



Queensland

# **Industrial Relations (Tribunals) Amendment Rule (No. 2) 2013**

## **Explanatory Notes for SL 2013 No. 98**

made under the

*Industrial Relations Act 1999*

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## **General outline**

### **Short title**

*Industrial Relations (Tribunals) Amendment Rule (No. 2) 2013.*

### **Authorising law**

Section 338 of the *Industrial Relations Act 1999*.

### **Policy objectives and the reasons for them**

Under the *Industrial Relations Act 1999*, the rules of court for the Industrial Court of Queensland are made by the Governor in Council, with the consent of the President of that Court.

The objective of the amendment Rule is to amend the *Industrial Relations (Tribunals) Rules 2011* 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 Industrial 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 the 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 *Industrial Relations (Tribunals) Rules 2011* to accommodate these matters and the registration and enforcement of New Zealand judgments.

### **Achievement of policy objectives**

The policy objectives of the amendment Rule are achieved by making the necessary amendments to the *Industrial Relations (Tribunals) Rules 2011* 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 Industrial Court of Queensland 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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