



New South Wales

Industrial Relations Amendment Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the following legislation to make miscellaneous amendments about matters concerning industrial relations and, in particular, the Industrial Relations Commission in Court Session (the *Industrial Court*)—

- (a) the *Crimes (Appeal and Review) Act 2001*,
- (b) the *Criminal Procedure Act 1986*,
- (c) the *Health Services Act 1997* and the *Health Services Regulation 2018*,
- (d) the *Industrial Relations Act 1996* and the *Industrial Relations (General) Regulation 2020*,
- (e) the *Parliamentary Remuneration Act 1989*,
- (f) the *Police Act 1990*,
- (g) the *Work Health and Safety Act 2011*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of legislation

1.1 Crimes (Appeal and Review) Act 2001 No 120

Schedule 1.1[2]–[4] make amendments consequent on the re-establishment of the Industrial Court. The items propose that a person may appeal to the Supreme Court with leave on a question of law alone in relation to a conviction or sentence imposed by the Local Court for an offence under the *Industrial Relations Act 1996* or the *Work Health and Safety Act 2011*. **Schedule 1.1[1]** makes a consequential amendment, inserting a definition of *workplace relations offence*.

Schedule 1.1[5] provides that the Attorney General or Director of Public Prosecutions may appeal to the Court of Criminal Appeal against the acquittal of a person by the Industrial Court in proceedings for an offence under the *Industrial Relations Act 1996* or the *Work Health and Safety Act 2011* or other proceedings in which the Crown is a party.

Schedule 1.1[6] provides that, despite the proposed amendment in Schedule 1.1[5], the Attorney General and Director of Public Prosecutions cannot appeal acquittals by the Industrial Court occurring—

- (a) on, or before, the commencement of the proposed Act, or
- (b) after the commencement of the proposed Act in proceedings that commenced before the commencement date.

Schedule 1.1[7] provides that a person's right or privilege to appeal a conviction or sentence by the Local Court to the Supreme Court is not affected by the proposed amendments in Schedule 1.1[2]–[4].

1.2 Criminal Procedure Act 1986 No 209

Schedule 1.2[2] applies the case management procedures under the *Criminal Procedure Act 1986*, Chapter 4, Part 5, Division 2A to matters before the Industrial Court brought under the *Work Health and Safety Act 2011*, section 229B(1)(b) or (3A). **Schedule 1.2[1]** proposes a consequential amendment. **Schedule 1.2[3]** provides a transitional provision for the application of the proposed amendments.

1.3 Health Services Act 1997 No 154

Schedule 1.3[1] substitutes section 90 to require the arbitrator for an arbitration concerning certain service contracts in the public health system to be a judicial member of the Industrial Relations Commission who is nominated by the President of the Commission and appointed by the Minister administering the *Industrial Relations Act 1996*. The provision currently requires the Minister to appoint an arbitrator in accordance with the regulations.

Schedule 1.3[4] makes an amendment consequent on the repeal of the *Industrial Relations Act 1996*, section 146C by the *Industrial Relations Amendment Act 2023*, which repealed the requirement for the Industrial Relations Commission to give effect to government policies when making or varying awards or orders relating to the employment of public sector employees. The arbitrator is currently required to give effect to the same policies. The proposed amendment requires the arbitrator to instead have regard to the public interest and certain economic matters, similar to the *Industrial Relations Act 1996*, section 146. **Schedule 1.3[5]** extends the proposed amendment to proceedings commenced before, but not yet determined on, the commencement of the proposed Act.

Schedule 1.3[2] and [3] make minor drafting updates.

1.4 Health Services Regulation 2018

Schedule 1.4 makes a consequential amendment relating to Schedule 1.3[1].

1.5 Industrial Relations Act 1996 No 17

Schedule 1.5[1] clarifies that the regulations under the *Industrial Relations Act 1996* may provide for the refund or waiver of fees and charges imposed by the Industrial Relations Commission.

Schedule 1.5[2] enables appeals from the Local Court for matters specified in the *Industrial Relations Act 1996*, section 197 to be heard by a single judicial member of the Industrial Court. **Schedule 1.5[4]** makes a consequential amendment.

