

Industrial Relations (Tribunals) Amendment Rule 2021

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*, I, Grace Grace MP, 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 2021 made under the *Industrial Relations Act 2016*.

In my opinion, the Industrial Relations (Tribunals) Amendment Rule 2021, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the Industrial Relations (Tribunals) Rules 2011 (IR Rules) is to facilitate the just and expeditious resolution of industrial issues at a minimum of expense. These IR Rules regulate the practice and procedure to be followed by tribunals dealing with industrial matters and provide guidance for parties and others in bringing, prosecuting, defending and enforcing matters before these tribunals and for orders and decisions of the tribunals.

Amendments to the IR Rules are required to support amendments made to the *Industrial Relations Act 2016* through the *Criminal Code and Other Legislation (Wage Theft) Amendment Act 2020* (the Wage Theft Act). Provisions of the Wage Theft Act aimed at assisting parties recover wages through tribunals will commence on 1 March 2021. Amendments to the IR Rules are necessary to support the legislative amendments made through the Wage Theft Act.

Amendments are also being made to the IR Rules to create greater efficiencies in tribunal proceedings and to reflect current practice, including to respond to changes brought about by technological change.

Human Rights Issues

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

The Industrial Relations (Tribunals) Amendment Rule 2021 does not engage human rights and therefore it is not necessary to consider Part 2, Division 2 and 3 of the *Human Rights Act 2019*.

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

The Industrial Relations (Tribunals) Amendment Rule 2021 does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Industrial Relations (Tribunals) Amendment Rule 2021 is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

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

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