

2014 – 2015 Annual Report

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

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



**Industrial Court
of Queensland**



INDUSTRIAL COURT OF QUEENSLAND
QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

29 September 2015

The Honourable Curtis Pitt MP
Treasurer, Minister for Employment and
Industrial Relations and
Minister for Aboriginal and
Torres Strait Islander Partnerships
GPO Box 611
BRISBANE QLD 4000.

Dear Minister,

I have the honour to furnish to you for presentation to Parliament, as required by section 252 of the *Industrial Relations Act 1999*, the Annual Report on the work of the Industrial Court of Queensland, the Queensland Industrial Relations Commission, the Industrial Registry and generally on the operation of the *Industrial Relations Act 1999* for the financial year ended 30 June 2015. Responsibility for the report relating to the Queensland Industrial Relations Commission and Queensland Industrial Registry rests with the Vice President and Industrial Registrar respectively.

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

G.C. Martin
President
Industrial Court of Queensland

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INDUSTRIAL COURT OF QUEENSLAND

The major change in arrangements for the Court in the reporting year was the increase in the number of sitting weeks from six a year to twelve. The sittings are in six brackets of two weeks spread evenly throughout the year. These arrangements are publicised well in advance and so those who appear in the court can make plans accordingly.

It has been a considerable advantage to me to have the Vice President and the Deputy President (Courts) available to hear shorter matters (such as stay applications) and to review matters when I am not otherwise available. This has been an innovation which has contributed greatly to the efficient dispatch of the Court's business.

The jurisdiction of the Court remains much as it was in the previous reporting year and information concerning the jurisdiction of the Court (both original and appellate) together with the other matters dealt with by the Court can be found on the Court's website – www.qirc.qld.gov.au.

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

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

Structure of the Commission

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

Currently the Commission is comprised of the President, the Vice President, four Deputy Presidents and five Industrial Commissioners. The Vice President is responsible for the administration of the Commission and the Industrial Registry. This includes the allocation of all matters, references to Full Benches and the general conduct of Commission business.

Current Members of the Commission are:

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

Jurisdiction, Powers and Functions of the Commission

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

At the completion of the reporting period all matters filed in the Industrial Registry (other than those filed on 30 June 2015) had been listed for future hearing and/or conference.

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

Award Modernisation: In compliance with a s. 140C(1) - Award Modernisation Request (Request) issued by the then Attorney-General and Minister for Justice in January 2014, the Commission made a number of modern awards in the reporting period. The Request was subsequently varied on 2 May 2014, 27 August 2014 and 15 October 2014. The Request prioritised certain industries for award modernisation. Deputy President Bloomfield headed the team to facilitate the Award Modernisation process. In the reporting period, the then Minister received reports on the Award Modernisation process on 29 August 2014 and 19 December 2014. The variations and the reports were published on the Commission's website.

As at 31 December 2014, the Commission had made ten (10) modern awards, one (1) modern award was before a Full Bench for finalisation, five (5) exposure drafts of modern awards were being considered by the parties and eighteen (18) exposure drafts had still to be released. The ten (10) modern awards that had been made were as follows:

- *Queensland Rail Award - State 2014;*
- *Queensland Public Service Officers and Other Employees Award - State 2014;*
- *Queensland Parliamentary Service Award - State 2014;*
- *Tourism and Events Queensland Employees Award - State 2014;*
- *Legal Aid Queensland Employees Award - State 2014;*
- *WorkCover Queensland Employees Award - State 2014;*
- *Queensland Agricultural Colleges Award - State 2014;*
- *Resident Medical Officers (Queensland Health) Award - State 2014;*
- *Queensland Local Government Industry Award - State 2014;* and
- *Health Practitioners and Dental Officers (Queensland Health) Award - State 2014.*

Award Modernisation progressed in January 2015 however, on 23 February 2015, I asked Deputy President Bloomfield not to progress the Award Modernisation process further until such time as the new Queensland Government had an opportunity to determine its position on the matter. I received correspondence from the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships, the Honourable Curtis Pitt MP, dated 17 March 2015 which requested the suspension of the Award Modernisation process. This suspension was to enable the Government to consult with key stakeholders.

