

# Industrial Relations (Tribunals) Amendment Rule 2021

Explanatory notes for SL 2021 No. 10

made under the

*Industrial Relations Act 2016*

## General Outline

### Short title

The *Industrial Relations (Tribunals) Amendment Rule 2021* made under the *Industrial Relations Act 2016*.

### Authorising law

Section 551 of the *Industrial Relations Act 2016*.

### Policy objectives and the reasons for them

The key policy objectives of the amendments to the *Industrial Relations (Tribunals) Rules 2011* (IR Rules) are to:

- align the IR Rules with amendments made to the *Industrial Relations Act 2016* (IR Act) through the *Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020* (the Wage Theft Act); and
- create greater efficiencies in tribunal proceedings and to reflect current practice, including to respond to changes brought about by technological change.

### Achievement of policy objectives

The *Industrial Relations (Tribunals) Amendment Rule 2021* achieves the policy objectives by:

- providing necessary rules and guidance to regulate the practice and procedure to be followed for wage recovery processes adopted through the Wage Theft Act; and
- by making minor amendments to reflect current practice.

### Consistency with policy objectives of authorising law

The IR Rules are consistent with the principal object of the IR Act in that they are part of the framework for industrial relations in Queensland that supports economic prosperity and social justice.

Amendments to the IR Rules are necessary to support amendments made to the IR Act by the Wage Theft Act. These amendments are designed to provide necessary rules and guidance to regulate the practice and procedures to be followed for wage recovery processes adopted through the Wage Theft Act.

Amendments to the IR Rules are also necessary to formalise and reflect current practice.

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

The amendments to the IR Rules are not inconsistent with the policy objectives of other State laws.

## **Alternative ways of achieving policy objectives**

There is no alternative way of achieving this policy objective.

## **Benefits and costs of implementation**

The principal benefits of these amendments include:

- that they provide guidance on the practice and procedures to be followed when dealing with wage recovery processes; and
- that they make minor amendments to the existing IR Rules to create greater efficiencies in tribunal proceedings and to reflect current practice, including to respond to changes brought about by technological change.

It is not expected that amendments made to the IR Rules will result in any additional costs.

## **Consistency with fundamental legislative principles**

The amendments to the IR Rules are not inconsistent with Fundamental Legislative Principles.

## **Consultation**

In accordance with legislative requirements of the IR Act, IR Rules may only be made with the consent of the Rules Committee, which consists of the President, Vice-President and each Deputy President of the Queensland Industrial Relations Commission.

In addition, the Rules Committee consulted with the Chief Magistrate on rules relevant to the Industrial Magistrates Court and the Registrar on rules relevant to the registry.

In addition, the Rules Committee consulted with participants of the Industrial Jurisdiction User Group (IJUG) on the proposed IR Rules amendments. Participants of IJUG include unions, employer associations, peak legal bodies, law firms and government agencies that utilise Queensland's industrial jurisdiction.

The Rules Committee supports the proposed amendments to the IR Rules.

The Office of Best Practice Regulation has not been consulted on the amendments to the IR Rules on the basis that the amendments meet the following agency-assessed self-exclusion categories in the Queensland Government Guide to Better Regulation:

- Category A – these amendments are necessary as a consequence of primary legislation being enacted;
- Category G – these amendments are of a machinery nature; and
- Category J – they relate to the administration of courts and tribunals.