

# Industrial Relations Bill 2016

## Explanatory Notes

**For amendments to be moved during consideration in detail by  
The Honourable Grace Grace MP  
Minister for Employment and Industrial Relations,  
Minister for Racing and  
Minister for Multicultural Affairs**

### Short title

The short title of the Bill is the *Industrial Relations Bill 2016*.

### Policy objectives and the reasons for them

The amendments to be moved during consideration in detail:

- make a number of minor, technical and consequential amendments to clarify provisions of the Industrial Relations Bill 2016 (the Bill) and to ensure the policy objectives of the Bill are achieved.
- address issues raised by stakeholders in relation to legal representation, by making amendments to:
  - clarify that legal representation is generally to be by consent of the parties as is currently provided under the IR Act 1999;
  - maintain the Bill provision such that legal representation is only by leave of the commission in matters before the full bench (other than collective bargaining arbitration where there is no legal representation);
  - provide certain prescribed matters where leave for legal representation may be sought and granted before the commission.

It is considered that these amendments to the IR Bill better reflect Recommendation 64 of the Industrial Relations Reform Reference Group 'A review of the industrial relations framework in Queensland' (the Review Report) and strike an appropriate balance to maintain the 'layperson tribunal' provisions while recognising complexity in some matters where legal representation may be required.

- address issues raised by stakeholders during consultation relating to transitional arrangements, by making clarifying amendments for parties who have an existing collective bargaining process underway at commencement of the new Act.

These amendments are not otherwise intended to alter the policy objectives of the original Bill, as explained in the Explanatory Notes that accompanied the Bill.

Amendments to the *Public Service Act 2008* are also being moved in response to the recommendations of government members following the tabling of the Finance and Administration Committee's *Report – No 32, 55<sup>th</sup> Parliament – Report on Industrial Relations Bill 2016*. These amendments seek to:

- strengthen the conversion arrangements for temporary employees in the public sector to move to permanent employment, by ensuring that temporary employment reviews are conducted in a timely way and can take into account relevant parts of an industrial instrument;
- allows for IRC members hearing an appeal of a temporary employment decision to set aside the decision and substitute another decision;
- provide for appeals of casual review of status decisions, in a manner similar to appeals for a temporary employment decision;
- establish the right of appeal for fair treatment decisions;
- provide transitional arrangements; and
- make a number of minor, technical and consequential amendments to ensure the policy objectives of the Bill are achieved.

The introduction of fair treatment appeal rights for public servants will contribute to a fairer and more productive workplace.

## **Achievement of policy objectives**

Certain amendments to be moved during consideration in detail make minor, technical and clarification amendments. These amendments respond to incorrect references and omissions identified by stakeholders including the Office of Queensland Parliamentary Counsel (OQPC), as well as matters identified by the Office of Industrial Relations, Queensland Treasury and reported to the Committee for rectification.

In relation to the amendments that relate to legal representation within the industrial tribunal, these amendments substantively address policy issues raised by stakeholders during the Finance and Administration Committee's examination of the Bill.

In relation to the amendments that relate to the *Public Service Act 2008*, the policy objectives will be achieved through:

- prescribing in section 149 of the *Public Service Act 2008* that:
  - a temporary employment decision must be made within 28 days of the review date;
  - in making the decision, the chief executive must consider any criteria for the decision fixed under a directive by the Commission Chief Executive or an industrial instrument, and if an industrial instrument provides for the way the decision must be made, comply with the industrial instrument;
- inserting a right of appeal of casual employment review decisions;
- establishing the right to appeal fair treatment decisions;

- including transitional provisions in the Bill (e.g. including to clarify the transitional arrangements for a person who is eligible for a temporary employment review or appeal, or an appeal started immediately before the commencement of the new provisions);
- make minor and technical amendments including to renumber subsections.

The policy objectives will be achieved by way of amendments to the Bill as described below in the notes on provisions.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objectives. The policy objectives can only be achieved by legislative amendment.

