

Passed by both Houses



New South Wales

Industrial Relations Amendment Bill 2025

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of legislation	3

I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2025



New South Wales

Industrial Relations Amendment Bill 2025

Act No _____, 2025

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

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

This Act commences as follows—

- (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.

Schedule 1 Amendment of legislation

1.1 Crimes (Appeal and Review) Act 2001 No 120

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)—

workplace relations offence means an offence under—

- (a) the *Industrial Relations Act 1996*, or
- (b) the *Work Health and Safety Act 2011*.

[2] Section 52 Appeals as of right

Insert “or a workplace relations offence” after “an environmental offence” in section 52(1).

[3] Section 53 Appeals requiring leave

Insert “or a workplace relations offence” after “an environmental offence” in section 53(1).

[4] Section 53(2)

Insert “or a workplace relations offence,” after “an environmental offence,”.

[5] Section 107 Directed jury acquittals or acquittals in trials without juries

Omit section 107(1)(c). Insert instead—

- (c) by the Supreme Court in its summary jurisdiction in proceedings in which the Crown was a party, or
- (d) by the Land and Environment Court in its summary jurisdiction in proceedings in which the Crown was a party, or
- (e) by the Industrial Court in—
 - (i) proceedings for a workplace relations offence, or
 - (ii) other proceedings in which the Crown was a party.

[6] Schedule 1 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Industrial Relations Amendment Act 2025

Definition

In this part—

amending Act means the *Industrial Relations Amendment Act 2025*.

Appeal by Attorney General or Director of Public Prosecutions of certain acquittals

- (1) Section 107(1)(e) does not apply to an acquittal of a person that occurred—
 - (a) on or before the commencement date, or
 - (b) after the commencement date in proceedings that commenced before the commencement date.
- (2) In this clause—

commencement date means the day on which the amending Act, Schedule 1.1[5] commences.

[7] Schedule 1

Insert at the end of the part inserted by Schedule 1.1[6], with appropriate clause numbering—

Appeal of decisions by Local Court

- (1) This clause applies to a conviction or sentence by the Local Court occurring—
 - (a) on or before the commencement date, or
 - (b) after the commencement date if the proceedings in relation to the conviction or sentence commenced before the commencement date.
- (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.
- (3) In this clause—

commencement date means the day on which the amending Act, Schedule 1.1[2]–[4] commence.

1.2 Criminal Procedure Act 1986 No 209

[1] Section 170 Application

Omit “Court.” from section 170(4)(b). Insert instead—

Court,

- (c) proceedings before the Industrial Relations Commission in Court Session in matters brought under the *Work Health and Safety Act 2011*, section 229B(1)(b) or (3A).

[2] Section 247A Application

Omit section 247A(c). Insert instead—

- (c) the Industrial Relations Commission in Court Session in matters brought under the *Work Health and Safety Act 2011*, section 229B(1)(b) or (3A).

[3] Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Industrial Relations Amendment Act 2025

Application of amendments

An amendment made to this Act by the *Industrial Relations Amendment Act 2025* 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.

1.3 Health Services Act 1997 No 154

[1] Section 90

Omit the section. Insert instead—

90 Appointment of arbitrator by relevant Minister

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] Section 92 Manner of exercise of arbitrator's functions

Omit "this Part" from section 92(1). Insert instead "this part".

[3] Section 92(1)(a)

Omit "himself or herself". Insert instead "themselves".

[4] Section 92(2)

Omit the subsection. Insert instead—

- (2) In making a determination under this part, the arbitrator must—
- (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 *Industrial Relations Act 1996*, and
 - (b) take into account the public interest and, for that purpose, have regard to—
 - (i) the objects of the *Industrial Relations Act 1996*, other than the objects specified in that Act, section 3(c)–(e), and
 - (ii) the state of the economy of New South Wales and the likely effect of the making of the determination on the economy, and
 - (iii) the fiscal position and outlook of the Government and the likely effect of the making of the determination on the position and outlook.

[5] Schedule 7 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions consequent on enactment of Industrial Relations Amendment Act 2025

Definition

In this part—

amending Act means the *Industrial Relations Amendment Act 2025*.

Exercise of arbitrator's functions

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.

Appointment of arbitrator

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.

1.4 Health Services Regulation 2018

Clause 34 Appointment of arbitrator by relevant Minister

Omit the clause.

1.5 Industrial Relations Act 1996 No 17

[1] Section 183

Omit the section. Insert instead—

183 Regulations about fees

The regulations may make provision about the following—

- (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,
- (b) the refund or waiver of fees and charges,
- (c) the payment of the expenses of witnesses or persons receiving a summons under this Act.

[2] Section 197 Appeals from Local Court

Omit “a Full Bench of” from section 197(1).

[3] Section 197(2)

Omit the subsection. Insert instead—

- (2) The following apply, subject to the regulations under this Act, to an appeal referred to in subsection (1)—
 - (a) the provisions of the *Crimes (Appeal and Review) Act 2001*, Parts 3 and 6 that relate to the following—
 - (i) an appeal from the Local Court to the District Court,
 - (ii) a decision of the District Court on the appeal,
 - (iii) the carrying out or enforcement of the decision,
 - (b) the provisions of the *Crimes (Appeal and Review) Act 2001* as applied by the *Local Court Act 2007*, section 70.

[4] Section 197(4)

Omit “Full Bench of the”.

[5] Schedule 4 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provisions relating to Industrial Relations Amendment Act 2025

Definitions

In this part—

amending Act means the *Industrial Relations Amendment Act 2025*.

commencement date means the day on which the amending Act, Schedule 1.5[3] commences.

Appeals from Local Court

- (1) This clause applies to the following matters—
 - (a) proceedings on appeal from the Local Court that have commenced but not been determined before the commencement date,
 - (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.
- (2) The amending Act, Schedule 1.5[3] is taken not to have commenced in relation to the matters to which this clause applies.

1.6 Industrial Relations (General) Regulation 2020

Schedule 1 Commission Fees

Omit “or association registered under the Act, Chapter 5” wherever occurring in Part 3.

Insert instead “or association registered under the Act, Chapter 6”.

1.7 Parliamentary Remuneration Act 1989 No 160

Section 4 Definition of basic salary

Omit section 4(3) and (4). Insert instead—

- (3) In making a determination, the Tribunal must have regard to—
 - (a) the fiscal position and outlook of the Government, and
 - (b) the likely effect of the making of the determination on the position and outlook.

1.8 Police Act 1990 No 47

[1] Section 179 Application of Industrial Relations Act 1996

Omit “this Division” wherever occurring. Insert instead “this division”.

[2] Section 179(3)

Omit “the Chief Commissioner”. Insert instead “the President of the Commission”

[3] Section 179(3)

Omit “the Chief Commissioner’s”. Insert instead “the President’s”.

1.9 Work Health and Safety Act 2011 No 10

[1] Sections 112(1), (3) and (5) and 114(2) and (3)

Omit “the District Court” wherever occurring. Insert instead “the Industrial Court”.

[2] Section 112 Civil proceedings in relation to engaging in or inducing discriminatory or coercive conduct

Omit “The District Court” from section 112(2). Insert instead “The Industrial Court”.

[3] Schedule 4 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Industrial Relations Amendment Act 2025

Application of amendments

An amendment made to this Act by the *Industrial Relations Amendment Act 2025* 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.