Schedule 1.5[3] provides that the provisions of the *Crimes (Appeal and Review) Act 2001*, Parts 3 and 6 dealing with appeals from the Local Court to the District Court, instead of appeals to the Supreme Court, apply to appeals from the Local Court to the Industrial Court.

Schedule 1.5[5] provides that the *Industrial Relations Act 1996*, section 197(2) continues to apply as if it had not been amended by Schedule 1.5[3] to proceedings on appeal from the Local Court and matters for which an application to commence proceedings on appeal from the Local Court is filed before the proposed Act commences.

1.6 Industrial Relations (General) Regulation 2020

Schedule 1.6 makes a minor law revision.

1.7 Parliamentary Remuneration Act 1989 No 160

Schedule 1.7 makes an amendment consequent on the repeal of the *Industrial Relations Act 1996*, section 146C by the *Industrial Relations Amendment Act 2023*, which repealed the requirement for the Industrial Relations Commission to give effect to government policies when making or varying awards or orders relating to the employment of public sector employees. The Parliamentary Remuneration Tribunal is currently required to give effect to the same policies when determining the basic salary for members of either House of Parliament under the *Parliamentary Remuneration Act 1989*. The proposed amendment requires the Tribunal to instead have regard to the fiscal position and outlook of the Government and the likely effect of the making of the determination on the position and outlook.

1.8 Police Act 1990 No 47

Schedule 1.8[2] and [3] make amendments consequent on the re-establishment of the Industrial Court. **Schedule 1.8[1]** makes a minor drafting update.

1.9 Work Health and Safety Act 2011 No 10

Schedule 1.9[1] provides that civil proceedings in relation to engaging in or inducing discriminatory or coercive conduct must be heard by the Industrial Court rather than the District Court. **Schedule 1.9[2]** makes a consequential amendment. **Schedule 1.9[3]** provides a transitional provision for the proposed amendments.



New South Wales

Industrial Relations Amendment Bill 2025

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Industrial Relations Amendment Bill 2025

No. _____, 2025

A Bill for

An Act to amend legislation concerning industrial relations and, in particular, the Industrial Court; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Industrial Relations Amendment Act 2025*.

3

2 Commencement

4

This Act commences as follows—

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- (a) for Schedule 1.1[2]–[4] and [7], 1.2 and 1.5[2]–[5]—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

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Schedule 1	Amendment of legislation	1
1.1	Crimes (Appeal and Review) Act 2001 No 120	2
[1]	Section 3 Definitions	3
	Insert in alphabetical order in section 3(1)—	4
	workplace relations offence means an offence under—	5
	(a) the <i>Industrial Relations Act 1996</i> , or	6
	(b) the <i>Work Health and Safety Act 2011</i> .	7
[2]	Section 52 Appeals as of right	8
	Insert “or a workplace relations offence” after “an environmental offence” in section 52(1).	9
[3]	Section 53 Appeals requiring leave	10
	Insert “or a workplace relations offence” after “an environmental offence” in section 53(1).	11
[4]	Section 53(2)	12
	Insert “or a workplace relations offence,” after “an environmental offence,”.	13
[5]	Section 107 Directed jury acquittals or acquittals in trials without juries	14
	Omit section 107(1)(c). Insert instead—	15
	(c) by the Supreme Court in its summary jurisdiction in proceedings in which the Crown was a party, or	16
	(d) by the Land and Environment Court in its summary jurisdiction in proceedings in which the Crown was a party, or	18
	(e) by the Industrial Court in—	20
	(i) proceedings for a workplace relations offence, or	21
	(ii) other proceedings in which the Crown was a party.	22
[6]	Schedule 1 Savings, transitional and other provisions	23
	Insert at the end of the schedule, with appropriate part and clause numbering—	24
Part	Provisions consequent on enactment of Industrial Relations Amendment Act 2025	25
		26
	Definition	27
	In this part—	28
	amending Act means the <i>Industrial Relations Amendment Act 2025</i> .	29
	Appeal by Attorney General or Director of Public Prosecutions of certain acquittals	30
		31
	(1) Section 107(1)(e) does not apply to an acquittal of a person that occurred—	32
	(a) on or before the commencement date, or	33
	(b) after the commencement date in proceedings that commenced before the commencement date.	34
		35
	(2) In this clause—	36
	commencement date means the day on which the amending Act, Schedule 1.1[5] commences.	37
		38

