

2016 – 2017 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**



INDUSTRIAL COURT OF QUEENSLAND
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

30 November 2017

The Honourable Grace Grace MP
Minister for Employment and
Industrial Relations, Minister for Racing and
Minister for Multicultural Affairs
GPO Box 611
BRISBANE QLD 4000.

Dear Minister,

I have the honour to furnish to you for presentation to Parliament, as required by section 594 of the *Industrial Relations Act 2016*, 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 2016* for the financial year ended 30 June 2017. Responsibility for the report relating to the Queensland Industrial Relations Commission and Queensland Industrial Registry rests with the 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

TABLE OF CONTENTS

| | |
|--|----|
| INDUSTRIAL COURT OF QUEENSLAND | 3 |
| QUEENSLAND INDUSTRIAL RELATIONS COMMISSION | 4 |
| QUEENSLAND INDUSTRIAL REGISTRY | 10 |
| AMENDMENTS TO LEGISLATION | 14 |
| TABLES | 18 |

INDUSTRIAL COURT OF QUEENSLAND

The work of the Industrial Court has not changed markedly since the last Annual Report. In the reporting year there has, again, been a slight decrease in the number of appeals filed with a concomitant reduction in the number of days needed for the sittings of the Court. The members of the Court are: the President, the Vice President (Dianne Linnane) and the Deputy President (Courts) (Daniel O'Connor).

The commencement of the *Industrial Relations Act 2016* and, in particular, the introduction of new areas of jurisdiction such as workplace discrimination and anti-bullying, has affected the work of the Commission and, it is expected, will affect the Court in the ensuing years. It is expected that there will be a significant increase in workload in the Commission and the ability of the Commission to deal with the work expeditiously will need to be monitored in the light of the changes.

Both the Court and the Commission are situated in a commercial building and I have concerns about the security and safety of members of the Commission, Registry staff and those who attend the Commission as litigants or practitioners. Unlike the Supreme, District and Magistrates Courts in the Brisbane CBD there are no security personnel on site. The private areas of the Commission need to be protected in a robust way and people attending the Commission are entitled to feel safe. That does not apply now. I have sought improvements in this area and I hope that they will be provided in the next reporting year.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

The Queensland Industrial Relations Commission (Commission) derives its powers and functions from Chapter 11, Part 2 of the *Industrial Relations Act 2016*. 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 cooperative industrial relations that is fair and balanced and supports the delivery of high quality services, economic prosperity and social justice for Queenslanders.

Structure of the Commission

There are eleven Members of the Commission. The Commission is headed by the President, Justice Glenn Martin AM, who is also President of the Industrial Court of Queensland. In addition to the President, the Commission is comprised of the Vice President, four Deputy Presidents, and five Industrial Commissioners.

The 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. The President delegated those responsibilities to Deputy President O'Connor on 13 October 2015, under the *Industrial Relations Act 1999*. On 8 February 2017 the President delegated his responsibilities under the *Industrial Relations Act 2016* to Deputy President O'Connor, with effect from 1 March 2017 – the same date as the repeal of the *Industrial Relations Act 1999* and the commencement of the majority of the *Industrial Relations Act 2016*.

Current Members of the Commission are:

| Member | Date sworn in |
|---|--|
| Justice Glenn Martin AM, President | 2 December 2013 |
| Dianne Linnane, Vice President | 2 August 1999 |
| Daniel O'Connor, Deputy President | 13 November 2012 |
| Deirdre Swan, Deputy President | 3 February 2003 (Deputy President) 10 September 1990 (Commissioner) |
| Adrian Bloomfield, Deputy President | 3 February 2003 (Deputy President) 15 March 1993 (Commissioner) |
| The Hon. Leslie Kaufman, Deputy President | 6 January 2014 |
| Glenys Fisher, Industrial Commissioner | 12 February 1990 |
| John Thompson, Industrial Commissioner | 28 September 2000 |
| Gary Black, Industrial Commissioner | 13 November 2012 |
| Minna Knight, Industrial Commissioner | 12 December 2012 |
| Christine Roney, Acting Industrial Commissioner | 4 April 2016 |

Graeme Neate AM was also a member of the Commission, serving as an Industrial Commissioner from 6 January 2014 to 31 December 2016.

Jurisdiction, Powers and Functions of the Commission

Members of the Commission exercise jurisdiction, powers and functions under the *Industrial Relations Act 2016*, the *Workers' Compensation and Rehabilitation Act 2003*, the *Anti-Discrimination Act 1999*, the *Public Service Act 2008*, and various other legislative enactments. The most significant area of the Commission's workload continues to be appeals against review decisions of the Workers' Compensation Regulator under the *Workers' Compensation and Rehabilitation Act 2003*.

