



Queensland

Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Bill 2013



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2013

A Bill

for

An Act to amend the Industrial Relations Act 1999, the Public Service Act 2008 and the Workers' Compensation and Rehabilitation Act 2003 for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013*. 4
5
6

Clause 2 Commencement 7

This Act, other than part 3, commences on a day to be fixed by proclamation. 8
9

Part 2 Amendment of Industrial Relations Act 1999 10
11

Clause 3 Act amended 12

This part amends the *Industrial Relations Act 1999*. 13

Clause 4 Omission of s 110 (Encouragement provisions permitted) 14

Section 110— 15
omit. 16

Clause 5 Amendment of s 319 (Representation of parties) 17

Section 319(2)(b)(i), ‘, other than section 110’— 18
omit. 19

Clause 6	Amendment of s 351 (Functions)	1
(1)	Section 351(1)(c) and (d)—	2
	<i>renumber</i> as section 351(1)(d) and (e).	3
(2)	Section 351(1)—	4
	<i>insert</i> —	5
	(c) investigate complaints made under section	6
	636A about organisations or officers of	7
	organisations and other matters referred to	8
	the inspector under section 636G; and	9
Clause 7	Amendment of s 365 (Revocation and suspending industrial officer's authorisation)	10
(1)	Section 365(1)(b) to (d)—	12
	<i>renumber</i> as section 365(1)(c) to (e).	13
(2)	Section 365(1)—	14
	<i>insert</i> —	15
	(b) entered an employer's workplace other than	16
	under section 372; or	17
Clause 8	Amendment of s 366 (Time and wages record—industrial instrument employees)	18
(1)	Section 366(1), ‘, at a workplace of the employer in	20
	Queensland,’—	21
	<i>omit</i> .	22
(2)	Section 366(2), ‘record clearly states the employer's full	23
	name.’—	24
	<i>omit, insert</i> —	25
	record—	26
	(a) clearly states the employer's full name; and	27
	(b) is kept at, or can be accessed from, a	28
	workplace of the employer in Queensland.	29

Clause 9	Amendment of s 367 (Time and wages record—non-industrial instrument employees)	1 2
	(1) Section 367(1), ‘, at a workplace of the employer in Queensland,’—	3 4
	<i>omit.</i>	5
	(2) Section 367(2), ‘record clearly states the employer’s full name.’—	6 7
	<i>omit, insert—</i>	8
	record—	9
	(a) clearly states the employer’s full name; and	10
	(b) is kept at, or can be accessed from, a workplace of the employer in Queensland.	11 12
Clause 10	Insertion of new s 370A	13
	Chapter 11, part 1, division 4—	14
	<i>insert—</i>	15
	370A Definitions for div 4	16
	In this division—	17
	<i>employer notice</i> see section 372B(2).	18
	<i>entry notice</i> see section 372A(2).	19
Clause 11	Amendment of s 372 (Right of entry—authorised industrial officer)	20 21
	(1) Section 372(1) and (2)—	22
	<i>omit, insert—</i>	23
	(1) An authorised industrial officer may, to exercise a power under section 373, enter a place if—	24 25
	(a) the officer has given the employer or the employer’s representative an entry notice under section 372A; and	26 27 28
	(b) the place is—	29

-
- (i) if subparagraph (ii) does not apply—a workplace, at which the employer carries on a calling of the officer’s organisation, stated in the entry notice; or
- (ii) if the employer or the employer’s representative has given the officer an employer notice for the entry under section 372B—a place stated in the employer notice; and
- (c) the entry is made during the time the place is open for business.
- (2) On entering a place under subsection (1), the officer must—
- (a) first notify the employer or the employer’s representative of the officer’s presence; and
- (b) produce or display the officer’s authorisation, as required by the employer or representative.
- (2) Section 372(3), ‘the workplace if’—
omit, insert—
a place occupied by the employer if the entry is authorised by subsection (1) and
- (3) Section 372(5)—
omit, insert—
(5) Subsection (2)(a) does not apply if, on entering the place, the officer discovers that neither the employer nor the employer’s representative is present at the place.

- Clause 12 Insertion of new ss 372A and 372B**
- After section 372—
- insert—*

372A Notice of entry

- | | |
|---|-----------------------|
| | 1 |
| (1) This section applies if an authorised industrial officer proposes to enter a workplace at which an employer carries on a calling of the officer's organisation to exercise a power under section 373. | 2
3
4
5
6 |
| (2) The officer must give the employer or the employer's representative a written notice (an <i>entry notice</i>)— | 7
8
9 |
| (a) during the employer's business hours; and | 10 |
| (b) at least 24 hours, but not more than 14 days, before the entry. | 11
12 |
| (3) The entry notice must be signed by the officer and state the following— | 13
14 |
| (a) the workplace the officer proposes to enter; | 15 |
| (b) the day and time of the proposed entry; | 16 |
| (c) the officer's name and organisation; | 17 |
| (d) the records to be inspected; | 18 |
| (e) if the records to be inspected include the time and wages records of employees— | 19
20 |
| (i) each employee, or class of employees, whose records are to be inspected; and | 21
22 |
| (ii) that the officer's organisation is entitled to represent the industrial interests of the employee or class; and | 23
24
25 |
| (iii) the provision of the organisation's rules that entitles the officer's organisation to represent the industrial interests of the employee or class. | 26
27
28
29 |

372B Employer’s notice about place to inspect information	1 2
(1) This section applies if an employer or an employer’s representative receives an entry notice from an authorised industrial officer.	3 4 5
(2) The employer or employer’s representative may give the officer a written notice (an employer notice) stating the place or places the officer may enter to inspect the records detailed in the entry notice.	6 7 8 9 10
(3) For subsection (2), a place may be—	11
(a) a particular part of the workplace stated in the entry notice; or	12 13
<i>Example of parts of a workplace—</i>	14
particular floors of a multistorey workplace, particular offices or conference rooms of a workplace	15 16 17
(b) another place where the records detailed in the entry notice are kept or may be accessed, if the employer or employer’s representative is, or has the consent of, the occupier of that place; or	18 19 20 21 22
(c) a particular route to be used to access another place stated in the notice.	23 24
(4) The employer notice must be given before the day and time of entry stated in the entry notice.	25 26
(5) If an employer notice given to the officer under this section states a place or places where the officer may inspect the records detailed in the entry notice, the employer or the employer’s representative must ensure the records can be inspected at, or accessed from, that place.	27 28 29 30 31 32
Maximum penalty for subsection (5)—27 penalty units.	33 34

Clause 13	Amendment of s 373 (Right to inspect and request information—authorised industrial officer)	1 2
(1)	Section 373(1), ‘workplace’—	3
	<i>omit, insert—</i>	4
	place	5
(2)	Section 373, after subsection (2)—	6
	<i>insert—</i>	7
(2AA)	However, the officer may inspect the time and wages record of an employee only if—	8 9
	(a) the officer’s organisation is entitled to represent the industrial interests of the employee; and	10 11 12
	(b) the employee is identified, or is a member of a class of employees identified, in the entry notice given by the officer for the entry.	13 14 15
(3)	Section 373(3)(a) and (b), before ‘record’, first mention—	16
	<i>insert—</i>	17
	time and wages	18
(4)	Section 373(3)(c) and (3A), ‘(2A)’—	19
	<i>omit, insert—</i>	20
	(4)	21
(5)	Section 373(8), ‘(6) or (7)’—	22
	<i>omit, insert—</i>	23
	(9) or (10)	24
(6)	Section 373(9)—	25
	<i>omit, insert—</i>	26
	(9) The officer—	27
	(a) must comply with a direction given by the employer or the employer’s representative under subsection (13); and	28 29 30

	(b) must not wilfully obstruct the employer, or an employee during the employee's working time; and	1 2 3
	(c) must not contravene a requirement of this section.	4 5
	Maximum penalty—27 penalty units.	6
	(9A) The employer or employer's representative may give the officer a direction to take, or not take, stated action if the employer or employer's representative is satisfied the direction is reasonably necessary to discharge the employer's duties under the <i>Work Health and Safety Act 2011</i> .	7 8 9 10 11 12 13
(7)	Section 373(2AA) to (11)— <i>renumber</i> as section 373(3) to (15).	14 15
Clause 14	Insertion of new s 390A	16
	Chapter 11, part 2, division 3— <i>insert</i> —	17 18
	390A Definitions for div 3	19
	In this division—	20
	<i>untaken leave</i> means leave, including, for example, annual leave or long service leave, that, immediately before a health employee ceases employment with a health employer, the employee is entitled to and has not taken.	21 22 23 24 25
Clause 15	Amendment of s 391 (Wages etc. to be paid without deduction)	26 27
(1)	Section 391(1)(c) and (3), 'written'— <i>omit</i> .	28 29
(2)	Section 391(4)—	30

renumber as section 391(5). 1

(3) Section 391— 2

insert— 3

(4) If an employee's consent authorising a deduction to be made from wages is not written, before making the deduction, the employer must give the employee written acknowledgement of the consent. 4
5
6
7
8

Clause 16 Amendment of s 396A (Recovery of health employment overpayments) 9
10

(1) Section 396A— 11

insert— 12

(2A) However, a deduction under subsection (2) can not be made from the health employee's final payment. 13
14
15

Note— 16

See section 396C in relation to deductions of overpayments from a health employee's final payment. 17
18

(2) Section 396A— 19

insert— 20

(5A) For subsection (5), the amount that would otherwise be paid to a health employee on a particular occasion is the amount that would have been paid to the employee on the occasion— 21
22
23
24

(a) but for the deduction under subsection (2); and 25
26

(b) disregarding any other deductions for any other purpose. 27
28

Examples of other deductions— 29

an income tax deduction, a superannuation contribution paid by the employee, a deduction made with the consent of the employee 30
31
32

	(3) Section 396A(7), all definitions—	1
	<i>relocate</i> to section 390A, as inserted by this Act.	2
	(4) Section 396A(7), as amended—	3
	<i>omit</i> .	4
	(5) Section 396A(2A) to (6)—	5
	<i>renumber</i> as section 396A(3) to (8).	6
Clause 17	Amendment of s 396B (Recovery of health employment transition loans)	7
	Section 396B(2), ‘equal’—	8
	<i>omit, insert—</i>	9
	up	10
Clause 18	Insertion of new ss 396C and 396D	11
	After section 396B—	12
	<i>insert—</i>	13
	396C Recovery of health employment overpayments on ceasing employment	14
	(1) This section applies if—	15
	(a) a health employer has paid a health employee an amount in relation to employment, or purportedly in relation to employment, to which the health employee is not entitled (the <i>overpayment</i>); and	16
	(b) when the employee ceases to be a health employee, all or part of the overpayment (the <i>outstanding overpayment</i>) has not been recovered by a health employer.	17
	(2) When the employee ceases to be a health employee, a health employer may deduct from the employee’s final payment an amount up to the amount of the outstanding overpayment.	18
		19
		20
		21
		22
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		30

- (3) A health employer may recover the outstanding overpayment by making a deduction under subsection (2)—
- (a) even if the overpayment was made by another health employer during the health employee’s employment with the other health employer; and
- (b) regardless of when the overpayment was made.
- (4) This section—
- (a) is of general application to health employers and health employees and is not limited by any other provision of this division; and
- (b) does not affect the operation of section 396.
- (5) In this section—
- continuing health employee* means a health employee who, immediately after ceasing to be a health employee, begins new employment, or resumes previous employment, as a health employee, on any basis.
- final payment*—
- 1 Generally, a health employee’s *final payment* is the total amount owing to the employee by the health employer on the day the employee ceases to be a health employee, including unpaid wages, or any other amount payable in relation to employment, to which the employee is entitled.
- 2 However, the *final payment* for a continuing employee includes only the component of the total amount mentioned in paragraph 1 that is the amount the employee is entitled to be paid for untaken leave.

