

Industrial Relations and Other Legislation Amendment Bill 2022

Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Grace Grace, Minister for Education, Minister for Industrial Relations and Minister for Racing, make this statement of compatibility with respect to the Industrial Relations and Other Legislation Amendment Bill 2022 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill amends the *Anti-Discrimination Act 1991* (AD Act), the *Associations Incorporation Act 1981* (AI Act), the *Industrial Relations Act 2016* (IR Act) and the *Public Trustee Act 1978*. The amendments will give effect to the recommendations of the *Five-year Review of Queensland's Industrial Relations Act 2016 – Final Report* as accepted by the Queensland Government. The amendments will:

- strengthen protections against workplace sexual harassment;
- support effective representation of employees and employers by registered industrial organisations and maintain the integrity of the registration framework for industrial organisations;
- update the Queensland Employment Standards (QES) to ensure that Queensland workers have access to entitlements which are equal to or more favourable than the equivalent entitlement under the *Fair Work Act 2009* (Cth);
- empower the Queensland Industrial Relations Commission (QIRC) to set minimum standards for independent courier drivers;
- update the collective bargaining framework to ensure access to arbitration by a single Commissioner during enterprise bargaining negotiations and include equal remuneration as an aspect of good faith bargaining;
- remove a number of redundant or superfluous provisions, including the provisions enabling the recovery of historical employee overpayments by Queensland Health; and
- make complementary amendments to address concern about the risk of employers and employees being confused about the ability of entities to represent industrial interests, where the entity is not a registered organisation under the IR Act but is incorporated under the AI Act.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

I have considered each of the rights protected by part 2 of the HR Act. In my opinion, the human rights that are relevant to the Bill are:

- Right to freedom of association (section 22 of the HR Act) – section 293A (Misrepresentation) and AI Act amendments;
- Right to freedom of thought, conscience, religion and belief (section 20 of the HR Act) – AI Act amendments;
- Right to hold an opinion without interference and the right to freedom of expression (section 21 of the HR Act) – AI Act amendments; and
- Right of a person not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have their reputation unlawfully attacked (section 25 of the HR Act) – AI Act amendments.

If human rights may be subject to limitation if the Bill is enacted – consideration of whether the limitations are reasonable and demonstrably justifiable (section 13 of HR Act).

Registered organisations

(a) the nature of the right

The right to freedom of association with others protects the rights of individuals to join together with others to formally pursue a common interest, such as political groups, sporting groups, professional clubs, non-government organisations and trade unions. It includes the freedom to choose between existing organisations or to form new ones.

The right to freedom of association is engaged as the amendments seek to support effective representation of employees and employers by industrial organisations and maintain the integrity of the existing registration framework for industrial organisations under Chapter 12 of the IR Act.

The right to freedom of association is engaged by the amendments but not limited. The amendments provide greater clarity on the criteria an entity must fulfil in order to have the right to represent a person's industrial interests under the IR Act. The amendments are consistent with the existing and long-standing arrangements for registering employee and employer organisations in Queensland and the framework for representational rights for collective bargaining.

Entities which meet the criteria for registration retain their rights to protection against adverse action on the basis of industrial activity and will not have representational rights under Chapter 12 until the entity is registered as an organisation. This is not a change; it clarifies the current representational rights. The Bill refines the criteria for registration under Chapter 12 to require that an entity seeking registration as an employee organisation must be an unincorporated body, must have passed a resolution in favour of being registered under Chapter 12, must apply for registration within 12 months of having 20 members or within 4 weeks of having 100 members (whichever is sooner), and must not have been refused an application for registration within the previous five years.

The criteria introduced by the Bill's amendments seek to codify aspects of the decision of the Queensland Industrial Relations Commission (QIRC) in *Gilbert v Metro North Hospital Health Service & Ors* [2021] QIRC 255 (*Gilbert*), in which it was held that the unregistered organisation was not a trade union in light of its legal personality, corporate structure, history and relevant documents, and was accordingly not afforded the rights and protections of a registered organisation under Chapter 8 of the IR Act.

