

# **Queensland Civil and Administrative Tribunal Amendment Rule 2019**

Explanatory notes for SL 2019 No. 166

Made under the

*Queensland Civil and Administrative Tribunal Act 2009*

## **General Outline**

*Queensland Civil and Administrative Tribunal Amendment Rule 2019*

### **Authorising law**

Sections 223 and 224 of the *Queensland Civil and Administrative Tribunal Act 2009*.

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

The purpose of the *Queensland Civil and Administrative Tribunal Amendment Rule 2019* (Amendment Rule) is to amend the *Queensland Civil and Administrative Tribunal Rules 2009* (QCAT Rules) to make amendments as a consequence of the *Queensland Civil and Administrative Tribunal and Other Legislation Amendment Act 2019* (Amendment Act).

The Amendment Act amends the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act) to provide a framework for conciliation under the QCAT Act. The Amendment Act inserts division 1A (Conciliation) in chapter 2, part 6 of the QCAT Act. Section 66E provides that conciliation may be conducted in the way decided by the conciliator, which must be in a way complying with the QCAT Rules.

### **Achievement of policy objectives**

The Amendment Rule will amend the QCAT Rules to provide for notices of conciliation, powers of a conciliator and rules about the conduct and outcome of conciliation. It also specifies how parties must assist a conciliator.

The QCAT Rules already support the mediation provisions of the QCAT Act, and the Amendment Rule mirrors, for the purposes of conciliation, the provisions of the QCAT Rules which relate to mediation.

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

The Amendment Rule is consistent with the policy objectives of the QCAT 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**

Conciliation can save time and money for QCAT and for parties by avoiding a hearing.

The Amendment Rule provides clear processes and procedures which will apply after the tribunal or the principal registrar has referred parties to conciliation.

Any costs to agencies arising from the Amendment Rule will be met from existing resources.

## **Consistency with fundamental legislative principles**

The Amendment Rule is consistent with fundamental legislative principles.

## **Consultation**

QCAT has been consulted and supports the Amendment Rule.

The rules committee established by the president under section 223 of the QCAT Act has consented to the Amendment Rule being made.

A self-assessment by the Department of Justice and Attorney-General has determined that the Amendment Rule is excluded from regulatory impact analysis under exclusion category (j) of the Queensland Government Guide to Better Regulation as it is a regulatory proposal which relates to the administration of courts and tribunals.