	396D When employee ceases to be a health employee	1 2
	(1) For sections 396B and 396C, an employee ceases to be a health employee—	3 4
	(a) if, on ceasing employment with a health employer, the employee is entitled to be paid an amount for untaken leave; and	5 6 7
	(b) whether or not the employee subsequently begins new employment, or resumes previous employment, as a health employee, including employment on a casual basis.	8 9 10 11
	(2) This section does not limit the circumstances in which an employee otherwise ceases to be a health employee.	12 13 14
Clause 19	Amendment of ch 12, pt 9, div 3, hdg (Officers' financial management duties)	15 16
	Chapter 12, part 9, division 3, heading, 'financial management'—	17 18
	<i>omit.</i>	19
Clause 20	Amendment of s 526 (Application of div 3)	20
	Section 526, from 'if an officer'—	21
	<i>omit, insert—</i>	22
	to an officer of an organisation in the performance of the officer's functions or the exercise of the officer's powers.	23 24 25
Clause 21	Replacement of s 527 (Duty of honesty)	26
	Section 527—	27
	<i>omit, insert—</i>	28

	527 Duty of honesty, good faith and proper purpose	1 2
	The officer must act—	3
	(a) honestly; and	4
	(b) in good faith in the best interests of the organisation; and	5 6
	(c) for a proper purpose.	7
	Maximum penalty—3091 penalty units or 5 years imprisonment.	8 9
Clause 22	Amendment of s 528 (Duty of reasonable care and diligence)	10 11
	Section 528, penalty—	12
	<i>omit, insert—</i>	13
	Maximum penalty—3091 penalty units or 5 years imprisonment.	14 15
Clause 23	Amendment of s 529 (Officers with material personal interests)	16 17
	Section 529, penalties, ‘40 penalty units’—	18
	<i>omit, insert—</i>	19
	3091 penalty units or 5 years imprisonment	20
Clause 24	Amendment of ch 12, pt 11, hdg (Registers)	21
	Chapter 12, part 11, heading, after ‘Registers’—	22
	<i>insert—</i>	23
	other than financial registers	24
Clause 25	Insertion of new ch 12, pt 11, div 1, hdg	25
	Chapter 12, part 11—	26

insert—

**Division 1 Members and officers
 registers**

Clause 26 Insertion of new ch 12, pt 11, div 2

Chapter 12, part 11, after section 550—

insert—

**Division 2 Register of interests of
 officers**

Subdivision 1 Preliminary

**550A Meaning of *related* to an officer of an
 organisation**

A person is *related* to an officer of an organisation
if—

- (a) the person is the officer's spouse; or
- (b) the person is a child of the officer who is
totally or substantially dependent on the
officer; or
- (c) the person is another person who is totally
or substantially dependent on the officer,
and the person's affairs are so closely
connected with the affairs of the officer that
a benefit derived by the person, or a
substantial part of it, could pass to the
officer.

Subdivision 2 Initial registers of interests of officers	1 2
550B Initial registers must be prepared	3
Within 1 month after the commencement of this section, an organisation must prepare, for each of its officers, a written register of interests complying with section 550C in relation to the particulars notified to the organisation under section 550D.	4 5 6 7 8 9
Maximum penalty—20 penalty units.	10
550C Contents of initial registers	11
(1) The initial register of interests of an officer of an organisation must state the financial and non-financial particulars, prescribed under a regulation, of each interest held at any time during the initial year by—	12 13 14 15 16
(a) the officer; and	17
(b) each person related to the officer.	18
(2) However, the particulars of an interest held by the officer jointly, or in common, with a person related to the officer need to be stated in the register only once.	19 20 21 22
(3) Nothing in subsection (1) requires the register to include any of the following—	23 24
(a) the number or monetary value of shares;	25
(b) the monetary value of an asset, investment or other interest;	26 27
(c) the full street address of land;	28
(d) the account number of, or amount held in, an account held with a financial institution.	29 30

(4) To remove any doubt, it is declared that a person holds an interest if the person holds the interest alone, or jointly or in common, with another person.

(5) In this section—

initial year means the period 1 July 2012 to 30 June 2013.

550D Officer to notify interests

An officer of an organisation must (within 21 days after the commencement of this section) take reasonable steps to notify the organisation of each of the particulars of an interest that is required to be stated in the initial register of interests of the officer.

Maximum penalty—20 penalty units.

550E Publication and filing of initial registers

(1) An organisation must ensure a copy, complying with subsection (2), of the initial register of interests of each of its officers—

(a) is, within the required period, published in the approved way; and

Note—

See section 655A for how the copy must be published.

(b) continues to be published for a period of 2 years after the end of the period within which the initial register of interests is required to be prepared under section 550B.

(2) The copy of the register published under subsection (1) is not to include particulars of the interests of persons related to the officer.

(3)	An organisation must, within the required period, file a copy of the initial register of interests of each of its officers.	1 2 3
	Maximum penalty—20 penalty units.	4
(4)	In this section—	5
	<i>required period</i> means as soon as practicable but no later than 5 business days after the end of the period within which the initial register of interests is required to be prepared under section 550B.	6 7 8 9 10
	Subdivision 3 Registers of interests of officers	11 12
	550F Registers must be kept	13
	An organisation must keep, for each of its officers, a written register of interests complying with section 550G.	14 15 16
	Maximum penalty—40 penalty units.	17
	550G Contents of registers	18
(1)	The register of interests of an officer of an organisation must state the financial and non-financial particulars, prescribed under a regulation, of each interest held by—	19 20 21 22
	(a) the officer; and	23
	(b) each person related to the officer.	24
(2)	However, the particulars of an interest held by the officer jointly, or in common, with a person related to the officer need to be stated in the register only once.	25 26 27 28

-
- (3) Nothing in subsection (1) requires the register to include any of the following—
- (a) the number or monetary value of shares;
 - (b) the monetary value of an asset, investment or other interest;
 - (c) the full street address of land;
 - (d) the account number of, or amount held in, an account held with a financial institution.
- (4) To remove any doubt, it is declared that a person holds an interest if the person holds the interest alone, or jointly or in common, with another person.

550H Publication of registers

- (1) An organisation must ensure a copy, complying with subsection (2), of the register of interests of each of its officers—
- (a) is published in the approved way; and
- Note—*
- See section 655A for how the copy must be published.
- (b) continues to be published for a period of 2 years after the officer stops being an officer of the organisation.
- Maximum penalty—40 penalty units.
- (2) The copy of the register published under subsection (1) is not to include particulars of the interests of persons related to the officer.

550I Officer to notify incorrect particulars

- (1) Subsection (2) applies if an officer of an organisation becomes aware (including because of a notification under section 550J(4) or a

change in the officer's interests) of any of the following matters—	1 2
(a) that the particulars of an interest that must be stated in the register of interests of the officer are not stated in the register;	3 4 5
(b) that particulars of an interest stated in the register of interests of the officer are not, or are no longer, correct.	6 7 8
(2) The officer must notify the organisation of the particulars of the interest, or the correct particulars, within 30 days after the officer becomes aware of the matter.	9 10 11 12
Maximum penalty—85 penalty units.	13
(3) An organisation who is given a notification of a matter under subsection (2) must—	14 15
(a) immediately amend the register to include the particulars of the interest or correct the incorrect particulars; and	16 17 18
(b) as soon as practicable but no later than 5 business days after the amendment is made, ensure the copy of the register published under section 550H is replaced with a copy of the register incorporating the change.	19 20 21 22 23
Maximum penalty—40 penalty units.	24
550J Persons may notify suspected incorrect particulars	25 26
(1) This section applies if a person suspects on reasonable grounds that a register of interests of an officer of an organisation does not contain particulars that should be in the register or contains incorrect particulars.	27 28 29 30 31
(2) The person may notify the organisation of the person's suspicion.	32 33

-
- (3) If the organisation is notified of the person's suspicion under subsection (2), the organisation must immediately notify the officer of the person's suspicion. 1
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3
4
Maximum penalty—40 penalty units. 5
- (4) If the officer is notified of the person's suspicion under subsection (3), the officer must, within 30 days after receiving the notification— 6
7
8
- (a) establish whether the register should be amended to make it a true record of fact; and 9
10
- (b) if the officer establishes that the register does not need to be amended— 11
12
- (i) complete a statutory declaration stating that the particulars in the register of interests are a true record of fact; and 13
14
15
- (ii) give the statutory declaration to the organisation. 16
17
- Maximum penalty—85 penalty units. 18
- Note—* 19
- See section 550I in relation to the officer becoming aware that the register needs amendment. 20
21

Subdivision 4 Inspection of particulars in registers 22 23

550K Inspection of particulars in registers about related persons 24 25

- (1) This section applies if a register of interests of an officer of an organisation (the *relevant officer*) includes particulars about an interest held by a person related to the officer (the *related person*). 26
27
28
29
- (2) Any of the following persons may ask the organisation to make the part of the register 30
31

containing the particulars available for inspection free of charge, during the organisation's business hours—	1 2 3
(a) the registrar;	4
(b) an officer of the organisation;	5
(c) the related person;	6
(d) a person who has the written authority of a person mentioned in paragraph (a), (b) or (c) to inspect the particulars;	7 8 9
(e) another person permitted by law to inspect the particulars.	10 11
(3) An organisation to whom a request is made under subsection (2) must—	12 13
(a) comply with the request; and	14
(b) make a record of the following—	15
(i) the name and home or business address of the person who inspected the part of the register;	16 17 18
(ii) the part of the register inspected;	19
(iii) the date of the inspection; and	20
(c) for an inspection by a person other than the relevant officer or the related person, notify the officer and the person of the date of the inspection.	21 22 23 24
Maximum penalty—40 penalty units.	25
(4) In this section—	26
<i>register of interests</i> , of an officer of an organisation, includes an initial register of interests of the officer.	27 28 29

550L Improper disclosure of information about related persons' particulars	1 2
A person must not disclose information obtained from inspecting a register of interests of an officer of an organisation under section 550K to a person who is not authorised to inspect the information under that section.	3 4 5 6 7
Maximum penalty—85 penalty units.	8
550M Inspection of registers of interest	9
(1) This section applies to a register of interests of an officer of an organisation while the organisation is required to keep the register under section 550N.	10 11 12 13
(2) A person may ask the organisation to make the register available for inspection free of charge, during the organisation's business hours.	14 15 16
(3) Subject to section 550K, an organisation to whom a request is made under subsection (2) must comply with the request.	17 18 19
Maximum penalty for subsection (3)—40 penalty units.	20 21
Subdivision 5 General	22
550N Copies of registers of interest must be kept for 7 years	23 24
An organisation must keep each copy of a register of interests of an officer of the organisation published under this division for at least 7 years after the day the officer stops being an officer of the organisation.	25 26 27 28 29
Maximum penalty—40 penalty units.	30

Clause 27	Replacement of ch 12, pt 12, hdg (Accounts and audit)	1
	Chapter 12, part 12, heading—	2
	<i>omit, insert—</i>	3
	Part 12	4
	Finances and accountability	5
Clause 28	Amendment of s 551 (Definitions for pt 12)	6
	Section 551—	7
	<i>insert—</i>	8
	<i>gift</i> means—	9
	(a) the transfer of money, other property or other benefit—	10 11
	(i) without consideration; or	12
	(ii) for a consideration substantially less than full consideration; or	13 14
	(b) a loan of money or other property made on a permanent or indefinite basis, other than an overdraft facility.	15 16 17
	<i>non-cash benefit</i> means—	18
	(a) property or services in any form other than money; but	19 20
	(b) does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.	21 22 23
	<i>remuneration</i> , of a person, includes—	24
	(a) superannuation contributions made for the person; and	25 26
	(b) an amount payable, or non-cash benefit made available, to the person under the terms and conditions of the person's appointment or employment.	27 28 29 30

	<i>sponsored hospitality benefit—</i>	1
	(a) means a contribution, whether financial or non-financial, for the cost of travel undertaken or accommodation used by a person, whether in the person’s official capacity or another capacity; but	2 3 4 5 6
	(b) does not include a contribution mentioned in paragraph (a) given to a person by the person’s spouse, other family member or friend if there could not be a perception of a conflict of interest, financial or otherwise, relating to the contribution.	7 8 9 10 11 12
Clause 29	Insertion of new ch 12, pt 12, divs 1A and 1B	13
	After section 553—	14
	<i>insert—</i>	15
	Division 1A Financial policies and training	16 17
	553A Financial policies	18
	(1) An organisation must have a policy, complying with the requirements prescribed under a regulation, for each of the following—	19 20 21
	(a) decision-making about, and reporting of, the organisation’s financial matters;	22 23
	(b) authorisations and delegations relating to the organisation’s spending;	24 25
	(c) the organisation’s credit cards, including—	26
	(i) issuing, using and cancelling credit cards; and	27 28
	(ii) accountability for, reporting about, and audit of, the use of credit cards;	29 30

(d) the organisation's contracting activities, including the following—	1 2
(i) tender and selection processes;	3
(ii) reviewing significant contracts;	4
(iii) disclosing the identity of, and arrangements with, key service providers;	5 6 7
(e) travel and accommodation, including—	8
(i) spending by the organisation; and	9
(ii) receipt of sponsored hospitality benefits by its officers or employees from other entities;	10 11 12
(f) spending on, and receipt of, entertainment and hospitality;	13 14
<i>Examples of entertainment and hospitality—</i>	15
• providing food or beverages to a person visiting the organisation in an official capacity	16 17
• providing food or beverages for a conference, course, meeting, seminar, workshop or another forum held by the organisation for its officers, members, employees or other persons	18 19 20 21
• paying for an officer or employee of the organisation to attend a function as part of the officer's or employee's official duties or obligations	22 23 24 25
(g) gifts, including giving, receiving and disposing of gifts;	26 27
(h) how complaints about financial matters are dealt with;	28 29
(i) another matter relating to the financial management or accountability of the organisation prescribed under a regulation.	30 31 32
Maximum penalty—85 penalty units.	33
(2) In this section—	34

contracting activities means activities for the making of a contract for—

- (a) the carrying out of work; or
- (b) the supply of goods or services; or
- (c) the lease of land; or
- (d) the disposal of assets.

