

# **2015 – 2016 Annual Report**

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

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



**Industrial Court  
of Queensland**





INDUSTRIAL COURT OF QUEENSLAND  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

7 December 2016

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

Dear Minister,

I have the honour to furnish to you for presentation to Parliament, as required by section 252 of the *Industrial Relations Act 1999*, the Annual Report on the work of the Industrial Court of Queensland, the Queensland Industrial Relations Commission, the Industrial Registry and generally on the operation of the *Industrial Relations Act 1999* for the financial year ended 30 June 2016. Responsibility for the report relating to the Queensland Industrial Relations Commission and Queensland Industrial Registry rests with the President and Industrial Registrar respectively.

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

G.C. Martin  
President  
Industrial Court of Queensland

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## INDUSTRIAL COURT OF QUEENSLAND

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

In August 2015 the Treasurer, Minister for Employment and Industrial Relations, and Minister for Aboriginal and Torres Strait Islander Partnerships announced a review of Queensland's industrial relations jurisdiction. That review required a consideration of, and recommendations for Queensland's industrial relations framework, laws and tribunals including the structure, functions and powers of those tribunals. The Chair of the Industrial Relations Legislative Reform Reference Group, Mr Jim McGowan AM, consulted with me on a number of occasions about the issues concerning the structure, functions and powers of the Queensland Industrial Relations Commission and the Industrial Court of Queensland. These consultations were very constructive and allowed for an appropriate exchange of ideas.

The Report which emerged from the review was published in December 2015. It contained a number of recommendations and many of those have been accepted by the government. Of specific relevance to the Industrial Court were the following recommendations:

- “59. That similar protocols to those which the Government introduces for the court system be developed to guide future appointments to the Industrial Court of Queensland and the Queensland Industrial Relations Commission.
60. That the administrative responsibility for the Industrial Court of Queensland and Queensland Industrial Relations Commission be transferred to the Department of Justice and Attorney-General.
61. That a provision be inserted under the powers of the President enabling the President to develop and issue performance measures for the Commission.
62. That a provision be inserted under the powers of the President enabling the President to develop and issue a ‘code of conduct/behaviour’ for users of the Queensland Industrial Relations Commission and the members of the Commission.
65. That the Act ensure that only the President of the Industrial Court of Queensland can hear an appeal from a full bench. The Act should allow an interlocutory matter such as stay applications to be heard by a Deputy President of the Court.
66. That the Act provide for appeals from decisions of the Industrial Court of Queensland to the Queensland Court of Appeal.”

Those recommendations have, in large part, been incorporated into the *Industrial Relations Bill 2016* which was introduced into Parliament after the reporting period.

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

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

## Structure of the Commission

There are eleven Members of the Commission. The Commission is headed by the President, Justice Glenn Martin AM, who is also President of the Industrial Court of Queensland.

Currently the Commission is comprised of the President, the Vice President, four Deputy Presidents and five Industrial Commissioners. The President is responsible for the administration of the Commission and the Industrial Registry. This includes the allocation of all matters, references to Full Benches and the general conduct of Commission business. The President delegated these responsibilities to Deputy President O'Connor on 13 October 2015.

Current Members of the Commission are:

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

## **Jurisdiction, Powers and Functions of the Commission**

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

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

### **Award Modernisation:**

Prior to this reporting period, on 17 March 2015, the then Minister for Employment and Industrial Relations, the Honourable Curtis Pitt MP, requested the Award Modernisation program being undertaken by Deputy President Bloomfield and the Award Modernisation Team be suspended. This suspension was to enable the government to consult with key stakeholders in light of the variations to the relevant award modernisation provisions resulting from the enactment on 11 June 2015 of the *Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015*. The changes ultimately required the modernisation process to commence afresh, including the re-modernisation of a number of newly-made awards. A variation notice and consolidated request was issued by the Minister on 17 July 2015 requesting the recommencement of the award modernisation process. It also nominated nine awards as 'priority awards'.

