

# 2017 – 2018 Annual Report

of the President of the Industrial Court of Queensland



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





**INDUSTRIAL COURT OF QUEENSLAND  
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

The Honourable Grace Grace MP  
Minister for Education  
Minister for Industrial Relations  
GPO Box 611  
BRISBANE QLD 4000

Dear Minister,

I have the honour to furnish to you for presentation to Parliament, as required by section 594 of the *Industrial Relations Act* 2016, the Annual Report on the work of the Industrial Court of Queensland, the Queensland Industrial Relations Commission, the Industrial Registry and generally on the operation of the *Industrial Relations Act* 2016 for the financial year ended 30 June 2018. 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. Martin'.

The Hon. Justice G.C. Martin AM  
President  
Industrial Court of Queensland

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## President's Report

The Court and the Commission has continued to deal with the wide range of matters within their jurisdiction. More detailed information concerning the range of matters dealt with by the Court and the Commission and how they have discharged their functions in 2017 - 2018 is provided in the balance of my report.

While the Commission is based in Brisbane, it continues to serve all Queenslanders by regularly sitting throughout the State. In the reporting year, the Commission has sat in: Ayr, Bundaberg, Burdekin, Cairns, Caloundra, Gladstone, Goondiwindi, Hervey Bay, Mackay, Maroochydore, Rockhampton, Toowoomba, and Townsville.

Section 436(b) of the *Industrial Relations Act 2016* requires that the President develop a code of conduct for members of the Commission and the persons appearing before it.

Consistent with the requirement to develop a code for members of the Commission, I have determined to adopt the Third Edition of the "Guide to Judicial Conduct" published by The Australasian Institute of Judicial Administration. The Guide provides principled and practical guidance to judicial officers as to what may be an appropriate course of conduct, or matters to be considered in determining a course of conduct, in a range of circumstances. This Code will assist members of the Commission to strive to maintain the highest standards of conduct and to ensure that the Commission maintains the confidence and trust of the public.

The *Industrial Relations Act 2016* contemplates that there will be four categories of persons who may appear before the Commission or the Court. They are:

- (a) a litigant in person;
- (b) an agent appointed in writing;
- (c) if the party or person is an organisation - an officer or member of the organisation; or
- (d) a lawyer

I also have to develop a similar code for those persons. Lawyers will be bound by the rules of conduct of one of the professional bodies, either the Bar Association of Queensland or the Queensland Law Society. The other persons including litigants in person, representatives of the Regulator, representatives of government departments and union representatives also will be covered. For them, the code will draw on the advocacy rules within the professional codes but they will be modified to remove those matters which do not concern the non-professional type of advocate.

During 2017 - 2018, the Industrial Jurisdiction Users Group and the Workers' Compensation Users Group have continued to meet. These user groups give those who appear regularly in the Court or the Commission an opportunity to assist the Court and Commission to continue to meet the legitimate expectations of those who engage in this jurisdiction. The Court and the Commission particularly value the suggestions, commentary and constructive feedback from those who participated in these meetings. Further, these forums give the Court and the Commission an opportunity to engage with those with a legitimate interest in the functioning of the Court and Commission.

The Court and Commission welcomed, in 2017 - 2018, Ms Madonna Shelley as the new Industrial Registrar and Ms Bianca Paris as the Deputy Industrial Registrar. Each of them brings a wealth of experience, talent

and enthusiasm to their respective roles. The members of the Commission and I look forward to continue working with them.

In last year's report I raised concerns about the security and safety of members of the Commission, registry staff and those who attend the Commission. The concerns directly relate to the level of security at Central Plaza 2, a commercial building which, unlike the Queen Elizabeth II Courts of Law or the Magistrates Courts, has no provision for dedicated court security.

Upon the conclusion of the lease of level 13 of Central Plaza 2, it is proposed that the Court and Commission will be located on level 21 and 22. The refurbishment of the Court and Commission's accommodation will address a number of security issues including the updating of security cameras and duress alarms. The installation of a private stairwell between Level 21 and Level 22 will allow members to move between those floors and directly enter court rooms without the need to go through public areas. Importantly, the updated facilities will permit the greater use of technology allowing, for example, conciliation conferences to be undertaken by video link and evidence, in particular, expert evidence to be taken in a similar manner.

The Commission is currently working on an enhancement of its digital case management system (CMS). The first stage of that process will soon be implemented.

The *Industrial Relations (Tribunal) Rules* 2011 are currently under review. The review of the rules (including the forms) will ensure that the rules reflect modern practice and facilitate the changes to the CMS, in particular, electronic lodgment of documents.

In late September 2018 the Commission will launch its new website. Throughout the reporting period, significant work has been undertaken to ensure accessibility and greater functionality of the new website. As part of the launch, User Guides have been developed for unfair dismissals, workers' compensation; long service leave payment applications; and public service appeals. These documents will form a part of the complete rewrite of the website's content.

As this Annual Report evidences, the Court and Commission is a busy institution which has discharged its functions effectively during 2017 - 2018. For this, I thank the members of the Commission, who continue to undertake their work with diligence, impartiality and integrity. Secondly, I express my gratitude to all Commission staff, and, in particular, the Industrial Registrar and Deputy Registrar for their leadership and ongoing commitment to the work of the Court and Commission. Finally, I acknowledge and thank the Deputy Director-General, Dr Simon Blackwood, and Mr Tony James, the Executive Director within the Office of Industrial Relations, for their assistance in ensuring the Court and Commission continues to discharge its functions in an effective and efficient way.

## 2017 – 2018 in Review

### Industrial Court of Queensland

The Industrial Court of Queensland hears appeals on errors of law or lack or excess of jurisdiction against decisions of the Commission; the Industrial Registrar; or Industrial Magistrate.

The year under review saw a slight increase in the number of appeals filed. The expanded jurisdiction of the Commission, in particular, in the areas of workplace discrimination and Work Health and Safety and the significant increase in workload of the Commission in its other areas of jurisdiction will affect the Court in the foreseeable future. The members of the Court are: the President, the Vice President (Dianne Linnane) and the Deputy President (Court) (Daniel O'Connor).

### Queensland Industrial Relations Commission

The Queensland Industrial Relations Commission (Commission) derives its powers and functions from Chapter 11, Part 2 of the *Industrial Relations Act* 2016. The Commission plays a major role in contributing to the social and economic well-being of Queenslanders through furthering the objects of the Act which are principally to provide a framework for cooperative industrial relations that is fair and balanced and supports the delivery of high quality services, economic prosperity and social justice for Queenslanders.

