

2019 – 2020 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

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Acknowledgements

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

The Honourable Grace Grace MP
Minister for Education,
Minister for Industrial Relations
PO Box 15033
CITY EAST QLD 4002

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 2020. 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'.

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

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President's Report

The strikes and lockouts which occurred in the Colony of Queensland in the twenty years before Federation led to a change by governments as to how to regulate, by law, the relations between employers and employees. Sir Samuel Griffith, the then Premier of Queensland, in a political manifesto published in 1888 said:

The relations between labour and capital constitute one of the great difficulties of the day. I look to the recognition of this principle, that a share of the profits of productive labour belongs of right to the labourer, as of the greatest importance in the future adjustment of their relations. The experiment of giving to workmen a personal interest in the success of the industrial undertakings in which they are engaged, has already been tried in a few cases by individual employers, and has resulted in conspicuous advantage to all parties.

The lineage of the Court and Commission can be traced back to the changes made by governments around the turn of the 19th century and, in particular, the *Industrial Arbitration Act* 1916 and the establishment of the Industrial Court under the Presidency of The Honourable Mr Justice T W McCawley. History has demonstrated the capacity of the system for the regulation of workplace relations to evolve and change. Nothing more clearly illustrates that point than the changes brought about by the passing of the *Workplace Relations Amendment (Work Choices) Act* 2005. It changed forever the industrial landscape in Queensland. The jurisdiction left under the *Industrial Relations Act* 1999 mostly concerned industrial relations for the public sector, local government and other State responsibilities. The whole of the private sector became subject to the national system.

The breadth and depth of the jurisdiction of the Court and Commission has expanded dramatically since its inception in 1917. No longer is this Court or Commission a purely 'Industrial' tribunal. Today, Members of the Commission exercise powers and functions under many pieces of legislation including the *Industrial Relations Act* 2016, the *Workers' Compensation and Rehabilitation Act* 2003, the *Public Service Act* 2008, the *Anti-Discrimination Act* 1991, the *Further Education and Training Act* 2014, the *Magistrates Courts Act* 1921, *Work Health and Safety Act* 2011 and the *Trading (Allowable Hours) Act* 1990. As this report illustrates, the number of matters filed in the Industrial Registry continues to grow. Those matters which ultimately are unable to be conciliated and proceed to hearing are often complex and challenging both factually and legally.

Like many Courts and Tribunals throughout the country, the COVID-19 pandemic has affected the ability of the Court and the Commission to perform their functions. However, it is pleasing to note that the Court and Commission has continued to perform all of its services and discharge all of its functions without significant interruption. Where possible, hearings, conciliations and conferences have been managed and conducted remotely using telephone or videoconference facilities. The Industrial Registry proactively manages listings to confirm that the hearing, conciliation or conference is proceeding on the listed date. The type of technology used for each matter is determined having regard to the characteristics of the matter being heard, such as complexity and number of parties involved. Electronic filing has been extensively used and some of the requirements under the *Industrial Relations (Tribunal) Rules* 2011 have been varied, as required. Where possible, appropriate matters have been dealt with 'on the papers'. Notwithstanding the significant disruption brought about by the pandemic, the Court and Commission has effectively managed its listings and has, as a result, not incurred a backlog.

The Commission continues to serve regional Queensland by conducting hearings in: Ayr, Bundaberg, Burdekin, Cairns, Caloundra, Gladstone, Goondiwindi, Hervey Bay, Mackay, Mt Isa, Maroochydore, Rockhampton, Toowoomba, and Townsville. Restrictions associated with the COVID-19 pandemic may present challenges for the Commission in its capacity to serve rural and regional areas of the State. However, every effort will be made to ensure that there is no diminution in the Commission's ability to provide services outside of Brisbane.

Projects completed during the year under review include the project to modernise and enhance our digital case management system (CMS); the website; team building in the Industrial Registry; the redefining of roles and responsibilities in the Industrial Registry to reflect best practice; and professional development of our staff to enhance their skills and resilience.

The much-anticipated refurbishment and reconstruction of levels 21 and 22 of 66 Eagle Street concluded in early 2020. The project addresses long-standing concerns including:

- inadequate, non-compliant and unsuitable accommodation on Level 13;
- the co-location of all Members of the Commission onto Level 21;
- improved security through the provision of clear separation of public, operational and member areas;
- enhanced flexible courtroom layouts, technology and equal access facilities;
- natural light, improved acoustics, and updated functionality of furnishings;
- construction of a multi-purpose courtroom;
- incorporation of collaborative spaces and advocate rooms; and
- construction of four conference rooms with secure internal access.

I would like to thank the Office of Industrial Relations Project Manager, Ms Myra Cusack, for her efforts in managing the day-to-day aspects of the project. The completion of the project has provided all Court and Commission users with enhanced facilities and has permitted the Commission to better discharge its responsibilities particularly in respect of rural and regional Queensland through the use of improved audio-visual technology.

During the preceding year we farewelled long-serving and valued Members of the Commission, Deputy President Swan, Deputy President Bloomfield and Industrial Commissioner Fisher. Unlike Deputy President Swan, Deputy President Bloomfield and Industrial Commissioner Fisher elected not to have a formal farewell. As such, we did not have an opportunity to publicly acknowledge them. This report gives the Commission that opportunity.

Adrian Bloomfield was appointed a Commissioner on 15 March 1993. Before his appointment he was the Director, Queensland Branch of Metal Trades Industry Association of Australia (now Australian Industry Group). On 3 February 2003 he was appointed a Deputy President of the Commission, a role he held until his retirement on 25 December 2019. Deputy President Bloomfield was the Chairperson of the Local Government Remuneration and Discipline Tribunal (and its predecessor). He served at various times as the Administrator of the Commission and is particularly recognised for his work as head of the Award Modernisation Project. He was a regular presenter at various professional development seminars and Conferences. Deputy President Bloomfield is a Life Member and current Patron of the Industrial Relations

Society of Queensland (IRSQ). We acknowledge his long service to the Commission and wish him well in his retirement.

