

2013 - 2014 Annual Report

**of the President of the Industrial
Court of Queensland**

**In respect of the Industrial Court of Queensland,
Queensland Industrial Relations Commission
and Queensland Industrial Registry**





INDUSTRIAL COURT OF QUEENSLAND
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

27 October 2014

The Honourable Jarrod Bleijie MP
Attorney-General and Minister for Justice
Level 18
State Law Building
50 Ann Street
BRISBANE QLD 4000.

Dear Minister,

I have the honour to furnish to you for presentation to Parliament, as required by section 252 of the *Industrial Relations Act 1999*, the Annual Report on the work of the Industrial Court of Queensland, the Queensland Industrial Relations Commission, the Industrial Registry and generally on the operation of the *Industrial Relations Act 1999* for the financial year ended 30 June 2014. Responsibility for the report relating to the Queensland Industrial Relations Commission and Queensland Industrial Registry rests with the Vice President and Industrial Registrar respectively.

A handwritten signature in blue ink, appearing to read 'G.C. Martin'.

G.C. Martin
President
Industrial Court of Queensland

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INDUSTRIAL COURT OF QUEENSLAND

This reporting year saw the most significant change to the composition of the Industrial Court of Queensland in decades. From 1917 until 1999 the President of the Court was drawn from the ranks of the Supreme Court of Queensland. After 1932 the Court was constituted solely by the President. In 1999 the relevant legislation was amended in a number of ways and Mr David Hall (who had been Chief Commissioner) became President. Mr Hall held that office until his retirement in late 2013.

In 2013 Parliament passed the *Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013*. Amongst other things, it provided for new positions within the Court - a Vice President and Deputy Presidents (Court). Ms Dianne Linnane (who was and remains Vice President of the Commission) became Vice President of the Court. Mr Daniel O'Connor (who was and remains a Deputy President of the Commission) became a Deputy President (Court). I was appointed President from 1 December 2013. The Court can sit at any time and in any place during the year. When Mr Hall was President he was in a position to hear appeals on a weekly basis. My commitments in the Supreme Court mean that sittings of the Industrial Court over which I preside will occur approximately six times a year at regular intervals.

The jurisdiction of the Court remains much as it was in the previous reporting year and information concerning the jurisdiction of the Court (both original and appellate) together with the other matters dealt with by the Court can be found on the Court's website - www.qirc.qld.gov.au.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

The Queensland Industrial Relations Commission (Commission) derives its powers and functions from Chapter 8, Part 2 of the *Industrial Relations Act 1999* (Act). The Commission plays a major role in contributing to the social and economic well-being of Queenslanders through furthering the objects of the Act which are principally to provide a framework for industrial relations that supports economic prosperity and social justice.

Structure of the Commission

There are eleven Members of the Commission. The Commission is headed by the President who is also President of the Industrial Court of Queensland. In the reporting period the Commission has welcomed a new President, Justice Glenn Martin AM. Justice Martin was appointed as President of the Industrial Court of Queensland and President of the Commission on 1 December 2013. The President has been a Justice of the Supreme Court of Queensland since 31 August 2007.

Justice Martin's appointment resulted from the retirement of David Hall as President of the Commission on 4 October 2013.

Currently the Commission is comprised of the President, the Vice President, four Deputy Presidents and five Industrial Commissioners. The Vice President is responsible for the administration of the Commission and the Industrial Registry. This includes the allocation of all matters, references to Full Benches and the general conduct of Commission business.

In this reporting period the Commission has had the benefit of an additional two new Members of the Commission. Both Deputy President Les Kaufman and Industrial Commissioner Graeme Neate were sworn in as Members of the Commission on 6 January 2014 and are most welcome additions to the Commission.

Current Members of the Commission are:

Member	Date sworn in
Justice Glenn Martin AM, President	2 December 2013
Vice President Dianne Linnane	2 August 1999
Deputy President Daniel O'Connor	13 November 2012
Deputy President Deirdre Swan	3 February 2003
Deputy President Adrian Bloomfield	3 February 2003
Deputy President Leslie Kaufman	6 January 2014
Industrial Commissioner Glenys Fisher	12 February 1990
Industrial Commissioner John Thompson	28 September 2000
Industrial Commissioner Gary Black	13 November 2012
Industrial Commissioner Minna Knight	12 December 2012
Industrial Commissioner Graeme Neate	6 January 2014

Jurisdiction, Powers and Functions of the Commission

Members of the Commission exercise jurisdiction, powers and functions under the *Industrial Relations Act 1999*, the *Workers' Compensation and Rehabilitation Act 2003* and various other legislative enactments. That jurisdiction, powers and functions are outlined in the various legislation enactments and have been reported on in detail in previous Annual Reports. The most significant area of the Commission's workload now arises from appeals against review decisions of the Workers' Compensation Regulator (Regulator) under the *Workers' Compensation and Rehabilitation Act 2003*.

