



New South Wales

Industrial Relations (Public Sector Conditions of Employment) Amendment Regulation 2022

under the

Industrial Relations Act 1996

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *Industrial Relations Act 1996*.

DAMIEN TUDEHOPE, MLC
Minister for Employee Relations

Explanatory note

The object of this Regulation is to—

- (a) implement a temporary wages policy for public sector employees covered by the *Industrial Relations Act 1996*, and
- (b) provide for public sector employees to be awarded an increase in remuneration and other conditions of employment, resulting in a remuneration increase greater than an amount that may be awarded—
 - (i) despite an aspect of government policy declared by the regulations, and
 - (ii) if an employer agrees to the increase and any reforms that relate to the increase.

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

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1 Name of Regulation

This Regulation is the *Industrial Relations (Public Sector Conditions of Employment) Amendment Regulation 2022*.

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 6(1A)

Insert after clause 6(1)—

- (1A) Despite subclause (1)(a) and (b), public sector employees may be awarded an increase in remuneration or other conditions of employment, resulting in an increase in employee-related costs in respect of those employees, which is greater than the amount that may be awarded under that subclause, if the employer agrees to—
- (a) the increase, and
 - (b) any reforms required relating to the increase.

[2] Clause 6A

Insert after clause 6—

6A Temporary wages policy for 2022–2023 and 2023–2024 financial years

- (1) This clause applies—
- (a) despite clause 6(1)(a), and
 - (b) for subclauses (2), (4) and (5), for—
 - (i) the 2022–2023 financial year, and
 - (ii) the 2023–2024 financial year.
- (2) Public sector employees may be awarded increases in remuneration or other conditions of employment, but only if employee-related costs in respect of those employees are not increased by more than 3% per annum (the *prescribed percentage*) as a result of the increases awarded together with any new or increased superannuation employment benefits provided, or to be provided, to or in relation to the employees.
- (3) For the financial year 2023–2024, the prescribed percentage may be increased by an additional 0.5% if the employer has supported the introduction of 1 or more productivity reforms in—
- (a) the 2022–2023 financial year, or
 - (b) the 2023–2024 financial year.
- (4) A reference in clause 6(1)(b) to 2.5% per annum is taken to be a reference to—
- (a) 3% per annum, or
 - (b) if subclause (3) applies and the prescribed percentage has been increased by 0.5%–3.5% per annum.
- (5) However, public sector employees may be awarded an increase in remuneration or other conditions of employment, resulting in an increase in employee-related costs in respect of those employees, which is greater than the amount that may be awarded under this clause, if the employer agrees to—
- (a) the increase, and
 - (b) any reforms required relating to the increase.
- (6) This clause is repealed on 1 January 2026.
- (7) In this clause—
financial year means a period of 1 year beginning on 1 July.

new or increased superannuation employment benefits has the same meaning as in clause 6(4).