

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 *Industrial Relations Act 1996* to require the Industrial Relations Commission to give effect to aspects of government policy declared by the regulations relating to NSW public sector conditions of employment.

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 on the date of assent to the proposed Act.

Schedule 1 Amendment of Industrial Relations Act 1996

Schedule 1 [2] inserts proposed section 146C into the Act to give effect to the object of the proposed Act. The proposed section requires the Industrial Relations

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Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011

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Commission (*the Commission*) when making or varying an award or order to give effect to any policy on conditions of employment of public sector employees:

(a) that is declared by the regulations to be an aspect of government policy that is required to be given effect to by the Commission, and

(b) that applies to the matter to which the award or order relates.

The proposed section will not apply to proceedings before the Commission in Court Session (known as the Industrial Court).

The proposed section extends to proceedings on appeal to the Full Bench of the Commission and to proceedings pending on the commencement of the proposed section. *Public sector employees* are defined to cover the Government Service, the Teaching Service, the NSW Police Force, the NSW Health Service, the service of Parliament and other public sector employees.

Schedule 1 [1] makes a related amendment to the unfair contracts jurisdiction of the Commission to provide that a contract is not unfair merely because it gives effect to the declared government policies referred to in proposed section 146C.

Schedule 1 [3] authorises the making of savings and transitional regulations consequent on the enactment of the proposed Act.