

Codes of conduct

Industrial Court of Queensland
Queensland Industrial Relations Commission





INDUSTRIAL COURT OF QUEENSLAND

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CODES OF CONDUCT

Section 436 of the *Industrial Relations Act 2016* provides that the President is, among other things, to develop a code of conduct for—

- (i) Members of the Queensland Industrial Relations Commission; and
- (ii) persons appearing before the QIRC.

Pursuant to s 412 of the Act, these codes also apply, with the necessary changes being made, to Members when sitting in the Industrial Court and to persons appearing before the Court.

The following sets out the codes which apply pursuant to s 436.

CODE OF CONDUCT FOR MEMBERS OF THE COMMISSION

1. Members are responsible for ensuring that proceedings are fair and that parties are treated with courtesy and respect.
2. During proceedings, Members have a responsibility to:
 - listen to evidence
 - ask questions to clarify points that are unclear and to obtain information that is relevant to the considerations which the Member must take into account
 - manage the behaviour of persons appearing before the Commission to ensure that all parties are treated with courtesy and respect
 - exclude irrelevant information

- discourage repetition, and
 - deal with each matter on its merits, in accordance with the relevant provisions of the applicable legislation.
3. Otherwise, members of the Commission are to observe the guidelines (with such changes as are necessary) contained in the *Guide to Judicial Conduct* (3rd Edition) published for the Council of Chief Justices of Australia and New Zealand by the Australasian Institute of Judicial Administration¹

CODE OF CONDUCT FOR PERSONS APPEARING BEFORE THE COMMISSION

The *Industrial Relations Act* contemplates that there will be five categories of persons who may appear before the Commission. They are:

- (a) a litigant in person;
- (b) an agent appointed in writing;
- (c) if the party or person is an organisation—an officer or member of the organisation;
- (d) a lawyer ; or
- (e) any person (including a Government Legal Officer) appointed to represent the State of Queensland.

A lawyer is bound by the rules of conduct of the relevant professional body – the Bar Association of Queensland or the Queensland Law Society.

All other persons are included in the term “parties and their representatives”

CODE FOR PARTIES AND THEIR REPRESENTATIVES

1. Parties and their representatives have obligations to behave appropriately to both the Commission and each other, and in a way that helps provide a fair hearing for all.
2. Parties and their representatives should:

¹ <https://aija.org.au/publications/guide-to-judicial-conduct-third-edition-revised>

- treat the Commission and other parties/representatives with courtesy and respect
- act honestly, and not knowingly give false or misleading information
- cooperate with other parties and the Commission to enable the just, efficient, timely and cost effective resolution of the issues in dispute
- act promptly, comply with Commission directions, and minimise delay
- take reasonable steps to make sure the costs incurred in connection with proceedings are reasonable and proportionate to the complexity and importance of the issues and amount in dispute, and
- where appropriate, take reasonable steps to resolve disputes by agreement or to minimise the number of issues in dispute.

3. Communication with Associates

- A party or any representative may only communicate with the Associate of a member of the Commission or Court where it is appropriate to do so.
- Unless there is great urgency, communication must be in writing (which includes by email). In the case of such urgency, telephone communication is permitted.
- In most cases, a party or any representative may only communicate with an Associate with the consent or prior knowledge of the other parties.
- If the issue in the communication is uncontroversial, or unlikely to result in dispute, then consent is not required but the communication must be copied to the other parties at the same time as it is sent to the Associate.