At the completion of the reporting period all matters filed in the Industrial Registry (other than those filed on 30 June 2014) had been listed for future hearing and/or conference.

In addition to the general workload of the Commission (i.e. workers' compensation appeals, unfair dismissal applications, award modernisation, wage recovery applications, payment of long service leave in lieu of the taking of such leave applications, applications in respect of industrial organisations, trading hours applications and public service appeals), the Members of the Commission have, during the reporting period, exercised the following specific powers:

Award Modernisation: On 1 December 2013, the *Industrial Relations Act 1999* was amended to require the Commission to undertake the modernisation of Queensland Awards: see s. 140BB and s. 140C(1) of the Act.

The Attorney-General and Minister for Justice provided the Vice President with a Request under s. 140C(1) - Award Modernisation (Request) in January 2014. That Request was placed on the Commission's Award Modernisation webpage shortly after it was received. In her response to that Request the Vice President advised the Attorney-General and Minister for Justice that Deputy President Adrian Bloomfield would oversee the Award Modernisation process and that the priority industries and/or occupations for award modernisation were to be:

- Rail;
- Local Government (excluding Brisbane City Council);
- Public Sector and
- Health.

An Award Modernisation Team was then established to assist Deputy President Bloomfield. At this time the Award Modernisation process was anticipated to be finalised by 31 December 2014. Once the Award Modernisation process commenced it became apparent that the modernisation of Queensland awards could not be completed within twelve months. This concern was conveyed to the Attorney-General and Minister for Justice. As a result, on 2 May 2014 the Minister issued a Variation Notice to his original Request. That Variation Notice extended the time for completion or finalisation of the Award Modernisation process to 31 December 2015. That Variation was also placed on the Commission's Award Modernisation webpage shortly after its receipt.

The Vice President's first Report to the Attorney-General and Minister for Justice on Award Modernisation was forwarded on 28 March 2014 as required by the Request.

The Award Modernisation process is a very time consuming process and Deputy President Bloomfield and his team are thanked for their considerable input into that process. There was one modern award finalised in the reporting period i.e. the Queensland Rail Award - State 2014 which was made by a Full Bench of the Commission on 28 April 2014. Exposure Drafts of various other modern awards had been circulated to the parties within the reporting period with the finalisation of those modern awards to be undertaken in the next reporting period.

Award Review: Before the commencement of the Award Modernisation process the Commission was required, under s. 130 of the Act, to review all awards each three years. A Full Bench had been established in March 2013 to conduct that review. In the reporting period that Full Bench dealt with the following matters:

- on 30 July 2013 the Full Bench declared certain non-corporation awards, non-State Government awards and non-Local Government awards of the Commission, totalling 173 in number, obsolete effective that day; and
- on 14 November 2013 the Full Bench determined that it was inappropriate to insert Queensland Government directives into awards of the Commission whether by way of text, by summary or by express reference.

On 19 November 2013, the *Industrial Relations (Fair Work Act Harmonisation No.2) and Other Legislation Amendment Act 2013* was passed in Parliament. Section 822 of this Act provided that the Commission must stop dealing with a matter relating to the making or amendment of an award and/or a review of an award. As a result the s. 130 Award Review process ceased.

Industrial Organisations: In the reporting period a number of industrial organisations of both employers and employees were de-registered under Chapter 12 Part 16 of the Act. These organisations were generally de-registered because the organisations no longer needed registration as industrial organisations in the Queensland jurisdiction. Those organisations de-registered in the reporting year were:

- Association of Wall and Ceiling Industries Queensland - Union of Employers - deregistered on 9/12/13;
- Australian Sugar Milling Association, Queensland, Union of Employers - deregistered on 9/12/13;
- Furnishing Industry Association of Australia (Queensland) Limited Union of Employers - deregistered on 9/12/13;
- Hardware Association of Queensland, Union of Employers - deregistered on 9/12/13;
- Australian Industry Group, Industrial Organisation of Employers (Queensland) - deregistered on 12/12/13;
- Textile, Clothing and Footwear Union of Australia, Queensland, Union of Employees - deregistered on 12/12/13;
- Nursery & Garden Industry Queensland industrial Union of Employers - deregistered on 31/1/14 and
- Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees - deregistered on 1/5/14 upon amalgamation with the Construction, Forestry, Mining and Energy, Industrial Union of Employees, Queensland on 1/5/14.

Workers' Compensation Appeals: The Commission has jurisdiction to hear appeals from review decisions of the Workers' Compensation Regulator (the Regulator) under s. 550 of the *Workers' Compensation and Rehabilitation Act 2003*. The Regulator is the statutory body that reviews workers' compensation decisions taken by WorkCover Queensland and other self-insurers (the insurers) where employees and/or employers feel aggrieved by the decisions of their insurers and have sought reviews. Once the Workers Compensation Regulator issues a review decision, an aggrieved employee or an aggrieved employer can appeal that decision to the Commission. During the reporting period there were 371 matters filed in the Industrial Registry under the *Workers' Compensation and Rehabilitation Act 2003*.