553B Financial management training

- (1) This section applies if the registrar approves financial management training for this section.
- (2) The organisation must ensure each of its financial management officers completes the approved financial management training—
 - (a) within 3 months after the relevant day; and
 - (b) at least once in each relevant period for the officer starting after the relevant day.

Maximum penalty—40 penalty units.

- (3) The registrar must publish information about financial management training approved for this section on the QIRC website.
- (4) In this section—

financial management officer, for an organisation, means an officer who holds an office that includes performing functions or exercising powers relating to the organisation's financial management.

relevant day means—

- (a) if the officer is a financial management officer on the day the training is approved—that day; or

(b) otherwise—the day the officer becomes, or again becomes, a financial management officer.	1 2 3
<i>relevant period</i> , for a financial management officer of an organisation, means each period of 2 years the officer is a financial management officer for the organisation, worked out by disregarding any period the officer is not a financial management officer for the organisation.	4 5 6 7 8 9 10
Division 1B Requirements for spending for political purposes	11 12 13
Subdivision 1 Preliminary	14
553C When does an organisation spend money for a political purpose	15 16
(1) An organisation spends money for a <i>political purpose</i> if it spends money for, or by the way of, any of the following—	17 18 19
(a) giving a gift to a political party;	20
(b) giving a gift to, or paying the costs or expenses of, a candidate for election, whether before, during or after the candidate’s candidature or election;	21 22 23 24
(c) publication or distribution in any way, including through advertising, of material about a political matter;	25 26 27
(d) an activity other than an activity mentioned in paragraph (a), (b) or (c) if the activity is able to, or intended to—	28 29 30

-
- (i) influence a person's opinion about a political matter; or 1
2
- (ii) ascertain a person's opinion about a political matter, including, for example, by opinion polling; 3
4
5
- (e) giving an amount to a person on the understanding that the person or someone else will apply, either directly or indirectly, the whole or a part of the amount for an activity mentioned in paragraph (a) to (d). 6
7
8
9
10
- (2) In this section— 11
- candidate for election***— 12
- (a) means a candidate for election to a legislature or local government; and 13
14
- (b) includes a prospective candidate. 15
- legislature*** means— 16
- (a) the Legislative Assembly; or 17
- (b) the legislature of the Commonwealth or another State. 18
19
- local government*** means a local government or a local government of another State. 20
21
- political matter*** means— 22
- (a) a political party; or 23
- (b) a candidate for election; or 24
- (c) a matter that a reasonable person would associate with a political object. 25
26
- political object*** means— 27
- (a) a political party or other political organisation; or 28
29
- (b) a political cause or belief. 30

political party means an entity whose object, or 1
of whose objects, is the promotion of the election 2
to a legislature or local government of a 3
candidate or candidates endorsed by it, or by an 4
entity of which it is a part. 5

Subdivision 2 Authorisation for particular 6 spending for political 7 purposes 8

553D Particular spending for political purposes 9 must be authorised by ballot 10

- (1) This section applies if— 11
- (a) an organisation intends to spend an amount 12
for a political purpose in a financial year; 13
and 14
 - (b) the organisation has spent or, if the amount 15
is spent, the organisation will have spent, in 16
the financial year, more than \$10000 for the 17
political purpose for the same political 18
object. 19
- (2) For subsection (1), an organisation spends more 20
than \$10000 in a financial year for the political 21
purpose for the same political object if— 22
- (a) in the financial year, the organisation spends 23
money for the political purpose on 1 or more 24
occasions for the political object; and 25
 - (b) all of the spending added together is more 26
than \$10000. 27
- (3) The organisation may spend the amount for the 28
political purpose only if the spending is 29
authorised by a ballot conducted under this 30
division (an *expenditure ballot*). 31
- Maximum penalty—85 penalty units. 32

-
- (4) The spending of an amount for a political purpose is authorised by an expenditure ballot if—
- (a) the spending was the subject of the expenditure ballot; and
 - (b) at least 50% of the members on the roll of voters for the ballot voted; and
 - (c) more than 50% of the valid votes cast authorised the spending.

Subdivision 3 Conduct of expenditure ballot etc.

553E Organisation must file prescribed expenditure ballot information

- (1) If an organisation proposes to conduct an expenditure ballot, the organisation must file the information prescribed under a regulation for the ballot.
- (2) The information must be filed before the day prescribed under a regulation or a later day the registrar allows.

553F Registrar must arrange for expenditure ballot

The registrar must arrange for an expenditure ballot to be conducted by the electoral commission if the information prescribed under a regulation is filed.

553G Electoral commission to conduct expenditure ballot at organisation's cost

- (1) An expenditure ballot must only be conducted by the electoral commission.

- (2) The costs of an expenditure ballot conducted by the electoral commission are payable by the organisation. 1
2
3
- (3) The electoral commission may recover the amount of the costs not paid on demand as a debt. 4
5

553H Compliance with prescribed rules 6

- (1) Subject to section 553I, an expenditure ballot must be conducted in accordance with the rules prescribed under a regulation. 7
8
9
- (2) The prescribed rules must— 10
 - (a) provide for the preparation of a roll of voters for an expenditure ballot; and 11
12
 - (b) if spending for more than 1 political purpose is the subject of an expenditure ballot, require a vote to be cast about authorising, for each political purpose, the spending of an amount for that political purpose. 13
14
15
16
17

553I Action or directions by electoral officer 18

- The electoral officer conducting an expenditure ballot or a step in an expenditure ballot may take action, and give directions, the officer considers necessary— 19
20
21
22
- (a) to ensure no irregularities happen in the ballot; or 23
24
 - (b) because a procedural matter is not provided for, or not sufficiently provided for, by the rules prescribed under section 553H. 25
26
27

553J Substitute electoral officer 28

The electoral commissioner must arrange for another electoral officer to complete an 29
30

-
- expenditure ballot, or a step in a ballot, if the
electoral officer conducting the ballot or taking
the step—
- (a) dies or can not complete the ballot or take
the step; or
- (b) ceases to be qualified to conduct the ballot
or take the step.

553K Expenditure ballot result report 8

- (1) The electoral commission must, within 14 days
after the declaration of the result of an
expenditure ballot, give the registrar and the
organisation a written result report for the
expenditure ballot stating the particulars
prescribed under a regulation.
- (2) A contravention of subsection (1) does not
invalidate the expenditure ballot.

553L Publication of result of expenditure ballot 17

- (1) An organisation must ensure a notice containing
the particulars about an expenditure ballot
mentioned in subsection (2)—
- (a) is, within 5 business days after receiving a
copy of the electoral commission's result
report for the expenditure ballot, published
in the approved way; and
- Note—*
- See section 655A for how the copy must be
published.
- (b) continues to be published for a period of 2
years after the receipt of the result report.
- Maximum penalty—40 penalty units.
- (2) For subsection (1), the particulars about the
expenditure ballot are as follows—

- | | |
|--|----------------|
| (a) the following information about the spending for each political purpose the subject of the ballot— | 1
2
3 |
| (i) the nature of the spending; | 4 |
| (ii) the amount of the spending; | 5 |
| (iii) the political object to which the spending relates; | 6
7 |
| (b) the number of members on the roll of voters for the ballot; | 8
9 |
| (c) the number of members mentioned in paragraph (b) who voted in the ballot; | 10
11 |
| (d) the number of members mentioned in paragraph (b) who voted to approve the spending; | 12
13
14 |
| (e) the number of members mentioned in paragraph (b) who voted not to approve the spending. | 15
16
17 |

553M Expenditure ballot records must be preserved 18
19

The electoral commission must do everything necessary to ensure all ballot records for an expenditure ballot are kept by it for 1 year after the ballot. 20
21
22
23

Subdivision 4 Offences 24

553N Obstructing conduct of expenditure ballot 25

A person must not obstruct another person conducting an expenditure ballot. 26
27

Maximum penalty—80 penalty units. 28

553O Failing to comply with electoral officer's direction	1 2
A person to whom a direction is given by an electoral officer under section 553I must not fail to comply with the direction, unless the person has a reasonable excuse for not complying with the direction.	3 4 5 6 7
Maximum penalty—80 penalty units.	8
553P Obstructing electoral officer's direction	9
A person must not obstruct another person complying with a direction given by an electoral officer under section 553I.	10 11 12
Maximum penalty—80 penalty units.	13
553Q Other offences about expenditure ballot	14
A person must not, without lawful authority or excuse, do any of the following for an expenditure ballot—	15 16 17
(a) obtain or possess a ballot paper if the person does not have the right to obtain or possess it;	18 19 20
(b) pretend to be and vote as someone else;	21
(c) amend, deface, destroy, interfere with, or remove a ballot record;	22 23
(d) vote in the ballot if the person does not have the right to vote;	24 25
(e) vote more than once;	26
(f) forge a ballot record;	27
(g) utter a ballot record knowing it to be forged;	28
(h) give a ballot record to someone else;	29

(i)	put a ballot record in a ballot box or other container used for the ballot (also a <i>ballot box</i>) if the person does not have the right to vote;	1 2 3 4
(j)	deliver or post a ballot record to another person performing functions for the ballot if the person does not have the right to deliver or post it;	5 6 7 8
(k)	destroy, interfere with, open, or remove a ballot box.	9 10
	Maximum penalty—80 penalty units.	11

553R Inducing vote or support etc. 12

(1)	A person must not cause, inflict or procure a disadvantage to anyone or anything because of, or to induce—	13 14 15
(a)	a vote or omission to vote in an expenditure ballot; or	16 17
(b)	support for or opposition to the matter the subject of an expenditure ballot; or	18 19
(c)	a promise of a vote, omission to vote, support or opposition for a matter in an expenditure ballot.	20 21 22

Maximum penalty—80 penalty units. 23

(2)	In this section—	24
	<i>cause</i> a disadvantage includes offering, suggesting and threatening a disadvantage.	25 26
	<i>disadvantage</i> includes damage, detriment, injury, loss, punishment and violence.	27 28

553S Unauthorised access to ballot paper 29

	A person must not, without lawful authority or excuse—	30 31
--	--	----------

(a)	ask, require or induce another person to show to the person, or permit the person to see, a ballot paper for an expenditure ballot so the person can see the vote recorded in the ballot paper—	1 2 3 4 5
(i)	while the paper is being marked; or	6
(ii)	after it has been marked; or	7
(b)	if the person is performing functions for an expenditure ballot—show to anyone else or permit anyone else access to a ballot paper used in the expenditure ballot, other than to perform the functions.	8 9 10 11 12
	Maximum penalty—80 penalty units.	13
Clause 30	Insertion of new ch 12, pt 12, divs 2A and 2B	14
	After section 557—	15
	<i>insert—</i>	16
	Division 2A Financial registers	17
	557A Register of gifts, hospitality and other benefits given and received must be kept	18 19
(1)	An organisation must, for each financial year, keep a written register stating the particulars mentioned in subsection (2) for each of the following (each a <i>benefit</i>)—	20 21 22 23
(a)	any of the following given in the year by the organisation to a person other than an officer or employee of the organisation—	24 25 26
(i)	a gift or gifts, if the gift has a value, or the gifts have a combined value, of more than the value prescribed under a regulation;	27 28 29 30

