



Tabled, by leave,  
by Mr Tudelake  
Staffell  
Clerk of the Parliaments  
a Aug 22

**INDUSTRIAL RELATIONS AMENDMENT (DISPUTE ORDERS) BILL 2022**

**STATEMENT OF PUBLIC INTEREST**

**Need: Why is the policy needed based on factual evidence and stakeholder input?**

The *Industrial Relations Amendment (Dispute Orders) Bill 2022* seeks to increase penalties that may be imposed by Courts if dispute orders granted by the Industrial Relations Commission (IRC) are breached. Despite the issue of dispute orders and the subsequent imposition of penalties by the Supreme Court when those orders have been breached, unions have taken industrial action that has significantly impacted public sector services and generally inconvenienced the people of NSW.

Since referral of private sector industrial relations powers in 2009, the coverage of NSW industrial relations system is limited to the NSW Public Sector and Local Government sectors, as well as some sections of the transport industry. Industrial action taken by NSW unions will therefore directly impact members of the public when it is taken.

The NSW Government is the largest employer of employees in the State system. There has been no stakeholder engagement outside of government on this Bill.

**Objectives: What is the policy's objective couched in terms of the public interest?**

The objective is to ensure potential penalties imposed by the Court are sufficient to act as a deterrent for organisations breaching dispute orders made by the IRC.

**Options: What alternative policies and mechanisms were considered in advance of the bill?**

The *Industrial Relations Act* (the Act) is the primary mechanism enabling penalties to be imposed by courts. The size of the penalties is determined by the Act, and this Bill seeks to increase the maximum size of the penalties that may be imposed.

**Analysis: What were the pros/cons and benefits/costs of each option considered?**

As the Bill is intended to increase the maximum penalties that can be imposed, the pros are that an increase to penalties will act as a greater deterrent to breaches of IRC dispute orders, thus minimising the likelihood of damaging industrial action. If the industrial parties subject to the dispute orders comply as intended and the industrial action is not taken, services will continue to be provided, without disruption to the general public.

**Pathway: What are the timetable and steps for the policy's rollout and who will administer it?**

If approved, the maximum penalty that can be imposed will be increased. Courts will then have the discretion to impose penalties up to and including the new maximum. No ongoing administration or rollout is/are required.

**Consultation: Were the views of affected stakeholders sought and considered in making the policy?**

The Government regularly engages with industrial organisations and Government employers to inform its industrial relations policy.