## **Estimated cost for government implementation**

There are no additional costs anticipated to be associated with the amendments to be moved during consideration in detail. Costs will be accommodated within existing budget allocations.

## **Consistency with fundamental legislative principles**

The proposed amendments to be made during consideration in detail are consistent with fundamental legislative principles.

## **Consultation**

Several amendments to be made during consideration in detail have been included to address comments made by stakeholders in their submissions to the Finance and Administration Committee. Consultation on the additional amendments to the *Public Service Act 2008* has been undertaken with the Office of Industrial Relations, Queensland Treasury and Together Queensland. Other amendments are being made to better reflect the intent of the Bill which was informed by an extensive consultation process, as described in the original Explanatory Notes that accompanied the Bill.

## **Consistency with legislation of other jurisdictions**

The Bill is specific to the State of Queensland. The response made in the original Explanatory Notes addresses this issue.

## Notes on provisions

*Amendment 1* amends clause 31 (Entitlement) to omit the words “unless an applicable industrial instrument provides otherwise”. This omission will prevent an industrial instrument prohibiting the accumulation of annual leave and aligns with clause 18 of the Bill which provides that an industrial instrument may not displace or be inconsistent with a Queensland Employment Standards (QES) provision unless the provision is at least as favourable as the QES provision.

*Amendment 2* amends clause 52 (Entitlement to domestic and family violence leave) to provide an explanation of what ‘day’ means for an employee, other than a casual employee. This amendment clarifies the entitlement and is particularly relevant where an employee works in an arrangement which is other than a standard full-time arrangement. By clarifying that a ‘day’ is one-fifth of an employee’s average working week, an employee who works less than full time will be entitled to a proportion of the full time 10 day entitlement based on actual hours worked.

*Amendment 3* amends clause 141 (General requirements for the commission exercising powers) to clarify that the commission has an obligation to ensure that a modern award provides wages and employment conditions ‘at least as favourable as’ the QES rather than ‘more favourable than’ the QES. This amendment will ensure consistency in interaction provisions for the QES with industrial instruments including modern awards.

*Amendment 4* amends clause 168 (Definitions for chapter) to correct a cross reference in the definition of ‘designated award’ by replacing the reference to ‘section 51’ with ‘section 213’.

*Amendment 5* amends clause 177 (Referral to arbitration by conciliating member) to change the word ‘or’ to the word ‘and’ at clause 177(1)(b) as both conditions at (i) and (ii) must be met before a conciliating member may refer a matter to arbitration.

*Amendment 6* amends clause 183 (Operation of arbitration determinations) to remove subclause (3)(b) to ensure that arbitration determinations operate in the same way as certified agreements. That is, both instruments continue to operate until they are terminated under part 7, division 3 of the Bill.

*Amendment 7* amends clause 233 (When industrial action is protected industrial action) by removing the words ‘eligible to be members of’, so that the provision applies only to members of an employee organisation.

*Amendment 8* amends clause 235 (Approval to engage in industrial action) by removing the words ‘eligible to be members of’, so that the provision applies only to members of an employee organisation.

*Amendment 9* amends clause 281 (Action to which this part does not apply) by correcting a cross reference to make reference to ‘section 280’ instead of ‘section 281’ and correcting a reference to the *Fair Work Act 2009* (Cth) for drafting consistency.

*Amendment 10* amends clause 447 (Commission's functions) to change the reference to 'a fair minimum safety net of enforceable conditions of employment' to 'fair and just conditions of employment'. This amendment is for consistency with other references to conditions of employment in the Bill.

*Amendment 11* amends clause 457 (Associates) by removing the requirement for the Chief Justice to appoint associates to the vice-president, a deputy president or a commissioner. The clause now allows the Chief Justice to appoint an associate to the president only.

*Amendment 12* amends clause 457 (Associates) to insert a new subclause (1A) to provide that the president may appoint associates to the vice-president, a deputy president or a commissioner.