The Bill also gives power to the QIRC to make an order declaring that an entity is ineligible for registration if satisfied that the entity does not meet the criteria for registration or that registration of the entity would be inconsistent with the IR Act. To support these orders, the QIRC may also make an ancillary order about the ineligible entity which prohibits representation of a person in an industrial matter before the QIRC by an officer or employee of the entity, or by an agent arranged by the entity. The order may also prohibit the entity, or an entity associated with it (including officers or employees of an associated entity) from holding out membership of the entity on the basis of being able to provide representation in industrial matters.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendment is to ensure that the industrial interests of employees and employers are represented effectively by entities subject to regulation under the IR Act, rather than unregulated entities which are not required to meet the high level of transparency and accountability requirements under the Act designed to protect members interests. This is a proper purpose and is considered consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments are justified as they ensure industrial organisations who seek to exercise relevant rights under the IR Act are those organisations which fulfil the stringent governance and accountability requirements under the Act.

There are a number of unregistered entities which seek to represent members' interests in industrial relations matters in exchange for membership fees, but which are not formally registered under Chapter 12 of the IR Act. The purpose of the limitation introduced by the Bill is to protect the members of unregistered organisations by making clear the status of such entities under the IR Act and to make clear that only registered organisations have certain standing and representation rights under the IR Act.

The limitation will help to achieve the purpose by setting out clearly the criteria for registration as an organisation under the Act, the rights and protections which are available to unregistered industrial organisations which are seeking to be eligible to become registered, and those which are restricted to registered industrial organisations. The Bill also seeks to permit orders to be made to prevent unregistered entities which misrepresent their registration status and/or their capabilities under the IR Act from obtaining registration under the Act, as well as introducing civil penalties for unregistered entities that misrepresent their status or ability to represent.

It is considered that these measures will help to achieve the purpose both by penalising unregistered entities which misrepresent their status or their ability to represent members and provide clear criteria on what constitutes a registered organisation so that individuals may better discern the status of a relevant organisation. Individuals who are members of a registered organisation will arguably have their interests more effectively represented, as well have legislative protection for protected industrial action.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

The proposed amendment is not considered restrictive to an individual's right to freedom of association as the individual may still seek to form a new industrial organisation and seek registration (subject to meeting the criteria for registration under the Act) should the individual wish to and there is no existing registered organisation to which they could 'conveniently belong'. The amendments in the Bill provide clarity around which types of entities have and do not have representational rights consistent with the long-standing operation of the industrial relations system in Queensland which includes particular statutory representative rights, obligations and standing for registered organisations. These organisations are subject to reporting, transparency and accountability requirements which also provide oversight and assurance for their members.

The Bill is considered to effectively achieve the purpose of the limitation without unreasonably restricting human rights and is considered to be necessary due to the lack of less restrictive, reasonably available alternatives.

To ameliorate the impact of the limitation on human rights, the making of orders than an organisation is ineligible for registration and/or penalty orders for misrepresentation of status may only be made by the QIRC. Members of the Commission have extensive industrial expertise and it is considered that the discretion to make such orders will be fairly and lawfully exercised. Further, the QIRC is a public entity under section 9 of the HR Act. Consequently the QIRC members are required to act compatibly with the requirements of the HR Act including giving proper consideration to human rights when making decisions or orders, as set out in section 58 (Obligations on public entities) of the HR Act.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The proposed limiting law is considered to strike a fair balance between the benefits to be gained by the public by fulfilling the purpose of the limitation, and the harm caused to the human right of freedom of association by the Bill.

The limitation imposed by the Bill is considered to be minor and justified, as individuals may still join or form the industrial organisation of their choosing, regardless of whether the organisation is registered under the IR Act. The benefit to be gained from the Bill is improved protection for individuals seeking membership within an organisation and supporting the integrity of the long-standing system of registered organisations with representational rights in Queensland's industrial relations framework. The clarity the Bill seeks to provide regarding criteria for registration under the IR Act, will also assist unregistered organisations in identifying the requirements they must fulfil to apply for registration, if desired.

(f) any other relevant factors

The penalty levels provided in the Bill for are consistent with existing penalty levels for similar penalties and proportional to their offence.

Amendments to the AI Act

The complementary amendments to the AI Act included in the Bill encompass four elements:

- cancellation of incorporation of association for certain IR Act contraventions;
- new requirements to refuse incorporation under the AI Act;
- new requirements to refuse to register an amendment to rules for an incorporated association; and
- information sharing provisions between the Industrial Registrar under the IR Act and the chief executive under the AI Act.