A number of the Award Modernisation provisions in the *Industrial Relations Act 1990* were varied as a result of the enactment, on 11 June 2015, of the *Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015*. In Chapter 20 Part 20 of the *Industrial Relations Act 1999* the modern

awards mentioned above were required to be once again modernised by the Commission pursuant to the new legislative provisions.

In the reporting period I had not received a new Request under section 140CA of the *Industrial Relations Act 1999* although one is anticipated.

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

- Queensland Master Hairdressers' Industrial Union of Employers – deregistered on 1 July 2014;
- Building Service Contractors' Association of Australia – Queensland Division, Industrial Organisation of Employers – deregistered on 2 July 2014;
- Queensland Country Press Association, Union of Employers – deregistered on 2 July 2014;
- Musicians' Union of Australia (Brisbane Branch), Union of Employees – deregistered on 2 July 2014;
- Queensland Road Transport Association, Industrial Organisation of Employers – deregistered on 8 November 2014;
- Australian Journalists' Association (Queensland District), Union of Employees – deregistered 28 April 2015;
- Actors, Entertainers and Announcers Equity Association, Queensland, Union of Employees – deregistered on 28 April 2015;
- Australian Community of Services Employers Association of Queensland, Union of Employers – deregistered on 28 April 2015; and
- Queensland Motel Employers Association, Industrial Organisation of Employers – deregistered 28 April 2015.

Workers' Compensation Appeals: The Workers' Compensation Regulator (the Regulator) is the statutory body that reviews workers' compensation decisions taken by WorkCover Queensland (WorkCover) and self-insurers where workers and/or employers feel aggrieved by the decisions of either WorkCover or the self-insurer and have sought a review by the Regulator of that decision. The Commission has jurisdiction to hear appeals from review decisions of the Regulator under s. 550 of the *Workers' Compensation and Rehabilitation Act 2003*. During the reporting period there were 326 matters filed in the Industrial Registry under the *Workers' Compensation and Rehabilitation Act 2003*.

The hearing and determination of appeals against review decisions of the Regulator, has, in the reporting period, comprised at least 80% of the Commission Members' workload.

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

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

During the reporting period 82 public service appeals were lodged pursuant to s. 194 of the *Public Service Act 2008*. Each of these appeals requires written decisions by Members of the Commission. The determination of these public service appeals has, in the reporting period, been responsible for approximately 8% to 10% of the Commission Members' workload.

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.

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

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

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

Members' Annual Conference

In November 2015, Members of the Commission attended a two day Conference of Members of the Commission. Both the President and Deputy President O'Connor were responsible for the organisation of

the Conference and arranging for the distinguished speakers. Members appreciated the opportunity to learn from such distinguished speakers as:

- the Honourable Justice John Byrne AO RFD, , the Honourable Justice Alan Wilson, the Honourable Justice Philip McMurdo and the President, the Honourable Justice Glenn Martin AM, from the Supreme Court of Queensland;
- the Honourable Justice Monika Schmidt from the Supreme Court of New South Wales;
- the Honourable Justice Peter Murphy from the Family Court of Australia;
- the Honourable Justice Michael Walton, President, Industrial Relations Commission of New South Wales;
- Deputy President Philip Hack S.C. from the Administrative Appeals Tribunal;
- Tom Wodak, a former Judge of the County Court of Victoria; and
- Dr Grant Lester, a Consultant Psychiatrist, Institute of Forensic Mental Health Victoria.

Resources

The Commission hears matters in locations throughout Queensland and in the reporting period heard matters in locations such as Cairns, Townsville, Proserpine, Rockhampton, Maryborough, Hervey Bay, Gympie, Maroochydore, Toowoomba, Bowen, Dalby, Mt Isa, Mackay, Sarina, Ipswich, Yeppoon and Innisfail.