By 30 June 2016, 23 of the 31 awards identified as requiring modernisation had been made, including the nine priority awards, and a further two were before a Full Bench for finalisation. The awards made during the reporting period are listed below:

- *General Employees (Queensland Government Departments) and Other Employees Award - State 2015;*
- *Medical Officers (Queensland Health) Award - State 2015;*
- *Queensland Health Framework Award - State 2015;*
- *Queensland Public Service Officers and Other Employees Award - State 2015;*
- *Health Practitioners and Dental Officers (Queensland Health) Award - State 2015;*
- *Nurses and Midwives (Queensland Health) Award - State 2015;*
- *Hospital and Health Service General Employees (Queensland Health) Award - State 2015;*
- *WorkCover Queensland Employees Award - State 2015;*
- *Correctional Employees Award - State 2015;*
- *Legal Aid Queensland Employees Award - State 2015;*
- *Tourism and Events Queensland Employees Award - State 2015;*
- *Queensland Agricultural Colleges Award - State 2015;*
- *Teaching in State Education Award - State 2016;*
- *Queensland Parliamentary Service Award - State 2015;*
- *Queensland Police Service Employees Award - State 2016;*
- *Youth Detention Centre Employees Award - State 2016;*
- *Building, Engineering and Maintenance Services Employees (Queensland Government) Award - State 2016;*
- *Civil Construction, Operations and Maintenance General Award - State 2016;*
- *Parks and Wildlife Employees Award - State 2016;*
- *TAFE Queensland Award - State 2016;*
- *Stadiums Queensland Employees Award - State 2016;*

- *Miscellaneous Administrative Employees Award - State 2016*; and
- *Award for Operational Employees in Disability and Forensic Services - State 2016*.

Reports on progress were made to the Minister on 22 December 2015, 4 April 2016 and 1 July 2016. Any variations to the consolidated request were published on the Commission website, along with those reports.

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

- Queensland Real Estate Industrial Organisation of Employers – deregistered on 21 July 2015;
- Queensland Retail Traders and Shopkeepers Association (Industrial Organisation of Employers) – deregistered on 18 November 2015;
- Queensland Fruit and Vegetable Growers, Union of Employers – deregistered on 10 February 2016; and
- Queensland Major Contractors Association, Industrial Union of Employers– deregistered on 10 February 2016.

**Workers' Compensation Appeals:** The Workers' Compensation Regulator (the Regulator) is the statutory body that reviews workers' compensation decisions taken by WorkCover Queensland (WorkCover) and self-insurers. Where workers and/or employers feel aggrieved by the decisions of either WorkCover or the self-insurer they may seek a review by the Regulator of that decision. The Commission has jurisdiction to hear appeals from review decisions of the Regulator under s 550 of the *Workers' Compensation and Rehabilitation Act 2003*. During the reporting period there were 200 workers' compensation matters filed in the Industrial Registry.

Early in 2016 the Commission re-established its partnership with the non-profit community legal centre **QPILCH** in order to provide a service to self-represented litigants who make an application in the workers' compensation jurisdiction. Under the management of QPILCH, barristers provide advice and representation during the pre-trial stages of an application, in particular, representing the applicant at conferences conducted by a member of the Commission. At the end of the reporting period, the service was about to recommence.

In order to continually improve the efficiency and cost-effectiveness of the workers' compensation jurisdiction for all parties, a **Workers' Compensation User Group** comprised of stakeholders such as the Regulator, Commissioners, solicitors regularly engaged in WC matters and a representative of the Queensland Law Society, a representative of the Bar Association of Queensland and a number of counsel who are regularly briefed in these matters, was established. The user group provides a forum for discussion and development of ideas to improve access and efficiency of the tribunal. The user group met twice during the reporting period and the following issues were resolved:

- General streamlining of court processes (see below – information under "Industrial Registry");
- Review of timeframes for Directions Orders, especially for the self-represented parties. The existing timeframes for compliance with directions were deemed to be unrealistic by stakeholders, and evidenced by the requirements for extensions to comply in 53% of matters. In consultation with the user group, the timeframes were adjusted to allow timely compliance while still ensuring the matter progresses as quickly as possible; and



- Case management of matters with self-represented parties with matters being allocated to a Member at an earlier stage to provide a single point of contact, guidance with an understanding of the matter, and any interlocutory issues resolved by that Member. Additionally, there would be the opportunity to have two s 552A conferences for self-represented litigants, the first being quite early so that the process can be fully explained to the applicant at the earliest opportunity.

Other issues discussed and that require further development include the effective management of nominated stressors, improvement of the application to appeal form, and advice to parties about outlines of evidence and what to include.

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

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

Chapter 7 of the *Public Service Act* 2008 stipulates the right to appeal a decision, the types of decisions that may or may not be appealed, who may appeal a decision and the appeals procedures. During the reporting period 95 public service appeals were lodged pursuant to s 194 of the *Public Service Act* 2008.

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

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

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

## Resources

The Commission hears matters in locations throughout Queensland and in the reporting period heard matters in Cairns, Caloundra, Goondiwindi, Hervey Bay, Gympie, Townsville, Toowoomba, Rockhampton, Maroochydore and Mackay.

