



Fair Work (Norfolk Island) Amendment (Queensland Public Sector Employees) Rules 2021

I, Michaelia Cash, Attorney-General, make the following rules.

Dated 20 December 2021

Michaelia Cash
Attorney-General

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1 Name

This instrument is the *Fair Work (Norfolk Island) Amendment (Queensland Public Sector Employees) Rules 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2022.	1 January 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under section 32A of the *Fair Work Act 2009*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Fair Work (Norfolk Island) Rule 2016

1 At the end of Item 2 of Schedule 1

Add:

Queensland public sector employee means:

- (a) a public service employee (within the meaning of the *Public Service Act 2008* (Qld), as in force from time to time); or
- (b) a health service employee (within the meaning of the *Hospital and Health Boards Act 2011* (Qld), as in force from time to time); or
- (c) a senior health service employee (within the meaning of the *Hospital and Health Boards Act 2011* (Qld), as in force from time to time).

2 Item 6 of Schedule 1 (heading to subsection 14(8))

After “*Employers of*”, insert “*New South Wales*”.

3 Item 6 of Schedule 1 (subsection 14(9))

Repeal the subsection, substitute:

Employers of Queensland public sector employees in Norfolk Island

- (9) Despite paragraph (1)(f), a person that would be an employer within the meaning of the *Industrial Relations Act 2016* (Qld) but for paragraph 7(1)(a) of that Act, is not a national system employer merely because the person employs, or usually employs, a Queensland public sector employee in connection with an activity the person carries on in Norfolk Island.

Note: This subsection does not affect the person’s status as a national system employer if the person is a national system employer apart from paragraph (1)(f).

Exceptions—certain Norfolk Island bodies

- (10) To avoid doubt, subsections (8) and (9) do not prevent either of the following from being a national system employer:
- (a) the Norfolk Island Regional Council;
 - (b) a body established for a public purpose by or under a law in force in Norfolk Island other than an applied law (within the meaning of the *Norfolk Island Act 1979*).

Note: For paragraph (b), certain laws of New South Wales and Queensland, which are both applied law jurisdictions under the *Norfolk Island Act 1979*, are in force in Norfolk Island as applied laws under that Act.

4 After item 10 of Schedule 1

Insert:

10A At the end of Division 2 of Part 3-1

Add:

339A Modification of application of this Part in relation to Queensland government employers and employees

Despite sections 338 and 339, this Part does not apply to action taken in Norfolk Island by or in relation to:

- (a) an employer of a Queensland public sector employee that would be a national system employer but for subsection 14(9); or
- (b) an individual so far as he or she is employed, or usually employed, by an employer mentioned in paragraph (a).

5 At the end of Schedule 1

Add:

15 At the end of section 789FD

Add:

- (4) Paragraph (3)(b) does not apply to a business or undertaking conducted in Norfolk Island by an employer of a Queensland public sector employee.

Note: This does not prevent Part 6-4B applying in relation to a business or undertaking conducted by an employer of a Queensland public sector employee that is a constitutional corporation: see subparagraph (3)(a)(i).