#### Structure of the Commission

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

The President is responsible for the administration of the Commission. This includes the allocation of all matters, references to Full Benches and the general conduct of Commission business. The President delegated those responsibilities to Deputy President O'Connor on 13 October 2015, under the *Industrial Relations Act* 1999. On 8 February 2017 the President delegated his responsibilities under the *Industrial Relations Act* 2016 to Deputy President O'Connor, with effect from 1 March 2017 – the same date as the repeal of the *Industrial Relations Act* 1999 and the commencement of the majority of the *Industrial Relations Act* 2016.

Current Members of the Commission are:

Member	Date sworn in
Justice Glenn Martin AM, President	2 December 2013
Dianne Linnane, Vice President	2 August 1999
Daniel O'Connor, Deputy President (Court)	20 September 2014 (Deputy President (Court)) 13 November 2012
Deirdre Swan, Deputy President	3 February 2003 (Deputy President) 10 September 1990 (Commissioner)

Adrian Bloomfield, Deputy President	3 February 2003 (Deputy President) 15 March 1993 (Commissioner)
Glenys Fisher, Industrial Commissioner	12 February 1990
John Thompson, Industrial Commissioner	28 September 2000
Gary Black, Industrial Commissioner	13 November 2012
Minna Knight, Industrial Commissioner	12 December 2012

The Hon. Les Kaufman, Deputy President, retired from the Commission on 1 December 2017.

Magistrate Christine Roney was also a member of the Commission, serving as an Acting Industrial Commissioner from 31 March 2017 to 22 December 2017.

### Jurisdiction, Powers and Functions of the Commission

Members of the Commission exercise jurisdiction, powers and functions under the *Industrial Relations Act 2016*, the *Workers' Compensation and Rehabilitation Act 2003*, the *Anti-Discrimination Act 1999*, the *Public Service Act 2008*, and various other statutes. The most significant area of the Commission's workload continues to be appeals against review decisions of the Workers' Compensation Regulator under the *Workers' Compensation and Rehabilitation Act 2003*. While those types of matters may only represent approximately 11% of the total matters filed each year, they require a large amount of administrative attention and result in a hearing more often than any other individual type of matter.

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

#### *Anti-Discrimination referrals and applications*

During the 2016/17 reporting year there were 7 complaints referred to the Commission by the ADCQ and 2 applications for exemptions from the *Anti-Discrimination Act 1991* for work related matters.

During the 2017/18 reporting year there were 104 complaints referred to the Commission by the ADCQ and 4 applications for exemptions from the *Anti-Discrimination Act 1991* for work related matters.

This significant increase in the number of referrals compared to the last reporting year and can be attributed to the expansion of the Commission's jurisdiction in March 2017, relatively late in the previous reporting year.

#### *Certified Agreements*

Following the finalisation of the award modernisation process in the 2016/17 reporting year, a large volume of agreements has been certified by the Commission. The following agreements were certified by the Commission in the 2017/18 reporting year:



- *Blackall-Tambo Regional Council Enterprise Bargaining Agreement 2018-2021*
- *Bulloo Shire Council Officers Certified Agreement 2018*
- *Bulloo Shire Council Operational Employees Certified Agreement 2018*
- *Bundaberg Regional Council Certified Agreement 2017*
- *Burdekin Shire Council Certified Agreement 2018*
- *Burke Shire Council Certified Agreement 2017*
- *Hinchinbrook Shire Council Certified Agreement 2017*
- *Isaac Regional Council - Certified Agreement 2017*
- *Mackay Regional Council Certified Agreement 2017*
- *Murweh Shire Council Non-Operational Staff Certified Agreement 2018*
- *Queensland Ambulance Service Certified Agreement 2017*
- *Quilpie Shire Council Certified Agreement 2018*
- *Somerset Regional Council - Field Staff Certified Agreement 2017*
- *Sunshine Coast Council Field-Based Employees Certified Agreement 2017 (No.3)*
- *Sunshine Coast Council Salaried Officers Certified Agreement 2017 (No.3)*
- *Toowoomba Regional Council Office Based Staff Certified Agreement 2018 (No 3)*
- *Townsville City Council (Field and Other Employees) Certified Agreement 2017*
- *Townsville City Council (Queensland Local Government Officers) Certified Agreement 2017*
- *Townsville City Council (Trades Employees) Certified Agreement 2017*
- *Whitsunday Regional Council Certified Agreement 2017*

Each of these agreements replaced a corresponding agreement/s or determination which was terminated at the same time as the new agreement's certification.

