26
- (2) The organisation must give a notice mentioned in subsection (1) to the registrar if the holder of the authority— 27 28 29
 - (a) requests that the authority be surrendered by the organisation; or 30 31
 - (b) ceases to be an officer or employee of the organisation. 32 33

[s 65]

- (3) Also, the organisation may give a notice 1
mentioned in subsection (1) at any time because 2
the organisation does not wish the holder to 3
continue to hold the authority. 4
- (4) If the organisation gives a notice under subsection 5
(1) in the circumstances mentioned in subsection 6
(3), the organisation must give a copy of the 7
notice to the holder. 8

338J Return of authority to registrar 9

- (1) Subsection (2) applies if an authorised officer’s 10
authority is in the physical possession of the 11
holder or the organisation who applied for the 12
authority. 13
- (2) The organisation must return the authority to the 14
registrar no later than 14 days after the day the 15
authority stops having effect under section 16
338E(2). 17
- Maximum penalty for subsection (2)—16 penalty 18
units. 19
- (3) If the authority was returned to the registrar under 20
subsection (2) during a period of suspension that 21
has ended, the organisation may apply to the 22
registrar for the authority to be returned to— 23
 - (a) the holder of the authority; or 24
 - (b) the organisation. 25

Subdivision 4 Renewal of authorities 26

338K Application for renewal 27

- (1) An organisation may, before an authorised 28
officer’s authority expires, apply to the registrar 29
to renew the authority. 30

-
- (2) Subsection (3) applies if— 1
- (a) an application is made under subsection (1); 2
and 3
- (b) the registrar has not decided the application 4
before the authorised officer's authority 5
expires. 6
- (3) The authority continues in effect until the registrar 7
decides the application or the application is 8
withdrawn, whichever happens first. 9
- (4) The application must be in the approved form. 10
- (5) The registrar may renew the authorised officer's 11
authority if the registrar is satisfied the officer or 12
employee continues to be a fit and proper person 13
to hold the authority. 14
- (6) The registrar may impose the conditions on the 15
renewed authorised officer's authority that the 16
registrar considers appropriate. 17

338L Term 18

- (1) Renewal of an authority under this subdivision 19
extends the term of the authority by a period of 3 20
years, starting on— 21
- (a) if the application for the renewal is granted 22
before the authority expires—the day after 23
the day the authority would have expired but 24
for the renewal; or 25
- (b) otherwise—the day the application for the 26
renewal is granted. 27
- (2) Section 338E(2) and (3) applies to an authority 28
renewed under this subdivision. 29

**Subdivision 5 Register of authorised 30
officers 31**

[s 66]

338M Register of authorised officers	1
(1) The registrar must keep a register of authorised officers.	2 3
(2) The register must include the following information for each authorised officer—	4 5
(a) the officer’s name;	6
(b) the name of the organisation of which the authorised officer is an officer or employee;	7 8
(c) the day the authorised officer’s authority held by the officer expires;	9 10
(d) if conditions are imposed on the authority—the conditions;	11 12
(e) if the authority is suspended—the day the period of suspension ends;	13 14
(f) any other information prescribed by regulation.	15 16
(3) The register may contain any information about an authorised officer the registrar considers appropriate for inclusion in the register.	17 18 19
(4) The register must be kept in the way the registrar considers appropriate, including, for example, in an electronic form.	20 21 22
(5) The registrar must publish information contained in the register on the QIRC website.	23 24

Clause 66	Amendment of s 340 (Time and wages record—non-industrial instrument employees)	25 26
	Section 340(2), ‘458(2)’—	27
	<i>omit, insert—</i>	28
	458(1)(b)	29

Clause 67	Omission of s 345 (Right to request information about outworkers under code—authorised officer)	1
		2
	Section 345—	3
	<i>omit.</i>	4
Clause 68	Amendment of s 348 (Right of entry)	5
(1)	Section 348(1), after ‘subdivision 2’—	6
	<i>insert—</i>	7
	if the authorised officer is satisfied—	8
	(a) the exercise of the power is for a purpose	9
	that is in the interests of members of the	10
	organisation; and	11
	(b) a more appropriate course of action is not	12
	available under another law to achieve the	13
	purpose of the exercise of the power.	14
	<i>Examples of a more appropriate course of action for</i>	15
	<i>paragraph (b)—</i>	16
	• the making of an application under the	17
	<i>Information Privacy Act 2009</i> or the <i>Right to</i>	18
	<i>Information Act 2009</i> for access to	19
	information or a document	20
	• the use of a process for the discovery of	21
	documents in a proceeding	22
(2)	Section 348—	23
	<i>insert—</i>	24
	(1A) However, the authorised officer may only enter a	25
	workplace to exercise a power under subdivision	26
	2 if the authorised officer has given the employer	27
	or the employer’s representative a written notice	28
	in compliance with subsections (3) and (4).	29
	(1B) The notice must state the following—	30
	(a) the name of the authorised officer;	31

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-
- | | | |
|------|--|--------------------------------------|
| (b) | the name of the organisation of which the authorised officer is an officer or employee; | 1
2 |
| (c) | the authorised officer intends to enter the workplace under this section; | 3
4 |
| (d) | the purpose of the entry, including— | 5 |
| (i) | the powers intended to be exercised;
and | 6
7 |
| (ii) | the employees, or class of employees,
in relation to whom the powers are
intended to be exercised; | 8
9
10 |
| (e) | the address of the workplace; | 11 |
| (f) | the day the authorised officer intends to enter the workplace. | 12
13 |
| (1C) | The authorised officer must give the employer or the employer’s representative the notice during working hours at least 24 hours, but not more than 14 days, before the day the authorised officer intends to enter the workplace. | 14
15
16
17
18 |
| (3) | Section 348(3), ‘subsection (2)’—
<i>omit, insert—</i>
subsection (5) | 19
20
21 |
| (4) | Section 348(4) and (5), ‘subsection (2)’—
<i>omit, insert—</i>
subsections (2) and (5) | 22
23
24 |
| (5) | Section 348—
<i>insert—</i>

<i>Note—</i>
See also division 2, subdivision 3 for the circumstances in which an authorised officer’s authority may be revoked or suspended. | 25
26

27
28
29
30 |
| (6) | Section 348(1A) to (5)— | 31 |

renumber as section 348(2) to (8). 1

Clause 69	Amendment of s 350 (Right to inspect particular records)	2
	Section 350(6), definition <i>applicable record</i> —	3
	<i>omit, insert</i> —	4
	<i>applicable record</i> means the time and wages record of—	5 6
	(a) a member employee; or	7
	(b) a person who is eligible to become a member employee.	8 9
Clause 70	Amendment of s 355 (Definitions for part)	10
	Section 355, definitions <i>mine, mortgagee</i> and <i>mortgagor</i> —	11
	<i>omit.</i>	12
Clause 71	Amendment of s 380 (Enforcement of magistrate's order)	13
	Section 380(6), definition <i>employer</i> —	14
	<i>omit.</i>	15
Clause 72	Omission of ch 9, pt 2, divs 4 and 5	16
	Chapter 9, part 2, divisions 4 and 5—	17
	<i>omit.</i>	18
Clause 73	Amendment of s 409 (Membership)	19
	(1) Section 409(c), 'the'—	20
	<i>omit, insert</i> —	21
	each	22
	(2) Section 409—	23
	<i>insert</i> —	24

[s 74]

	(2) Each member of the court is a judge of the court.	1
Clause 74	Amendment of s 416 (Acting president)	2
	(1) Section 416—	3
	<i>insert—</i>	4
	(2A) If the Governor in Council does not appoint a person under subsection (2), the vice-president of the court may act as the president.	5 6 7
	(2) Section 416(5), ‘to the person’—	8
	<i>omit, insert—</i>	9
	to a person appointed under subsection (2)	10
	(3) Section 416(2A) to (5)—	11
	<i>renumber</i> as section 416(3) to (6).	12
Clause 75	Amendment of s 417 (Functions of the vice-president)	13
	(1) Section 417, heading, ‘the’—	14
	<i>omit.</i>	15
	(2) Section 417—	16
	<i>insert—</i>	17
	(1A) Subject to section 412, the vice-president is responsible to the president for the administration of the court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the court.	18 19 20 21 22
	(3) Section 417(1A) to (4)—	23
	<i>renumber</i> as section 417(2) to (5).	24
Clause 76	Amendment of s 418 (Appointment of vice-president)	25
	(1) Section 418, ‘gazette notice’—	26
	<i>omit, insert—</i>	27

	commission	1
(2)	Section 418(2)(b)—	2
	<i>omit, insert—</i>	3
	(b) have suitable experience, qualifications and standing in the community to be appointed as the vice-president of the court.	4 5 6
(3)	Section 418(4)—	7
	<i>omit.</i>	8
Clause 77	Amendment of s 421 (Deputy presidents (court))	9
(1)	Section 421(1), after ‘may’—	10
	<i>insert—</i>	11
	, by commission,	12
(2)	Section 421(2)(b)—	13
	<i>omit, insert—</i>	14
	(b) have suitable experience, qualifications and standing in the community to be appointed as a deputy president (court).	15 16 17
(3)	Section 421(4)—	18
	<i>omit.</i>	19
Clause 78	Amendment of s 428 (Contempt of court)	20
(1)	Section 428(1)—	21
	<i>omit, insert—</i>	22
	(1) The court has, for itself, all the protection, powers, jurisdiction and authority the Supreme Court has, for that court, in relation to contempt.	23 24 25
(2)	Section 428(2), after ‘changes’—	26
	<i>insert—</i>	27

[s 79]

, including changes prescribed by the rules.

1

Clause 79 Insertion of new ss 456A and 456B

2

After section 456—

3

insert—

4

456A Consolidation of proceedings

5

(1) This section applies if 2 or more proceedings
before the commission—

6

7

(a) involve the same or related facts and
circumstances; or

8

9

(b) the decision in 1 proceeding will decide or
affect the other proceeding or proceedings.

10

11

(2) The commission may—

12

(a) order that the proceedings be consolidated;
or

13

14

(b) order that the proceedings be heard together
or in a particular sequence; or

15

16

(c) give a direction the commission considers
appropriate for the conduct of the
proceeding or proceedings.

17

18

19

456B Punishment of contempt

20

(1) The commission has, for itself, all the protection,
powers, jurisdiction and authority the Supreme
Court has, for that court, in relation to contempt.

21

22

23

(2) The commission must comply with the *Uniform
Civil Procedure Rules 1999* relating to contempt
of court, with necessary changes, including
changes prescribed by the rules.

24

25

26

27

(3) The registrar or another officer of the commission
may apply to the commission for an order that a
person be committed to prison for contempt of the

28

29

30

	commission.	1
(4)	The commission's jurisdiction and powers to punish a contempt of the commission may be exercised on the application of a person or on the commission's own initiative.	2 3 4 5
(5)	The commission's jurisdiction and powers to punish a contempt of the commission may be exercised only by the president, the vice-president or a deputy president holding office under section 440(1).	6 7 8 9 10
(6)	Subsection (7) applies if the commission is constituted by either of the following sitting alone—	11 12 13
	(a) a deputy president holding office under section 441(1);	14 15
	(b) an industrial commissioner.	16
(7)	The deputy president or industrial commissioner may certify the contempt in writing to the president and, for that purpose, it is enough for the deputy president or industrial commissioner to be satisfied there is evidence of contempt.	17 18 19 20 21
(8)	The commission has jurisdiction to punish an act or omission as a contempt of the commission in addition to any penalty that may be imposed for the act or omission.	22 23 24 25
Clause 80	Amendment of s 458 (Power to make general rulings)	26
(1)	Section 458(1)—	27
	<i>insert—</i>	28
	<i>Note—</i>	29
	See subdivision 1A for provisions about the State wage case.	30 31
(2)	Section 458(2)—	32
	<i>omit.</i>	33

[s 81]

- | | | |
|-----|---|---|
| (3) | Section 458— | 1 |
| | <i>insert—</i> | 2 |
| | (4) This section applies subject to subdivision 1A. | 3 |
| (4) | Section 458(3) and (4)— | 4 |
| | <i>renumber</i> as section 458(2) and (3). | 5 |

- | | | |
|------------------|---|----|
| Clause 81 | Amendment, relocation and renumbering of s 459A | 6 |
| | (Provision about general ruling for State wage case) | 7 |
| (1) | Section 459A, heading, ‘general ruling for State wage case’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | increase of wages in relation to particular employees | 10 |
| | | 11 |
| (2) | Section 459A, as amended by this section— | 12 |
| | <i>relocate</i> to chapter 11, part 2, division 4, subdivision 1A, as | 13 |
| | inserted by this Act, and <i>renumber</i> as section 460C. | 14 |

- | | | |
|------------------|--|----|
| Clause 82 | Insertion of new ch 11, pt 2, div 4, sdiv 1A | 15 |
| | Chapter 11, part 2, division 4— | 16 |
| | <i>insert—</i> | 17 |
| | Subdivision 1A State wage case | 18 |
| | 460A Requirement to make annual ruling | 19 |
| | The full bench must ensure a general ruling about | 20 |
| | a Queensland minimum wage for all employees is | 21 |
| | made at least once each year. | 22 |
| | 460B Adoption of outcomes of FWC’s annual wage review | 23 |
| | | 24 |
| | (1) Unless an interested person objects, the full bench | 25 |
| | must make a ruling mentioned in section 460A | 26 |

	adopting the outcomes of a federal wages review	1
	without receiving evidence or submissions or	2
	conducting a hearing.	3
(2)	At least 21 days before making a ruling under	4
	subsection (1), the full bench must give notice in	5
	the way the full bench considers appropriate of	6
	the following matters—	7
(a)	the terms of the proposed ruling;	8
(b)	that, in the absence of an objection by an	9
	interested person, the full bench will make	10
	the ruling on its own initiative under this	11
	section.	12
(3)	If an objection is made by an interested person,	13
	the full bench must conduct a hearing, and receive	14
	evidence and submissions, in relation to the	15
	objection before making a ruling.	16
(4)	In this section—	17
	<i>federal wages review</i> means an annual wage	18
	review conducted and completed by the FWC	19
	under the <i>Fair Work Act 2009</i> (Cwlth), section	20
	285.	21
	<i>interested person</i> means—	22
(a)	the Minister; or	23
(b)	an employer or employer organisation; or	24
(c)	an employee organisation.	25
Clause 83	Amendment of s 476 (Requirements for application)	26
	Section 476(3), ‘, 386’—	27
	<i>omit.</i>	28
Clause 84	Amendment of s 529 (Representation of parties generally)	29
(1)	Section 529(1), after ‘to proceedings’—	30