*Amendment 13* amends clause 481 (Limitations on when order may be made) to correct a reference in subclause (2)(d) to refer to the consequences or representations mentioned in paragraph (a), (b) or (c).

*Amendment 14* amends clause 486 (Referring matter to full bench) by removing subclauses (3) which provides that the president may approve the referral of a matter from the commission to the full bench under subsection (2) only if satisfied the matter is of 'substantial industrial significance'. This amendment is necessary to reflect the expanded jurisdiction of the commission under the Bill.

*Amendment 15* amends clause 486 (Referring matter to full bench) by removing subclause (5) which provides that on application under subsection (3), the president may refer a matter to the full bench only if satisfied the matter is of 'substantial industrial significance'. This amendment is necessary to reflect the expanded jurisdiction of the commission under the Bill.

*Amendment 16* amends clause 530 (Legal representation) to remove subclauses (1) and (2) and replace these with new subclauses (1) and (2). These amendments provide that legal representation is by leave of the commission in full bench matters, other than for an arbitration arising where collective bargaining has not resulted in agreement between the parties.

New subclause (1)(d) also provides for legal representation rights for proceedings within the commission (other than full bench matters), based on the existing section 319 of the IR Act 1999. This provides that legal representation is allowed in these matters only if all parties consent or where the proceeding is a particular matter under a 'relevant provision' and the commission gives leave. The commission may give leave only if certain factors are present under subclause (4).

This is consistent with Recommendation 64 of the Industrial Relations Reform Reference Group 'A review of the industrial relations framework in Queensland' (the Review Report) and seeks to maintain the QIRC as a layperson's tribunal, balanced with the need for representation to be available by leave of the commission in certain prescribed matters and only where the commission is satisfied that certain factors exist enabling it to grant leave.

*Amendment 17* amends clause 530 (Legal representation) to remove the word ‘also’ at the beginning of subclause (3).

*Amendment 18* amends clause 530 (Legal representation) to correct the cross reference at subclause (4) which provides that an industrial tribunal may give leave under ‘subsection (1)(c)(i)’, to under ‘subsection (1)’. This change is consequential to amendment 16 and ensures that when determining whether to grant leave for any proceeding under subsection (1), the relevant industrial tribunal may only give leave if certain factors are present. The proceedings where leave may be granted include matters before the court, matters before the full bench, a matter before the commission under the *Anti-Discrimination Act 1991*, or for certain prescribed matters before the commission.

*Amendment 19* amends clause 530 (Legal representation) to remove subclauses (6) and (7) and replace these with new subclauses (6) and (7). This is consequential to amendment 16 and the reformatting of clause 530. Subclause (6), which provided for when parties can be represented by a lawyer in proceedings before the Industrial Magistrates Court, is now dealt with by new subclause (1)(e).

*Amendment 20* amends clause 530 (Legal representation) by clarifying the definition of ‘industrial tribunal’ for the purposes of clause 530, by also including a reference to the full bench.

*Amendment 21* amends clause 530 (Legal representation) by inserting a new definition for ‘relevant provision’. This definition relates to new subclause (1)(d)(ii) which provides that for other proceedings before the commission (other than the full bench) relating to a matter under a ‘relevant provision’, legal representation is available if the commission gives leave.

These proceedings are: a proceeding under chapter 8, part 1 or 2 (general protections or unfair dismissal applications); a proceeding under section 471 (power to amend or declare void contracts); or a proceeding under chapter 12, part 2 or 16 (registration or deregistration of industrial organisations and associated entities).

*Amendment 22* amends clause 536 (Interlocutory proceedings) by replacing the reference to an ‘industrial cause’ with a more general reference to the conduct of ‘proceedings’ within the commission’s jurisdiction. This amendment reflects the expanded jurisdiction of the commission under the Bill.