## Other initiatives

In addition to the Workers' Compensation User Group, the Commission established the **Industrial Jurisdiction User Group**. This user group is comprised of industrial organisations, Commissioners, state government employees, solicitors and barristers who regularly appear at the Court and the Commission. The user group met twice during the reporting period. The following issues were resolved:

- General streamlining of court processes (see below – information under "Industrial Registry"); and
- Applications for long service leave payment are now routinely dealt with on the papers, unless a hearing was absolutely necessary (and ideally by telephone to reduce costs to parties).

## Professional activities

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

| Member                         | Activity   | Location              | Date/s               |
|--------------------------------|--|-----------------------|----------------------|
| Vice President<br>Linnane      | Joint NSW/QLD Industrial Commission Conference               | Sydney, Australia     | 16-18 September 2015 |
| Deputy President<br>O'Connor   | Bar Association of Queensland Conference                     | Gold Coast, Australia | 22-23 August 2015    |
|                                | Joint NSW/QLD Industrial Commission Conference               | Sydney, Australia     | 16-18 September 2015 |
|                                | International Bar Association Conference                     | Vienna, Austria       | 4-9 October 2015     |
|                                | International Council of Advocates and Barristers Conference | Edinburgh, Scotland   | 13-14 April 2016     |
| Deputy President<br>Swan       | East West Medical and Legal Conference                       | Berlin, Germany       | 7-14 July 2015       |
|                                | Bar Association of Queensland Conference                     | Gold Coast, Australia | 22-23 August 2015    |
| Deputy President<br>Bloomfield | Bar Association of Queensland Conference                     | Gold Coast, Australia | 22-23 August 2015    |
|                                | Joint NSW/QLD Industrial Commission Conference               | Sydney, Australia     | 16-18 September 2015 |

|                             |  |                                      |                          |
|-----------------------------|--|--------------------------------------|--------------------------|
| Deputy President<br>Kaufman | East West Medical and Legal<br>Conference  | Berlin, Germany                      | 7-14 July 2015           |
|                             | Bar Association of<br>Queensland Conference  | Gold Coast,<br>Australia             | 22-23 August 2015        |
|                             | Joint NSW/QLD Industrial<br>Commission Conference  | Sydney, Australia                    | 16-18 September<br>2015  |
| Commissioner<br>Fisher      | 17 <sup>th</sup> ILERA World Congress<br>Conference  | Cape Town, South<br>Africa           | 7-11 September<br>2015   |
|                             | 21 <sup>st</sup> World Congress<br>International Society for<br>Labour and Social Security<br>Law  | Cape Town, South<br>Africa           | 15-18 September<br>2015  |
| Commissioner<br>Thompson    | Joint NSW/QLD Industrial<br>Commission Conference  | Sydney, Australia                    | 16-18 September<br>2015  |
| Commissioner<br>Black       | Bar Association of<br>Queensland Conference  | Gold Coast,<br>Australia             | 22-23 August 2015        |
|                             | Joint NSW/QLD Industrial<br>Commission Conference  | Sydney, Australia                    | 16-18 September<br>2015  |
|                             | USA Pacific Legal<br>Conference  | New York, United<br>State of America | 26 June – 3 July<br>2016 |
| Commission Knight           | Judgment Writing, National<br>Judicial College of Australia  | Canberra, Australia                  | 21-23 March 2016         |
| Commissioner Neate          | Bar Association of<br>Queensland Conference  | Gold Coast,<br>Australia             | 22-23 August 2015        |
|                             | Joint NSW/QLD Industrial<br>Commission Conference  | Sydney, Australia                    | 16-18 September<br>2015  |
|                             | Challenges of Social Media<br>for Courts and Tribunals,<br>Australasian Institute of<br>Judicial Administration and<br>The Judicial Conference of<br>Australia | Melbourne,<br>Australia              | 26-27 May 2016           |

# QUEENSLAND INDUSTRIAL REGISTRY

## Registry Services

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

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

Funding for the Court, Commission and Registry is provided through the Department of Justice and Attorney-General (DJAG) with the Department being sensitive to the need to maintain the independence of the Court and the Commission.

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

The Registry is structured into 4 units: Client Services, Information Services, Registered Industrial Organisation Services and Corporate Services.

## Client Services

Client Services is managed by the Registry Officer and the Client Service staff provide support to Members (and Associates) through:

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

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

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

During 2015-16, a total of 1,495 applications and notifications were filed in the Registry (see Tables 1 & 4).