When appointed in February 1990, Industrial Commissioner Fisher was the first woman and the youngest person to be appointed to the Commission. Industrial Commissioner Fisher's service to Industrial Relations was recognised in December 2016 when she was awarded Life Membership of the IRSQ. During her tenure, Industrial Commissioner Fisher undertook two pay equity inquiries resulting in reports to the Queensland Government and subsequent legislative change. Notably, she presided over three significant pay equity cases in the Commission. In the discharge of her responsibilities, Industrial Commissioner Fisher drew, not only on her legal expertise, but also her former experience as Chief Industrial Officer with the Professional Officers' Association. She added much to the jurisprudence in this jurisdiction and is acknowledged accordingly.

At a ceremonial sitting of the Commission on 9 July 2019, Industrial Commissioners John Dwyer, Catherine Hartigan, Jacqueline Power and Roslyn McLennan took their oaths of office and allegiance. We warmly welcome them. Each of the new Commissioners bring with them a wealth of knowledge and skills in the areas of employment, work health and safety and industrial relations law.

This is my last report as President of the Court and Commission. I have very much enjoyed my time as President. My tenure as President has reinforced in my mind the need for a strong and independent Court and Commission; one whose processes are clear and transparent; one which provides all participants with a fair hearing according to law; and does so in a timely and efficient manner. By doing this, the Court and Commission can maintain the trust and confidence of all Queenslanders.

On 7 May 2020, the Minister for Industrial Relations, The Honourable Grace Grace, MP announced that the Governor-in-Council had approved the appointment of The Honourable Justice Peter Davis as the new President of the Court and the Commission from 11 July 2020. Justice Davis is no stranger to this jurisdiction. I congratulate Justice Davis on his appointment and wish him well.

It would be remiss of me not to acknowledge the consultative and cooperative approach, which the Minister has taken, not just with appointments to the Commission, but also more generally, with the administration of the Court and the Commission. It is vitally important for the proper discharge of the responsibilities of the Court and Commission that a strong, effective and appropriate working relationship exist between the Minister and the President.

I take this opportunity to extend my thanks to Members of the Commission, who continue to undertake their work with diligence, impartiality and integrity. The work of the Court or Commission could not be efficiently and effectively discharged without the ongoing support and assistance of all Commission staff. In particular, I thank Industrial Registrar, Madonna Shelley and Deputy Registrar, Bianca Paris for their leadership and ongoing commitment to the work of the Court and Commission. I also acknowledge and thank the Deputy Director-General, Mr Craig Allen, 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 as an independent Tribunal in an effective and efficient way.

Finally, I wish to recognise the exceptional and unstinting support which I have received from Vice President O'Connor. He has had, for some years, the delegated responsibility for administration of the Commission and, in the execution of that role, has always applied the highest standards.

2019 – 2020 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 an Industrial Magistrate.

The year under review saw a slight decrease in the number of appeals filed. The expanded jurisdiction of the Commission in the areas of workplace discrimination and Work Health and Safety and the 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 (Justice Glenn Martin AM), the Vice President (Daniel O'Connor OAM) and the Deputy President (Court) (John Merrell).

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 ten 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. The Commission is additionally comprised of the Vice President, two Deputy Presidents, and seven 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*. On 17 December 2018, Following Deputy President O'Connor's appointment as Vice President, the President delegated his powers to Vice President O'Connor.

Current Members of the Commission are:

Member	Date sworn in
Justice Glenn Martin AM, President	2 December 2013
Daniel O'Connor OAM, Vice President	17 December 2018 (Vice President) 20 September 2014 (Deputy President (Court)) 13 November 2012 (Deputy President)
John Merrell, Deputy President (Court)	17 December 2018
John Thompson, Industrial Commissioner	28 September 2000
Gary Black, Industrial Commissioner	13 November 2012
Minna Knight, Industrial Commissioner	12 December 2012
Samantha Pidgeon, Industrial Commissioner	17 December 2018
John Dwyer, Industrial Commissioner	9 July 2019
Catherine Hartigan, Industrial Commissioner	9 July 2019
Jacqueline Power, Industrial Commissioner	9 July 2019
Roslyn McLennan, Industrial Commissioner	9 July 2019

Deputy President Adrian Bloomfield retired from the Commission on 25 December 2019.

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 7.5% of the total matters filed in this reporting period, they require a large amount of administrative duties and result in a hearing more often than any other individual type of matter.

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

Anti-Discrimination referrals and applications

During the 2019/2020 reporting year there were 125 matters referred to the Commission by the Queensland Human Rights Commission, including six applications for orders protecting complainant's interests, and four applications for exemptions from the *Anti-Discrimination Act 1991* for work related matters.

Certified Agreements

The following agreements were certified by the Commission in the 2019/2020 reporting year:

Public service agreements:

- *Department of Education Certified Agreement 2019*
- *Department of Education State School Teachers' Certified Agreement 2019*
- *Maritime Safety Queensland Maritime Operations Certified Agreement 2018*
- *Office of Information Commissioner Certified Agreement 2018*
- *QFleet Certified Agreement 2018*
- *Queensland Fire and Emergency Service Certified Agreement 2019*
- *Queensland Police Service Certified Agreement 2019*
- *Stadiums Queensland Staff Certified Agreement 2019*
- *State Government Entities Certified Agreement 2019*
- *TAFE Queensland Educators Certified Agreement 2019*
- *Tourism and Events Queensland Certified Agreement 2019*

Local government agreements:

- *Boulia Shire Council Certified Agreement 2019*
- *Cairns Regional Council Certified Agreement 2019*
- *Cassowary Coast Regional Council Certified Agreement 2019*
- *Charters Towers Regional Council Union Collective Certified Agreement 2019*
- *City of Gold Coast Certified Agreement 2019*
- *City Parklands Services Certified Agreement 2020*