More specifically, during the reporting period the QIRC dealt with the following broader areas:

Anti-Discrimination Referrals and Applications

The *Industrial Relations Act 2016* conferred on the Commission jurisdiction over all work-related anti-discrimination matters referred to the Commission by the Anti-Discrimination Commission Queensland (ADCQ). That expansion of the Commission's jurisdiction commenced on 1 March 2017. From 1 March 2017 to the end of the reportable period, there were seven (7) complaints referred to the Commission by the ADCQ and two (2) applications for exemptions from the *Anti-Discrimination Act 1991* for work related matters. The small number of the complaints during the reporting period is explained by the late commencement in the reporting period of the new jurisdiction and the transitional provisions which meant that work-related complaints were only referred to this Commission if they were filed with the ADCQ after 1 March 2017. Since the end of the reporting period there has been a substantial increase in the number of referrals from the ADCQ.

Award Modernisation

During this reporting period the QIRC finalised the significant Award Modernisation process. The previous Annual Report outlined the history of the Award Modernisation process.

The awards made during the reporting period are listed below:

- *AMBULANCE SERVICE EMPLOYEES' AWARD - STATE 2016*
operative 1/8/16
- *BRISBANE CITY COUNCIL BUS TRANSPORT EMPLOYEES AWARD - STATE 2016*
operative 7/10/16
- *BRISBANE CITY COUNCIL OPERATIONAL AND TRADE EMPLOYEES AWARD - STATE 2016*
operative 7/10/16
- *BRISBANE CITY COUNCIL SALARIED STAFF AWARD - STATE 2016*
operative 7/10/16
- *CITY PARKLANDS SERVICES AWARD - STATE 2016*
operative 6/9/17
- *PARENTS AND CITIZENS ASSOCIATIONS AWARD - STATE 2016*
operative 1/9/16

- *QUEENSLAND FIRE AND EMERGENCY SERVICE EMPLOYEES AWARD - STATE 2016*
operative 1/9/16
- *QUEENSLAND LOCAL GOVERNMENT INDUSTRY AWARD - STATE 2017*
operative 28/2/17
- *QUEENSLAND LOCAL GOVERNMENT INDUSTRY (STREAM A) AWARD - STATE 2017*
operative 1/7/17
- *QUEENSLAND LOCAL GOVERNMENT INDUSTRY (STREAM B) AWARD - STATE 2017*
operative 1/7/17
- *QUEENSLAND LOCAL GOVERNMENT INDUSTRY (STREAM C) AWARD - STATE 2017*
operative 1/7/17

The commencement of the *Industrial Relations Act 2016* required that the *QUEENSLAND LOCAL GOVERNMENT INDUSTRY AWARD - STATE 2017* be partitioned into three separate awards, respectively identified as the *QUEENSLAND LOCAL GOVERNMENT INDUSTRY AWARD - STATE 2017* Stream A, Stream B, and Stream C.

Industrial Organisations

In the reporting period two industrial organisations were de-registered, the former under Chapter 12 Part 16 of the *Industrial Relations Act 1999* and the latter under Chapter 12 Parts 14 and 16 of the *Industrial Relations Act 2016*. Those organisations de-registered in the reporting year were the:

- Motor Trades Association of Queensland, Industrial Organisation of Employers (MTAQ) deregistered on 6 December 2016; and
- Australian Federated Union of Locomotive Employees, Queensland Union of Employees (AFULE) deregistered on 1 May 2017

The MTAQ was de-registered because it no longer needed registration as industrial organisations in the Queensland jurisdiction. The AFULE was deregistered as a function of its amalgamation with the Electrical Trades Union of Employees, Queensland.

Workers' Compensation Appeals

The Workers' Compensation Regulator (the Regulator) is the statutory body that reviews workers' compensation decisions taken by WorkCover Queensland (WorkCover) and self-insurers. Where workers or employers feel aggrieved by the decisions of either WorkCover or the self-insurer they may seek a review by the Regulator of that decision. The Commission has jurisdiction to hear appeals from review decisions of the Regulator under s 550 of the *Workers' Compensation and Rehabilitation Act 2003*.

In April 2016 the Commission re-established its partnership with the non-profit community legal centre Queensland Public Interest Law Clearing House (QPILCH), now LawRight, in order to provide a service to self-represented litigants who make an application in the workers' compensation jurisdiction. Under the

management of QPILCH, barristers provided advice and representation during the pre-trial stages of an application, in particular, representing the applicant at conferences conducted by a member of the Commission.

Unfortunately, QPILCH was unable to continue its QIRC pilot for self-represented workers' compensation litigants during the entirety of the reporting period. Nevertheless, the QIRC is still interested in engaging with similar pro bono services to assist self-represented workers' compensation litigants with the efficient handling of their matters.