[s 85]

- | | |
|---|----|
| <i>insert—</i> | 1 |
| before an industrial tribunal | 2 |
| (2) Section 529(1)(e), ‘conducting the proceedings’— | 3 |
| <i>omit.</i> | 4 |
| (3) Section 529(2), from ‘who—’— | 5 |
| <i>omit, insert—</i> | 6 |
| who directly or indirectly demands or receives a | 7 |
| fee for representing the party or person. | 8 |
| (4) Section 529(4), definition <i>industrial tribunal</i> — | 9 |
| <i>omit, insert—</i> | 10 |
| <i>industrial tribunal</i> means— | 11 |
| (a) the Court of Appeal, court, full bench, | 12 |
| commission or Industrial Magistrates Court; | 13 |
| or | 14 |
| (b) for proceedings before the registrar, | 15 |
| including interlocutory proceedings—the | 16 |
| registrar; or | 17 |
| (c) for proceedings before a conciliator—the | 18 |
| conciliator. | 19 |

- | | | |
|--|--|----|
| Clause 85 | Amendment of s 530 (Legal representation) | 20 |
| (1) Section 530(1)— | | 21 |
| <i>omit, insert—</i> | | 22 |
| (1) A party to proceedings before an industrial | | 23 |
| tribunal, or person ordered or permitted to appear | | 24 |
| or to be represented in the proceedings, may be | | 25 |
| represented by a lawyer only if— | | 26 |
| (a) all parties consent; or | | 27 |
| (b) the industrial tribunal gives leave; or | | 28 |
| (c) the proceedings are for the prosecution of an | | 29 |
| offence. | | 30 |

- (2) Section 530(2)(a)— 1
omit. 2
- (3) Section 530(2)(b) and (c)— 3
renumber as section 530(2)(a) and (b). 4
- (4) Section 530(6), ‘under subsection (1)(f)’— 5
omit. 6
- (5) Section 530(7), definitions *industrial tribunal* and *relevant provision*— 7
omit. 8
9
- (6) Section 530(7)— 10
insert— 11
industrial tribunal means— 12
 - (a) the Court of Appeal, court, full bench, 13
commission or Industrial Magistrates Court; 14
or 15
 - (b) for proceedings before the registrar, 16
including interlocutory proceedings—the 17
registrar; or 18
 - (c) for proceedings before a conciliator—the 19
conciliator. 20

Clause 86 Amendment of s 531 (Decisions of the commission and magistrates) 21
22
Section 531(6), definition *relevant amount*, ‘, 386’— 23
omit. 24

Clause 87 Replacement of s 541 (Decisions generally) 25
Section 541— 26
omit, insert— 27

[s 87]

541 Decisions generally

- | | |
|--|----|
| | 1 |
| (1) The court or commission may, in an industrial | 2 |
| cause do either or both of the following— | 3 |
| (a) make a decision it considers just, and | 4 |
| include provision for preventing or settling | 5 |
| the industrial dispute or dealing with the | 6 |
| industrial matter to which the cause relates, | 7 |
| without being restricted to any specific | 8 |
| relief claimed by the parties to the cause; | 9 |
| (b) order a party to the cause to pay another | 10 |
| party the expenses, including witness | 11 |
| expenses, it considers appropriate. | 12 |
| (2) Also, the court or commission may, in a | 13 |
| proceeding for any matter before the court or | 14 |
| commission, dismiss the proceeding, or refrain | 15 |
| from hearing, further hearing, or deciding the | 16 |
| proceeding, if the court or commission | 17 |
| considers— | 18 |
| (a) the proceeding is trivial; or | 19 |
| (b) the applicant has unreasonably failed to | 20 |
| discontinue the proceeding after a | 21 |
| settlement agreement has been concluded; | 22 |
| or | 23 |
| (c) further proceedings by the court or | 24 |
| commission are not necessary or desirable | 25 |
| in the public interest; or | 26 |
| (d) the proceeding is frivolous or vexatious. | 27 |
| (3) Further, without limiting subsection (2), if the | 28 |
| applicant fails unreasonably to comply with a step | 29 |
| required under this Act, another Act or the rules or | 30 |
| any direction or order of the court or the | 31 |
| commission, the court or commission may | 32 |
| dismiss the proceeding for want of prosecution. | 33 |
| (4) The president may delegate to the registrar the | 34 |
| power of the court or commission under | 35 |

subsection (2)(b) or (3) to dismiss a proceeding. 1

541A Orders about further applications after dismissal 2
3

- (1) This section applies if the court or commission dismisses a proceeding (the *substantive proceeding*), or refrains from hearing, further hearing or deciding a proceeding (also the *substantive proceeding*) under section 541(2). 4
5
6
7
8
- (2) The court or commission may make an order that the applicant in the proceeding must not make a further application to the court or commission of a stated type without the permission of the court or commission. 9
10
11
12
13
- (3) The commission must be constituted by a full bench to give an order under subsection (2). 14
15
- (4) The court or commission must not make an order under subsection (2) unless— 16
17
- (a) the applicant has been given a reasonable opportunity to make submissions to the court or commission in relation to whether the order should be made; and 18
19
20
21
- (b) the court or commission has taken into account any submissions made. 22
23
- (5) The court or commission may make an order under subsection (2)— 24
25
- (a) on its own initiative; or 26
- (b) on application by a party to a matter dealt with by the substantive proceeding. 27
28
- (6) An order under subsection (2) has effect despite any other provision of this Act or any other Act. 29
30
- (7) An application made in contravention of an order made under subsection (2) is of no effect. 31
32
- (8) Section 554 does not apply in relation to a 33

[s 88]

	decision made by the court or commission under subsection (2).	1 2
	(9) The court or the full bench may vary or set aside an order made under subsection (2)—	3 4
	(a) on its own initiative; or	5
	(b) on application by the person subject to the order.	6 7
Clause 88	Amendment of s 545 (General power to award costs)	8
	Section 545(2)(a)—	9
	<i>insert—</i>	10
	(iii) the party caused costs, including witness expenses and other expenses, to be incurred by the other party because of an unreasonable act or omission in connection with the conduct of the proceeding; or	11 12 13 14 15
Clause 89	Amendment of s 547B (Definitions for division)	16
	Section 547B, definition <i>unpaid amount claim</i> , ‘386,’—	17
	<i>omit.</i>	18
Clause 90	Amendment of s 554 (Appeal from court or commission in certain circumstances)	19 20
	(1) Section 554(1), from ‘, or the full bench’ to ‘other members,’—	21 22
	<i>omit, insert—</i>	23
	or the full bench	24
	(2) Section 554(2), from ‘constituted’ to ‘other members’—	25
	<i>omit.</i>	26
	(3) Section 554—	27
	<i>insert—</i>	28

	(5) In this section—	1
	<i>full bench</i> means the full bench constituted by at	2
	least 3 members 1 of whom is a presidential	3
	member.	4
Clause 91	Amendment of s 557 (Appeal from commission)	5
	Section 557(5), definition <i>commission</i> , from ‘full bench’ to	6
	‘other members’—	7
	<i>omit, insert—</i>	8
	full bench within the meaning of section 554(5)	9
Clause 92	Amendment of s 595 (Definitions for chapter)	10
	Section 595, definition <i>register</i> , from ‘means’—	11
	<i>omit, insert—</i>	12
	means the register the registrar keeps under	13
	section 614(1) of—	14
	(a) organisations; and	15
	(b) a copy of each organisation’s rules.	16
Clause 93	Amendment of s 614 (Registrar’s functions for register and rules)	17
	(1) Section 614(1), from ‘keep’—	18
	<i>omit, insert—</i>	19
	keep a register of—	20
	(a) organisations; and	21
	(b) a copy of each organisation’s rules.	22
	(2) Section 614(2)—	23
	<i>omit, insert—</i>	24
	(2) The register must be kept in the way the registrar	25
	considers appropriate, including, for example, in	26
		27

[s 94]

	an electronic form.	1
	(3) The registrar must publish information contained in the register on the QIRC website.	2 3
Clause 94	Amendment of s 616 (Organisation must have complying rules)	4 5
	(1) Section 616(1)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See section 614 for the requirement for the registrar to publish a copy of the organisation’s rules on the QIRC website.	9 10 11
	(2) Section 616(2)—	12
	<i>omit.</i>	13
Clause 95	Amendment of s 633 (Required contents—ballots)	14
	Section 633(a), after ‘postal ballot’—	15
	<i>insert—</i>	16
	, secret electronic ballot	17
Clause 96	Replacement of s 668 (Part does not apply to corporations)	18 19
	Section 668—	20
	<i>omit, insert—</i>	21
	668 Application of divs 2–4	22
	Divisions 2 to 4 do not apply to a corporation.	23
Clause 97	Amendment of s 671 (Electoral commission to conduct elections)	24 25
	Section 671, note—	26

omit.

1

Clause 98 Amendment of s 672 (Organisation's rules generally to be complied with)

2

3

Section 672, 'section 673'—

4

omit, insert—

5

sections 672A and 673

6

Clause 99 Insertion of new s 672A

7

After section 672—

8

insert—

9

672A Prescribed procedures for electronically assisted voting

10

11

(1) The electoral commission may make procedures about how an elector may cast an electronically assisted vote for an election.

12

13

14

(2) The procedures must provide for the following—

15

(a) the registration of electors;

16

(b) the authentication of each electronically assisted vote;

17

18

(c) the recording of each elector who uses electronically assisted voting;

19

20

(d) ensuring the secrecy of each electronically assisted vote;

21

22

(e) the secure transmission of each electronically assisted vote to the electoral commission, and secure storage of each electronically assisted vote by the electoral commission, until printing;

23

24

25

26

27

(f) the printing, for scrutiny and counting, of a ballot paper for each electronically assisted vote;

28

29

30

[s 100]

	(g) the secure delivery of each printed ballot paper to the returning officer.	1 2
	(3) The procedures—	3
	(a) do not take effect until approved by a regulation; and	4 5
	(b) must be tabled in the Legislative Assembly with the regulation approving the procedures; and	6 7 8
	(c) must be published on the electoral commission’s website.	9 10
Clause 100	Replacement of s 677 (Election costs to be paid by State)	11
	Section 677—	12
	<i>omit, insert—</i>	13
	677 Payment of election costs	14
	The costs of an election or a step in the election conducted by the electoral commission under this part are payable by the organisation or branch of the organisation for which the election or step is conducted.	15 16 17 18 19
Clause 101	Insertion of new ch 12, pt 7, div 5	20
	Chapter 12, part 7—	21
	<i>insert—</i>	22
	Division 5 Election may be conducted for corporation	23 24
	685A Corporation may request election be conducted	25 26
	(1) This section applies if an organisation is a corporation.	27 28

	(2)	The electoral commission may, on request by the corporation, conduct an election for the corporation.	1 2 3
	(3)	The costs of an election or a step in the election conducted by the electoral commission under subsection (2) are payable by the corporation.	4 5 6
Clause 102		Amendment of s 763 (Reporting unit to prepare general purpose financial report)	7 8
	(1)	Section 763(2)—	9
		<i>insert—</i>	10
	(ba)	a report showing the total expenditure incurred by the reporting unit during the financial year in relation to each of the following—	11 12 13 14
	(i)	remuneration and other employment-related expenses in relation to employees;	15 16 17
	(ii)	advertising costs;	18
	(iii)	operating costs;	19
	(iv)	donations to political parties;	20
	(v)	legal costs and other expenses related to litigation or other legal matters; and	21 22
	(2)	Section 763(2)(c), ‘765(2)(d)’—	23
		<i>omit, insert—</i>	24
		765(2)(e)	25
	(3)	Section 763(2)(ba) and (c)—	26
		<i>renumber</i> as section 763(2)(c) and (d).	27
Clause 103		Amendment of s 765 (Reporting guidelines)	28
	(1)	Section 765(2)—	29

[s 103]

- | | |
|--|----|
| <i>insert—</i> | 1 |
| (ca) specify the form of a report or statement | 2 |
| required to be included in a general purpose | 3 |
| financial report under section 763(2)(d); and | 4 |
| (2) Section 765(2)(d), after ‘any’— | 5 |
| <i>insert—</i> | 6 |
| other | 7 |
| (3) Section 765(2)(ca) and (d)— | 8 |
| <i>renumber</i> as section 765(2)(d) and (e). | 9 |
| (4) Section 765(3)(b)— | 10 |
| <i>omit, insert—</i> | 11 |
| (b) require the general purpose financial report | 12 |
| to be prepared under section 785(5) to show | 13 |
| the total expenditure incurred by a reporting | 14 |
| unit during a financial year in relation to | 15 |
| each of the following— | 16 |
| (i) remuneration and other | 17 |
| employment-related expenses in | 18 |
| relation to employees; | 19 |
| (ii) advertising costs; | 20 |
| (iii) operating costs; | 21 |
| (iv) donations to political parties; | 22 |
| (v) legal costs and other expenses related | 23 |
| to litigation or other legal matters; and | 24 |
| (c) specify— | 25 |
| (i) the form of the general purpose | 26 |
| financial report to be prepared under | 27 |
| section 785(5); and | 28 |
| (ii) any other content of the report. | 29 |