- *Goondiwindi Regional Council Certified Agreement 2019-2021 INDOOR*
- *Goondiwindi Regional Council Certified Agreement 2019-2021 OUTDOOR*
- *Livingstone Shire Council Officers Certified Agreement 2019*
- *Livingstone Shire Council Operational Certified Agreement 2019*
- *Maranoa Regional Council Certified Agreement 2019*
- *Moreton Bay Regional Council Certified Agreement 2019 EBA4*
- *Northern Peninsula Area Regional Council Certified Agreement 2019*
- *Redland City Council Employees' Certified Agreement 2019*
- *Rockhampton Regional Council Certified Agreement 2018 - Internal Employees*
- *Rockhampton Regional Council Child Care Employees Certified Agreement 2018*
- *Rockhampton Regional Council Treatment Plant Operators Certified Agreement 2018*
- *Rockhampton Regional Council Waste and Recycling Certified Agreement 2018*
- *Southern Downs Regional Council Determination 2019 - Stream A Employees*
- *Torres Shire Council Certified Agreement 2019*
- *Townsville City Council (Field and Other Employees) Certified Agreement 2019*
- *Townsville City Council (Queensland Local Government Officers) Certified Agreement 2019*
- *Townsville City Council (Trade Employees) Certified Agreement 2019*
- *Western Downs Regional Council Non-Operational Staff Certified Agreement - 2020*
- *Winton Shire Council Certified Agreement 2019*

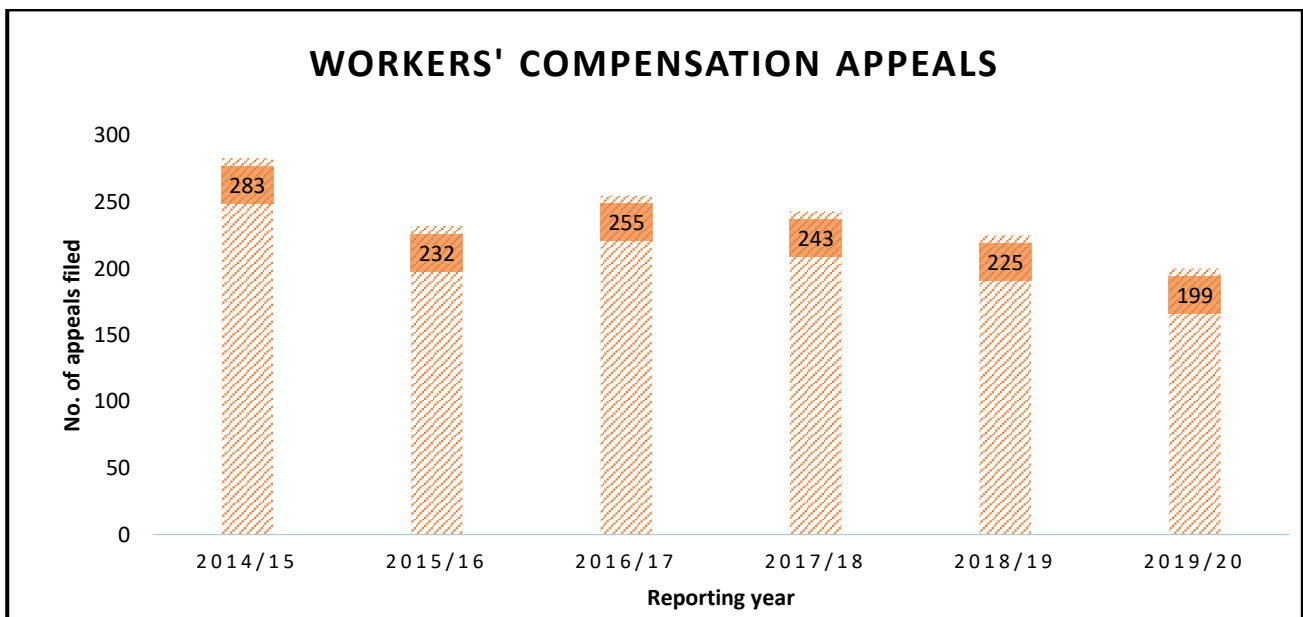
Each of these agreements replaced a corresponding agreement/s or determination which was terminated at the same time as the new agreement's certification.

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 2019/2020 reporting year, 199 appeals against decisions of the Workers' Compensation Regulator were filed. This represents a slight decrease from the previous reporting year's 225 appeals including the previous five-year period. See **Figure 1** below.

Figure 1: Workers' Compensation Appeals

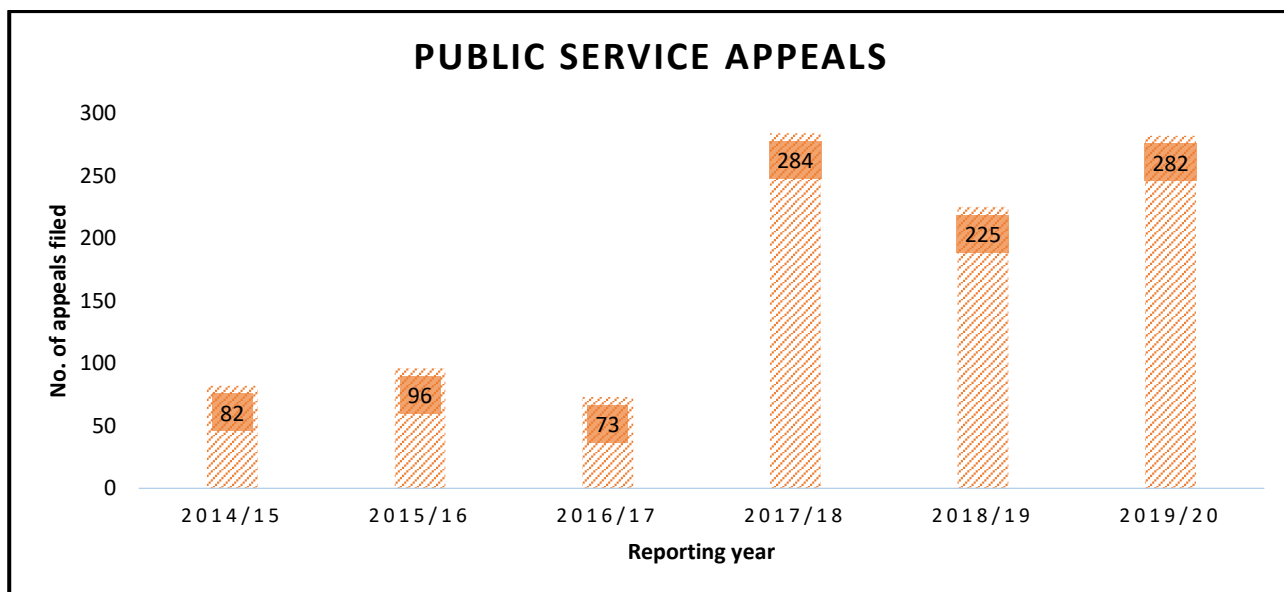


Public Service Appeals

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 282 public service appeals were lodged under s 194 of the *Public Service Act 2008*. There were 225 appeals filed in the 2018/19 reporting year.