Public Service Appeals: Under s. 88A of the *Public Service Act 2008* the following Members of the Commission have been appointed as Appeals Officers to hear and decide appeals under that Act:

Appeals Officer	Date appointed
Senior Appeals Officer Dianne Linnane	20 June 2013 (Appeals Officer 1 July 2009)
Appeals Officer Daniel O'Connor	25 October 2012
Appeals Officer Deirdre Swan	1 July 2012
Appeals Officer Adrian Bloomfield	1 July 2012
Appeals Officer Leslie Kaufman	2 February 2014
Appeals Officer Glenys Fisher	1 July 2012
Appeals Officer John Thompson	1 July 2012
Appeals Officer Gary Black	25 October 2012
Appeals Officer Minna Knight	11 December 2012
Appeals Officer Graeme Neate	2 February 2014

During the reporting period 94 public service appeals were lodged pursuant to s. 194 of the *Public Service Act 2008*. Chapter 7 of the *Public Service Act 2008* stipulates the right to appeal a decision, the types of decisions that may or may not be appealed, who may appeal a decision and the appeals procedures.

Other Legislative Enactments: In addition to the above, the Commission has jurisdiction under other legislative enactments such as:

- the *Trading (Allowable Hours) Act 1990*;
- the *Further Education and Training Act 2014*;
- the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*;
- the *Public Interest Disclosure Act 2010*;
- the *Work Health and Safety Act 2011*;
- the *Child Employment Act 2006* and
- the *Magistrates Courts Act 1921*.

In previous reporting years the details of the Commission's jurisdiction under these legislative enactments has been outlined.

Resources

During this reporting period resources have been allocated to the refurbishment of Level 13 of Central Plaza II so that currently the Industrial Court of Queensland and the Commission have seven Court rooms and four Conference Rooms. This has greatly assisted Members of the Commission to appropriately deal with matters listed in Brisbane. The Commission also hears matters in locations throughout Queensland and in the reporting period heard matters in locations such as Cairns, Townsville, Proserpine, Ingham, Rockhampton, Bundaberg, Maryborough, Hervey Bay, Gympie, Maroochydore, Caloundra, Billoela, Goondiwindi, Toowoomba and Dalby.

Professional activities

During the reporting period the following Members utilised their Jurisprudential Allowance/Education and Conference Allowance to attend conferences, seminars or courses:

Member	Activity	Location	Date/s
Vice President Linnane	Judgement Writing Course	Brisbane, Australia	19 to 21.3.14
Deputy President O'Connor	Bar Association of Queensland Annual Conference	Gold Coast, Australia	7 to 9.3.14
Commissioner Fisher	The 7 th USA Pacific Medical and Legal Conference	New York, USA	13 to 20.12.13
Commissioner Thompson	Occupational Medicine Conference	Massachusetts, USA	15 to 18.7.13
Commissioner Black	Emerging Markets HR Summit	London, England	1 to 4.10.13
Commissioner Knight	Britain Pacific Legal Conference	Manchester, England	27.7 to 2.8.13
	Legal studies at Queensland University of Technology	Brisbane, Australia	24.2 to 24.6.14
Commissioner Neate	AIJA Conference - Assisting Unrepresented Litigants - A Challenge for Courts & Tribunals	Sydney, Australia	15 to 17.4.14

Vice President Linnane and Deputy President O'Connor, in their capacity as Members of the Industrial Court of Queensland, also attended the National Judicial Orientation Program conducted by The National Judicial College of Australia at the Gold Coast during the period 15 to 20 June 2014.

QUEENSLAND INDUSTRIAL REGISTRY

Registry Services

The Queensland Industrial Registry is the Registry for the Industrial Court of Queensland and Queensland Industrial Relations Commission. The Industrial Registry is an office of the public service. The Industrial Registrar is the head of the Industrial Registry, under the *Public Service Act 2008*.

The Industrial Registrar is appointed under s. 297 of the *Industrial Relations Act 1999* and apart from administering the Registry has the functions conferred under that Act and other Acts. The Deputy Industrial Registrar provides support to Registrar and oversees the operations of the Registry.

The Court, Commission and Registrar are independent of government and other interests. Funding for the Court, Commission and Registry is provided through the Department of Justice and Attorney-General (DJAG) with the Department being sensitive to the need to maintain this independence.

The Registry provides administrative support to the Court, Commission and the Registrar and also provides a facilitative service to the general industrial relations community.

The Registry is structured into four units: Tribunal Services, Information Services, Registered Industrial Organisation Services and Corporate Services.

Tribunal Services

Tribunal Services is managed by the Principal Registry Officer. Tribunal staff provide support to Members (and Associates) through:

- assisting in administrative activities of each application (e.g. tracking matters, notifications to applicants and respondents);
- organising conferences and hearings and
- examining, evaluating and processing all applications and other documentation received from applicants, respondents and other parties.