(ii)	a contribution, whether financial or non-financial, for the cost of travel undertaken or accommodation used by the person;	1 2 3 4
(b)	an amount or a non-cash benefit given in the year by the organisation to an officer or employee, other than as remuneration in the year;	5 6 7 8
(c)	any of the following received in the year by an officer or employee of the organisation from an entity other than the organisation in the year—	9 10 11 12
(i)	a gift or gifts, if—	13
(A)	the gift has a value, or the gifts have a combined value, of more than the value prescribed under a regulation; and	14 15 16 17
(B)	the gift is, or gifts are, received by the officer or employee in an official capacity;	18 19 20
(ii)	a sponsored hospitality benefit.	21
	Maximum penalty—40 penalty units.	22
(2)	The register must state the following particulars for each benefit—	23 24
(a)	the name of the recipient of the benefit;	25
(b)	the name of the entity who gave the benefit;	26
(c)	a description of the benefit;	27
(d)	the value of the benefit;	28
(e)	the date the benefit was given.	29
(3)	If an officer or employee of the organisation receives a benefit mentioned in subsection (1)(c), the officer or employee must, within 30 days	30 31 32

after the receipt, notify the organisation of the receipt.	1 2
Maximum penalty—40 penalty units.	3
(4) For subsection (1)(c) a person does not receive a gift in an official capacity if—	4 5
(a) the gift was given to the person by another person who is the first person’s spouse, other family member or friend; and	6 7 8
(b) there could not be a perception of a conflict of interest, financial or otherwise, relating to the gift.	9 10 11

557B Register of political spending 12

(1) An organisation must, for each financial year, keep a written register stating the particulars mentioned in subsection (3) for each occasion it spends more than \$10000 in the year for political purposes for the same political object.	13 14 15 16 17
Maximum penalty—40 penalty units.	18
(2) For subsection (1), an organisation spends more than \$10000 in a financial year for political purposes for the same political object if—	19 20 21
(a) in the year, the organisation spends money for a political purpose on 1 or more occasions for the political object; and	22 23 24
(b) all of the spending added together is more than \$10000.	25 26
(3) The register must state the following for the spending—	27 28
(a) the nature of the spending;	29
(b) the amount of the spending;	30
(c) the political object to which the spending relates;	31 32

- (d) the date of each expenditure ballot that authorised the spending or any part of it. 1
2

557C Register of loans, grants and donations 3

- (1) An organisation must, for each financial year, keep a written register stating the particulars mentioned in subsection (4) for each occasion it makes a loan, or gives a grant or donation, to an entity, (each a *payment*) of more than \$1000 in the year. 4
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6
7
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9
Maximum penalty—40 penalty units. 10
- (2) For subsection (1), a payment of more than \$1000 is made to an entity in a financial year if— 11
12
- (a) 1 or more payments are made to the entity in a financial year; and 13
14
- (b) all of the payments added together are more than \$1000. 15
16
- (3) However, the register need not include any payment that is included in the register kept under section 557B. 17
18
19
- (4) The register must state the following for each payment— 20
21
- (a) the amount of the payment and the reason for making it; 22
23
- (b) if it was not a financial hardship payment— 24
- (i) the name and address of the entity to whom it was made; and 25
26
- (ii) if it was a loan—the arrangements to repay the loan. 27
28

557D Publication of financial registers	1
An organisation must ensure a copy of each register kept by the organisation under this division for a financial year—	2 3 4
(a) is published in the approved way; and	5
<i>Note—</i>	6
See section 655A for how the copy must be published.	7 8
(b) continues to be published for a period of 2 years after the end of the financial year.	9 10
Maximum penalty—40 penalty units.	11
557E Updating financial registers	12
(1) This section applies if something, the particulars of which are required to be included in a register kept by an organisation under this division, happens (the <i>new matter</i>).	13 14 15 16
(2) The organisation must—	17
(a) immediately amend the register to include the particulars of the new matter; and	18 19
(b) as soon as practicable but no later than 5 business days after the amendment is made, ensure the copy of the register published under section 557D is replaced with a copy of the register incorporating the change.	20 21 22 23 24
Maximum penalty—40 penalty units.	25
557F Financial registers must be kept for 7 years	26
An organisation must keep each register kept by the organisation under this division for at least 7 years after the end of the financial year to which the register relates.	27 28 29 30
Maximum penalty—40 penalty units.	31

557G Inspection of financial registers	1
(1) This section applies to a register during the period the organisation is required to keep the register under section 557F.	2 3 4
(2) A person may ask the organisation to make the register available for inspection free of charge, during the organisation's business hours.	5 6 7
(3) An organisation to whom a request is made under subsection (2) must comply with the request.	8 9
Maximum penalty for subsection (3)—40 penalty units.	10 11
Division 2B Financial disclosure statements	12 13
Subdivision 1 Preliminary	14
557H Definitions for div 2B	15
In this division—	16
<i>initial year</i> means the period 1 July 2012 to 30 June 2013.	17 18
557I Who is an <i>official, highly paid official or board member official</i> of an organisation	19 20
(1) For this division—	21
(a) each officer or employee of an organisation is an official of the organisation; and	22 23
(b) if an organisation has less than 10 officials in the initial year or a financial year—each official of the organisation is a highly paid official of the organisation for the year; and	24 25 26 27

-
- (c) if an organisation has 10 or more officials in the initial year or a financial year—the 10 most highly paid officials of the organisation for the year are each a highly paid official of the organisation for the year; and
- (d) an official of an organisation is a board member official of the organisation if the official is a member of a board and—
- (i) the membership is a function of the official’s office or employment with the organisation; or
 - (ii) the organisation nominated the official to be a member of the board.
- (2) For subsection (1)(c), an official of an organisation is more highly paid than another official of the organisation for the initial year or a financial year if the first official is paid more remuneration for the year than the other official.

Subdivision 2 Initial financial disclosure statement

557J Initial financial disclosure statement

Within 1 month after the commencement of this section, an organisation must, for the initial year, prepare an initial financial disclosure statement that complies with sections 557K to 557N to the extent to which the particulars mentioned in the sections are known to, or can be reasonably ascertained by, the organisation.

Maximum penalty—20 penalty units.

557K Remuneration and benefits for highly paid officials	1 2
The initial financial disclosure statement must include the following particulars for each highly paid official of the organisation for the initial year—	3 4 5 6
(a) the remuneration paid to the official in the year;	7 8
(b) any non-cash benefit, including the value of the benefit, given to the official by the organisation, other than as remuneration, in the year;	9 10 11 12
(c) any amount paid to the official in the official's capacity as a board member official in the year.	13 14 15
557L Gifts, hospitality and other benefits given and received	16 17
(1) The initial financial disclosure statement must include the particulars mentioned in subsection (2) for each of the following (each a <i>benefit</i>) for the initial year—	18 19 20 21
(a) any of the following given in the year by the organisation to a person other than an officer or employee of the organisation—	22 23 24
(i) a gift or gifts, if the gift has a value, or the gifts have a combined value, of more than the value prescribed under a regulation;	25 26 27 28
(ii) a contribution, whether financial or non-financial, for the cost of travel undertaken or accommodation used by the person;	29 30 31 32
(b) an amount or a non-cash benefit given in the year by the organisation to an officer or	33 34

employee, other than as remuneration in the year;	1 2
(c) any of the following received in the year by an officer or employee of the organisation from an entity other than the organisation and notified to the organisation under subsection (3)—	3 4 5 6 7
(i) a gift or gifts, if—	8
(A) the gift has a value, or the gifts have a combined value, of more than the value prescribed under a regulation; and	9 10 11 12
(B) the gift is, or gifts are, received by the officer or employee in an official capacity;	13 14 15
(ii) a sponsored hospitality benefit.	16
(2) The initial financial disclosure statement must state the following particulars for each benefit—	17 18
(a) the name of the recipient of the benefit;	19
(b) the name of the entity who gave the benefit;	20
(c) a description of the benefit;	21
(d) the value of the benefit;	22
(e) the date the benefit was given.	23
(3) If an officer or employee of the organisation received a benefit mentioned in subsection (1)(c)(i) or (ii), the officer or employee must (within 21 days after the commencement of this section) take reasonable steps to notify the organisation of the receipt.	24 25 26 27 28 29
Maximum penalty—20 penalty units.	30
(4) For subsection (1)(c) a person does not receive a gift in an official capacity if—	31 32

- (a) the gift was given to the person by another person who is the first person's spouse, other family member or friend; and
- (b) there could not be a perception of a conflict of interest, financial or otherwise, relating to the gift.

557M Spending for political purposes

- The initial financial disclosure statement must include the following particulars for each occasion in the initial year on which the organisation spent money for a political purpose—
- (a) the nature of the spending;
 - (b) the amount of the spending;
 - (c) the political object to which the spending relates.

557N Procurement spending

- (1) The initial financial disclosure statement must include the following particulars for each entity (a *supplier*) to whom the organisation paid a total of more than \$5000 in the initial year for 1 or more procurements—
 - (a) the name of the supplier;
 - (b) a description of the procurement or procurements purchased by the organisation from, or carried out for the organisation by, the supplier in the year;
 - (c) the amount paid to the supplier for the procurement or each procurement mentioned in paragraph (b).
- (2) In this section—

-
- procurement*** means— 1
- (a) the purchase of goods or services; or 2
 - (b) the carrying out of work. 3
- services*** includes auditing services and legal 4
services. 5

**557O Publication of initial financial disclosure 6
statement 7**

- (1) An organisation must ensure a copy of its initial 8
financial disclosure statement— 9
 - (a) is, within the required period, published in 10
the approved way; and 11
- Note*— 12
- See section 655A for how the copy must be 13
published. 14
- (b) continues to be published for a period of 2 15
years after the end of the period within 16
which the initial disclosure statement is 17
required to be prepared under section 557J. 18
- Maximum penalty—40 penalty units. 19
- (2) In this section— 20
- required period*** means as soon as practicable but 21
no later than 5 business days after the end of the 22
period within which the initial disclosure 23
statement is required to be prepared under section 24
557J. 25

Subdivision 3 Annual financial disclosure statement	1 2
557P Financial year for first annual financial disclosure statement	3 4
(1) This section applies if an organisation's first financial year after the initial year ends starts on a day other than 1 July 2013.	5 6 7
(2) For this subdivision, the financial year includes the period—	8 9
(a) starting on 1 July 2013; and	10
(b) ending on the day before the financial year would otherwise have started.	11 12
557Q Annual financial disclosure statement	13
An organisation must, for each financial year, prepare a financial disclosure statement complying with sections 557R to 557X as soon as practicable after the year ends.	14 15 16 17
Maximum penalty—40 penalty units.	18
557R Accounts	19
The financial disclosure statement must include a copy of the organisation's accounts for the financial year.	20 21 22
557S Remuneration and benefits for highly paid officials	23 24
The financial disclosure statement must include the following particulars for each highly paid official of the organisation for the financial year—	25 26 27 28

- (a) the remuneration paid to the official in the year; 1
2
- (b) any non-cash benefit, including the value of the benefit, given to the official by the organisation, other than as remuneration, in the year; 3
4
5
6
- (c) any amount paid to the official in the official's capacity as a board member official in the year. 7
8
9

557T Financial registers 10

The financial disclosure statement must include, for each register the organisation is required to keep under division 2A, the address of the website on which the register is published under section 557D. 11
12
13
14
15

557U Spending for political purposes 16

The financial disclosure statement must include the following particulars for each occasion in the financial year on which the organisation spent money for a political purpose— 17
18
19
20

- (a) the nature of the spending; 21
- (b) the amount of the spending; 22
- (c) the political object to which the spending relates; 23
24
- (d) if the spending or any part of it was authorised by an expenditure ballot—the date of the ballot. 25
26
27

557V Procurement spending 28

- (1) The initial financial disclosure statement must include the following particulars for each entity 29
30

- (a *supplier*) to whom the organisation paid a total of more than \$5000 in the financial year for 1 or more procurements— 1
2
3
- (a) the name of the supplier; 4
- (b) a description of the procurement or procurements purchased by the organisation from, or carried out for the organisation by, the supplier in the year; 5
6
7
8
- (c) the amount paid to the supplier for the procurement or each procurement mentioned in paragraph (b). 9
10
11
- (2) In this section— 12
- procurement* means— 13
- (a) the purchase of goods or services; or 14
- (b) the carrying out of work. 15
- services* includes auditing services and legal services. 16
17

557W Financial policies 18

- The financial disclosure statement must include the following particulars for each policy the organisation has under section 553A— 19
20
21
- (a) the name of the policy; 22
- (b) a brief description of the policy; 23
- (c) the date the policy was adopted by the organisation; 24
25
- (d) the date, if any, the policy was last reviewed by the organisation. 26
27