It is considered these amendments together operate to engage and limit multiple rights, as outlined below:

Right to freedom of thought, conscience, religion and belief (section 20 of the HR Act)

(a) the nature of the right

The right to freedom of thought, conscience, religion and belief includes the freedom to demonstrate the person's religion or belief '...either individually or as part of a community, in public or in private' (section 20(1)(b) of the HR Act). This right has two parts: a freedom to think and believe whatever you choose, and a freedom to demonstrate your thoughts or beliefs publicly. The right to freedom of thought, conscience, religion and belief could be relevant to laws, policies, acts or decisions that promote, restrict or interfere with a particular religion or set of beliefs, affect an individual's ability to adhere to his or her religion or belief and, disadvantage a person because of their opinions, thoughts or beliefs. While the right to hold a belief is an absolute right, limits on how a person manifests their belief can be justified.

The cancellation of an association's incorporation, refusal to approve incorporation or refusal to register an amendment to rules limits this right, by interfering with the ability of individuals with shared beliefs from being part of an incorporated association formed for a shared purpose.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments, and the limitation on human rights, is to ensure incorporated associations do not create confusion that the association has a status equivalent or similar to an organisation registered under the IR Act. The purpose is also to ensure that the industrial interests of employees and employers are effectively represented by entities subject to regulation under the IR Act, rather than unregulated entities that are not required to fulfil the higher level of governance duties under the IR Act designed to protect members interests by prompting integrity, accountability and transparency of the organisations. In this regard, the purpose of the limitation is considered to be consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

There are a number of groups that purport to represent members' interests in industrial relations matters in exchange for membership fees, but which are not formally registered under Chapter 12 of the IR Act, and therefore are unable to undertake particular industrial functions.

The limitation on human rights operates to achieve the purpose of reducing the risk of employers and employees being confused about the ability of entities to represent industrial interests where the entity is not a registered organisation under the IR Act but is incorporated under the AI Act. It does this by ensuring that organisations that are not subject to regulation under the IR Act, but whom individuals may reasonably mistake as being able to represent their interests under the IR Act, have their incorporation cancelled, have their incorporation refused, or have their application to register their amendment to rules refused (meaning that the proposed rules do not take effect). This will therefore remove the potential cause of confusion that may arise from the status of the association as an incorporated association or having rules pertaining to industrial interests that may lead to confusion.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

No reasonably available alternative ways to effectively achieve the purpose of reducing the likelihood of confusion that an association has a status equivalent or similar to an organisation registered under the IR Act have been identified. A non-legislative response would not provide the degree of clarity and certainty necessary to ensure that employees and employers industrial interests are effectively represented by entities subject to regulation under the IR Act.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The proposed limiting law is considered to strike a fair balance between the benefits to be gained by the public by fulfilling the purpose of the limitation, and any potential harm caused by limiting the human right. The limitation is not considered significant, as individuals can still associate and express their views and beliefs through the established industrial relations framework, and there is an expected benefit resulting from reduced confusion about the status of organisations with respect to the IR Act. Therefore, the limitation on human rights is considered to be reasonable and demonstrably justified.

(f) any other relevant factors

Nil.

Right to hold an opinion without interference and the right to freedom of expression (section 21 of the HR Act)

(a) the nature of the right

Every person has a right to hold an opinion without interference and the right to freedom of expression. This right applies even if those opinions are unpopular, or disturbing. It covers opinions expressed through speech, art, writing, broadcasting, online, and more. It also allows people to seek and receive other people's opinion, so you have rights both as a speaker and as a member of an audience. The right might be relevant to laws, policies, acts or decisions that regulate the manner, content and format of any public expression. A limitation of the right is justified where it is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The cancellation of an association's incorporation, refusal to approve incorporation and refusal to register an amendment to rules, limits the right to hold an opinion without interference and the right to freedom of expression, as it could impact on the ability of a person to hold or express their views and associate freely in way they might prefer.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments, and the limitation on human rights, is to ensure incorporated associations do not create confusion that the association has a status equivalent or similar to an organisation registered under the IR Act. The purpose is also to ensure that the industrial interests of employees and employers are effectively represented by entities subject to regulation under the IR Act, rather than unregulated entities that are not required to fulfil the higher level of governance duties under the IR Act designed to protect members interests by prompting integrity, accountability and transparency of the organisations. In this regard, the purpose of the limitation is considered to be consistent with a free and democratic society based on human dignity, equality and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

There are a number of groups that purport to represent members' interests in industrial relations matters in exchange for membership fees, but which are not formally registered under Chapter 12 of the IR Act, and therefore are unable to undertake particular industrial functions.