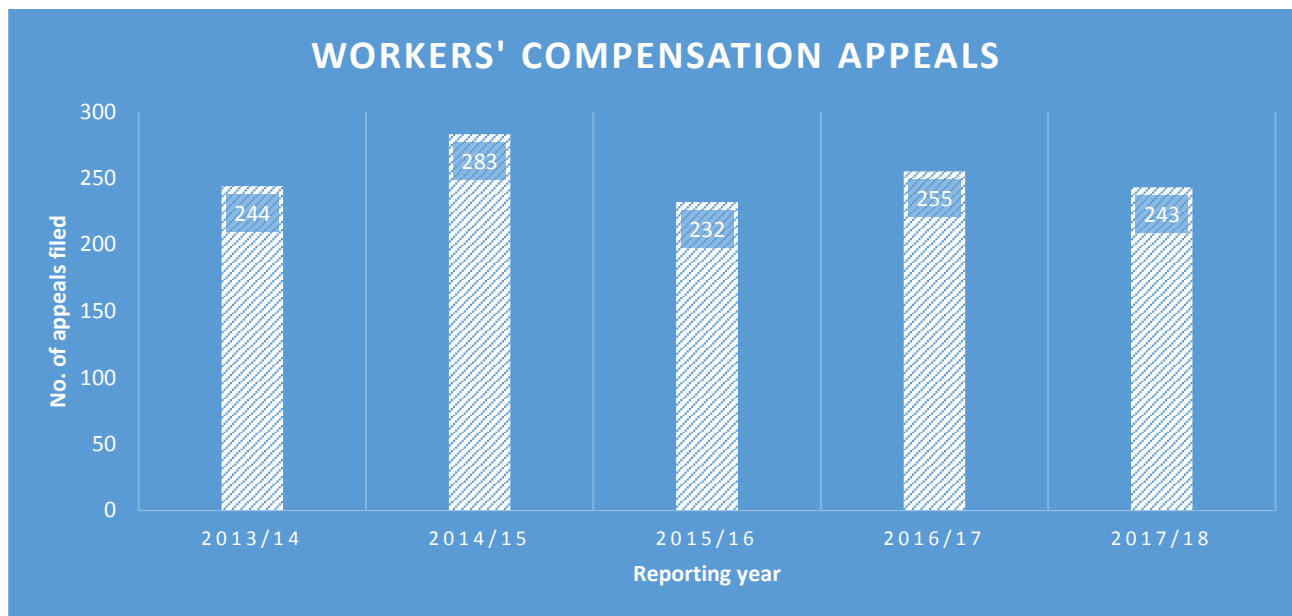
#### *Workers' Compensation Appeals*

The Workers' Compensation Regulator (the Regulator) is the statutory body that reviews workers' compensation decisions taken by WorkCover Queensland (WorkCover) and self-insurers. Where workers or employers feel aggrieved by the decisions of either WorkCover or the self-insurer they may seek a review by

the Regulator of that decision. The Commission has jurisdiction to hear appeals from review decisions of the Regulator under s 550 of the *Workers' Compensation and Rehabilitation Act 2003*.

In the 2017/18 reporting year 243 appeals against decisions of the Workers' Compensation Regulator were filed. This represents a slight decrease from the previous reporting year's 255 appeals, but is still within the normal range of filings over the previous five year period. See **Figure 1** below.

**Figure 1: Workers' Compensation Appeals**

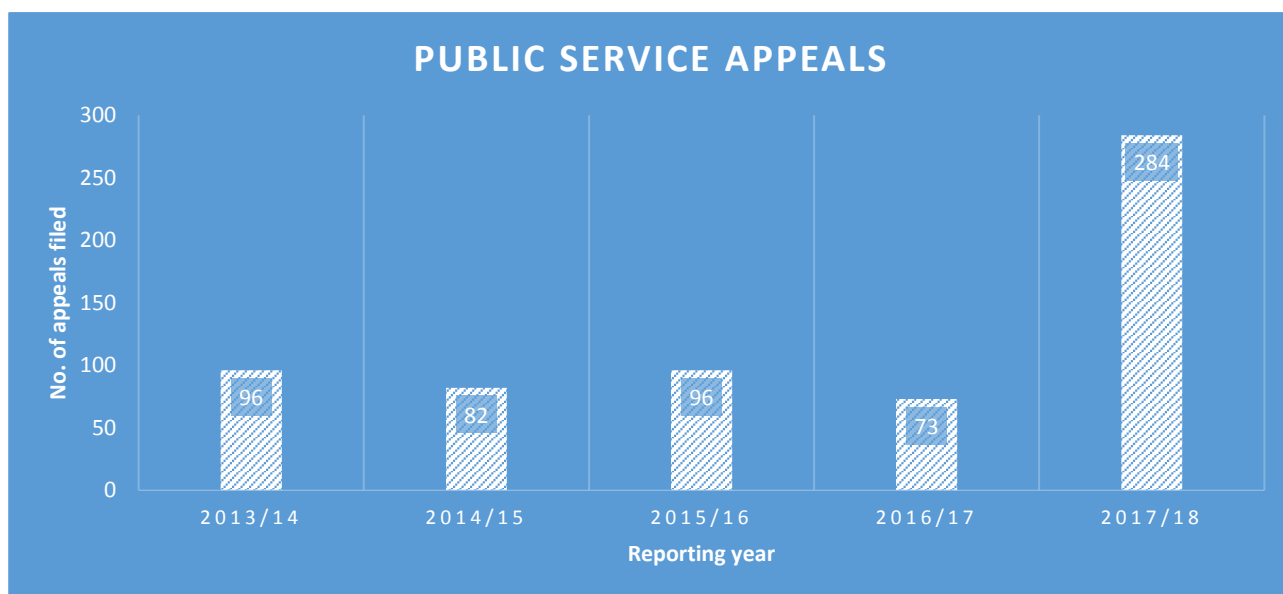


#### *Public Service Appeals*

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 year 284 public service appeals were lodged pursuant to s 194 of the *Public Service Act 2008*. There were 73 appeals filed in the 2016/17 reporting year.

The nearly 300% year-on-year increase in the number of public service appeals filed is explained by the temporary to permanent conversion scheme introduced by Directive 08/17 *Temporary Employment*. See **Figure 2** below:

**Figure 2: Public Service Appeals**



#### *Other Statutes*

In addition to the above, the Commission has jurisdiction under other statutes such as:

- *Trading (Allowable Hours) Act 1990;*
- *Further Education and Training Act 2014;*
- *Contract Cleaning Industry (Portable Long Service Leave) Act 2005;*
- *Public Interest Disclosure Act 2010;*
- *Work Health and Safety Act 2011;*
- *Child Employment Act 2006;* and
- *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 year heard matters in:

- Ayr
- Bundaberg

- Burdekin
- Cairns
- Caloundra
- Gladstone
- Goondiwindi
- Hervey Bay
- Mackay
- Maroochydore
- Rockhampton
- Toowoomba
- Townsville

## External Engagement

Members of the Commission were actively involved with the training and further education of members of the public and the profession throughout the 2017/18 reporting year. Several members assisted the Industrial Relations Society of Queensland with their annual Advocacy for Workplace Relations Professionals course by judging moots and providing seminars on advocacy and specific areas of the Commission's jurisdiction. Likewise, members presented papers and lectures on topics related to Industrial Relations at a number of conferences.

A meeting of the Industrial Jurisdiction Users Group was convened by the President to discuss: changes to processes, procedures, and forms; and the consideration of greater use of early intervention and alternative dispute resolution.

The members hosted and attended a conference with members from other State industrial commissions at the Gold Coast.

## Professional activities

The *Judicial Remuneration Act 2007* provides for the salaries and allowances for judicial officers, including members of the Industrial Court and Commission.

The various allowances are only payable for expenses actually incurred for the purposes of the allowance.

Expenditure of the Education & Conference Allowance for a particular conference or educational purpose is approved by the President.

Drawings on allowances are administered by the Industrial Registry.

During the 2017/18 reporting year the Members utilised their Jurisprudential Allowance or Education and Conference Allowance to attend conferences, seminars or courses. Those conferences, seminars, or courses are listed in the table on the following page.