557X Officers' financial management training	1
The financial disclosure statement must include	2
the following particulars for each officer of the	3
organisation to whom section 553B applies—	4
(a) the officer's name;	5
(b) a description of the officer's role in the	6
organisation;	7
(c) the date the officer most recently completed	8
the training required under section 553B(2).	9
Subdivision 4 Mid-year financial disclosure statement	10
	11
557Y Mid-year financial disclosure statement	12
(1) An organisation must, for each financial year,	13
prepare a mid-year financial disclosure statement	14
complying with subsection (2) within 7 months	15
after the start of the year.	16
Maximum penalty—40 penalty units.	17
(2) The mid-year financial statement must—	18
(a) be prepared for the first 6 months of the	19
financial year; and	20
(b) include the following information for each	21
official of the organisation expected to be a	22
highly paid official for the year—	23
(i) the remuneration expected to be paid to	24
the official in the year;	25
(ii) the remuneration paid to the official in	26
the first 6 months of the year;	27
(iii) any non-cash benefit, including the	28
value of the benefit, expected to be	29
given to the official by the	30

	organisation, other than as remuneration, in the year;	1 2
	(iv) any non-cash benefit, including the value of the benefit, given to the official by the organisation, other than as remuneration, in the first 6 months of the year;	3 4 5 6 7
	(v) any amount paid to the official in the official's capacity as a board member official in the year.	8 9 10
(3)	If an organisation's first financial year after the initial year ends starts on a day other than 1 July 2013, for this section the financial year includes the period—	11 12 13 14
	(a) starting on 1 July 2013; and	15
	(b) ending on the day before the financial year would otherwise have started.	16 17
	557Z Publication of mid-year financial disclosure statement	18 19
(1)	An organisation must ensure a copy of its mid-year financial disclosure statement—	20 21
	(a) is, within the required period, published in the approved way; and	22 23
	<i>Note—</i>	24
	See section 655A for how the copy must be published.	25 26
	(b) continues to be published for a period of 2 years after the end of the period within which the mid-year financial disclosure statement is required to be prepared under section 557Y(1).	27 28 29 30 31
	Maximum penalty—40 penalty units.	32
(2)	In this section—	33

required period means as soon as practicable but
no later than 5 business days after the period
within which the mid-year financial disclosure
statement is required to be prepared under section
557Y(1).

Subdivision 5 General

557ZA Financial disclosure statements must be kept for 7 years

- (1) An organisation must keep each financial
disclosure statement prepared by the organisation
under this division for at least 7 years after the
end of the period to which the statement relates.

Maximum penalty—40 penalty units.

- (2) In this section—

financial disclosure statement includes an initial
financial disclosure statement and a mid-year
financial disclosure statement.

557ZB Inspection of financial disclosure statements

- (1) This section applies to a financial disclosure
statement during the period the organisation is
required to keep the statement under section
557ZA.

- (2) A person may ask the organisation to make the
statement available for inspection free of charge,
during the organisation's business hours.

- (3) An organisation to whom a request is made under
subsection (2) must comply with the request.

Maximum penalty for subsection (3)—40 penalty
units.

Clause 31	Amendment of s 558 (Obligation to have auditor)	1
	Section 558(3)—	2
	<i>insert</i> —	3
	<i>accounting records</i> , of an organisation for a financial year, includes the organisation's financial disclosure statement and mid-year financial disclosure statement for the financial year.	4 5 6 7 8
Clause 32	Amendment of s 560 (Requirements for audit report)	9
(1)	Section 560(d) and (e)—	10
	<i>renumber</i> as section 560(g) and (h).	11
(2)	Section 560—	12
	<i>insert</i> —	13
	(d) the financial disclosure statement and mid-year financial disclosure statement for the year were prepared under this Act; and	14 15 16
	(e) the organisation has the policies it is required to have under section 553A(1); and	17 18
	(f) the organisation's spending for political purposes, if any, contravened the requirements of section 553D; and	19 20 21
(3)	Section 560(g), as renumbered, '(c)'—	22
	<i>omit, insert</i> —	23
	(f)	24
Clause 33	Amendment of s 563 (Auditor's powers)	25
	Section 563(7)—	26
	<i>omit, insert</i> —	27
	(7) In this section—	28

	<i>accounting records</i> , of an organisation, includes a financial disclosure statement and mid-year financial disclosure statement of the organisation.	1 2 3	
	<i>auditor</i> includes—	4	
	(a) the registrar’s auditor engaged to examine the organisation’s accounting records; and	5 6	
	(b) a complaints auditor.	7	
Clause 34	Amendment of s 564 (Auditors have qualified privilege)	8	
	Section 564(3)—	9	
	<i>omit, insert</i> —	10	
	(3) In this section—	11	
	<i>auditor</i> means—	12	
	(a) an organisation’s auditor; or	13	
	(b) the registrar’s auditor; or	14	
	(c) a complaints auditor.	15	
Clause 35	Replacement of ch 12, pt 12, div 4, hdg (Presentation and filing of audit reports)	16 17	
	Chapter 12, part 12, division 4, heading—	18	
	<i>omit, insert</i> —	19	
	Division 4	Presentation, filing and publication of audit reports and financial disclosure statements	20 21 22 23
Clause 36	Replacement of s 565 (Obligation to present to general or committee meeting)	24 25	
	Section 565—	26	
	<i>omit, insert</i> —	27	

565 Obligation to present to general meeting	1
An organisation must present its audit report and financial disclosure statement for a financial year to a general meeting (a <i>presentation meeting</i>) within—	2 3 4 5
(a) 5 months after the end of the financial year; or	6 7
(b) if the registrar has extended the time to hold the meeting—the extended time.	8 9
Maximum penalty—40 penalty units.	10

Clause 37	Amendment of s 566 (Obligation to publish audit report and accounts)	11 12
(1)	Section 566, heading, ‘accounts’— <i>omit, insert</i> —	13 14
	financial disclosure statement	15
(2)	Section 566(a), ‘relevant accounts’— <i>omit, insert</i> —	16 17
	financial disclosure statement	18
(3)	Section 566(b), ‘accounts’— <i>omit, insert</i> —	19 20
	statement	21

Clause 38	Amendment of s 568 (Auditor may attend meetings)	22
	Section 568(1)(a), ‘accounts’— <i>omit, insert</i> —	23 24
	financial disclosure statement	25

Clause 39	Amendment of s 569 (False or misleading statements about reports)	1
		2
(1)	Section 569, heading, after ‘reports’—	3
	<i>omit, insert—</i>	4
	or statements	5
(2)	Section 569(1)(a)(i), ‘relevant accounts’—	6
	<i>omit, insert—</i>	7
	financial disclosure statement	8
(3)	Section 569(a)(ii), from ‘accounts’ to ‘committee’—	9
	<i>omit, insert—</i>	10
	statement to a general	11
(4)	Section 569(b), ‘accounts’—	12
	<i>omit, insert—</i>	13
	statement	14
Clause 40	Amendment of s 570 (Report and accounts must be filed)	15
(1)	Section 570, heading—	16
	<i>omit, insert—</i>	17
	570 Report and statement must be filed and published	18
		19
(2)	Section 570(1)(a), ‘relevant accounts’—	20
	<i>omit, insert—</i>	21
	financial disclosure statement	22
(3)	Section 570(1)(b), from ‘accounts’ to ‘committee’—	23
	<i>omit, insert—</i>	24
	statement have been presented to a general	25
(4)	Section 570(2)—	26
	<i>renumber</i> as section 570(3).	27

(5) Section 570—	1
<i>insert—</i>	2
(2) An organisation must, within the required period and for a period of at least 2 years, ensure a copy of the audit report and its financial disclosure statement—	3 4 5 6
(a) is published in the approved way; and	7
<i>Note—</i>	8
See section 655A for how the copy must be published.	9 10
(b) continues to be published for a period of 2 years after the end of the financial year to which the report and statement relate.	11 12 13
Maximum penalty—40 penalty units.	14
<i>Note—</i>	15
See section 655A for how the copy must be published.	16
(6) Section 570(3), as renumbered, definition <i>required period</i> , ‘accounts’—	17 18
<i>omit, insert—</i>	19
statement	20

Clause 41	Insertion of new ch 12, pt 12, div 5, sdiv 1	21
	Chapter 12, part 12, division 5, before section 571—	22
	<i>insert—</i>	23
	Subdivision 1 Preliminary	24
	570A Compliance functions of registrar	25
	(1) The functions of the registrar include the following—	26 27
	(a) investigating and monitoring the compliance of organisations with this part;	28 29

	(b) reporting to the chief executive on all investigations conducted by the registrar;	1 2
	(c) referring to the chief executive matters involving suspected unlawful conduct, other than a contravention of this part, of an organisation or an employee or officer of an organisation;	3 4 5 6 7
	(d) in particular circumstances, engaging an auditor to examine an organisation's accounting records.	8 9 10
	(2) In this section— <i>accounting records</i> , of an organisation, includes a financial disclosure statement and mid-year financial disclosure statement of the organisation.	11 12 13 14
Clause 42	Insertion of new ch 12, pt 12, div 5, sdiv 2 hdg	15
	After section 570A, as inserted by this Act—	16
	<i>insert—</i>	17
	Subdivision 2 Investigations by registrar	18
Clause 43	Replacement of s 571 (Registrar's investigations)	19
	Section 571—	20
	<i>omit, insert—</i>	21
	571 Grounds for registrar's investigation	22
	(1) The registrar must investigate whether an organisation has complied with this part if—	23 24
	(a) an audit report for the organisation states—	25
	(i) there was an accounting deficiency in the organisation's accounts; or	26 27
	(ii) another matter the registrar considers should be investigated; or	28 29

- (b) the registrar reasonably suspects, on the basis of any information within the registrar's knowledge or possession, that the organisation has contravened this part; or
- (c) asked to do so by the chief executive; or
- (d) asked to do so by the required number of members of the organisation.
- (2) The registrar may also investigate whether an organisation has complied with this part in another circumstance prescribed under a regulation.
- (3) However, this section does not apply if the registrar is given a direction not to investigate the matter under section 571B(2).
- 571A Notification of particular matters to chief executive**
- (1) Before the registrar starts an investigation, the registrar must notify the chief executive of the matter that is to be investigated.
- (2) Also, the registrar must notify the chief executive of any other matter the registrar reasonably suspects, on the basis of information within the registrar's knowledge or possession, involves or may involve unlawful conduct, other than a contravention of this part, by—
- (a) an organisation; or
- (b) an employee or officer of an organisation.
- 571B Chief executive may discontinue registrar's investigation**
- (1) This section applies if—

	(a) the registrar gives the chief executive notice of an investigation of a matter under section 571A; and	1 2 3
	(b) the chief executive is satisfied that the matter is being, has been or will be investigated under part 15A, division 3.	4 5 6
(2)	The chief executive may direct the registrar not to investigate the matter.	7 8
(3)	A direction under subsection (2) must be given as soon as practicable after the notice mentioned in subsection (1)(a) is given to the chief executive.	9 10 11
(4)	If a direction under subsection (2) is given—	12
	(a) the registrar must—	13
	(i) take all reasonable steps to immediately stop the investigation; and	14 15
	(ii) if information or documents have been given to the registrar in compliance with a direction given under section 572 or 572A—give the information or documents to the chief executive; and	16 17 18 19 20
	(b) for a direction that has been given by the registrar under section 572 or 572A in relation to the investigation that has not been complied with—	21 22 23 24
	(i) the direction is taken to be of no further effect; and	25 26
	(ii) the registrar must immediately notify the person to whom the direction was given that it is of no further effect.	27 28 29
Clause 44	Replacement of s 572 hdg (Registrar's directions for investigation)	30 31
	Section 572, heading—	32
	<i>omit, insert—</i>	33

**572 Registrar’s power to obtain information
from current or former auditor, employee
or officer of organisation** 1
2
3

Clause 45 Insertion of new s 572A 4

After section 572— 5

insert— 6

**572A Registrar’s power to obtain information from
other persons** 7
8

(1) This section applies to a person (a *third party*) 9
who is not an auditor, employee or officer, or a 10
former auditor, employee or officer, of the 11
organisation if— 12

(a) the registrar has given a direction under 13
section 572 to a person; and 14

(b) after considering any information or 15
documents given in compliance with the 16
direction, the registrar reasonably 17
believes— 18

(i) there is information relevant to the 19
investigation within the third party’s 20
knowledge or possession; or 21

(ii) the third party has control or custody of 22
documents relevant to the 23
investigation; and 24

(c) the registrar reasonably believes it is 25
unlikely the information or documents could 26
be obtained by giving a direction under 27
section 572 to a person who is an auditor, 28
employee or officer, or a former auditor, 29
employee or officer, of the organisation. 30