The increase in the number of public service appeals filed is mostly explained by an increase in the number of appeals arising from the temporary to permanent conversion scheme introduced by Directive 08/17 *Temporary Employment*. See **Figure 2** below, and **Table 4** for a comprehensive breakdown of the filings.

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.

Regional Sitzings

The Commission hears matters in locations throughout Queensland. There was a decrease in the number of matters heard in regional centres as a result of the COVID-19 travel restrictions. The Commission in the reporting year heard matters in:

- Cairns
- Caloundra
- Charters Towers
- Bundaberg
- 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 2019/2020 reporting year.

Industrial Commissioner Knight presented a paper " The Future of Work" to the National Local Government Workforce Summit 2019. The context of the paper was the emergence of gig workers, the automation of work and existing workplace regulation in so far as it relates to or has kept up with those issues.

Members of the Commission received a delegation from the Shanghai Municipal Trade Union Council. The formal program of activities included a presentation about the history, purpose and function of the Commission by Industrial Commissioners Pidgeon and McLennan, together with Associate Mr Bernard Dwyer. The presentation sparked a lively exchange about the types of issues that come to the Commission and the ways such disputes are heard and resolved. Delegation members relished the opportunity to observe Deputy President Merrell decide an application for a certified agreement and meeting parties' advocates.

To enhance the educational benefit of this external engagement activity to Delegation members, publicly available resources from the Commission's website were translated into Chinese. This work contributes to an Industrial Registry project underway to expand the suite of available materials in languages other than English, to assist litigants from non-English speaking backgrounds better access the Commission's services.

Meetings of the Industrial Jurisdiction User Group, the Workers' Compensation User Group and Anti-Discrimination Commission were convened by the President to discuss changes to processes and any issues arising from the Commission's operation.

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 and Conference Allowance for a conference or educational purpose is approved by the President. Drawings on allowances are administered by the Industrial Registry.

During the 2019/20 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 below.

Member utilisation of judicial allowance, or conference and education allowance

Member	Activity	Location	Dates
Vice President O'Connor	Bar Association of Queensland - Employment and Industrial Relations Conference 2019	Gold Coast	24/08/19 to 25/08/19
	British Legal History conference 2019 - University of St. Andrews, Scotland	Fife, Scotland	10/07/19 to 13/07/19
Commissioner Black	Bar Association of Queensland - Employment and Industrial Relations Conference 2019	Gold Coast	24/08/19 to 25/08/19
	Human Capital Institute - Learning and Leadership Development 2019 conference	Boston, MA	10/09/19 to 12/09/19
Commissioner Knight	Bar Association of Queensland - Employment and Industrial Relations Conference 2019	Gold Coast	24/08/19 to 25/08/19
	National Judicial College of Australia - Conference - Writing Better Judgments	Sydney	10/02/20 to 12/02/20
Commissioner Pidgeon	Resolution Institute - Mediation training course	Melbourne	29/07/19 to 02/08/19
	National Judicial College of Australia - Conference - Writing Better Judgments	Sydney	10/02/20 to 12/02/20
Commissioner Dwyer	Bar Association of Queensland - Employment and Industrial Relations Conference 2019	Gold Coast	24/08/19 to 25/08/19
	National Judicial College of Australia - Conference - Writing Better Judgments	Sydney	10/02/20 to 12/02/20
Commissioner Hartigan	Bar Association of Queensland - Employment and Industrial Relations Conference 2019	Gold Coast	24/08/19 to 25/08/19
	National Judicial College of Australia - Conference - Writing Better Judgments	Sydney	10/02/20 to 12/02/20
Commissioner Power	National Judicial College of Australia - Conference - Writing Better Judgments	Sydney	10/02/20 to 12/02/20
Commissioner McLennan	Bar Association of Queensland - Employment and Industrial Relations Conference 2019	Gold Coast	24/08/19 to 25/08/19
	National Judicial College of Australia - Conference - Writing Better Judgments	Sydney	10/02/20 to 12/02/20

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 four units: Client Services, Information Services, Corporate Services, and Registered Industrial Organisations. The Registry workforce comprises a total of 15.8 FTE positions including the Industrial Registrar.

Client Services

Client Services is managed by the Client Service Manager and the Client Service staff provide support to Members and their Associates through:

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

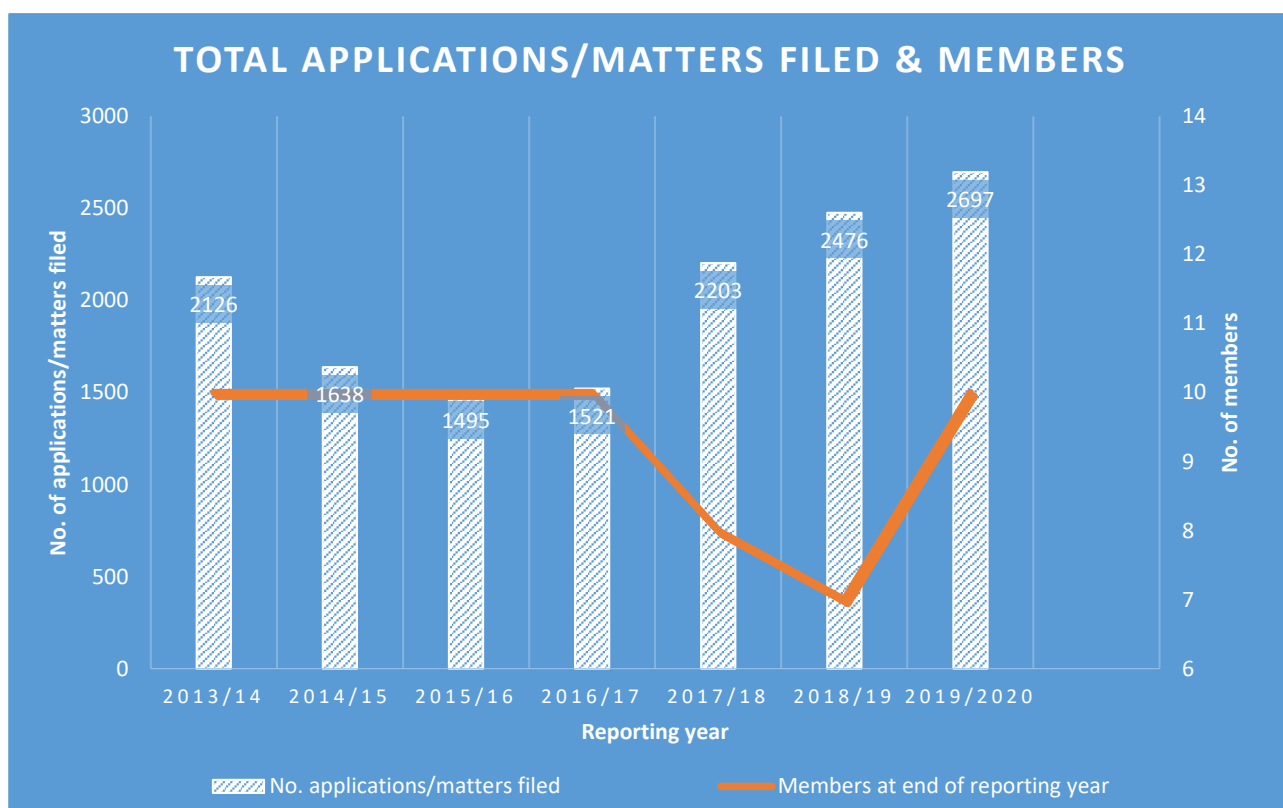
Client Service staff also assist all users of the Court and Commission through:

- Responding to public enquiries through:
 - a telephone advisory service for parties and practitioners who require information on practices and procedures;
 - across the counter; and
 - email.

The Registry responded to approximately 4,120 phone calls and 24,119 emails.

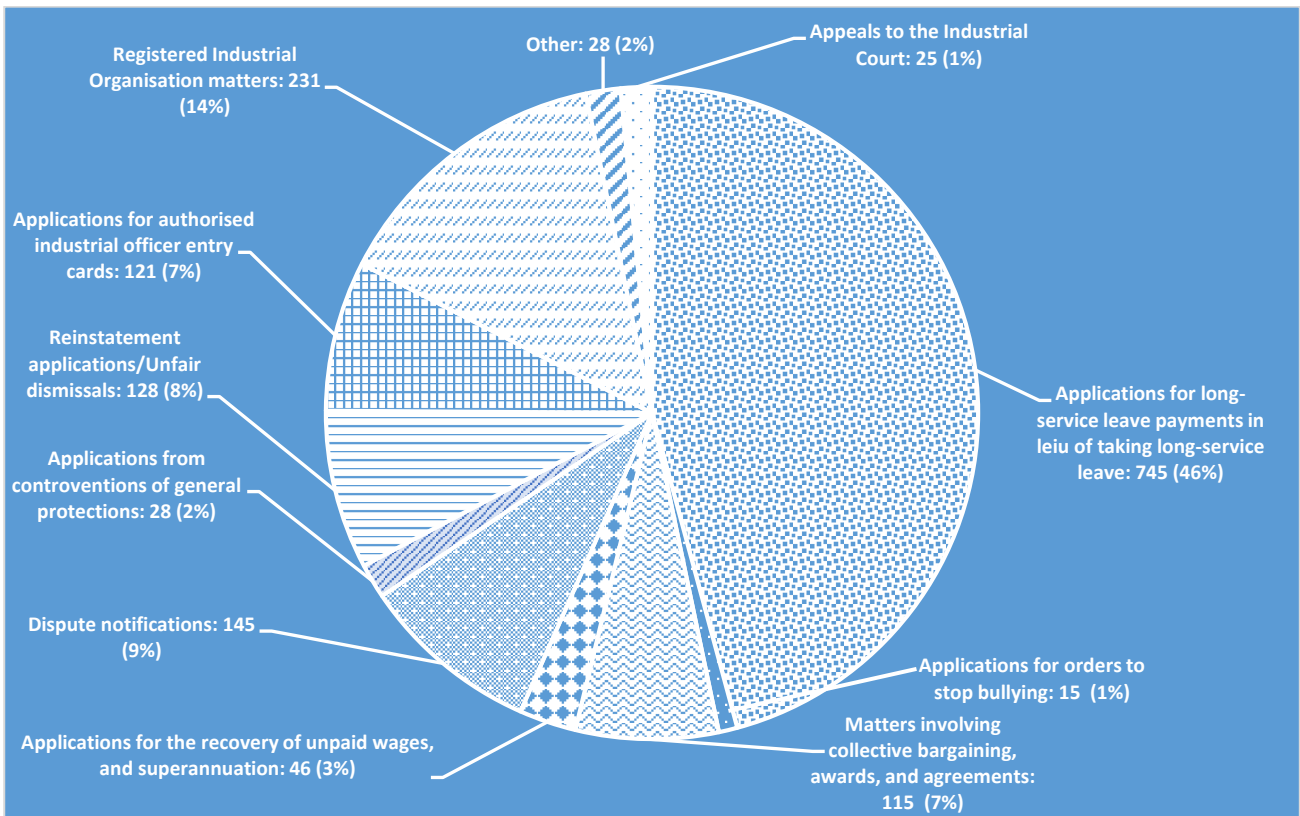
In the 2019/2020 reporting year a total of 2,697 matters were filed in the Registry. The increase can be attributed to the sustained growth of the Commission's jurisdiction and a general increase in specific types of matter - notably, Public Service Appeals, Anti-Discrimination referrals and filing of conciliation agreements, and applications for long service leave payments in lieu of taking long service leave. The increase particularly in relation to applications for long service leave payments in lieu of taking long service leave in the number of matters filed can be seen below in **Figure 3** and indicates an increase in the work of each member.