**Member utilisation of judicial allowance, or conference and education allowance**

<b>Member</b>	<b>Activity</b>	<b>Location</b>	<b>Dates</b>
Vice President Linnane	Pan Europe Pacific Legal Conference	Paris, France	05/07/17 to 12/07/17
	Europe Oceania Legal Conference	Basel/ Amsterdam	15/07/17 to 23/07/17
	International Perspectives on Dispute Resolution	Melbourne	1/11/17
Deputy President O'Connor	Judicial Conference of Australia Colloquium	Hobart	06/10/17 to 08/10/17
	British Legal History Conference	London	05/07/17 to 08/07/17
	International Perspectives on Dispute Resolution	Melbourne	1/11/17
Deputy President Swan	Europe Asia Legal and Medical Conference	Positano, Italy	25/06/17 to 02/07/17
	Pan Europe Pacific Legal Conference	Paris, France	05/07/17 to 12/07/17
	Bar Association of Qld Conference	Gold Coast	26/8/17 to 27/8/17
	EU Anti-Discrimination Law Conference	Lisbon, Portugal	6/11/17 to 10/11/17
Deputy President Bloomfield	Bar Association of Qld Conference	Gold Coast	26/8/17 to 27/8/17
	IRSQ Convention 2017	Gold Coast	06/10/17 to 08/10/17
Deputy President Kaufman	Europe Asia Legal and Medical Conference	Positano, Italy	25/06/17 to 02/07/17
	Pan Europe Pacific Legal Conference	Paris, France	05/07/17 to 12/07/17
Commissioner Fisher	Bar Association of Qld Conference	Gold Coast	26/8/17 to 27/8/17
	Pan Europe Pacific Legal and Medical Conference	Rome	29/09/17 to 06/10/17
	Workers' Compensation & Disability Conference	Las Vegas	06/12/17 to 08/12/17

	International Association of Women Judges Conference	Buenos Aires, Argentina	02/05/18 to 06/05/18
Commissioner Thompson	SEAK Annual Conference	Massachusetts, USA	19/06/18 to 22/06/18
Commissioner Black	Bar Association of Qld Conference	Gold Coast	26/8/17 to 27/8/17
	East West Legal Conference	Amsterdam	24/07/17 to 31/07/17
	London School of Mediation	London	14/5/18 to 15/5/18
	Annual Financial Sector Compensation & Benefits Conference	London	23/05/18 to 24/05/18
Commissioner Knight	Europe Asia Legal and Medical Conference	Positano, Italy	25/06/17 to 02/07/17
	Bar Association of Qld Conference	Gold Coast	26/8/17 to 27/8/17
Commissioner Roney	EU Anti-Discrimination Law Conference	Lisbon, Portugal	6/11/17 to 7/11/17
	Bar Association of Qld Conference	Gold Coast	26/8/17 to 27/8/17
	Dialogues of being a Judge	Hobart	4/10/18 to 6/10/18

# 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 a public service office. The Industrial Registrar is the head of the Industrial Registry, under the *Public Service Act 2008*.

The Industrial Registrar is appointed under s 514 of the *Industrial Relations Act 2016* and, apart from administering the Registry, has the functions conferred under that Act and other Acts. The Deputy Industrial Registrar provides support to the Registrar who is responsible for managing and administering the operations of the Registry.

Funding for the Court, Commission and Registry is provided through the Department of Education as part of the Office of Industrial Relations (OIR) appropriation with the OIR being sensitive of 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 and Corporate Services, and Registered Industrial Organisation Services. The Registry establishment is made up of 14.8 FTE positions including the Industrial Registrar.

## Client Services

Client Services is managed by the Client Service Supervisor and the Client Service staff provide support to members and their 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:

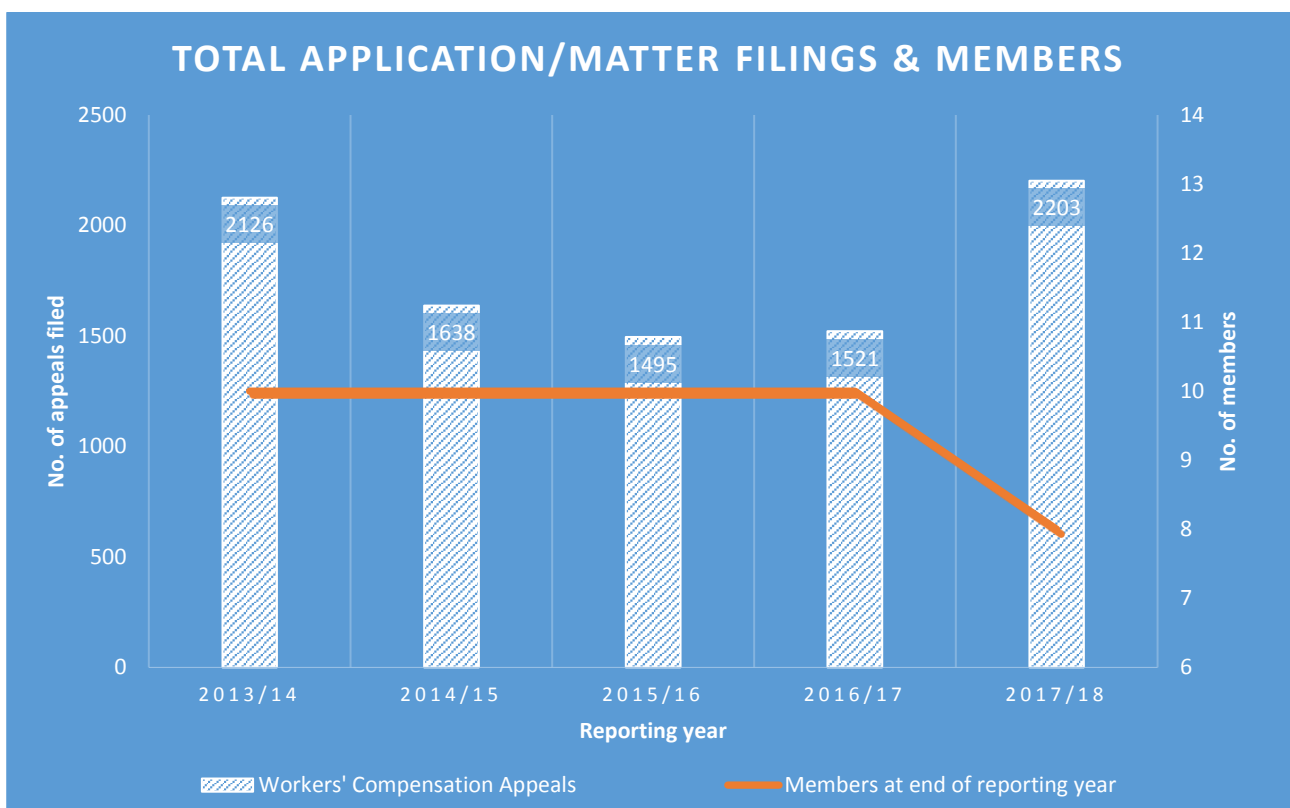
- Responding to public enquiries through:
  - A telephone advisory service for parties and practitioners who require information on practices and procedures;

- Across the counter; and
- E-mail.