*Amendment 23* amends clause 536 (Interlocutory proceedings) by replacing the reference to the hearing of an ‘(industrial) cause’ with the hearing of ‘proceedings’. This amendment reflects the expanded jurisdiction of the commission under the Bill.

*Amendment 24* amends clause 554 (Appeal from court or commission in certain circumstances) to clarify that a person may only appeal against a decision with the Court of Appeal’s leave ‘on a ground mentioned in’ subclause (2). This is a technical amendment to ensure the effective operation of the clause.

*Amendment 25* amends clause 557 (Appeal from commission) by replacing the reference to 'a person' with 'the Minister or another person', to clarify that the Minister retains the right to appeal a decision of the commission on certain grounds.

*Amendment 26* amends clause 557 (Appeal from commission) by replacing the reference to 'a person' with 'the Minister or another person', to clarify that the Minister or another person may only appeal against a decision with the court's leave 'on a ground mentioned in' subclause (2).

*Amendment 27* amends clause 557 (Appeal from commission) to clarify that a person may only appeal against a decision with the court's leave 'on a ground mentioned in' subclause (2). This is a technical amendment to ensure the effective operation of the clause.

*Amendment 28* amends clause 558 (What court may do) to remove the reference to the registrar as an appeal matter may not be remitted to the registrar.

*Amendment 29* amends clause 559 (President must hear and decide appeal from commission) to replace the reference in the title of the clause from 'commission' to 'particular appeals from full bench'.

*Amendment 30* amends clause 559 (President must hear and decide appeal from commission) to replace the reference to the 'commission' with a reference to the 'full bench'. This amendment provides that the President must hear and decide appeals made under clause 557 against decisions of the full bench, rather than all appeals against decisions of the commission. This is consistent with Recommendation 65 of the Review Report.

*Amendment 31* amends clause 563 (Definition for div 5) to clarify that the definition of 'industrial tribunal' includes a reference to the full bench.

*Amendment 32* amends clause 564 (Time limit for appeal) replaces the word 'of' with the word 'to', to clarify that an appeal from the Court of Appeal is not subject to control under the IR Act.

*Amendment 33* amends clause 702 (Definitions for part) correct the definition of 'disqualifying offence' by replacing the reference to 'section 680' with 'documents'.

*Amendment 34* amends clause 765 (Reporting guidelines) by correcting a cross-reference which refers to clause 785(4) to make reference to the correct provision, being clause 785(5).

*Amendment 35* amends clause 780 (When copy of full report or concise report must otherwise be given) to change the reference from 'the period of 5 months starting at' to '5 months after'. This is a minor amendment to provide consistency with wording at clause 782(1)(a).

*Amendment 36* amends clause 782 (Obligation to present to general or committee meeting) to correct a reference by replacing the term 'financial disclosure statement' with 'general purpose financial report'.

*Amendment 37* amends clause 784 (Reports etc. to be lodged with registrar) to correct a reference by removing the word 'general' in relation to the reference to the meeting.

*Amendment 38* amends clause 810 (References to audit report for pt 11, div 5, sdiv 5) to correct a cross reference which refers to division 5, to instead make reference to division 6.

*Amendment 39* amends clause 843 (Holding office after amalgamation) to correct a reference by removing '624' and inserting 'organisation'.

*Amendment 40* amends clause 857 (Registration of property transferred under pt 15) to correct a reference by replacing the reference to 'pt 15' with 'this part'.

*Amendment 41* amends clause 1000 (Existing applications for certification) to insert a new subclause (2A) which provides that if the commission grants an application for certification, the agreement is taken to have been certified under the Industrial Relations Act. This is a technical amendment.

*Amendment 42* amends clause 1006 (Conditions of employment for continuing employees) to include a reference to an arbitration determination, so that the provision applies to both pre-modernisation certified agreements and arbitration determinations.

*Amendment 43* amends clause 1007 (Continuation of working time provision for an employee under old s9 or 9A) to correct a cross reference by removing the reference to section 1007 and inserting a reference to section 1006.