Professional activities

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

Member	Activity	Location	Date/s
Vice President Linnane	Europe Oceania Legal Conference	Burgundy/Provence	4 to 13 April 2015
	Pan Europe Pacific Legal Conference	Paris	13 to 20 April 2015
Deputy President O'Connor	Commonwealth Law Association Conference	Glasgow	12 to 16 April 2015
Deputy President Kaufman	World Bar Conference	Queenstown	4 to 6 September 2014
	European Labour Court Judges' Meeting	Dublin	15 to 16 September 2014
	Europe Pacific Legal Conference	Cortina 'd Ampezzo	11 to 18 January 2015
Commissioner Fisher	Britain Pacific Legal Conference	London	2 to 9 January 2015

Commissioner Thompson	SEAK Workers' Compensation Conference	Chicago	9 to 11 June 2015
Commissioner Black	Cornell University ILR Course	New York	1 to 2 October 2014
Commissioner Knight	East West Legal Conference	St Petersburg	3 to 10 August 2014

QUEENSLAND INDUSTRIAL REGISTRY

Registry Services

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

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

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

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

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

Tribunal Services

Tribunal Services is managed by the Principal Registry Officer. Tribunal staff provide support to Members (and Associates) through:

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

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

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

During 2014-15, a total of 1,638 applications and notifications were filed in the Registry (see Tables 1 & 4).

Information Services

Information Services provides a diverse range of high quality publication and administrative support that contributes to the effective functioning of the Court, Commission and the Industrial Registry. These services are principally provided through the Senior Registry Officer [Information Services] and include:

- posting of all relevant documentation to the QIRC's web site (www.qirc.qld.gov.au)
- monitoring the Office of the Queensland Parliamentary Counsel's website (OQPC), forwarding electronic copies of any new Acts, Amendment Acts and subordinate legislation with supporting documentation directly to the Members of the Commission; and.

- managing the internal intranet site updating information and tools required by the QIRC and Registry staff.

Registered Industrial Organisations

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

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

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

Corporate Services

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

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

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

Highlights of the 2014-15 reporting year

The 2014-15 reporting year saw a number of highlights that in one way or another had an influence on the business of the Industrial Registry:

- (1) Mr Gary Savill, Industrial Registrar, pursuant to s 297 of the *Industrial Relations Act 1999*, since 14th October 2003 retired on 31st October 2014.
- (2) Ms. Julie Steel was appointed the new Industrial Registrar on 1st November 2014.
- (3) In the reporting period, the project to upgrade QIRC's case management system (IMS) was completed. The project also consolidated the system's services and infrastructure within a singular hosted network environment. The project successfully implemented the following:
 - improved IMS reporting and auditing functionality;
 - in-built workflow management features and tools capable of improving QIRC business operations while reducing manual input;
 - consolidated QIRC IT requirements and support costs;
 - an IMS solution ready for external client interface functionality; and
 - improved QIRC operational efficiency and effectiveness.
- (4) QIRC's website (www.qirc.qld.gov.au) again proved invaluable. It provides thousands of files of relevant information for the general public with over 160,000 visits recorded annually. Important

public matters such as the 2014 State Wage Case again see the posting of all relevant documentation to the website as soon as it's lodged with the Registry, including original applications, directions of the Court, Commission and Registry, submissions and responses of all parties, transcripts of proceedings and decisions. This allows timely and cost effective information to be disseminated to all parties.

AMENDMENTS TO LEGISLATION

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

Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014

The *Sustainable Planning (Infrastructure Charges) and Other Legislation Amendment Act 2014* was assented to on 19 June 2014 with certain provisions amending the *Industrial Relations Act 1999* (IR Act) proclaimed into force from 4 July 2014.