Tribunal staff also assist all users of the Court and Commission through:

- responding to public enquiries through:
 - a telephone advisory service
 - across the counter and
 - written correspondence (post, fax and email)
- an advisory role to parties and practitioners who require information on practices and procedures and
- receiving and filing applications and related documentation.

During 2013-14, a total of 2,126 applications and notifications were filed in the Registry (see Tables 1 & 4).

Information Services

Information Services provides a diverse range of high quality publication and administrative support that contributes to the effective functioning of the Court, Commission and the Industrial Registry. These services are principally provided through the Senior Registry Officer (Information Services) and include:

- posting of all relevant documentation to the QIRC's web site (www.qirc.qld.gov.au)
- monitor the Office of the Queensland Parliamentary Counsel's website (OQPC), forwarding electronic copies of any new Acts, Amendment Acts and subordinate legislation with supporting documentation directly to the Members of the Commission.

- managing the internal intranet site updating information and tools required by QIRC and Registry staff.

Registered Industrial Organisations

The Registrar has important functions and powers with regard to industrial organisations (i.e. unions, or organisations, of employers or employees). The Registrar is principally supported by the Senior Registry Officer (Registered Industrial Organisations) and functions include:

- approving amendments to an industrial organisation's rules;
- arranging for the Electoral Commission to conduct an election of officers for an industrial organisation and
- monitoring compliance with financial and accountability requirements of organisations and their officers.

The monitoring of compliance by Registered Industrial Organisations in relation to provisions of Chapter 12 increased during the reporting year. Many Industrial Organisations have been assisted in their duty to comply with legislative provisions.

Corporate Services

Under the provisions of the *Financial Accountability Act 2009*, the Chief Executive Officer (Director General) of the Department of Justice and Attorney-General is the accountable officer of the Industrial Registry. The Director General has delegated certain powers to the Industrial Registrar under that Act.

A comprehensive range of corporate services is provided to the Court, Commission and Registry employees. These services are principally provided through the Senior Executive Officer and include:

- human resource management;
- financial management;
- asset management and
- administrative policies, practices and procedures.

Highlights of the 2013-14 reporting year

The 2013-14 reporting year was busy as usual with a number of highlights that in one way or another had an influence on the business of the Industrial Registry:

- (1) The Registry relocated from level 13 to level 21 in June/July 2013 due to the existing inadequate facilities and to make way for renovations on level 13 to allow for extra hearing and conference rooms to meet existing workloads.
- (2) QIRC now has 7 hearing rooms and 4 conference rooms (whereas previously there were only 3 hearing rooms and 2 conference rooms) on levels 13 and 21 combined.
- (3) Mr David Hall, President of the Industrial Court of Queensland since 2 August 1999 retired on 4 October 2013.
- (4) Justice Glen Martin of the Supreme Court was appointed President of the Industrial Court of Queensland on 1 December 2013.
- (5) The *Industrial Relations Act 1999* was amended to provide for the modernisation of Queensland Awards in December 2013. Following the Minister's request pursuant to the Act in January 2014, the QIRC commenced a project to modernise Queensland Awards.
- (6) Two (2) new Members and two (2) Associates were appointed in January 2014.
- (7) As from 1 January 2014, decisions of the Industrial Court of Queensland, the Queensland Industrial Relations Commission and the Industrial Registrar are published on the Supreme Court Library Caselaw web site (and no longer to the QIRC website).

- (8) In April 2014, a Review of the Registry commenced to identify and make recommendations on ways to improve the overall efficiency and effectiveness of the Registry to best support Queensland's industrial relations tribunals.
- (9) Chapter 12 of the *Industrial Relations Act 1999* was amended (as of 1 July 2013), to provide for improved financial accountability and transparency of industrial organisations and their office holders. This resulted in an increase in reporting by organisations and their officers requiring additional staff resources to be allocated to monitor compliance and manage the Registry workload.
- (10) In November 2013, the Industrial Registry engaged a Project Manager to upgrade the QIRC's case management system (IMS). The existing IMS had not been reviewed since 2005. This project involved undertaking a Gap Analysis between the functions of the current IMS and that of the proposed new version, developing a business case for the upgrade and following approval, implementing the upgrade to IMS. The outcome will be an improved IMS solution with the features and capability to meet evolving business requirements.
- (11) A new computing platform underpinned by Windows 8 and Office 365 was introduced into the QIRC with a view to allow for the revitalisation of business processes and service delivery methods through optimal utilisation of the new platform.

AMENDMENTS TO LEGISLATION

The following outlines important legislative amendments made during the year which affect the work of the Tribunals.

Criminal Law Amendment Act 2013

The *Criminal Law Amendment Act (No. 2) 2013* was passed on 6 August 2013 with certain amendments amending the *Industrial Relations Act 1999* (IR Act).