Clause 104	Amendment of s 785 (Organisations with receipts of less than a particular amount)	1 2
	Section 785(5), ‘765(3)(b)’—	3
	<i>omit, insert—</i>	4
	765(3)(b) and (c)	5
Clause 105	Omission of ch 12, pt 12, div 2 (Exemptions from requirement that electoral commission conduct election)	6 7
	Chapter 12, part 12, division 2—	8
	<i>omit.</i>	9
Clause 106	Amendment of s 824 (Cancellation grounds)	10
	(1) Section 824(2)(c), ‘or 2’—	11
	<i>omit.</i>	12
	(2) Section 824(2)(e)—	13
	<i>omit.</i>	14
Clause 107	Amendment of s 827 (Limitation on validations if substantial injustice)	15 16
	Section 827(2), ‘to 831’—	17
	<i>omit, insert—</i>	18
	and 830	19
Clause 108	Omission of s 831 (Election not invalid because of contravention of pt 12, div 2, sdiv 2)	20 21
	Section 831—	22
	<i>omit.</i>	23

[s 109]

Clause 109	Amendment of s 854 (Costs of ballot conducted by electoral commission)	1 2	
	Section 854, from ‘the State’—	3	
	<i>omit, insert—</i>	4	
	the entity for whom the ballot is conducted.	5	
Clause 110	Amendment of s 900 (Functions)	6	
	(1) Section 900(1)—	7	
	<i>insert—</i>	8	
	(ca) to investigate information the subject of protected disclosures made, or referred, to the inspector under chapter 8, part 1A, division 2;	9 10 11 12	
	(2) Section 900(1)(ca) to (e)—	13	
	<i>renumber</i> as section 900(1)(d) to (f).	14	
Clause 111	Insertion of new ch 18, pt 8	15	
	Chapter 18—	16	
	<i>insert—</i>	17	
	Part 8	Transitional provisions for Industrial Relations and Other Legislation Amendment Act 2026	18 19 20 21
	Division 1	Preliminary	22
	1104 Definitions for part		23
	In this part—		24
	<i>amendment Act</i> means the <i>Industrial Relations</i>		25

and Other Legislation Amendment Act 2026. 1

former, in relation to a provision of this Act, 2
means the provision as in force from time to time 3
before the commencement. 4

introduction day means the day the Bill for the 5
amendment Act was introduced into the 6
Legislative Assembly. 7

new, in relation to a provision of this Act, means 8
the provision as in force from the commencement. 9

Division 2 Modern awards 10

1105 Applications for flow-on of provisions made 11 on or before introduction day 12

- (1) This section applies if— 13
- (a) an application was made under former 14
section 145 or 146 on or before the 15
introduction day; and 16
- (b) the application had not been decided by the 17
commission immediately before the 18
commencement. 19
- (2) The application must be decided under former 20
chapter 3, part 2 as if the amendment Act had not 21
been enacted. 22

1106 Flow-on applications made after introduction 23 day taken to have been withdrawn 24

- (1) This section applies to an application made after 25
the introduction day under former section 145 or 26
146. 27
- (2) On the commencement, the application is taken to 28
have been withdrawn. 29

[s 111]

Division 3	Collective bargaining	1
1107 Existing negotiations—commission not conciliating or arbitrating		2 3
(1)	This section applies in relation to negotiations for a proposed bargaining instrument if—	4 5
(a)	the notice of intention for the negotiations was given before the commencement; and	6 7
(b)	immediately before the commencement—	8
(i)	the parties had not reached agreement on a proposed bargaining instrument; and	9 10 11
(ii)	conciliation of the matter by the commission had not started under former section 175.	12 13 14
(2)	From the commencement, new chapter 4 applies in relation to the proposed bargaining instrument, including, for example, for the purposes of—	15 16 17
(a)	conducting a ballot in the circumstances mentioned in new section 171(1A); and	18 19
(b)	conciliation or arbitration of the matter by the commission; and	20 21
(c)	the making of a scope order in relation to the proposed instrument; and	22 23
(d)	certification or making of the proposed bargaining instrument; and	24 25
(e)	the taking of protected industrial action by a negotiating party.	26 27
1108 Existing negotiations in conciliation		28
(1)	This section applies in relation to negotiations for a proposed bargaining instrument if—	29 30

-
- (a) the notice of intention for the negotiations was given before the commencement; and
 - (b) immediately before the commencement—
 - (i) the parties had not reached agreement on a proposed bargaining instrument; and
 - (ii) the commission was conciliating the matter under former chapter 4, part 3, division 1.
 - (2) From the commencement, former chapter 4 continues to apply in relation to the proposed bargaining instrument.
 - (3) However—
 - (a) new sections 171(1A) and (3), 173(6), 174A and 176A apply in relation to the proposed bargaining instrument; and
 - (b) if the matter is referred to arbitration under former section 177 or an application for arbitration is granted by the commission under former section 178—new chapter 4, part 3, division 2 applies for the arbitration; and
 - (c) new chapter 4, part 5 applies for certifying or making the proposed bargaining instrument; and
 - (d) if a negotiating party engages in protected industrial action under former chapter 4, part 8—the Minister may terminate the action under new chapter 4, part 8, division 5.
 - (4) Subsections (2) and (3) do not apply to the extent a scope order is made, after the commencement, under former chapter 4, part 4 for a proposed bargaining instrument (a *scoped out instrument*) if the employees stated in the scope order—
-

[s 111]

- (a) comprise some, but not all, of the employees in relation to whom the notice of intention mentioned in subsection (1)(a) was given; and
- (b) because of the scope order, will not be covered by the proposed bargaining instrument that was the subject of the notice of intention.
- (5) New chapter 4 applies in relation to the scoped out instrument.

1109 Existing negotiations in arbitration

- (1) This section applies in relation to negotiations for a proposed bargaining instrument if—
 - (a) the notice of intention for the negotiations was given before the commencement; and
 - (b) immediately before the commencement—
 - (i) the parties had not reached agreement on a proposed bargaining instrument; and
 - (ii) the commission was arbitrating the matter under former chapter 4, part 3, division 2.
 - (2) From the commencement, former chapter 4, part 3, division 2 continues to apply for the arbitration of the matter.
- Note—*
- See also section 1114 in relation to legal representation for the arbitration.

Division 4 Appointments and proceedings

1110 Vice-president appointed before commencement	1 2
(1) This section applies to a person who, immediately before the commencement, held an appointment as vice-president of the court.	3 4 5
(2) The gazette notice by which the person was appointed under former section 418 is taken to be a commission under new section 418.	6 7 8
1111 Deputy-president (court) appointed before commencement	9 10
(1) This section applies to a person who, immediately before the commencement, held an appointment as a deputy president (court) of the court.	11 12 13
(2) The instrument by which the person was appointed under former section 421 is taken to be a commission under new section 421.	14 15 16
1112 Consolidation of proceedings	17
New section 456A applies in relation to 2 or more proceedings before the commission whether the proceedings were started before or after the commencement.	18 19 20 21
1113 Punishment of contempt by commission	22
New section 456B applies in relation to a contempt of the commission committed after the commencement relating to a proceeding before the commission whether the proceeding was started before or after the commencement.	23 24 25 26 27
1114 Representation of parties in proceedings	28
New sections 529 and 530 apply in relation to proceedings mentioned in the sections whether	29 30

[s 111]

the proceedings were started before or after the commencement.	1 2
1115 Dismissal etc. of proceedings	3
New section 541(2) applies in relation to a proceeding before the court or commission whether the proceeding was started before or after the commencement.	4 5 6 7
1116 Power to award costs	8
(1) New section 545 applies in relation to a proceeding before the court or commission only if the proceeding is started after the commencement.	9 10 11
(2) Despite the amendment of section 545 by the amendment Act, former section 545 continues to apply in relation to proceedings before the court or commission that were started before the commencement.	12 13 14 15 16
Division 5 Registered organisations	17
Subdivision 1 Whistleblower protection	18
1117 Protected disclosures	19
(1) New chapter 8, part 1A applies in relation to a protected disclosure made after the commencement, whether the disclosable conduct to which the disclosure relates happened before or after the commencement.	20 21 22 23 24
(2) However, if a protected disclosure relates to disclosable conduct that happened more than 2 years before the day of the commencement—	25 26 27

-
- (a) for a disclosure made to the registrar under new section 314E—the registrar must take no further action in relation to the disclosable information; or
 - (b) for a disclosure made to an inspector under new section 314F—the inspector must take no further action in relation to the disclosable information.
 - (3) If a protected disclosure relates to disclosable conduct that happened before the commencement—
 - (a) new sections 314G to 314I do not apply in relation to the taking of a reprisal; and
 - (b) the commission may make an order under new section 314J in relation to a reprisal; and
 - (c) new section 314K applies in relation to a contravention of an injunctive order under new section 314J(2)(d); and
 - (d) new section 314L applies in relation to the person who made the disclosure.

Subdivision 2 Authorised officers

1118 Existing authorities

- (1) This section applies to an authority in effect under former section 337 immediately before the commencement.
- (2) From the commencement, the authority—
 - (a) continues in effect as an authorised officer’s authority under new chapter 9, part 1, division 2 until the earlier of—

[s 111]

- (i) the day that is the end of the term of the authority stated in the authority; or
 - (ii) 31 December 2027; and
- (b) is subject to the conditions to which it was subject immediately before the commencement.
- (3) However, the authority may be suspended or revoked, and the commission may impose conditions on the authority, under new chapter 9, part 1, division 2, subdivision 3.
- (4) The authority may be renewed under new chapter 9, part 1, division 2, subdivision 4.
- (5) This section applies subject to section 1121.

1119 Existing authority suspended—suspension ending before 31 December 2027

- (1) This section applies if—
 - (a) before the commencement, an authority was suspended under former section 338; and
 - (b) the period of the suspension had not ended before the commencement; and
 - (c) if the amendment Act had not commenced, the period of the suspension would have ended before 31 December 2027.
- (2) From the commencement, the authority continues to be suspended until the end of the period of the suspension.
- (3) Section 1118(2) to (4) applies in relation to the authority as if a reference in the section to the commencement were a reference to the day after the period of the suspension ends.

1120 Existing authority suspended—suspension ending on or after 31 December 2027	1 2
(1) This section applies if—	3
(a) before the commencement, an authority was suspended under former section 338; and	4 5
(b) the period of the suspension had not ended before the commencement; and	6 7
(c) if the amendment Act had not commenced, the period of the suspension would have ended on or after 31 December 2027.	8 9 10
(2) On the commencement, the authority is taken to be revoked.	11 12
 1121 Existing application for authority	 13
(1) This section applies to an application made, but not decided, under former section 337(1) before the commencement.	14 15 16
(2) The application is taken to be an application under new section 337(1).	17 18
(3) Anything done in relation to the application under former section 337 is taken to have been done in relation to the application under new section 337.	19 20 21
(4) If the officer or employee to whom the application relates refuses to give written consent for a request under new section 338C(1), the application is taken to have been withdrawn.	22 23 24 25
(5) Subsection (4) applies despite new section 338C(4).	26 27
 1122 Existing application for suspension or revocation of authority	 28 29
(1) This section applies in relation to an application made, but not decided, under former section 338(1) before the commencement.	30 31 32

[s 111]

- | | | |
|-----|--|----|
| (2) | From the commencement, former section 338 | 1 |
| | continues to apply, despite the commencement of | 2 |
| | the amendment Act, for deciding the application. | 3 |
| (3) | Despite former section 338(2)(b), if the | 4 |
| | commission decides to suspend the authority the | 5 |
| | period of the suspension must be— | 6 |
| (a) | the period mentioned in new section | 7 |
| | 338F(5); or | 8 |
| (b) | if a shorter period is considered appropriate | 9 |
| | by the commission—the shorter period. | 10 |
| (4) | If the commission decides to suspend the | 11 |
| | authority under former section 338 as it continues | 12 |
| | to apply under subsection (2), the suspension | 13 |
| | takes effect as if it were a suspension under new | 14 |
| | section 338F. | 15 |

1123 Application of fit and proper person test 16

For applying new section 338A, the registrar must	17
have regard to the matters mentioned in new	18
section 338A(1) regardless of whether the matters	19
arose before or after the commencement.	20

1124 Application of new ss 338F and 338G 21

For applying new sections 338F(5) and 338G(3),	22
a reference in those sections to revocation or	23
suspension of an authority includes a reference to	24
revocation or suspension of an authority under	25
former section 338 before the commencement.	26

Subdivision 3 Electoral commission exemptions 27 28

- 1125 Existing exemptions under former ch 12, pt 12, div 2** 1
2
- (1) This section applies if, immediately before the commencement, an exemption was in effect under former chapter 12, part 12, division 2. 3
4
5
- (2) The exemption continues to apply, as if the amendment Act had not commenced, for the period of 6 months from the day of the commencement. 6
7
8
9
- (3) Subsection (2) does not prevent the exemption otherwise ending under former section 824 before the end of the 6-month period. 10
11
12

- 1126 Existing application for exemption** 13
- (1) This section applies if— 14
- (a) an application was made under former section 812 no later than the introduction day; and 15
16
17
- (b) the application had not been decided by the registrar immediately before the commencement. 18
19
20
- (2) Also, this section applies if an application is made after the introduction day under former section 812. 21
22
23
- (3) On the commencement, the application is taken to have been withdrawn. 24
25

Subdivision 4 Other provisions 26

- 1127 Application of reporting amendments** 27
- New sections 763 and 765 apply in relation to the financial year starting on 1 July 2027 and later financial years. 28
29
30

[s 111]

1128 Application of amendments about costs of elections conducted by electoral commission	1 2
New section 677 applies only in relation to an election, or a step in an election, if the information prescribed by regulation for the election under section 669 is filed in the registry after the commencement.	3 4 5 6 7
1129 Proceedings for particular repealed offences	8
(1) This section applies in relation to an offence against a relevant former provision committed by a person before the commencement.	9 10 11
(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the relevant former provision had not been repealed by the amendment Act.	12 13 14 15 16 17
(3) Subsection (2) applies despite the Criminal Code, section 11.	18 19
(4) In this section— <i>relevant former provision</i> means former section 337(5), 817(1), 818 or 819.	20 21 22
Division 6 Other provisions	23
1130 Transitional regulation-making power	24
(1) A regulation (a <i>transitional regulation</i>) may make provision about a matter for which—	25 26
(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition—	27 28 29

[s 112]

- (i) from the operation of this Act as in force immediately before the commencement; and
- (ii) to the operation of this Act as in force from the commencement; and
- (b) this Act does not provide or sufficiently provide.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- (3) A transitional regulation must declare it is a transitional regulation.

