

Office of Fair and Safe Work Queensland

Federal referral of Queensland's private sector industrial relations

Coverage

After the commencement of the federal government's workplace relations laws on 27 March 2006, the industrial relations arrangements of employers who were constitutional corporations (including financial or trading corporations, generally Pty Ltd or Limited) and their employees were regulated by the federal industrial relations jurisdiction.

Non-corporate employers (generally individual sole traders or partnerships) and their employees continued to operate under Queensland industrial relations jurisdiction.

However in November 2009, the Queensland Parliament passed legislation which referred the state's industrial relations powers for the private sector to the Commonwealth. As a result, since 1 January 2010, all employers and employees in Queensland, with the exception of those mentioned below have been covered under a national industrial relations system administered by the Commonwealth Government.

Those remaining in the State system include:

- state public sector employers and employees;
- local government employers and employees (including local government owned and controlled corporations);
- members of the Queensland Police Service and special constables;
- ministers or Members of Parliament; judicial officers and members of State tribunals;
- other agencies, authorities, commissions, corporations (e.g. WorkCover Queensland and Tourism Queensland) or other entities established under an Act or under State authorisation for a public or State purpose and their employees.

The Brisbane City Council and Wide Bay Water Corporation have also returned to the State system.

Universities, grammar schools and Government Owned Corporations continue to remain in the Commonwealth jurisdiction.

Transitional arrangements

Transitional arrangements to preserve the application and operation of industrial instruments apply to entities moving from the federal system back to the State system and from the State system into the federal system. See the Transitional Arrangements fact sheet.

The employer is also covered by a continuing transitional instrument in respect of future employees at their workplace who are participants in CJP or the Green Army program.

These arrangements will expire immediately following the completion of the first Green Army program on 30 June 2012.