Various amendments to the IR Act included:

- ensuring industrial organisations cannot avoid their obligations regarding requirements for spending for political purposes;
- prescribing that particular spending for political purposes by an associated entity of an industrial organisation must be first authorised by an expenditure ballot;
- clarifying the process required to present, file and publish audit reports and financial disclosure statements of industrial organisations;
- clarifying that "spouse" does not include a former spouse of an officer of an industrial organisation;
- the provision for the appointment of a person to act as the Vice President of the QIRC;
- clarifying the documents that an industrial inspector can require a person to produce when entering a place of employment.

The amendments commenced either on the date of Assent (13 August 2013) or 1 September 2013.

Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013

The *Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2013* was passed on 17 October and assented to on 29 October 2013.

The commencement of the Act implemented the Government's response to the Queensland Parliament Finance and Administration Committee's report on its inquiry into the operation of Queensland's workers' compensation scheme, and made changes to the basis for assessment of impairment to align the assessment method between the statutory and common law provisions of the scheme. It also abolished the Workers' Compensation Regulatory Authority (which traded as Q-COMP) and amended provisions relating to damages in particular circumstances.

The Authority merged into the Office of Fair and Safe Work Queensland, Department of Justice and Attorney-General and was replaced by Simon Blackwood (Workers' Compensation Regulator) which operates in a similar manner to the regulator under the *Work Health and Safety Act 2011*.

Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Act 2013

The *Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Act 2013* was passed on 19 November and assented to on 27 November 2013 amending the Industrial Relations Act 1999 from 1 December 2013.

The objective of the Act was to modernise the industrial relations framework that covers Queensland Government employees by creating:

- a new safety net of Queensland Employment Standards;
- fewer, simpler awards - QIRC to undertake an award modernisation process;
- streamlined enterprise bargaining;
- contracts for some high income senior employees.

The Act ensured:

- that the vacant position of the President of the Court be filled by an existing Supreme Court judge appointed on a part-time basis;
- fixed-term appointments in the QIRC;
- applications for trading hours' orders may be heard by a single Commissioner;
- that an inspector can enter premises, interview persons and request and inspect records with respect of ensuring compliance with the Act;
- to extinguish obsolete certified agreements in certain circumstances;
- that the administrative responsibility for the Court will reside with the President;
- that some matters of the original jurisdiction of the Court will be transferred to the Magistrates' Court and the QIRC.

Work Health and Safety and Other Legislation Amendment Act 2014

The *Work Health and Safety and Other Legislation Amendment Act 2014* was passed on 3 April and assented to on 9 April 2014.

The amendment Act amended the *Work Health and Safety Act 2011* and the *Electrical Safety Act 2002* from 16 April 2014.

The Work Health and Safety Regulation and the Electrical Safety Regulation 2013 were amended as a consequence and commenced immediately after 16 April 2014.

The Act amended the legislation to:

- require at least 24 hours' notice by WHS entry permit holders before they can enter a workplace to inquire into a suspected contravention to align with the other entry notification periods in the WHS Act and the *Fair Work Act 2009*;
- increase penalties for non-compliance with WHS entry permit conditions and introduce penalties for failure to comply with the entry notification requirements;
- require at least 24 hours' notice before any person assisting a health and safety representative can have access to the workplace;
- remove the power of health and safety representatives to direct workers to cease unsafe work;
- remove the requirement under the WHS Act for a person conducting a business or undertaking to provide a list of health and safety representatives to the WHS regulator;
- allow for codes of practice adopted in Queensland to be varied or revoked without requiring national consultation as required by the WHS Act and
- increase the maximum penalty that can be prescribed for offences in the Electrical Safety Regulation 2002 to 300 penalty units.

Further Education and Training Act 2014

The *Further Education and Training Act 2014* was passed on Thursday 8 May, assented to on 21 May 2014 commencing from 1 July 2014.

This new Act will remove duplication between the current regulatory framework and the industrial relations legislation in relation to the employment of apprentices/trainees by ensuring that employment related remedies can only be sought by apprentices/trainees under a single legislative instrument. Apprentices/trainees employed by Queensland system employers, such as state and local governments, will have access to notice of termination and unfair dismissal under the *Industrial Relations Act 1999*. Other apprentices will continue to have access to remedies under the *Fair Work Act 2009* (Cth).

Administrative review rights will be available in the QIRC in relation to a decision to:

- cancel a registered training contract by the chief executive;
- cancel a completion certificate by the chief executive;
- declare by the chief executive that an employer is a prohibited employer;
- orders made by the chief executive.

The Act provides:

- that the QIRC may order the stay of a decision being appealed;
- that the QIRC must conduct a rehearing, and is able to hear new evidence if appropriate;
- for how the QIRC decides an appeal;
- that the QIRC has exclusive jurisdiction;
- for a further appeal to the Industrial Court of Queensland on a question of law.

Consequential amendments were made to the *Industrial Relations Act 1999* removing references to section 140A dealing with vocational placements.

