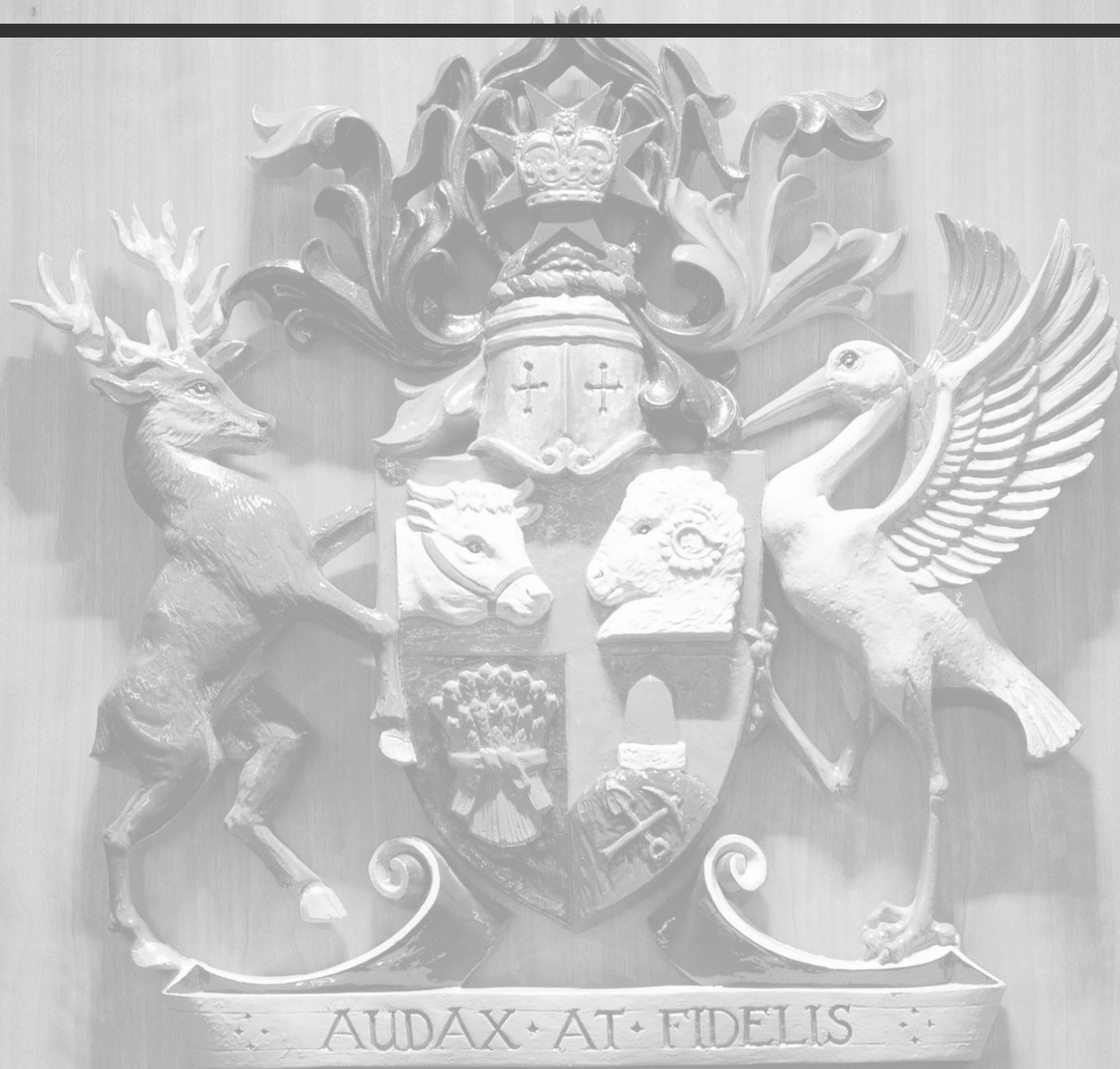




2024 - 2025 ANNUAL REPORT

of the
President of the Industrial Court of Queensland

in respect of the
**Industrial Court of Queensland
Queensland Industrial Relations Commission
Industrial Registry**

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Acknowledgements

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INDUSTRIAL COURT OF QUEENSLAND
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

The Honourable Jarrod Bleijie MP
Deputy Premier
Minister for State Development, Infrastructure and Planning
Minister for Industrial Relations
PO Box 15009
City East QLD 4002

Dear Deputy Premier,

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 2025.

Responsibility for the report relating to the Queensland Industrial Relations Commission and Industrial Registry rests with the President and Industrial Registrar respectively.

A handwritten signature in blue ink, consisting of stylized initials and a long horizontal stroke.

The Honourable Justice Peter Davis
President
Industrial Court of Queensland

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Please contact the Industrial Registry if you would like a hard copy of this Annual Report sent to you.

An electronic version of this Annual Report and previous Annual Reports are available on the Industrial Court of Queensland, Queensland Industrial Relations Commission and Industrial Registry's website.

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President's Report

OVERVIEW OF JUSTICE DAVIS, President

I am pleased to present the Annual Report of the Industrial Court of Queensland and the Queensland Industrial Relations Commission for 2025.

This report reflects the changing nature of the Court and Commission. The breadth and depth of the jurisdiction of the Court and Commission has expanded dramatically since its inception in 1917. No longer is this Court or Commission a purely 'Industrial' tribunal. The Commission's jurisdiction has expanded beyond its traditional remit of public sector, local government, and other State-related entities, encompassing matters involving constitutional corporations, particularly under the *Anti-Discrimination Act* 1991 and the *Work Health and Safety Act* 2011, or wage recovery matters under both the *Industrial Relations Act* 2016 and the *Fair Work Act* 2009. This reflects a significant broadening of its conciliatory and adjudicative scope, building on the objects of the *Industrial Relations Act* 2016 in establishing a fair and balanced industrial relations framework.

The Commission is currently implementing a range of measures to increase the effectiveness and efficiency of the Industrial Registry. This includes, but is not limited to, ongoing work to modernise and enhance our digital case management system; team building; the redefining of roles and responsibilities to reflect best practice; and professional development of our staff to build skills and resilience.

Over the coming months, the Court and Commission will embark on a review of its processes and procedures. In particular, a review of the *Industrial Relations (Tribunals) Rules* 2011 and our existing Practice Directions. That review is timely as we attempt, within our limited resources to ensure our processes are reflective of how the Court and Commission operates. To this end, the consideration of the Rules involve reviewing overlapping or inconsistent rules; rules which require redrafting for improved readability or to address a specific need; drafting rules based on those found in the *Uniform Civil Procedure Rules* 1999 (UCPR) to ensure consistency across Courts; and some new rules which respond to the growing jurisdiction and certain proceedings in the Court or the Commission that the existing Rules do not sufficiently address.

2024 saw the farewell of Industrial Commissioner Butler consequent upon her appointment as Deputy President of the Fair Work Commission. On behalf of the Court and Commission I thank Deputy President Butler for her contribution to the work of the Commission.

On 23 September 2024 we welcomed the appointment of Industrial Commissioner Peter O'Neill. Industrial Commissioner O'Neill was sworn in on 23 September 2024 and formally welcomed to the Commission at a ceremony on 19 February 2025. Prior to his appointment, Industrial Commissioner O'Neill was a well-respected member of the Bar who appeared frequently in this jurisdiction and brings to his new role, learning, talent, and experience.

In late 2024, preliminary design work was commenced for the construction of additional Chambers and the relocation and redesign of conference rooms. This building work has allowed the Commission to incorporate upgraded conferencing facilities to ensure that we continue to appropriately serve rural and regional Queensland and support accessibility. The building works are ongoing, and it is anticipated that construction should be completed in late 2025.

As the report demonstrates, Members of the Court and Commission contribute in a significant way to education, professional development across a range of organisations including government, professional associations, universities, and industrial organisations. This external engagement extends well beyond Members' day to day obligations of conciliating, hearing, and determining cases and in that regard, I am grateful to those Members for their willingness to participate in these programmes.

As this Annual Report evidences, the Court and the Commission has had a busy and successful year as it continues to deal with a wide range of matters within its jurisdiction in an efficient and effective way. It is also apparent from what I have said that the Commission has been able to dispose of a significant proportion of filings through conciliation and mediation. It is fair to say that those matters which do not result in a conciliated or mediated outcome are the more complex and lengthy matters.

I acknowledge and thank the Deputy Premier and Minister for Industrial Relations, the Honourable Jarrod Bleijie MP, the Director-General, Deputy Director-General and the staff within the Office of Industrial Relations, for their assistance in ensuring the Court and Commission continues to discharge its functions as an independent Tribunal in an effective and efficient way

I take this opportunity to extend my thanks to Members of the Court and Commission, who continue to undertake their work with diligence, impartiality, and integrity.

It is obvious that the work of the Court or Commission could not be efficiently and effectively discharged without the ongoing support and assistance of all our staff. In particular I would like to thank Industrial Registrar Madonna Shelley and Deputy Registrar Bianca Paris for their leadership and ongoing commitment to the work of the Court and Commission.

Industrial Court of Queensland

The Industrial Court of Queensland is a superior court of record within the Queensland judicial system. Originally established as the Industrial Court under the *Industrial Peace Act 1912*, the Court has a long history of having played a central role in the development and oversight of industrial law in Queensland. Its current jurisdiction, powers, and procedures are principally governed by Chapter 11, Part 1 of the *Industrial Relations Act 2016* (IR Act).

The Court comprises four Members - the President, Vice-President, and two Deputy Presidents - each of whom continue to bring substantial experience to the consideration and determination of appeals before them.

The President of the Court holds a dual role, being responsible not only for presiding over judicial proceedings but also for the overall management and administration of the Court and the Queensland Industrial Relations Commission (the Commission). This includes ensuring the efficient and effective operation of both institutions in accordance with legislative requirements and judicial standards.

The Court's jurisdiction is primarily appellate in nature. It hears and determines appeals on questions of law, or on grounds relating to jurisdictional error, either a lack or excess of jurisdiction, arising from decisions made by the Commission and Industrial Magistrates. In exercising its appellate function, the Court serves a critical role in upholding the consistency and legal integrity of decisions made by the Commission and Industrial Magistrates throughout Queensland.

PRESIDENT

The Honourable Justice Peter Davis
Judge of the Supreme Court of Queensland



VICE PRESIDENT

The Honourable Vice President
Daniel O'Connor, OAM



DEPUTY PRESIDENT

The Honourable Deputy President
John Merrell



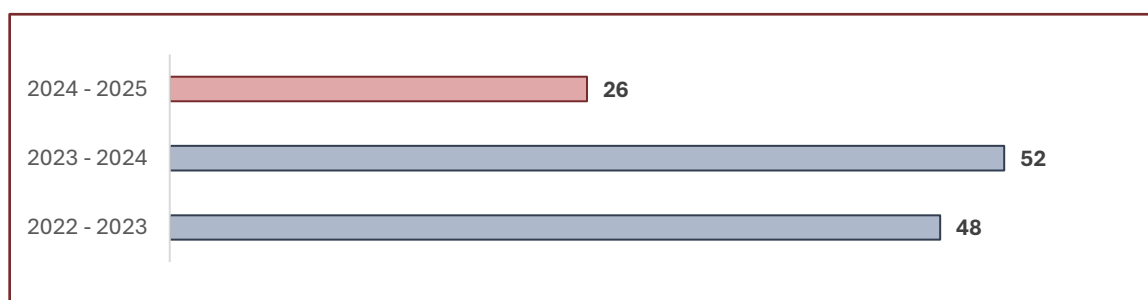
DEPUTY PRESIDENT

The Honourable Deputy President
Catherine Hartigan



During the reporting period, a total of **26** appeals were lodged with the Industrial Court of Queensland. These appeals encompassed a range of matters within the Court's jurisdiction and are categorised by type in the table below, providing further insight into the nature and distribution of the Court's appellate caseload.

Number of Industrial Court matters filed



Types of Appeals made to the Industrial Court

	2023 - 2024	2024 - 2025
Appeal against a decision of an Industrial Magistrate (s 556 of the <i>Industrial Relations Act 2016</i>)	1	0
Appeal against a decision of the Commission (s 557 of the <i>Industrial Relations Act 2016</i>)	23	15
Appeal against a decision of the Commission (s 561 of the <i>Workers' Compensation and Rehabilitation Act 2003</i>)	10	2
Stay of operation of a directive (s 178 of the <i>Coal Mining Safety and Health Act 1999</i>)	0	3
Appeal against a decision of an Industrial Magistrate (s 255 of the <i>Coal Mining Safety and Health Act 1999</i>)	0	2
Appeal against Chief Inspector's directives and review decisions (s 243 of the <i>Coal Mining Safety and Health Act 1999</i>)	16	2
Application for stay of decision (s 566 of the <i>Industrial Relations Act 2016</i>)	2	2
Total	52	26

The Court's workload continues to be influenced by legislative developments and expansion of the Commission's jurisdiction and, despite a decrease in the number of filings, there has been a measurable increase in the complexity of matters flowing to the Court. This trend is expected to persist into the foreseeable future.

In response to the increasing demands on the Court and Commission, a number of matters before the Commission are being determined by a Full Bench, with Justice Davis presiding as the Head of the Bench. This approach facilitates a more expedient appellate process, as decisions made by the Full Bench may be appealed directly to the Court of Appeal. This streamlined pathway reduces delays and promotes timely resolution of significant matters.

Over the course of the reporting period, the Court delivered and published a total of **23** written decisions. These judgments contribute to the ongoing development of industrial law in Queensland and reflect the Court's commitment to maintaining transparency, consistency, and accessibility in its decision-making processes.

Some of the notable decisions released by the Court during the reporting period include:

- *Kelsey v Logan City Council & Ors (No. 5)* [2024] ICQ 15;
- *Stone v Belmore Bulk Materials Pty Ltd & Ors* [2024] ICQ 23;
- *Kelsey v Logan City Council & Ors (No. 6)* [2025] ICQ 2;
- *Hitchcock v State of Queensland (Office of Industrial Relations); State of Queensland (Office of Industrial Relations) v Hitchcock* [2025] ICQ 3;
- *Stratford North Pty Ltd v Workers' Compensation Regulator & Ors* [2025] ICQ 4;
- *Romanski v Stone* [2025] ICQ 5; and
- *Anglo Coal (Moranbah North Management) Pty Ltd v Stone* [2025] ICQ 011.

More information regarding these decisions may be found at the Notable Decisions section of this report.

Queensland Industrial Relations Commission

JURISDICTION, POWERS AND FUNCTIONS OF THE COMMISSION

The Commission derives its powers and functions from Chapter 11, Part 2 of the IR Act. As an independent tribunal, the Commission plays a vital role in promoting the social and economic wellbeing of the people of Queensland. It does so by advancing the objects of the IR Act, which include establishing a fair and balanced industrial relations framework that underpins the delivery of high-quality public services, fosters economic prosperity, and supports social justice across the State.

COMPOSITION OF THE COMMISSION

The Commission is currently comprised of thirteen Members, including the President as head of the Commission. The President is responsible for the overall administration of the Commission's operations. This includes the allocation of matters to Members, the referral of cases to a Full Bench where appropriate, and oversight of the general conduct and management of the Commission's business.

ACKNOWLEDGEMENT AND JUDICIAL APPOINTMENT

The Commission farewellled Industrial Commissioner Butler in August 2024 after she was appointed by Her Excellency, the Governor General, as Deputy President of the Fair Work Commission. The Court, Commission and Industrial Registry thank Deputy President Butler for her valuable contribution and time at the Commission.

On 23 September 2024, Industrial Commissioner O'Neill was sworn in as a Member of the Commission, with a subsequent Welcome Ceremony held on 19 February 2025. Having been a member of the Bar for over 31 years, Industrial Commissioner O'Neill's vast experience includes appearing before the Court, Commission and Industrial Magistrates Court in more than 450 workers' compensation matters. Prior to his appointment, Industrial Commissioner O'Neill had been appointed Deputy Chair of the Queensland Racing Integrity Commission.