The principal effects of the amendments were as follows:

- Industrial organisations and their associated entities are no longer required to conduct a ballot of members prior to spending more than \$10,000 on political advertising and related political activities in a financial year (repealed sections 553C, 553DA, 553F, 553FA, 553G, 553H, 553I, 553J, 553K, 553L, 553M and 553N).
- No penalty may be imposed nor proceeding commenced or maintained in respect of action taken by industrial organisations or associated entities in the period that the repealed provisions were operative (1 July 2013 to 3 July 2014).
- With the removal of section 553F from the IR Act, there will no longer be a need for an audit report, prepared under section 560, to include details concerning contravention of the balloting requirements (repealed section 560(f)).

Education and Other Legislation Amendment Act 2014

The *Education and Other Legislation Amendment Act 2014* commenced on assent on 7 November 2014. Part 7A amended section 287 of the IR Act to remove the reference to ‘pre-modernisation’. This was done to resolve an ambiguity that arose in the 2014 State Wage Case regarding the power of the full bench to make a general ruling covering employees covered by a modern award.

Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015

The *Industrial Relations (Restoring Fairness) and Other Legislation Amendment Act 2015* commenced on assent on 11 June 2015 and implemented the Government’s election commitments for ‘Restoring Fairness for Government Workers’ by amending the IR Act to:

- Restore conditions of employment for State Government employees in awards and agreements that were made unenforceable by the former government (including job security, contracting out and union encouragement provisions) through the *Public Service and Other Legislation Amendment Act 2012* and the *Industrial Relations (Transparency and Accountability of Industrial Organisations) and Other Acts Amendment Act 2013*
- Remove the prohibition on certain content in modern industrial instruments introduced in the *Industrial Relations (Fair Work Harmonisation No.2) and Other Legislation Amendment Act 2013*
- Provide transitional arrangements to review and vary those modern awards already made by the Queensland Industrial Relations Commission (QIRC) and bring the small number of enterprise agreements made under the modern awards to an early termination so that the parties can make new agreements under the reviewed and varied modern awards
- Re-establish the independence of the QIRC by removing its obligation to include the financial position and fiscal strategy of the State, relevant public sector entity and the employer in its consideration of the public interest, and the requirement for it to be subject to a Government briefing

about the State's financial position, introduced in the *Industrial Relations (Fair Work Harmonisation) and Other Legislation Amendment Act 2012*

- Return legal representational arrangements for parties appearing before the QIRC to as they were prior to the *Public Service and Other Legislation Amendment Act 2012*
- Remove the 24 hour notice requirements for an authorised industrial officer to enter a workplace and exercise rights under the IR Act, so that right of entry is returned to as it was prior to the *Work Health and Safety and Other Legislation Amendment Act 2014*, and
- Remove all high income guarantee contract provisions from the IR Act and the *Hospital and Health Boards Act 2011*, restore rights and entitlements that were removed from employees who were placed on high income guarantee contracts, in particular the rights of senior medical officers (SMOs) to bargain collectively and access unfair dismissal, and provide transitional arrangements that will facilitate the transition of SMOs from individual employment contracts to a new employment framework built upon the Queensland Employment Standards, a modern award for medical officers and a new medical officers' certified agreement.

Industrial Relations Legislation Amendment Regulation (No.1) 2014

This Regulation was made on 26 June 2014 within the previous reporting period. However it commenced on 1 July 2014 and last year's report indicated that it would be more fully covered in this year's report. Part 2 amended section 25(5) of the *Industrial Relations Regulation 2011* such that objections made under section 654 IR Act may be given by notice to the industrial tribunal. Previously notice was to be given to the "commission".

This Regulation also inserted a new Part 4A into the *Industrial Relations Regulation 2011* dealing with high-income senior employees. Section 146A was also amended to specify the nominal expiry date (1 October 2014) for local government certified agreements (other than Brisbane City Council) that became continuing agreements between 30 June 2014 and 31 August 2014. The Regulation also amended Schedule 5C which sets out wage increases for employees covered by continuing agreements in accordance with section 830 IR Act. Employees covered by the following continuing agreements were given a 2.2% wage increase from 1 July 2014: TMR enterprise determination 2011; TMR Operational Employees' Certified Agreement 2011.