[7] Schedule 1	1
Insert at the end of the part inserted by Schedule 1.1[6], with appropriate clause numbering—	2 3
Appeal of decisions by Local Court	4
(1) This clause applies to a conviction or sentence by the Local Court occurring—	5
(a) on or before the commencement date, or	6
(b) after the commencement date if the proceedings in relation to the conviction or sentence commenced before the commencement date.	7 8
(2) The amending Act, Schedule 1.1[2]–[4] do not affect any right or privilege a person had before the commencement date to appeal a conviction or sentence by the Local Court to which this clause applies.	9 10 11
(3) In this clause—	12
<i>commencement date</i> means the day on which the amending Act, Schedule 1.1[2]–[4] commence.	13 14
1.2 Criminal Procedure Act 1986 No 209	15
[1] Section 170 Application	16
Omit “Court.” from section 170(4)(b). Insert instead—	17
Court,	18
(c) proceedings before the Industrial Relations Commission in Court Session in matters brought under the <i>Work Health and Safety Act 2011</i> , section 229B(1)(b) or (3A).	19 20 21
[2] Section 247A Application	22
Omit section 247A(c). Insert instead—	23
(c) the Industrial Relations Commission in Court Session in matters brought under the <i>Work Health and Safety Act 2011</i> , section 229B(1)(b) or (3A).	24 25 26
[3] Schedule 2 Savings, transitional and other provisions	27
Insert at the end of the schedule, with appropriate part and clause numbering—	28
Part Provision consequent on enactment of Industrial Relations Amendment Act 2025	29 30
Application of amendments	31
An amendment made to this Act by the <i>Industrial Relations Amendment Act 2025</i> extends to proceedings for an offence committed, or alleged to have been committed, before the commencement of the amendment but not if the hearing of the proceedings commenced before the commencement of the amendment.	32 33 34 35
1.3 Health Services Act 1997 No 154	36
[1] Section 90	37
Omit the section. Insert instead—	38

90 Appointment of arbitrator by relevant Minister	1
On receipt of an application under section 89, the relevant Minister must appoint a judicial member of the Industrial Relations Commission, nominated by the President of the Commission for the purposes of this section, to be the arbitrator for the purposes of making a determination under this part.	2 3 4 5
[2] Section 92 Manner of exercise of arbitrator’s functions	6
Omit “this Part” from section 92(1). Insert instead “this part”.	7
[3] Section 92(1)(a)	8
Omit “himself or herself”. Insert instead “themselves”.	9
[4] Section 92(2)	10
Omit the subsection. Insert instead—	11
(2) In making a determination under this part, the arbitrator must—	12
(a) have regard to the established principles of the Industrial Relations Commission in connection with the determination of remuneration and terms and conditions of work under awards made under the <i>Industrial Relations Act 1996</i> , and	13 14 15 16
(b) take into account the public interest and, for that purpose, have regard to—	17 18
(i) the objects of the <i>Industrial Relations Act 1996</i> , other than the objects specified in that Act, section 3(c)–(e), and	19 20
(ii) the state of the economy of New South Wales and the likely effect of the making of the determination on the economy, and	21 22
(iii) the fiscal position and outlook of the Government and the likely effect of the making of the determination on the position and outlook.	23 24 25
[5] Schedule 7 Savings, transitional and other provisions	26
Insert at the end of the schedule, with appropriate part and clause numbering—	27
Part Provisions consequent on enactment of Industrial Relations Amendment Act 2025	28 29
Definition	30
In this part—	31
<i>amending Act</i> means the <i>Industrial Relations Amendment Act 2025</i> .	32
Exercise of arbitrator’s functions	33
An arbitrator must have regard to the matters under section 92(2)(a) and (b) in making a determination, whether the arbitration resulting in the determination commenced before or after the commencement of the amending Act, Schedule 1.3.	34 35 36 37
Appointment of arbitrator	38
The appointment of an arbitrator in effect immediately before the commencement of the amending Act, Schedule 1.3 continues after the commencement of the amending Act, Schedule 1.3.	39 40 41