*Amendment 44* amends chapter 18, part 2, division 6 (Protected industrial action) to change the heading of division 6 to 'Existing collective bargaining processes'.

*Amendment 45* amends clause 1021 (Protected industrial action under repealed Act) by replacing the clause with a new clause 1021 titled 'Application of division', which sets out the circumstances when division 6 'Existing collective bargaining processes' applies.

*Amendment 46* introduces four new transitional provisions which deal with the repeal of Chapter 6 Certified Agreements of the IR Act 1999 and provide clarity for parties transitioning to the new Act.

New clause 1021A 'Continuation of bargaining under this Act' ensures that steps taken under the IR Act 1999 in relation to negotiations for agreements, prior to reaching the arbitration stage, are effective for continuing negotiations under the new Act.

New clause 1021B provides that where a negotiating party was taking protected action under the IR Act 1999, then the party is taken to satisfy the requirements under chapter 4 of the Bill for taking protected industrial action in relation to the proposed agreement.



New clause 1021C 'Continuation of protected action ballot process under repealed Act' applies to a situation where a PABO application had not been decided under the IR Act 1999 or where a protected action ballot order was made under the IR Act 1999 and the protected action ballot had not yet been conducted under the order. In either of these circumstances, the IR Act 1999 continues to apply for deciding the application or for conducting the ballot, and the action (when taken) can be lawfully taken under the IR Act 1999, however the timeframe cannot be extended under the IR Act 1999. This provision does not prevent parties who commenced negotiations under the IR Act 1999 from taking protected industrial action in accordance with the new Act in relation to the proposed agreement.

New clause 1021D 'Continuation of conciliation etc.' ensures that where negotiating parties were in conciliation under chapter 6, division 1, subdivision 2 of the IR Act 1999, the parties continue conciliation under chapter 4, part 8 of the new Act. Additionally, the provision makes clear that protected industrial action may be taken in accordance with the new Act during the conciliation process. This is despite section 150A of the IR Act 1999 which provided that industrial action is not protected during conciliation and arbitration periods.

*Amendment 47* amends clause 1027 (Authorised industrial officers taken to be authorised under this Act) to replace the words 'was, immediately before the commencement, the authority' with 'immediately before the commencement' to remove unnecessary additional wording and clarify the meaning of the provision.

*Amendment 48* amends clause 1037 (Provision for old s428 (Organisation must have complying rules)) to remove subclauses (2) and (3) to clarify that an organisation's rules will continue to be recognised post the commencement of the new Act.

*Amendment 49* amends clause 1099 (Replacement of ch 7, pt 2, div 1A (Tribunal's functions)) by correcting a reference at new section 174B (Functions of industrial relations commission) of the *Anti-Discrimination Act 1991* to specify that orders are made under section 144 of that Act.

*Amendment 50* amends clause 1119 (Insertion of new s49A) for the *Public Service Act 2008* (PS Act) to correct a reference by removing 'schedule 1' and replacing it with a reference to 'schedule 5'.

*Amendment 51* inserts a new clause 1125A (Amendment of s149 (Review of status of temporary employee)) to amend:

- section 149(2) of the PS Act to remove the power of the Commission Chief Executive to fix under a directive the timeframe for a review of status of a temporary employee under section 149. This is replaced by a statutory requirement that a status of temporary employee review must be completed within the required period, which is defined in section 149(5) as the period stated in an industrial instrument or 28 days;
- section 149(3) to provide that when making a decision, the chief executive must consider any criteria fixed by a directive by the commission chief executive and an industrial instrument. Where the industrial instrument

provides for the way that the decision must be made, the chief executive comply with the industrial instrument; and

- section 149(5) to add definitions of the terms “continuously employed as a temporary employee” and “required period”.