1131 Expiry of division and transitional regulation

This division and any transitional regulation under section 1130 expire on the day that is 1 year after the day this section commences.

Clause 112 Amendment of sch 1 (Industrial matters)

Schedule 1—

insert—

- 32 payment for all or part of an entitlement to long service leave instead of taking the leave

Clause 113 Amendment of sch 3 (Civil penalties)

- (1) Schedule 3, entry for section 234(3), ‘s 234(3)’—

omit, insert—

s 234(2)

- (2) Schedule 3, after entry for section 238(1)—

insert—

[s 114]

s 241E (Contravention of Ministerial direction)	(a) an inspector	the	27 penalty
	(b) an employer or employer organisation that is a negotiating party	commission	units
	(c) an employee or employee organisation that is a negotiating party		

- (3) Schedule 3, entry for chapter 8, column 1, 1
‘(Misrepresentations—right to represent)’— 2
omit, insert— 3
(Misrepresentations—right to represent (entity 4
other than organisation)), 293B 5
(Misrepresentations—person ineligible to be 6
member (organisation)) 7
- (4) Schedule 3, entry for chapter 8— 8
insert— 9

s 314K (Contravention of injunctive order)	(a) a person affected by the contravention	the	90 penalty
	(b) the registrar	commission	units
	(c) the chief inspector		
	(d) an inspector		

Clause 114 Amendment of sch 5 (Dictionary) 10

- (1) Schedule 5, definitions *apparent employer, mine, mortgagee, 11*
mortgagor, referred claim, referred employer, superannuation 12
contributions and unpaid wages claim— 13

<i>omit.</i>	1
(2) Schedule 5—	2
<i>insert</i> —	3
<i>authorised officer's authority</i> , for chapter 9, part 1, see section 336.	4 5
<i>detriment</i> , for chapter 8, part 1A, see section 314C.	6 7
<i>direct ballot agreement</i> , for chapter 4, see section 174A(3).	8 9
<i>disclosable conduct</i> , for chapter 8, part 1A, see section 314C.	10 11
<i>discloser</i> , for a protected disclosure, for chapter 8, part 1A, see section 314D(1).	12 13
<i>non-approving party</i> , in relation to a direct ballot agreement, for chapter 4, see section 174A(5).	14 15
<i>protected disclosure</i> , for chapter 8, part 1A, see section 314D.	16 17
<i>reprisal</i> , for chapter 8, part 1A, see section 314C.	18
(3) Schedule 5, definition <i>industrial instrument</i> , paragraph (d)—	19
<i>omit.</i>	20
(4) Schedule 5, definition <i>industrial instrument</i> , paragraph (e)—	21
<i>renumber</i> as paragraph (d).	22
(5) Schedule 5, definition <i>violent offence</i> , after 'for'—	23
<i>insert</i> —	24
chapter 9, part 1, division 2 and	25

[s 115]

Part 7	Amendment of Planning and Environment Court Act 2016	1 2
Clause 115	Act amended	3
	This part amends the <i>Planning and Environment Court Act 2016</i> .	4 5
Clause 116	Amendment of pt 2, hdg (Establishment and jurisdiction)	6
	Part 2, heading, after ‘Establishment’—	7
	<i>insert—</i>	8
	, judges	9
Clause 117	Insertion of new pt 2, div 1A, hdg	10
	Before section 6—	11
	<i>insert—</i>	12
	Division 1A Judges	13
Clause 118	Insertion of new ss 6A–6F	14
	After section 6—	15
	<i>insert—</i>	16
	6A Seniority	17
	(1) The Chief Judge is senior to all other P&E Court judges.	18 19
	(2) The P&E Court Judge Administrator is senior to all other P&E Court judges apart from the Chief Judge.	20 21 22
	(3) The remaining P&E Court judges have seniority in relation to each other according to the date on which their appointment as a P&E Court judge took effect.	23 24 25 26

- (4) If the appointments of 2 or more P&E Court judges took effect on the same day, the judges have seniority in relation to each other according to their seniority as a District Court judge under the *District Court of Queensland Act 1967*, section 10A.
- (5) In subsections (3) and (4), a reference to a P&E Court judge includes a reference to a P&E Court judge who has ceased to be the P&E Court Judge Administrator.

6B Appointment of P&E Court Judge Administrator

- (1) The Governor in Council may, by gazette notice, appoint a P&E Court judge to be P&E Court Judge Administrator.
- (2) The appointment of a P&E Court Judge Administrator may be for a term, of not less than 5 years, stated in the gazette notice.
- (3) A P&E Court judge may be appointed P&E Court Judge Administrator either at the time of the person's appointment as a P&E Court judge or at any time afterwards.
- (4) The P&E Court Judge Administrator may be reappointed.

6C Appointment of acting P&E Court Judge Administrator

The Governor in Council may, by gazette notice, appoint a P&E Court judge to act as P&E Court Judge Administrator during any period, or all periods, when the P&E Court Judge Administrator is absent from duty or from the State or is, for another reason, unable to perform the duties of office.

[s 118]

6D P&E Court Judge Administrator continues to be P&E Court judge	1 2
The P&E Court Judge Administrator continues to be a P&E Court judge, and may sit as, and exercise any of the powers of, a P&E Court judge.	3 4 5
6E P&E Court Judge Administrator continues in office while P&E Court judge	6 7
(1) Subject to subsection (2), the P&E Court Judge Administrator holds office as P&E Court Judge Administrator while the person holds office as a P&E Court judge.	8 9 10 11
(2) A person who is the P&E Court Judge Administrator vacates the office—	12 13
(a) if the person is appointed as Chief Magistrate, Chief Judge or a judge of the Supreme Court; or	14 15 16
(b) if the person was appointed as P&E Court Judge Administrator for a stated term—when the term ends.	17 18 19
(3) The P&E Court Judge Administrator may resign office as P&E Court Judge Administrator without resigning office as a P&E Court judge.	20 21 22
6F Functions of P&E Court Judge Administrator	23
(1) Subject to section 6, the P&E Court Judge Administrator is responsible for the administration of the P&E Court and for ensuring the orderly and expeditious exercise of the jurisdiction and powers of the P&E Court.	24 25 26 27 28
(2) The P&E Court Judge Administrator must consult with the Chief Judge in carrying out the functions of the P&E Court Judge Administrator under subsection (1).	29 30 31 32
(3) Subject to this Act and other Acts, the P&E Court	33

Judge Administrator has power to do all things 1
necessary or convenient to be done for the 2
administration of the P&E Court and for ensuring 3
the orderly and expeditious exercise of the 4
jurisdiction and powers of the P&E Court, 5
including, for example, listing matters for 6
hearing. 7

Clause 119	Insertion of new pt 10, div 4	8
	Part 10—	9
	<i>insert—</i>	10
	Division 4	11
	Transitional provision for	12
	Industrial Relations and	13
	Other Legislation	14
	Amendment Act 2026	14
84	Application of new s 6A	15
(1)	New section 6A applies in relation to a P&E Court judge holding office after the commencement, whether the P&E Court judge was appointed before or after the commencement.	16 17 18 19
(2)	In this section—	20
	<i>new section 6A</i> means section 6A as in force from the commencement.	21 22

[s 120]

Part 8	Amendment of Workers'	1
	Compensation and	2
	Rehabilitation Act 2003	3

Clause 120	Act amended	4
	This part amends the <i>Workers' Compensation and</i>	5
	<i>Rehabilitation Act 2003</i> .	6

Clause 121	Amendment of s 32 (Meaning of <i>injury</i>)	7
(1)	Section 32(1)—	8
	<i>omit, insert—</i>	9
(1)	An <i>injury</i> is personal injury arising out of, or in	10
	the course of, employment if—	11
(a)	for an injury other than a psychiatric or	12
	psychological disorder—the employment is	13
	a significant contributing factor to the	14
	injury; or	15
(b)	for a psychiatric or psychological	16
	disorder—the employment is the major	17
	significant contributing factor to the injury.	18
(2)	Section 32(3)(b)(i), after 'personal injury'—	19
	<i>insert—</i>	20
	other than a psychiatric or psychological disorder	21
(3)	Section 32(3)(b)(iii), after 'medical condition'—	22
	<i>insert—</i>	23
	other than a psychiatric or psychological disorder	24
(4)	Section 32(3)—	25
	<i>insert—</i>	26
(ba)	an aggravation of a psychiatric or	27
	psychological disorder, if the aggravation	28

- arises out of, or in the course of,
employment and the employment is the
major significant contributing factor to the
aggravation;
- (5) Section 32(4), after 'subsection (3)(b)'—
insert—
and (ba)
- (6) Section 32(5), examples, before first dot point—
insert—
- action taken to investigate alleged misconduct by
the worker
- (7) Section 32—
insert—
- (6) For subsection (5)(a), management action or the
way the action is taken is not unreasonable merely
because—
- (a) the employer incorrectly does or fails to do a
thing as part of the management action; and
 - (b) the thing mentioned in paragraph (a) is
minor in nature, having regard to the
reasonableness of the management action,
or the way the action is taken, as a whole.

Clause 122 Amendment of s 36B (Definitions for sdiv 3B)

- (1) Section 36B—
insert—
firefighting duties means duties that involve—
- (a) extinguishing, controlling or preventing the
spread of fires; or
 - (b) exposure to substances used in, or other
hazards arising from, extinguishing,
controlling or preventing the spread of fires.

[s 123]

- (2) Section 36B, definition *firefighter*— 1
insert— 2
(f) a person employed in the department in 3
which the *Nature Conservation Act 1992* is 4
administered for the purpose of performing 5
duties that include firefighting duties. 6

- Clause 123 Amendment of s 36E (Deciding number of years)** 7
(1) Section 36E(2)(a) and (b), 'relevant duties'— 8
omit, insert— 9
firefighting duties 10
(2) Section 36E(4)— 11
omit. 12

- Clause 124 Amendment of s 36ED (Presumption of injury)** 13
Section 36ED(4)(b), 'a significant contributing factor'— 14
omit, insert— 15
the major significant contributing factor 16

- Clause 125 Omission of s 46B (Employer must give worker information statement)** 17
Section 46B— 18
omit. 19
20

- Clause 126 Amendment of s 62 (Further additional premium payable after appeal to industrial magistrate)** 21
(1) Section 62, heading, 'to industrial magistrate'— 22
omit. 23
(2) Section 62(1)(a) and (b), 'an industrial magistrate'— 24
omit, insert— 25
26

	the industrial commission	1
Clause 127	Amendment of s 71 (Issue or renewal of licence to a single employer)	2
	Section 71(1)(g)(ii)(A), 'in Queensland and'—	3
	<i>omit.</i>	4
		5
Clause 128	Amendment of s 72 (Issue or renewal of licence to a group employer)	6
	Section 72(1)(h)(ii)(A), 'in Queensland and'—	7
	<i>omit.</i>	8
		9
Clause 129	Amendment of s 75 (Whether applicant fit and proper)	10
	Section 75(2)(c), 'in Queensland'—	11
	<i>omit.</i>	12
Clause 130	Amendment of s 78 (Duration of licence)	13
	Section 78(2), '4 years'—	14
	<i>omit, insert—</i>	15
	5 years	16
Clause 131	Amendment of ch 2, pt 4, div 4, hdg (Powers, functions and obligations of self-insurers)	17
	(1) Chapter 2, part 4, division 4, heading, 'Powers, functions and obligations'—	18
	<i>omit, insert—</i>	19
	Functions and powers	20
	(2) Chapter 2, part 4, division 4, heading—	21
	<i>insert—</i>	22
		23
		24

[s 132]

	<i>Note—</i>	1
	See chapter 14, part 1AA for obligations of insurers relating to documents.	2 3
Clause 132	Amendment of s 92 (Powers of self-insurers)	4
	(1) Section 92, heading—	5
	<i>omit, insert—</i>	6
	92 Self-insurers	7
	(2) Section 92(4), ‘who is in Queensland, and’—	8
	<i>omit.</i>	9
	(3) Section 92(4), ‘, to’—	10
	<i>omit, insert—</i>	11
	to	12
Clause 133	Amendment of s 92A (Powers of local government self-insurers)	13 14
	(1) Section 92A, heading, ‘Powers of local’—	15
	<i>omit, insert—</i>	16
	Local	17
	(2) Section 92A(2), before ‘self-insurer’—	18
	<i>insert—</i>	19
	local government	20
Clause 134	Omission of ss 93–94	21
	Sections 93 to 94—	22
	<i>omit.</i>	23

[s 135]

Clause 135	Amendment of s 134 (Decision about application for compensation)	1 2
	Section 134—	3
	<i>insert</i> —	4
	(3A) If the insurer allows the application, the insurer must, as soon as practicable after notifying the claimant of its decision, give the claimant—	5 6 7
	(a) a copy of the approved form mentioned in section 136; and	8 9
	(b) written notice of the day on which a work notice must be given to the insurer under that section for each month in which the claimant receives compensation.	10 11 12 13
Clause 136	Amendment of s 135 (Examination by registered person)	14
	Section 135(1), from ‘personal examination’—	15
	<i>omit, insert</i> —	16
	personal examination, at a place reasonably convenient for the claimant or worker, by—	17 18
	(a) a registered person who—	19
	(i) is a relevant specialist or audiologist; and	20 21
	(ii) is authorised under section 329C to carry out the examination; or	22 23
	(b) another registered person, other than a doctor or an audiologist.	24 25
Clause 137	Amendment of s 135A (Examination of particular claimants by psychiatrist)	26 27
	Section 135A(2)(a)—	28
	<i>omit, insert</i> —	29
	(a) to obtain a diagnosis, arrange for the claimant to	30

[s 138]

	be examined by a psychiatrist who is authorised	1
	under section 329C to carry out the examination;	2
	and	3
Clause 138	Replacement of s 136 (Worker must notify return to work or engagement in a calling)	4
		5
	Section 136—	6
	<i>omit, insert—</i>	7
	136 Periodic work notices by workers receiving compensation	8
		9
	(1) A worker receiving compensation for an injury	10
	from an insurer must give the insurer 1 or more	11
	work notices, in the way required under	12
	subsection (2), unless the worker has a reasonable	13
	excuse.	14
	Maximum penalty—50 penalty units.	15
	(2) A work notice must be given—	16
	(a) in the approved form; and	17
	<i>Note—</i>	18
	See section 586(2A) for the statement the	19
	approved form must include in relation to this	20
	section.	21
	(b) for each month in which the worker receives	22
	compensation; and	23
	(c) on the next business day after the end of the	24
	month.	25
	(3) The insurer must, if asked by the worker, give the	26
	worker a copy of the approved form.	27
	(4) The insurer may, by written notice given to the	28
	worker, suspend the worker's entitlement to	29
	compensation if the worker fails, without a	30
	reasonable excuse, to give the insurer a work	31
	notice in the way required under subsection (2).	32
	(5) The insurer must end any suspension of the	33

- worker's entitlement under subsection (4) if the
worker gives the insurer the required work notice.
- (6) If the insurer suspends the worker's entitlement to
compensation, the worker may have the decision
reviewed under chapter 13.
- (7) In this section—
work notice, given by a worker, means a notice
stating whether the worker has returned to work
or engaged in a calling.