Public Service Appeals

Until 1 March 2017, section 88A of the *Public Service Act 2008* required that members of the QIRC be appointed as Appeals Officers for the purpose of deciding appeals. The following Members of the Commission had been appointed as Appeals Officers to hear and decide appeals under that Act during the relevant period:

| 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 AM | 4 February 2014 |

Section 88A was amended by the *Industrial Relations Act 2016*. Consequently, all members of the QIRC have functions for the purposes of the *Public Service Act 2008*. There is no longer any need for QIRC members to be appointed as an Appeals Officer. For the purposes of the *Public Service Act 2008* the President of the QIRC is the Senior IRC member.

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. During the reporting period 73 public service appeals were lodged pursuant to s 194 of the *Public Service Act 2008*.

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*.

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

Resources

The Commission hears matters in locations throughout Queensland and in the reporting period heard matters in Cairns, Charleville, Herberton, Ingham, Mackay, Maroochydore, Pittsworth, Rockhampton, Stanthorpe, Townsville, Toowoomba, and Warwick.

External Engagement

Members of the Commission were actively involved with the training and further education of members of the public and the profession throughout the reporting period. Several members assisted the Industrial Relations Society of Queensland with their annual Advocacy for Workplace Relations Professionals course by judging moots and providing seminars on advocacy and specific areas of the Commission's jurisdiction. Likewise, members presented papers and lectures on topics related to Industrial Relations as a number of conferences in the reporting period.

Professional activities

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

| Member | Activity | Location | Date/s |
|------------------------------|--|------------------------------|-----------------------|
| Deputy President O'Connor | International Bar Association Conference | Washington DC, United States | 18-23 September 2016 |
| | Writing Better Judgments for Queensland Courts | Brisbane | 16-17 May 2017 |
| Deputy President Swan | East West Legal Conference | Dubrovnik, Croatia | 18-25 July 2016 |
| | Medical-Dental-Legal Update Conference | Aspen, Colorado, USA | 6-10 February 2017 |
| | Europe Asia Legal Conference | Positano, Italy | 25 June – 2 July 2017 |

| | | | |
|-----------------------------|--|------------------------------------|----------------------------------|
| Deputy President Kaufman | Psychological Mediation and Mediation Advocacy Course | London, England | 27-29 October 2016 |
| | Sir Richard Larkin Oration | Melbourne | 1 December 2016 |
| | South West Legal Conference | Santiago, Chile | 8-15 May 2017 |
| | Europe Asia Legal Conference | Positano, Italy | 25 June – 2 July 2017 |
| Commissioner Fisher | Workers' Compensation and Disability Conference & Expo | New Orleans, Louisiana | 30 November – 2 December 2016 |
| Commissioner Thompson | National Workers' Compensation and Occupational Medicine Conference | Cape Cod, Massachusetts, USA | 19-22 July 2016 |
| | Atlantic Canada Human Rights and Labour Law Conference | Halifax, Canada | 17-19 May 2017 |
| Commissioner Black | Commonwealth Law Conference | Melbourne, Australia | 20-24 March 2017 |
| Commission Knight | Europe Asia Legal Conference | Positano, Italy | 25 June – 2 July 2017 |
| Commissioner Roney | Writing Better Judgments for Queensland Courts | Brisbane | 16-17 May 2017 |

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 514 of the *Industrial Relations Act 2016* and, apart from administering the Registry, has the functions conferred under that Act and other Acts. The Deputy Industrial Registrar provides support to the Registrar and oversees the operations of the Registry.

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 the independence of the Court and the Commission.

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

The Registry is structured into 4 units: Client Services, Information Services, Registered Industrial Organisation Services and Corporate Services. The Registry establishment is made up of 14.8 full time equivalent positions including the Industrial Registrar.

Client Services

Client Services is managed by the Registry Officer and the Client Service 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.

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

- Responding to public enquiries through:
- A telephone advisory service;
- Across the counter;
- Written correspondence [post, email and fax];
- An advisory role to parties and practitioners who require information on practices and procedures; and

- Receiving and filing applications and related documentation.

During 2016-17, a total of 1,521 applications and notifications were filed in the Registry (see Tables 1 & 4).

Information and Corporate Services

Registry staff within the Information & Corporate Services area provide 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 include:

- Posting of all relevant documentation to the QIRC's web site (www.qirc.qld.gov.au);
- Managing the QIRC website to ensure content is relevant and up to date; and
- Managing the internal intranet site updating information and tools required by the QIRC and Registry staff.

Under the provisions of the *Financial Accountability Act 2009*, the Chief Executive Officer (Under Treasurer) of Queensland Treasury was the accountable officer of the Industrial Registry. The Under Treasurer 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;
- Building & security management;
- Asset management; and
- Administrative policies, practices and procedures.

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.

Many Industrial Organisations have been assisted in their duty to comply with legislative provisions. Additional tools have been developed to assist with the monitoring of compliance by Registered Industrial Organisations in relation to provisions of Chapter 12.