## Information and Corporate Services

Registry staff within the Information & Corporate Services area provide a diverse range of high quality publication and administrative support that contributes to the effective functioning of the Court, Commission and the Industrial Registry. These services include:

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

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

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

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

### **Registered Industrial Organisations**

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

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

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

### **Highlights of the 2015-16 reporting year**

The 2015-16 reporting year witnessed a number of highlights that had a significant impact on the business of the Industrial Registry.

1. The *Industrial Relations Act 1999* section 242 E 2 (a) was amended allowing the functions of the President to include managing the administration of the business of the Court and the Registry under section 242 G and section 264(1).
2. October saw the establishment of a listings position within the Registry aligning the Registry structure with that of the Supreme & District Court. This enabled the List Manager within the Registry to effectively allocate workloads to the Members in accordance with the judicial calendar allocations (including regional matters) and equally across all members in a timely manner.
3. A fixed circuit booking process has been incorporated into the role of the List Manager. The List Manager is now responsible for liaising with the regional courthouses when booking courtrooms to conduct the work of the Commission for those matters involving regional applicants/respondents.
4. The introduction of a judicial calendar in January identifies the various matter types to be undertaken by members including the members approved leave. This has resulted in the registry being able to promptly identify the availability of a member within a 6 month period whilst streamlining the allocation of workloads evenly across all members. The matter type and leave blocks are approved by Deputy President O'Connor prior to the calendar being released. The Court and Commission calendar aligns with that of the Supreme & District Courts.

5. A Single file system was introduced in December allowing for new applications and any subsequent applications that are filed, to take on the same file number. This had resulted in the reduction of the overall time taken to administer the previous file system within the Registry ultimately improving the ability to search and track applications relating to the same matter.
6. The registry has utilised existing resources to establish a case flow role which was introduced in February. The role is responsible for the timely progression of matters through the Court and Commission by tracking the relevant requirements of a direction order through the case management system. The position also liaises with the parties when required to address any delays or queries as they arise.
7. The administrative processing of Public Service Appeals became the responsibility of the Registry in January 2016. This has seen an increase in the workload for the Registry, particularly affecting the Registered Industrial Organisation team who currently oversee the processing of these applications.
8. Individual Performance Development Plans have been drafted across all levels of staff within the registry. Regular one on one discussions with the member of staff's immediate supervisor have been incorporated into the development plans. They are to be implemented in the next financial year.
9. The drafting of registry procedures and job manuals for all position/roles within the registry commenced in March and will be finalised in the next financial year.
10. QIRC's website ([www.qirc.qld.gov.au](http://www.qirc.qld.gov.au)) again proved invaluable. It provides thousands of files of relevant information for the general public with over 165,000 visits recorded annually. Important public matters such as the 2015 State Wage Case again see the posting of all relevant documentation to the website immediately when lodged with the Registry, including original applications, directions of the Court, Commission and Registry, submissions and responses of all parties, transcripts of proceedings and decisions. This allows timely and cost effective information to be disseminated to all parties.

## AMENDMENTS TO LEGISLATION

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

### **Holidays and Other Legislation Amendment Act 2015**

The *Holidays and Other Legislation Amendment Act 2015* was assented to on 22 October 2015 and amended the *Industrial Relations Act 1999* to change the definition of “public holiday” in Schedule 5 to provide Labour Day (the first Monday in May) at the seventh dot point, and Birthday of the Sovereign (the first Monday in October) at the eighth dot point.

Such change was made in accordance with the Government’s election commitments.

### **Building Queensland Act 2015**

The *Building Queensland Act 2015* was assented to on the 6 November 2015 and amended the *Industrial Relations Regulations 2011* to include a provision which states that Building Queensland, established under the *Building Queensland Act 2015* is declared not to be a national system employer.

### **Industrial Relations Amendment Regulation (No.1) 2015**

This Regulation was made on the 3 September 2015 and revoked a declaration that had previously declared that the Queensland Training Assets Management Authority (QTAMA) was not a national system employer. This organisation was repealed under the *Queensland training Assets Management Authority Repeal Act 2015*, and therefore there is no necessity to retain the declaration under 145I of the Regulations.

