

Industrial Relations (Tribunals) Amendment Rule 2023

Explanatory notes for SL 2023 No. 157

made under the

Industrial Relations Act 2016

General Outline

Short title

Industrial Relations (Tribunals) Amendment Rule 2023

Authorising law

Section 551(1) of the *Industrial Relations Act 2016*.

Policy objectives and the reasons for them

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

The policy objective of the *Industrial Relations (Tribunals) Amendment Rule 2023* (IR Amendment Rule) is to make minor consequential amendments to the *Industrial Relations (Tribunals) Rules 2011* (the IR Rules) to ensure the objectives of the IROLA Act and the main purposes of the IR Act are achieved.

The Department of Education has prepared an Impact Analysis Statement (IAS) and determined that the proposal does not require regulatory impact analysis under the Better Regulation policy as it is machinery in nature. The IAS has been approved by the Director-General and the Minister.

Achievement of policy objectives

To ensure there is consistency with the policy intent of the IROLA Act and IR Act, amendments to the IR Rules will:

- replace certain references to ‘association’ with the terms ‘organisation’ or an ‘industrial organisation’ to reflect the updated definition in the IR Act; and

- update 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.

Consistency with policy objectives of authorising law

The IR Amendment Rule is consistent with the main purpose of the IR Act and the policy objectives of the IROLA Act as the amendments will ensure threshold requirements for representation in industrial matters are maintained and support continued social justice for Queenslanders.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

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

Consistency with fundamental legislative principles

The IR Amendment Rule is consistent with fundamental legislative principles.

Consultation

As required by sections 551(2) of the IR Act, the Rules Committee have been consulted on the amendments to the IR Rules. The Rules Committee supported the proposed amendments.

Queensland Treasury's Office of Best Practice Regulation was consulted about the IR Amendment Rule. In accordance with the Queensland Government Better Regulation Policy, the IR Amendment Rule is minor and machinery in nature as the amendments are consequential following the IROLA Act and ensure consistency with the IR Act. The IR Amendment Rule does not result in any change to policy or impact on business, government or the community.