PRESIDENT

The Honourable Justice Peter Davis
Judge of the Supreme Court of Queensland

VICE PRESIDENT

The Honourable Vice President Daniel O'Connor, OAM

DEPUTY PRESIDENTS

The Honourable Deputy President John Merrell
The Honourable Deputy President Catherine Hartigan

INDUSTRIAL COMMISSIONERS



Industrial Commissioner
Minna Knight



Industrial Commissioner
Samantha Pidgeon



Industrial Commissioner
John Dwyer



Industrial Commissioner
Jacqueline Power



Industrial Commissioner
Roslyn McLennan



Industrial Commissioner
Daniel Pratt



Industrial Commissioner
Sharron Caddie



Industrial Commissioner
Christopher Gazenbeek



Industrial Commissioner
Peter O'Neill

JURISDICTION AND CASELOAD

JURISDICTION

The Commission exercises its jurisdiction, powers and functions under the following enactments [in alphabetical order]:

Main Legislation

- *Anti-Discrimination Act 1991*
- *Associations Incorporation Act 1981*
- *Building and Construction Industry (Portable Long Service Leave) Act 1991*
- *Child Employment Act 2006*
- *Coal Mining Safety and Health Act 1999*
- *Community Services Industry (Portable Long Service Leave) Act 2020*
- *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*
- *Fair Work Act 2009*
- *Further Education and Training Act 2014*
- *Hospital and Health Boards Act 2011*
- *Human Rights Act 2019*
- *Industrial Relations Act 2016*
- *Local Government Act 2009*
- *Magistrates Courts Act 1921*
- *Mining and Quarrying Safety and Health Act 1999*
- *Public Interest Disclosure Act 2010*
- *Public Sector Act 2022*
- *Trading (Allowable Hours) Act 1990*
- *Work Health and Safety Act 2011*
- *Workers' Compensation and Rehabilitation Act 2003*

Other/Subordinate Legislation

- *Acts Interpretation Act 1954*
 - *Ambulance Service Act 1991*
 - *City of Brisbane Act 2010*
 - *Electricity Regulation 2006*
 - *Fair Work Commission Rules 2024*
 - *Fair Work (Commonwealth Powers) and Other Provisions Act 2009*
 - *Gladstone Power Station Agreement Regulation 2016*
 - *Industrial Relations (Tribunals) Rules 2011*
 - *Industrial Relations Regulations 2018*
 - *Information Privacy Regulation 2009*
 - *Integrity Act 2009*
 - *Labour Hire Licensing Act 2017*
 - *Oaths Act 1867*
 - *Pastoral Workers' Accommodation Act 1980*
 - *Petroleum and Gas (Production and Safety) Act 2004*
 - *Police Service Administration Act 1990*
 - *Private Employment Agents Act 2005*
 - *Public Sector Regulation 2023*
 - *Queensland Building and Construction Commission Act 1991*
 - *Queensland Rail Transit Authority Act 2013*
 - *Right to Information Regulation 2009*
 - *State Penalties Enforcement Regulation 2014*
 - *Superannuation (State Public Sector) Act 1990*
 - *Superannuation (State Public Sector) Notice 2021*
 - *Uniform Civil Procedure Rules 1999*
 - *Uniform Civil Procedure (Fees) Regulation 2019*
 - *Water Act 2000*
 - *Workers' Accommodation Act 1952*
 - *Work Health and Safety Regulation 2011*
 - *Workers' Compensation and Rehabilitation Regulation 2014*
-

JURISDICTION AND CASELOAD

Through this legislation, the Commission has jurisdiction over the following areas:

- | | |
|--|---|
| ▪ <i>Awards and agreements</i> | ▪ <i>Unfair dismissal</i> |
| ▪ <i>General protections and bullying</i> | ▪ <i>Wage recovery</i> |
| ▪ <i>Industrial disputes</i> | ▪ <i>Work, health and safety reviews</i> |
| ▪ <i>Long service leave payouts</i> | ▪ <i>Workers' compensation appeals</i> |
| ▪ <i>Public sector appeals</i> | ▪ <i>Work-related anti-discrimination</i> |
| ▪ <i>Registered Industrial Organisations</i> | ▪ <i>complaint referrals</i> |
| ▪ <i>Trading hours</i> | |
-

CASELOAD

The number of overall filings over the reporting period (excluding appeals made to the Court), totals **3,314**. This figure has remained steady in comparison to previous reporting years, however the complexity of matters brought before the Commission continue to increase. This is particularly evident in proceedings relating to anti-discrimination, public sector appeals, wage recovery, workers' compensation appeals, and work health and safety matters.

During the reporting period, a total of **1,223** proceedings were listed.

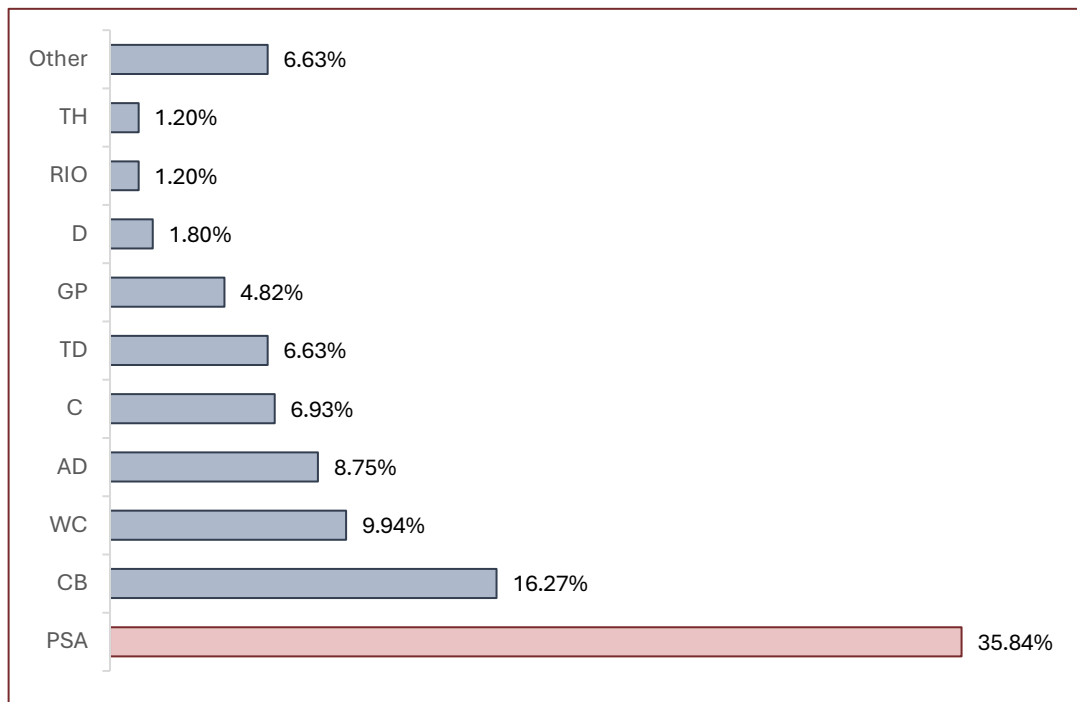
A total of **332** decisions (of the Court, Commission and Industrial Registrar) were delivered with 320 of those decisions published during the same period¹.

Of note, the majority of decisions released were in relation to the following:

- 119 public sector appeals (PSA);
- 54 certified agreements (CB);
- 33 workers' compensation appeals (WC);
- 29 anti-discrimination matters (AD);
- 23 appeals to the Court (C);
- 22 unfair dismissal applications (TD);
- 16 general protection matters (GP);
- six industrial disputes (D);
- four registered industrial organisation matters (RIO);
- four trading hours matters (TH); and
- 30 other matters (including various general applications, long service leave, modern award, and work health and safety matters).

¹ Non-published decisions are normally due to the issue of a suppression order

Decisions released by the Court, Commission and Industrial Registrar by type



Self-Represented Litigants

The Court, Commission and Industrial Registry continue to deal with a considerable proportion of matters involving self-represented litigants. The involvement of unrepresented parties presents distinct procedural and practical challenges; however, the Court, Commission and Industrial Registrar remain committed to ensuring that proceedings are conducted fairly and remain accessible to all parties. It also maintains a focus on the efficient and timely resolution of matters involving self-represented individuals.

Of the matters filed during the reporting period, 1,855 involved self-represented applicants, appellants, complainants, or claimants. This figure underscores the significant proportion of proceedings in which parties appear without legal representation, further highlighting the procedural and practical complexities identified above, along with the importance of effective management of cases. It is noted that claims for the payment of long service leave in lieu of taking such leave (EC matters) are almost invariably initiated by claimants themselves without representation. In addition, public sector appeals are excluded from legal representation entirely, pursuant to s 530A(3) of the IR Act.

JURISDICTION AND CASELOAD

ANTI-DISCRIMINATION

Workers in Queensland are entitled to fair and equitable treatment in the workplace. This includes the right to work in an environment that is free from discrimination - whether direct or indirect - as well as from sexual harassment, vilification, and victimisation. These protections are enshrined in both the *Anti-Discrimination Act 1991* (AD Act) and the *Human Rights Act 2019*, which recognise the inherent dignity and rights of all individuals.

The Commission has jurisdiction to conciliate, hear, and determine complaints relating to work-related discrimination where those complaints have been investigated and subsequently referred by the Queensland Human Rights Commission (QHRC), in accordance with the AD Act, in the following circumstances:

- where a complaint has not been resolved through conciliation;
- where a complaint has not been subject to conciliation;
- upon the request of a complainant or respondent, if the QHRC has not finalised its handling of the complaint within six months of accepting it.

Work-related complaints typically involve allegations that an employer, co-worker, or other workplace participant has engaged in conduct that adversely affects a person on the basis of a protected attribute, such as sex, race, age, disability, religion, parental or carer status, or political belief or activity. Alleged contraventions may include, for example, being denied employment or promotion, being subjected to offensive comments or conduct at work, being unfairly disciplined or dismissed, or being treated less favourably than others in similar circumstances - all due to a person's protected attribute.

Complaints that fall outside the scope of work-related matters - such as those involving accommodation, education, or the provision of goods and services - are referred to and dealt with by the Queensland Civil and Administrative Tribunal (QCAT).

The Commission's functions include:

- **conducting further conciliations** to facilitate resolution of referred complaints;
- **hearing and determining complaints** involving alleged discrimination in the workplace;
- **issuing binding decisions and orders**, which may include directions to stop the discriminatory conduct, orders for compensation, or reinstatement of employment;
- **considering and determining applications for exemptions** from the operation of specified provisions of the AD Act, where an employer or organisation seeks temporary

relief from compliance (e.g. for targeted recruitment programs or special measures to promote equality); and

- **interpreting and applying the relevant provisions** of the AD Act as they relate to employment and industrial matters.

Conciliation Agreements and protections

A total of 102 conciliation agreements, made in accordance with s 164 of the AD Act, were filed with the Commission during the reporting period, representing a 32 per cent decrease compared to the previous year. One application was filed, in accordance with s 144(1) of the AD Act, seeking an order to protect a complainant's interests prior to referral to the Commission. These applications highlight the continued importance of ensuring procedural safeguards and the protection of parties involved in discrimination matters.

Referrals

During the reporting period, the QHRC referred a total of 63 complaints to the Commission for conciliation and/or determination. This figure represents a decrease of approximately 45 per cent compared to the 115 referrals received in the previous reporting period. The reduction in referral numbers may reflect a range of factors, including the early resolution of matters through QHRC processes, shifts in complaints trends, or broader changes in the industrial or human rights landscape.

Decisions

During the reporting period, the Commission issued 29 decisions pursuant to the AD Act. Of these, 15 interlocutory matters were determined, primarily addressing procedural issues such as the issuance of attendance notices and questions concerning legal representation. In addition, substantive decisions addressed allegations of both direct and indirect discrimination in relation to the attributes specified in s 7 of the AD Act. Specifically, the discrimination matters determined during the period concerned the attributes of sex, relationship status, sexuality, race, and impairment.

Exemption Applications

Pursuant to s 174B(b) of the AD Act, the Commission has the authority to grant exemptions in relation to work-related matters. These applications are made under s 113 of the AD Act, which enables a person or organisation to seek permission to undertake an act that would otherwise constitute unlawful discrimination under the legislation. Throughout the reporting period, six applications for exemption were filed.

Exemptions granted by the Commission may apply for a specified period of up to five years. Upon application, an exemption may be renewed for a further period, also not exceeding five years.

Throughout the reporting period, the following applications for exemption were heard and determined by the Commission:

- **Re: Team Blake Pty Ltd [2024] QIRC 163** (3 July 2024)
 - The Commission granted exemption to the organisation to advertise, recruit, select and employ only male support workers for a particular client with severe intellectual disability.
 - This exemption applies for a period of five years from 3 July 2024.
- **Re: Sera's Women's Shelter Incorporated [2024] QIRC 199** (13 August 2024)
 - This was an application for an exemption to employ only women (including those presenting as women). The Commission refused the application, noting that existing statutory exemptions already covered the necessary circumstances.
- **Re: North Queensland Land Council Native Title Representative Body Aboriginal Corporation [2024] QIRC 221** (6 September 2024)
 - This application for exemption requested to recruit only Indigenous Australians for the role of First Nations Engagement Officer.
 - The granting of the five-year exemption recognised the cultural and representational need and applies from 9 September 2024.
- **Re: Ascent Pty Ltd [2024] QIRC 234** (23 September 2024)
 - This application was granted, allowing race-based recruitment of United States defence contract purposes, in compliance with United States law.
 - The exemption applies for five years from 23 September 2024.
- **Re: Saab Australia Pty Ltd [2025] QIRC 021** (24 January 2025)
 - The applicant in this matter was also granted exemption to permit recruitment decisions based on race, enabling compliance with United States defence-related regulations.
 - The exemption applies in respect of specified roles and conditions, and is effective for five years from 24 January 2025.

These decisions underscore the Commission's rigorous, case-by-case assessment of exemption requests. The one refusal (*Re: Sera's Women's Shelter Incorporated [2024] QIRC 199*) affirms that approvals are granted only where there is clear, demonstrable justification and no less-restrictive alternative in accordance with the AD Act.

BULLYING

Under the IR Act, an employee is considered to have been bullied at work if an individual or group of individuals engages in unreasonable behaviour towards them (or a group they belong to), and that behaviour creates a risk to their health and safety.

Where such conduct is alleged, an employee may apply to the Commission for an order to stop the bullying. Pursuant to s 275 of the IR Act, the Commission may make any order it considers appropriate to prevent the continuation of the bullying behaviour in the workplace.

During the reporting period, the Commission received and considered five applications for orders to stop bullying, which is a decrease of approximately 69 percent since the filing of 16 matters in the previous reporting period. Even though the number of matters filed has decreased, these matters continue to reflect the ongoing importance of addressing workplace conduct that may negatively impact employee wellbeing. The Commission provides an accessible avenue for resolving such matters, focusing on early intervention and the prevention of further harm, rather than penalising past conduct. However, if a person contravenes an order made by the Commission in accordance with s 275 of the IR Act, they may be subject to enforcement proceedings to uphold the integrity of the Commission's order.

CERTIFIED AGREEMENTS

Certified agreements, commonly referred to as "Enterprise Bargaining Agreements" or "EBAs", are a form of industrial instrument governed by Chapter 4, Part 5 of the IR Act. These agreements, read alongside the applicable modern award, are written instruments that address industrial matters relating to a specific employer and a group or category of employees in conjunction with the relevant registered industrial organisation (union). Once certified, the agreement applies to all employees within the specified group, including those employed after the agreement takes effect.

Certified agreements typically set out provisions such as wage rates, allowances, role classifications, leave entitlements, grievance resolution processes, and workplace flexibility arrangements, as well as other matters relevant to the particular workforce and industry context.

The Commission may assist parties engaged in the collective bargaining process through conciliation, with the aim of reaching a mutually acceptable outcome. Where conciliation is unsuccessful in resolving the matters in dispute, the Commission has the authority to refer the matter to arbitration for formal determination. Throughout the reporting period, the Commission received 12 requests for assistance in bargaining negotiations.

