

The Hon Tara Moriarty MLC  
Chair  
Legislative Portfolio Committee No.1 – Premier and Finance

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Dear Chair

I am writing in relation to a response I provided to a question asked during the Budget Estimates Additional Hearings for the Minister for Finance and Minister for Employee Relations on Friday 4 March 2022.

The Hon. Penny Sharpe MLC and the Hon Courtney Houssos MLC both asked questions relating to the Industrial Relations Commission of NSW (**IRC**), with relevant extracts from Hansard (page 67 of the uncorrected transcript) below:

**The Hon. COURTNEY HOUSSOS:** *Sorry, Mr Heuston, we were also interested just to know which Minister is actually responsible for the Industrial Relations Commission.*

**CHARLIE HEUSTON:** *There are two parts to that. In terms of the appointments to the commission, it is a joint responsibility of the Attorney General and the Minister for Employee Relations. The employees within the registry who operate the backbone of the commission are employees of the Department of Communities and Justice. That courts and tribunals area falls within the responsibility of the Attorney General*

**The Hon. COURTNEY HOUSSOS:** *Thanks, Mr Heuston. That was very helpful. I am glad that someone knows the reporting structure in government.*

**The Hon. PENNY SHARPE:** *Basically there is no reporting to the Minister for Employee Relations?*

**CHARLIE HEUSTON:** *Staff in the registry report to the principal registrar of the Supreme Court, ultimately, who does not report to the Minister for Employee Relations.*

**MICHAEL COUTTS-TROTTER:** *And who is an employee of the Department of Communities and Justice.*

**The Hon. COURTNEY HOUSSOS:** *So if we were to ask the question about where is the annual report for the Industrial Relations Commission, we need to ask that of the Attorney General, not the Minister for Employee Relations?*

**MICHAEL COUTTS-TROTTER:** *Yes.*

**CHARLIE HEUSTON:** *That is correct.*

Chapter 4 of the *Industrial Relations Act 1996* (the **IR Act**), which deals with the functions and operations of the IRC, is the responsibility of the Minister for Employee Relations, with the exception of:

- sections 180, 185(2)(d)–(e), 197, 197B, 207 and 208, which are allocated to the Attorney General; and
- section 148, which is jointly allocated to the Minister for Employee Relations and the Attorney General).

While the substance of my initial response to the question from the Hon Courtney Houssos MLC regarding the Minister responsible for the Industrial Relations Commission is correct, this additional context may assist the Committee in understanding the current administrative arrangements.

I wish to clarify my response to the follow up question from the Hon Courtney Houssos MLC regarding Ministerial responsibility for the annual report of the IRC.

While both the Secretary and I indicated at the hearing that questions regarding the annual report should be directed to the Attorney General, the Minister for Employee Relations is in fact the relevant Minister for the purposes of tabling of the IRC's annual report.

Section 161 of the IR Act provides that the Chief Commissioner of the IRC must provide to "the Minister" an annual report of the operations of the IRC for presentation to each House of Parliament within six months after the end of the year to which the annual report relates.

"The Minister" for the purposes of section 161 of the IR Act is currently the Minister for Employee Relations.

I note that the IRC prepares the annual report based on calendar years. Accordingly, the 2021 annual report of the IRC is due to be tabled within six months of 31 December 2021 (i.e. by 30 June 2022).

Yours sincerely

**Charlie Heuston**  
Executive Director – Employee Relations

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