Part 3 of this Regulation amended the *Industrial Relations (Tribunals) Rules 2011* to provide for notices of non-party production to be directly issued by a party without the need for the Registry to issue *Attendance Notices to Produce* and disclosure of documents by non-parties (insertion of new pt 2, div 2, div 7A). A number of other changes were made to the Rules (including the Dictionary in Schedule 2 Rules) to accommodate the effect of the *Further Education and Training Act 2014* towards clarifying that the Queensland regulatory framework only applies to apprentices/trainees employed by Queensland system employers such as state and local governments. The *Further Education and Training Act 2014* came into force on 1 July 2014.

Schedule 1 of the Rules (Fees in the court, commission or registry) were also amended to update the applicable filing and search fees.

Industrial Relations Amendment Regulation (No.4) 2014

This Regulation was made on 22 May 2014 but commenced on 1 July 2014 and amended the *Industrial Relations Regulation 2011* by inserting new sections 145G and 145H. Both provisions provide for the declaration of an entity for the purposes of section 692 of the IR Act. Section 145G declared Tourism and Events Queensland not to be a national system employer for the purposes of the *Fair Work Act 2009* (Cth) (section 14(2)). Section 145H declared the Queensland Curriculum and Assessment Authority not to be a national system employer for the purposes of the *Fair Work Act 2009* (Cth) (section 14(2)).

Agricultural College Consequential Amendments Regulation (No. 1) 2014

This Regulation was made on 19 June 2014 and commenced on 20 June 2014. Part 3 amended the *Industrial Relations Regulation 2011* by inserting new section 145F, effective from 1 July 2014. Section 145F provides for the declaration of an entity for the purposes of section 692 IR Act and declared Queensland Agricultural Training Colleges not to be a national system employer for the purposes of the *Fair Work Act 2009* (Cth) (section 14(2)).

Industrial Relations and another Regulation Amendment Regulation (No. 1) 2014

This Regulation was made on 28 August 2014 and amended the *Industrial Relations Regulation 2011* by inserting new section 145I, effective from 30 September 2014. Section 145I provides for the declaration of an entity for the purposes of section 692 of the IR Act and declared Queensland Training Assets Management Authority not to be a national system employer for the purposes of the *Fair Work Act 2009* (Cth) (section 14(2)).

The Regulation also made a number of changes to accommodate the progress of the award modernisation process. Section 146A was amended to specify the nominal expiry date (1 October 2014) for local government certified agreements (other than Brisbane City Council) that became continuing agreements between 30 June 2014 and 30 September 2014. The Regulation also amended Schedule 5C which sets out wage increases for employees covered by continuing agreements in accordance with section 830 IR Act. Employees covered by the following continuing agreements were given a 2.2% wage increase from 1 September 2014: Department of Education and Training Teacher Aides' Certified Agreement 2011; QBuild Field Staff Certified Agreement 8 (2011); Queensland Health Building, Engineering & Maintenance Services Certified Agreement (No. 5) 2011; Queensland Public Health Sector Certified Agreement (No. 8) 2011.

Industrial Relations Amendment Regulation (No.5) 2014

This Regulation was made on 25 September 2014, and apart from clause 5, commenced on 29 September 2014. Clause 5 commenced on 1 April 2015. Clause 5 amended Schedule 5C which sets out wage increases for employees covered by continuing agreements in accordance with section 830 IR Act. Employees covered by the Nurses and Midwives (Queensland Health) Certified Agreement (EB8) 2012 were given a 2.2% wage increase from 1 April 2015. Clause 4 amended section 146A *Industrial Relations Regulation 2011* to specify the nominal expiry date (1 November 2014) for local government certified agreements (other than Brisbane City Council) that became continuing agreements during the period 30 September to 31 October 2014.