A total of 31 agreements were certified or varied by the Commission during the reporting period. Those agreements are as follows:

Public Sector Agreements

- *Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 2) 2023*
- *Queensland Police Service Staff Members Certified Agreement 2023*
- *South Bank Employing Office Employees' Certified Agreement 2023*
- *Stadiums Queensland Staff Certified Agreement 2023*
- *State Government Entities Certified Agreement 2023*
- *TAFE Queensland Educators Certified Agreement 2023*
- *Carpentaria Shire Council Certified Agreement 2023*
- *Hinchinbrook Shire Council Local Government Officers (Stream A) Certified Agreement 2023*
- *Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2023*

Local Government Agreements

- *Balonne Shire Council Certified Agreement 2024*
- *Barcoo Shire Council Certified Agreement 2024*
- *Blackall-Tambo Regional Shire Council Certified Agreement 2024-2028*
- *Boulia Shire Council Certified Agreement 2024-2027*
- *Brisbane City Council Certified Agreement 2025*
- *Bulloo Shire Council Employees Certified Agreement 2025*
- *Burdekin Shire Council Certified Agreement 2024*
- *Carpentaria Shire Council Certified Agreement 2023*
- *Central Highlands Regional Council Certified Agreement 2024-2027*
- *City of Gold Coast Certified Agreement 2024*
- *City Parklands Certified Agreement 2024*
- *Fraser Coast Regional Council Certified Agreement 2024*
- *Gladstone Regional Council Certified Agreement 2024*
- *Ipswich City Council Local Government Employees Certified Agreement 2024*
- *Ipswich City Council Officers' Certified Agreement 2024*
- *Ipswich City Council Resource Recovery Drivers Certified Agreement 2024*
- *Mackay Regional Council Certified Agreement 2024*
- *Mareeba Shire Council Certified Agreement 2024 – 2027*
- *McKinlay Shire Council Certified Agreement 2024 – 2027*
- *Quilpie Shire Council Certified Agreement 2024*
- *Toowoomba Regional Council Office Based Staff Certified Agreement 2024 (No. 5)*
- *Toowoomba Regional Council Field Based Staff Certified Agreement 2024 (No. 5)*

GENERAL PROTECTIONS

The IR Act establishes a range of general protections designed to encourage transparency and fairness and safeguard individuals against adverse action in the workplace. Adverse action may include dismissal, demotion, discrimination, or other unfavourable treatment taken in response to a person:

- exercising a workplace right (e.g. making a complaint about safety or wages);
- engaging in lawful industrial activity or action (e.g. joining a registered industrial organisation, or participating in bargaining); or
- possessing a protected attribute or status.

Conversely, adverse action can also be taken by an employee against an employer. For example, such action might include:

- ceasing work while still engaged in the employer's service without lawful justification; or
- participating in unauthorised or unprotected industrial action, such as a strike that does not comply with the Act's procedural requirements.

Under s 309 of the IR Act, a person who believes they have been subject to adverse action may apply to the Commission for assistance in resolving the matter. The Commission initially deals with these matters through a conciliation process. Where the matter remains unresolved, it may proceed to a formal hearing for determination. The Commission may then either dismiss an application, or make binding orders where a contravention is found, such as reinstatement or a payment of compensation.

During the reporting period, 41 applications were made in accordance with s 309 of the IR Act. Of those applications, one matter did not proceed, 15 matters were resolved/withdrawn at/after conference, seven were not resolved at conference (with six of those proceeding to arbitration). The remaining applications are still in progress.

Although there was a slight decrease in the number of general protections applications during the reporting period compared to the previous period, such applications continue to constitute a significant component of the industrial relations framework. The proportion of matters resolved at the conference stage underscores the effectiveness and importance of the Commission's early resolution mechanisms.

GENERAL RULINGS/STATEMENT OF POLICY

Chapter 11, Part 2, Division 4 of the IR Act confers authority on a Full Bench of the Commission to issue general rulings and statements of policy which enables the Commission to proactively manage industrial relations in Queensland by setting consistent standards and resolving issues through a consistent decision with widespread application, thereby avoiding piecemeal litigation.

Critically, s 458(2) of the IR Act states that the Full Bench must issue at least one general ruling regarding the Queensland minimum wage per year, allowing all interested persons an opportunity to be heard, with the mechanics of general rulings outlined at s 459 of the IR Act. This function operates through the annual State Wage Case, where a general ruling reviews not only minimum wages, but also other work-related allowances.

State Wage Case

In the *Declaration of General Ruling (State Wage Case 2024)* [2024] QIRC 244, handed down by the Full Bench (Hartigan DP, Power IC and Gazenbeek IC) on 9 October 2024, a 3.75 per cent increase in wages or salaries was awarded to full-time adult employees covered by all state awards, along with a commensurate adjustment to monetary allowances.

In line with the Commission's past approach, the general ruling also extended to the Queensland Minimum Wage, which was increased to \$915.90 per week for full-time adult employees, effective from 1 September 2024.

In determining the increase, the Commission had regard to the national minimum wage review conducted by the Fair Work Commission, which also awarded a 3.75 per cent increase to modern award minimum wages as part of its annual wage review. The Commission considered economic indicators, cost of living pressures, and the need to maintain fair and relevant wage standards for Queensland employees. The decision reflects the Commission's continued practice of aligning state award wage outcomes with those determined at the federal level, while also bringing an independent mind to the task of determining Queensland-specific economic and industrial considerations.

Casual Loading

The 2024 Casual Loading General Ruling was released by the Full Bench (Merrell DP, Pratt IC and Gazenbeek IC) on 23 September 2024 which prescribed a minimum casual loading of 25 per cent across all state registered industrial instruments. It also explicitly preserved protections for all employees whose casual loading already exceeded 25 per cent, ensuring that no employee was disadvantaged.

INCORPORATED ASSOCIATIONS

Chapter 11, Part 8A of the IR Act outlines the compliance obligations and procedural safeguards for incorporated associations seeking registration.

Relevant Incorporation Act applications made in accordance with s 9 (for the incorporation of an association) or s 48 (for the registration of an amendment to an incorporated association's rules) of the *Associations Incorporation Act 1981* are referred to the Industrial Registrar by the Chief Executive (Incorporation Act).

Upon receipt of an application, the Industrial Registrar is required to notify all registered industrial organisations and each State peak council of the application's existence, thereby affording them the opportunity to object on specified grounds, as set out in s 578D of the IR Act. The Industrial Registrar must take any such objections into account when determining whether to take proposed action in relation to the application.

Should an applicant or objector dispute the proposed action of the Industrial Registrar, the Industrial Registrar may refer the matter to the Commission for a declaration as to whether an objection ground is substantiated. The Commission will then hear and determine the matter, and the outcome communicated to the Chief Executive and all relevant stakeholders.

These provisions reinforce the integrity of Queensland's industrial relations framework by ensuring that only properly governed entities, demonstrating compliance and accountability, can obtain or retain registration in accordance with Chapter 12 of the IR Act.

Throughout the reporting period, three relevant Incorporation Act applications were made, with one application having the objection grounds established, one not established, and one application in progress as a further application has been made to the Commission for a declaration.

INDEPENDENT COURIERS

The IR Act provides a tailored framework for regulating the engagement and treatment of independent couriers, particularly in the logistics and delivery sectors, operating under contracts for services rather than traditional employment arrangements.

Recognising the unique vulnerabilities and working conditions faced by such contractors, Chapter 10A of the IR Act, introduced in November 2024 through the *Industrial Relations and Other Legislation Amendment Act 2022*, establishes specific rights and protections for independent couriers, including:

- certifying or determining contract instruments;
- ability of independent couriers to seek remedies for unfair contract terminations or harsh contractual terms, allowing independent couriers to apply to the Commission for relief where they believe a contract has been unfairly terminated or where the conditions of the contract are, for example, harsh, unconscionable, unfair and/or against the public interest; and
- the ability to notify of a dispute and seek the assistance of the Commission in dispute resolution.

As a relatively new provision, during the reporting period only two applications regarding unfair termination of a contract have been made. One of those matters was resolved at conference, with the other matter being discontinued.

INDUSTRIAL DISPUTES

Chapter 6 of the IR Act outlines that industrial disputes as disagreements about an industrial matter between employers and employees (or their registered industrial organisation representing them) and the disagreement remains unresolved after genuine attempts to settle have been made. Disputes may be raised over industrial matters such as wages, working conditions, employment terms or any issue which may give rise to industrial action.

Notice may be given to the Industrial Registrar, with the Commission taking steps it considers appropriate for the prevention or prompt resolution of the dispute. The Commission normally holds a conciliation conference in the first instance. Any unresolved matters may be referred to arbitration. During arbitration, the Commission has broad powers to make binding orders or directions to resolve the dispute fairly and in the public interest.

To support early and constructive resolution, the IR Act emphasises the use of conciliation as the primary step in resolving disputes. In matters involving urgent issues, such as threatened unprotected industrial action, the Commission can act quickly to preserve workplace stability.

During the reporting period, 118 notices of industrial dispute were lodged with the Industrial Registrar, a figure broadly consistent with the previous reporting year (122). Of these, 95 proceeded to conciliation, with only six progressing to arbitration. This outcome clearly demonstrates the Commission's strong emphasis on, and effectiveness in, conciliatory resolution of disputes.

Of note, in the matter of *Together Queensland Industrial Union of Employees v State of Queensland (Department of Transport and Main Roads)* [2025] QIRC 157, the Commission arbitrated a dispute concerning the correct method for converting accrued leave entitlements, (specifically annual leave, sick leave, and long service leave) for Vessel Traffic Service Operators employed by Maritime Safety Queensland. The dispute arose following the implementation of the *Maritime Safety Queensland Maritime Operations Certified Agreement 2022*, which reduced ordinary working hours from 38 to 36.25 per week. The Commission determined that, in the

absence of a specified conversion methodology within the certified agreement, the parties' post-certification agreement on the conversion method should be upheld. This decision underscores the importance of clear terms in certified agreements and the enforceability of mutual understandings reached after certification.

MODERN AWARDS

Modern awards are legally binding industrial instruments that operate alongside certified agreements to establish minimum terms and conditions of employment for employees covered by their scope. These instruments set out minimum wages, working conditions, and entitlements, ensuring a consistent and enforceable framework for employment standards across state and local government.

In accordance with the IR Act, the Commission is responsible for ensuring that modern awards provide fair and just wages and employment conditions. In doing so, modern awards must offer conditions at least as favourable as those provided for under the Queensland Employment Standards.

Pursuant to Chapter 3 of the IR Act, the Commission has the authority to make, vary, or revoke modern awards. In exercising this function, the Commission must have regard to a range of considerations, including:

- the relative living standards and needs of low-paid employees;
- the need to promote social inclusion through increased workforce participation;
- the need to support modern, flexible work practices and encourage efficient and productive work performance;
- the importance of ensuring equal remuneration for work of equal or comparable value;
- the requirement to provide appropriate penalty rates for employees who work overtime, irregular or unpredictable hours, weekends, public holidays or shift work; and
- the need to consider the condition of the economy, including factors such as productivity, inflation, and employment levels.

These considerations help to ensure that modern awards continue to promote fair and equitable employment conditions while responding to the evolving needs of Queensland's workforce and economy.

Throughout the reporting period, the following applications were made regarding modern awards:

- All modern awards were amended by the General Ruling on Casual Loading on 23 September 2024 (increase from 23 per cent to 25 per cent);
- *Brisbane City Council Bus Transport Employees Award – State 2016* (varied on 2 April 2025);
- *Parents and Citizens Associations Award – State 2016* (varied on 14 March 2025); and
- *Youth Detention Centre Employees Award – State 2016* (varied on 19 December 2024).

PAYMENT IN LIEU OF LONG SERVICE LEAVE

Applications may be made to the Commission in accordance with s 110 of the IR Act seeking approval for the payment of long service leave in lieu of taking the leave, either in part or in full. Such applications are typically made on compassionate grounds and/or due to financial hardship.

In addition to applications under the IR Act, workers registered under Queensland's portable long service leave schemes may also seek a payout of their accrued entitlements by application to the Commission. These workers include those covered by the *Community Services Industry (Portable Long Service Leave) Act 2020*, the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, and the *Building and Construction Industry (Portable Long Service Leave) Act 1991*. These legislative schemes recognise the unique nature of work in these industries, where employment is often characterised by mobility between employers, and allow for the preservation and potential payout of long service leave entitlements.

Given the personal and often urgent circumstances that underpin these types of applications, the Commission prioritises their prompt resolution. Matters are typically dealt with on the papers and are finalised within a short timeframe to ensure that applicants receive timely access to their entitlements.

During the reporting year, the Commission received 1,008 applications seeking approval for the payment of long service leave in lieu of taking the leave. While this represents a slight decrease from the 1,082 applications filed in the previous reporting period, the volume remains notably high compared to earlier years. The sustained demand for this type of application may reflect continued financial pressures on workers, growing awareness of the provisions available under the IR Act, and broader socio-economic factors.

PUBLIC SECTOR APPEALS

Public sector appeals are a mechanism for reviewing certain decisions made in relation to a public sector employee's employment. These appeals provide an important avenue for ensuring transparency, fairness, and accountability in public sector decision-making.

Governed by Chapter 3, Part of the *Public Sector Act 2022* (PS Act), an appeal may be made against a range of employment-related decisions, including:

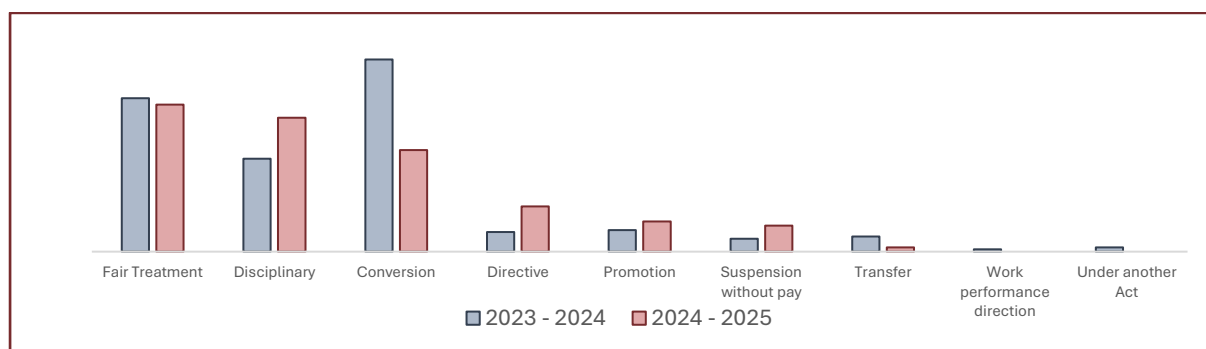
- a conversion decision;
- a directive decision;
- a disciplinary decision;
- a fair treatment decision;
- a promotion decision;
- a suspension without pay decision;
- a transfer decision;
- a work performance direction decision; or
- a decision made under another Act which allows a person to appeal.

These matters are heard and determined by the Commission in accordance with the IR Act. The Commission is required to deal with appeals in a manner that is fair, just, informal, economical, and quick, as guided by the principles of the IR Act.

Upon determining an appeal, the Commission may confirm the decision, set it aside, or return the matter to the original decision-maker with directions or recommendations. This process supports the integrity and consistency of public sector employment practices and provides public sector employees with access to an independent and impartial review of decisions affecting their employment.

