



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.