- Clause 139 Insertion of new s 168A**
- After section 168—
insert—
- 168A Review of ongoing compensation based on
material information**
- (1) This section applies if—
- (a) an insurer allows a worker's application for
compensation for an injury; and
- (b) during the payment period of the worker's
compensation, the insurer obtains material
information about the worker; and
- (c) the material information was not known by,
or reasonably available to, the insurer at the
time the worker's application for
compensation was decided; and
- (d) the insurer is satisfied the application would
not have been allowed if the insurer had
considered the material information when
the application was decided.
- (2) No more than once during the payment period of
compensation, the insurer may, under this
section—

[s 139]

- (a) review the worker's entitlement to compensation, taking into account the material information; and
 - (b) decide to end the worker's entitlement to compensation for the injury.
 - (3) However, the insurer must not end the entitlement under subsection (2) if the insurer did not make reasonable enquiries to obtain the material information at the time the worker's application for compensation was decided.
 - (4) Also, the insurer must not end the entitlement under subsection (2) merely because the material information—
 - (a) is a medical opinion or of a medical nature; and
 - (b) is different from the information considered at the time the worker's application for compensation was decided.
 - (5) This section does not limit another provision of this Act that provides for a review of the worker's entitlement.
- Notes—
 - 1 See also section 168 and chapter 4A, part 4 for reviews of entitlement to compensation.
 - 2 See section 183 for the effect of ending a worker's entitlement under this section on assessments of permanent impairment under chapter 3, part 10.
- (6) In this section—

material information, about a worker, means information affecting a worker's entitlement to compensation under this Act.

payment period, of a worker's compensation for an injury, means the period—
 - (a) starting when the worker's application for compensation for the injury is allowed; and

	(b) ending when the worker is no longer entitled to compensation for the injury.	1 2
Clause 140	Amendment of s 170 (Recovery of compensation overpaid)	3 4
	Section 170—	5
	<i>insert—</i>	6
	(4) However, the insurer must not recover an overpaid amount to a worker or another person that arises as a result of a decision by an insurer under section 168A to review the worker's entitlement to compensation, other than if the overpayment arose because the worker committed an offence under chapter 12, part 2.	7 8 9 10 11 12 13
Clause 141	Amendment of s 179 (Assessment of permanent impairment)	14 15
	(1) Section 179(2)—	16
	<i>omit, insert—</i>	17
	(2) The insurer must have the assessment made by—	18
	(a) for industrial deafness—an audiologist who is authorised under section 329C to make the assessment; or	19 20 21
	(b) for a psychiatric or psychological injury—a psychiatrist who is authorised under section 329C to make the assessment; or	22 23 24
	(c) for another injury—a relevant specialist who is authorised under section 329C to make the assessment.	25 26 27
	(2) Section 179(6)(a) and (b)—	28
	<i>omit.</i>	29
	(3) Section 179(6)(c) and (d)—	30

[s 142]

renumber as section 179(6)(a) and (b). 1

Clause 142 Insertion of new s 183 2

After section 182— 3

insert— 4

**183 Assessment when entitlement to 5
compensation ended or suspended 6**

(1) This section applies if a person's entitlement to 7
compensation for an injury is— 8

(a) ended under section 168A or 536D; or 9

(b) suspended under section 536C. 10

(2) The ending or suspension of the entitlement does 11
not prevent any of the following— 12

(a) the making of an assessment under section 13
179; 14

(b) the preparation or giving of a report of the 15
assessment; 16

(c) the giving of a notice of assessment for the 17
injury. 18

(3) However, if the entitlement is ended under section 19
168A or 536D, sections 180, 181, 182, 20
185(3)(b)(ii) and (c), 187 and 189(2) do not apply 21
in relation to the calculation of lump sum 22
compensation, and the giving of a notice of 23
assessment, for the injury. 24

(4) If the entitlement is suspended under section 25
536C, for applying subsection (2), a reference to 26
an entitlement to lump sum compensation in 27
sections 180(1), 185(3)(b)(ii) and (c), 187, 28
188(1)(b) and 189(1)(a)(ii) is taken to be a 29
reference to the suspended entitlement. 30

	<i>Note—</i>	1
	See also section 536C(2) in relation to the application of sections 188(4) and 189(5) when an entitlement to lump sum compensation is suspended.	2 3 4
Clause 143	Amendment of s 186 (Worker's disagreement with assessment of permanent impairment)	5 6
	Section 186(1)—	7
	<i>omit, insert—</i>	8
	(1) This section applies if the worker does not agree with the degree of permanent impairment stated in the notice of assessment (the <i>original notice</i>).	9 10 11
Clause 144	Amendment of s 226 (Employer's obligation to appoint rehabilitation and return to work coordinator)	12 13
	Section 226(2), 'be in Queensland and'—	14
	<i>omit.</i>	15
Clause 145	Insertion of new s 326A	16
	Before section 327—	17
	<i>insert—</i>	18
	326A Definition for part	19
	In this part—	20
	<i>relevant register</i> means—	21
	(a) for an authorisation mentioned in section 329C(1)(a)—the register kept under section 329B(1)(a); or	22 23 24
	(b) for an authorisation mentioned in section 329C(1)(b)—the register kept under section 329B(1)(b); or	25 26 27

[s 146]

	(c) for an authorisation mentioned in section 329C(1)(c)—the register kept under section 329B(1)(c).	1 2 3
Clause 146	Amendment of s 329B (Scheme registers)	4
	(1) Section 329B(1), before paragraph (a)—	5
	<i>insert—</i>	6
	(aa) a register of relevant specialists and audiologists who have been authorised under section 329C to carry out personal examinations under section 135;	7 8 9 10
	(ab) a register of psychiatrists who have been authorised under section 329C to carry out examinations under section 135A;	11 12 13
	(2) Section 329B(1)(a), ‘persons authorised’—	14
	<i>omit, insert—</i>	15
	relevant specialists and audiologists who have been authorised under section 329C	16 17
	(3) Section 329B(1)(aa) to (c)—	18
	<i>renumber</i> as section 329B(1)(a) to (e).	19
	(4) Section 329B(2)—	20
	<i>omit, insert—</i>	21
	(2) The Regulator must make each register—	22
	(a) publicly available on the Regulator’s website; or	23 24
	(b) available to insurers or employers by other means the Regulator considers appropriate.	25 26
Clause 147	Insertion of new ss 329C–329E	27
	After section 329B—	28
	<i>insert—</i>	29

329C Authorisation to carry out examinations	1
under s 135 or 135A or make assessments	2
under s 179	3
(1) The Regulator may decide, under this section—	4
(a) to authorise a registered person who is a	5
relevant specialist or audiologist to carry out	6
personal examinations under section 135; or	7
(b) to authorise a psychiatrist to carry out	8
examinations under section 135A; or	9
(c) to authorise a registered person who is a	10
relevant specialist or audiologist to make	11
assessments under section 179.	12
(2) The Regulator may decide to authorise a person	13
for a purpose under subsection (1) only if the	14
Regulator is satisfied the person meets the	15
requirements prescribed by regulation for the	16
authorisation.	17
(3) An authorisation under subsection (1)(a) or (b)	18
may be limited to carrying out examinations for	19
an injury of a stated type.	20
(4) An authorisation under subsection (1)(c) may be	21
limited to making assessments of a stated type.	22
(5) If the Regulator decides to give an authorisation	23
in relation to a person under subsection (1), the	24
Regulator must record the following information	25
about the person in the relevant register—	26
(a) the person's name;	27
(b) a description of the person's profession;	28
(c) if the person is a relevant specialist—the	29
person's specialty;	30
(d) for an authorisation mentioned in subsection	31
(1)(a) or (b) that is subject to a limitation	32
under subsection (3)—the type of injury for	33

[s 147]

- which the person is authorised to make an examination; 1
2
- (e) for an authorisation mentioned in subsection 3
(1)(c) that is subject to a limitation under 4
subsection (4)—the type of assessment the 5
person is authorised to make. 6
- (6) A person is authorised under this section for a 7
purpose mentioned in subsection (1) when the 8
Regulator records in the relevant register the 9
information required under subsection (5). 10
- (7) A regulation may prescribe— 11
 - (a) a procedure for giving authorisations under 12
this section, including, for example, an 13
application process; or 14
 - (b) a procedure for the review of a decision of 15
the Regulator under this section. 16

329D Variation of authorisation under s 329C 17

- (1) The Regulator may, on the grounds and in the way 18
prescribed by regulation, decide to vary an 19
authorisation of a person under section 329C. 20
- (2) If the Regulator decides to vary the authorisation 21
of a person under subsection (1), the Regulator 22
must in the relevant register— 23
 - (a) make the necessary changes to reflect the 24
variation in the entry for the person; and 25
 - (b) record any details prescribed by regulation. 26
- (3) A regulation may prescribe— 27
 - (a) a procedure for the variation of an 28
authorisation under this section; or 29
 - (b) a procedure for the review of a decision of 30
the Regulator under this section. 31

**329E Suspension or cancellation of authorisation
under s 329C**

- (1) The Regulator may—
 - (a) on the grounds and in the way prescribed by regulation, decide to suspend or cancel the authorisation of a person under section 329C; or
 - (b) in the circumstances and in the way prescribed by regulation, decide to end the suspension of a person under paragraph (a).
- (2) If the Regulator decides to suspend or cancel the authorisation of a person under subsection (1), the Regulator must in the relevant register—
 - (a) for a suspension—record the suspension in the entry for the person, including the day the suspension begins; or
 - (b) for a cancellation—record the cancellation in the entry for the person, including the day the authorisation is cancelled.
- (3) If the Regulator decides to end the suspension of the authorisation, the Regulator must in the relevant register record the ending of the suspension in the entry for the person, including the day the suspension ends.
- (4) A regulation may prescribe—
 - (a) a procedure for the suspension or cancellation of an authorisation under this section; or
 - (b) a procedure for the review of a decision of the Regulator under this section.

Clause 148 Amendment of s 336 (Functions of authorised persons)

Section 336—

insert—

[s 149]

	(d) to make directions under section 536.	1
Clause 149	Amendment of ch 8, pt 3, hdg (Obligations)	2
	Chapter 8, part 3, heading—	3
	<i>insert—</i>	4
	<i>Note—</i>	5
	See chapter 14, part 1AA for obligations of insurers relating to documents.	6 7
Clause 150	Insertion of new s 532ZD	8
	Before section 533—	9
	<i>insert—</i>	10
	532ZD Definitions for part	11
	In this part—	12
	<i>fraud offence</i> means—	13
	(a) an offence against section 533; or	14
	(b) an offence or an attempt to commit an offence against the Criminal Code, section 123, 408C or 488.	15 16 17
	<i>pre-proceeding process</i> , for a claim for damages, means each of the following—	18 19
	(a) a process under this Act, however described, that must be completed or complied with in relation to the starting of a proceeding in a court for the claim for damages;	20 21 22 23
	(b) a time requirement applying in relation to a process mentioned in paragraph (a).	24 25
	<i>time requirement</i> means a requirement, under this or another Act, for a thing to be done—	26 27
	(a) during a particular period; or	28
	(b) before or after a particular day.	29

Clause 151	Amendment of s 533 (Offences involving fraud)	1
	Section 533(1), penalty, '500 penalty units or 5'—	2
	<i>omit, insert—</i>	3
	10	4
Clause 152	Amendment of s 534 (False or misleading information or documents)	5
	Section 534(2) and (3), penalty, '150 penalty units or 1 year's'—	6
	<i>omit, insert—</i>	7
	300 penalty units or 2 years	8
		9
		10
Clause 153	Replacement of s 535 (Particular acts taken to be fraud)	11
	Section 535—	12
	<i>omit, insert—</i>	13
	535 Particular acts taken to be fraud	14
	(1) This section applies if—	15
	(a) a person lodges an application for compensation with an insurer; and	16
		17
	(b) the person returns to work or engages in a calling during a month in which the person receives compensation from the insurer (the <i>relevant work</i>); and	18
		19
		20
		21
	(c) the person—	22
	(i) gives the insurer a work notice under section 136 for the month—	23
		24
	(A) stating that the person has not returned to work or engaged in a calling during the month; or	25
		26
		27
	(B) containing information about the return to work or engagement in	28
		29

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	the calling the person knows is	1
	false or misleading in a material	2
	particular; or	3
	(ii) fails, without a reasonable excuse, to	4
	give the insurer a work notice in the	5
	way required under section 136(2) for	6
	the month.	7
(2)	If compensation is paid by the insurer under the	8
	application to the person or anyone else after the	9
	start of the return to work or the engagement in the	10
	calling, the person is taken to have defrauded the	11
	insurer of the payments under section 533.	12
(3)	If payments to which subsection (2) applies are	13
	not made, the person is taken to have attempted to	14
	defraud the insurer under section 533.	15
Clause 154	Insertion of new ss 536–536D	16
	After section 535—	17
	<i>insert—</i>	18
	536 Powers of authorised persons in relation to fraud	19
		20
(1)	If an authorised person reasonably believes a	21
	person is committing, or has committed, a fraud	22
	offence involving an insurer in relation to an	23
	application for compensation, or a claim for	24
	damages, for an injury, the authorised person may	25
	direct that section 536B applies to stay	26
	pre-proceeding processes, for any claim for	27
	damages for the injury, for a period of not more	28
	than 3 months.	29
(2)	If an authorised person reasonably believes a	30
	person is committing, or has committed, a fraud	31
	offence involving an insurer in relation to an	32
	application for compensation for an injury, the	33
	authorised person may direct that an entitlement a	34