Construction and Tourism (Red Tape Reduction and Other Legislation Amendment Act 2014)

The *Construction and Tourism (Red Tape Reduction and Other Legislation Amendment Act 2014)* was passed on 20 May 2014.

It was assented to and commenced on 28 May 2014, removing the requirement that the Annual Report of the President of the Industrial Court of Queensland, in respect of the Industrial Court of Queensland, Queensland Industrial Relations Commission and Queensland Industrial Registry, must contain summaries of significant decisions and interpretations about awards, certified agreements and industrial agreements.

Amendments to Tribunal Rules and Regulations (subordinate legislation)

Industrial Relations (Tribunals) Amendment Rule (No.1) 2013

This Amendment Rule amended the *Industrial Relations (Tribunals) Rules 2011*. It affected an increase to the fees charged by the Registry for filing, searching and photocopying documents. The fees are set out in Schedule 1 of the Rules. The *Financial Management Practice Manual* provided for annual increases in regulatory fees, based on the Government indexation rate for fees and charges in accordance with the Queensland Treasury Guidelines. The increase took effect from 1 July 2013. A similar increase for 2014/15 of 3.5% will take effect for the year commencing 1 July 2014.

Industrial Relations Legislation Amendment Regulation (No.1) 2014

This Regulation made within this reporting period on 26 June 2014, substantially amending the Industrial Relations Regulation 2011 and the Industrial Relations (Tribunals) Rules 2011 will commence on 1 July 2014 and will be covered more fully in next year's Report.

However, it should be noted, a significant amendment to the IR Rules will change the processes at the Registry to remove the need for issuing of *Attendance Notices to Produce* and disclosure of documents by non-parties. These new provisions will ensure that a party can seek disclosure from a non-party directly. New forms will be available from 1 July 2014 to accommodate the new processes.

Industrial Relations Amendment Regulation (No.2) 2014

This Regulation made on 24 April 2014 amended the Industrial Relations Regulation 2011 by inserting a new section 145E - Declaration for Act, s 692 - TAFE Queensland (TAFE Qld) from 13 June 2014.

The objective of the amendment regulation was to remove any ambiguity concerning the industrial relations status of TAFE Qld by declaring it as not a national system employer for the purposes of the *Fair Work Act 2009* (Cth).

TAFE Qld was established as an independent statutory body under the *TAFE Queensland Act 2013* on 1 July 2013. As TAFE Qld is a body corporate with trading activity, it could be considered to be a constitutional corporation and subject to the *Fair Work Act 2009*. The declaration excluding TAFE Qld from the national workplace relations system provided certainty to the employer and employees and retained TAFE Qld within the jurisdiction of the Queensland industrial relations system.

TABLES

Table 1: Matters filed in the Court 2012/13 and 2013/2014

Type of Matter	2012/13	2013/14
Appeals to the Court	39	48
— Magistrate's decisions s 342, s 561WC	11	5
— Commission's decisions s 341, s 561WC	25	41
— Director, WH&S decisions s 152	0	0
— Chief Inspector CMH&S directives and review decisions s 243	2	2
— Electrical Safety Office decisions s 172	1	0
Contempt of Court s 251	0	1
Extension of Time s 346, s 561WC	2	1
Prerogative order s 248	2	0
Stay order s 347, s 174ES, s 151WHS, s 154WHS, s 178CM	3	3
Validity and compliance with Industrial Org rules s 459	1	0
Application for orders - other	0	5
TOTAL	47	58

Table 2: Number of matters filed in the Court 1995/96 - 2013/14

1995/96	89	2002/03	100	2009/10	71
1996/97	81	2003/04	104	2010/11	63
1997/98	90	2004/05	92	2011/12	41
1998/99	95	2005/06	100	2012/13	47
1999/00	61	2006/07	72	2013/14	58
2000/01	74	2007/08	53		
2001/02	102	2008/09	47		

Table 3: Appeals filed in the Court 2012/13 and 2013/2014

Appeals Filed	2012/13	2013/14
Appeals from decisions of Industrial Commission		
IRA s 341(1)	13	16
Work Comp Act s 561	12	25
Appeals from decisions of Industrial Magistrate		
IRA s 341(2)	6	2
WH&S Act s 164	3	1
ES Act s 186	1	1
Work Comp Act s 561	1	1
Appeals from Directives and Review Decisions of Chief Inspector		
CM Act s 243	2	2
Appeals from review decisions WH&S		
WH&S Act s 152	0	0
Appeals from decisions of Electrical Safety Office		
ES Act s 172	1	0
TOTAL	39	48