*Amendment 52* inserts a new clause 1127A (Amendment of s194 (Decisions against which appeals may be made)) to amend section 194 of the PS Act to insert two additional appeal rights, a review of a decision about whether a casual employee is to continue as a casual employee (a casual employment decision) and a decision the employee believes is unfair and unreasonable (a fair treatment decision). A new s194(2) is also inserted. This stops multiple appeals on the same issue under a fair treatment appeal and other appealable decisions listed under s194(1). Where an appeal can be made under one of the other decisions listed in s194(1) a fair treatment appeal cannot be brought. A fair treatment appeal also cannot be made against a decision listed in s195. That section sets out decisions against which appeals cannot be made.

This clause also amends section 194(1)(e) to clarify that an appeal against a temporary employment decision includes a failure to make a decision about temporary employment under section 149(4).

This provision also makes a minor and technical amendment to renumber the subsections within section 194(1).

*Amendment 53* amends clause 1128 (Amendment of s195 (Decisions against which appeals cannot be made)) to further amend section 195 of the PS Act to list types of decisions that cannot be the subject of a fair treatment appeal. This ensures that these decisions cannot be the subject of a separate appeal. It provides that a person cannot appeal against a fair treatment decision:

- made under chapter 5, part 7 (Mental or physical incapacity); or
- under chapter 6, part 2 (Disciplinary action) other than a finding under s187 that a disciplinary action exists or a decision under section 189 to suspend a person from duty without pay; or
- relating to the recruitment or selection of a public service employee; or
- relating to a person’s work performance, other than a decision about the person’s work performance that is recorded in a formal way as part of a periodic performance review;
- relating to the resolution of a grievance under an industrial instrument, other than a decision about the outcome of the grievance; or
- relating to the development or performance management of a chief executive or senior executive.

*Amendment 54* amends clause 1128 (Amendment of s195 (Decisions against which appeals cannot be made)) to insert a reference to subclause (2).

*Amendment 55* inserts a new clause 1128A (Amendment of s196 (Who may appeal)) to amend section 196 of the PS Act to list who may appeal for a casual employment decision and a fair treatment decision.

*Amendment 56* amends clause 1135 (Amendment of s200 (Appeals officer may decline to hear particular appeals)) to further amend section 200 of the PS Act to allow an IRC member to decline to hear certain appeals, including a fair treatment appeal, unless the member is satisfied that the appellant has used procedures required to be used under the employee complaints directive unless it would be unreasonable to do so. This discretion would, for example, allow an IRC member to take into account issues of procedural fairness or where the resolution of the complaint has not occurred in a timely manner. It would also allow for situations where the time taken to comply with procedures may have an unreasonable impact on an appellant, for example, where the decision being appealed against was a decision to suspend without pay or where the person has already followed a grievance process under an industrial instrument.

*Amendment 57* amends clause 1135 (Amendment of s200 (Appeals officer may decline to hear particular appeals)) by omitting s200(2).

*Amendment 58* amends clause 1135 (Amendment of s200 (Appeals officer may decline to hear particular appeals)) by omitting s200(5).

*Amendment 59* amends clause 1144 (Amendment of s208 (Decision on appeal)) to insert a reference to subclause (1).

*Amendment 60* amends clause 1144 (Amendment of s208 (Decision on appeal)) to vary the decision that an IRC member may make when deciding an appeal on a temporary employment decision. An IRC member may make the decisions set out in s208(1)(c) and this allows the member to set the decision aside and substitute another decision or return the decision to the decision maker.

*Amendment 61* inserts a new clause 1151A (Amendment of s218A (Commission chief executive may make directive about dealing with complaints by officers and employees)) to amend section 218A of the PS Act to provide that the Commission Chief Executive must make an employee complaints directive.

*Amendment 62* amends clause 1152 (Insertion of new ch 9, pt 12) to insert two transitional provisions.

The insertion of section 289A applies to reviews of status of temporary employees under section 149 that are eligible for a review before the commencement of the amendments to section 149 but a decision has not yet been made. In this scenario, section 149 and the temporary employment directive made before the commencement will apply for the making of the decision.

