



Implementation Guidelines to the New South Wales Code of Practice for Procurement: Building and Construction

Practice Direction 2013/1 – Workplace Instrument Based Conduct

Authority

Pursuant to section 3.5(d) of the Guidelines, NSW Industrial Relations has issued this Practice Direction regarding the application of certain provisions of the Guidelines.

Date of Effect

This Practice Direction applies immediately until amended or revoked.

Practice Direction 2013/1

In Practice Direction 2013/1, '**Workplace Instrument Based Conduct**' means any arrangement, agreement, practice or a person's conduct which is or would be:

- expressly permitted or required by an industrial instrument registered or approved by the Fair Work Commission (or its predecessor); or
- necessarily linked to a person's compliance with, or conduct expressly permitted by, an industrial instrument registered or approved by the Fair Work Commission (or its predecessor).

During the operation of this Practice Direction, the Guidelines do not operate on, or in relation to, Workplace Instrument Based Conduct. Accordingly, section 5, section 8 and section 10 of the Guidelines do not operate and are to be disregarded in respect of Workplace Instrument Based Conduct.

Without limiting the generality of the foregoing, during the period of operation of this Practice Direction, Workplace Instrument Based Conduct will not be regarded as non-compliant.

This Practice Direction applies to all industrial instruments registered or approved by the Fair Work Commission (or its predecessor) whether or not that occurred before or after 1 July 2013.

Compliance with the Guidelines still required

Notwithstanding this Practice Direction, parties will continue to be required to comply with the Guidelines in respect of their conduct and the arrangements, agreements and practices they enter into that are outside the scope of this Practice Direction.

The Construction Compliance Unit will continue to monitor and enforce the Guidelines consistently with this Practice Direction.

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NSW Industrial Relations

7 June 2013