



New South Wales

Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020

under the

Industrial Relations Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Industrial Relations Act 1996*.

GLADYS BEREJIKLIAN, MP
Premier

Explanatory note

The object of this Regulation is to amend the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* to implement a temporary wages policy, being a 12-month pause on wage increases for public sector employees covered by the *Industrial Relations Act 1996*.

This Regulation is made under the *Industrial Relations Act 1996*, including sections 146C and 407 (the general regulation-making power).

Note. This Regulation was tabled in the Legislative Council on 2 June 2020. The *Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020* published on the NSW legislation website on 29 May 2020 was disallowed in the Legislative Council on 2 June 2020.

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1 Name of Regulation

This Regulation is the *Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Industrial Relations (Public Sector Conditions of Employment) Regulation 2014**

[1] **Clause 5A**

Insert after clause 5—

5A Temporary wages policy

- (1) Public sector employees are not to be awarded increases in remuneration or other conditions of employment that would increase employee-related costs in relation to the employees during the relevant period.
- (2) The policy in subclause (1) does not apply—
 - (a) to the making of an award or order in relation to public sector employees if an earlier award or order has already given effect to the policy set out in that subclause in relation to the public sector employees, or
 - (b) to the varying of an award or order if the variation is to an award or order that has already given effect to the policy set out in that subclause, or
 - (c) if the relevant parties to the proceedings for the making or varying of the award or order that would award increases in remuneration or other conditions of employment agree it should not apply.
- (3) This clause expires on 1 January 2024.
- (4) In this clause—

last awarded increase, in relation to remuneration or other conditions of employment, means the last increase in the remuneration or other conditions awarded before the commencement of the *Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020*.

last pay increase day, for public sector employees, means the day on which the last awarded increase in remuneration or other conditions of employment that increased employee-related costs in relation to the employees is applied.

relevant parties, in relation to proceedings for the making or variation of an award or order, are—
 - (a) the employer, and
 - (b) any other party to the proceedings that is an industrial organisation of employees with one or more members whose interests are directly affected by the matter.

relevant period, for public sector employees, means the period—
 - (a) starting on the day that is 12 months after the last pay increase day for the employees, and
 - (b) ending on the day that is 12 months after the day the period starts.

[2] **Clause 6 Other policies**

Insert after clause 6(4)—

- (5) To the extent of any inconsistency between the policy set out in subclause (1)(a) or (b) and clause 5A, the policy set out in subclause (1)(a) or (b) is not to be given effect to by the Industrial Relations Commission when making or varying awards or orders.
- (6) Subclause (5) expires on 1 January 2024.