(2) The registrar may direct the third party to give the 31
registrar— 32

	(a) information relevant to the investigation within the third party's knowledge or possession; or	1 2 3
	(b) documents relevant to the investigation over which the third party has control or custody.	4 5
(3)	If a direction is given to a third party under this section, the third party must comply with the direction, unless the third party has a reasonable excuse for not complying with the direction.	6 7 8 9
	Maximum penalty—40 penalty units.	10
(4)	It is a reasonable excuse for a third party who is an individual not to comply with the direction if doing so might tend to incriminate the third party.	11 12 13
Clause 46	Insertion of new s 574A	14
	After section 574—	15
	<i>insert—</i>	16
	574A Registrar to report to chief executive	17
(1)	The registrar must report the results of the investigation to the chief executive.	18 19
(2)	The report must—	20
(a)	contain or be accompanied by—	21
(i)	all relevant information or documents obtained by the registrar for the investigation; and	22 23 24
(ii)	if the registrar has given the organisation a notice under section 573(2)—a copy of the notice; and	25 26 27
(b)	state the registrar's findings and the reasons for the findings; and	28 29
(c)	if the registrar reasonably suspects the organisation, or an employee or officer of the organisation, has committed an offence	30 31 32

	against an Act or a law of another State or the Commonwealth, state—	1 2
	(i) details of the suspected offence; and	3
	(ii) the registrar’s recommendation about whether the chief executive should, under section 636C, refer the matter of the suspected offence to the commissioner of the police service or the commissioner of a police force or service of another State or the Commonwealth; and	4 5 6 7 8 9 10 11
	(iii) the reasons for the registrar’s recommendation.	12 13
Clause 47	Insertion of new ch 12, pt 12, div 5, sdiv 3 hdg	14
	After section 574A, as inserted by this Act—	15
	<i>insert—</i>	16
	Subdivision 3 Examinations and audits by registrar	17 18
Clause 48	Amendment of s 575 (Registrar’s examinations and audits)	19 20
	(1) Section 575(1)(b), ‘in its accounts’—	21
	<i>omit, insert—</i>	22
	for a matter mentioned in section 560(a) to (f)	23
	(2) Section 575—	24
	<i>insert—</i>	25
	(3) In this section—	26
	<i>accounting records</i> , of an organisation for a financial year, includes the organisation’s financial disclosure statement and mid-year	27 28 29

	financial disclosure statement for the financial year.	1 2
Clause 49	Omission of ch 12, pt 12, div 6 (Loans, grants and donations)	3 4
	Chapter 12, part 12, division 6—	5
	<i>omit.</i>	6
Clause 50	Insertion of new ch 12, pt 12A	7
	Chapter 12—	8
	<i>insert—</i>	9
	Part 12A Political party affiliation must be stated in political advertising	10 11 12
	579A When is an organisation <i>affiliated</i> with a political party	13 14
	(1) An organisation is <i>affiliated</i> with a political party if, under the political party’s constitution or rules—	15 16 17
	(a) the organisation is recognised as an affiliate or a member of the political party; or	18 19
	(b) the organisation is entitled to—	20
	(i) appoint delegates to the political party’s governing body; or	21 22
	(ii) participate in selecting the political party’s candidates for election.	23 24
	(2) In this section—	25
	<i>candidate for election</i> see section 553C(2).	26

579B Political party affiliation must be stated in political advertising	1
	2
(1) This section applies to an organisation that is affiliated with a political party.	3
	4
(2) The organisation must not publish or distribute in any way, including through advertising, material about a political matter unless the material includes, at its end, a statement that the organisation is affiliated with the political party.	5
	6
	7
	8
	9
Maximum penalty—85 penalty units.	10
(3) For subsection (2), the organisation publishes or distributes material about a political matter if the organisation—	11
	12
	13
(a) publishes or distributes the material; or	14
(b) authorises another person to publish or distribute the material.	15
	16
(4) In this section—	17
<i>political matter</i> see section 553C(2).	18

Clause 51	Omission of ch 12, pt 13, div 1, sdiv 3 (Exemption from accounting or audit provisions)	19
		20
	Chapter 12, part 13, division 1, subdivision 3—	21
	<i>omit.</i>	22

Clause 52	Amendment of s 590 (Who may apply)	23
	Section 590, ‘to 4’—	24
	<i>omit, insert—</i>	25
	and 3	26

Clause 53	Amendment of s 591 (Grant of exemption)	27
	(1) Section 591(2) and (3)—	28

renumber as section 591(3) and (4). 1

(2) Section 591— 2

insert— 3

(2) However, the registrar may not exempt the 4
organisation from the obligation to appoint a 5
competent person as its auditor to inspect and 6
audit the organisation's financial disclosure 7
statement and mid-year financial disclosure 8
statement for a financial year. 9

(3) Section 591— 10

insert— 11

(5) In this section— 12

competent person see section 558(3). 13

**Clause 54 Replacement of s 592 (Obligation to file copies of reports 14
under other Act or law) 15**

Section 592— 16

omit, insert— 17

592 References to audit report for pt 12, div 4 18

(1) This section applies if— 19

(a) the registrar has, under section 591, granted 20
an exemption for an organisation from the 21
requirement to appoint an auditor to inspect 22
and audit the organisation's accounting 23
records and make a report under part 12, 24
division 3; and 25

(b) another Act or law requires the organisation 26
or its counterpart federal body to appoint an 27
auditor to inspect and audit the 28
organisation's accounting records and make 29
a report. 30

(2) A reference in part 12, division 4 to an 31
organisation's audit report is taken to be a 32

	reference to the audit report prepared for the organisation under the other Act or law.	1 2	
(3)	In this section—	3	
	<i>accounting records</i> , of an organisation, includes a financial disclosure statement and mid-year financial disclosure statement of the organisation.	4 5 6	
Clause 55	Insertion of new ch 12, pt 15A	7	
	Chapter 12—	8	
	<i>insert</i> —	9	
	Part 15A	Complaints, investigations and appointment of administrator	10 11 12 13
	Division 1	Complaints	14
	636A Making complaint about organisation or officer		15 16
(1)	A person may make a complaint to the chief executive about an organisation if the person believes—	17 18 19	
(a)	the organisation, or a branch of the organisation, has ceased to function effectively; and	20 21 22	
(b)	there are no effective means under the rules of the organisation by which the organisation or branch can function effectively.	23 24 25 26	
(2)	A person may make a complaint to the chief executive about an officer of an organisation if	27 28	

the person believes the officer has engaged in 1
misconduct in relation to the organisation. 2

636B Form of complaint 3

The complaint must— 4

(a) be in writing; and 5

(b) contain particulars of the allegations on 6
which it is founded; and 7

(c) be verified by statutory declaration. 8

636C Dealing with complaints 9

(1) The chief executive must— 10

(a) expeditiously assess the complaint; and 11

(b) deal with the complaint in the way the chief 12
executive considers most appropriate. 13

(2) Without limiting subsection (1)(b), the chief 14
executive may take all or any of the following 15
actions— 16

(a) require the complainant to give further 17
particulars of the complaint; 18

(b) refer the complaint to an inspector for 19
investigation under chapter 10, division 2; 20

(c) if the complaint relates to conduct that 21
could, if proved, constitute a contravention 22
of chapter 12, part 12—refer the complaint 23
to the registrar for investigation under 24
chapter 12, part 12, division 5, subdivision 25
2; 26

(d) if the complaint relates to conduct that 27
could, if proved, constitute an offence 28
against an Act or a law of another State or 29
the Commonwealth—refer the matter of the 30
suspected offence to the commissioner of 31

the police service or the commissioner of a police force or service of another State or the Commonwealth;	1 2 3
(e) notify the Minister of the complaint.	4
(3) The chief executive may take no action, or decide to take no further action, in relation to the complaint only if—	5 6 7
(a) the complaint is not verified by statutory declaration; or	8 9
(b) further particulars relating to the complaint are not given under subsection (2)(a); or	10 11
(c) the chief executive is satisfied that—	12
(i) the complaint is frivolous or vexatious; or	13 14
(ii) dealing with the complaint would be an unjustifiable use of resources.	15 16
636D Organisation or officer must be advised of complaint	17 18
(1) If the chief executive decides to take action under section 636C(2)(b), (c) or (e), the chief executive must, as soon as reasonably practicable after deciding to take the action—	19 20 21 22
(a) give notice to the organisation or officer of the nature of the complaint; and	23 24
(b) invite the organisation or officer to make, within the time stated in the notice, written representations to the chief executive about the complaint.	25 26 27 28
(2) The time stated in the notice must be at least 5 business days after the notice is given.	29 30
(3) The organisation or officer may make written representations to the chief executive within the time stated in the notice.	31 32 33

-
- (4) The chief executive must consider any representations made by the organisation or officer under subsection (3). 1
2
3
- (5) If the organisation or officer makes representations about a complaint notified to the Minister under section 636C(2)(e), the chief executive must give a copy of the representations to the Minister. 4
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636E Ministerial direction 9

The Minister may direct the chief executive to refer a complaint to an inspector for investigation under chapter 10, division 2. 10
11
12

Division 2 Notices and reports from registrar 13
14

636F Application of div 2 15

This division applies if the chief executive receives— 16
17

- (a) a notice from the registrar under section 571A(2); or 18
19
- (b) a report under section 574A of the results of an investigation conducted by the registrar. 20
21

636G Dealing with notice or report 22

- (1) The chief executive must decide whether to take any further action on the matter to which the notice or report relates. 23
24
25
- (2) Without limiting subsection (1), the chief executive may take all or any of the following actions— 26
27
28
- (a) refer the matter to an inspector for investigation under chapter 10, division 2; 29
30

- (b) if the matter relates to conduct that could, if proved, constitute an offence against an Act or a law of another State or the Commonwealth—refer the matter of the suspected offence to the commissioner of the police service or the commissioner of a police force or service of another State or the Commonwealth; 1
2
3
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8
- (c) notify the Minister of the matter. 9

636H Person to whom matter relates must be advised of matter 10
11

- (1) If the chief executive decides to refer the matter to an inspector for investigation, the chief executive must, as soon as reasonably practicable after deciding to take the action— 12
13
14
15
 - (a) give notice of the nature of the matter to any person to whom the matter relates; and 16
17
 - (b) invite the person to make, within the time stated in the notice, written representations to the chief executive about the matter. 18
19
20
- (2) The time stated in the notice must be at least 5 business days after the notice is given. 21
22
- (3) The person may make written representations to the chief executive within the time stated in the notice. 23
24
25
- (4) The chief executive must consider any representations made by the person under subsection (3). 26
27
28
- (5) If the person makes representations about a matter notified to the Minister under section 636G(2)(c), the chief executive must give a copy of the representations to the Minister. 29
30
31
32

Division 3	Investigations	1
636I Definition for div 3		2
In this division—		3
<i>complaint</i> includes a matter mentioned in section 636G(1).		4 5
636J Application of div 3		6
This division applies if the chief executive refers a complaint to an inspector for investigation under chapter 10, division 2.		7 8 9
636K Investigation report		10
After investigating the complaint, the inspector must give the chief executive a written report (the <i>investigation report</i>) on the findings of the investigation.		11 12 13 14
636L Audit of organisation’s accounting records		15
(1) The investigation report may include a recommendation to the chief executive that an auditor be appointed to examine the organisation’s accounting records for a financial year or another period if the inspector considers—		16 17 18 19 20 21
(a) the organisation has an accounting deficiency for a matter mentioned in section 560(a) to (f); or		22 23 24
(b) the organisation’s property has been misappropriated or improperly applied; or		25 26
(c) the organisation, or an officer of the organisation, has committed an offence about the organisation’s property.		27 28 29

- (2) If the chief executive decides to implement the recommendation to engage an auditor (the **complaints auditor**) to examine the organisation's accounting records, the complaints auditor must—
- (a) examine the records; and
 - (b) give the chief executive a report on the audit (the **audit complaint report**).
- (3) The complaints auditor, or an appropriately qualified person authorised in writing by the complaints auditor, has the powers and privileges of an organisation's auditor.
- Note—*
- See sections 563 (Auditor's powers) and 564 (Auditors have qualified privilege).
- (4) If a branch of an organisation keeps accounting records and accounts separate from the organisation's accounts, subsections (1) and (2) apply in relation to the branch as if the references to the organisation were a reference to the branch.
- Note—*
- See also section 553 (Part applies to branches with separate financial affairs).
- (5) In this section—
- accounting records**, of an organisation for a financial year, includes the organisation's financial disclosure statement and mid-year financial disclosure statement for the financial year.