In the 2017/18 reporting year a total of 2,203 matters were filed in the Registry.

During the 2016/17 reporting year 1,521 matters were filed in the Registry. The increase can be attributed to the expansion of the Commission's jurisdiction and a general increase in specific types of matter – notably, Public Service Appeals, Anti-Discrimination referrals, and applications for long-service leave payments in lieu of taking long-service leave. The increase in the number of filings can be seen below in **Figure 3** and indicates an increase in the work of each member.

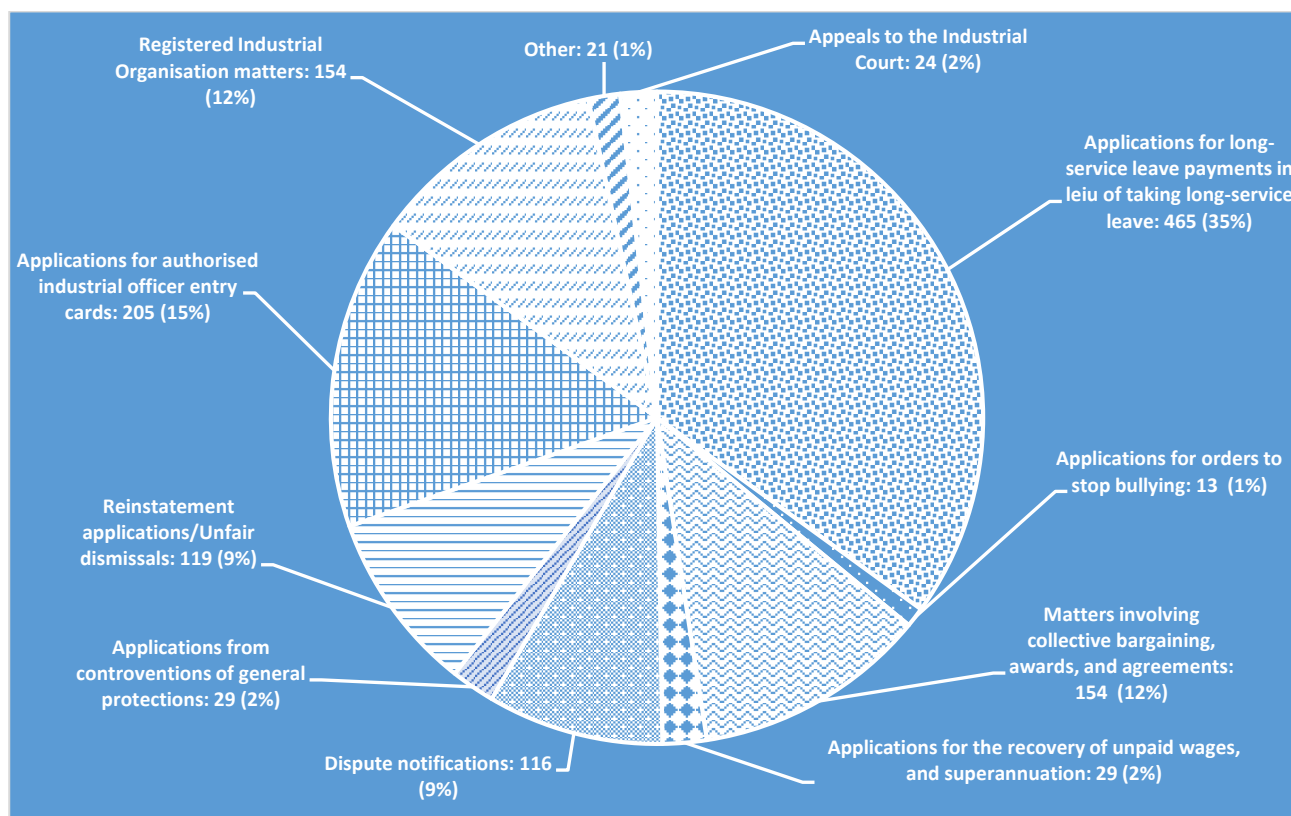
**Figure 3: Year-on-year application/matter filings compared to members**



See **Figures 4** and **5** below for a comparison of the numbers and types of matters filed during the reporting year.