Section 289B applies to reviews of status of casual employees under new section 149A and makes it clear that a person's employment as a casual employee on a regular and systematic basis includes employment before the commencement.

*Amendment 63* amends clause 1152 (Insertion of new ch 9, pt 12) by amending section 290 (Appeals under ch 7, pt 1) to insert new subsections to provide that appeals against a decision in section 194(1)(a) – (e), made before commencement of the amendments to section 194, are to continue under chapter 7, part 1 and any

Commission Chief Executive directive in force before commencement will continue to apply. This clause also makes it clear that the appeals officer appointed under section 88A before commencement continues to be an appeals officer for the appeal.

*Amendment 64* amends clause 1153 (Amendment of sch 4 (Dictionary)) to add definitions of the new terms “casual employment decision”, “employee complaints directive” and “fair treatment decision”.

*Amendment 65* amends Schedule 5 (Dictionary) to correct a cross reference in the definition for ‘act’.

*Amendment 66* amends Schedule 5 (Dictionary) to correct a reference in the definition of ‘administrator’ from section 636O to section 870.

*Amendment 67* amends Schedule 5 (Dictionary) to correct a reference in the definition of ‘amalgamation’ from section 838 to section 595.

*Amendment 68* amends Schedule 5 (Dictionary) to replace the definition of ‘audit report’ for chapter 12 to refer to the correct provision, section 768.

*Amendment 69* amends Schedule 5 (Dictionary) to omit the definition of ‘candidate for election’ as it is no longer a defined term.

*Amendment 70* amends Schedule 5 (Dictionary) to correct a reference in the definition of ‘claim for wages’ from section 50 to section 121.

*Amendment 71* amends Schedule 5 (Dictionary) to correct a reference in the definition of ‘deputy registrar’ so that it refers to section 508(2)(b), instead of section 521.

*Amendment 72* amends Schedule 5 (Dictionary) to correct a reference in the definition of ‘direct voting system’ from section 438 to section 627.

*Amendment 73* amends Schedule 5 (Dictionary) to omit the definition of ‘disputed matters’ as it is no longer a defined term.

*Amendment 74* amends Schedule 5 (Dictionary) to correct a reference in the definition of ‘expected residence date’ from section 65(2)(a) to section 66(2)(a).

*Amendment 75* amends Schedule 5 (Dictionary) to omit the definition of ‘financial affairs’ as it is not a defined term.

*Amendment 76* amends Schedule 5 (Dictionary) to omit the definition of ‘gift’ as it is not a defined term.

*Amendment 77* amends Schedule 5 (Dictionary) to include in the definition of ‘immediate family’ a reference to a foster child. The definition of ‘immediate family’ in the IR Act 1999 (and retained in the Bill as introduced) includes a reference to an ex-

foster child without including a reference to a current foster child. This amendment updates an oversight in the current Act and Bill.

*Amendment 78* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'industrial association' from section 297 to section 279.

*Amendment 79* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'industrial conduct ground' from section 637 to section 877.

*Amendment 80* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'industrial instrument', where it refers to a code of practice under section 393 to a code of practice under section 389.

*Amendment 81* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'loans, grants and donations register' where it refers to section 595, to part 11, section 731.

*Amendment 82* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'members' from section 637 to section 877.

*Amendment 83* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'multi-employer agreement' where it refers to section 6, to section 168.

*Amendment 84* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'registrar' where it refers to section 297, to section 508(2)(a).

*Amendment 85* amends Schedule 5 (Dictionary) to correct a reference in the definition of 'remuneration register' where it refers to section 595, to part 11, section 731.

*Amendment 86* amends Schedule 5 (Dictionary) to insert a definition of 'spouse'. In this definition, 'spouse' includes a former spouse of the employee. This definition was contained in the IR Act 1999 and should have been retained in the IR Bill but was inadvertently excluded. This amendment restores this definition.