Industrial Relations Amendment Regulation (No.6) 2014

This Regulation was made on 18 December 2014 and amended section 4 (Prescribed amount – Act, ss71K, 72 and 276) of the *Industrial Relations Regulation 2011*. The effect was that persons earning \$118,100 or greater could not bring an action for unfair dismissal under section 73(1)(a) of the IR Act, and persons earning \$118,100 or greater, or persons who are senior health service employees engaged under the *Hospital and Health Boards Act 2011* and a high income guarantee contract earning \$950,000 could not bring an action for unfair dismissal under section 73(1)(b).

Trading (Allowable Hours) Regulation 2014

This Regulation replaced the *Trading (Allowable Hours) Regulation 2004* which expired on 1 September 2014 and continued the provisions of the 2004 Regulation with minimal change as necessary for the effective functioning of the *Trading (Allowable Hours) Act 1990*.

This Regulation provides detail on administrative and procedural matters required under the *Trading (Allowable Hours) Act 1990* including providing detail on matters to be filed with the industrial registrar.

TABLES

Table 1: Matters filed in the Court 2013/14 and 2014/2015

Type of Matter	2013/14	2014/15
Appeals to the Court	48	46
— Magistrate's decisions s 342, s 561WC	5	9
— Commission's decisions s 341, s 561WC	41	36
— Director, WH&S decisions s 152	0	0
— Chief Inspector CMH&S directives and review decisions s 243	2	1
— Electrical Safety Office decisions s 172	0	0
Contempt of Court s 251	1	0
Extension of Time s 346, s 561WC	1	4
Prerogative order s 248	0	0
Stay order s 347, s 174ES, s 151WHS, s 154WHS, s 178CM	3	1
Validity and compliance with Industrial Org rules s 459	0	0
Application for orders – other	5	0
TOTAL	58	51

Table 2: Number of matters filed in the Court 1995/96 - 2014/15

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

Table 3: Appeals filed in the Court 2013/14 and 2014/2015

Appeals Filed	2013/14	2014/15
Appeals from decisions of Industrial Commission		
IRA s 341(1)	16	17
Work Comp Act s 561	25	19
Appeals from decisions of Industrial Magistrate		
IRA s 341(2)	2	9
WH&S Act s 164	1	0
ES Act s 186	1	0
Work Comp Act s 561	1	0
Appeals from Directives and Review Decisions of Chief Inspector		
CM Act s 243	2	1
Appeals from review decisions WH&S		
WH&S Act s 152	0	0
Appeals from decisions of Electrical Safety Office		
ES Act s 172	0	0
TOTAL	48	46

Table 4: Matters filed (other than in the Court) 2013/14 and 2014/2015

Section	Type of Application/Matter	2013/14	2014/15
s 52	Long Service Leave – other seasonal employees	0	0
s 53	Long Service Leave - payment in lieu of	215	190
s 74	Application for Reinstatement (Unfair dismissal)	136	156
s 117	Prohibited conduct - breach	4	0
s 125	Awards:		
	- New award	2	0
	- Repeal and new award	0	0
	- Amend award	2	2
s 130	Review of Award	0	0
s 140C	Award modernisation request given by Minister	1	0
s 140CC	Procedure for carrying out modernisation process	14	27
s 140CE	Making of modern awards and repeal of pre-modern awards	87	4
s 140G(5)	Application to make a modern award by an employer	3	2
s 148	Assistance to negotiate a CA	3	2
s 149	Arbitration of CA	0	1
s 152	Certificate – requested representation	0	5
s 156	Certified Agreements:		
	- Approval of new CA	2	3
	- Replacing existing CA	8	8
s 163	Determination of a CA	0	0
s 167	Successor employers bound	0	0
s 168	Extending a CA	0	0
s 169	Amending a CA	0	0
s 172, s 177	Terminate a CA	0	0
s 175, s177	Notice of industrial action	1	0
s 176 (7)	Extension of time for industrial action to start	2	0
s 229	Notification of dispute	173	104
s 230	Arbitration of industrial dispute	47	1
s 231	Mediation by Commission	2	4
s 273A	Dispute resolution functions	2	0
s 274	Stay order	4	3
s 274G	General powers	11	4
s 274A	Power to make declarations	6	3
s 274D	Directions	1	2
s 274DA	Dismissal of Application	7	3
s 276	Power to amend or void contracts	0	2
s 277	Power to grant injunctions	1	4
s 278	Claim for unpaid wages/superannuation	16	16
s 280	Re-open a proceeding	1	3
s 284	Interpretation	0	1
s 287, s 288	General ruling	3	2