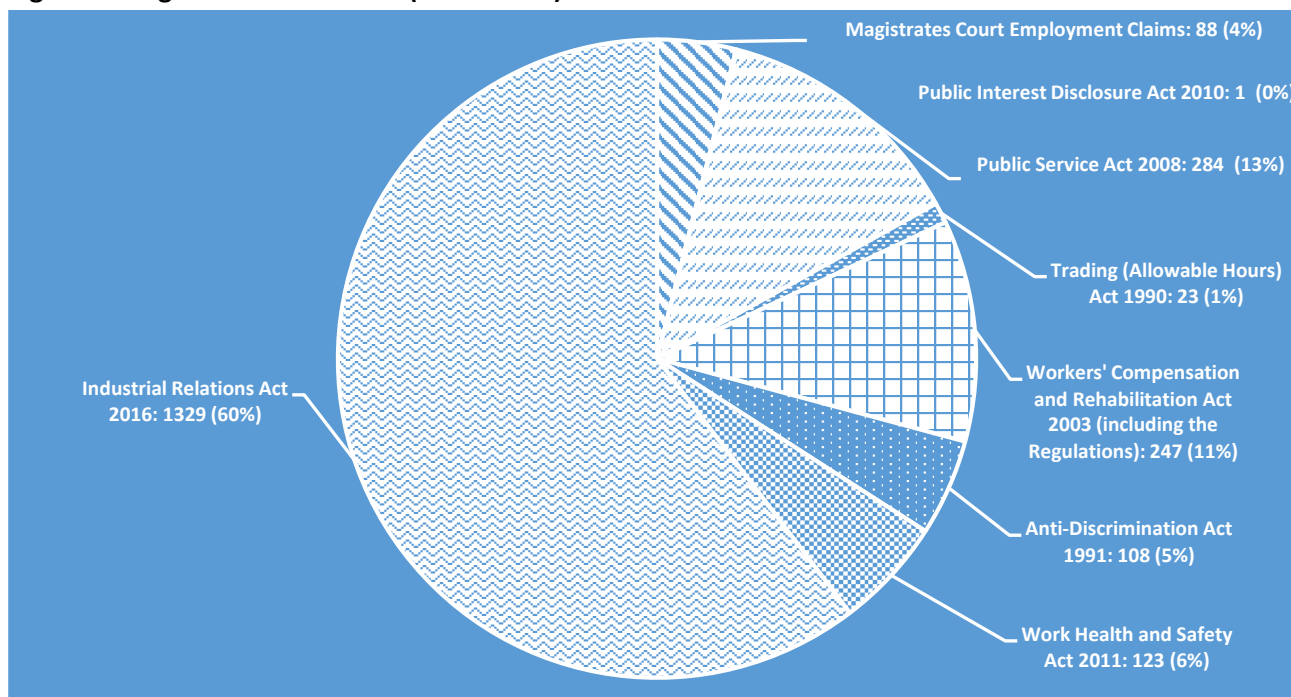


**Figure 4: Industrial Relations Act 2016 filing breakdown (Total: 1329)**



The origins of all filings for the 2017/18 period can be seen below in **Figure 5: Origins of matters filed (Total: 2203)**.

**Figure 5: Origins of matters filed (Total: 2203)**



For further information about the volume and types of filings see Tables 1 and 4 at the end of this report.

## 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 Registry. The importance of the Registry's digital services is underscored by the 189,000+ visits to [qirc.qld.gov.au](http://qirc.qld.gov.au) during the course of the 2017/18 reporting year. The digital services provided by the Registry 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 research 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 Education was the accountable officer of the Industrial Registry. The Director General has delegated certain powers to the Industrial Registrar under that Act.

A comprehensive suite of corporate services is provided to the Court, Commission and Registry employees. These services are principally provided through the Deputy Industrial Registrar 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;

- Monitoring compliance with financial and accountability requirements of organisations and their officers; and
- Issuing Work Health and Safety Authorised Industrial Officer entry cards.

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

### Highlights of the 2017/18 reporting year

The 2017/18 reporting year included a number of highlights that had a significant impact on the business of the Industrial Registry:

- The commencement of the *Industrial Relations Act 2016* (the Act) towards the end of the last reporting year had significant flow-on effects for this reporting year including an increased volume of anti-discrimination complaint referrals from the Anti-discrimination Commission of Queensland (the ADCQ). The previous reporting year had 7 referrals while the current period had 104. The increase in files has had a concomitant impact on the administrative work of the registry.
- A total of 92 applications (see: Table 4) for approval to engage in industrial action were processed and approved in addition to the approval of processes made under section 235(2) since the introduction of the Act.
- The QIRC retention and disposal project was completed. This included legislative mapping, researching comparative jurisdictions for sentencing of records, drafting of content for the appraisal log and the retention and disposal schedule.
- The appointment of a new Industrial Registrar (Madonna Shelley) and Deputy Industrial Registrar (Bianca Paris)
- The implementation of a number of large scale initiatives which are scheduled for completion in the first half of the next reporting year. Those initiatives are:
  - The total redevelopment of the Commission's website ([qirc.qld.gov.au](http://qirc.qld.gov.au)), including:
    - Interface upgrade
    - Historical document and decision database redistribution
    - Greater interaction with the Supreme Court Library of Queensland website for the publication of decisions
    - The rationalisation of website content to improve accessibility and comprehension

- A complete redevelopment of the forms to improve interactivity and clarity of requirements
- The development of a number of guides for self-represented parties for high-frequency matter types
- The review and update of existing practice notes
- Implementing the review of the *Industrial Relations (Tribunals) Rules 2011*
- A review of the standard directions orders issued by the Registry
- The continued IT transition of the Commission from DJAG to the OIR and Education
- Review of case flow management processes

## Amendments to Legislation

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

### ***Industrial Relations Act 2016***

The *Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Act 2017* amended the *Industrial Relations Act 2016* in relation to appeals under the *Workers' Compensation and Rehabilitation Act 2003*, chapter 13, part 3, including a new transitional provision at chapter 18, part 3 (section 1086) to provide for appeals started but not decided before the commencement of the *Industrial Relations Act 2016*, and amending section 566 to provide that the section does not apply to an appeal under the *Workers' Compensation and Rehabilitation Act 2003*, chapter 13, part 3.

The transitional regulation making power at section 1085 expired on 1 March 2018, one year after commencement of the *Industrial Relations Act 2016*.

### ***Industrial Relations Regulation 2017***

The *Industrial Relations Regulation 2018* came into effect from 1 March 2018 and replaced the *Industrial Relations Regulation 2011*. The *Industrial Relations Regulation 2018* gives full effect to certain provisions in the *Industrial Relations Act 2016* as various sections of the IR Act permit certain content or additional direction to be prescribed by regulation.

### ***Industrial Relations (Tribunals) Rules 2017***

Consequential amendments arising from the introduction of the new *Industrial Relations Regulation 2018*, generally changing section number references to relate to the new Regulation.

### ***Work Health and Safety Act 2011***

Amendments to Schedule 2A Reviewable decisions of the *Work Health and Safety Act 2011* have transferred the jurisdiction for reviewable decisions on a number of matters from QCAT to the QIRC.

### ***Trading (Allowable Hours) Act 1990***

Amendments were made to the *Trading (Allowable Hours) Act 1990* during the reporting year. Prior to these amendments special exhibitions such as annual caravan, camping, boating shows and one off launches of new model cars and campervans required approval of the QIRC to trade outside the permitted trading hours under the Act and relevant trading hours orders.

Section 22 of the former Act '*Approval of special exhibitions*' gave the QIRC power to allow the holding of special exhibitions of goods, and impose conditions on the holding of the exhibition. The amendments introduced by the Government in 2017 changed the classification of these exhibitions to exempt shop status

under Schedule 1AA of the *Trading (Allowable Hours) Act* 1990. This change removes the requirements for applications that were previously made under section 22.

