

Industrial Relations (Tribunals) Amendment Rule 2023

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (the HR Act), I, the Honourable Grace Grace, Minister for Education, Minister for Industrial Relations and Minister for Racing provide this human rights certificate with respect to the *Industrial Relations (Tribunals) Amendment Rule 2023* (the Amendment Rule).

In my opinion, the Amendment Rule is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

On 3 November 2022, the *Industrial Relations and Other Legislation Amendment Act 2022* (IROLA Act) came into effect. The IROLA Act amended the *Industrial Relations Act 2016* (IR Act) to, among other objectives, ensure robust representation requirements by agents and transparency, accountability and reporting obligations for organisations who can promote and represent industrial interests under the IR Act.

Consequential amendments to the *Industrial Relations (Tribunals) Rules 2011* are necessary to ensure the policy objectives of the IROLA Act are achieved by amending:

- references to ‘association’ to be replaced with the term ‘industrial organisation’ to align with the updated definition in the IR Act ; and
- certain provisions to ensure that actions taken by agents representing parties pursuing industrial matters (e.g. lodging a notice of appointment, service of documents, and changing a lawyer or agent) reflect the requirements for agents in the IR Act.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Amendment Rule does not engage human rights and, therefore, it is not necessary to consider section 13 of the HR Act.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The Amendment Rule does not limit any human rights and, therefore, it is not necessary to consider section 13 of the HR Act.

Conclusion

I consider that the *Industrial Relations (Tribunals) Amendment Rule 2023* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

GRACE GRACE MP
MINISTER FOR EDUCATION
MINISTER FOR INDUSTRIAL RELATIONS AND
MINISTER FOR RACING

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