### **Industrial Relations Amendment Regulation (No.2) 2015**

This Regulation was made on the 20 August 2015 and extends the nominal expiry dates in relation to two continuing certified agreements; provides for a wage increase in certain continuing certified agreements, and makes minor consequential amendments to clarify the wage increases. The two continuing certified agreements and their new nominal expiry dates are as follows:

- The *Department of Education and Training (Education) Cleaners’ Certified Agreement 2011* – Nominal expiry date 31 August 2015; and
- The *Department of Education, Training and Employment State School Teachers’ Certified Agreement 2012* – Nominal expiry date 30 June 2016.

Employees under the following agreements are to receive a 2.5% increase to existing wages, with effective dates varying as listed in the amendment:

- *Department of Education and Training (Education) Cleaners’ Certified Agreement 2011*;
- *TMR Enterprise Determination 2011*;
- *Queensland Health Building, Engineering and Maintenance Services Certified Agreement (No.5) 2011*; and
- *QBuild Field Staff Certified Agreement 8 (2011)*.

Employees under the *Nurses and Midwives (Queensland Health) Certified Agreement (EB8) 2012* are to receive 0.3% to the 2.2% already provided on the 1 April 2015. Employees under the *Department of Education, Training and Employment State School Teachers’ Certified Agreement 2012* are to receive a 2.08% subject to prescribed pro-rata provisions.

### **Industrial Relations Amendment Regulation (No.3) 2015**

This Regulation was made on the 29 October 2015 and was to amend the Regulation to prescribe an interim wage increase to employee’s covered by the *Queensland Public Health Sector Certified Agreement (No.8) 2011*, such increase to be 2.5% from the 1 September 2015.

## TABLES

**Table 1: Matters filed in the Court 2014/15 and 2015/2016**

| Type of Matter  | 2014/15   | 2015/16   |
|---|-----------|-----------|
| Appeals to the Court  | <b>46</b> | <b>32</b> |
| — Magistrate's decisions s 341, s 561WC                       | 9         | 3         |
| — Commission's decisions s 341, s 561WC                       | 36        | 29        |
| — Director, WH&S decisions s 152                              | 0         | 0         |
| — Chief Inspector CMH&S directives and review decisions s 243 | 1         | 0         |
| — Electrical Safety Office decisions s 172                    | 0         | 0         |
| Contempt of Court s 251                                       | 0         | 0         |
| Extension of Time s 346, s 561WC                              | 4         | 3         |
| Prerogative order s 248                                       | 0         | 0         |
| Stay order s 347, s 174ES, s 151WHS, s 154WHS, s 178CM        | 1         | 3         |
| Application for orders – other                                | 0         | 1         |
| <b>TOTAL</b>  | <b>51</b> | <b>39</b> |

**Table 2: Number of matters filed in the Court 1995/96 - 2015/16**

|         |     |         |     |         |    |
|---------|-----|---------|-----|---------|----|
| 1995/96 | 89  | 2002/03 | 100 | 2009/10 | 71 |
| 1996/97 | 81  | 2003/04 | 104 | 2010/11 | 63 |
| 1997/98 | 90  | 2004/05 | 92  | 2011/12 | 41 |
| 1998/99 | 95  | 2005/06 | 100 | 2012/13 | 47 |
| 1999/00 | 61  | 2006/07 | 72  | 2013/14 | 58 |
| 2000/01 | 74  | 2007/08 | 53  | 2014/15 | 51 |
| 2001/02 | 102 | 2008/09 | 47  | 2015/16 | 39 |

**Table 3: Appeals filed in the Court 2014/15 and 2015/2016**

| Appeals Filed  | 2014/15   | 2015/16   |
|--|-----------|-----------|
| <b>Appeals from decisions of Industrial Commission</b>                 |           |           |
| IRA s 341(1)   | 17        | 10        |
| Work Comp Act s 561  | 19        | 19        |
| <b>Appeals from decisions of Industrial Magistrate</b>                 |           |           |
| IRA s 341(2)   | 2         | 3         |
| WH&S Act s 164   | 0         | 0         |
| ES Act s 186   | 0         | 0         |
| Work Comp Act s 561  | 0         | 0         |
| <b>Appeals from Directives and Review Decisions of Chief Inspector</b> |           |           |
| CM Act s 243   | 1         | 0         |
| <b>Appeals from review decisions WH&amp;S</b>                          |           |           |
| WH&S Act s 152   | 0         | 0         |
| <b>Appeals from decisions of Electrical Safety Office</b>              |           |           |
| ES Act s 172   | 0         | 0         |
| <b>TOTAL</b>   | <b>46</b> | <b>32</b> |