The limitation on human rights operates to achieve the purpose of reducing the risk of employers and employees being confused about the ability of entities to represent industrial interests where the entity is not a registered organisation under the IR Act, but is incorporated under the AI Act. It does this by ensuring that organisations that are not subject to regulation under the IR Act, but whom individuals may reasonably mistake as being able to represent their interests under the IR Act, have their incorporation cancelled, have their incorporation refused, or have their application to register their amendment to rules refused (meaning that the proposed rules do not take effect). This will therefore remove the potential cause of confusion that may arise from the status of the association as an incorporated association, or having rules pertaining to industrial interests that may lead to confusion.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

No reasonably available alternative ways to effectively achieve the purpose of reducing the likelihood of confusion that an association has a status equivalent or similar to an organisation registered under the IR Act have been identified. A non-legislative response would not provide the degree of clarity and certainty necessary to ensure that employees and employers industrial interests are effectively represented by entities subject to regulation under the IR Act.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The proposed limiting law is considered to strike a fair balance between the benefits to be gained by the public by fulfilling the purpose of the limitation, and any potential harm caused by limiting the human right. The limitation is not considered significant, as individuals can still associate and express their views and beliefs through the established industrial relations framework, and there is an expected benefit resulting from reduced confusion about the status of organisations with respect to the IR Act. Therefore, the limitation on human rights is considered to be reasonable and demonstrably justified.

(f) any other relevant factors

Nil.

Right to freedom of association (section 22 of the HR Act)

(a) the nature of the right

The right to freedom of association with others protects the rights of individuals to join together with others to formally pursue a common interest, such as political groups, sporting groups, professional clubs, non-government organisations and trade unions. It includes the freedom to choose between existing organisations or to form new ones. The right might be relevant to laws, policies, acts or decisions that regulate membership of groups or associations, treat people differently on the basis of their membership of a group or association or prohibit membership in a group or association. A limitation of the right is justified where it is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The right to freedom of association with others is limited by the cancellation of an association's incorporation, refusal to approve incorporation or refusal to register an amendment to rules. Each limits the rights of an individual to join together with others to formally pursue a common interest involving representation of industrial interests.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments, and the limitation on human rights, is to ensure incorporated associations do not create confusion that the association has a status equivalent or similar to an organisation registered under the IR Act. The purpose is also to ensure that the industrial interests of employees and employers are effectively represented by entities subject to regulation under the IR Act, rather than unregulated entities that are not required to fulfil the higher level of governance duties under the IR Act designed to protect members interests by prompting integrity, accountability and transparency of the organisations. In this regard, the purpose of the limitation is considered to be consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

There are a number of groups that purport to represent members' interests in industrial relations matters in exchange for membership fees, but which are not formally registered under Chapter 12 of the IR Act, and therefore are unable to undertake particular industrial functions.

The limitation on human rights operates to achieve the purpose of reducing the risk of employers and employees being confused about the ability of entities to represent industrial interests where the entity is not a registered organisation under the IR Act but is incorporated under the AI Act. It does this by ensuring that organisations that are not subject to regulation under the IR Act, but whom individuals may reasonably mistake as being able to represent their interests under the IR Act, have their incorporation cancelled, have their incorporation refused, or have their application to register their amendment to rules refused (meaning that the proposed rules do not take effect). This will therefore remove the potential cause of confusion that may arise from the status of the association as an incorporated association or having rules pertaining to industrial interests that may lead to confusion.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

No reasonably available alternative ways to effectively achieve the purpose of reducing the likelihood of confusion that an association has a status equivalent or similar to an organisation registered under the IR Act have been identified. A non-legislative response would not provide the degree of clarity and certainty necessary to ensure that employees and employers industrial interests are effectively represented by entities subject to regulation under the IR Act.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The proposed limiting law is considered to strike a fair balance between the benefits to be gained by the public by fulfilling the purpose of the limitation, and any potential harm caused by limiting the human right. The limitation is not considered significant, as individuals can still associate and express their views and beliefs through the established industrial relations framework, and there is an expected benefit resulting from reduced confusion about the status of organisations with respect to the IR Act. Therefore, the limitation on human rights is considered to be reasonable and demonstrably justified.

(f) any other relevant factors

Nil.

Privacy and reputation (section 25 of the HR Act) R

(a) the nature of the right

A person has a right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have their reputation unlawfully attacked. The right might be relevant to laws, policies, acts or decisions that provide for sharing of personal information across or within agencies.

