



PRACTICE NOTE 6

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

Issued pursuant to s 185A of the *Industrial Relations Act 1996* (NSW)
and s 15 of the *Civil Procedure Act 2005* (NSW)

APPLICATIONS FOR NEW AWARDS OR VARIATIONS TO AWARDS BY CONSENT

COMMENCEMENT

- 1 This Practice Note shall commence on the date of issue.

APPLICATION

- 2 This Practice Note applies to applications for:
- a. the making of a new award by consent pursuant to s 10 of the *Industrial Relation Act 1996* (NSW) (**the Act**); and
 - b. the variation of an existing award by consent pursuant to s 17 of the Act.
- (collectively, **Consent Applications**).

COMMENCEMENT of CONSENT APPLICATION

- 3 An industrial organisation of employees or employers, an employer, or a State peak council¹ may make a Consent Application by filing [Form 14A – Application in respect of an industrial instrument](#) using the Online Registry. Alternatively, a Form 14A application can be filed in person or by post in accordance with r 2.5 of the *Industrial Relations Commission Rules 2022* (NSW) (**the Rules**).
- 4 The following must be filed with a Consent Application, or within seven days of the date on which the Consent application is filed:
- a. a supporting affidavit, or multiple affidavits, pursuant to r 6.8 of the Rules, that address the matters that are necessary for the Commission to consider to approve the new or varied award (for details see r 6.8 and the Commission's [Consent Award Affidavit Guide](#)); and

¹ The Act s 11.

REVISION HISTORY

First Issue Date: 14 Jul 2000

Re-Issue Date: 14 Aug 2025

- b. for a new award:
 - i. (if appropriate)² a marked-up Word version of the proposed new Award showing the changes from the existing Award; and
 - ii. a clean Word version of the proposed new award; or
 - c. for a variation to an existing award:
 - i. a schedule setting out the proposed variations to the award;
 - ii. a marked-up Word version of the award with the proposed variations; and
 - iii. a Word version of the consolidated award with the proposed variations accepted.
- 5 In the absence of agreement between the parties, the obligation to file the supporting affidavit(s) will be the responsibility of the applicant.
- 6 The supporting affidavit(s) will form the evidentiary basis upon which the Commission will consider the requirements of ss 10, 15, 17 (where applicable), 23 and 146(2) of the Act and the Award Making Principles. The affidavits must provide the basis upon which it is contended that any requirement is fulfilled. The mere assertion of compliance in an affidavit will not suffice.

PROCEDURE UPON FILING OF CONSENT APPLICATION

- 7 Once a Consent Application is filed the Commission will allocate it to a Commission Member who will consider whether the supporting affidavit addresses all the requirements of the Act and the Rules and if not, list it for Directions. At the directions hearing the Commission member will identify what further materials are required to be filed.
- 8 Once it appears to the Commission that all relevant matters have been addressed by filed evidence the Commission will list the Consent Application for hearing or determine the application in chambers.

SETTLING OF AWARD

- 9 If an award is made or varied by the Commission, and the documents filed in accordance with [4b)-(c)] of this Practice Note do not reflect the award as made or varied, the parties will be directed to file:
- a. for a new award, a clean Word version of the proposed new award; or
 - b. for a variation to an existing award:
 - i. a schedule setting out the variations as made;
 - ii. a marked-up Word version of the award with the proposed variations as made; and

² If the new Award is brand new or a wholesale change from an extant Award, it may not be appropriate to have a marked-up copy.

- iii. a Word version of the consolidated award with the proposed variations as made accepted.

JUSTICE I TAYLOR
PRESIDENT
14 AUGUST 2025