**Table 4: Matters filed (other than in the Court) 2014/15 and 2015/2016**

| Section      | Type of Application/Matter                              | 2014/15 | 2015/16 |
|--------------|---|---------|---------|
| s 52         | Long Service Leave – other seasonal employees           | 0       | 0       |
| s 53         | Long Service Leave - payment in lieu of                 | 190     | 256     |
| s 74         | Application for Reinstatement (Unfair dismissal)        | 156     | 127     |
| s 74(2)B     | Extension of time                                       | 0       | 1       |
| s 117        | Prohibited conduct - breach                             | 0       | 6       |
| s 125        | Awards:   |         |         |
|              | - New award   | 0       | 0       |
|              | - Repeal and new award                                  | 0       | 0       |
|              | - Amend award   | 2       | 0       |
| s 130        | Review of Award   | 0       | 0       |
| s 140C       | Award modernisation request given by Minister           | 0       | 0       |
| s 140CC      | Procedure for carrying out modernisation process        | 27      | 6       |
| s 140CE      | Making of modern awards and repeal of pre-modern awards | 4       | 0       |
| s 140CE1     | Making of Modern Awards (MAP's)                         | 0       | 33      |
| s 140G(5)    | Application to make a modern award by an employer       | 2       | 0       |
| s 148        | Assistance to negotiate a CA                            | 2       | 0       |
| s 149        | Arbitration of CA                                       | 1       | 0       |
| s 152        | Certificate – requested representation                  | 5       | 0       |
| s 156        | Certified Agreements:                                   |         |         |
|              | - Approval of new CA                                    | 3       | 1       |
|              | - Replacing existing CA                                 | 8       | 9       |
| s 163        | Determination of a CA                                   | 0       | 0       |
| s 167        | Successor employers bound                               | 0       | 0       |
| s 168        | Extending a CA  | 0       | 0       |
| s 169        | Amending a CA   | 0       | 0       |
| s 172, s 177 | Terminate a CA  | 0       | 0       |
| s 175, s177  | Notice of industrial action                             | 0       | 1       |
| s 176 (7)    | Extension of time for industrial action to start        | 0       | 0       |
| s 229        | Notification of dispute                                 | 104     | 93      |
| s 230        | Arbitration of industrial dispute                       | 1       | 0       |
| s 231        | Mediation by Commission                                 | 4       | 2       |
| s 232E       | Reinstatement of Injured Worker                         | 0       | 2       |
| s 273A       | Dispute resolution functions                            | 0       | 0       |
| s 274        | Stay order  | 3       | 0       |
| s 274G       | General powers  | 4       | 7       |
| s 274A       | Power to make declarations                              | 3       | 3       |
| s 274D       | Directions  | 2       | 2       |
| s 274DA      | Dismissal of Application                                | 3       | 1       |
| s 276        | Power to amend or void contracts                        | 2       | 0       |
| s 277        | Power to grant injunctions                              | 4       | 6       |
| s 278        | Claim for unpaid wages/superannuation                   | 16      | 19      |
| s 280        | Re-open a proceeding                                    | 3       | 1       |