The right to privacy is limited by the requirement that, if the chief executive makes the decision to cancel an association's incorporation under the AI Act, resulting from a notice from the Industrial Registrar regarding a breach of a relevant IR Act provision, the chief executive must provide to the Industrial Registrar the name of each person who was known to the chief executive as an officer of the incorporated association immediately before the cancellation.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments, and the limitation on human rights, is to provide that applications for registration under the IR Act cannot be granted if the applicant has an officer who was an officer of an association at the time its incorporation was cancelled, or if the applicant is controlled or improperly influenced by any person who was an officer of an association at the time its incorporation was cancelled. This seeks to ensure the integrity of organisations under the IR Act, by ensuring persons are not involved with the organisation that were responsible for an association at the time it breached a relevant IR Act provision.

The right to privacy is limited by the requirement that if the chief executive makes the decision to cancel an association's incorporation under the AI Act, resulting from a notice from the Industrial Registrar regarding a breach of a relevant IR Act provision, the chief executive must provide to the Industrial Registrar the name of each person who was known to the chief executive as an officer of the incorporated association immediately before the cancellation.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation on human rights operates to achieve the purpose by ensuring that chief executive is empowered to provide details of officers of associations, that have had their incorporated status cancelled due to a breach of a relevant IR Act provision, to the Industrial Registrar, so the Industrial Registrar can assess whether the applicant can be registered.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

No reasonably available alternative ways to effectively achieve the purpose of ensuring the integrity of organisations have been identified. The ability of the Industrial Registrar to make the necessary assessment is reliant on receiving the relevant information from the chief executive. The chief executive must have sufficient legislative authorisation in order to be able to provide the information to the Industrial Registrar.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The proposed limiting law is considered to strike a fair balance between the benefits to be gained by the public by fulfilling the purpose of the limitation, and any potential harm caused by limiting the human right. Any potential breach of the right to privacy is balanced against the important need to ensure the integrity, accountability and transparency of organisations registered under the IR Act, so that individuals can be confident in engaging with these organisations to represent their industrial interests. Therefore, the limitation on human rights is considered to be reasonable and demonstrably justified.

(f) any other relevant factors

Nil.

Right to a fair hearing (section 31 of the HR Act)

(a) the nature of the right

The right to a fair hearing protects an individual's right to procedural fairness, including the right to respond to allegations made against them and be heard by an unbiased and independent court or tribunal.

The right to a fair hearing is limited by the Bill, as the chief executive's decision to give notice of the application for incorporation or to register an amendment to rules to the Industrial Registrar is not a reviewable decision.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments, and the limitation on human rights, is to ensure incorporated associations do not create confusion that the association has a status equivalent or similar to an organisation registered under the IR Act.

The purpose is also to ensure that the industrial interests of employees and employers are effectively represented by entities subject to regulation under the IR Act, rather than unregulated entities that are not required to fulfil the higher level of governance duties under the IR Act designed to protect members interests by prompting integrity, accountability and transparency of the organisations. The purpose of the limitation is considered to be consistent with a free and democratic society based on human dignity, equality and freedom.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation on human rights operates to achieve the purpose by providing a single, coherent procedure for appeals through the framework being provided under the IR Act. An entity that is aggrieved by the objection or notification process will be able to seek a substantive review under the IR Act, following the appeals process being implemented as part of the amendments.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

No reasonably available alternative ways to effectively achieve the purpose of reducing the likelihood of confusion that an association has a status equivalent or similar to an organisation registered under the IR Act have been identified. A non-legislative response would not provide the degree of clarity and certainty necessary to ensure that employees and employers industrial interests are effectively represented by entities subject to regulation under the IR Act.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The proposed limiting law is considered to strike a fair balance between the benefits to be gained by the public by fulfilling the purpose of the limitation, and any potential harm caused by limiting human right. While the limitation removes one right of appeal, there will remain a right of appeal in respect of the objection and notification process. This is the most appropriate avenue of appeal given the subject matter, and will maintain a single, coherent appeals process. Therefore, the limitation on human rights is considered to be reasonable and demonstrably justified.

- (f) any other relevant factors

Nil.

Conclusion

In my opinion, the Industrial Relations and Other Legislation Amendment Bill 2022 is compatible with human rights under the *Human Rights Act 2019* because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

GRACE GRACE MP

**MINISTER FOR EDUCATION and MINISTER FOR INDUSTRIAL RELATIONS and
MINISTER FOR RACING**

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