

Agreement in Principle

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.12 a.m.]: I move:

That this bill be now agreed to in principle.

The purpose of the Industrial Relations Further Amendment (Jurisdiction of the Industrial Relations Commission) Bill 2009 is to enable commissioners of the Industrial Relations Commission who are Australian lawyers to handle small claims for the recovery of moneys owed under an industrial instrument. The bill also makes some minor amendments to the Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009 that relate to the commencement of the Local Court Act 2007. This bill will ensure that the Industrial Court will be able to provide a simple, low-cost regime for small claims matters. It will ensure that the simple, quick and cheap regime of the Local Court is reflected in the Industrial Court, and that Commissioners of the Industrial Relations Commission are utilised to their full capacity.

This bill will improve the efficiency and operation of the Industrial Court upon the commencement of the Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009. When it commences, this Act will abolish the Chief Industrial Magistrate's Court. The jurisdiction of the Chief Industrial Magistrate's Court will transfer to the Industrial Court, although the Local Court sitting in designated rural and regional places will also be able to exercise the jurisdiction of the former Chief Industrial Magistrate's Court. The Chief Industrial Magistrate's Court currently handles a significant number of claims for unpaid entitlements, many of which are small claims. As part of the Local Court, the Chief Industrial Magistrate's Court may use assessors of the Local Court to determine small claims. Assessors in the Local Court must be Australian lawyers, but they are not judicial officers.

The bill will ensure that the Industrial Court is able to use similar procedures when jurisdiction over these matters transfers to it. Procedures for small claims matters in the industrial relations jurisdiction will therefore be similar, regardless of whether the matter is being heard by the Industrial Court or a Local Court sitting in a designated place. The use of commissioners and assessors will ensure that small claims matters are able dealt with quickly and cheaply. This bill follows recommendations made by the President of the Industrial Relations Commission. The President, mindful that the skills and expertise of the commission be fully utilised, recommended that commissioners who are Australian lawyers be able to exercise jurisdiction over small claims matters within the Industrial Court.

Members would note that the Industrial Court is that part of the Industrial Relations Commission that exercises judicial power. The recommendation of the President was the subject of consultations held by the Industrial Relations Commission with key stakeholders as part of discussions aimed at preparing the Industrial Court for the commencement of the Industrial Relations Amendment (Jurisdiction of Industrial Relations Commission) Act 2009. The Government thanks the President for his advice and is pleased to implement his recommendation. This bill makes a significant difference to the handling of small claims industrial matters. I am pleased to commend the bill to the House.