

1991—No. 485

**INDUSTRIAL ARBITRATION ACT 1940—REGULATION**

(Relating to employees of the Crown)

NEW SOUTH WALES



*[Published in Gazette No. 127 of 13 September 1991]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Industrial Arbitration Act 1940, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY  
Minister for Industrial Relations and  
Minister for Further Education,  
Training and Employment.

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The Industrial Arbitration (General) Regulations are amended by inserting after Regulation 163 the following Regulation:

**Unfair dismissal—prescribed classes of persons**

164. For the purposes of section 91ZA (1) (b) of the Act, the following are prescribed as classes of persons to whom Division 3 (unfair dismissal) of Part 8B of the Act applies:

- employees of the Crown, other than persons to whom Part 5 (relating to Police Service executives) of the Police Service Act 1990 applies
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**EXPLANATORY NOTE**

Division 3 of Part 8B of the Industrial Arbitration Act 1940 deals with the dismissal, or threatened dismissal, of an employee which the employee claims was, or would be, harsh, unreasonable or unjust. The Division applies to employees for whom conditions of employment are fixed by an award or agreement and to other employees of a class prescribed by the regulations.

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The object of this Regulation is to generally prescribe employees of the Crown (in so far as they are not already covered by an award or agreement) as a class of persons to whom the Division applies. An employee of the Crown includes an employee of a public authority and a member of the Police Service.

Under section 91ZB (2) of the Act, the Division does not apply to public sector executives. This Regulation provides that the Division will not apply to members of the Police Service Senior Executive Service.

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