Figure 3: Year-on-year applications/matters filed compared to members



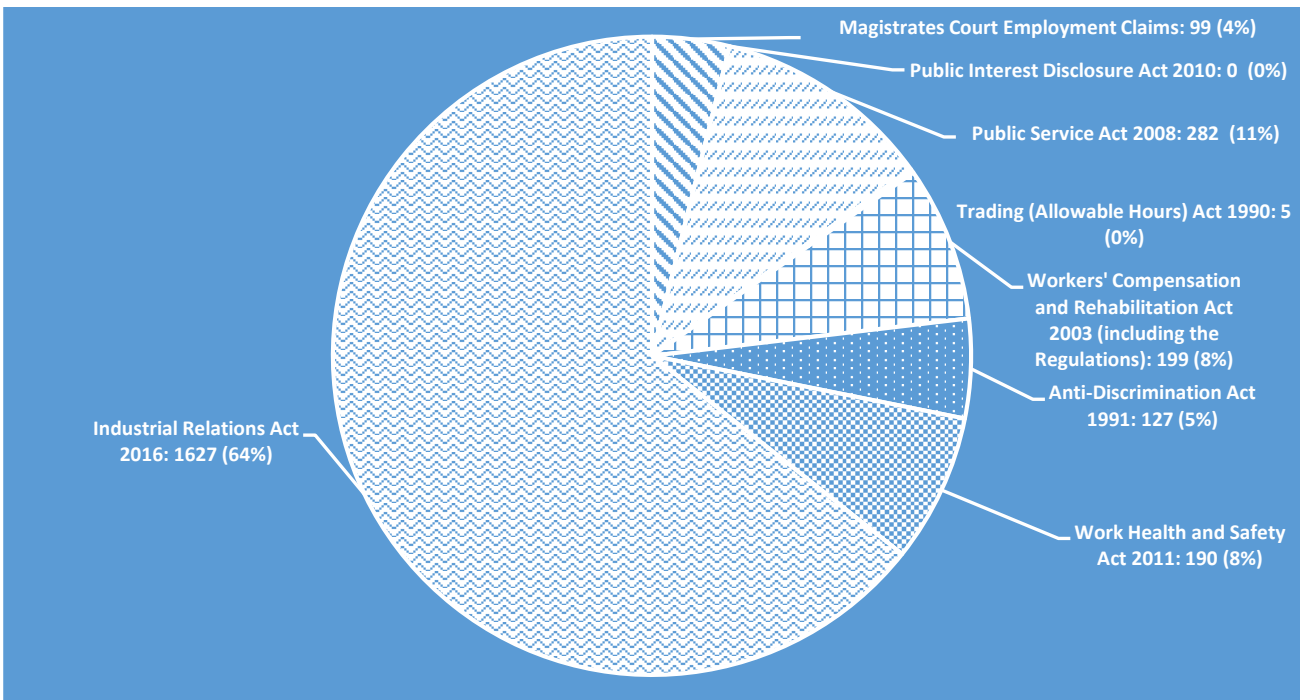
See **Figures 4** and **5** below for a comparison of the numbers and types of matters filed during the reporting year.

Figure 4: Industrial Relations Act 2016 filing breakdown (Total: 1627)



The origins of all filings for the 2019/2020 period can be seen below in **Figure 5: Origins of matters filed (Total: 2,697)**.

Figure 5: Origins of matters filed (Total: 2,531)



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

Information Services

Registry staff within the Information Services areas provide a diverse range of high-quality publication and administrative support including information and courtroom technology 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 166,000 plus users to the Commission's website (www.qirc.qld.gov.au) during the 2019/2020 reporting year. The digital services provided by the Registry include:

- posting of all relevant documentation to the Commission's website;
- managing the Commission's website to ensure content is relevant and up to date;
- managing the internal intranet site updating information and research tools required by the Commission and Registry staff; and
- managing the Court and Commission case management system including statistical reporting and courtroom technology.

Corporate Services

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.

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.

Registered Industrial Organisations

The Registrar has important functions and powers with regard to registered industrial organisations (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;
- maintaining a register of officers;
- issuing Work Health and Safety entry permit cards; and
- issuing an authority for 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 2019/2020 reporting year

The 2019/2020 reporting year included a number of highlights that impacted on the business of the Industrial Registry:

- Renovations including improved security measures, courtroom technology including video conferencing becoming available in all court and conference rooms. New court and conference rooms and chambers.
- Major Case Management System (CMS) upgrade to the new CaseHQ. This upgrade sets the foundation for future on-line lodgement and improved statistical reporting.
- Continuation of the development of a number of guides for self-represented parties for high-frequency matter types.
- Commencement of records archiving project for records ranging from 1913 to 1961 held at Queensland State Archives (QSA) and their ultimate inclusion into the QSA archival collection. The majority of records during this period include awards, disputes and conditions which possess particular significance and relevance to the community and the history of industrial relations in Queensland.

