

# **CONSTRUCTION AND TOURISM (RED TAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL 2014**

## **Explanatory Notes**

**for**

**Amendments to be moved during consideration in detail by the Honourable Jarrod Bleijie MP Attorney-General and Minister for Justice**

## **Title of the Bill**

*Construction and Tourism (Red Tape Reduction) and Other Legislation Amendment Bill 2014*

## **Objectives of the Amendments**

The proposed amendments to be moved during consideration in detail amend the *Industrial Relations Act 1999* (the IR Act) to remove the requirement that the Annual Report of the President of the Industrial Court of Queensland must contain summaries of significant decisions and interpretations about awards, certified agreements and industrial agreements.

There is no legislative requirement to provide summaries of significant decisions and interpretations about awards, certified agreements and industrial agreements in annual reports in other similar tribunals in the federal and other State and Territory industrial relations jurisdictions in Australia.

Information about decisions and interpretations about awards, certified agreements and industrial agreements is available on the Queensland Industrial Relations Commission (QIRC) website and in other public and private services. The requirement imposes an unnecessary burden on Commission staff in preparing the required information.

To better align with requirements of similar tribunals in other jurisdictions, an amendment to the IR Act is required to omit the requirement for the President of the Court to report on significant decisions and interpretations about awards, certified agreements and industrial agreements.

The proposed amendments also amend the *Queensland Civil and Administrative Tribunal Act 2009* (the QCAT Act) to ensure that the Queensland Civil and

Administrative Tribunal (QCAT) can continue to be constituted, for certain types of matters, by two justices of the peace, one of which is a lawyer.

## **Achievement of the objectives**

The policy objective is to be achieved by:

- omitting subsection 252(2) of the IR Act; and
- retrospectively amending section 206BB of the QCAT Act to extend the expiry date of Chapter 4, Part 4B by one year.

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

The policy objectives can only be achieved through legislative amendment.

## **Estimated cost for government implementation**

There are no costs to the Department of Justice and Attorney-General in implementing these amendments, given that they remove existing requirements and facilitate the continuation of an existing program.

## **Consistency with fundamental legislative principles**

The proposed amendments to the IR Act are consistent with fundamental legislative principles.

The proposed amendment to the QCAT Act will have retrospective operation. Retrospective operation is justified on the basis that it necessary to overcome an administrative error that resulted in the relevant provisions inadvertently expiring on 14 May 2014. Given the short period of time that has elapsed since the expiry, and that the amendment is essentially curative in nature, retrospective operation is both necessary and appropriate.

## **Consultation**

The President of the Industrial Court of Queensland was consulted on the proposed amendments.

The Queensland Civil and Administrative Tribunal has been consulted in relation to the amendment to the QCAT Act.

## **Consistency with legislation of other jurisdictions**

There are no known inconsistencies with policy objectives of other authorising laws.

## **NOTES ON PROVISIONS**

*Amendment 1* provides for the commencement of the amendment to the QCAT Act.

*Amendment 2* provides for the IR Act to be amended at section 252 by omitting subsection (2) which required the annual report of the President of the Industrial Court of Queensland to contain summaries of significant decisions and interpretations about awards, certified agreements and industrial agreements. As a consequence subsections (1A) to (3) are renumbered as (2) to (4).

*Amendment 2* also retrospectively amends section 206BB of the QCAT Act to extend the expiry date of Chapter 4, Part 4B by one year. As a result of this amendment, Chapter 4, Part 4B will expire on 14 May 2015, unless extended by a regulation prior to this date.

*Amendment 3* inserts “the *Industrial Relations Act 1999*” into the long title of the Bill.

*Amendment 4* inserts “the *Queensland Civil and Administrative Tribunal Act 2009*” into the long title of the Bill.