

Industrial Relations and Other Legislation Amendment Regulation 2022

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* (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 and Other Legislation Amendment Regulation 2022* (the Regulation).

In my opinion, the Regulation 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

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

The amendments will enable an applicant to a proceeding in the Industrial Magistrates Court, to amend their initial application to reflect a change in the amount that is being claimed or other orders the applicant is seeking, and its service. Currently, the IR Rules make provision of such arrangements for matters before the Industrial Court, Queensland Industrial Relations Commission, or registrar. The proposed amendments mirror such provisions.

Further minor amendments are also to be made to the IR Rules that will 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 is also required to 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.

Amendments are also to be made to the *Statutory Bodies Financial Arrangements Regulation 2019*. These amendments will enable the Community Services Industry (Portable Long Service Leave) Authority (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 contract cleaning industry.

Minor amendments to the *Workers' Compensation and Rehabilitation Regulation 2014* are also required to correct minor drafting errors.

A minor amendment to the *Industrial Relations Regulation 2018* will provide that one, rather than two, passport size signed photographs are required in a specified application.

Human Rights Issues

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

The Regulation does limit any human rights.

In my opinion, the amendments to the IR Rules in the Regulation engages the following human right:

- Recognition and equality before the law (section 15 of the HR Act).

Currently, rule 68 of the IR Rules provides that discontinuances may be made through a written request. Sections 6 and 7 of the Regulation amend rule 68 and rule 69 of the IR Rules respectively to clarify the different ways in which requests for discontinuances can be made, including by specifying that a discontinuance can be made orally. By providing an alternative to a written request for a discontinuance, it may promote the right to equality before the law as it may assist persons with literacy impairments.

Conclusion

I consider that the *Industrial Relations and Other Legislation Amendment Regulation 2022* is compatible with the HR Act as it does not limit human rights.

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