Section	Type of Application/Matter	2013/14	2014/15
s 317	Commission of its own initiative	1	0
s 319	Requested representation	2	2
s 320	Application to be heard or to intervene	32	20
s 325	Application to be joined	0	1
s 326	Interlocutory orders	2	2
s 331	Application to dismiss application	7	7
s 335, r117	Costs	7	3
s 339AA	Government briefing about State's financial position	0	0
s 342(1)	Appeal to full bench against decision of the Commission	0	1
s 342(2)	Leave to appeal to a full bench	0	2
s 364	Authorisation of industrial officers	140	208
s 365	Revocation of Industrial officers' authorisation	0	3
s 409-657	Industrial Organisation matters (Table 5)	105	95
r 32	Application for substituted service	2	0
r 41	Application for directions order	2	1
r 49(3)	Notice to admit facts or documents	2	0
r 61	Setting aside of attendance notice	5	1
r 64E	Objection to production	N/A	7
r 64H(2)	Production and copying of documents	N/A	3
r 220	Request for statistical information (Table 5)	63	51
r 230	Lapse of proceeding after at least 1 year's delay	0	1
IR Act, SCH 4, PT 2	Protected action ballot orders	148	31
IR Act	Private conference	1	1
IR Act	Request for recovery conference	15	6
Mags Courts Act s 42B	Employment claim	27	52
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	9	6
PS Act s 194(1B)	Appeal against a disciplinary decision	43	49
PS Act s 194 (1C)	Appeal against a promotion decision	15	16
PS Act s 194 (1D)	Appeal against a transfer decision	21	8
PS Act s 194 (1E)	Appeal against decision under another Act	2	3
PS Act s 194 (1F)	Appeal against a decision under another Act	4	0
PS Act s 199	Stay of operation of decisions	2	0
T(AH) Act	Trading hours order	15	19
T(AH) Act s 25	Application for leave to appear and be heard	4	4
VE TE Act s 62	Reinstatement of training contract	0	0
VE TE Act s 230	Apprentice/trainee appeals	5	0
VE TE Act s 231	Stay of decision	1	0
FET Act s 168(1D)	Apprentice/trainee appeals	N/A	1
WC Act s 549	Application to be a party to appeal	4	0
WC Act s 550	Appeal against Q-Comp	127	0
WC Act s 550(4)	Appeal against decision of Workers' Compensation Regulator	244	283
WC Act s 555	Application for Adjournment	0	3

Section	Type of Application/Matter	2013/14	2014/15
WC Act s 556	Order for medical examination	4	7
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	253	129
WH&S Act s 138	Application to revoke WHS entry permit	0	7
WH&S Act s 142	Dispute about right of entry	0	2
TOTAL APPLICATIONS/MATTERS		2,068	1,587

Table 5: Industrial organisation matters filed 2014/15

Industrial Organisation matters		2014/2015
s 414	Registration application	2
s 459 (1)	Powers of Commission Compliance with Rules	1
s 474	Eligibility rule amendment	1
s 478	Rule amendment	16
s 481	Prescribed election information	57
s 580	Exemption due to federal election	8
s 590	Exemption acc & audit employer organisations - corporations	3
s 613	Orders about Invalidity	1
s 638	Order - deregistration	2
s 639	Order - deregistration (Registrar's application)	4
r 220	Request for statistical information	51
TOTAL		146

