

Industrial Relations and Other Legislation Amendment Regulation 2022

Explanatory notes for SL 2022 No. 100

made under the

Industrial Relations Act 2016

Statutory Bodies Financial Arrangements Act 1982

Workers' Compensation and Rehabilitation Act 2003

General Outline

Short title

Industrial Relations and Other Legislation Amendment Regulation 2022

Authorising law

Section 551(1) and section 990(1) of the *Industrial Relations Act 2016*, section 42 and section 78 of the *Statutory Bodies Financial Arrangements Act 1982* and section 584 of the *Workers' Compensation and Rehabilitation Act 2003*.

Policy objectives and the reasons for them

The objective of the *Industrial Relations and Other Legislation Amendment Regulation 2022* is to make minor amendments to the *Industrial Relations (Tribunals) Rules 2011*, the *Statutory Bodies Financial Arrangements Regulation 2019*, the *Workers' Compensation and Rehabilitation Regulation 2014* and the *Industrial Relations Regulation 2018*.

The minor amendments to the *Industrial Relations (Tribunals) Rules 2011* (IR Rules) are made to support the development of a Benchbook for wage recovery matters.

Further minor amendments to the IR Rules are also to be made to allow for consequential amendments, provide a more accurate heading, and clarify the different ways in which requests for discontinuances may be made. An additional amendment to the IR Rules will also clarify that simplified procedures for an unpaid amount claim in the Queensland Industrial Relations Commission or Industrial Magistrates Court are not available for claims over the small claim threshold.

The *Industrial Relations and Other Legislation Amendment Regulation 2022 Amendment Regulation* (the Amendment Regulation) also makes amendments to the *Statutory Bodies Financial Arrangements Regulation 2019* (SBFA Regulation).

The Community Services Industry (Portable Long Service Leave) Authority (CSI Authority) administers a portable long service leave scheme for eligible workers in Queensland's community services industry. Currently, the CSI Authority does not have investment powers.

The amendments to the SBFA Regulation will enable the CSI Authority to enter into Category 2 investments. This ensures that the CSI Scheme is consistent with the portable long service leave schemes managed by QLeave currently in operation in the building and construction industry and the contract cleaning industry.

Minor amendments are also to be made to the *Workers' Compensation and Rehabilitation Regulation 2014* (WC Regulation) to correct minor drafting errors, as well as an amendment to the *Industrial Relations Regulation 2018* (IR Regulation) to simplify photograph requirements for authority applications.

Achievement of policy objectives

To give effect to the Benchbook, the amendments to the IR Rules will allow for applications made in the Industrial Magistrates Court to be amended in the same way as the IR Rules allow for applications made before the Industrial Court, Queensland Industrial Relations Commission or registrar.

The Amendment Regulation will also enable amendments to be made to the SBFA Regulation, the WC Regulation and the IR Regulation.

Consistency with policy objectives of authorising law

The amendments to the IR Rules are consistent with the main purpose of the *Industrial Relations Act 2016* as rules regarding amending applications will also fairly and equally apply to applications for proceedings before an Industrial Magistrate Court.

The IR Regulation amendments are also consistent with the main purpose of the *Industrial Relations Act 2016* as simplifying the application process supports the delivery of high quality services for Queenslanders.

The SBFA Regulation amendment is consistent with the main objects of the *Statutory Bodies Financial Arrangements Act 1982* as it provides for the effective management of the CSI Authority to enter into Category 2 investment arrangements in the same manner as existing long service leave schemes.

The minor amendment to the WC Regulation is consistent with the main objectives of the *Workers' Compensation and Rehabilitation Act 2003* as the amendment of drafting errors provides for the efficient administration of the workers' compensation scheme.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

Implementation of the Amendment Regulation is not anticipated to bring any additional costs for government.

The SBFA Regulation amendment allows for the CSI Authority to be allocated Category 2 investment powers. The funds that will be invested by the CSI Authority are derived from levy payments, and the income generated by the investments are to be applied towards current and future operational needs and long service leave payments.

Consistency with fundamental legislative principles

This Amendment Regulation is consistent with fundamental legislative principles.

Consultation

As required by section 551(2) and section 550(5) of the *Industrial Relations Act 2016*, the Rules Committee and Chief Magistrate have been consulted on the amendments to the IR Rules. The Rules Committee and Chief Magistrate support the proposed amendments.

The amendments to the IR Rules and IR Regulation fulfill the agency-assessed exclusion criteria under the *Queensland Government Guide to Better Regulation*.

The amendments to the WC Regulation were identified by the Office of Best Practice Regulation. The Department has been consulted and supports the minor amendments.