636M Cooperating with investigation or audit

- (1) An officer or employee of an organisation who is being investigated by an inspector must assist in

and cooperate with the investigation unless the officer or employee has a reasonable excuse.	1 2
Maximum penalty—40 penalty units.	3
(2) If an organisation is being investigated by an inspector or audited by a complaints auditor, the organisation must ensure the officers and employees of the organisation assist in and cooperate with the investigation or audit unless the organisation has a reasonable excuse.	4 5 6 7 8 9
Maximum penalty—40 penalty units.	10
(3) For subsection (1), it is a reasonable excuse for an officer or employee not to assist in and cooperate with the investigation if doing so might tend to incriminate the officer or employee.	11 12 13 14
636N Audit costs	15
The costs of an audit under this division are payable by the State.	16 17
Division 4 Appointment of administrator	18 19
636O Chief executive may appoint administrator	20
(1) This section applies if the chief executive is reasonably satisfied, on the basis of an investigation report or audit complaint report, that—	21 22 23 24
(a) an organisation, or a branch of an organisation, has ceased to function effectively; and	25 26 27
(b) there are no effective means under the rules of the organisation by which the	28 29

organisation or branch can function effectively.	1 2
(2) Subject to sections 636P and 636Q, the chief executive may, by gazette notice, appoint an appropriately qualified person as administrator of the organisation or branch.	3 4 5 6
(3) The notice must include—	7
(a) the date of appointment; and	8
(b) the appointee’s name; and	9
(c) the appointee’s business address.	10
(4) The gazette notice is not subordinate legislation.	11
(5) However, the <i>Statutory Instruments Act 1992</i> , sections 49 to 51 apply to the gazette notice as if it were subordinate legislation.	12 13 14
(6) The administrator holds office until the administrator’s appointment is revoked.	15 16
(7) In this section—	17
<i>appropriately qualified</i> means having the qualifications, experience or standing appropriate to perform the functions and exercise the powers of an administrator.	18 19 20 21
636P Organisation or branch must be advised of intention to appoint administrator	22 23
(1) The chief executive must not appoint an administrator for an organisation, or a branch of an organisation, unless the chief executive—	24 25 26
(a) gives notice to the organisation or branch about the chief executive’s intention to appoint an administrator and the reasons for the intention; and	27 28 29 30
(b) invites the organisation or branch to make, within the time stated in the notice, written	31 32

representations to the chief executive about the intention; and	1 2
(c) has regard to any representations made under subsection (3).	3 4
(2) The time stated in the notice under subsection (1)(b) must be at least 5 business days after the notice is given.	5 6 7
(3) The organisation or branch may make written representations to the chief executive about the intention to appoint an administrator within the time stated in the notice.	8 9 10 11
636Q Injustice to organisation or branch and interests of members	12 13
The chief executive must not appoint an administrator for an organisation, or a branch of an organisation, unless the chief executive is satisfied that—	14 15 16
(a) the appointment of an administrator would not do substantial injustice to the organisation or branch; and	17 18 19
(b) it is in the interests of the members of the organisation or branch that the affairs of the organisation or branch be conducted by an administrator.	20 21 22 23
636R Primary function of administrator	24
(1) An administrator for an organisation or a branch of an organisation has, during the term of office of the administrator and to the exclusion of any other person, the function of the conduct and management of the affairs of the organisation or branch.	25 26 27 28 29 30
(2) However, the function of the administrator may be limited by the administrator's notice of appointment.	31 32 33

636S Additional functions of administrator	1
The administrator for an organisation or a branch of an organisation has the following additional functions—	2 3
(a) to give the Minister a report, at intervals stated by the Minister, on the financial position of the organisation or branch, its functions and anything else the Minister requires the administrator to include in the report;	4 5 6 7 8 9
(b) to give the Minister a final report on the administration.	10 11
636T Powers of administrator	12
An administrator for an organisation or a branch of an organisation may do anything necessary or convenient to be done for, or in connection with, the administrator's functions.	13 14 15 16
636U Providing assistance to administrator	17
(1) An administrator for an organisation or a branch of an organisation may, for the purpose of performing the administrator's functions, by written notice to an officer or employee or former officer or employee of the organisation or branch, require the person to do the following—	18 19 20 21 22 23
(a) produce to the administrator documents in the person's possession that the administrator reasonably requires to perform those functions;	24 25 26 27
(b) provide the other information or assistance that the administrator reasonably requires for the purposes of the performance of those functions.	28 29 30 31

	(2)	A person of whom the requirement has been made must comply with it unless the person has a reasonable excuse.	1 2 3
		Maximum penalty—40 penalty units.	4
	(3)	It is a reasonable excuse for the person not to comply with the requirement if doing so might tend to incriminate the person.	5 6 7
		636V Protection from liability	8
	(1)	An administrator for an organisation or a branch of an organisation is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.	9 10 11 12
	(2)	If subsection (1) prevents civil liability attaching to a person, the liability attaches instead to the State.	13 14 15
Clause 56		Insertion of new s 655A	16
		After section 655—	17
		<i>insert—</i>	18
		655A Requirements for publishing particular documents	19 20
	(1)	This section applies if, under this chapter, an organisation is required to ensure a document is published in the approved way.	21 22 23
	(2)	The document must be published on—	24
		(a) the organisation’s website; or	25
		(b) if the organisation does not have a website—the QIRC’s website.	26 27
	(3)	The document must be in a form that is reasonably accessible and transparent.	28 29
	(4)	If the registrar receives, from an organisation, a document under this chapter together with a	30 31

	request to publish the document on the QIRC website, the registrar must publish the document on the QIRC website as soon as practicable.	1 2 3
(5)	In this section— <i>published</i> , on a website, means made accessible in full to the public on the website.	4 5 6
Clause 57	Amendment of s 691C (Particular provisions are of no effect)	7 8
(1)	Section 691C(1)— <i>insert</i> —	9 10
	(d) a policy incorporation provision;	11
	(e) an encouragement provision.	12
(2)	Section 691C(2)— <i>insert</i> —	13 14
	<i>encouragement provision</i> means a provision that, directly or indirectly—	15 16
	(a) requires a person to encourage another person to join or maintain membership of an industrial association; or	17 18 19
	(b) requires a person to supply the employer’s facilities, resources or premises to an officer, employee or other representative of an industrial association; or	20 21 22 23
	(c) requires an employer to facilitate deductions of industrial association membership subscriptions from an employee’s wages; or	24 25 26
	(d) requires a person to give employees information about, or on behalf of, an industrial association; or	27 28 29
	(e) allows employees, during the employees’ working time, to attend—	30 31

(i) training, conferences or other activities facilitated by an industrial association;	1
or	2
(ii) a meeting of members of, or organised by, an industrial association.	3
<i>Examples—</i>	4
The following provisions, as in force on 1 March 2013, are examples of encouragement provisions—	5
• clause 11.3 of the District Health Services Employees' Award - State 2012	6
• part 11.5 and 11.6 of the Queensland Health Framework Award - State 2012.	7
<i>industrial association</i> see section 102.	8
<i>policy incorporation provision</i> , of a relevant industrial instrument—	9
(a) means a provision that does either or both of the following—	10
(i) applies to, adopts for or incorporates into the instrument another document that is a policy;	11
(ii) provides that another document that is a policy, as it is applied to, adopted for or incorporated into the instrument, can only be amended by agreement between 2 or more of the parties to the instrument; but	12
(b) does not include a TCR provision.	13
<i>Examples—</i>	14
The following provisions, as in force on 1 March 2013, are examples of policy incorporation provisions—	15
• clause 2.5 and schedule 2 of the Queensland Public Health Sector Certified Agreement (No. 8) 2011 (EB8)	16
• clause 4.13 and schedule 4 of the Queensland Health Framework Award - State 2012	17

	• clause 11 and schedule 5 of the Health Practitioners' (Queensland Health) Certified Agreement (No. 2) 2011 (HPEB2).	1 2 3
(3)	Section 691C(2), definition <i>contracting provision</i> , paragraphs (a) and (b)—	4 5
	<i>omit, insert</i> —	6
	(a) means a provision that—	7
	(i) directly or indirectly requires, restricts or prohibits the contracting out, or in, of services; or	8 9 10
	(ii) is about the terms or conditions on which services may be contracted out or in; or	11 12 13
	(iii) is otherwise about the contracting out, or in, of services; but	14 15
	(b) does not include a TCR provision.	16
Clause 58	Insertion of new ch 20, pt 16	17
	Chapter 20—	18
	<i>insert</i> —	19
	Part 16	20
	Transitional provisions for Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013	21 22 23 24 25 26 27
	789 Definitions for pt 16	28
	In this part—	29

<i>amended Act</i> means this Act as amended by the amending Act.	1 2
<i>amending Act</i> means the <i>Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013</i> .	3 4 5 6
<i>commencement</i> means the commencement of this part.	7 8
<i>new</i> , for a provision of this Act, means the provision as in force after the commencement.	9 10
<i>pre-amended Act</i> means this Act as in force before the commencement.	11 12
<i>previous</i> , for a provision of this Act, means the provision as in force before the commencement.	13 14

790 Existing rules of an organisation 15

- | | |
|--|----------------------------------|
| (1) This section applies if, because of the amendment of a provision by the amending Act, an organisation's rules— | 16
17
18 |
| (a) contravene this Act; or | 19 |
| (b) prevent members of the organisation from complying with this Act. | 20
21 |
| (2) The organisation must take reasonable steps to amend the rules to comply with section 435 within 6 months after the commencement. | 22
23
24 |
| (3) Action cannot be taken by a court under chapter 12, part 5, or by the registrar under chapter 12, part 6, division 1, in relation to the rule's contravention of section 435, because of the amendment, until the period mentioned in subsection (2) has passed. | 25
26
27
28
29
30 |

791 Financial policies	1
New section 553A does not apply to an organisation until 6 months after the commencement.	2 3 4
792 Financial registers	5
(1) This section applies if commencement is not on a day that is the start of a financial year for an organisation.	6 7 8
(2) For the purposes of the organisation keeping a register under chapter 12, part 12, division 2A for the financial year, the financial year is taken to have started on the day of commencement.	9 10 11 12
793 Audits for financial years ending before commencement	13 14
Previous chapter 12, part 12, divisions 3 and 4 apply in relation to a financial year that ended before commencement, as if the amending Act had not been enacted.	15 16 17 18
794 Application of amended ch 12, pt 12, div 5 in relation to registrar's investigations	19 20
(1) Section 571(1)(b), as inserted by the amending Act, and section 571A(2) apply to information whether it came into the registrar's knowledge or possession before, on or after the commencement.	21 22 23 24 25
(2) Sections 572A and 574A apply to an investigation started before, on or after the commencement.	26 27 28

795 Particular exemption for organisations with counterpart federal bodies is of no effect	1 2
(1) This section applies if, immediately before the commencement, an exemption under previous section 587 from the whole or part of previous chapter 12, part 12, divisions 2 to 4 was in force for an organisation.	3 4 5 6 7
(2) Subject to subsections (3) and (4), the exemption stops having effect at the commencement.	8 9
(3) If the commencement is not on a day that is the start of a financial year for the organisation, the exemption continues in force until the end of that financial year despite the repeal of section 587 by the amending Act.	10 11 12 13 14
(4) Previous sections 588 and 589 continue to apply to the organisation for a financial year for which the exemption was in force, or continues to be in force under subsection (3), as if the amending Act had not been enacted.	15 16 17 18 19
796 Particular exemption for employer organisations that are corporations is of no effect	20 21 22
(1) This section applies if, before the commencement, an organisation was granted an exemption under previous section 591 from the whole or part of chapter 12, part 12, division 4.	23 24 25 26
(2) The exemption stops having effect—	27
(a) at the commencement; or	28
(b) if commencement falls within a financial year for the organisation—at the end of that financial year.	29 30 31
(3) Previous section 592 and section 593 continue to apply to the organisation for a financial year for which the exemption was in force.	32 33 34