Domestic and Family Violence Prevention Strategy

The Industrial Registry is committed to do all we can to eliminate domestic and family violence in Queensland by promoting a respectful workplace culture and provide support to those whose lives are affected by family and domestic violence. The Registry has joined the Office of Industrial Relations in becoming an accredited white ribbon workplace.

Highlights of the 2016-17 reporting year

The 2016-17 reporting year included a number of highlights that had a significant impact on the business of the Industrial Registry:

- The *Industrial Relations Act 2016* (the Act) was introduced on 1 March 2017 as a result of a review of Queensland's industrial relations framework. The Act also included amendments to Queensland's anti-discrimination regime. The Queensland Industrial Relations Commission (QIRC) obtained exclusive jurisdiction over workplace and employment related anti-discrimination matters. General protections and anti-bullying provisions were also included in the Act. This has provided increased workloads for the registry in the processing of those applications.
- Further amendments to the Act which have had an impact on the workload of the Registry/Registrar include:
 - The establishment of Registrar Guidelines for sections 763 of the Act;
 - The requirement of the Registrar to approve applications made by an employee organisation for protected industrial action under section 235(1) of the Act;
 - The requirement for employee organisations under section 235(2) of the Act to provide its members likely to be engaging in proposed industrial action with a process, approved by the Registrar, to express their democratic views about industrial action; and
 - The requirement to partition modern award for local government under section 995 of the Act.
- A total of 15 applications (see table 1) for protected industrial action were processed and approved in addition to the approval of processes made under section 235(2) since the introduction of the Act.
- The commencement of the Industrial Relations Act 2016 required that the Registrar partition the *Queensland Local Government Industry Award – State 2017* into three separate awards. The partitioning was completed and three new awards established, becoming operative from 1 July 2017.
- Work has commenced on the QIRC retention and disposal initiative including legislative mapping, researching comparative jurisdictions for sentencing of records and the drafting of an appraisal log and retention and disposal schedule. This initiative is scheduled to be finalised in the next financial year.

- The registry has undertaken a review of approved QIRC forms to ensure consistency in the format and content of existing forms. This is the first stage of transitioning QIRC approved forms to enable court users the ability to submit applications and notifications electronically.
- QIRC's website (www.qirc.qld.gov.au) again proved invaluable. It provides thousands of files of relevant information for the general public with over 165,000 visits recorded annually. Important public matters such as the 2016 State Wage Case again see the posting of all relevant documentation to the website immediately when lodged with the Registry, including original applications, directions of the Court, Commission and Registry, submissions and responses of all parties, transcripts of proceedings and decisions. This allows timely and cost effective information to be disseminated to all parties.

AMENDMENTS TO LEGISLATION

The following outlines important legislative amendments made during the year which affect the work of the Industrial Court of Queensland, Queensland Industrial Relations Commission and Queensland Industrial Registry.

Industrial Relations Act 2016

The *Industrial Relations Act 2016* replaced the *Industrial Relations Act 1999* and implements recommendations of the independent review conducted by the Industrial Relations Legislation Reform Reference Group in 2015. The majority of the *Industrial Relations Act 2016*'s provisions commenced on 1 March 2017 and cover employers and employees to whom the federal *Fair Work Act 2009* (Cth) does not apply. Generally this means employers and employees of the Queensland Government and local governments.

The *Industrial Relations Act 2016* provides a framework for the conduct of industrial relations within the State's industrial relations jurisdiction that is fair and balanced and supports the delivery of high-quality services, economic prosperity and social justice for Queenslanders.

The *Industrial Relations Act 2016* establishes the following defining elements of the State's industrial relations system:

- A set of minimum employment conditions and standards;
- Collective bargaining as the cornerstone for setting wages and conditions;
- A set of individual rights to fair treatment;
- Effective, transparent and accountable governance and reporting obligations for all registered industrial organisations and employer associations, and
- An independent commission and court.

The *Industrial Relations Act 2016* introduces significant new rights and protections for workers, including:

- Paid leave for victims of domestic and family violence and other employment protections including protection against adverse action for those affected by domestic and family violence in response to the recommendations in the *Not Now, Not Ever Report into Domestic and Family Violence*;
- Minimum employment standards aligned with the *Fair Work Act 2009*'s National Employment Standards for parental, carers' and compassionate leave;
- The requirement to provide an information statement to an employee upon the commencement of employment;
- A right to request flexible work arrangements in Part 3, Division 4;
- A right to seek leave for legal representation if it would enable the proceedings to be dealt with more efficiently, having regard to the complexity of the matter or it would be unfair not to allow the party

or person to be represented because they are unable represent themselves. Legal representation is not permitted in enterprise bargaining arbitration matters, and

- Strengthened equal remuneration legislative provisions by ensuring all new awards are subject to an equal remuneration test and requiring parties to certified agreements to provide information on the steps taken to provide for equal remuneration.