1.4 Health Services Regulation 2018	1
Clause 34 Appointment of arbitrator by relevant Minister	2
Omit the clause.	3
1.5 Industrial Relations Act 1996 No 17	4
[1] Section 183	5
Omit the section. Insert instead—	6
183 Regulations about fees	7
The regulations may make provision about the following—	8
(a) the fees or charges, or the basis on which fees or charges must be calculated, for the business of the Commission, including an Industrial Committee,	9 10 11
(b) the refund or waiver of fees and charges,	12
(c) the payment of the expenses of witnesses or persons receiving a summons under this Act.	13 14
[2] Section 197 Appeals from Local Court	15
Omit “a Full Bench of” from section 197(1).	16
[3] Section 197(2)	17
Omit the subsection. Insert instead—	18
(2) The following apply, subject to the regulations under this Act, to an appeal referred to in subsection (1)—	19 20
(a) the provisions of the <i>Crimes (Appeal and Review) Act 2001</i> , Parts 3 and 6 that relate to the following—	21 22
(i) an appeal from the Local Court to the District Court,	23
(ii) a decision of the District Court on the appeal,	24
(iii) the carrying out or enforcement of the decision,	25
(b) the provisions of the <i>Crimes (Appeal and Review) Act 2001</i> as applied by the <i>Local Court Act 2007</i> , section 70.	26 27
[4] Section 197(4)	28
Omit “Full Bench of the”.	29
[5] Schedule 4 Savings, transitional and other provisions	30
Insert at the end of the schedule, with appropriate part and clause numbering—	31
Part Provisions relating to Industrial Relations Amendment Act 2025	32 33
Definitions	34
In this part—	35
<i>amending Act</i> means the <i>Industrial Relations Amendment Act 2025</i> .	36
<i>commencement date</i> means the day on which the amending Act, Schedule 1.5[3] commences.	37 38

Appeals from Local Court	1
(1) This clause applies to the following matters—	2
(a) proceedings on appeal from the Local Court that have commenced but not been determined before the commencement date,	3 4
(b) a matter for which an application to commence proceedings on appeal from the Local Court has been filed but not determined before the commencement date.	5 6 7
(2) The amending Act, Schedule 1.5[3] is taken not to have commenced in relation to the matters to which this clause applies.	8 9
1.6 Industrial Relations (General) Regulation 2020	10
Schedule 1 Commission Fees	11
Omit “or association registered under the Act, Chapter 5” wherever occurring in Part 3.	12
Insert instead “or association registered under the Act, Chapter 6”.	13
1.7 Parliamentary Remuneration Act 1989 No 160	14
Section 4 Definition of basic salary	15
Omit section 4(3) and (4). Insert instead—	16
(3) In making a determination, the Tribunal must have regard to—	17
(a) the fiscal position and outlook of the Government, and	18
(b) the likely effect of the making of the determination on the position and outlook.	19 20
1.8 Police Act 1990 No 47	21
[1] Section 179 Application of Industrial Relations Act 1996	22
Omit “this Division” wherever occurring. Insert instead “this division”.	23
[2] Section 179(3)	24
Omit “the Chief Commissioner”. Insert instead “the President of the Commission”	25
[3] Section 179(3)	26
Omit “the Chief Commissioner’s”. Insert instead “the President’s”.	27
1.9 Work Health and Safety Act 2011 No 10	28
[1] Sections 112(1), (3) and (5) and 114(2) and (3)	29
Omit “the District Court” wherever occurring. Insert instead “the Industrial Court”.	30
[2] Section 112 Civil proceedings in relation to engaging in or inducing discriminatory or coercive conduct	31 32
Omit “The District Court” from section 112(2). Insert instead “The Industrial Court”.	33
[3] Schedule 4 Savings, transitional and other provisions	34
Insert at the end of the schedule, with appropriate part and clause numbering—	35

Part	Provision consequent on enactment of Industrial Relations Amendment Act 2025	1
		2
	Application of amendments	3
	An amendment made to this Act by the <i>Industrial Relations Amendment Act 2025</i> extends to proceedings commenced before the commencement of the amendment but not if the hearing of the proceedings commenced before the commencement of the amendment.	4
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		6
		7