During the reporting period, the Commission received a total of 226 public sector appeals, representing a very slight decrease of five per cent compared to the previous year. However, the types of decisions appealed against varied, as outlined below:

Comparison of number of public sector appeals filed



The most commonly appealed decision types were:

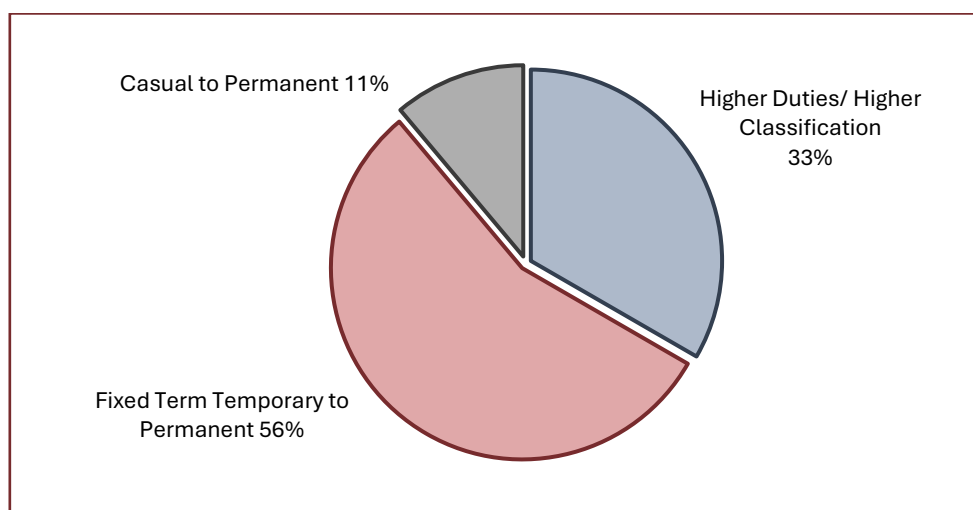
- Fair treatment decisions – 68 appeals (30 per cent)
- Disciplinary decisions – 62 appeals (27.5 per cent)
- Conversion decisions – 47 appeals (21 per cent)
- Directive decisions - 21 appeals (9 per cent)
- Other types combined – 28 appeals (12.5 per cent)

Of the 411 public sector appeal matters finalised during the year, the following outcomes were recorded:

- 32.1 per cent of matters were struck out;
- 26.3 per cent of matters were withdrawn (either before or after proceedings);
- 15 per cent of matters had decisions made dismissing the appeal;
- 12.7 per cent were matters which lapsed due to inactivity;
- 7.5 per cent of matters had decisions allowing the appeal (either in full or in part, or set aside or substituted); and
- 6.4 per cent of matters had decisions declining to hear the appeal due to, for example, jurisdictional issues.

Decisions issued by the Commission concerning conversion, as defined in s 129 of the PS Act, continue to constitute a substantial portion of public sector appeal matters. These decisions may be further categorised as follows:

Conversion decisions by type



Of the decisions released concerning appeals against conversion determinations, 16.6 per cent of appellants had their employment status converted, 55.6 per cent were not converted, and the remaining 27.8 per cent received alternative outcomes, such as the matter being struck out, typically due to jurisdictional grounds.

TRADING HOURS

The *Trading (Allowable Hours) Act 1990* (TH Act) regulates shop trading hours across Queensland, prescribing when and where certain classes of retail establishments may lawfully trade. The Act distinguishes between exempt and non-exempt shops, with exempt shops (including independent retail outlets) generally permitted greater flexibility in trading hours. In contrast, larger retailers such as supermarkets and department stores are categorised as non-exempt shops and are subject to more prescriptive regulation.

The Commission plays a key role in accordance with Part 5 of the TH Act, with authority to make orders and declarations in relation to trading hours. This includes, but is not limited to, the power to determine or vary trading hours for particular localities or types of shops, and to declare certain events as special events for the purposes of extended trading hours under s 31A of the TH Act.

A five-year moratorium on the creation and amendment of trading hours arrangements in Queensland, in place since 2018, concluded on 31 August 2023. Since the lifting of the moratorium, the Commission has resumed its jurisdiction to consider new applications in this area.

During the reporting period, six applications were filed with the Commission under s 31A of the TH Act, seeking declarations that specific occasions be recognised as special events, thereby permitting extended trading hours in accordance with the statutory framework. Those events and outcomes were as follows:

- TH/2024/2 - Mount Isa Mines Rodeo - Granted (decision released 30 July 2024)
- TH/2025/1 - Chinchilla Melonfest - Dismissed (decision released 13 February 2025)
- TH/2025/2 - Mount Isa Area (urgent application - flooding event) - Granted (order issued 5 April 2025)
- TH/2025/3 - Weipa Fishing Classic - Granted (decision released 19 April 2025)
- TH/2025/4 - Mount Isa Show 2025 - Granted (decision released 11 June 2025)
- TH/2025/6 - Mount Isa Mines Rodeo - Granted (decision released 22 July 2025).

A further application (TH/2025/5) was lodged in accordance with s 23 of the TH Act seeking an order from the Commission in accordance with s 21 of the TH Act declaring an area between Gordonvale and Edmonton be a "type 3" trading area. Filed on 29 May 2025, this application is in progress and is due to be heard in September 2025.

In addition to the provisions of the TH Act, trading hours may also be restricted by other legislative instruments. For example, businesses operating under liquor licences must comply with relevant provisions of the *Liquor Act 1992* and the *Wine Industry Act 1994*, which may impose additional limitations on trading during certain hours or on particular days. Special restrictions also apply to public holidays, including Anzac Day, Easter, Labour Day and Christmas Day, further reflecting the complex legislative environment governing shop trading hours in Queensland.

UNFAIR DISMISSALS

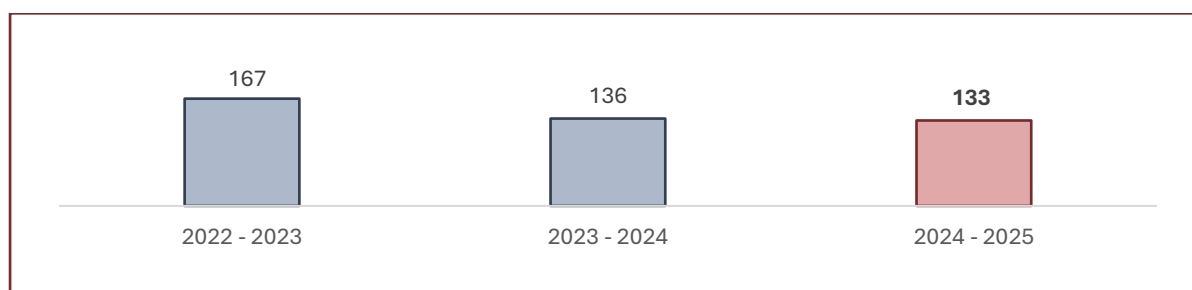
Reinstatement, or "unfair dismissal" applications are dealt with by the Commission in accordance with Division 2, Part 2 of Chapter 8 of the IR Act. These applications may be made by State or local government employees who consider they have been unfairly dismissed from their employment. A dismissal is considered unfair if the Commission is satisfied that it was harsh, unjust or unreasonable, having regard to the circumstances of the dismissal and the statutory criteria outlined in the IR Act.

In determining such matters, the Commission assesses whether the dismissal was procedurally and substantively fair. Where a finding of unfair dismissal is made, the Commission is empowered under s 321 of the IR Act to order one of several remedies. These include reinstatement to the employee's former position, re-employment in a comparable role, or the payment of compensation in lieu of reinstatement where it is not practicable for the employment relationship to be restored.

The Commission initially seeks to resolve reinstatement matters through conciliation, providing parties with an opportunity to negotiate a mutually agreeable outcome. If conciliation does not result in settlement, the matter may proceed to formal arbitration where the Commission will determine the merits of the application and impose a binding decision.

During the reporting period, a total of 133 reinstatement applications were lodged with the Commission. This number is consistent with the 136 applications received in the 2023 to 2024 reporting year and reflects a stable trend over recent years. By way of comparison, 167 applications were filed in 2022 to 2023. The continued moderation in the number of unfair dismissal applications may reflect a combination of factors, including ongoing enhancements in workplace practices, an increased emphasis on early dispute resolution, and broader changes in economic and labour market conditions.

Number of applications for reinstatement filed



The Commission remains committed to ensuring that reinstatement matters are managed efficiently, with a focus on procedural fairness, timely resolution, and the just treatment of all parties involved.

WAGE RECOVERY

Unpaid Amount Claims filed in the Commission

The Commission has jurisdiction to conciliate, hear, and determine a range of employment-related matters, including claims for unpaid wages and entitlements, an apprentice's unpaid tool allowance, remuneration lost by an apprentice or trainee, and unpaid employer contributions to an approved superannuation fund. These matters are wholly within the Commission's jurisdiction and, where unresolved through conciliation, may proceed to arbitration and determination by a Member of the Commission.

Fair Work Claims

By contrast, the Commission also plays an important role in the early resolution of certain matters that fall outside its determinative jurisdiction but are subject to conciliation. This includes applications made under the *Fair Work Act 2009* (Cth) (FW Act), specifically claims lodged in accordance with s 539(1) and (3) of that Act. Although these matters may be initially filed in the Industrial Magistrates Court, they can also be lodged with the Industrial Registry, which serves as the registry for the Industrial Magistrates Court for the limited purpose of processing Fair Work Claims.

In such cases, the Commission's involvement is confined to the conciliation phase. If the matter does not resolve during conciliation, it is then referred to the Industrial Magistrates Court for hearing and determination in accordance with the FW Act. This dual-jurisdiction model ensures that parties have the opportunity to resolve their disputes in a timely and informal setting before progressing to formal litigation.

Unpaid Amount Claims filed in the Industrial Magistrates Court

In addition to Fair Work Claims, the Industrial Magistrates Court also hears Unpaid Amount Claims (made in accordance with the IR Act) and Employment Claims (in accordance with the *Magistrates Court Act 1921*). These matters too may first be referred to the Commission for conciliation, with the aim of resolving the dispute without the need for judicial proceedings. Where conciliation is unsuccessful, the matter proceeds to a hearing in the Industrial Magistrates Court.

The Commission's strong conciliatory function in these contexts plays a vital role in promoting early, low-cost dispute resolution. It facilitates dialogue between parties, encourages settlement, and helps reduce the volume of matters proceeding to court. Where resolution is not achieved, clear pathways exist to ensure matters can proceed efficiently to judicial determination.

Summary

During the reporting period, the Commission and associated jurisdictions received a total of **540** applications, claims and requests related to wage recovery and employment entitlements, representing a significant increase from the 283 matters recorded in the previous reporting period. This substantial rise, an increase of over 90 per cent, was driven predominantly by a sharp growth in the number of Fair Work Claims filed, 394 of which were filed in the Industrial Registry, and 38 in a Magistrates Court registry and subsequently referred.

Other categories of wage recovery claims also experienced growth. Unpaid Amount Claims concerning unpaid wages, superannuation contributions and other entitlements, filed only in the Industrial Registry and dealt with by the Commission, increased from 26 in 2023-2024 to 40 in 2024-2025.

However, claims relating specifically to pro rata long service leave entitlements saw a decrease, from 50 in the previous reporting period to 40 in this reporting period. Informal requests for conference concerning wage recovery matters remained low but stable, increasing from four to five.

Unpaid Amount Claims filed in the Industrial Magistrates Court rose from 12 in 2023 - 2024 to 16 in 2024 - 2025. Employment Claims lodged in accordance with s 42B of the *Magistrates Court Act 1921* also rose slightly, from five to seven.

	2023 - 2024	2024 - 2025
Fair Work Claims (filed in accordance with s 539 of the <i>Fair Work Act 2009</i>) - 393 were filed at the Industrial Registry - 38 were filed at the Magistrates Court	186	432
Unpaid Amount Claims – unpaid wages, superannuation contribution, etc (filed at the Industrial Registry in accordance with s 475 of the IR Act)	26	40
Unpaid Amount Claims – pro rata long service leave (filed at the Industrial Registry in accordance with s 475 of the IR Act)	50	40
Unpaid Amount Claims (filed at Magistrates Court in accordance with s 379 of the IR Act)	12	16
Employment Claim (filed at the Magistrates Court in accordance with s 42B of the <i>Magistrates Court Act 1921</i>)	5	7
Subtotal	279	535
Informal request for conference – Wage recovery	4	5
Total	283	540

The sharp overall increase in applications and claims, particularly Fair Work Claims, may reflect growing awareness of available legal avenues, a strengthening of employee confidence in enforcing statutory rights, along with continuing economic pressures. These matters continue to consume a large proportion of the Commission's workload.

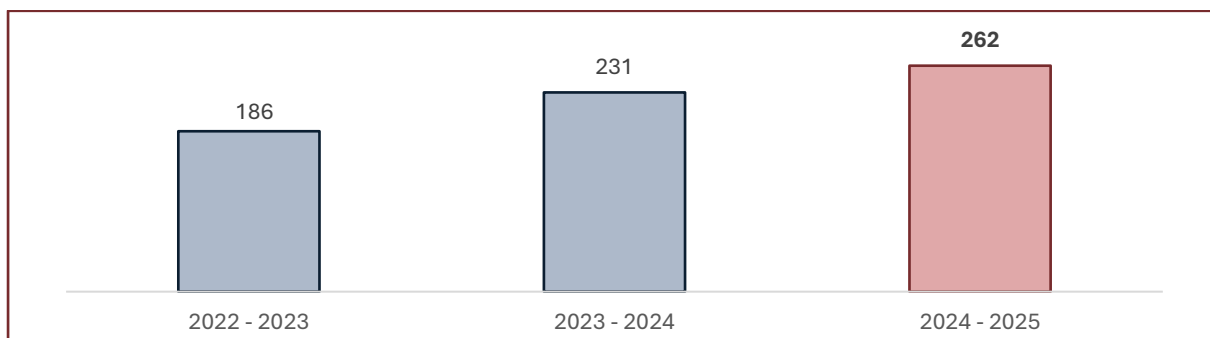
WORKERS' COMPENSATION

The Workers' Compensation Regulator (the Regulator) is the statutory authority responsible for reviewing workers' compensation decisions made by WorkCover Queensland (WorkCover) and self-insurers.

Where a worker or employer is dissatisfied with a decision of either WorkCover or a self-insurer, they may apply to the Regulator for a review of that decision. Pursuant to s 550 of the Workers' Compensation and Rehabilitation Act 2003 (WCR Act), the Commission has jurisdiction to hear appeals against review decisions made by the Regulator. Appeals are heard on a *de novo* basis and are often complex in nature, consequently occupying a substantial proportion of the Commission's time.

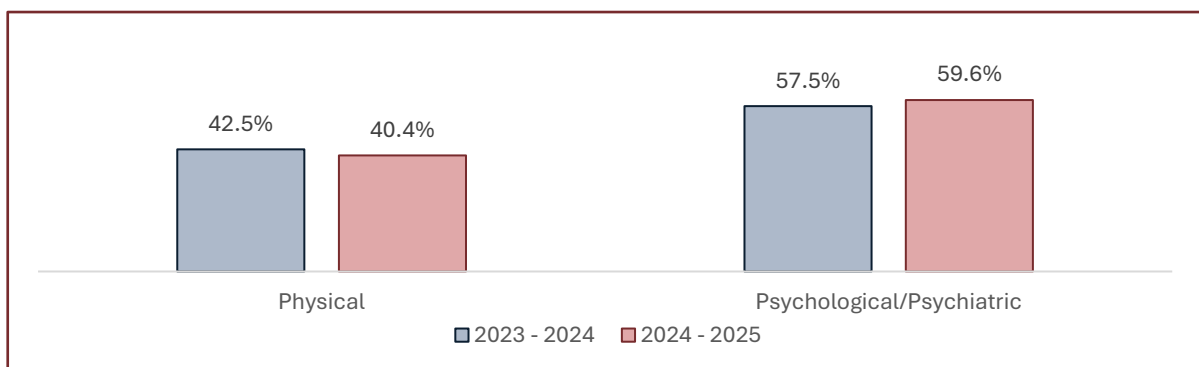
During the reporting period, **262** appeals against review decisions of the Regulator were lodged, representing a significant increase of about 13.4 per cent from the 231 appeals filed in the previous reporting year.

Number of Workers' Compensation Appeals filed



Those appeals filed may also be broken down into injury type as follows:

Number of Workers' Compensation Appeals by injury type



There has been a slight increase in the number of appeals related to a psychological/psychiatric injury in comparison to the previous reporting period.

