

Industrial Relations Court Rules (Amendment) 1996 No. 262

EXPLANATORY STATEMENT

Statutory Rules 1996 No. 262

AMENDMENT TO THE RULES OF THE INDUSTRIAL RELATIONS COURT OF AUSTRALIA

Section 486 of the *Industrial Relations Act 1988* (the Act) permits the Judges of the Court (of whom there are ten including the Chief Justice) or a majority of them to make Rules of Court not inconsistent with the Act, making provision for or in relation to the practice and procedure to be followed in the Court, including practice and procedure to be followed in Registries of the Court, and for or in relation to all matters and things incidental to any such practice or procedure, or necessary or convenient to be prescribed for the conduct of any business of the Court. Section 486 of the Act also provides that sections 48, 48A, 48B, 49 and 50 of the Acts Interpretation Act 1901 apply in relation to these Rules of Court made under that section as if references in those sections of that Act to regulations were references to the Rules of Court.

The present Industrial Relations Court Rules came into operation on 14 October 1994. This amendment to the Rules will come into operation on 1 July 1996.

Rule 1 - Amendment

This rule provides that the Industrial Relations Court Rules are amended as set out in the following rules.

Rule 2 - Order 62, rule 1 (Determination of amount of costs)

This rule amends Order 62, rule 1, paragraph (a) to allow the Court to order or give directions that a scale of costs that is used to calculate costs in a court constituted under a Commonwealth or State law, must be used to calculate the costs. By adding the reference to State courts, the Court will have more flexibility in choosing an appropriate scale for calculating costs.

Rule 3 - Order 74, rule 2 (Powers of Judicial Registrars)

This rule adds a paragraph (c) to Order 74, rule 2 dealing with powers of judicial registrars. The amendment corrects an omission so the rule reflects the terms of section 376(1)(b) of the Act as amended on 15 January 1996. It delegates the powers of the Court to each Judicial Registrar in relation to applications under section 170ECB (1) of the Act (Enforcement of consent arbitration awards by the Court).