

Legislation Review Committee



PARLIAMENT OF
NEW SOUTH WALES

Correspondence received in response
to the Legislation Review Committee
Digest No. 47 – 20 September 2022



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The Hon. Damien Tudehope MLC
Minister for Finance
Minister for Employee Relations
Vice-President of the Executive Council
Leader of the Government in the Legislative Council

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27 September 2022

Mr Dave Layzell MP
Chair
Legislation Review Committee
Parliament of New South Wales

By email: Legislation.Review@parliament.nsw.gov.au

Your ref: D22/50986

Dear Chair

Thank you for the opportunity to respond to the issues raised by the Legislation Review Committee in its consideration of the *Industrial Relations Amendment (Dispute Orders) Bill 2022*.

The Committee noted *"that the Bill will apply to dispute orders that were imposed prior to the date of commencement. This means that parties may have dispute orders imposed with an expectation that alternative penalties may apply if that order was contravened."*

The Committee further noted *"that the increased penalties and imposition of costs orders will only apply to contraventions that occur after the commencement of the Bill, and therefore the effect of the retrospectivity may be reduced"*.

I agree with this observation of the Committee and would add that as the increased penalty and imposition of costs orders will only apply to a party that, after the commencement of the Bill, intentionally breaches the terms of a dispute order with the knowledge of those increased penalties and costs, then there is no retrospective impact on decisions as to whether or not to intentionally breach a dispute order.

Yours sincerely

The Hon. Damien Tudehope MLC
Minister for Finance
Minister for Employee Relations
Vice-President of the Executive Council
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