- person has, or may have, to the lump sum 1
compensation is suspended for a period of not 2
more than 3 months. 3
- (3) Subsection (4) applies if an authorised person 4
reasonably believes— 5
- (a) a person is committing, or has committed, a 6
fraud offence involving an insurer in 7
relation to an application for compensation 8
for an injury; and 9
- (b) compensation is being, or will be, paid for 10
the injury. 11
- (4) The authorised person may direct that an 12
entitlement a person has, or may have, to 13
compensation for the injury ends on the day the 14
direction is given or a stated later day. 15

536A Requirements for directions 16

- (1) A direction given by an authorised person under 17
section 536 must— 18
- (a) be in writing; and 19
- (b) state the reasonable belief mentioned in 20
section 536(1), (2) or (3); and 21
- (c) state the particulars identifying the 22
application for compensation or claim for 23
damages; and 24
- (d) for a direction mentioned in section 25
536(1)—state— 26
- (i) that section 536B applies to stay the 27
pre-proceeding processes for the claim; 28
and 29
- (ii) the period, of not more than 3 months, 30
for which the pre-proceeding processes 31
are stayed; and 32

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- (iii) the reasons why the authorised person considers the stay, and the duration of the stay, are appropriate; and
 - (e) for a direction mentioned in section 536(2)—state—
 - (i) the entitlement to lump sum compensation is suspended; and
 - (ii) the period, of not more than 3 months, for which the entitlement is suspended; and
 - (iii) the reasons why the authorised person considers the suspension, and the duration of the suspension, are appropriate; and
 - (f) for a direction mentioned in section 536(4)—
 - (i) state the entitlement to compensation ends on the later of the following days—
 - (A) the day the direction is given;
 - (B) a day stated in the direction; and
 - (ii) state the reasons why the authorised person considers the ending of the entitlement to compensation is appropriate; and
 - (iii) be accompanied by information about the rights of review under this Act for the decision.
- (2) The direction must be given to—
 - (a) the insurer; and
 - (b) each person who has, or may have, an entitlement to the compensation or damages.

- (3) The direction ends on the earlier of the following days—
 - (a) the day an authorised person revokes the direction;
 - (b) for a direction mentioned in section 536(1) or (2)—the day the period mentioned in subsection (1)(d)(ii) or (e)(ii) ends.

536B Stay of relevant processes for claims

- (1) This section applies if—
 - (a) an authorised person gives a direction under section 536(1) in relation to a claim for damages for an injury; or
 - (b) a proceeding (a *fraud proceeding*) is started for a fraud offence committed by a person involving an insurer in relation to an application for compensation or claim for damages for an injury.
- (2) If a relevant process for the claim has not yet started, the process must not be started before the recommencement day.
- (3) If a relevant process for the claim has started but not ended, the process—
 - (a) for a pre-proceeding process—
 - (i) must stop on the stay day; and
 - (ii) must, subject to section 537, restart on the recommencement day from the point in the process at which it stopped under subparagraph (i); and
 - (b) for a court process—is stayed from the stay day to the recommencement day.
- (4) However—

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- (a) a claimant may, despite subsection (3)(a),
give a notice of claim under section 275(2);
and
 - (b) if the claimant gives the notice of claim
under paragraph (a), subsection (3)(a)
applies to pre-proceeding processes
following the giving of the notice of claim.
- (5) A limitation period for a claim for damages to
which this section applies is taken to end 6 months
after the recommencement day if, on the
recommencement day, the limitation period for
the claim would, other than for this subsection—
 - (a) have ended; or
 - (b) have less than 6 months remaining.
- (6) In this section—
 - court process***, for a claim for damages to which
subsection (1)(b) applies, each of the following—
 - (a) a proceeding, or part of a proceeding, in a
court for the claim for damages;
 - (b) a time requirement applying in relation to a
proceeding or part mentioned in paragraph
(a).
 - limitation period***, for a claim for damages, means
a period mentioned in section 302(1) that applies
in relation to the claim.
 - recommencement day*** means—
 - (a) if subsection (1)(a) applies—the day on
which the direction ends under section
536A(3); or
 - (b) if subsection (1)(b) applies—the day on
which the fraud proceeding is finally
decided or otherwise ends.
 - relevant process*** means the following—

- (a) a pre-proceeding process; 1
- (b) a court process. 2
- stay day* means— 3
- (a) if subsection (1)(a) applies—the day on 4
which the authorised person gives the 5
direction; or 6
- (b) if subsection (1)(b) applies—the day on 7
which the fraud proceeding is started. 8

536C Suspension of entitlement to lump sum 9 compensation or damages 10

- (1) This section applies if— 11
 - (a) an authorised person gives a direction under 12
section 536(2) in relation to an entitlement a 13
person has, or may have, to lump sum 14
compensation for an injury; or 15
 - (b) a proceeding (a *fraud proceeding*) is started 16
for a fraud offence committed by a person 17
involving an insurer in relation to an 18
application for compensation or claim for 19
damages for an injury. 20
- (2) If subsection (1)(a) applies— 21
 - (a) any entitlement a person has, or may have, 22
to lump sum compensation for the injury is 23
suspended until the day on which the 24
direction ends under section 536A(3); and 25
 - (b) despite sections 188(4) and 189(5), the lump 26
sum compensation must not be paid to the 27
person while the direction is in effect. 28

Note— 29

See section 183 for the effect of this subsection on 30
assessments of permanent impairment under chapter 3, 31
part 10. 32

- (3) If subsection (1)(b) applies, any entitlement a 33

[s 155]

person has, or may have, to lump sum 1
compensation or damages for the injury is 2
suspended until the day on which the fraud 3
proceeding is finally decided or otherwise ends. 4

536D Ending of entitlement to compensation 5

(1) This section applies if an authorised person gives 6
a direction under section 536(4) in relation to an 7
entitlement a person has, or may have, to 8
compensation for an injury. 9

(2) The person's entitlement ends on— 10
(a) the day the direction is given; or 11
(b) if a later day is stated in the direction—the 12
later day. 13

Note— 14

See section 183 for the effect of this subsection on 15
assessments of permanent impairment under chapter 3, 16
part 10. 17

(3) However, the entitlement is taken never to have 18
ended under subsection (2) if the direction— 19

(a) is revoked under section 536A(3)(a); or 20
(b) is set aside under chapter 13. 21

(4) The ending of the entitlement under this section 22
does not affect the starting of a proceeding for a 23
fraud offence committed by a person involving an 24
insurer in relation to an application for 25
compensation or claim for damages for the injury. 26

**Clause 155 Amendment of s 537 (Fraud and related offences end 27
entitlement to compensation and damages) 28**

(1) Section 537, heading, 'Fraud and related'— 29
omit, insert— 30

Conviction for fraud 31

- (2) Section 537(1), from ‘any of the following offences’— 1
omit, insert— 2
a fraud offence involving an insurer in relation to 3
an application for compensation, or a claim for 4
damages. 5
(3) Section 537(3), after ‘for the’— 6
insert— 7
fraud 8

Clause 156 Amendment of s 537C (Compliance notice) 9

- (1) Section 537C(1) and (2)— 10
omit, insert— 11
(1) This section applies if an authorised person 12
appointed by the Regulator is satisfied on 13
reasonable grounds that a person— 14
(a) is contravening a provision of this Act; or 15
(b) has contravened a provision of this Act in 16
circumstances that make it likely— 17
(i) the contravention will continue; or 18
(ii) the person will, in the same or similar 19
circumstances, contravene the 20
provision again. 21
(2) The authorised person may give the person a 22
written notice (a **compliance notice**) requiring the 23
person to take stated action, or to refrain from 24
taking stated action, to— 25
(a) remedy the contravention; or 26
(b) prevent a likely contravention from 27
occurring; or 28
(c) remedy the things or operations causing the 29
contravention or likely contravention. 30

[s 157]

	<i>Note—</i>	1
	If the contravention constitutes an offence, compliance	2
	with the compliance notice does not prevent prosecution	3
	for the alleged offence.	4
(2)	Section 537C(3)(b)(ii), ‘subsection (2)’—	5
	<i>omit, insert—</i>	6
	subsection (1)	7
(3)	Section 537C(3)(c)—	8
	<i>omit, insert—</i>	9
	(c) the action required to be taken, or refrained	10
	from being taken, to remedy the	11
	contravention, prevent the likely	12
	contravention or remedy the things or	13
	operations causing the contravention or	14
	likely contravention; and	15
Clause 157	Insertion of new ch 12, pt 5	16
	Chapter 12—	17
	<i>insert—</i>	18
	Part 5	19
	Enforceable	20
	undertakings	
	537G Regulator may accept WCR undertakings	21
(1)	The Regulator may accept a written undertaking	22
	(a <i>WCR undertaking</i>) given by an insurer in	23
	connection with a matter relating to a	24
	contravention or alleged contravention by the	25
	insurer of this Act.	26
(2)	A WCR undertaking can not be accepted for a	27
	contravention or alleged contravention that is an	28
	offence against section 537F.	29
(3)	The giving of a WCR undertaking does not	30

constitute an admission of guilt by the insurer 1
giving it in relation to the contravention or alleged 2
contravention to which the undertaking relates. 3

537H Notice of decision and reasons for decision 4

- (1) The Regulator must give an insurer seeking to 5
give a WCR undertaking written notice of— 6
 - (a) the Regulator's decision to accept or reject 7
the WCR undertaking; and 8
 - (b) the reasons for the decision. 9
- (2) The Regulator must publish, on the Regulator's 10
website, notice of a decision to accept a WCR 11
undertaking and the reasons for the decision. 12

537I When a WCR undertaking is enforceable 13

A WCR undertaking takes effect and becomes 14
enforceable— 15

- (a) when the insurer who gave the undertaking 16
receives written notice, under section 17
537H(1), of the Regulator's decision to 18
accept the undertaking; or 19
- (b) at a later time stated in the notice. 20

537J Compliance with WCR undertaking 21

An insurer must not contravene a WCR 22
undertaking given by the insurer that is in effect. 23
Maximum penalty—500 penalty units. 24

537K Contravention of WCR undertaking 25

- (1) The Regulator may apply to a Magistrates Court 26
for an order if an insurer contravenes a WCR 27
undertaking given by the insurer that is in effect. 28

[s 157]

- (2) If the court is satisfied that the insurer has contravened the undertaking, the court, in addition to the imposition of any penalty, may make 1 or both of the following orders—
 - (a) an order directing the insurer to comply with the undertaking;
 - (b) an order discharging the undertaking.
 - (3) In addition to the orders mentioned in subsection (2), the court may make any other order that the court considers appropriate in the circumstances, including orders directing the insurer to pay to the State—
 - (a) the costs of the proceedings; and
 - (b) the reasonable costs of the Regulator in monitoring compliance with the WCR undertaking in the future.
 - (4) Nothing in this section prevents proceedings being taken for the contravention or alleged contravention of this Act to which the WCR undertaking relates.
- Note—*
- See also section 537M in relation to circumstances affecting proceedings for a contravention for which a WCR undertaking has been given.

537L Withdrawal or variation of WCR undertaking

- (1) An insurer who has given a WCR undertaking may at any time, with the written agreement of the Regulator—
 - (a) withdraw the undertaking; or
 - (b) vary the undertaking.
- (2) However, the provisions of the undertaking can not be varied to provide for a different contravention or alleged contravention of the Act.

- (3) The Regulator must publish, on the Regulator's website, notice of the withdrawal or variation of a WCR undertaking.

537M Proceeding for alleged contravention

- (1) No proceedings for a contravention or alleged contravention of this Act may be taken against an insurer if—
 - (a) a WCR undertaking is in effect in relation to the contravention; or
 - (b) the insurer has completely discharged a WCR undertaking given by the insurer in relation to the contravention.
- (2) The Regulator may accept a WCR undertaking in relation to a contravention or alleged contravention of this Act, other than a contravention or alleged contravention mentioned in section 537G(2), before proceedings in relation to the contravention have been finalised.
- (3) However, if the proceedings were taken on the complaint of the Attorney-General, the Regulator may accept the WCR undertaking only with the Attorney-General's consent.
- (4) If the Regulator accepts a WCR undertaking before the proceedings are finalised, the Regulator must take all reasonable steps to have the proceedings discontinued as soon as possible.

