

INDUSTRIAL RELATIONS AMENDMENT BILL 2025

STATEMENT OF PUBLIC INTEREST

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

The *Industrial Relations Amendment Act 2023* re-established the Industrial Court as a superior court of record with equivalent status to the Supreme Court and Land and Environment Court. The Industrial Court re-commenced operations on 1 July 2024 following the appointment of three justices, Ingmar Taylor SC the President of the Commission, David Chin SC the Commission's Vice President and Jane Paingakulam, the Commission's Deputy President.

Stakeholder feedback, including from the Court's judges recommends legislative amendments to support the efficient and effective operation of the re-established Industrial Court. This included adjustments to the appeals processes, case management systems and wide-spread support for amendments to allow a judicial member of the Industrial Relations Commission to conduct arbitrations (where necessary) to determine the terms and conditions of work and rates of remuneration for Visiting Medical Officers, who are under fee-for-service contracts and/or sessional contracts.

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

The overriding purpose of the Bill is to make amendments to the *Industrial Relations Act 1996* and other related legislation to support the efficient and effective operation of the recently re-established Industrial Court. The amendments would continue to build on the Government's commitment to provide workers with access to workplace justice and improved workplace health and safety. The Bill also deals with miscellaneous industrial relations amendments that are necessary following the passage of the *Industrial Relations Amendment Act 2023*.

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

The adequacy of the existing appeals mechanisms in the *Crimes (Appeal and Review Act) 2001* were considered along with the current appeal rights in the *Industrial Relations Act 1996*.

In respect to the proposed amendments to the *Health Services Act 1997* and *Health Services Regulation 2018* the Government has considered the private member's bill currently before the House (the *Health Services Amendment (Industrial Relations) Bill 2024*) as well as the recent amendments to the *Health Services Regulation 2018*.

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

All options were considered to determine effectiveness, ease of administration and unintended consequences. This included maintaining the existing appeals processes, case management processes and consideration of the impact the changes would have on the JusticeLink system. Ultimately, legislative amendments were deemed to be the most appropriate path forward to help to simplify the appeal pathways and improve case management provisions for the Industrial Court.

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

The Bill proposes that Schedules 1.1[2]–[4] and [7], 1.2 and 1.5[2]–[5] – will commence on a day or days to be appointed by proclamation. All other provisions commence on the date of assent. The items that are due to commence upon proclamation will ensure the appropriate amendments made via the Bill will be conveyed to the appropriate persons via JusticeLink.

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

The Government has welcomed the views of stakeholders during the development of the Bill and ensured that where possible, those views have been adopted.

Stakeholders consulted included the Local Court, District Court, Supreme Court, the Courts and Tribunal Service Delivery Division of the Department of Communities and Justice, the Crown Solicitor's Office, the Office of the Director of Public Prosecutions and the Bar Association.

The Australian Medical Association (NSW) was consulted about the proposed amendments to the *Health Services Act 1997* and *Health Services Regulation 2018*.