Furthermore, on 27 September 2024, amendments to the WCR Act came into effect, introducing a number of changes. Among these, s 537 of the WCR Act now provides for appeals to the Commission against decisions of the Regulator in relation to compliance notices.

Under the WCR Act, a compliance notice is defined as a written notice issued by the Regulator that requires a person to undertake specified action, or to refrain from undertaking specified action, in order to prevent the continuation or repetition of a contravention of the WCR Act.

Since the commencement of these legislative amendments, no appeals of this nature have been filed with the Commission.

WORK HEALTH AND SAFETY

The principal objective of the *Work Health and Safety Act 2011* (WHS Act) is to establish a balanced and nationally consistent framework aimed at ensuring the health and safety of workers and workplaces throughout Queensland. The WHS Act seeks to promote the prevention of work-related injury and illness through effective risk management, consultation, cooperation, and compliance mechanisms.

Pursuant to the provisions of the WHS Act, the Commission is vested with jurisdiction to hear and determine a range of matters arising under the WHS Act. This includes, but is not limited to, disputes relating to work health and safety issues, disputes concerning rights of entry by authorised representatives, and applications for external review of certain regulatory decisions. The scope of the Commission's jurisdiction in this area continues to evolve in response to legislative amendments and the changing needs of the workplace health and safety landscape.

WHS disputes

Dispute resolution procedures are outlined at Part 5, Division 7A of the WHS Act. These provisions are designed to facilitate the timely resolution of disputes and to ensure clarity and certainty regarding the process for resolving matters that remain unresolved through initial attempts at resolution.

This includes disputes between workers and persons conducting a business or undertaking (PCBUs) regarding the cessation of unsafe work, as well as disputes about matters arising from health and safety consultation, representation, and participation.

Throughout the reporting period, seven WHS disputes were filed in accordance with s 102B of the WHS Act, most of which were resolved at (or just prior to) conciliation.

One application was also filed in accordance with s 112 of the WHS Act regarding civil proceedings in relation to discriminatory or coercive conduct. This matter remains in progress.

Right of entry disputes

A PCBU must not unreasonably refuse or delay the entry of a WHS entry permit holder², nor may they hinder or obstruct the permit holder in the exercise of their lawful powers. Similarly, a WHS entry permit holder must not intentionally delay, hinder or obstruct any person at the workplace, cause disruption to work, or engage in conduct that is improper or otherwise inconsistent with the responsibilities attached to the entry permit.

Where a dispute arises in relation to the exercise or obstruction of a right of entry, the Commission may deal with the matter, through mediation, conciliation or arbitration, in accordance with s 142 of the WHS Act. The Commission has the authority to make binding orders to ensure compliance with the WHS Act.

Only one application of this type was filed within the reporting period which was ultimately resolved by the Commission.

External review applications

In accordance with s 229B of the WHS Act, an eligible person may apply to the Commission for an external review of a reviewable decision made by the Regulator. The types of reviewable decisions are outlined in Schedule 2B of the WHS Act. Such applications must be made within 14 days after the person is given notice of the internal review decision, or within such further time as allowed by the Commission.

The Commission has jurisdiction to review the decision afresh and may confirm, vary, or set aside the decision, or substitute it with another decision it considers appropriate. This external review mechanism provides an independent avenue of redress and promotes transparency, accountability, and procedural fairness in the administration of work health and safety matters in Queensland.

Throughout the reporting period, 29 applications for external review were filed with the Commission, a significant increase from the 11 applications filed the previous reporting period.

² For more information regarding entry permits, please see the section on the Industrial Registry

Industrial Registry

OVERVIEW

The Industrial Registry is an important institution established under the IR Act, serving as the registry for the Court and Commission. In addition, the Registry functions as the registry for the Industrial Magistrates Court in relation to Fair Work claims made in accordance with the FW Act.

As the central administrative body supporting the Court and Commission (and associated jurisdictions), the Registry plays an essential role in ensuring the effective operation of Queensland's industrial relations system.

The Registry is a public sector entity within the meaning of the PS Act and is headed by the Industrial Registrar, who is appointed by the Governor in Council in accordance with s 514 of the IR Act.

The Industrial Registrar is supported by the Deputy Industrial Registrar and Registry Officers, all of whom are appointed under the PS Act and contribute to the Registry's capacity to fulfil its statutory functions. The Registry team delivers a broad range of administrative, procedural, case management and corporate support, ensuring that the Court and Commission are able to operate independently, efficiently, and in accordance with legislation.

More than a conventional administrative body, the Industrial Registry provides high-level strategic, procedural, and logistical support to Members of the Court and Commission, facilitates access to justice for parties appearing before the Court and Commission, and ensures that the statutory objectives, fairness, efficiency, and accessibility are realised in practice.

Industrial Registrar

The Industrial Registrar holds significant statutory responsibilities for the overall management and administration of the Registry, and is also vested with a range of powers and functions under the IR Act and other relevant legislation. A key component of the Industrial Registrar's responsibilities lies in the administration of Chapter 12 of the IR Act, which deals with the registration, regulation and oversight of registered industrial organisations, a critical element of the broader industrial relations framework throughout Queensland.

In addition, the Industrial Registrar holds specific responsibilities in relation to applications concerning Incorporated Associations. This includes, upon receiving an application from the Chief Executive under the *Associations Incorporation Act 1981*, the Industrial Registrar is obligated under s 578D of the IR Act to notify all registered industrial organisations, as well as each State peak council, of the existence of the application. This notification process is designed to ensure transparency and procedural fairness by providing these bodies with the opportunity to lodge an objection, should they have grounds to do so in accordance with the criteria outlined in the legislation. Any objections received must be duly considered by the Industrial Registrar when deciding whether to proceed with the proposed action in relation to the application, including referring the matter to the Commission to deal with an objection by way of a declaration.

Industrial Registry's Strategic Plan

In line with its new Strategic Plan developed within the reporting period, the Industrial Registry is committed to delivering timely, high-quality services to all users of the Court, Commission and Industrial Registry. Its vision is underpinned by innovation, integrity, and a commitment to excellence, fostered through a high-performing and positive organisational culture. The Registry's key values are:



The Registry's priorities may be further broken down as follows:

- ***Sustainable, future-focussed information technology*** - ensuring the Registry's systems and platforms are modern, secure and adaptable to future demands;
- ***Responsive and reliable service delivery*** - maintaining high standards of timeliness, accessibility and user experience, while optimising resources for all stakeholders;
- ***Professional, engaged and inclusive workforce*** - fostering a workplace culture that values expertise, diversity, collaboration and respect; and
- ***Transparent and accountable governance*** - promoting and strengthening accountability, integrity, compliance and sound decision making in all aspects of the Registry's operations.

These priorities provide a clear framework for decision-making, resource allocation, and continuous improvement, ensuring that the Registry remains responsive to emerging needs while upholding its statutory responsibilities. A comprehensive suite of initiatives has also been developed, reviewed and refined to ensure alignment with strategic goals.

The Registry's premises have also undergone extensive renovation throughout the reporting period, including a complete relocation to make way for the construction of two new conference rooms. The construction of these conference rooms will allow for the conversion of existing conference rooms on Level 22 into Chambers replacing the existing temporary Chambers.

The Registry establishment is made up of 18.8 full-time equivalent positions, including the Industrial Registrar. The work of the Registry may be further broken down into key functions, outlined as follows.

INFORMATION AND CORPORATE SERVICES

A comprehensive range of corporate services is delivered to the Members and Associates of the Court and Commission, as well as to officers of the Industrial Registry. These services are overseen by the Deputy Industrial Registrar and supported by three Registry Officers. The services provided include:

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

Pursuant to the provisions of the *Financial Accountability Act 2009*, the Director-General of the Department of State Development, Infrastructure and Planning is designated as the *accountable officer*. The accountable officer has conferred financial delegation upon the Industrial Registry to enable the performance of its financial responsibilities and execution of financial transactions. These are managed by the Information and Corporate Services team.

Further to this, the Information and Corporate Services team are also responsible for the publication of all relevant documentation to the website, in accordance with legislative requirements, as well as arranging for the publication of decisions of the Court, Commission and Industrial Registrar on the Supreme Court Library website.

Following the Full Bench's General Rulings in both the *Casual Loading General Ruling* (delivered on 16 August 2024), and the *State Wage Case 2024* (delivered on 9 October 2024), the Information and Corporate Services team undertook the crucial task of updating and aligning the industrial instruments (state awards and certified agreements) with the new rulings, ensuring the casual loading for employees was increased to a minimum of 25 per cent, as well as applying the 3.75 per cent increase in wages or salaries awarded to full-time adult employees covered by all state awards, along with a commensurate adjustment to monetary allowances. The updated instruments were then subsequently published on the website. In consultation with the Office of Industrial Relations, these updates required significant administrative effort from the Information and Corporate Services team.

INFORMATION AND COURT TECHNOLOGY

Information and Court Technology services delivered by the Industrial Registry play a critical role in supporting the effective operation of the Court, Commission and Industrial Registry. These services contribute significantly to operational efficiency and include the management of:

- the public-facing website, which recorded over **222,000** times engaged sessions during the reporting period;
- the internal intranet platform, including the transition to a new SharePoint environment;
- the case management system ("Ready Case"), including the generation and provision of statistical reports and coordinating the introduction of Power BI reporting;
- technical support for staff, either directly or through referral to the Information Technology Service Desk; and
- courtroom and conference room technology, including coordination with the Court Service Centre.

RESEARCH AND COMMUNICATION

The Industrial Registry provides comprehensive support to the Industrial Registrar across a broad range of functions, including:

- researching, drafting and publication of a wide variety of informational material;
- management of website content to ensure information remains current, accurate and relevant;
- provision of administrative support, including research and the delivery of informed advice;
- ongoing review and assurance of accessibility and the relevance of forms³, guides, benchbooks, and other resources for all stakeholders, including self-represented litigants;
- management and oversight of the Commission's LinkedIn page,
- content management of the internal intranet site, including development and maintenance of information and resource tools required by the Court, Commission and Industrial Registry;
- review, implementation and ongoing management and advice to the Court, Commission, Associates and Industrial Registry staff regarding internal processes and procedures;
- monitoring, reviewing and communicating legislative changes and updates to relevant stakeholders;

³ See the "Administration" section for information regarding which forms were developed, updated and implemented throughout the reporting period.

- research, development, and drafting of policies that align with legislative requirements and support the functions of the Court, Commission and Industrial Registry; and
- liaison with external stakeholders and active participation in various legislative user groups.

Policies

The following policies were developed/updated and implemented during the reporting period:

- Retention and Disposal Policy (effective from 2 April 2025);
- Privacy Policy (effective from 11 April 2025); and
- Human Rights Policy (effective from 23 June 2025).

CLIENT SERVICES

Registry Officers within the Client Services team (including listings and records) provide vital support to the Court, Commission and Industrial Registrar through the performance of a range of administrative and operational functions, including:

- examining, assessing, and processing all filed material, correspondence, and other documentation received from stakeholders via email, post, or in person;
- responding to enquiries from a broad range of stakeholders;
- assisting with the administrative processes for each application and monitoring the progress of matters within the case management system;
- coordinating the scheduling, booking, and notification of proceedings before the Court, Commission and Industrial Registrar, both in Brisbane and across the State;
- coordination and arrangement of interpretation/translation services;
- coordination with Recording and Transcription Services in the provision of transcripts;
- facilitating search and copy requests; and
- maintaining accurate and efficient recordkeeping for the Court, Commission and Industrial Registry files, including both current and archival records.

The Client Services team comprises ten Registry Officers. The team's workload has continued to grow steadily with each reporting period, including a noticeable rise in the volume and complexity of enquiries received. During the current reporting period, the team's responsibilities included:

- the processing of over **38,000** emails (which could range from simple correspondence to complex applications, submissions, affidavits etc);
- the processing of almost **10,000** emails in the listings role (including listing matters, listing change/amendment requests, cancellations and rescheduling of matters, coordination of circuit bookings etc);
- fielded approximately **4,300** telephone enquiries;

- the filing and processing of a total of **3,340** new appeals/applications/claims⁴;
- addressed over **840** enquiries (including filings of hard copy material) at the reception counter;
- conducted approximately **450** litigation searches;
- facilitated almost **50** search and copy requests; and
- finalised approximately **3,000** files for future archiving.

REGISTERED INDUSTRIAL ORGANISATIONS

Registered industrial organisations are supported in meeting their legislative obligations through a range of tools and resources developed, maintained and regularly updated by the Industrial Registry. The regulatory requirements relating to registration, membership, governance structures and rules, the election of office bearers, and financial accountability are set out in Chapter 12 of the IR Act. As mentioned previously, this chapter also confers a number of statutory functions upon the Industrial Registrar in relation to these matters, who is supported by a Registry Officer to perform these functions.

During the reporting period, a total of **201** matters relating to registered industrial organisations were lodged and processed. A detailed breakdown of these matters by type is provided in the schedule accompanying this report.

Administration of the C&G division of CFMEUQ

Following the raising of serious allegations about the conduct of some officials and associates of the Construction and General (C&G) Division of the federal Construction, Forestry and Maritime Employees Union (CFMEU), on 23 August 2024 the Divisional branches of the CFMEU were placed under administration, in accordance with amendments made to the *Fair Work (Registered Organisations) Act 2009*.

Consequently, amendments were also made to the IR Act, inserting a new Part 15A into Chapter 12. This part provided the Minister with the authority to implement an administration scheme for the C&G Division of the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland (CFMEUQ). The administration scheme includes provisions for suspending or removing existing officers, taking disciplinary action, terminating employees, and altering the CFMEUQ rules.

The administrator is granted powers to control and manage the property of the C&G Division of the CFMEUQ and is protected from civil liability when acting honestly and without negligence. Commencing also on 23 August 2024, the provisions of Part 15A will expire after a period of five years.

With regards to s 876Q of the IR Act, the Industrial Registrar is considered an *official* and may disclose to the administrator information about the C&G Division of the CFMEUQ that is in the possession or control of the Industrial Registrar.

⁴ This figure does not include interlocutory applications also filed and processed

Change of registered name

During the reporting period, an application was received regarding the change of registered name. The United Firefighters' Union of Australia, Union of Employees, Queensland, were approved a name change to the Queensland Professional Firefighters' Union, Industrial Union of Employees.

Entry Permits

Work Health and Safety Permit

WHS entry permit holders are officials of registered industrial organisations who are authorised to hold a valid entry permit under the *Fair Work Act 2009*, the IR Act, and the WHS Act. These permit holders play an important role in promoting workplace safety by consulting with and advising workers on WHS matters and inquiring into suspected contraventions of the WHS Act.

Applications for WHS entry permits are submitted to the Industrial Registrar. Where approved, permits are issued for a term of three years.

During the reporting period, the Industrial Registrar considered a total of **221** applications for the issue of WHS entry permits. Overall, there are a total of 549 current WHS entry permits which have been issued by the Industrial Registrar.

Authorised Industrial Officer

In accordance with s 337 of the IR Act, officials of registered industrial organisations may apply to the Industrial Registrar for an authorised industrial officer (AIO) permit. These permits enable the holder to enter workplaces to investigate suspected contraventions of industrial instruments or to ensure compliance with industrial laws, subject to the conditions prescribed by the Act.

To be eligible for an AIO permit, the applicant must be an officer of a registered organisation representing employees and must satisfy the requirements set out under the IR Act. The permit, once granted, authorises the officer to exercise specific powers in the workplace, including inspecting relevant documents and interviewing employees, for the purposes of advancing the lawful industrial interests of members. The permit remains in force for a period of three years, unless suspended or revoked in accordance with the provisions of the legislation.

A total of **200** applications for AIO permits were considered by the Industrial Registrar during the reporting period. Overall, there are a total of 480 current AIO entry permits which have been issued by the Industrial Registrar.

