



Queensland

# Childrens Court Amendment Rule (No. 1) 2013

## Explanatory Notes for SL 2013 No. 96

made under the

*Childrens Court Act 1992*

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## General outline

### Short title

*Childrens Court Amendment Rule (No. 1) 2013*

### Authorising law

Section 7 of the *Childrens Court Act 1992*.

### Policy objectives and the reasons for them

Under the *Childrens Court Act 1992*, the procedure of the Childrens Court is governed by the *Childrens Court Rules 1997* which are made by the Governor in Council, with the agreement of the President of the Childrens Court.

The objective of the amendment Rule is to amend the *Childrens Court Rules 1997* to allow for the operation of trans-Tasman proceedings arrangements.

The *Trans-Tasman Proceedings Act 2010* (Cth) (the Trans-Tasman Act) and the *Trans-Tasman Proceedings (Transitional and Consequential Provisions) Act 2010* (Cth) were both assented to on 13 April 2010 but their

substantive provisions are yet to commence. The Trans-Tasman Act implements the *Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement* which was signed on 24 July 2008.

The scheme streamlines the process for resolving civil proceedings with a trans-Tasman element in order to reduce costs and improve efficiency and minimises existing impediments to enforcing certain New Zealand judgments and regulatory sanctions.

The *Trans-Tasman Proceedings Regulation 2012* (Cth) (the Trans-Tasman Regulation) supports the powers provided for in the Trans-Tasman Act.

The Trans-Tasman Act applies to Australian Federal, State and Territory courts, and also to some tribunals for limited matters.

The Childrens Court of Queensland is prescribed under the Trans-Tasman Regulation as a court which may issue subpoenas to be served on a person in New Zealand with leave of an Australian court; and as a court which may allow the giving of evidence, the examination of a person giving evidence or the making of submissions relating to the giving of evidence from New Zealand by remote appearance.

The amendment Rule amends the *Childrens Court Rules 1997* to accommodate these matters. Minor technical amendments are also included.

### **Achievement of policy objectives**

The policy objectives of the amendment Rule are achieved by making the necessary amendments to the *Childrens Court Rules 1997* to allow for the operation of trans-Tasman proceedings arrangements under the Trans-Tasman Act and Trans-Tasman Regulation.

### **Consistency with policy objectives of authorising law**

The amendment Rule is consistent with the policy objectives of the Act.

### **Inconsistency with policy objectives of other legislation**

The amendment Rule is not inconsistent with policy objectives of other legislation.

### **Benefits and costs of implementation**

Costs of implementation will be met within the existing agency resources.

### **Consistency with fundamental legislative principles**

The amendment Rule does not conflict with the fundamental legislative principles.

### **Consultation**

The President of the Childrens Court has consented to the proposed amendments.

The Office of Best Practice Regulation has been consulted and advises that a Regulatory Impact Statement is not required.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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