Clause 158 Amendment of s 540 (Application of pt 2)

- (1) Section 540(1)(a)—
insert—
(ixb)to end an entitlement under section 168A; or
- (2) Section 540(1)(b)—

[s 159]

<i>insert—</i>	1
(iib)to end an entitlement under section 168A; or	2
(3) Section 540(1)—	3
<i>insert—</i>	4
(d) a decision by an authorised person to give a direction under section 536(4).	5 6
(4) Section 540(2), ‘WorkCover or the self-insurer’	7
<i>omit, insert—</i>	8
WorkCover, the self-insurer or the authorised person	9 10
(5) Section 540—	11
<i>insert—</i>	12
(4A) If the decision is a direction by an authorised person that complies with section 536A(2), the authorised person is taken to have complied with subsections (2) and (4) in relation to the decision.	13 14 15 16
(6) Section 540(4A) and (5)—	17
<i>renumber</i> as section 540(5) and (6).	18

Clause 159	Amendment of s 541 (Who may apply for review)	19
	Section 541—	20
	<i>insert—</i>	21
	(2) However, for a decision of an authorised person mentioned in section 540(1)(d), only the person whose entitlement to compensation was ended may apply for review.	22 23 24 25

Clause 160	Amendment of s 542 (Applying for review)	26
	Section 542(1) and (4)(c), ‘3 months’—	27
	<i>omit, insert—</i>	28

	20 business days	1
Clause 161	Amendment of s 546 (Notice of review decision)	2
	(1) Section 546(2), '(1)(b) or (c)'—	3
	<i>omit, insert—</i>	4
	(1)(b), (c) or (d)	5
	(2) Section 546(3)(b), '20 business days'—	6
	<i>omit, insert—</i>	7
	30 business days	8
	(3) Section 546(4), 'industrial magistrate'—	9
	<i>omit, insert—</i>	10
	industrial commission	11
Clause 162	Amendment of s 546A (Matter returned to decision-maker)	12
	Section 546A(2)(c), '(1)(b) or (c)'—	13
	<i>omit, insert—</i>	14
	(1)(b), (c) or (d)	15
Clause 163	Amendment of ch 13, pt 3, div 1, hdg (Appeal to industrial magistrate or industrial commission)	16
	Chapter 13, part 3, division 1, heading, 'industrial magistrate or'—	17
	<i>omit.</i>	18
Clause 164	Amendment of s 548A (Meaning of <i>appeal body</i>)	19
	Section 548A(2)—	20
	<i>omit.</i>	21
		22
		23
		24

[s 165]

Clause 165	Amendment of s 549 (Who may appeal)	1
	(1) Section 549—	2
	<i>insert—</i>	3
	(2A) However, for a review decision of the Regulator to confirm, vary or set aside a decision of an authorised person mentioned in section 540(1)(d), only the person whose entitlement to compensation was ended may appeal to an appeal body against the review decision.	4 5 6 7 8 9
	(2) Section 549(2A) to (4)—	10
	<i>renumber</i> as section 549(3) to (5).	11
Clause 166	Amendment of s 550 (Procedure for appeal)	12
	(1) Section 550(1)(a) and (b), ‘20 business days’—	13
	<i>omit, insert—</i>	14
	30 business days	15
	(2) Section 550(4), after ‘body’—	16
	<i>insert—</i>	17
	in the industrial registry	18
	(3) Section 550(4A) to (10)—	19
	<i>omit, insert—</i>	20
	(5) The appellant must, within 10 business days after filing the notice of appeal, serve a copy of the notice on the following persons—	21 22 23
	(a) for an appeal about a review decision other than a decision mentioned in paragraph (b)—the Regulator;	24 25 26
	(b) for an appeal about a review decision of the Regulator to confirm, vary or set aside a decision of an authorised person mentioned in section 540(1)(d)—the Regulator and the insurer;	27 28 29 30 31

	(c) for an appeal about a non-reviewable decision—the insurer;	1 2
	(d) if the appellant is an employer—the claimant or worker.	3 4
Clause 167	Amendment of s 552 (Notice of time and place for hearing)	5 6
	Section 552, ‘or the Magistrates Court’—	7
	<i>omit.</i>	8
Clause 168	Replacement of s 555 (Adjourned hearing)	9
	Section 555—	10
	<i>omit, insert—</i>	11
	555 Adjourned hearing	12
	The appeal body may, at any time before or after the start of the hearing, adjourn the hearing if the appeal body is satisfied the hearing could be held more conveniently at a future time.	13 14 15 16
Clause 169	Amendment of s 558 (Powers of appeal body)	17
	Section 558(2), ‘insurer’—	18
	<i>omit, insert—</i>	19
	decision-maker	20
Clause 170	Replacement of s 560A (Application of div 1A)	21
	Section 560A—	22
	<i>omit, insert—</i>	23
	560A Application of div 1A	24
	This division applies to a decision of the industrial commission under chapter 4, part 6 or division 1.	25 26

[s 171]

Clause 171	Amendment of s 561 (Appeal to industrial court)	1
	(1) Section 561(1), ‘the industrial magistrate’s or’—	2
	<i>omit.</i>	3
	(2) Section 561(3), ‘the industrial magistrate or’—	4
	<i>omit.</i>	5
 Clause 172	 Amendment of s 562 (Powers of industrial court)	 6
	(1) Section 562(2), ‘mentioned in section 560A(a)’—	7
	<i>omit, insert—</i>	8
	of the industrial commission under chapter 4, part	9
	6	10
	(2) Section 562(3), from ‘mentioned in section 560A(b)’—	11
	<i>omit, insert—</i>	12
	of the industrial commission under division 1, the	13
	court acts under subsection (1)(b) or (c), the	14
	decision of the court is taken for this Act, other	15
	than this division, to be the decision of the	16
	decision-maker.	17
 Clause 173	 Amendment of s 565 (Decision about amount of premium)	 18
	(1) Section 565(1), ‘an industrial magistrate or’—	19
	<i>omit.</i>	20
	(2) Section 565(2), from ‘an industrial magistrate’ to ‘industrial court’—	21
	<i>omit, insert—</i>	22
	the industrial court is more than the premium	23
	assessed by the industrial court	24
		25
		26

Clause 174	Insertion of new ch 14, pt 1AA	1
	Chapter 14, before part 1—	2
	<i>insert—</i>	3
	Part 1AA	4
	Obligations of insurers relating to documents	5
	571AA Documents that must be kept by insurer	6
	(1) An insurer must keep the following documents—	7
	(a) documents relating to all claims made that involve the insurer, including, for example, documents about—	8 9 10
	(i) a worker's application for compensation; or	11 12
	(ii) compensation paid for injury sustained by a worker; or	13 14
	(iii) medical management of an injured worker; or	15 16
	(iv) rehabilitation of an injured worker;	17
	(b) documents that may assist in assessing the quality and timeliness of the claims and rehabilitation management;	18 19 20
	(c) documents that may assist in assessing the insurer's financial situation;	21 22
	(d) if the insurer is a self-insurer—any other documents required to be kept under the conditions of the insurer's licence.	23 24 25
	(2) If the insurer is a local government self-insurer whose licence also covers councillors, this section applies to the insurer as if a reference in subsection (1)(a) to a worker included a reference to a councillor of the insurer.	26 27 28 29 30
	(3) An insurer may only dispose of a document	31

[s 175]

	required to be kept under subsection (1) with the Regulator's written consent.	1 2
(4)	In this section—	3
	<i>licence</i> means licence as a self-insurer under chapter 2, part 4.	4 5
	571AB Documents must be given to Regulator on request	6 7
(1)	The Regulator may, by written notice, ask an insurer to give the Regulator—	8 9
(a)	a document mentioned in section 571AA(1) that is in the possession or under the control of the insurer; or	10 11 12
(b)	a copy of, or details from, a document mentioned in paragraph (a).	13 14
(2)	The notice must state—	15
(a)	the document, copy or details required; and	16
(b)	a time by which the document, copy or details must be given to the Regulator.	17 18
(3)	The insurer must comply with the notice, unless the insurer has a reasonable excuse.	19 20
	Maximum penalty—100 penalty units.	21
Clause 175	Amendment of ch 14, pt 1, div 1, hdg (Information and documents about pre-existing injuries and medical conditions of prospective worker)	22 23 24
	Chapter 14, part 1, division 1, heading, 'and medical conditions'—	25 26
	<i>omit, insert—</i>	27
	, medical conditions and claims history	28

Clause 176	Amendment of s 571A (Definitions for div 1)	1
	Section 571A—	2
	<i>insert—</i>	3
	<i>claims history summary</i> , for a prospective	4
	worker, means a document prepared by the	5
	Regulator that states the number and nature of	6
	current or previous applications for	7
	compensation, or claims for damages, made by	8
	the person under this Act or a former Act.	9
Clause 177	Insertion of new ss 571D and 571E	10
	After section 571C—	11
	<i>insert—</i>	12
	571D Applying for claims history summary for	13
	prospective worker	14
	(1) A prospective employer may apply to the	15
	Regulator for a claims history summary for a	16
	prospective worker.	17
	(2) However, subsection (1) applies only if the	18
	prospective worker has given the prospective	19
	employer written consent for the Regulator to	20
	give the prospective employer a claims history	21
	summary for the prospective worker.	22
	(3) The application must—	23
	(a) be in the approved form; and	24
	(b) be accompanied by the written consent of	25
	the prospective worker as mentioned in	26
	subsection (2).	27
	(4) The Regulator must, within 10 business days after	28
	receiving the application, give the prospective	29
	employer a claims history summary for the	30
	prospective worker.	31

[s 178]

571E Confidentiality of claims history information	1
(1) This section applies to a prospective employer who is given a claims history summary for a prospective worker under section 571D.	2 3 4
(2) The prospective employer must not disclose the prospective worker's claims history information to anyone else, or use the claims history information, other than under this section.	5 6 7 8
Maximum penalty—100 penalty units.	9
(3) The prospective employer may—	10
(a) use the claims history information for a purpose of the employment process, to the extent the purpose is permitted by law; or	11 12 13
(b) disclose the claims history information, to the extent the disclosure is required by law.	14 15
(4) In this section—	16
<i>claims history information</i> , for a prospective worker, means—	17 18
(a) a claims history summary for the prospective worker; or	19 20
(b) information contained in a claims history summary for the prospective worker.	21 22
<i>disclose</i> includes give access to.	23

Clause 178	Amendment of s 572A (Access to particular documents for employment purposes prohibited)	24 25
(1)	Section 572A—	26
	<i>insert—</i>	27
	(2A) Also, subsection (1) does not apply to a person to the extent—	28 29
	(a) the person is a prospective employer within the meaning of section 571A; and	30 31

[s 179]

- (b) the workers' compensation document about the worker is a claims history summary obtained or attempted to be obtained by the prospective employer under section 571D.
- (2) Section 572A(2A) and (3)—
renumber as section 572A(3) and (4).

Clause 179 Replacement of ss 578 and 579

Sections 578 and 579—

omit, insert—

578 Proceedings for offences

- (1) An offence against this Act is—
 - (a) if the offence has a maximum penalty of 5 or more years imprisonment—a crime; or
 - (b) if the offence has a maximum penalty of 2 or more years imprisonment but less than 5 years imprisonment—a misdemeanour.
- (2) A proceeding for an offence against this Act—
 - (a) may only be taken by—
 - (i) the Regulator; or
 - (ii) a person authorised for the purpose by the Regulator; or
 - (iii) the Attorney-General; and
 - (b) if the offence is not an indictable offence—is to be heard and decided summarily; and
 - (c) if the offence is an indictable offence—subject to section 579, may, at the prosecution's election, be heard and decided summarily.
- (3) A Magistrates Court summarily hearing and deciding a proceeding for an offence against this

[s 179]

- | | |
|---|----|
| Act must be constituted by a magistrate. | 1 |
| (4) A person mentioned in subsection (2)(a) must, in | 2 |
| deciding whether to bring a prosecution for an | 3 |
| offence under this Act, have regard to a guideline | 4 |
| issued under the <i>Director of Public Prosecutions</i> | 5 |
| <i>Act 1984</i> , section 11. | 6 |
| (5) A proceeding for an offence against this Act, | 7 |
| other than an indictable offence, must start on or | 8 |
| before— | 9 |
| (a) for a proceeding for an offence against | 10 |
| chapter 6B—the later of the following | 11 |
| days— | 12 |
| (i) the day that is 2 years after the | 13 |
| commission of the offence; | 14 |
| (ii) the day that is 6 months after the | 15 |
| commission of the offence comes to | 16 |
| the knowledge of the Regulator; or | 17 |
| (b) for a proceeding for an offence for which a | 18 |
| WCR undertaking has been given by an | 19 |
| insurer—the day that is 6 months after the | 20 |
| later of the following days— | 21 |
| (i) if the insurer contravenes the | 22 |
| undertaking—the day the WCR | 23 |
| undertaking is contravened; | 24 |
| (ii) the day the Regulator becomes aware | 25 |
| of the contravention; | 26 |
| (iii) the day the Regulator agrees, under | 27 |
| section 537L, to the withdrawal of the | 28 |
| undertaking; or | 29 |
| (c) for a proceeding for another offence—the | 30 |
| later of the following days— | 31 |
| (i) the day that is 1 year after the | 32 |
| commission of the offence; | 33 |

- (ii) the day that is 6 months after the commission of the offence comes to the knowledge of the Regulator.
- (6) A Magistrates Court summarily hearing and deciding a charge of an indictable offence against this Act has jurisdiction despite the time that has elapsed from the time when the matter of complaint of the charge arose.
- (7) The maximum penalty that may be imposed on a summary conviction for an indictable offence against this Act is—
 - (a) for an offence against section 533(1)—500 penalty units or 3 years imprisonment; or
 - (b) for an offence against section 534(2) or (3)—300 penalty units or 2 years imprisonment; or
 - (c) for another offence—100 penalty units or 1 years imprisonment.
- (8) All penalties recovered as a result of proceedings for offences against this Act, brought by the Regulator, must be ordered to be paid to the Regulator.
- (9) Nothing in this section affects the ability of the director of public prosecutions to bring proceedings for an offence against this Act.

579 Limitations on hearing and deciding indictable offences summarily

- (1) This section applies if, under section 578(2)(c), the prosecution elects for an indictable offence against this Act to be heard and decided summarily.
- (2) A magistrate must not hear or decide the offence summarily—

[s 180]

- (a) if, at the start of the hearing, the defendant asks that the charge for the offence be prosecuted on indictment; or
- (b) if satisfied, at any stage of the hearing and after hearing any submissions by the prosecution and defence, that because of the nature or seriousness of the offence or any other relevant consideration the defendant, if convicted, may not be adequately punished on summary conviction.
- (3) If subsection (2) applies—
 - (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and
 - (b) a plea of the defendant at the start of the proceeding must be disregarded; and
 - (c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the defendant for trial or sentence; and
 - (d) before committing the defendant for trial or sentence, the magistrate must make a statement to the defendant as required under the *Justices Act 1886*, section 104(2)(b).

Clause 180 Amendment of s 586 (Approval of forms)

(1) Section 586—

insert—

(2A) A form approved for section 136 must include information explaining the obligations to give work notices under that section.