Registered Industrial Organisation membership

The membership of registered industrial organisations representing employees increased over the reporting year, reaching **385,345** members, compared to 381,735 in the previous reporting period. However, membership of employer organisations decreased slightly from 24,408 to **24,326**. A detailed breakdown of membership numbers by organisation is provided in the following tables.

Registered Industrial Organisations (EMPLOYEE Representative) Membership Numbers

Name of Registered Industrial Organisation	Member numbers 2023 - 2024	Member numbers 2024 - 2025
Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District	392	348
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland	11,482	11,420
Australasian Meat Industry Union of Employees (Queensland Branch)	5,715	4,693
Australian Maritime Officers Union Queensland Union of Employees	701	692
Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees	2,473	2,780
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees	3,046	3,189
Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch	6,848	6,739
The Australian Workers' Union of Employees, Queensland	22,450	22,483
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	27,400	27,894
The Electrical Trades Union of Employees Queensland	18,667	20,138
Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees	2,952	3,034
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees	3,637	3,698
Queensland Fire and Rescue - Senior Officers Union of Employees	121	116
Queensland Independent Education Union of Employees	16,719	17,007
Queensland Nurses and Midwives' Union of Employees	74,196	75,743
The Queensland Police Commissioned Officers' Union of Employees	312	325
Queensland Police Union of Employees	12,176	13,154
Queensland Services, Industrial Union of Employees	15,507	16,267
Queensland Teachers Union of Employees	48,642	48,549
Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees	28,267	24,360
The Seamen's Union of Australasia, Queensland Branch, Union of Employees	821	883
Together Queensland, Industrial Union of Employees	31,819	32,742
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)	7,766	8,683
Queensland Professional firefighters' Union, Industrial Union of Employees	2,924	3,139
United Workers' Union, Industrial Union of Employees, Queensland	36,702	37,269
Total	381,735	385,345

Registered Industrial Organisations (EMPLOYER Representative) Membership Numbers

Name of Registered Industrial Organisation	Member numbers 2023 - 2024	Member numbers 2024 - 2025
Australian Dental Association (Queensland Branch) Union of Employers	729	764
The Baking Industry Association of Queensland - Union of Employers	49	38
Local Government Association of Queensland Ltd	77	77
Master Electricians Association, Queensland Industrial Organisation of Employers	2,095	2,254
Master Plumbers' Association of Queensland (Union of Employers)	1,298	1,294
Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers	219	271
National Retail Association Limited, Union of Employers	6,643	6,497
Queensland Chamber of Commerce and Industry Limited ACN 009 662 060	1,641	1,264
Queensland Hotels Association, Union of Employers	1,230	1,032
Queensland Master Builders Association, Industrial Organisation of Employers	9,983	10,393
The Registered and Licensed Clubs Association of Queensland, Union of Employers	444	442
Total	24,408	24,326

Administration

PRACTICE DIRECTIONS

The following Practice Directions were issued throughout the reporting period:

- Practice Direction Number 2 of 2024 - Designation of Court Holidays
- Practice Direction Number 1 of 2025 - Temporary Closure of Brisbane Registry
- Practice Direction Number 2 of 2025 - Extension of Temporary Closure of Brisbane Registry⁵

APPROVED FORMS

The following approved forms were developed and/or amended throughout the reporting period:

- Form 1 - Parties List
- Form 2B - Application regarding Independent Couriers
- Form 4 - Application in existing proceedings
- Form 9 - WCR Notice of appeal
- Form 10 - Notice of industrial
- Form 14 - Application for proportionate payment of long service leave
- Form 15 - Application to recover unpaid wages, superannuation contributions etc
- Form 26 - Unfair Termination Application (Independent Couriers)
- Form 26A - Principal Contractor Response to Unfair Termination Application (Independent Couriers)
- Form 33 - Notice of appointment of agent
- Form 38 - Advice of intention to begin negotiations for a project or negotiated agreement
- Form 39 - Notice to be a party to a project or negotiated agreement
- Form 44 - Request for help to make a certified or negotiated agreement
- Form 46 - Application for certification of an agreement
- Form 47 - Application for decision about designated award or contract determination for an agreement
- Form 49 - Application to amend a bargaining instrument or negotiated agreement
- Form 50 - Notice of intention to terminate an agreement or determination

⁵ These closures were in response to the impact of ex Tropical Cyclone Alfred in March 2025

- Form 51 - Application for approval to terminate an agreement or determination
- Form 54 - Application for issue of an authority
- Form 70 - Application for issue of a WHS entry permit
- Form 71 - Application to revoke WHS entry permit
- Form 72 - WHS show cause notice
- Form 73 - Application to deal with a dispute about right of entry
- Form 73A - Notice of WHS dispute
- Form 74 - Application for WHS review
- Form 75 - Application for an order

REGIONAL SITTINGS

To fulfill its functions, the Commission conducts conferences and hearings in many locations throughout Queensland.

During the reporting year, in addition to Brisbane, the Commission held approximately 50 days of proceedings in the following regions:

2024

- Thursday Island - July
- Mackay - August and October
- Gladstone - August and November
- Townsville - September, October and December
- Cairns - September, October and November
- Emerald - October
- Toowoomba - October
- Ayr - October
- Hervey Bay - December



Industrial Commissioner Pidgeon conciliated a matter in Mount Isa in February 2025. Pictured is Industrial Commissioner Pidgeon with representatives from LGAQ, Mount Isa City Council, PGEU, QSU, AWU and CFMEU

2025

- Townsville - February
 - Toowoomba - February
 - Mt Isa - February
 - Cairns - March
 - Noosa - April
-

EXTERNAL ENGAGEMENT, EDUCATION AND DEVELOPMENT

The Court, Commission, and Industrial Registry have actively participated in various seminars, conferences, moots, and engagements with academic institutions. The following is a curated list of the contribution made during the reporting period.

2024

Topic: *Queensland Law Society Disciplinary Law Intensive*
Held by: Queensland Law Society
Date: 8 August 2024
Location: Brisbane
Summary: Deputy President Hartigan was one of the guest speakers at this event, and delivered a presentation titled *The Changing Landscape of Employment Contracts in Australia and Papua New Guinea*.

Topic: *2024 Advocacy in the Commission*
Held by: Industrial Relations Society of Queensland
Date: 24, 25 August and 6 September 2024
Location: Brisbane
Summary: The course provided participants with skills and practical experience to advocate employment matters in the Commission and the Fair Work Commission, such as conducting conciliation, preparing a case, cross-examining witnesses, and delivering submissions. Participants also engaged in mock tribunal hearings, presenting cases before Members and receiving valuable feedback. The course was delivered by a range of experienced practitioners including Commission Members, legal professionals, employer and employer representatives. Vice President O'Connor, Deputy President Hartigan, Industrial Commissioner Pidgeon, Industrial Commissioner Dwyer, Industrial Commissioner McLennan and Industrial Registrar Shelley assisted in the facilitation of this course.



Pictured are Members of both the Fair Work Commission and the Queensland Industrial Relations Commission, and attendees of the 2024 Advocacy in the Commission course.

Topic: **Griffith University - Griffith University Business School**
Held by: Commission and Industrial Registry
Date: 26 August 2024
Location: Brisbane
Summary: Senior Registry Officer (Research and Communication), Hayley Button, conducted a tour and information session for the Employee Relations capstone students of Griffith University Business School coordinated by Dr Andrew See and Professor Michael Barry. Industrial Commissioner Dwyer also provided students with valuable information and insight and participated in a question-and-answer session.

Topic: **Workplace Investigations Under the Microscope: An Evening with Fair Work Commission and Queensland Industrial Relations Commission Members**
Held by: Q Workplace Solutions, Hopgood Ganim Lawyers and the Australian Association of Workplace Investigators
Date: 12 September 2024
Location: Brisbane
Summary: Industrial Commissioner Pratt was a Panel Speaker, along with Vice President Asbury of the Fair Work Commission. Industrial Commission Pratt delivered a presentation titled *Best Practices in Conducting Workplace Investigations*. Topics covered included advice to new starters, the Commission's approach to investigation reports, how to avoid investigation reports being criticised, giving evidence in proceedings about an investigation report, how to assess the reliability of evidence, and predictions for future trends in cases before the Commission.

Topic: **Women Who Lead in Industrial Relations**
Held by: Industrial Relations Society of Queensland
Date: 11 October 2024
Location: Brisbane
Summary: Deputy President Hartigan was a guest speaker at this event, along with Vice President Asbury of the Fair Work Commission. Deputy President Hartigan provided her perspective on the challenges and opportunities for women in industrial relations, with the intention of inspiring and supporting the next generation of female professionals in the field.



Pictured are Vice President Asbury and Deputy President Hartigan presenting at the IRSQ event, *Women Who Lead in Industrial Relations*

Topic: *Basic Rights Queensland and Working Women Queensland*

Held by: Commission

Date: 25 March 2025

Location: Brisbane

Summary: Industrial Commissioner Pidgeon and Industrial Commissioner McLennan hosted staff from Basic Rights Queensland and Working Woman Queensland on a tour and, along with Vice President Asbury, participated in a panel discussion, providing attendees with a valuable insight on how matters are conducted in the Commission.

Topic: *Human Resources Masterclass "Appearing in the Queensland Industrial Relations Commission"*

Held by: Peak Services/LGAQ

Date: 21 May 2025

Location: Brisbane

Summary: Industrial Commissioner Pidgeon and Industrial Commissioner McLennan gave a presentation to participants titled *Effective Advocacy in the Queensland Industrial Relations Commission*, covering such topics as preparation for hearings, advocacy techniques, common pitfalls, as well as an interactive Q&A session.



Pictured are Industrial Commissioner Pidgeon and Industrial Commissioner McLennan, along with participants in the *Human Resources Masterclass*

Topic: *Fostering Diverse and Inclusive Workplaces*

Held by: Industrial Relations Society of Queensland and Asian Australian Lawyers Association

Date: 23 May 2025

Location: Brisbane

Summary: Industrial Commissioner Pidgeon was a guest speaker on a panel discussing how to foster diverse and inclusive workplaces, focussing on the importance of diversity, the challenges and solutions, and provided real-life examples through case studies highlighting the positive outcomes and lessons learned from these initiatives.



Pictured is Industrial Commissioner Pidgeon, along with other panel members, presenting at the IRSQ event, *Fostering Diverse and Inclusive Workplaces*

Topic: *How do we improve members' lives through the Queensland Industrial Relations Commission - Together Queensland Delegate Conference*

Held by: Together Queensland, Industrial Union of Employees

Date: 26 June 2025

Location: Brisbane

Summary: Industrial Commissioner Pidgeon, Industrial Commissioner Dwyer and Industrial Commissioner Caddie participated as panel speakers at the Delegates Conference hosted by Together Queensland. The panel discussion, titled *How do we improve members' lives through the Queensland Industrial Relations Commission?* explored the Commission's role in conciliation (including providing assistance during the bargaining process) and arbitration. The Commissioners also shared valuable insights on how parties can best prepare for proceedings before the Commission.

Legislative Amendments

The following outlines legislative amendments that have had a direct impact on the operation of the Court, Commission and Industrial Registry during the reporting period.

WORK HEALTH AND SAFETY ACT 2011

Date of Commencement: 29 July 2024	Amending Source: <i>Work Health and Safety and Other Legislation Amendment Act 2024</i>
Key Amendments:	▪ Expanded rights and clarification of powers of Health and Safety Representatives (HSRs) ▪ Strengthened entry permit holder powers ▪ Enhanced inspector powers and disclosure mechanisms ▪ Prohibitions on insurance arrangements ▪ Reformulated dispute resolution and civil penalty process ▪ Mandated review period for approved Codes of Practice
Date of Commencement: 1 September 2024	Amending Source: <i>Work Health and Safety (Sexual Harassment) Amendment Regulation 2024</i>
Key Amendments:	▪ Duty of PCBUs to prepare and implement a written prevention plan addressing risks from sexual harassment and sex or gender-based harassment at work ▪ From 1 March 2025, PCBUs must actively implement and regularly review the prevention plans

INDUSTRIAL RELATIONS ACT 2016

Date of Commencement: [Assented 3 November 2022] 4 November 2024	Amending Source: <i>Industrial Relations and Other Legislation Amendment Act 2022</i>
Key Amendments:	▪ Sexual and gender-based harassment inserted as an "industrial matter" ▪ Representational oversight - regarding entities that are not registered industrial organisations - refining representation
Date of Commencement: 23 August 2024	Amending Source: <i>Work Health and Safety (Sexual Harassment) Amendment Regulation 2024</i>
Key Amendments:	▪ Updates to Queensland Employment Standard definitions regarding parental and related leave and "late term pregnancy leave" (e.g. superannuation contributions)

- Increase in the limit of wage recovery in ss 386, 476, 531 from \$50,000 to \$100,000
- Insertion of new Part 15A within Chapter 12 regarding the administration of the C&G division of the CFMEUQ
- Insertion of a new Chapter 10A - Independent Couriers

WORKERS' COMPENSATION AND REHABILITATION ACT 2003

Date of Commencement:

23 August 2024⁶

Amending Source:

Industrial Relations and Other Legislation Amendment Act 2022

Key Amendments:

- Expanded coverage to gig and taxi-limousine industry workers
- New rehabilitation and return to work obligations
- Worker choice of rehabilitation provider and medical treatment participation
- Default payment regime
- Employer obligations to supply wage information
- Offence for influencing a worker to avoid lodging a claim
- **Compliance notices and enforcement powers**
- Increased maximum penalties
- Expanded schedule of presumed firefighter diseases
- Minimising risk of psychological harm
- Scheme governance and standards

ANTI-DISCRIMINATION ACT 1991

The *Respect at Work and Other Matters Amendment Act 2024*, which proposed comprehensive reforms to the AD Act (including a positive duty, six new protected attributes, extended complaint periods, and expanded powers for the QHRC), was due to commence on 1 July 2025, however these reforms have been paused indefinitely by the Queensland Government (as of March 2025) pending further consultation.