The *Industrial Relations Act 2016* also extends the jurisdiction of the Queensland Industrial Relations Commission by creating:

- A new general protections jurisdiction in Chapter 8 to protect workers against action during employment or dismissal from employment by:
 - Protecting workplace rights;
 - Protecting freedom of association;
 - Providing protection from workplace discrimination; and
 - Providing effective relief for persons who have been discriminated against, victimised or otherwise adversely affected as a result of a contravention of a general protection;
- A new workplace bullying jurisdiction in Chapter 7 similar to the *Fair Work Act 2009*'s provisions for private sector employees. Specifically, an employee can apply to the Queensland Industrial Relations Commission for a stop bullying order; and
- An exclusive jurisdiction for all workplace-related anti-discrimination matters in the Queensland Industrial Relations Commission, including those taken under the *Anti-Discrimination Act 1991* (Qld).

Other key elements of the *Industrial Relations Act 2016* include:

- Collective bargaining is promoted as the primary means of establishing wages and conditions of employment, placing the emphasis on the parties to reach agreement through good faith bargaining and for the Queensland Industrial Relations Commission to assist the parties to reach agreement through conciliation. Arbitration is available as a last resort;
- Recognises the rights of parties to take protected industrial action in pursuit of their bargaining claims and ensures that the members of an industrial organisation have their say when it comes to taking that action;
- Recognises mutual obligations of trust and confidence in the employment relationship in promoting productive and cooperative workplace relations;
- Promotes the democratic control of industrial organisations and good governance by ensuring that reporting, training and other obligations are directed at ensuring accountability to members, rather than unnecessary and unproductive red tape;

- Removing the periodic review of modern awards after the fourth anniversary of the making of an award and providing the Queensland Industrial Relations Commission with the power to review a modern award on its own initiative or on the application of a person to whom the award applies or an employee organisation that represent a person to whom the award applies;
- Expanding the functions of the President to include developing performance measures and a code of conduct for members of the Queensland Industrial Relations Commission; and
- Requiring the Registrar to partition the *Queensland Local Government Industry Award – State 2017* into three separate awards.

The *Industrial Relations Act 2016* also amended other Queensland legislation, including:

- The *Holidays Act 1983* to provide that, from 2017, Easter Sunday will be a public holiday;
- The *Public Service Act 2008* to:
 - Ensure there is no overlap in the directive making powers of the Minister for Industrial Relations and the Public Service Commissioner: and
 - Recognise the transfer of the Public Service Appeals functions to the Queensland Industrial Relations Commission and the role of the members of the Queensland Industrial Relations Commission to hear and decide public service appeals.
- The *Anti-Discrimination Act 1991* to:
 - Transfer the jurisdiction for workplace-related discrimination matters from the Queensland Civil and Administrative Tribunal to the Queensland Industrial Relations Commission.

Industrial Relations (Transitional) Regulation 2017

The *Industrial Relations (Transitional) Regulation 2017* commenced on 1 March 2017 and provided for the continued operation of the *Industrial Relations Regulation 2011*, with particular changes necessary to facilitate the transition from the *Industrial Relations Act 1999* to the *Industrial Relations Act 2016*.

The majority of amendments to the *Industrial Relations Regulation 2011* involved minor amendments to replace cross-references to provisions in the *Industrial Relations Act 1999* with the relevant provisions in the *Industrial Relations Act 2016*.

The *Industrial Relations (Transitional) Regulation 2017* will expire in March 2018.

Industrial Relations (Tribunals) Amendment Rule 2017

The *Industrial Relations (Tribunals) Amendment Rule 2017* (the Rules) commenced on 1 March and made amendments to the *Industrial Relations Rules 2011* necessary to give effect to certain provisions of the *Industrial Relations Act 2016*.

The majority of amendments to the Rules involved minor amendment to replace cross-references to provisions in the *Industrial Relations Act 1999* with the relevant provisions in the *Industrial Relations Act 2016*. The Rules also removed the filing fee for applications for reinstatement (unfair dismissal).

Additionally the Rules made amendments for the new provisions introduced in the *Industrial Relations Act 2016*, including for example, the transfer of the industrial jurisdiction for anti-discrimination matters to the Queensland Industrial Relations Commission. These amendments involved the insertion of a new subdivision for applications and proceedings under the *Anti-Discrimination Act 1991 (Qld)*.

Industrial Relations Amendment Regulation (No. 1) 2016

The *Industrial Relations Amendment Regulation (No.1) 2016* was made on 6 October 2016 and amended the *Industrial Relations Regulation 2011* to include a provision which states that the National Injury Insurance Agency, Queensland, established under the *National Injury Insurance Scheme (Queensland) Act 2016*, is declared not to be a national system employer.