Table 4: Matters filed (other than in the Court) 2012/13 and 2013/2014

Section	Type of Application/Matter	2012/13	2013/14
s 52	Long Service Leave - other seasonal employees	1	0
s 53	Long Service Leave - payment in lieu of	205	215
s 74	Application for Reinstatement (Unfair dismissal)	115	136
s 117	Prohibited conduct - breach	1	4
s 125	Awards:		
	- New award	1	2
	- Repeal and new award	0	0
	- Amend award	9	2
s 130	Review of Award	10	0
s 140C	Award modernisation request given by Minister	0	1
s 140CC	Procedure for carrying out modernisation process	0	14
s 140CE	Making of modern awards and repeal of pre-modern awards	0	87
s 140GA(5)	Application to make a modern award by an employer	0	3
s 148	Assistance to negotiate a CA	24	3
s 149	Arbitration of CA	5	0
s 156	Certified Agreements:		
	- Approval of new CA	5	2
	- Replacing existing CA	42	8
s 163	Determination of a CA	0	0
s 167	Successor employers bound	1	0
s 168	Extending a CA	0	0
s 169	Amending a CA	0	0
s 172, s 177	Terminate a CA	0	0
s 175, s 177	Notice of industrial action	2	1
s 176 (7)	Extension of time for industrial action to start	0	2
s 229	Notification of dispute	296	173
s 230	Arbitration of industrial dispute	1	47
s 231	Mediation by Commission	1	2
s 273A	Dispute resolution functions	0	2
s 274	Stay order	0	4
s 274G	General powers	10	11
s 274A	Power to make declarations	2	6
s 274D	Directions	0	1
s 274DA	Dismissal of Application	3	7
s 276	Power to amend or void contracts	2	0
s 277	Power to grant injunctions	5	1
s 278	Claim for unpaid wages/superannuation	31	16
s 280	Re-open a proceeding	4	1
s 284	Interpretation	1	0
s 287, s 288	General ruling	2	3
s 317	Commission of its own initiative	2	1
s 319	Requested representation	0	2

Section	Type of Application/Matter	2012/13	2013/14
s 320	Application to be heard or to intervene	42	32
s 325	Application to be joined	0	0
s 326	Interlocutory orders	1	2
s 331	Application to dismiss application	8	7
s 335, r117	Costs	5	7
s 339AA	Government briefing about State's financial position	1	0
s 364	Authorisation of industrial officers	168	140
s 409-657	Industrial Organisation matters (Table 7)	121	105
r 32	Application for substituted service	0	2
r 41	Application for directions order	3	2
r 49(3)	Notice to admit facts or documents	0	2
r 61	Setting aside of attendance notice	6	5
r 220	Request for statistical information (Table 8)	70	63
r 230	Lapse of proceeding after at least 1 year's delay	3	0
IR Act, SCH 4, PT 2	Protected action ballot orders	494	148
IR Act	Private conference	0	1
IR Act	Request for recovery conference	25	15
Mags Courts Act s 42B	Employment claim	12	27
PID Act s 48	Application for an injunction about a reprisal	3	0
PS Act s 194(1A)	Appeal against a decision under a directive	19	9
PS Act s 194(1B)	Appeal against a disciplinary decision	22	43
PS Act s 194 (1C)	Appeal against a promotion decision	10	15
PS Act s 194 (1D)	Appeal against a transfer decision	3	21
PS Act s 194 (1E)	Appeal against decision under another Act	2	2
PS Act s 194 (1F)	Appeal against a decision under another Act	0	4
PS Act s 199	Stay of operation of decisions	0	2
T(AH) Act	Trading hours order	22	15
T(AH) Act s 25	Application for leave to appear and be heard	0	4
VETE Act s 62	Reinstatement of training contract	0	0
VETE Act s 230	Apprentice/trainee appeals	2	5
VETE Act s 231	Stay of decision	0	1
WC Act s 549	Application to be a party to appeal	8	4
WC Act s 550	Appeal against Q-Comp	409	127
WC Act s 550(4)	Appeal against decision of Workers' Compensation Regulator	0	244
WC Act s 556	Order for medical examination	2	4
WH&S Act s 65	Disqualification of health and safety representative	1	0
WH&S Act s 131	WHS entry permit	125	253
WH&S Act s 138	Application to revoke WHS entry permit	1	0
TOTAL APPLICATIONS/MATTERS		2,369	2,068

Table 5: Industrial organisation matters filed 2013/14

Industrial Organisation matters		2013/2014
s 467	Registrar amendment of rules	5
s 473	Name amendment	1
s 474	Part Amendment - eligibility rule	3
s 478	Amendment to rules - other than eligibility	18
s 481	Request for conduct of election	55
s 580	Exemption from conduct of election	5
s 582	Exemption from keeping a member register	1
s 582A	Exemption from keeping officers register	1
s 594	Exemption from electoral commission conducting elections	1
s 613	Orders about Invalidity	1
s 618	Amalgamation	1
s 638	Order - deregistration	7
s 639	Order - deregistration (Registrar's application)	4
r 54	Community of interest declaration	1
r 64	Ballot exemption number of members	1
TOTAL		105

