

## 19/262 Courts Legislation (Fair Work and Work Safety) Amendment Bill 2019

### Summary of Impacts

The Courts (Fair Work and Work Safety) Legislation Amendment Bill 2019 (the Bill) makes amendments to support the commencement and conduct of fair work matters in the Magistrates Court, to encourage the community to use this forum for dispute resolution.

The Bill also makes amendments to facilitate the trial of corporations for industrial manslaughter under the *Work Health and Safety Act 2011*.

*Key to impacts: Red – negative, Blue – neutral, Green – positive.*

### Social

#### Justice and rights

- The Bill makes amendments that support justice by providing for the efficient and cost-effective instigation and conduct of proceedings for fair work matters in the Magistrates Court. In particular, compulsory mediation provisions support the right to a fair trial by encouraging the resolution of fair work matters without costly litigation.
- The Bill makes amendments to allow the Court to transfer a small claim to the general claim stream, and from ACAT to the Magistrates Court, without requiring applicants to pay additional fees or re-submit applications. This promotes the accessibility of the courts and the right to a fair trial.
- The Bill allows for officials of industrial associations (ie unions or employer associations) to represent parties in small claims with leave of the Court. This assists in alleviating power imbalances between employers and employees by providing more accessible representation to applicants, and in doing so enhances access to justice.

### Economic

Nil impact.

### Environmental

Nil impact.