TABLES

Table 1: Matters filed in the Court 2015/16 and 2016/2017

| Type of Matter | 2015/16 | 2016/17 |
|--|-----------|-----------|
| Appeals filed under the Industrial Relations Act 1999 | | |
| Appeals to the Court | 32 | 15 |
| — Magistrate's decisions s 341, s 561WC | 3 | 4 |
| — Commission's decisions s 341, s 561WC | 29 | 11 |
| Application for leave to appeal to Full Bench s342(2) | 0 | 2 |
| Extension of Time s 346, s 561WC | 3 | 0 |
| Stay order s 347, s 174ES, s 151WHS, s 154WHS, s 178CM | 3 | 1 |
| Application for orders – other | 1 | |
| Appeals filed under the Industrial Relations Act 2016 | | |
| Appeals to the Court | | 4 |
| — Magistrate's decisions s 556 | | 1 |
| — Commission's decisions s 557(1) | | 1 |
| — Registrar's decision s560(1) | | 2 |
| TOTAL | 39 | 22 |

Table 2: Number of matters filed in the Court 1995/96 - 2016/17

| | | | | | | | |
|---------|-----|---------|-----|---------|----|---------|----|
| 1995/96 | 89 | 2002/03 | 100 | 2009/10 | 71 | 2016/17 | 22 |
| 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 | 2014/15 | 51 | | |
| 2001/02 | 102 | 2008/09 | 47 | 2015/16 | 39 | | |

Table 3: Appeals filed in the Court 2015/16 and 2016/2017

| Appeals Filed | 2015/16 | 2016/17 |
|--|-----------|-----------|
| Appeals from decisions of Industrial Commission | | |
| IRA 1999 s 341(1), IRA 2016 s 557(1) | 10 | 5 |
| Work Comp Act s 561 | 19 | 7 |
| Appeals from decisions of Industrial Magistrate | | |
| IRA 1999 s 341(2), IRA 2016 s 556 | 3 | 4 |
| WH&S Act s 164 | 0 | 0 |
| ES Act s 186 | 0 | 0 |
| Work Comp Act s 561 | 0 | 1 |
| Appeals from decision of industrial registrar | | |
| IRA 2016 s 560(1) | N/A | 2 |
| Appeals from Directives and Review Decisions of Chief Inspector | | |
| CM Act s 243 | 0 | 0 |
| Appeals from review decisions WH&S | | |
| WH&S Act s 152 | 0 | 0 |
| Appeals from decisions of Electrical Safety Office | | |
| ES Act s 172 | 0 | 0 |
| TOTAL | 32 | 19 |

Table 4: Matters filed (other than in the Court) 2015/16 and 2016/2017

| Section | Type of Application/Matter | 2015/16 | 2016/17 |
|--|--|----------------|----------------|
| Matters filed under the Industrial Relations Act 1999 | | | |
| s 53 | Long Service Leave - payment in lieu of | 256 | 179 |
| s 74 | Application for Reinstatement (Unfair dismissal) | 127 | 80 |
| s 74(2)B | Extension of time | 1 | 0 |
| s 117 | Prohibited conduct - breach | 6 | 0 |
| s 125 | Amend an award | 2 | 1 |
| s 140CC | Procedure for carrying out modernisation process | 6 | 0 |
| s 140CE1 | Making of Modern Awards (MAP's) | 33 | 0 |
| s 140G | Powers may be exercised to achieve modern award | 0 | 11 |
| s 140GA | Application to vary, revoke or make modern award | 0 | 1 |
| s 140GC | Application to remove ambiguity or uncertainty or to correct error | 0 | 1 |
| s 156 | Certified Agreements: - Approval of new CA - Replacing existing CA | 1 9 | 0 0 |
| s 175, s177 | Notice of industrial action | 1 | 0 |
| s 229 | Notification of dispute | 93 | 76 |
| s 231 | Mediation by Commission | 2 | 0 |
| s 232E | Reinstatement of Injured Worker | 2 | 0 |
| s 274G | General powers | 7 | 0 |
| s 274A | Power to make declarations | 3 | 3 |
| s 274D | Directions | 2 | 0 |
| s 274DA | Dismissal of Application | 1 | 0 |
| s 277 | Power to grant injunctions | 6 | 3 |
| s 278 | Claim for unpaid wages/superannuation/pro rata LSL | 19 | 10 |
| s 280 | Re-open a proceeding | 1 | 1 |
| s 287, s 288 | General ruling | 2 | 0 |
| s 319 | Requested representation | 1 | 0 |
| s 320 | Application to be heard or to intervene | 5 | 0 |
| s 326 | Interlocutory orders | 1 | 0 |
| s 331 | Application to dismiss application | 3 | 0 |
| s 335, r117 | Costs | 1 | 0 |
| s 342(1) | Appeal to full bench against decision of the Commission | 1 | 0 |
| s 342(2) | Leave to appeal to a full bench | 1 | 0 |
| s 364 | Authorisation of industrial officers | 163 | 73 |
| IRA Act 1999 s 409-657 IRA Act 2016 s 666-802 | Industrial Organisation matters (Table 5) | 89 | 102 |
| r 64E | Objection to production | 6 | 0 |
| r 64G | Industrial tribunal's decision about objection | 1 | 0 |
| r 220 | Request for statistical information (Table 7) | 47 | 41 |
| IR Act, SCH 4, PT 2 | Protected action ballot orders | 16 | 0 |
| IR Act | Request for recovery conference | 10 | 5 |
| Matters filed under the Industrial Relations Act 2016 | | | |