| <b>Section</b>        | <b>Type of Application/Matter</b>                       | <b>2014/15</b> | <b>2015/16</b> |
|-----------------------|---|----------------|----------------|
| s 284                 | Interpretation  | 1              | 0              |
| s 287, s 288          | General ruling  | 2              | 2              |
| s 317                 | Commission of its own initiative                        | 0              | 0              |
| s 319                 | Requested representation                                | 2              | 1              |
| s 320                 | Application to be heard or to intervene                 | 20             | 5              |
| s 325                 | Application to be joined                                | 1              | 0              |
| s 326                 | Interlocutory orders                                    | 2              | 1              |
| s 331                 | Application to dismiss application                      | 7              | 3              |
| s 335, r117           | Costs   | 3              | 1              |
| s 339AA               | Government briefing about State's financial position    | 0              | 0              |
| s 342(1)              | Appeal to full bench against decision of the Commission | 1              | 1              |
| s 342(2)              | Leave to appeal to a full bench                         | 2              | 1              |
| s 364                 | Authorisation of industrial officers                    | 208            | 163            |
| s 365                 | Revocation of Industrial officers' authorisation        | 3              |                |
| s 409-657             | Industrial Organisation matters (Table 5)               | 95             | 89             |
| r 32                  | Application for substituted service                     | 0              | 0              |
| r 41                  | Application for directions order                        | 1              | 0              |
| r 49(3)               | Notice to admit facts or documents                      | 0              | 0              |
| r 61                  | Setting aside of attendance notice                      | 1              | 0              |
| r 64E                 | Objection to production                                 | 7              | 6              |
| r 64H(2)              | Production and copying of documents                     | 3              | 0              |
| r 64G                 | Industrial tribunal's decision about objection          | 0              | 1              |
| r 220                 | Request for statistical information (Table 7)           | 51             | 47             |
| r 230                 | Lapse of proceeding after at least 1 year's delay       | 1              | 0              |
| IR Act, SCH 4, PT 2   | Protected action ballot orders                          | 31             | 16             |
| IR Act                | Private conference                                      | 1              | 0              |
| IR Act                | Request for recovery conference                         | 6              | 10             |
| Mags Courts Act s 42B | Employment claim  | 52             | 77             |
| PID Act s 48          | Application for an injunction about a reprisal          | 0              | 0              |
| PS Act s 194(1A)      | Appeal against a decision under a directive             | 6              | 10             |
| PS Act s 194(1B)      | Appeal against a disciplinary decision                  | 49             | 56             |
| PS Act s 194 (1C)     | Appeal against a promotion decision                     | 16             | 21             |
| PS Act s 194 (1D)     | Appeal against a transfer decision                      | 8              | 2              |
| PS Act s 194 (1E)     | Appeal against decision under another Act               | 3              | 1              |
| PS Act s 194 (1F)     | Appeal against a decision under another Act             | 0              | 6              |
| PS Act s 199          | Stay of operation of decisions                          | 0              | 0              |
| T(AH) Act             | Trading hours order                                     | 19             | 13             |
| T(AH) Act s 25        | Application for leave to appear and be heard            | 4              | 6              |
| VETE Act s 62         | Reinstatement of training contract                      | 0              | 0              |
| VETE Act s 230        | Apprentice/trainee appeals                              | 0              | 0              |
| VETE Act s 231        | Stay of decision  | 0              | 0              |
| FET Act s 168(1D)     | Apprentice/trainee appeals                              | 1              | 0              |
| WC Act s 549          | Application to be a party to appeal                     | 0              | 0              |
| WC Act s 550          | Appeal against Q-Comp                                   | 0              | 0              |

| Section                           | Type of Application/Matter                                 | 2014/15      | 2015/16      |
|-----------------------------------|--|--------------|--------------|
| WC Act s 550(4)                   | Appeal against decision of Workers' Compensation Regulator | 283          | 232          |
| WC Act s 555                      | Application for Adjournment                                | 3            | 0            |
| WC Act s 556                      | Order for medical examination                              | 7            | 1            |
| RG113WC                           | Costs  | 2            | 2            |
| WH&S Act s 65                     | Disqualification of health and safety representative       | 0            | 0            |
| WH&S Act s 131                    | WHS entry permit   | 129          | 104          |
| WH&S Act s 138                    | Application to revoke WHS entry permit                     | 7            | 0            |
| WH&S Act s 142                    | Dispute about right of entry                               | 2            | 2            |
| <b>TOTAL APPLICATIONS/MATTERS</b> |  | <b>1,587</b> | <b>1,456</b> |

**Table 5: Industrial organisation matters filed 2014/15**

| Industrial Organisation matters |   | 2015/2016 |
|---------------------------------|---|-----------|
| s 473                           | Name Amendment  | 1         |
| s 474                           | Part Amendment - eligibility rule   | 3         |
| s 478                           | Amendment to rules - other than eligibility   | 12        |
| s 481                           | Request for conduct of election   | 57        |
| s 580                           | Exemption from conduct of election  | 8         |
| s 590                           | Exemption from accounting or audit obligations for employer organisations that are corporations | 1         |
| s 602                           | Cancellation of exemption   | 1         |
| s 613                           | Orders about Invalidity   | 3         |
| s 638                           | Order - deregistration  | 2         |
| s 639                           | Order - deregistration (Registrar's application)  | 1         |
| <b>TOTAL</b>                    |   | <b>89</b> |

**Table 6: Industrial Organisations of Employees Membership**

| Industrial Organisation  | Members<br>As at 30/06/15 | Members<br>As at 30/06/16 |
|--|---------------------------|---------------------------|
| Australasian Meat Industry Union of Employees (Queensland Branch)  | 5,789                     | 5,584                     |
| Australian Federated Union of Locomotive Employees, Queensland Union of Employees                          | 1,258                     | 1,222                     |
| Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District                | 648                       | 598                       |
| Australian Maritime Officers Union Queensland Union of Employees   | 36                        | 25                        |
| Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch                               | 6,641                     | 6,307                     |
| Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees          | 2,389                     | 2,178                     |
| Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland | 16,051                    | 14,874                    |
| Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland                         | 23,519                    | 24,222                    |
| Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees                        | 4,838                     | 4,641                     |
| Plumbers & Gasfitters Employees' Union Queensland, Union of Employees                                      | 3,503                     | 3,650                     |
| Queensland Fire and Rescue – Senior Officers Union of Employees  | 123                       | 110                       |
| Queensland Independent Education Union of Employees  | 16,708                    | 16,945                    |