Table 6: Industrial Organisations of Employees Membership

Industrial Organisation	Members As at 30/06/14	Members As at 30/06/15
Queensland Nurses' Union of Employees	51,686	52,946
Queensland Teachers Union of Employees	42,441	42,579
The Australian Workers' Union of Employees, Queensland	48,718	42,508
Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees	32,257	31,199
United Voice, Industrial Union of Employees, Queensland	27,554	27,508
Together Queensland, Industrial Union of Employees	31,375	26,540
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	26,601	23,519
Queensland Independent Education Union of Employees	16,474	16,708
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland	17,729	16,051
The Electrical Trades Union of Employees Queensland	13,875	13,592
Queensland Services, Industrial Union of Employees	13,029	11,786
Queensland Police Union of Employees	11,485	11,508
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)	11,611	10,365
Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch	7,063	6,641
Australasian Meat Industry Union of Employees (Queensland Branch)	5,810	5,789
Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees	4,964	4,838
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees	3,493	3,503
The Association of Professional Engineers, Scientists and Managers, Australia,	3,404	3,435

Industrial Organisation	Members As at 30/06/14	Members As at 30/06/15
Queensland Branch, Union of Employees		
Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees	3,216	2,389
United Firefighters' Union of Australia, Union of Employees, Queensland	2,337	2,344
Australian Federated Union of Locomotive Employees, Queensland Union of Employees	1,344	1,258
The Seamen's Union of Australasia, Queensland Branch, Union of Employees	1,331	1,223
Australian Journalists' Association (Queensland District) "Union of Employees"	794	Deregistered
Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District	669	648
The Bacon Factories' Union of Employees, Queensland	507	611
Actors, Entertainers and Announcers Equity Association, Queensland, Union of Employees	496	Deregistered
The Queensland Police Commissioned Officers' Union of Employees	297	290
Queensland Fire and Rescue – Senior Officers Union of Employees	116	123
Australian Maritime Officers Union Queensland Union of Employees	270	36
Total Membership	380,946	359,937
Number Employee Organisations	29	27

Table 7: Industrial Organisations of Employers Membership

Industrial Organisation	Members As at 30/06/14	Members As at 30/06/15
Queensland Master Builders Association, Industrial Organisation of Employers	8,547	8,634
Agforce Queensland Industrial Union of Employers	4,644	4,397
Queensland Chamber of Commerce and Industry Limited ACN 009 662 060	3,209	3,916
Electrical and Communications Association, Queensland Industrial Organisation of Employers	1,789	1,631
Motor Trades Association of Queensland Industrial Organisation of Employers	1,351	1,307
Master Plumbers' Association of Queensland (Union of Employers)	1,051	1,069
National Retail Association Limited, Union of Employers	743	995
Australian Dental Association (Queensland Branch) Union of Employers	921	847
Queensland Hotels Association, Union of Employers	793	784
Australian Community Services Employers Association, Queensland Union of Employers	756	Deregistered
The Registered and Licensed Clubs Association of Queensland, Union of Employers	505	482
Queensland Fruit and Vegetable Growers, Union of Employers	470	459
Queensland Real Estate Industrial Organisation of Employers	403	326
Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers	363	303
The Baking Industry Association of Queensland - Union of Employers	177	121
Local Government Association of Queensland Ltd	77	77
UNiTAB Agents Association, Union of Employers Queensland	76	76
Queensland Retail Traders and Shopkeepers Association (Industrial Organization of Employers)	No Members	No Members
Queensland Cane Growers' Association Union of Employers	21	21
Queensland Major Contractors Association, Industrial Organisation of Employers	22	12
Queensland Motel Employers Association, Industrial Organization of Employers	Not provided	Deregistered
Total Membership	25,918	25,457
Number of Employer Organisations	21	19