| Section | Type of Application/Matter | 2015/16 | 2016/17 |
|--|--|----------------|----------------|
| s 110 | Long Service Leave – payment in lieu of | N/A | 96 |
| s 317(1) | Application for Reinstatement (Unfair dismissal) | N/A | 45 |
| s 147(1b) | Application to vary a modern award | N/A | 11 |
| S149(1) | Variation correction of minor errors | N/A | 2 |
| S 175(1b) | Request to help in negotiations for bargaining | N/A | 2 |
| S 184(1) | Application for scope order | N/A | 5 |
| S 189(1) | Application for certification of agreement | N/A | 7 |
| S 228(1) | Application for termination after expiry date | N/A | 6 |
| S 235(1) | Application for approval to engage in industrial action | N/A | 15 |
| S 261 | Notice of industrial dispute | N/A | 32 |
| S 273 | Application for a commission order to stop bullying | N/A | 2 |
| S 309(2) | Application to deal with a dispute | N/A | 5 |
| S 337 | Authorisation of industrial officers | N/A | 56 |
| S 458/462 | General ruling and statement of policy | N/A | 2 |
| S 463(1) | Application for declaration | N/A | 1 |
| S 473(1) | Application for injunction | N/A | 1 |
| S 475(1) | Recovery of pro rata long service leave | N/A | 9 |
| S 475(1a) | Recovery of unpaid wages | N/A | 4 |
| S 484(1) | Application to re-open proceedings | N/A | 1 |
| Applications to Commission under other Acts | | | |
| Mags Courts Act s 42B | Employment claim | 77 | 88 |
| PID Act s 48 | Application for an injunction about a reprisal | 0 | 2 |
| PS Act s 194(1A) | Appeal against a decision under a directive | 10 | 9 |
| PS Act s 194(1B) | Appeal against a disciplinary decision | 56 | 35 |
| PS Act s 194 (1C) | Appeal against a promotion decision | 21 | 18 |
| PS Act s 194 (1D) | Appeal against a transfer decision | 2 | 3 |
| PS Act s 194 (1E) | Appeal against decision under another Act | 1 | 1 |
| PS Act s 194 (1F) | Appeal against a decision under another Act | 6 | 1 |
| PS Act s 194 (eb) | Appeal against a fair treatment decision | 0 | 6 |
| PS Act s 199 | Stay of operation of decisions | 0 | 0 |
| T(AH) Act | Trading hours order | 13 | 7 |
| T(AH) Act | Special exhibits | 0 | 6 |
| T(AH) Act s 25 | Application for leave to appear and be heard | 6 | 0 |
| FET Act s 168(1A) | Apprentice/trainee appeals | 0 | 1 |
| WC Act s232E | Reinstatement of injured worker | 0 | 2 |
| WC Act s 549 | Application to be a party to appeal | 0 | 0 |
| WC Act s 550(4) | Appeal against decision of Workers' Compensation Regulator | 232 | 255 |
| WC Act s 555 | Application for Adjournment | 0 | 0 |
| WC Act s 556 | Order for medical examination | 1 | 0 |
| RG113WC | Costs | 2 | 0 |
| WH&S Act s 65 | Disqualification of health and safety representative | 0 | 0 |
| WH&S Act s 131 | WHS entry permit | 104 | 165 |
| WH&S Act s 138 | Application to revoke WHS entry permit | 0 | 0 |

| Section | Type of Application/Matter | 2015/16 | 2016/17 |
|--|---|--------------|--------------|
| WH&S Act s 142 | Dispute about right of entry | 2 | 2 |
| New Jurisdiction under other Acts from 1 March 2017 | | | |
| AD Act s 113 | Application for exemption from certain provisions | N/A | 2 |
| AD Act s 155(4) | Referral of matter for offences against the Act | N/A | 2 |
| AD Act s 164A(2) | Referral of complaint not resolved | N/A | 3 |
| AD Act s166(1) | Referral of complaint unconciliated | N/A | 2 |
| TOTAL APPLICATIONS/MATTERS | | 1,456 | 1,499 |