⁶ With additional sections commencing via separate proclamations in September 2024

Notable Cases

Decision:	<i>Kelsey v Logan City Council & Ors (No. 5) [2024] ICQ 15</i>
Member:	Deputy President Merrell
Release Date:	5 August 2024
Catchwording:	INDUSTRIAL LAW – QUEENSLAND – APPEALS – APPEALS TO INDUSTRIAL COURT – Appellant employed as the Chief Executive of the First Respondent – Appellant dismissed due to decision of the Third to Ninth Respondents who were Councillors of the First Respondent – Appellant applied to the Queensland Industrial Relations Commission for various orders including reinstatement, injunctive and declaratory relief – Appellant alleged that her dismissal was a contravention of s 40 of the <i>Public Interest Disclosure Act 2010</i> on the basis that she had made a Public Interest Disclosure to the First Respondent and to others – Appellant also alleged that her dismissal was in contravention of s 285 of the <i>Industrial Relations Act 2016</i> because she exercised workplace rights within the meaning of s 284 of the <i>Industrial Relations Act 2016</i> – Appellant's application to the Queensland Industrial Relations Commission for various orders dismissed – Appellant appealed to the Industrial Court of Queensland against the decision of the Queensland Industrial Relations Commission – Appellant's application to appeal not regular – Appellant applied to amend her application to appeal to regularise it – whether the Appellant's application to amend her application to appeal should be granted – Appellant's application to amend her application to appeal proposes grounds alleging errors of law – Appellant, by her application to amend her application to appeal, applies for leave in the public interest to appeal against proposed grounds alleging errors of mixed law and fact – parties proposed that the Industrial Court of Queensland hear all proposed grounds of appeal in deciding whether to allow the Appellant to amend her application to appeal – proposal adopted by the Industrial Court of Queensland – whether the Appellant's proposed grounds of appeal as pressed are made out – the Appellant's proposed grounds of appeal as pressed are not made out – Appellant's application to amend her application to appeal dismissed – application to appeal dismissed APPEAL AND NEW TRIAL – PROCEDURE – QUEENSLAND – POWERS OF COURT – AMENDMENT – where application to appeal was non-compliant with the <i>Industrial Relations (Tribunals) Rules 2011</i> and the Appellant applied to amend

her application to appeal – circumstances where the Court may exercise discretion to allow amendment – regard to be had to the prospects of success of the proposed grounds

APPEAL AND NEW TRIAL – INTERFERENCE WITH JUDGE'S FINDING OF FACTS – FUNCTIONS OF APPELLATE COURT – WHERE FINDINGS BASED ON CREDIBILITY OF WITNESSES – where the Appellant alleges wrong findings of fact made – where restraint should be exercised by the Court in interfering with the factual findings made by the trial judge whose findings are likely to have been affected by impressions about the credibility and reliability of the witnesses as a result of the trial judge hearing and seeing them give evidence – Vice President of the Queensland Industrial Relations Commission, after a long trial, extensive cross-examination of the Third to Ninth Respondents and extensive written and oral submissions by the parties, gave detailed reasons for accepting the sworn evidence of the Third to Ninth Respondents that they did not vote to terminate the Appellant's employment for the proscribed reasons as alleged – Vice President's findings likely to have been affected by impressions about the credibility and reliability of the Third to Ninth Respondents as a result of the Vice President hearing and seeing them give evidence – appellate restraint exercised

APPEAL AND NEW TRIAL – INTERFERENCE WITH JUDGE'S FINDING OF FACTS – FUNCTIONS OF APPELLATE COURT – WHERE INFERENCES OF FACT INVOLVED – Appellant alleges certain adverse inferences against the Third to Ninth Respondents should have been drawn from social media posts made by them – civil penalties sought by the Appellant – where civil penalties sought, no adverse inferences should be drawn where one or more inferences are equally open – the adverse inferences sought to be drawn by the Appellant were not the only inferences open

APPEAL AND NEW TRIAL – APPEAL GENERAL PRINCIPLES – ERROR OF LAW – FAILURE TO GIVE REASONS – ADEQUACY OF REASONS – Appellant alleged the Vice President of the Queensland Industrial Relations Commission failed to give adequate reasons – the principles about adequacy of reasons were established in *DL v The Queen* – the Vice President of the Queensland Industrial Relations Commission gave adequate reasons in conformity with the principles about adequacy of reasons contained in *DL v The Queen*

EVIDENCE – ADDUCING EVIDENCE – COURSE OF EVIDENCE – WITNESSES – CROSS-EXAMINATION – RULE IN *BROWNE V DUNN* – whether the Vice President of the Queensland Industrial Relations Commission misapplied the rule in *Browne v Dunn* – no misapplication – Vice President of the Queensland Industrial Relations Commission correctly applied the principle from *Curwen & Ors v Vanbreck Pty Ltd*

Decision: *Johnson v State of Queensland (Queensland Corrective Services) [2024] QIRC 228*

Member: Industrial Commissioner McLennan

Release Date: 16 September 2024

Catchwording: PUBLIC SECTOR – EMPLOYEES AND SERVANTS OF THE CROWN GENERALLY – appeal against disciplinary findings – where the appellant was acting in the position of correctional supervisor – where conduct allegations substantiated – where the appellant appeals the decision that the alleged conduct meets the threshold for misconduct – whether the disciplinary finding decision was fair and reasonable

Decision: *Gatongi v State of Queensland (Department of Education) [2024] QIRC 233*

Member: Industrial Commissioner Gazenbeek

Release Date: 19 September 2024

Catchwording: PUBLIC SECTOR – EMPLOYEES AND SERVANTS OF THE CROWN GENERALLY – PUBLIC SECTOR APPEAL – consideration under s 562A(3) of the *Industrial Relations Act 2016* (Qld) whether to decline to hear appeal – where the appellant is employed by the respondent as a teacher – where the appellant failed to comply with the vaccination requirements contained in *Employment Direction 1/21 – COVID-19 Vaccinations and Employment Direction 1/22 – COVID-19 Vaccinations* – where the appellant was the subject of a disciplinary action decision to impose a reduction in remuneration and a reprimand – whether the Commission should continue to hear the appeal – where appeal attempts to re-agitate arguments already repeatedly found by the Commission to be without merit – appeal will not be heard

Decision: *Black v Gladstone Regional Council [2024] QIRC 285*

Member: Industrial Commissioner McLennan

Release Date: 19 November 2024

Catchwording: INDUSTRIAL LAW – OTHER MATTERS – APPLICATION FOR REINSTATEMENT – unfair dismissal – where the applicant was employed as a team leader – where the applicant sent text messages to a fellow team leader of an inappropriate nature regarding his manager – where the applicant used a council device to send the text messages – where the respondent initially proposed a written warning as the disciplinary penalty for the conduct – where after receiving the applicant's response on the proposed penalty the respondent changed the proposed penalty to termination – whether there was procedural fairness afforded to the applicant – whether the termination of employment was harsh, unjust or unreasonable – where the applicant had no prior disciplinary history – whether there was a loss of trust and confidence – order for reinstatement

Decision:	<i>Corney v Workers' Compensation Regulator (No. 2) [2024] QIRC 305</i>
Member:	Deputy President Merrell
Release Date:	9 December 2024 (Townsville)
Catchwording:	WORKERS' COMPENSATION – ENTITLEMENT TO COMPENSATION – Appellant employed by the State of Queensland as an Enrolled Nurse at the Townsville University Hospital which is part of the Townsville Hospital and Health Service – Appellant applied for workers' compensation pursuant to the <i>Workers' Compensation and Rehabilitation Act 2003</i> in respect of a psychiatric injury – application rejected by WorkCover Queensland – on review, the Respondent confirmed the decision of WorkCover Queensland – appeal by Appellant to the Queensland Industrial Relations Commission against the review decision of the Respondent – in November 2024, the Appellant took out two notices of non-party production directed to the Chief Executive Officer of the Townsville University Hospital for various documents including the medical records of a patient – Townsville Hospital and Health Service filed notices of objection to the two notices of non-party production – Appellant applied for decisions about the objections to the two notices of non-party production to lift the stays on them brought about by the service on him of the objections – the two November 2024 notices of non-party production requested by the Appellant were an abuse of the procedures of the Commission because they were requested as a means of avoiding stays of two earlier notices of non-party production requested by the Appellant in October 2024 which sought the same documents – the two November 2024 notices of non-party production set aside PROCEDURE – STATE AND TERRITORY COURTS: JURISDICTION, POWERS AND GENERALLY – INHERENT AND GENERAL STATUTORY POWERS – TO PREVENT ABUSE OF PROCESS – OTHER CASES AND MATTERS – express or incidental powers of the Queensland Industrial Relations Commission to exercise power to prevent an abuse of its procedures – abuse of process where Appellant's request for notices of non-party production was to avoid the operation of r 64F of the <i>Industrial Relations (Tribunals) Rules 2011</i> in respect of the same categories of documents sought by earlier notices of non-party production requested by the Appellant – notices of non-party production set aside PROCEDURE – CIVIL PROCEEDINGS IN STATE OR TERRITORY COURTS – PROCEDURAL ASPECTS OF EVIDENCE – SUBPOENAS AND NOTICES TO PRODUCE AT HEARING – SETTING ASIDE AND OTHER RELIEF – grounds to set aside notices of non-party production having regard to the decision of the Queensland Court of Appeal in <i>McEwan v Rains</i> – whether notices of non-party production requested by the Appellant should be set aside on such grounds – notices of non-party production requested by the Appellant are broadly expressed or otherwise lack apparent relevance – notices of non-party production would also have been set aside on these alternative bases

Decision: *Haskins v State of Queensland (Department of Children, Youth Justice and Multicultural Affairs)* [2024] QIRC 301

Member: Vice President O'Connor

Release Date: 19 December 2024

Catchwording: QUEENSLAND - INDUSTRIAL LAW - APPLICATION SEEKING ENFORCEMENT OF QUEENSLAND HUMAN RIGHTS COMMISSION CONCILIATION AGREEMENT - where applicant claims respondent has breached terms of clause 6(e) of Queensland Human Rights Commission Conciliation Agreement filed with Queensland Industrial Relations Commission pursuant to s 164 of the *Anti-Discrimination Act 1991* - where respondent opposes the application - where applicant seeking enforcement of Conciliation Agreement and return to the Project Officer role in the Department - where applicant seeking punishment for contempt for alleged breaches of the agreement - where applicant seeking general damages as compensation for hurt, humiliation and career interruption - whether exercise of jurisdiction of the commission pursuant to s 544 of the *Industrial Relations Act 2016* (Qld) - whether applicant agreed to transfer - whether applicant waived right to enforce terms of clause 6(e)(ii) of Conciliation Agreement - whether evidence of a breach of any terms of the Conciliation Agreement - whether compliance with Conciliation Agreement

Decision: *Stone v Belmore Bulk Materials Pty Ltd & Ors* [2024] ICQ 23

Member: Deputy President Hartigan

Release Date: 20 December 2024

Catchwording: INDUSTRIAL MAGISTRATES – APPEAL AGAINST A DECISION OF THE INDUSTRIAL MAGISTRATE AS TO COSTS – PARTICULARS – SUFFICIENCY OF REASONS – where the appellant commenced proceedings seeking orders convicting the respondents of breaches of the *Mining and Quarrying Safety and Health Act 1999* (Qld) – where the respondents were acquitted of all charges – where the Industrial Magistrate ordered the appellant to pay the respondents' costs – where costs were awarded under s 158A of the *Justices Act 1886* (Qld) – where it was determined that the case was one of 'special difficulty, complexity or importance' and a higher amount of costs was 'just and reasonable' under s 158B of the *Justices Act 1886* (Qld) – where these costs were set at \$394,361.05 – where expert evidence was relied upon – where admissibility of evidence was objected to – whether costs were 'just and reasonable' – whether the Magistrate's reasons fully disclose the basis for the calculation of quantum – whether the quantum of costs were properly calculated with regard had to the scale under the *Justices Regulation 2014* (Qld) sch 2 – whether adequate reasons given – where Industrial Magistrate found to not have provided sufficient reasons – where Industrial Magistrate found to not have properly dealt with objection to expert evidence – where reasons provided not indicative of matter being one of 'special difficulty, complexity or importance' – where appeal is granted – matter remitted to the Industrial Magistrates Court

Decision: *Thantrige v Workers' Compensation Regulator* [2025] QIRC 3
Member: Industrial Commissioner Pidgeon
Release Date: 10 January 2025
Catchwording: WORKERS' COMPENSATION – APPEAL AGAINST DECISION – whether the Appellant's injury arose out of or in the course of employment – whether employment was a significant contributing factor to the injury – consideration of medical evidence – where the credibility of the Appellant's evidence is not contested – where there is competing expert medical evidence – consideration of which evidence is preferable – where the appellant's injury is one for acceptance

Decision: *Mylka v State of Queensland (Department of Housing, Local Government, Planning and Public Works)* [2025] QIRC 22
Member: Industrial Commissioner Gazenbeek
Release Date: 24 January 2025
Catchwording: INDUSTRIAL LAW – PUBLIC SECTOR APPEAL – APPLICATION IN EXISTING PROCEEDINGS – where appellant seeks suppression order to withhold submissions filed in substantive matter from release or search – where submissions contain reference to, and attachments of, confidential Cabinet material – suppression order granted

Decision: *Kelsey v Logan City Council & Ors (No. 6)* [2025] ICQ 2
Member: Deputy President Merrell
Release Date: 29 January 2025
Catchwording: APPEAL AND NEW TRIAL – PROCEDURE – QUEENSLAND – POWERS OF COURT – COSTS – application to appeal against decision of Queensland Industrial Relations Commission on various grounds of errors of law and errors of fact – interlocutory application by the Appellant seeking leave to amend application to appeal – by agreement, application for leave to amend application to appeal and substantive appeal heard together – none of the proposed grounds of appeal pursued by the Appellant made out – parties heard about costs – whether the Court satisfied of any of the circumstances contained in s 545(2)(a)(i) or (ii) of the *Industrial Relations Act 2016* so as to enliven the Court's discretion to make an order for costs – Court not satisfied the discretion to make an order for costs is triggered under s 545(2)(a)(i) or (ii) of the IR Act – applications for costs by the First Respondent and by the Third to Ninth Respondents dismissed

Decision: *Foord v Workers' Compensation Regulator [2025] QIRC 27*
Member: Industrial Commissioner McLennan
Release Date: 30 January 2025
Catchwording: WORKERS' COMPENSATION – APPEAL AGAINST DECISION OF WORKERS' COMPENSATION REGULATOR – ENTITLEMENT TO COMPENSATION – whether a contract was validly formed between the parties – whether the appellant was a worker for the purposes of the Workers' Compensation and Rehabilitation Act 2003 (Qld) – where the appellant was a 'contractor' – appeal allowed

Decision: *Phillips v State of Queensland (Department of Transport and Main Roads) (No. 2) [2025] QIRC 28*
Member: Deputy President Merrell
Release Date: 3 February 2025
Catchwording: INDUSTRIAL LAW – QUEENSLAND – OTHER MATTERS – APPLICATION FOR REINSTATEMENT – Applicant employed by the Respondent in the Department of Transport and Main Roads in the position of Manager, (Development, Compliance and Support) classification AO8 – Applicant dismissed and made application, pursuant to the *Industrial Relations Act 2016*, for reinstatement on the basis her dismissal was harsh, unjust or unreasonable – after a trial, the Queensland Industrial Relations Commission determined that the Applicant's dismissal was not harsh, unjust or unreasonable within the meaning of the *Industrial Relations Act 2016* – further directions orders made for the purpose of determining remedy – parties filed and served submissions and affidavit material for the purpose of determining remedy – parties given the opportunity to cross-examine deponents and be further heard on the question of remedy – parties agreed for the question of remedy to be determined on the papers – Applicant's reinstatement and re-employment impracticable – order made as to compensation

Decision: *Graafland v State of Queensland (Department of the Premier and Cabinet) and Ors (No. 2) [2025] QIRC 34*
Member: Deputy President Merrell
Release Date: 6 February 2025
Catchwording: PROCEDURE – CIVIL PROCEEDINGS IN STATE OR TERRITORY COURTS – PARTIES AND REPRESENTATION – PROPER OR NECESSARY PARTY AND STANDING – Complainant performed work for the First Respondent as an Advisor – Complainant made complaint to the Queensland Human Rights Commission alleging she had been the subject of unlawful sex discrimination and victimisation in contravention of the *Anti-Discrimination Act 1991* – complaint referred to the Queensland Industrial Relations Commission – complaint as referred made against the First Respondent and also against the Second, Third and Fourth Respondents who are individuals – where application in existing proceedings made by the Respondents for an order, pursuant to

s 539(b)(iv) of the *Industrial Relations Act 2016*, striking out the Second, Third and Fourth Respondents as parties – application made by the Respondents for reasons including that, pursuant to s 269 of the *Public Sector Act 2022*, any civil liability of the Second, Third and Fourth Respondents attaches to the First Respondent – whether Second, Third and Fourth Respondents should be struck out as parties for that reason – Second, Third and Fourth Respondents should not be parties to the proceeding because they cannot be civilly liable for any contravention of the *Anti-Discrimination Act 1991* – application granted

Decision: ***Mohr-Edgar v State of Queensland (Legal Aid Queensland) & Ors (No. 3) [2025] QIRC 52***

Member: Industrial Commissioner Pidgeon

Release Date: 18 February 2025

Catchwording: INDUSTRIAL LAW – ANTI-DISCRIMINATION – APPLICATION FOR COSTS – whether an order for costs should be made against the complainant – where the complainant requested to discontinue proceedings – whether it is appropriate to accept the complainant's request for discontinuance – where the respondents object to the complainant's request for discontinuance – where the respondents seek costs – application of r 68(6) of the *IR (Tribunals) Rules* – consideration of previous attempts to settle the matter – where the complainant is a lawyer and represents herself – where the costs sought do not cover the entire history of the litigation – where it is in the interests of justice to award costs – where the proceedings are discontinued – where the costs award sought by the respondents is granted

Decision: ***Vaughan v State of Queensland (Department of Education) [2025] QIRC 75***

