



## PRACTICE NOTE 13

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### INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

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

#### PROCEDURES FOR REVIEW OF AWARDS UNDER S 19 OF THE *INDUSTRIAL RELATIONS ACT 1996*

##### COMMENCEMENT

1. This Practice Note has effect from 9 December 2025 and replaces previous Practice Note 13.

##### APPLICATION

2. This Practice Note applies to the review of awards under s 19 of the *Industrial Relations Act 1996* (NSW) (**the Act**) and is made following the revised Principles for Review of Awards made in the *Award Review Principles Case 2025*.

##### NATURE OF PROCEEDINGS

3. The purpose of a s 19 review is to modernise and consolidate awards relating to the same industry and to rescind obsolete awards: *Industrial Relations Act 1996* (NSW), s 19(2).
4. While an award review is Commission-led, parties are expected to cooperate with the review process.
5. A s 19 review will not ordinarily be dealt with as part of the same proceedings as a substantive application to vary or make a new award.

##### PROCEDURE

6. The Commission will commence an award review on its own motion, pursuant to rule 3.2 of the Industrial Relations Commission Rules 2022 (**the Rules**), once every three years.
7. This will be done by the Industrial Registrar giving notice to all parties recorded on the party card of an award or awards, pursuant to rule 6.7(5) of the Rules.
8. The matter will be initially listed for callover before the Commission or the Registrar on a date to be fixed by the Commission.
9. Any party wishing to appear in the award review proceedings must file a notice of appearance in accordance with the Rules.

10. At the callover the Commission will make directions that will ordinarily include the parties filing a document setting out their position as to the following:
  - a. whether the awards identified in the notice should be considered together;
  - b. whether the review should consider any other awards that apply to employees who perform the same or similar work for the same employer in the same part of the public service or government sector and who are covered by the same union(s) ("like employees"); and
  - c. a list of issues the party considers ought to be dealt with as part of the s 19 review.
11. Following consideration of the position of the parties the Commission may determine to add one or more awards to the proceedings, or alternatively to split off one or more awards into separate s 19 review proceedings. If there is no consensus as to that issue the Commission may first conduct a short hearing to consider submissions before determining the issue.
12. In determining whether to review more than one award at the same time the Commission will have regard to whether the awards in question apply to like employees.
13. The Commission will require that the employer(s) provide the Commission with copies of any statutory determinations that set conditions of employment for any of the employees covered by an award being reviewed.
14. Having determined the awards to be reviewed together, the Commission will provide the parties with a draft list of issues to be addressed in the review and discuss with the parties in conciliation the most efficient means to conduct the review. The list of issues may be amended during the course of the review.
15. During the s 19 review process the Commission will ordinarily and in the order and manner that is considered most appropriate to the particular review:
  - a. have the parties confirm their view as to the issues they consider ought to be considered in the review;
  - b. have the parties identify any issue that the parties say involves substantive changes that ought to be addressed by a recommendation made by the Commission;
  - c. seek the parties' views as to the extent to which any of the awards in question can be consolidated with each other and/or core conditions can be standardised in order to improve productivity and efficiency; and
  - d. work through the identified issues to be addressed in conciliation, during which the Commission may propose changes to the award(s).
16. Before making or varying awards or making any recommendation(s) in light of the review, the Commission will provide the parties with an opportunity to make submissions on proposed draft awards and draft recommendations.
17. Where there are contested positions the Commission may conduct a short hearing before determining the outcome of the review.
18. It is not expected that evidence would ordinarily be required, as an award review is by its nature an exercise that focuses on the terms of the awards being reviewed having

regard to what the Commission understands to be the nature of the industry, the history of the award, and any relevant test case standards or minimum conditions. Evidence may be required where there is a dispute as to the factual basis for determining whether an award is obsolete, or otherwise where a fact or facts in issue must be established to enable the Commission to exercise its powers under s 19.

### **CHANGES TO THE AWARD**

19. In accordance with s 19(6), after considering submissions made by the parties, the Commission may make such changes to each award being reviewed as it considers necessary as a result of the review. Such changes include modifying or removing provisions of the award, consolidating a number of awards or rescinding obsolete awards.
20. After considering the parties' submissions, the Commission may also make recommendations that address how substantive changes to conditions that were not able to be resolved through the review process should be addressed in accordance with principle 11.
21. The Commission member will identify in the decision at the end of the review:
  - a. contested issues involving substantive changes to terms and conditions of employment that the Commission considers need to be addressed for the award to be properly modernised and which were not addressed by the review, so they can be properly considered in subsequent arbitral proceedings;
  - b. whether changes have been made to the award that promote productivity and efficiency and whether the Commission recommends such changes be taken into account in determining any future increase in remuneration; and
  - c. whether the award needs to be examined to consider whether it contains gender-based undervaluation.
22. This Practice Note will be periodically reviewed by the President.

**JUSTICE I TAYLOR**  
**PRESIDENT**  
**9 DECEMBER 2025**

### **AMENDMENT HISTORY**

9 December 2025: This Practice Note replaced former Practice Note No. 13 which was reissued on 1 February 2010.