Table 5: Industrial organisation matters filed 2016/17

| Industrial Organisation matters | | 2016/2017 |
|--|---|------------|
| Matters filed under the Industrial Relations Act 1999 | | |
| Reg 54 | Community of interest declaration | 1 |
| Reg 64 | Ballot exemption number of members | 1 |
| Reg 135 | Application for start date | 1 |
| s 467 | Registrar Amendment of rules | 1 |
| s 473 | Name Amendment | 1 |
| s 474 | Part Amendment - eligibility rule | 1 |
| s 478 | Amendment to rules - other than eligibility | 10 |
| s 481 | Request for conduct of election | 40 |
| s 580 | Exemption from conduct of election | 13 |
| s 613 | Orders about Invalidity | 1 |
| s 618 | Amalgamation | 1 |
| s 638 | Order - deregistration | 1 |
| Matters filed under the Industrial Relations Act 2016 | | |
| s 666 | Amendment to rules - other than eligibility | 3 |
| s 669 | Prescribed election information | 21 |
| s 786 | Exemption from Ch12 Part 11 of particular reporting units | 1 |
| s 802 | Election exemption – counterpart federal body | 5 |
| TOTAL | | 102 |

Table 6: Industrial Organisations of Employees Membership

| Industrial Organisation | Members As at 30/06/16 | Members As at 30/06/17 |
|---|---------------------------|---|
| Australasian Meat Industry Union of Employees (Queensland Branch) | 5,584 | 5112 |
| Australian Federated Union of Locomotive Employees, Queensland Union of Employees | 1,222 | Deregistered upon amalgamation 1/5/17 |
| Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District | 598 | 464 |
| Australian Maritime Officers Union Queensland Union of Employees | 25 | 17 |
| Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch | 6,307 | 6261 |

| Industrial Organisation | Members As at 30/06/16 | Members As at 30/06/17 |
|--|-----------------------------------|-----------------------------------|
| Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees | 2,178 | 2376 |
| Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland | 14,874 | 13,508 |
| Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland | 24,222 | 23,949 |
| Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees | 4,641 | 4,466 |
| Plumbers & Gasfitters Employees' Union Queensland, Union of Employees | 3,650 | 3,482 |
| Queensland Fire and Rescue – Senior Officers Union of Employees | 110 | 115 |
| Queensland Independent Education Union of Employees | 16,945 | 16,898 |
| Queensland Nurses' Union of Employees | 56,109 | 57,923 |
| Queensland Police Union of Employees | 11,615 | 11,532 |
| Queensland Services, Industrial Union of Employees | 11,967 | 11,896 |
| Queensland Teachers Union of Employees | 43,224 | 44,410 |
| Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees | 32,020 | 31,002 |
| The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees | 2,571 | 2,053 |
| The Australian Workers' Union of Employees, Queensland | 38,545 | 34,941 |
| The Bacon Factories' Union of Employees, Queensland | 606 | 607 |
| The Electrical Trades Union of Employees Queensland | 12,693 | 12,179 |
| The Queensland Police Commissioned Officers' Union of Employees | 305 | 309 |
| The Seamen's Union of Australasia, Queensland Branch, Union of Employees | 878 | 765 |
| Together Queensland, Industrial Union of Employees | 26,959 | 26,761 |
| Transport Workers' Union of Australia, Union of Employees (Queensland Branch) | 9,223 | 9,247 |
| United Firefighters' Union of Australia, Union of Employees, Queensland | 2,383 | 2,472 |
| United Voice, Industrial Union of Employees, Queensland | 27,406 | 27,234 |
| Total Membership | 356,860 | 349,979 |
| Number Employee Organisations | 27 | 26 |

Table 7: Industrial Organisations of Employers Membership

| Industrial Organisation | Members As at 30/06/16 | Members As at 30/06/17 |
|--|-----------------------------------|-----------------------------------|
| Agforce Queensland Industrial Union of Employers | 4,600 | 4958 |
| Australian Dental Association (Queensland Branch) Union of Employers | 923 | 896 |
| The Baking Industry Association of Queensland - Union of Employers | 159 | 106 |
| Local Government Association of Queensland Ltd | 77 | 1813 |
| Master Electricians Association, Queensland Industrial Organisation of Employers - formerly Electrical and Communications Association, Queensland Industrial Organisation of Employers | 1,680 | 77 |
| Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers | 307 | 283 |
| Master Plumbers' Association of Queensland (Union of Employers) | 1,096 | 1109 |
| Motor Trades Association of Queensland Industrial Organisation of Employers | 1,217 | Deregistered 6/12/16 |
| National Retail Association Limited, Union of Employers | 1,025 | 5241 |
| Queensland Cane Growers' Association Union of Employers | 21 | 17 |
| Queensland Chamber of Commerce and Industry Limited ACN 009 662 060 | 4,135 | 3469 |
| Queensland Hotels Association, Union of Employers | 775 | 859 |
| Queensland Master Builders Association, Industrial Organisation of Employers | 8,247 | 6934 |
| The Registered and Licensed Clubs Association of Queensland, Union of Employers | 460 | 429 |
| UNiTAB Agents Association, Union of Employers Queensland | 69 | 64 |
| Total Membership | 24,791 | 26,255 |
| Number of Employer Organisations | 15 | 14 |