Member: Industrial Commissioner Pratt

Release Date: 18 March 2025

Catchwording: INDUSTRIAL LAW - PUBLIC SERVICE APPEAL – appeal against disciplinary decision – where appellant employed by the State of Queensland as a Teacher – where *Employment Direction 1/22 – COVID-19 Vaccinations* required the appellant to receive vaccinations – where appellant failed to comply – decision issued substantiating allegation of failing to comply with the direction without a reasonable excuse – decision to reprimand appellant and reduce the appellant's remuneration for a period of 18 weeks – consideration of whether to hear the appeal – held that the appeal has no prospects of success - appeal is not to be heard pursuant to s 562A of the *Industrial Relations Act 2016* (Qld)

Decision:	<i>Hitchcock v State of Queensland (Office of Industrial Relations); State of Queensland (Office of Industrial Relations) v Hitchcock [2025] ICQ 3</i>
Member:	Justice Davis, President
Release Date:	21 March 2025
Catchwording:	INDUSTRIAL LAW – QUEENSLAND – APPEALS – APPEAL TO INDUSTRIAL COURT – OTHER MATTERS – where the appellant was employed by the respondent – where the appellant's employment was terminated following an investigative disciplinary process – where in the course of the disciplinary process the decision maker relied upon two briefing notes which made reference to legal advice from Crown Law and an investigator's report – where the appellant applied for compensation in the Queensland Industrial Relations Commission (QIRC) – where the respondent disclosed copies of the briefing notes relied upon by the decision maker which redacted references to the Crown Law advice and the investigator's report – where the appellant applied to the QIRC for disclosure of the unredacted briefing notes – where the QIRC ordered the respondent to disclose the unredacted briefing notes – where the appellant claimed legal professional privilege had been waived through the disclosure of the unredacted briefing notes and applied to the QIRC for disclosure of the Crown Law legal advice and the investigator's report – where the QIRC found that legal professional privilege had not been waived over one of the Crown Law advices and the investigator's report and refused the application for disclosure – where the appellant appeals the dismissal of the disclosure application on the basis that there was a failure to give adequate reasons – whether the appeal ought to be allowed

Decision:	<i>Stratford North Pty Ltd v Workers' Compensation Regulator & Ors [2025] ICQ 4</i>
Member:	Vice President O'Connor
Release Date:	21 March 2025
Catchwording:	WORKERS' COMPENSATION - ENTITLEMENT TO COMPENSATION - APPEAL TO INDUSTRIAL COURT - where appellant employed as a truck driver - where appellant injured during employment - whether the appellant's employment connected with Queensland for the purpose of s 113 of the Workers' Compensation and Rehabilitation Act 2003 (Qld) (WCR Act) - whether appellant "usually works" in Queensland - whether appellant is "usually based" in Queensland - where appellant appealed to the Queensland Industrial Relations Commission(QIRC) - where appeal dismissed - where appellant appealed decision of QIRC to the Industrial Court of Queensland pursuant to s 557 of the Industrial Relations Act 2016 - whether appeal filed out of time - where appeal against a decision made under the WCR Act is limited to errors of law or excess or want of jurisdiction - whether errors of law by commissioner identified in applying s 113 of the WCR Act - whether findings by commissioner supported by the evidence

Decision: ***Wearne v State of Queensland (Department of Education) [2025] QIRC 87***

Member: Industrial Commissioner Pratt

Release Date: 24 March 2025

Catchwording: INDUSTRIAL LAW - PUBLIC SERVICE APPEAL – appeal against disciplinary decision – where appellant employed by the State of Queensland as a Teacher – where *Employment Direction 1/22 – COVID-19 Vaccinations* required the appellant to receive vaccinations – where appellant failed to comply – decision issued substantiating allegation of failing to comply with the direction without a reasonable excuse – decision to reprimand appellant and reduce the appellant's remuneration for a period of 18 weeks – consideration of whether to hear the appeal – held that the appeal has no prospects of success - appeal is not to be heard pursuant to s 562A of the *Industrial Relations Act 2016* (Qld)

Decision: ***Romanski v Stone [2025] ICQ 5***

Member: Deputy President Hartigan

Release Date: 28 March 2025

Catchwording: INDUSTRIAL LAW – QUEENSLAND – APPEALS – APPEAL TO INDUSTRIAL COURT – OTHER MATTERS – where the appellant appeals an interlocutory decision of the Industrial Magistrates Court regarding an application to strike out paragraphs of the respondent's statement of contentions – where the respondent has filed an interlocutory application seeking that a determination be made as to whether the Industrial Court of Queensland is the proper Court to determine the appeal – where the respondent submits that the District Court of Queensland is the correct jurisdiction for the appeal in accordance with s 242 of the *Coal Mining Safety and Health Act 1999* (Qld) – whether the Industrial Court of Queensland has jurisdiction to hear the appeal – where the application is dismissed

Decision: ***Stockwell v Workers' Compensation Regulator [2025] QIRC 100***

Member: Deputy President Hartigan

Release Date: 9 April 2025

Catchwording: WORKERS' COMPENSATION – ENTITLEMENT TO COMPENSATION – EMPLOYMENT RELATED INJURY, DISABILITY OR DISEASE – EMPLOYMENT SUBSTANTIAL OR SIGNIFICANT FACTOR – OTHER MATTERS – where the appellant, a worker, appeals decision of the respondent to reject a workers' compensation claim – where the appellant had to use the public bathroom before her shift commenced – where the appellant suffered an injury – where WorkCover Queensland rejected the application for compensation – where the respondent confirmed the decision of WorkCover Queensland – whether the worker's injury was compensable – whether the worker's injury arose out of, or in the course of, her employment – whether the worker's employment was a significant contributing factor to the injury - whether the injury occurred while

the worker was at or after she attended at her place of employment – whether the worker was temporarily absent from her place of employment – whether the injury occurred during the course of her employment – the appeal is allowed

Decision: *Dwyer v Workers' Compensation Regulator* [2025] QIRC 119
Member: Industrial Commissioner Dwyer
Release Date: 13 May 2025
Catchwording: WORKERS' COMPENSATION – ENTITLEMENT TO COMPENSATION – where appellant was employed as an Effet operator – incident causing injury to left knee - incident alleged to occur in November 2018 – question as to whether incident occurred – incident occurred – multiple underlying conditions in left knee – appellant contends for alternative injuries – medical evidence supports conclusion as to personal injury – other elements of definition of injury satisfied – claim is one for acceptance

Decision: *Colebourne v State of Queensland (Queensland Police Service)* [2025] QIRC 123
Member: Industrial Commissioner Caddie
Release Date: 19 May 2025
Catchwording: INDUSTRIAL LAW – UNFAIR DISMISSAL – Application for reinstatement – where Application for reinstatement was filed out of time – consideration of discretion to extend time – where Applicant was dismissed for failure to comply with a lawful and reasonable Direction – where Direction was later held to be unlawful following judicial review – consideration of whether dismissal pursuant to a Direction later found to be unlawful increases the prospects of success in the substantive application – where the Commission declines to exercise discretion to extend time

Decision: *MacDonald v Workers' Compensation Regulator* [2025] QIRC 149
Member: Industrial Commissioner Power
Release Date: 3 June 2025
Catchwording: WORKERS' COMPENSATION – ENTITLEMENT TO COMPENSATION – whether injury was suffered pursuant to s 32 of the *Workers' Compensation and Rehabilitation Act 2003* (Qld) – whether appellant suffered a personal injury which arose out of, or in the course of, his employment – whether employment was a significant contributing factor – appeal upheld in part

Decision: *Thomas v State of Queensland (Queensland Police Service) [2025] QIRC 153*

Member: Industrial Commissioner Pidgeon

Release Date: 10 June 2025

Catchwording: PUBLIC SECTOR – EMPLOYEES AND SERVANTS OF THE CROWN GENERALLY – PUBLIC SECTOR APPEAL – appeal against a disciplinary decision – where the decision appealed against is confirmed – consideration of reasonable excuse – consideration of whether the conduct occurred – consideration of whether the decision was fair and reasonable

Decision: *Anglo Coal (Moranbah North Management) Pty Ltd v Stone [2025] ICQ 011*

Member: Justice Davis, President

Release Date: 27 June 2025

Catchwording: APPEAL AND NEW TRIAL – RIGHT OF APPEAL – WHEN APPEAL LIES – where the respondent alleged offences against the *Coal Mining Safety and Health Act 1999* (the CMSH Act) – where the CMSH Act provides for a defence where the causes of an offence were outside of the control of the accused (the control defence) – where the appellant initially did not pursue the control defence but later provided submissions to the Industrial Magistrate indicating reliance on the control defence – where evidence adduced during the original trial was relevant to consideration of the control defence by the Industrial Magistrate – where the appellant was convicted of offences under the CMSH Act – whether the Industrial Magistrate's reasons properly considered the evidence relevant to the control defence – whether the trial at first instance miscarried

Schedule

BREAKDOWN OF MATTERS FILED (EXCLUDING APPEALS TO THE COURT)

Type of matter filed		2023 - 2024	2024 - 2025
Industrial Relations Act 2016			
s 99(2)(b)	Payment for Commission	4	0
s 110	Long Service Leave – payment in lieu of	1,082	1,008
s 147(1)(b)	Application to vary a modern award	2	2
s 149(1)	Variation correction of minor errors	1	5
s 169(2)(b)	Notice of intention to bargain		1
s 175(1b)	Request for help in negotiations for bargaining	7	12
s 189(1)	Application for certification of agreement	44	27
s 213	Decision about designated award	3	0
s 225(1)	Application to amend a bargaining instrument	2	1
s 227(1)	Application for termination on/before expiry date	1	1
s 228(1)	Application for termination after expiry date	42	24
s 235(1)	Application for approval to engage in industrial action	23	48
s 261	Notice of industrial dispute	122	118
s 263	Mediation by commission	0	1
s 273	Application for a commission order to stop bullying	16	5
s 309(2)	Application to deal with a dispute	48	41
s 317(1)	Application for reinstatement (unfair dismissal)	136	133
s 326(1)	Application for severance allowance	1	0
s 337	Authorisation of industrial officers	244	200
s 379	Recovery of unpaid wages (UAC)	12	16
s 402ZY	Unfair termination of courier service contract	0	1
s 451	General powers of the commission	1	1
s 458	Application for general ruling and statement of policy	3	2
s 463(1)	Application for declaration	2	2
s 467(1)	Application for interpretation	1	1
s 473(1)	Application for injunction	1	0
s 475(1)	Recovery of pro rata long service leave	50	40

Type of matter filed		2023 - 2024	2024 - 2025
s 475(1)(a)	Recovery of unpaid wages	26	40
s 484(1)	Application to re-open proceedings	8	6
s 560(1)	Appeal against a decision of the Industrial Registrar	0	1
s 572	Order - contravention of civil penalty provisions	0	2
s 578E(1)	Relevant incorporation act application	-	3
s 578H	Application for declaration about establishment of objection ground	-	1
ss 655 - 879	Registered Industrial Organisation matters (see next table)	272	201
	Request for recovery conference	4	5
Industrial Relations (Tribunals) Rules 2011			
r 230	Lapse of proceedings after at least 1 year's delay	1	0
Magistrates Court Act 1921			
s 42B	Employment claim	5	7
Public Interest Disclosure Act 2010			
s 48	Application for an injunction about a reprisal	2	0
Public Sector Act 2022			
s 131(1)(a)	Appeal against a conversion decision	89	47
s 131(1)(b)	Appeal against a directive decision	9	21
s 131(1)(c)	Appeal against a disciplinary decision	43	62
s 131(1)(d)	Appeal against a fair treatment decision	71	68
s 131(1)(e)	Appeal against a promotion decision	10	14
s 131(1)(f)	Appeal against a suspension without pay decision	6	12
s 131(1)(g)	Appeal against a transfer decision	7	2
s 131(1)(h)	Appeal against a work performance direction decision	1	0
s 131(1)(i)	Appeal against a decision about anything else against which another Act allows	2	0
Trading (Allowable Hours) Act 1990			
s 5(2)	Application for declaration about trading hours	0	1
s 31A	Special event declaration	2	6
Workers' Compensation and Rehabilitation Act 2003 and Workers' Compensation and Rehabilitation Regulation 2014			
s 550(4)	Appeal against decision of Workers' Compensation Regulator	230	259
s 550 (4)	Appeal against decision of insurer	1	3
Work Health and Safety Act 2011			
s 102B	Notice of WHS dispute	9	7
s 112	Civil proceedings in relation to engaging in or inducing coercive conduct	0	1
s 131	WHS entry permit	272	221
s 142	Dispute about right of entry	4	1
s 229B	Application for review	11	29

Type of matter filed		2023 - 2024	2024 - 2025
Anti-Discrimination Act 1991			
s 113	Application for exemption from certain provisions	10	6
s 144(1)	Application for orders protecting complainant's interests	3	1
s 164	Anti-Discrimination conciliation agreement	149	102
s 164A(2)	Referral of complaint not resolved	16	3
s 166(1)	Referral of complaint unconciliated	98	60
s 167(1)(a)	Referral of complaint after six months	1	0
Queensland Civil and Administrative Tribunal Act 2009			
s 52	Transfer of QCAT file	1	0
Fair Work Act 2009 (Cwlth)			
s 539	Fair Work Claim	186	432
Total		3,397	3,314

BREAKDOWN OF APPEALS TO THE COURT

Type of matter filed		2023 - 2024	2024 - 2025
Industrial Relations Act 2016			
s 556	Appeal against a decision of an Industrial Magistrate	1	0
s 557	Appeal against a decision of the Commission	23	15
s 566	Application for stay of decision	2	2
Workers' Compensation and Rehabilitation Act 2003			
s 561	Appeal against a decision of the Commission	10	2
Coal Mining Safety and Health Act 1999			
s 178	Stay of operation of a directive	0	3
s 255	Appeal against a decision of an Industrial Magistrate	0	2
s 243	Appeal against Chief Inspector's directives and review decisions	16	2
Total		52	26

2024 to 2025 - Total filing of new applications/appeals/claims (excluding interlocutory applications)	3,340
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FURTHER BREAKDOWN OF MATTERS FILED IN RELATION TO REGISTERED INDUSTRIAL ORGANISATIONS

Type of matter filed		2023 - 2024	2024 - 2025
Industrial Relations Act 2016			
s 600(1)	Exemption from stated obligation	1	0
s 601	Application for registration	0	1
s 646	Rules application compliance with s623	1	0
s 661	Application for name amendment	0	1
s 662	Rule amendment – eligibility	2	0
s 666	Amendment to rules – other than eligibility	11	4
s 669	Prescribed election information	59	34
s 669(3)	Application to file prescribed information before a later stated day	0	3
s 687	Conduct of election inquiry	3	1
s 735	Annual obligation to file officers register	37	33
s 736	Obligation to file officers register on change of office	61	71
s 741(4)	Exemption financial management training	44	4
s 784	General purpose financial reporting	31	32
s 786	Exemption from Chapter 12, Part 11 of particular reporting units	9	8
s 802	Election exemption – counterpart federal body	10	9
s 804	Exemption – member or officers register	2	0
s 879(1)(c)	Deregistration application by Registrar	1	0
TOTAL		272	201

Glossary

Quick reference guide to abbreviations

AIO	Authorised Industrial Officer
AD Act	<i>Anti-Discrimination Act 1991</i>
FW Act	<i>Fair Work Act 2009</i>
ICQ	Industrial Court of Queensland
IR Act	<i>Industrial Relations Act 2016</i>
PCBU	Persons conducting a business or undertaking
PS Act	<i>Public Sector Act 2022</i>
QCAT	Queensland Civil and Administrative Tribunal
QHRC	Queensland Human Rights Commission
QIRC	Queensland Industrial Relations Commission
RIO	Registered Industrial Organisation
TH Act	<i>Trading (Allowable Hours) Act 1990</i>
UCPR	<i>Uniform Civil Procedure Rules 1999</i>
WCR Act	<i>Workers' Compensation and Rehabilitation Act 2003</i>
WHS Act	<i>Work Health and Safety Act 2011</i>

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