- The Registry has commenced work to expand the suite of available materials in languages other than English. This will assist litigants from non-English speaking backgrounds better access to Commission services.
- The impact of COVID-19 pandemic on the day to day running of the Registry and Commission was minimal due to the implementation of the Business Continuity Plan. The Commission and Registry continued to provide our services throughout the pandemic to our stakeholders with some minor procedural amendments. Further to that the Commission utilised both telephone and video conferencing facilities allowing for matters to continue to be progressed.
- The following agreements were varied by the Registrar as a result of the introduction of the Community Services Industry (Portable Long Service Leave) Bill 2020 on 22 June 2020, in particular, Chapter 15A Public sector response to COVID-19 emergency-maximising employment security:
 - *Department of Education Certified Agreement 2019*
 - *Department of Education Cleaners' Certified Agreement 2018*
 - *Department of Education State School Teachers' Certified Agreement 2019*
 - *Department of Education Teacher Aides' Certified Agreement 2018*
 - *Maritime Safety Queensland Maritime Operations Certified Agreement 2018*
 - *Medical Officers' (Queensland Health) Certified Agreement (No. 5) 2018*
 - *Nurses and Midwives (Queensland Health and Department of Education) Certified Agreement (EB10) 2018*
 - *Office of the Information Commissioner Certified Agreement 2018*
 - *QFleet Certified Agreement 2018*
 - *Queensland Ambulance Service Certified Agreement 2017*
 - *Queensland Fire and Emergency Service Certified Agreement 2019*
 - *Queensland Police Service Certified Agreement 2019*
 - *South Bank Employing Office Employees' Certified Agreement 2019*
 - *Stadiums Queensland Staff Certified Agreement 2019*
 - *State Government Entities Certified Agreement 2019*
 - *TAFE Queensland Educators Certified Agreement 2019*
 - *Tourism and Events Queensland Certified Agreement 2019*
 - *WorkCover Employing Office - Certified Agreement 2018*

Amendments to Legislation

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

Further Education and Training Act 2014

The *Further Education and Training Act 2014* was amended by the *Worker's Compensation and Rehabilitation and Other Legislation Amendment Act 2019* (Act No. 33 of 2019), with changes effective 30 October 2019 relating to parties to training contracts (employer, apprentices and trainees) including that one party cancellation, temporary suspension and one-party suspension decisions are appealable to the Commission.

Human Rights Act 2019

The *Human Rights Act 2019* (HR Act) commenced during the 2019 - 2020 reporting period. Stage 1 which involved renaming the Anti-Discrimination Commission Queensland as the Queensland Human Rights Commission (QHRC) and empowering the QHRC to perform its statutory functions commenced on 1 July 2019. The remaining provisions of the HR Act commenced on 1 January 2020. Certain human rights as declared in the HR Act may be relevant to matters brought before the Court and Commission and may need to be considered by the Registry in the performance of its functions.

Industrial Relations Act 2016

New Chapter 15A of the *Industrial Relations Act 2016* (*Public sector response to COVID-19 emergency - maximising employment security*) commenced on 22 June 2020. These provisions enable temporary changes to the processes for certification of bargained agreements to defer wage increases for public sector employees. These amendments were made to:

- defer all headline wage increases scheduled to occur in the period from 1 July 2020 to 30 June 2021 (public service wage arrangements period) by one year for all General Government sector employees covered by State industrial relations jurisdiction certified agreements;
- defer all subsequent headline wage increases following the public service wage arrangements period and provide a six-month catch-up payment;
- extend the nominal expiry date of a certified agreement where required; and
- provide for a truncated agreement certification process to allow for the variation of an existing agreement or a new agreement to be certified in the Commission, including the suspension of a requirement to ballot and for certification to proceed on the consent of the employer and the majority of unions party to the agreement.

Work Health and Safety Act 2011

Amendments to the *Work Health and Safety Act 2011* which commenced on 22 June 2020 streamline right of entry dispute resolution processes so that Workplace Health and Safety inspectors can direct parties to complex right of entry disagreements to the Commission for resolution, rather than the inspectors making such determinations.

TABLES

Table 1: Matters filed in the Court 2018/2019 and 2019/2020

Type of Matter	2018/2019	2019/2020
Appeals to the Court		
— Magistrate's decisions s 556	8	3
— Commission's decisions s 557(1), s 561WC	21	21
— Registrar's decision s 560(1)	0	0
— Stand-Down s 562(1)	0	1
TOTAL	29	25

Table 2: Number of matters filed in the Court 1995/1996 - 2019/2020

1995/1996	89	2002/2003	100	2009/2010	71	2016/2017	22
1996/1997	81	2003/2004	104	2010/2011	63	2017/2018	24
1997/1998	90	2004/2005	92	2011/2012	41	2018/2019	29
1998/1999	95	2005/2006	100	2012/2013	47	2019/2020	25
1999/2000	61	2006/2007	72	2013/2014	58		
2000/2001	74	2007/2008	53	2014/2015	51		
2001/2002	102	2008/2009	47	2015/2016	39		

Table 3: Appeals filed in the Court 2018/2019 and 2019/2020

Appeals Filed	2018/2019	2019/2020
Appeals from decisions of Industrial Commission		
IRA 2016 s 557(1)	11	15
Work Comp Act s 561	10	6
Appeals from decisions of Industrial Magistrate		
IRA 2016 s 556	8	3
Other		
Appeal against stand-down s562(1)		1
TOTAL	29	25

Table 4: Matters filed (other than in the Court) 2018/2019 and 2019/2020

Section	Type of Application/Matter	2018/2019	2019/2020
Matters filed under the <i>Industrial Relations Act 2016</i>			
s 110	Long Service Leave – payment in lieu of	688	745
s 147(1b)	Application to vary a modern award	4	4
s149(1)	Variation correction of minor errors	1	1
s 169(2)(b)	Notice of intention to bargain	0	0
s 175(1b)	Request to help in negotiations for bargaining	11	6
s 178(1)	Consent application for arbitration	2	0
s 184(1)	Application for scope order	11	0
s 189(1)	Application for certification of agreement	36	35
s 213	Decision about designated award	0	2
s 228(1)	Application for termination after expiry date	36	31
s 235(1)	Application for approval to engage in industrial action	64	36
s 241(1)	Suspension of industrial action (life, property, health or welfare)	4	0
s 261	Notice of industrial dispute	130	145
s 273	Application for a commission order to stop bullying	17	15
s 309(2)	Application to deal with a dispute	28	28
s 317(1)	Application for reinstatement (unfair dismissal)	127	128
s 337	Authorisation of industrial officers	161	121
s 451	General powers of the commission	0	3
s 458/462	General ruling and statement of policy	4	3
s 463(1)	Application for declaration	2	5
s 467(1)	Application for interpretation	1	1
s 469	Facilitation request	2	0
s 470(2)	Dispute resolution functions under referral agreement	0	0
s 473(1)	Application for injunction	2	2
s 475(1)	Recovery of pro rata long service leave	37	26
s 475(1a)	Recovery of unpaid wages	9	19
s 475(1d)	Recovery of unpaid superannuation contributions	0	1
s 479	Application for rights to represent	0	0
s 484(1)	Application to re-open proceedings	2	1
s 572	Order – contravention of civil penalty provisions	0	1
IRA Act 2016 s 666-802	Industrial Organisation matters (Table 5)	291	231
IR Act	Request for recovery conference	6	12
Applications to Commission under other Acts			
FET Act s168(1A)	Appeal to Industrial Relations Commission	0	1
Mags Courts Act s 42B	Employment claim	79	99