797 Certified agreements containing newly invalid provisions	1 2
(1) This section applies if—	3
(a) an employer has, before the commencement, taken steps under section 144 (including because of the operation of section 147A(4)) in relation to a certified agreement proposed to be made with an employee organisation or employees; and	4 5 6 7 8 9
(b) the agreement includes a newly invalid provision; and	10 11
(c) the agreement has not been made at the commencement.	12 13
(2) The steps taken by the employer under section 144 before the commencement are not invalidated merely because the steps involve explaining the effect of a newly invalid provision.	14 15 16 17
(3) However, this section stops applying in relation to the certified agreement if, under section 151, the steps in section 144(2) or (3) must be taken again because the agreement is amended after the commencement.	18 19 20 21 22
(4) In this section—	23
<i>newly invalid provision</i> means a provision to which previous section 691C did not apply but new section 691C applies.	24 25 26
798 Transitional regulation-making power	27
(1) A regulation (a <i>transitional regulation</i>) may make provision of a saving or transitional nature for which—	28 29 30
(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of the	31 32 33

	pre-amended Act to the operation of the amended Act; and	1 2
	(b) this Act does not make provision or sufficient provision.	3 4
(2)	Without limiting subsection (1), a transitional regulation may continue the operation of a repealed provision.	5 6 7
(3)	A transitional regulation may have retrospective operation to a day that is not earlier than the day of the commencement.	8 9 10
(4)	A transitional regulation must declare it is a transitional regulation.	11 12
(5)	This section and any transitional regulation expire 2 years after the day of commencement.	13 14
Clause 59	Amendment of sch 5 (Dictionary)	15
(1)	Schedule 5, definition <i>industrial instrument</i> — <i>omit.</i>	16 17
(2)	Schedule 5— <i>insert—</i>	18 19
	<i>administrator</i> , for an organisation or a branch of an organisation, means an administrator appointed for the organisation or branch under section 636O.	20 21 22 23
	<i>affiliated</i> , with a political party, see section 579A.	24 25
	<i>amount in relation to employment</i> , for chapter 11, part 2, division 3, see section 390A.	26 27
	<i>approved way</i> , for publishing a document, means published under section 655A.	28 29
	<i>audit complaint report</i> see section 636L(2)(b).	30

<i>board member official</i> means an officer or employee of an organisation who is a board member official under section 557I(1)(d).	1 2 3
<i>complaint</i> , for chapter 12, part 15A—	4
(a) generally means a complaint made under section 636A; and	5 6
(b) for chapter 12, part 15A, division 3—see also section 636I.	7 8
<i>complaints auditor</i> see section 636L(2).	9
<i>employer notice</i> , for chapter 11, part 1, division 4, see section 372B(2).	10 11
<i>entry notice</i> , for chapter 11, part 1, division 4, see section 372A(2).	12 13
<i>expenditure ballot</i> see section 553D(3).	14
<i>financial disclosure statement</i> , for an organisation for a financial year, means a financial disclosure statement prepared by the organisation under section 557Q for the year.	15 16 17 18
<i>gift</i> , for chapter 12, part 12, see section 551.	19
<i>health employee</i> , for chapter 11, part 2, division 3, see section 390A.	20 21
<i>health employer</i> , for chapter 11, part 2, division 3, see section 390A.	22 23
<i>highly paid official</i> means an officer or employee of an organisation who is a highly paid official under section 557I(b) or (c).	24 25 26
<i>industrial instrument</i> —	27
(a) generally, means an award, certified agreement, industrial agreement, EFA, code of practice under section 400I or order under chapter 5, parts 5 and 6; and	28 29 30 31
(b) for chapter 15, part 2—see section 691A.	32

<i>initial financial disclosure statement</i> , for an organisation, means an initial financial disclosure statement prepared by the organisation under section 557J.	1 2 3 4
<i>initial register of interests</i> , of an officer of an organisation, means a register prepared under section 550B for the officer.	5 6 7
<i>initial year</i> , for chapter 12, part 12, division 2B—see section 557H.	8 9
<i>investigation report</i> see section 636K.	10
<i>mid-year financial disclosure statement</i> , for an organisation for a financial year, means a mid-year financial disclosure statement prepared by the organisation under section 557Y for the year.	11 12 13 14 15
<i>misconduct</i> , of an officer of an organisation or a branch of an organisation, means—	16 17
(a) conduct that could, if proved, constitute an offence against an Act or a law of another State or the Commonwealth; or	18 19 20
(b) gross misbehaviour or gross neglect of duty in the office.	21 22
<i>non-cash benefit</i> , for chapter 12, part 12, see section 551.	23 24
<i>political object</i> see section 553C(2).	25
<i>political party</i> see section 553C(2).	26
<i>political purpose</i> see section 553C(1).	27
<i>Queensland Health</i> , for chapter 11, part 2, division 3, see section 390A.	28 29
<i>register of interests</i> , of an officer of an organisation, means a register kept under section 550F for the officer.	30 31 32

[s 60]

<i>related</i> , to an officer of an organisation, see section 550A.	1 2
<i>relevant industrial instrument</i> , for chapter 15, part 2, see section 691A.	3 4
<i>remuneration</i> , for chapter 12, part 12, see section 551.	5 6
<i>sponsored hospitality benefit</i> , for chapter 12, part 12, see section 551.	7 8
<i>TCR provision</i> , for chapter 15, part 2, see section 691A.	9 10
<i>untaken leave</i> , for chapter 11, part 2, division 3, see section 390A.	11 12

Part 3	Amendment of Public Service Act 2008	13 14
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Clause 60	Act amended	15
	This part amends the <i>Public Service Act 2008</i> .	16

Clause 61	Amendment of s 88AA (Definition for pt 5)	17
(1)	Section 88AA, heading, ‘Definition’—	18
	<i>omit, insert—</i>	19
	Definitions	20
(2)	Section 88AA—	21
	<i>insert—</i>	22
	<i>vice president</i> , of the IRC, see the Industrial Relations Act 1999, schedule 5.	23 24

Clause 62	Amendment of s 88A (Appeals officers)	1
(1)	Section 88A(1), ‘1 or more’—	2
	<i>omit, insert—</i>	3
	the vice president of the IRC and 1 or more other	4
(2)	Section 88A(4) to (6)—	5
	<i>renumber</i> as section 88A(5) to (7).	6
(3)	Section 88A—	7
	<i>insert—</i>	8
	(4) If the person is the vice president of the IRC and	9
	stops holding office as the vice president, the	10
	person continues to hold office as an appeals	11
	officer unless the person also stops holding office	12
	as a member of the IRC.	13
(4)	Section 88A(7), as renumbered, ‘(5)’—	14
	<i>omit, insert—</i>	15
	(6)	16
Clause 63	Insertion of new s 88B	17
	After section 88A—	18
	<i>insert—</i>	19
	88B Senior appeals officer	20
	The vice president of the IRC is also the senior	21
	appeals officer.	22
Clause 64	Amendment of s 88C (Appeals officer’s function)	23
(1)	Section 88C, heading, ‘function’—	24
	<i>omit, insert—</i>	25
	functions	26
(2)	Section 88C(2)—	27

[s 65]

renumber as section 88C(4). 1

(3) Section 88C— 2

insert— 3

(2) The senior appeals officer’s functions are also to 4
make decisions and directions about practice 5
under sections 203A and 203B. 6

(3) The senior appeals officer may delegate his or her 7
functions under subsection (2) to another appeals 8
officer. 9

(4) Section 88C(4), as renumbered, ‘(5)’— 10

omit, insert— 11

(6) 12

(5) Section 88C(4), as renumbered, ‘function mentioned in 13
subsection (1)’— 14

omit, insert— 15

functions under this section 16

**Clause 65 Amendment of s 203 (Appeals officer may decide 17
procedures) 18**

Section 203(2), from ‘comply with’— 19

omit, insert— 20

comply with— 21

(a) this part; and 22

(b) any relevant procedural rules prescribed 23
under a regulation; and 24

(c) a decision of the senior appeals officer made 25
for the appeal under section 203A; and 26

(d) any practice directions made under section 27
203B. 28

Clause 66	Insertion of new ss 203A and 203B	1
	After section 203—	2
	<i>insert</i> —	3
	203A Senior appeals officer may decide procedures	4
		5
	(1) The senior appeals officer may decide the procedures to be followed in a particular appeal.	6
		7
	(2) The senior appeals officer may make a decision under subsection (1) on the officer's own initiative or on the application of a party to the appeal.	8
		9
		10
		11
	(3) However, a decision of the senior appeals officer under subsection (1) must be consistent with this part or any relevant procedural rules prescribed under a regulation.	12
		13
		14
		15
	203B Practice directions	16
	(1) The senior appeals officer may make practice directions about the practices and procedures to be followed in appeals.	17
		18
		19
	(2) A practice direction must not be inconsistent with this part or any relevant procedural rules prescribed under a regulation.	20
		21
		22
	(3) To remove any doubt, it is declared that a practice direction is not subordinate legislation.	23
		24
Clause 67	Amendment of s 214A (Protection of appeals officials from liability)	25
		26
	Section 214A(3), note, '(6)'—	27
	<i>omit, insert</i> —	28
	(7)	29

Clause 68	Insertion of new ch 9, pt 10	1
	Chapter 9—	2
	<i>insert—</i>	3
	Part 10	4
	Transitional provision	5
	for Industrial Relations	6
	(Transparency and	7
	Accountability of	8
	Industrial	9
	Organisations) and	10
	Other Acts Amendment	11
	Act 2013	11
	285 Practice directions etc. for appeals started	12
	before commencement	13
	(1) This section applies to an appeal started under	14
	chapter 7, part 1 that, at the commencement, has	15
	not been decided or withdrawn.	16
	(2) The senior appeals officer may decide, under	17
	section 203A, the procedures to be followed in	18
	the appeal.	19
	(3) A practice direction made under section 203B	20
	applies to the appeal.	21
	(4) In this section—	22
	<i>amending Act</i> means the <i>Industrial Relations</i>	23
	<i>(Transparency and Accountability of Industrial</i>	24
	<i>Organisations) and Other Acts Amendment Act</i>	25
	<i>2013</i> .	26
	<i>commencement</i> means the commencement of	27
	this section.	28

Clause 69	Amendment of sch 4 (Dictionary)	1
	Schedule 4—	2
	<i>insert</i> —	3
	<i>senior appeals officer</i> see section 88B.	4
	<i>vice president</i> , of the IRC, for chapter 3, part 5, see section 88AA.	5 6
Part 4	Amendment of Workers' Compensation and Rehabilitation Act 2003	7 8 9
Clause 70	Act amended	10
	This part amends the <i>Workers' Compensation and Rehabilitation Act 2003</i> .	11 12
Clause 71	Amendment of s 11 (Who is a worker)	13
	Section 11(1)—	14
	<i>omit, insert</i> —	15
	(1) A <i>worker</i> is a person who—	16
	(a) works under a contract; and	17
	(b) in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the <i>Taxation Administration Act 1953</i> (Cwlth), schedule 1, part 2-5.	18 19 20 21 22
Clause 72	Amendment of s 30 (Who is an employer)	23
	Section 30(1)—	24

omit, insert— 1

(1) An **employer** is a person who engages a worker
to perform work. 2
3

Clause 73 **Amendment of s 66 (Employer's liability for excess period)** 4
5

Section 66(4)(b), 'the contract of service'— 6

omit, insert— 7

a contract 8

Clause 74 **Amendment of s 585 (Entitlements to compensation under contract of employment prohibited and void)** 9
10

Section 585(3), definition *contract of employment*, 'of service'— 11

omit, insert— 12

with a worker 13

Clause 75 **Insertion of new ch 29** 14

After section 673— 15

insert— 16

Chapter 29	Transitional provision for Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013	1
		2
		3
		4
		5
		6
		7
		8
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		10

- | | |
|---|----------------------------|
| 674 Provision about workers and employers | 11 |
| (1) Sections 11 and 30, and schedule 2, as in force immediately before 1 July 2013, continue to apply to an injury sustained by a worker after 17 November 2004 but before 1 July 2013 as if the amending Act had not been enacted. | 12
13
14
15
16 |
| (2) In this section— | 17 |
| <i>amending Act</i> means the <i>Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013</i> . | 18
19
20
21 |

- | | | |
|------------------|---|----------|
| Clause 76 | Amendment of sch 2 (Who is a worker in particular circumstances) | 22
23 |
| (1) | Schedule 2, part 1, items 1 and 2—
<i>omit.</i> | 24
25 |
| (2) | Schedule 2, part 1, items 3 to 8—
<i>renumber</i> as schedule 2, part 1, items 1 to 6. | 26
27 |
| (3) | Schedule 2, part 2— | 28 |

<i>insert—</i>	1
6 A person is not a worker if—	2
(a) the person works for another person under a contract; and	3 4
(b) a personal services business determination is in effect for the person performing the work under the <i>Income Tax Assessment Act 1997</i> (Cwlth), section 87-60.	5 6 7 8 9

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