Amendments to the *Trading (Allowable Hours) Act* 1990 which took effect from 31 August 2017 also include a moratorium period on any applications to further extend trading hours for non-exempt shops, outside the core hours as prescribed by the Act. Section 59 of this Act prescribes a moratorium on trading hours' orders and restrictions on making applications. This change removes any applications for extended trading hours for non-exempt shops for a period of 5 years as from 31 August 2017.

## Tables

**Table 1: Matters filed in the Court 2016/17 and 2017/18**

Type of Matter	2016/17	2017/18
<b>Appeals filed under the <i>Industrial Relations Act 1999</i></b>		
Appeals to the Court	<b>15</b>	
— Magistrate's decisions s 341, s 561WC	4	N/A
— Commission's decisions s 341, s 561WC	11	N/A
Application for leave to appeal to Full Bench s342(2)	2	N/A
Extension of Time s 346, s 561WC	0	N/A
Stay order s 347, s 174ES, s 151WHS, s 154WHS, s 178CM	1	N/A
Application for orders – other		
<b>Appeals filed under the <i>Industrial Relations Act 2016</i></b>		
Appeals to the Court	<b>4</b>	<b>24</b>
— Magistrate's decisions s 556	1	4
— Commission's decisions s 557(1), s561WC	1	20
— Registrar's decision s560(1)	2	0
<b>TOTAL</b>	<b>22</b>	<b>24</b>

**Table 2: Number of matters filed in the Court 1995/96 - 2017/18**

1995/96	89	2002/03	100	2009/10	71	2016/2017	22
1996/97	81	2003/04	104	2010/11	63	2017/2018	24
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 2016/17 and 2017/18**

Appeals Filed	2016/17	2017/18
<b>Appeals from decisions of Industrial Commission</b>		
IRA 1999 s 341(1), IRA 2016 s 557(1)	5	6
Work Comp Act s 561	7	14
<b>Appeals from decisions of Industrial Magistrate</b>		
IRA 1999 s 341(2), IRA 2016 s 556	4	4
WH&S Act s 164	0	0
ES Act s 186	0	0
Work Comp Act s 561	1	0
<b>Appeals from decision of industrial registrar</b>		
IRA 2016 s 560(1)	2	0
<b>Appeals from Directives and Review Decisions of Chief Inspector</b>		
CM Act s 243	0	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>19</b>	<b>24</b>

**Table 4: Matters filed (other than in the Court) 2016/17 and 2017/18**

Section	Type of Application/Matter	2016/17	2017/18
<b>Matters filed under the <i>Industrial Relations Act 1999</i></b>			
s 53	Long Service Leave - payment in lieu of	179	N/A
s 74	Application for Reinstatement (Unfair dismissal)	80	N/A
s 74(2)B	Extension of time	0	N/A
s 117	Prohibited conduct - breach	0	N/A
s 125	Amend an award	1	N/A
s 140CC	Procedure for carrying out modernisation process	0	N/A
s 140CE1	Making of Modern Awards (MAP's)	0	N/A
s 140G	Powers may be exercised to achieve modern award	11	N/A
s 140GA	Application to vary, revoke or make modern award	1	N/A
s 140GC	Application to remove ambiguity or uncertainty or to correct error	1	N/A
s 156	Certified Agreements: - Approval of new CA - Replacing existing CA	0 0	N/A N/A N/A
s 175, s177	Notice of industrial action	0	N/A
s 229	Notification of dispute	76	N/A
s 231	Mediation by Commission	0	N/A
s 232E	Reinstatement of Injured Worker	0	N/A
s 274G	General powers	0	N/A
s 274A	Power to make declarations	3	N/A
s 274D	Directions	0	N/A
s 274DA	Dismissal of Application	0	N/A
s 277	Power to grant injunctions	3	N/A
s 278	Claim for unpaid wages/superannuation/pro rata LSL	10	N/A
s 280	Re-open a proceeding	1	N/A
s 287, s 288	General ruling	0	N/A
s 319	Requested representation	0	N/A
s 320	Application to be heard or to intervene	0	N/A
s 326	Interlocutory orders	0	N/A
s 331	Application to dismiss application	0	N/A
s 335, r117	Costs	0	N/A
s 342(1)	Appeal to full bench against decision of the Commission	0	N/A
s 342(2)	Leave to appeal to a full bench	0	N/A
s 364	Authorisation of industrial officers	73	N/A
IRA Act 1999 s 409-657	Industrial Organisation matters (Table 5)	102	N/A
IRA Act 2016 s 666-802			N/A
r 64E	Objection to production	0	N/A
r 64G	Industrial tribunal's decision about objection	0	N/A
r 220	Request for statistical information (Table 7)	41	N/A
IR Act, SCH 4, PT 2	Protected action ballot orders	0	N/A
IR Act	Request for recovery conference	5	N/A



Section	Type of Application/Matter	2016/17	2017/18
<b>Matters filed under the <i>Industrial Relations Act 2016</i></b>			
s 110	Long Service Leave – payment in lieu of	96	465
s 147(1b)	Application to vary a modern award	11	3
s149(1)	Variation correction of minor errors	2	0
s 169(2)(b)	Notice of intention to bargain	0	1
s 175(1b)	Request to help in negotiations for bargaining	2	6
s 184(1)	Application for scope order	5	2
s 189(1)	Application for certification of agreement	7	25
s 228(1)	Application for termination after expiry date	6	24
s 235(1)	Application for approval to engage in industrial action	15	92
s 241(1)	Suspension of industrial action (life, property, health or welfare)	0	1
s 261	Notice of industrial dispute	32	116
s 273	Application for a commission order to stop bullying	2	13
s 309(2)	Application to deal with a dispute	5	29
s 317(1)	Application for reinstatement(unfair dismissal)	45	119
s 337	Authorisation of industrial officers	56	205
s 451	General powers of the commission	0	1
s 458/462	General ruling and statement of policy	2	2
s 463(1)	Application for declaration	1	10
s 470(2)	Dispute resolution functions under referral agreement	0	1
s 473(1)	Application for injunction	1	0
s 475(1)	Recovery of pro rata long service leave	9	23
s 475(1a)	Recovery of unpaid wages	4	6
s 479	Application for rights to represent	0	1
s 484(1)	Application to re-open proceedings	1	0
IRA Act 2016 s 666-802	Industrial Organisation matters (Table 5)		154
IR Act	Request for recovery conference	5	6
<b>Applications to Commission under other Acts</b>			
Mags Courts Act s 42B	Employment claim	88	88
PID Act s 48	Application for an injunction about a reprisal	2	1
PS Act s 194(1A)	Appeal against a decision under a directive	9	4
PS Act s 194(1B)	Appeal against a disciplinary decision	35	36
PS Act s 194 (1C)	Appeal against a promotion decision	18	16
PS Act s 194 (1D)	Appeal against a transfer decision	3	8
PS Act s 194 (1E)	Appeal against a temporary employment decision	1	176
PS Act s 194 (1F)	Appeal against a decision under another Act	1	2
PS Act s 194 (ea)	Appeal against a casual employment decision	0	19
PS Act s 194 (eb)	Appeal against a fair treatment decision	6	23
T(AH) Act s 5(2)	Application for declaration about trading hours	0	2
T(AH) Act	Trading hours order	7	15
T(AH) Act	Special exhibits	6	6
FET Act s 168(1A)	Apprentice/trainee appeals	1	0
WC Act s232E	Reinstatement of injured worker	2	0

