

CIVIL DISPUTE RESOLUTION AMENDMENT REGULATIONS 2024

EXPLANATORY STATEMENT

Issued by authority of the Attorney-General

under the *Civil Dispute Resolution Act 2011*.

PURPOSE AND OPERATION OF THE INSTRUMENT

The *Civil Dispute Resolution Amendment Regulations 2024* (the Regulations) amend section 7 of the *Civil Dispute Resolution Regulations 2021* (the Principal Regulations) to extend the date of self-repeal from 1 October 2024 to 1 October 2027.

Section 19 of the *Civil Dispute Resolution Act 2011* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act ensures that, as far as possible, parties take genuine steps to resolve a civil dispute before proceedings are commenced in the Federal Court of Australia or the Federal Circuit and Family Court of Australia (Division 2). Section 17 of the Act provides that regulations may be made to exempt proceedings from this requirement in the Act. The Principal Regulations exclude three types of proceedings from the operation of the Act.

The purpose of the Regulations is to extend the date of self-repeal of the Principal Regulations from 1 October 2024 to 1 October 2027. This will ensure that the prescribed proceedings remain excluded from the operation of the Act. This amendment does not affect the substantive content or operation of the Principal Regulations.

The details of the Regulations are set out in **Attachment A**.

CONSULTATION

The Regulations were informed by targeted consultation with relevant stakeholders. Extending the date of self-repeal to ensure that the prescribed proceedings remain excluded from the operation of the Act was supported by all stakeholders.

IMPACT ANALYSIS

The Office of Impact Analysis (OIA) has confirmed that an Impact Analysis is not required for the Regulations. OIA reference number: OIA24-06648

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Civil Dispute Resolution Amendment Regulations 2024

This Legislative Instrument (the Regulations) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The *Civil Dispute Resolution Amendment Regulations 2024* (the Regulations) amend the *Civil Dispute Resolution Regulations 2021* (the Principal Regulations) to extend its date of self-repeal by three years to 1 October 2027.

Section 19 of the *Civil Dispute Resolution Act 2011* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Act requires that, as far as possible, parties take genuine steps to resolve a civil dispute before proceedings are commenced in the Federal Court of Australia or the Federal Circuit and Family Court of Australia (Division 2). Section 17 of the Act provides that regulations may be made to exempt proceedings from this requirement in the Act. The Principal Regulations exclude three types of proceedings from the operation of the Act.

The purpose of the Regulations is to amend the self-repeal date of the Principal Regulations to 1 October 2027, to ensure the proceedings prescribed in the Regulations continue to be excluded from the operation of the Act.

Human rights implications

The Regulations do not engage any of the rights and freedoms recognised or declared by the international instruments listed in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The Principal Regulations exclude three types of proceedings from the operation of the Act, as it is either not appropriate or practical to require parties to take genuine steps to resolve a civil dispute before those proceedings are commenced. The Regulations extend the date of self-repeal of the Principal Regulations by three years. There are no changes to the operation of the Principal Regulations.

Conclusion

The Regulations are compatible with human rights as it does not raise any human rights issues.

NOTES ON SECTIONS

Section 1 - Name of Regulations

This section provides that the title of the Regulations is the *Civil Dispute Resolution Amendment Regulations 2024*.

Section 2 - Commencement

This section provides for the Regulations to commence on the day after they are registered.

Section 3 - Authority

This section provides that the *Civil Dispute Resolution Amendment Regulations 2024* is made under the *Civil Dispute Resolution Act 2011*.

Section 4 – Schedule(s)

This section provides that each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1 – Amendments

Item 1 – section 7

Item 1 of Schedule 1 amends section 7 of the *Civil Dispute Resolution Regulations 2021* to provide that the regulations are repealed at the start of 1 October 2027, instead of 1 October 2024.