| <b>Industrial Organisation</b>   | <b>Members<br/>As at 30/06/15</b> | <b>Members<br/>As at 30/06/16</b> |
|--|-----------------------------------|-----------------------------------|
| Queensland Nurses' Union of Employees  | 52,946                            | 56,109                            |
| Queensland Police Union of Employees   | 11,508                            | 11,615                            |
| Queensland Services, Industrial Union of Employees   | 11,786                            | 11,967                            |
| Queensland Teachers Union of Employees   | 42,579                            | 43,224                            |
| Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees                           | 31,199                            | 32,020                            |
| The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees | 3,435                             | 2,571                             |
| The Australian Workers' Union of Employees, Queensland   | 42,508                            | 38,545                            |
| The Bacon Factories' Union of Employees, Queensland  | 611                               | 606                               |
| The Electrical Trades Union of Employees Queensland  | 13,592                            | 12,693                            |
| The Queensland Police Commissioned Officers' Union of Employees  | 290                               | 305                               |
| The Seamen's Union of Australasia, Queensland Branch, Union of Employees   | 1,223                             | 878                               |
| Together Queensland, Industrial Union of Employees   | 26,540                            | 26,959                            |
| Transport Workers' Union of Australia, Union of Employees (Queensland Branch)  | 10,365                            | 9,223                             |
| United Firefighters' Union of Australia, Union of Employees, Queensland  | 2,344                             | 2,383                             |
| United Voice, Industrial Union of Employees, Queensland  | 27,508                            | 27,406                            |
| <b>Total Membership</b>  | <b>359,937</b>                    | <b>356,860</b>                    |
| <b>Number Employee Organisations</b>   | <b>27</b>                         | <b>27</b>                         |

**Table 7: Industrial Organisations of Employers Membership**

| <b>Industrial Organisation</b>   | <b>Members<br/>As at 30/06/15</b> | <b>Members<br/>As at 30/06/16</b> |
|--|-----------------------------------|-----------------------------------|
| Agforce Queensland Industrial Union of Employers   | 4,397                             | 4,600                             |
| Australian Dental Association (Queensland Branch) Union of Employers   | 847                               | 923                               |
| Local Government Association of Queensland Ltd   | 77                                | 77                                |
| Master Electricians Association, Queensland Industrial Organisation of Employers<br><b>formerly Electrical and Communications Association, Queensland Industrial Organisation of Employers</b> | 1,631                             | 1,680                             |
| Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers   | 303                               | 307                               |
| Master Plumbers' Association of Queensland (Union of Employers)  | 1,069                             | 1,096                             |
| Motor Trades Association of Queensland Industrial Organisation of Employers  | 1,307                             | 1,217                             |
| National Retail Association Limited, Union of Employers  | 995                               | 1,025                             |
| Queensland Cane Growers' Association Union of Employers  | 21                                | 21                                |
| Queensland Chamber of Commerce and Industry Limited ACN 009 662 060  | 3,916                             | 4,135                             |
| Queensland Fruit and Vegetable Growers, Union of Employers   | 459                               | Deregistered                      |
| Queensland Hotels Association, Union of Employers  | 784                               | 775                               |
| Queensland Major Contractors Association, Industrial Organisation of Employers   | 12                                | Deregistered                      |
| Queensland Master Builders Association, Industrial Organisation of Employers   | 8,634                             | 8,247                             |
| Queensland Real Estate Industrial Organisation of Employers  | 326                               | Deregistered                      |
| Queensland Retail Traders and Shopkeepers Association (Industrial Organization of Employers)   | No Members                        | Deregistered                      |
| The Baking Industry Association of Queensland - Union of Employers   | 121                               | 159                               |
| The Registered and Licensed Clubs Association of Queensland, Union of Employers  | 482                               | 460                               |
| UNiTAB Agents Association, Union of Employers Queensland   | 76                                | 69                                |
| <b>Total Membership</b>  | <b>25,457</b>                     | <b>24,791</b>                     |
| <b>Number of Employer Organisations</b>  | <b>19</b>                         | <b>15</b>                         |