Section	Type of Application/Matter	2016/17	2017/18
WC Act s 549	Application to be a party to appeal	0	2
WC Act s 550(4)	Appeal against decision of Workers' Compensation Regulator	255	243
WC Act s 555	Application for Adjournment	0	0
WC Act s 556	Order for medical examination	0	0
RG113WC	Costs	0	2
WH&S Act s 65	Disqualification of health and safety representative	0	0
WH&S Act s 131	WHS entry permit	165	114
WH&S Act s 138	Application to revoke WHS entry permit	0	0
WH&S Act s 142	Dispute about right of entry	2	2
WH&S Act s 229B	Application for review	0	7
<b>New Jurisdiction under other Acts from 1 March 2017</b>			
AD Act s 113	Application for exemption from certain provisions	2	4
AD Act s 155(4)	Referral of matter for offences against the Act	2	0
AD Act s 144(1)	Application for orders protecting complainant's interests	0	2
AD Act s 164A(2)	Referral of complaint not resolved	3	39
AD Act s166(1)	Referral of complaint unconciliated	2	63
<b>TOTAL APPLICATIONS/MATTERS</b>		<b>1,499</b>	<b>2,179</b>

**Table 5: Industrial organisation matters filed 2017/18**

<b>Industrial Organisation Matters</b>		
<b>Matters filed under the <i>Industrial Relations Act 2016</i></b>		
s 655	Registrar amendment of rules	3
s 662	Rule amendment – eligibility	2
s 666	Amendment to rules - other than eligibility	9
s 669	Prescribed election information	47
s 735	Annual obligation to file officers register	40
s 736	Obligation to file officers register on change of office	21
s 741(4)	Exemption financial management training	8
s 784	General purpose financial reporting	5
s 786	Exemption from Ch12 Part 11 of particular reporting units	6
s 802	Election exemption – counterpart federal body	10
s 808	Exemption accounting or audit obligations	2
s 835	Orders about effects of invalidity	1
<b>TOTAL</b>		<b>154</b>

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

Industrial Organisation	Members As at 30/06/17	Members As at 30/06/18
Australasian Meat Industry Union of Employees (Queensland Branch)	5112	7,069
Australian Federated Union of Locomotive Employees, Queensland Union of Employees	Deregistered upon amalgamation 1/5/17	N/A

<b>Industrial Organisation</b>	<b>Members As at 30/06/17</b>	<b>Members As at 30/06/18</b>
Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District	464	479
Australian Maritime Officers Union Queensland Union of Employees	17	16
Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch	6,261	6,372
Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees	2,376	2,362
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland	13,508	13,148
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	23,949	22,585
Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees	4,466	4,238
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees	3,482	3,446
Queensland Fire and Rescue – Senior Officers Union of Employees	115	116
Queensland Independent Education Union of Employees	16,898	16,667
Queensland Nurses' Union of Employees	57,923	59,580
Queensland Police Union of Employees	11,532	11,584
Queensland Services, Industrial Union of Employees	11,896	11,896
Queensland Teachers Union of Employees	44,410	45,405
Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees	31,002	29,833
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees	2,053	3,533
The Australian Workers' Union of Employees, Queensland	34,941	24,253
The Bacon Factories' Union of Employees, Queensland	607	581
The Electrical Trades Union of Employees Queensland	12,179	15,076
The Queensland Police Commissioned Officers' Union of Employees	309	318
The Seamen's Union of Australasia, Queensland Branch, Union of Employees	765	1,822
Together Queensland, Industrial Union of Employees	26,761	27,340
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)	9,247	8,868
United Firefighters' Union of Australia, Union of Employees, Queensland	2,472	2,430
United Voice, Industrial Union of Employees, Queensland	27,234	29,599
<b>Total Membership</b>	<b>349,979</b>	<b>348,616</b>
<b>Number Employee Organisations</b>	<b>26</b>	<b>26</b>

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

<b>Industrial Organisation</b>	<b>Members As at 30/06/17</b>	<b>Members As at 30/06/18</b>
Agforce Queensland Industrial Union of Employers	4,958	4,498
Australian Dental Association (Queensland Branch) Union of Employers	896	878
Local Government Association of Queensland Ltd	77	77
Master Electricians Association, Queensland Industrial Organisation of Employers - formerly Electrical and Communications Association, Queensland Industrial Organisation of Employers	1,813	1,826
Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers	283	366
Master Plumbers' Association of Queensland (Union of Employers)	1,109	1,109

<b>Industrial Organisation</b>	<b>Members As at 30/06/17</b>	<b>Members As at 30/06/18</b>
Motor Trades Association of Queensland Industrial Organisation of Employers	Deregistered 6/12/16	N/A
National Retail Association Limited, Union of Employers	5,241	5,610
Queensland Cane Growers' Association Union of Employers	17	17
Queensland Chamber of Commerce and Industry Limited ACN 009 662 060	3,469	3,718
Queensland Hotels Association, Union of Employers	859	783
Queensland Master Builders Association, Industrial Organisation of Employers	6,934	8,480
The Baking Industry Association of Queensland - Union of Employers	106	77
The Registered and Licensed Clubs Association of Queensland, Union of Employers	429	423
UNITAB Agents Association, Union of Employers Queensland	64	57
<b>Total Membership</b>	<b>26,255</b>	<b>27,919</b>
<b>Number of Employer Organisations</b>	<b>14</b>	<b>14</b>