Section	Type of Application/Matter	2018/2019	2019/2020
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	12	10
PS Act s 194(1B)	Appeal against a disciplinary decision	51	44
PS Act s 194 (1C)	Appeal against a promotion decision	16	13
PS Act s 194 (1D)	Appeal against a transfer decision	3	4
PS Act s 194 (1E)	Appeal against a temporary employment decision	74	120
PS Act s 194 (1F)	Appeal against a decision under another Act	2	2
PS Act s 194 (ea)	Appeal against a casual employment decision	19	28
PS Act s 194 (eb)	Appeal against a fair treatment decision	48	61
T(AH) Act s 5(2)	Application for declaration about trading hours	3	5
WC Act s 550(4)	Appeal against decision of Workers' Compensation Regulator	225	199
WC Act s 232E	Reinstatement of injured worker	0	1
WH&S Act s 102B	Notice of WHS dispute	3	5
WH&S Act s 131	WHS entry permit	100	154
WH&S Act s 142	Dispute about right of entry	2	1
WH&S Act s 229B	Application for review	20	30
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	0	0
AD Act s 144(1)	Application for orders protecting complainant's interests	6	6
AD Act s164	Anti-Discrimination conciliation agreement	N/A	166
AD Act s 164A(2)	Referral of complaint not resolved	42	34
AD Act s 166(1)	Referral of complaint unconciliated	64	80
AD Act s 167(1a)	Referral of complaint 6 months	0	1
s 52QCAT	Transfer of QCAT file	N/A	2
TOTAL APPLICATIONS/MATTERS		2,447	2,672

Table 5: Industrial organisation matters filed 2019/2020

Industrial Organisation matters		2019/2020
Matters filed under Chapter 12 of the <i>Industrial Relations Act 2016</i>		
s 655	Registrar amendment of rules	4
s 662	Rule amendment – eligibility	9
s 666	Amendment to rules - other than eligibility	10
s 669	Prescribed election information	28
s 669(3)	Application to file prescribed information before a later date	1
s 735	Annual obligation to file officers register	32
s 736	Obligation to file officers register on change of office	52
s 741(4)	Exemption financial management training	37
s 784	General purpose financial reporting	31
s 786	Exemption from Ch12 Part 11 of particular reporting units	10
s 802	Election exemption - counterpart federal body	12
s 804	Exemption - member or officers register	2
s 879	Application for deregistration	1
r 88	Registrar’s powers	2
TOTAL		231

Table 6: Industrial Organisations of Employees Membership

Industrial Organisation	Members As at 30/06/2019	Members As at 30/06/2020
Australasian Meat Industry Union of Employees (Queensland Branch)	6,324	6,651
Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District	440	420
Australian Maritime Officers Union Queensland Union of Employees	15	660
Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch	6,563	6,645
Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees	2,800	2,800
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland	12,042	12,040
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	20,662	20,290
Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees	3,911	3,810
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees	3,835	2,994
Queensland Fire and Rescue – Senior Officers Union of Employees	115	115
Queensland Independent Education Union of Employees	16,590	16,590
Queensland Nurses and Midwives' Union of Employees	61,283	64,420
Queensland Police Union of Employees	11,686	11,983
Queensland Services, Industrial Union of Employees	11,736	12,853
Queensland Teachers Union of Employees	46,724	47,986
Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees	30,622	32,225
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees	2,159	2,159
The Australian Workers' Union of Employees, Queensland	22,535	23,141
The Bacon Factories' Union of Employees, Queensland	531	430
The Electrical Trades Union of Employees Queensland	16,180	14,981
The Queensland Police Commissioned Officers' Union of Employees	331	313
The Seamen's Union of Australasia, Queensland Branch, Union of Employees	757	757
Together Queensland, Industrial Union of Employees	28,130	29,504
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)	8,805	8,706
United Firefighters' Union of Australia, Union of Employees, Queensland	2,500	2,643
United Voice, Industrial Union of Employees, Queensland	28,668	28,668
Total Membership	345,944	353,784
Number Employee Organisations	26	26

Table 7: Industrial Organisations of Employers Membership

Industrial Organisation	Members As at 30/06/2019	Members As at 30/06/2020
Agforce Queensland Industrial Union of Employers	4,091	De-registered
Australian Dental Association (Queensland Branch) Union of Employers	882	706
Local Government Association of Queensland Ltd	77	77
Master Electricians Association, Queensland Industrial Organisation of Employers	1,934	1,952
Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers	277	190
Master Plumbers' Association of Queensland (Union of Employers)	1,116	1,133
National Retail Association Limited, Union of Employers	5,936	5,592
Queensland Cane Growers' Association Union of Employers	17	14
Queensland Chamber of Commerce and Industry Limited ACN 009 662 060	3,770	5,717
Queensland Hotels Association, Union of Employers	837	843
Queensland Master Builders Association, Industrial Organisation of Employers	8,721	8,785
The Baking Industry Association of Queensland - Union of Employers	7	7
The Registered and Licensed Clubs Association of Queensland, Union of Employers	428	410
UNiTAB Agents Association, Union of Employers Queensland	50	41
Total Membership	28,143	25,467
Number of Employer Organisations	14	13