



New South Wales

# Industrial Relations Amendment (Public Sector Conditions of Employment) Act 2011 No 13

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Industrial Relations Act 1996 No 17	3

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New South Wales

# **Industrial Relations Amendment (Public Sector Conditions of Employment) Act 2011 No 13**

Act No 13, 2011

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An Act to amend the *Industrial Relations Act 1996* to require the Industrial Relations Commission to give effect to certain government policies on public sector conditions of employment; and for related purposes. [Assented to 17 June 2011]

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Industrial Relations Amendment (Public Sector Conditions of Employment) Act 2011*.

**2    Commencement**

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]    Section 105 Definitions**

Insert at the end of the section:

- (2) A contract is not an unfair contract for the purposes of this Part merely because of any provision in the contract that gives effect to a policy that is declared under section 146C.

### **[2]    Section 146C**

Insert after section 146B:

#### **146C    Commission to give effect to certain aspects of government policy on public sector employment**

- (1) The Commission must, when making or varying any award or order, 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.
- (2) Any such regulation may declare a policy by setting out the policy in the regulation or by adopting a policy set out in a relevant document referred to in the regulation.
- (3) An award or order of the Commission does not have effect to the extent that it is inconsistent with the obligation of the Commission under this section.
- (4) This section extends to appeals or references to the Full Bench of the Commission.
- (5) This section does not apply to the Commission in Court Session.
- (6) This section extends to proceedings that are pending in the Commission on the commencement of this section. A regulation made under this section extends to proceedings that are pending in the Commission on the commencement of the regulation, unless the regulation otherwise provides.
- (7) This section has effect despite section 10 or 146 or any other provision of this or any other Act.

- (8) In this section:
- award or order** includes:
- (a) an award (as defined in the Dictionary) or an exemption from an award, and
  - (b) a decision to approve an enterprise agreement under Part 2 of Chapter 2, and
  - (c) the adoption under section 50 of the principles or provisions of a National decision or the making of a State decision under section 51, and
  - (d) anything done in arbitration proceedings or proceedings for a dispute order under Chapter 3.
- conditions of employment**—see Dictionary.
- public sector employee** means a person who is employed in any capacity in:
- (a) the Government Service, the Teaching Service, the NSW Police Force, the NSW Health Service, the service of Parliament or any other service of the Crown, or
  - (b) the service of any body (other than a council or other local authority) that is constituted by an Act and that is prescribed by the regulations for the purposes of this section.

**[3] Schedule 4 Savings, transitional and other provisions**

Insert at the end of clause 2 (1) of Part 1:

*Industrial Relations Amendment (Public Sector Conditions of Employment) Act 2011*

[Second reading speech made in Legislative Council on 24 May 2011

Agreement in principle speech made in Legislative Assembly on 15 June 2011]

BY AUTHORITY