Table 6: Industrial Organisations of Employees Membership

Industrial Organisation	Members As at 30/06/13	Members As at 30/06/14
Queensland Nurses' Union of Employees	51,255	51,686
The Australian Workers' Union of Employees, Queensland	46,615	48,718
Queensland Teachers Union of Employees	43,148	42,441
Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees	34,691	32,257
Together Queensland, Industrial Union of Employees	36,041	31,375
United Voice, Industrial Union of Employees, Queensland	30,755	27,554
The Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	12,384	26,601
Australian Building Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees*	3,530	
*The above union was amalgamated with the CFMEU. The total number of members is shown for each organisation prior to the amalgamation, as was reported for the period 2012/13. The total for 2013/14, is the total number of members for the currently constituted organisation (post-amalgamation), under the name of the CFMEU.		
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland	17,491	17,729
Queensland Independent Education Union of Employees	16,030	16,474
The Electrical Trades Union of Employees Queensland	12,888	13,875
Queensland Services, Industrial Union of Employees	14,197	13,029
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)	11,612	11,611
Queensland Police Union of Employees	11,194	11,485
Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch	7,851	7,063
Australasian Meat Industry Union of Employees (Queensland Branch)	6,490	5,810
Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees	5,230	4,964
The Plumbers and Gasfitters Employees Union of Australia, Queensland Branch, Union of Employees	2,938	3,493

Industrial Organisation	Members As at 30/06/13	Members As at 30/06/14
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees	1,844	3,404
Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees	1,928	3,216
United Firefighters' Union of Australia, Union of Employees, Queensland	2,563	2,337
Australian Federated Union of Locomotive Employees, Queensland Union of Employees	1,389	1,344
The Seamen's Union of Australasia, Queensland Branch, Union of Employees	1,194	1,331
Australian Journalists' Association (Queensland District) "Union of Employees"	Not provided	794
Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District	671	669
The Bacon Factories' Union of Employees, Queensland	629	507
Actors, Entertainers and Announcers Equity Association, Queensland, Union of Employees	Not provided	496
The Queensland Police Commissioned Officers Union of Employees	296	297
Australian Maritime Officers Union Queensland Union of Employees	579	270
Queensland Fire and Rescue - Senior Officers Union of Employees	129	116
Australian Building Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees	3,530	Deregistered
Musicians' Union of Australia (Brisbane Branch) Union of Employees	94	Deregistered
Textile, Clothing and Footwear Union of Australia, Queensland, Union of Employees	Not provided	Deregistered
Total Membership	375,656	380,946
Number Employee Organisations	32	29

Table 7: Industrial Organisations of Employers Membership

Industrial Organisation	Members As at 30/06/13	Members As at 30/06/14
Queensland Master Builders Association, Industrial Organisation of Employers	8,470	8,547
Agforce Queensland Industrial Union of Employers	4,955	4,644
Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers	2,869	3,209
Electrical and Communications Association Queensland, Industrial Organisation of Employers	1,797	1,789
Motor Trades Association of Queensland Industrial Organisation of Employers	1,636	1,351
Master Plumbers' Association of Queensland (Union of Employers)	1,050	1,051
Australian Dental Association (Queensland Branch) Union of Employers	909	921
Queensland Hotels Association, Union of Employers	810	793
Australian Community Services Employers Association Queensland Union of Employers	792	756
National Retail Association Limited, Union of Employers	842	743
The Registered and Licensed Clubs Association of Queensland, Union of Employers	525	505
Queensland Fruit and Vegetable Growers, Union of Employers	476	470
Queensland Real Estate Industrial Organisation of Employers	357	403
Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers	362	363
The Baking Industry Association of Queensland - Union of Employers	316	177
Local Government Association of Queensland (Incorporated)	73	77
UNiTAB Agents' Association Union of Employers Queensland	86	76
Queensland Retail Traders and Shopkeepers Association (Industrial Organisation of Employers)	500	No Members
Nursery and Garden Industry Queensland Industrial Union of Employers	287	Deregistered
Association of Wall and Ceiling Industries Queensland - Union of Employers	234	Deregistered
Hardware Association of Queensland, Union of Employers	205	Deregistered
Building Service Contractors' Association of Australia - Queensland Division, Industrial Organisation of Employers	162	Deregistered
Queensland Major Contractors Association, Industrial Organisation of Employers	17	22
Queensland Cane Growers' Association Union of Employers	21	21
Furnishing Industry Association of Australia (Queensland) Limited Union of Employers	48	Deregistered
Queensland Country Press Association - Union of Employers	28	Deregistered

Industrial Organisation	Members As at 30/06/13	Members As at 30/06/14
Queensland Master Hairdressers' Industrial Union of Employers	17	Deregistered
Australian Sugar Milling Association, Queensland, Union of Employers	Not provided	Deregistered
Australian Industry Group, Industrial Organisation of Employers (Queensland)	Not provided	Deregistered
The Queensland Road Transport Association Industrial Organisation of Employers	Not provided	Deregistered
Queensland Motel Employers Association, Industrial Organisation of Employers	Not provided	Not provided
Total Membership	27,844	25,918
Number of Employer Organisations	31	19