(2) Section 586(3)(a), after '133A,'—

insert—

	136,	1
Clause 181	Insertion of new ch 40	2
	Before schedule 1—	3
	<i>insert—</i>	4
	Chapter 40 Transitional provisions for Industrial Relations and Other Legislation Amendment Act 2026	5 6 7 8 9 10 11
	Part 1 Preliminary	12
	755 Definitions for chapter	13
	In this chapter—	14
	<i>amendment Act</i> means the <i>Industrial Relations and Other Legislation Amendment Act 2026</i> .	15 16
	<i>former</i> , in relation to a provision of this Act, means the provision as in force immediately before the commencement of the transitional provision in which the term is used.	17 18 19 20
	<i>new</i> , in relation to a provision of this Act, means the provision as in force from the commencement of the transitional provision in which the term is used.	21 22 23 24
	<i>transitional provision</i> means a provision of this chapter.	25 26

[s 181]

Part 2	Requirements relating to particular disorders and diseases	1 2 3
756 Requirement for employment to be major significant contributing factor to psychiatric or psychological disorder		4 5 6
(1)	Former section 32 continues to apply, as if the amending Act had not been enacted, in relation to a psychiatric or psychological disorder if the injury to which the disorder relates was sustained by a worker before the commencement.	7 8 9 10 11
(2)	New section 32 applies in relation to a psychiatric or psychological disorder if the injury to which the disorder relates was sustained by a worker after the commencement.	12 13 14 15
757 Particular firefighters diagnosed with specified disease before commencement		16 17
(1)	Section 36D does not apply in relation to a specified disease of a person who is, or has been, a relevant firefighter if the person was diagnosed by a doctor for the first time as having the disease before the commencement.	18 19 20 21 22
(2)	In this section— <i>relevant firefighter</i> means a firefighter under new section 36B, definition <i>firefighter</i> , paragraph (f).	23 24 25
Part 3	Examination and assessment requirements	26 27 28

758 Definition for part

In this part—

transitional period means the period of 12 months starting on the commencement of this part.

759 Assessment of psychiatric or psychological injuries by medical assessment tribunal

(1) This section applies if—

(a) before the commencement, a referral under section 500(1)(e) was made to a medical assessment tribunal in relation to a psychiatric or psychological injury of a worker; and

(b) immediately before the commencement, the worker had not been given a notice of assessment for the injury under section 185.

(2) Former section 179 continues to apply in relation to the assessment as if the amendment Act had not been enacted.

760 Examinations under new s 135 or 135A during transitional period

(1) This section applies for the purpose of doing either of the following during the transitional period—

(a) carrying out a personal examination under new section 135 whether the requirement for the examination was made before or after the commencement;

(b) carrying out an examination under new section 135A whether the examination was arranged before or after the commencement.

(2) Every registered person who is a relevant

[s 181]

specialist or audiologist is taken to be authorised under new section 329C to carry out a personal examination mentioned in subsection (1)(a).	1 2 3
(3) Every psychiatrist is taken to be authorised under new section 329C to carry out an examination mentioned in subsection (1)(b).	4 5 6
761 Assessments under new s 179 during transitional period	7 8
(1) Subsection (2) applies for making an assessment under new section 179, during the transitional period, of an injury other than a psychiatric or psychological injury.	9 10 11 12
(2) Each registered person recorded in the former register is taken to be authorised under new section 329C to make an assessment of a type for which the person was authorised immediately before the commencement.	13 14 15 16 17
(3) Subsection (4) applies for making an assessment under new section 179, during the transitional period, of a psychiatric or psychological injury other than an injury to which section 759 applies.	18 19 20 21
(4) Each psychiatrist who may, under the scheme directions, make an assessment of a psychiatric or psychological injury is taken to be authorised under new section 329C to make the assessment.	22 23 24 25
(5) In this section— <i>former register</i> means the register kept by the Regulator immediately before the commencement under former section 329B(1)(a).	26 27 28 29
Part 4 Renewal of self-insurer licences	30 31

762 Existing applications for renewal of licences	1
(1) This section applies to an application for the renewal of a licence to be a self-insurer made, but not decided, before the commencement.	2 3 4
(2) From the commencement, new section 78(2) applies in relation to the renewal as if the application were made on or after the commencement.	5 6 7 8
 Part 5 Medical assessment tribunal	 9 10
 763 Worker's disagreement with assessment of permanent impairment by medical assessment tribunal	 11 12 13
Despite the amendment of section 186 by the amendment Act, new section 186 does not apply in relation to a worker for an injury sustained before the commencement if the worker's degree of permanent impairment is assessed by a medical assessment tribunal before or after the commencement.	14 15 16 17 18 19 20
 Part 6 Notice requirements for workers	 21 22
 764 Notice requirements for workers receiving compensation immediately before commencement	 23 24 25
(1) This section applies if, immediately before the commencement, a worker was receiving, or was entitled to receive, compensation for an injury from an insurer.	26 27 28 29

[s 181]

- (2) From the commencement, new sections 136 and 535 do not apply to the worker in relation to the compensation. 1
2
3
- (3) Subsection (4) applies if— 4
 - (a) before the commencement, the worker 5
returned to work or engaged in a calling; 6
and 7
 - (b) immediately before the commencement, the 8
worker had not given the insurer notice of 9
the return or engagement under former 10
section 136. 11
- (4) From the commencement, former sections 136 12
and 535 continue to apply to the worker in relation 13
to the return or engagement as if the amendment 14
Act had not been enacted. 15

Part 7 Offences and 16
proceedings 17

765 References in new s 532ZD, definition *fraud* 18
***offence* to Criminal Code offences** 19

New section 532ZD, definition *fraud offence* 20
applies as if that definition included a reference to 21
the provisions of the Criminal Code mentioned in 22
section 655. 23

766 Application of new ss 536–536D to existing 24
applications, claims, proceedings and 25
entitlements 26

- (1) New sections 536, 536A and 536B apply in 27
relation to an application for compensation or a 28
claim for damages for an injury, or a proceeding 29
started in relation to a claim for damages for an 30
injury— 31

(a) whether the injury was suffered before or after the commencement; and	1 2
(b) whether the application was made, or the claim arose, before or after the commencement; and	3 4 5
(c) whether the proceeding was started before or after the commencement.	6 7
(2) New sections 536, 536A, 536C and 536D apply in relation to an entitlement a person has, or may have, to compensation or damages for an injury—	8 9 10
(a) whether the injury was suffered before or after the commencement; and	11 12
(b) whether the entitlement arose before or after the commencement.	13 14
767 Application of new ss 578 and 579	15
(1) This section applies in relation to a proceeding for an offence against this Act that was committed before the commencement if, immediately before the commencement, a proceeding for the offence had not started.	16 17 18 19 20
(2) On the commencement, new sections 578 and 579, other than new section 578(7), apply in relation to the offence.	21 22 23
(3) To remove any doubt, it is declared that subsection (2) applies to an offence against section 533(1) to which section 533(2) applies, if instances of the recurrent conduct constituting the offence occur both before and after the commencement.	24 25 26 27 28 29

Part 8	Compliance notices	30
---------------	---------------------------	----

[s 181]

768 Existing compliance notices	1
(1) This section applies if—	2
(a) before the commencement, a compliance	3
notice was given to a person under former	4
section 537C for a contravention of the Act	5
(the <i>old contravention</i>); and	6
(b) immediately before the commencement, the	7
notice had not been complied with.	8
(2) From the commencement, the compliance notice	9
continues to be enforceable against the person for	10
the old contravention as if the amendment Act had	11
not been enacted.	12

Part 9	WCR undertakings	13
---------------	-------------------------	----

769 Application of new s 537G to contraventions	14
 or alleged contraventions before	15
 commencement	16
New section 537G applies in relation to a	17
contravention or alleged contravention of this	18
Act, whether the contravention or alleged	19
contravention happened before or after the	20
commencement.	21

Part 10	Reviews and appeals	22
----------------	----------------------------	----

770 Reviews under s 168A apply to applications	23
 allowed after commencement	24
Section 168A applies only in relation to a	25
worker's application for compensation allowed	26
by an insurer after the commencement.	27

771 Existing review periods	1
(1) This section applies if, immediately before the commencement—	2 3
(a) a person could have, but had not, applied to the Regulator under former section 542 for a review of a matter; and	4 5 6
(b) the period within which the person could apply for the review under the former section had not ended.	7 8 9
(2) The person may, within the period mentioned in subsection (1)(b), apply for the review, and the Regulator may hear and decide the review, under former chapter 13, part 2 as if the amendment Act had not been enacted.	10 11 12 13 14
772 Existing appeals	15
(1) This section applies in relation to an appeal under this Act to an appeal body started, but not decided, before the commencement.	16 17 18
(2) The appeal body may continue to hear, and decide, the appeal under former chapter 13 as if the amendment Act had not been enacted.	19 20 21
(3) In this section—	22
<i>appeal body</i> means—	23
(a) an industrial magistrate; or	24
(b) the industrial commission; or	25
(c) the industrial court.	26
773 Existing appeal periods	27
(1) This section applies if—	28
(a) immediately before the commencement—	29

[s 181]

- (i) a person could have, but had not, appealed against a decision of the Regulator or an insurer under former section 549; or
 - (ii) an insurer could have, but had not, appealed against a decision of the Regulator under former section 549; and
- (b) the period within which the person or insurer could appeal the decision under former section 550 had not ended.
- (2) The person or insurer may, within the period mentioned in subsection (1)(b), appeal against the decision, and the appeal body may hear and decide the appeal, under former chapter 13 as if the amendment Act had not been enacted.

Part 11 Keeping and giving of documents

774 Existing requests for documents, copies of documents or details from self-insurers

- (1) This section applies if—
 - (a) before the commencement, the Regulator had, under former section 94, given a self-insurer a written notice in relation to documents required to be kept by the insurer under former section 93(1); and
 - (b) immediately before the commencement, the self-insurer had not complied with the notice.
- (2) From the commencement, the written notice is taken to have been given under new section 571AB to the self-insurer in relation to the

documents. 1

775 Particular matters about requirements for the keeping and giving of documents 2 3

- (1) A reference in new section 571AA to a document required to be kept by an insurer includes a reference to a document that— 4
5
6
 - (a) was created before the commencement; and 7
 - (b) immediately before the commencement— 8
 - (i) was being kept by the insurer under former section 93; or 9
10
 - (ii) was otherwise in the possession or under the control of the insurer. 11
12
- (2) For new section 571AB(3), it is not a reasonable excuse for an insurer to fail to comply with a notice given to the insurer under new section 571AB(1) on the basis that the document to which the notice relates was created before the commencement. 13
14
15
16
17
18

Part 12 Other provisions 19

776 Transitional regulation-making power 20

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which— 21
22
 - (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition— 23
24
25
 - (i) from the operation of this Act as in force immediately before the commencement; and 26
27
28
 - (ii) to the operation of this Act as in force from the commencement; and 29
30

[s 182]

- (b) this Act does not provide or sufficiently provide. 1
2
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences. 3
4
5
- (3) A transitional regulation must declare it is a transitional regulation. 6
7

777 Expiry of part and transitional regulation 8

This part and any transitional regulation under section 776 expire on the day that is 1 year after the day this section commences. 9
10
11

Clause 182 Amendment of sch 6 (Dictionary) 12

- (1) Schedule 6— 13
insert— 14

claims history summary, for a prospective worker, for chapter 14, part 1, division 1, see section 571A. 15
16
17

firefighting duties, for chapter 1, part 4, division 6, subdivision 3B, see section 36B. 18
19

fraud offence, for chapter 12, part 2, see section 532ZD. 20
21

pre-proceeding process, for chapter 12, part 2, see section 532ZD. 22
23

relevant register, for chapter 7, part 2, see section 326A. 24
25

relevant specialist means— 26

- (a) a specialist, other than a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant only in 27
28
29
30

-
- | | |
|--|----|
| the recognised specialty of general practice; | 1 |
| or | 2 |
| (b) another doctor of a class prescribed by | 3 |
| regulation for this definition. | 4 |
| <i>time requirement</i> , for chapter 12, part 2, see | 5 |
| section 532ZD. | 6 |
| <i>WCR undertaking</i> means an undertaking given | 7 |
| under section 537G(1). | 8 |
| (2) Schedule 6, definition <i>authorised person</i> , paragraph (a), | 9 |
| 'chapter 7'— | 10 |
| <i>omit, insert</i> — | 11 |
| chapters 7 and 12, part 2 | 12 |
| (3) Schedule 6, definition <i>compliance notice</i> , 'section 537C(1)'— | 13 |
| <i>omit, insert</i> — | 14 |
| section 537C(2) | 15 |
| (4) Schedule 6, definition <i>registered</i> , paragraph (b), from | 16 |
| 'audiologist'— | 17 |
| <i>omit, insert</i> — | 18 |
| audiologist, registered— | 19 |
| (i) in the way described in paragraph (a); or | 20 |
| (ii) as an Audiology Australia Accredited | 21 |
| Audiologist; or | 22 |
| (iii) as a full member of the Australian College | 23 |
| of Audiology who holds a clinical certificate | 24 |
| of practice. | 25 |

[s 183]

Part 9	Amendment of Workers'	1
	Compensation and	2
	Rehabilitation Regulation 2025	3

Clause 183	Regulation amended	4
	This part amends the <i>Workers' Compensation and Rehabilitation Regulation 2025</i> .	5 6

Clause 184	Amendment of s 209 (Information statements—Act, ss 46B and 132AA)	7 8
	(1) Section 209, heading, 'ss 46B and 132AA'—	9
	<i>omit, insert—</i>	10
	s 132AA	11
	(2) Section 209(1), from 'For' to 'worker's employer,'—	12
	<i>omit, insert—</i>	13
	For section 132AA(2) of the Act, a statement	14
	given by an insurer to a worker, or a worker's	15
	employer,	16

Clause 185	Amendment of sch 10 (First responders)	17
	Schedule 10—	18
	<i>insert—</i>	19
	7A a person employed in the department in	20
	which the <i>Nature Conservation Act 1992</i> is	21
	administered for the purpose of performing	22
	duties that include firefighting duties within	23
	the meaning of section 36B of the Act	24