



New South Wales

Industrial Relations Amendment (Dispute Orders) Bill 2022

Explanatory note

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

Overview of Bill

The object of this Bill is to make amendments to the *Industrial Relations Act 1996* (the *Principal Act*) to—

- (a) increase the maximum penalties for contraventions of dispute orders, and
- (b) remove the prohibition on the Supreme Court awarding costs in relation to proceedings for contraventions of dispute orders.

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 No 17

Schedule 1[1]–[4] amend the maximum amount that may be imposed by the Supreme Court on an industrial organisation or employer for a contravention of a dispute order under the Principal Act, section 139. The amounts are amended to be expressed as penalty units.

Schedule 1[5] removes the prohibition on the Supreme Court awarding costs in relation to proceedings for contraventions of dispute orders.

Schedule 1[6] makes an amendment of a savings and transitional nature to provide that the proposed amendments apply to proceedings for contraventions of dispute orders that occur on or after the commencement of this Act, whether or not the dispute order was made before the commencement.



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Industrial Relations Amendment (Dispute Orders) Bill 2022

No. _____, 2022

A Bill for

An Act to amend the *Industrial Relations Act 1996* to increase the maximum penalties for contraventions of dispute orders; and to remove the prohibition on the Supreme Court awarding costs in relation to proceedings for contraventions of dispute orders.

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Industrial Relations Amendment (Dispute Orders) Act 2022*.

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2 Commencement

4

This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Industrial Relations Act 1996 No 17	1
		2
[1]	Section 139 Contravention of dispute order	3
	Omit “in total \$10,000” from section 139(4)(a).	4
	Insert instead “an amount equal to 500 penalty units”.	5
[2]	Section 139(4)(a)	6
	Omit “\$5,000”. Insert instead “amount equal to 250 penalty units”.	7
[3]	Section 139(4)(b)	8
	Omit “in total \$20,000”. Insert instead “an amount equal to 1,000 penalty units”.	9
[4]	Section 139(4)(b)	10
	Omit “\$10,000”. Insert instead “amount equal to 500 penalty units”.	11
[5]	Section 355E Special provisions applicable to industrial proceedings	12
	Omit “in proceedings for a contravention of a dispute order or” from section 355E(3).	13
[6]	Schedule 4 Savings, transitional and other provisions	14
	Insert after Part 18—	15
Part 19	Provisions relating to Industrial Relations Amendment (Dispute Orders) Act 2022	16
		17
73	Contravention of dispute orders	18
	The amendments made by the <i>Industrial Relations Amendment (Dispute Orders) Act 2022</i> to this Act apply to proceedings for contraventions of dispute orders that occur on or after the commencement of this clause, whether or not the dispute order was made before the commencement.	19
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