



2023 - 2024



# Annual Report

of the

**President of the Industrial Court of Queensland**

in respect of the

**Industrial Court of Queensland  
Queensland Industrial Relations Commission  
Queensland Industrial Registry**

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

The Honourable Grace Grace MP  
Minister for State Development and Infrastructure,  
Minister for Industrial Relations and  
Minister for Racing  
PO Box 15009  
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 Queensland Industrial Registry and generally on the operation of the *Industrial Relations Act 2016* for the financial year ended 30 June 2024.

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 be 'Peter Davis', with a long horizontal flourish extending to the right.

The Honourable Justice Peter Davis  
President  
Industrial Court of Queensland

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


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 Level 21, Central Plaza 2, 66 Eagle Street, Brisbane

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# PRESIDENT'S REPORT

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## Overview of Justice Davis

On 12 March 2024, the Queensland Industrial Relations Commission (the Commission) had the opportunity to welcome four new Industrial Commissioners to our ranks. Each of them took their oath or affirmation of office and allegiance before The Honourable Justice Glenn Martin, the Senior Judge Administrator of the Supreme Court of Queensland in a private ceremony on 8 January 2024.

Our new colleagues join the Commission at a time when workload continues to grow. As this Annual Report demonstrates, the number of matters filed in the Commission for the period ending 30 June 2024 was 3,125. Filings in the Court increased by approximately eight per cent.

The matters which ultimately are unable to be conciliated and proceed to hearing are often complex and challenging both factually and legally. The industrial jurisdiction, that is, the jurisdiction coming directly from the *Industrial Relations Act 2016* (the IR Act) is just one element of what is now a multi-jurisdictional Court and Commission. The underlying thread in the Commission's jurisdiction is the connection with employment.

The original and appellate jurisdiction conferred on the Commission under s 450 of the IR Act or another Act is exclusive of the jurisdiction of the Supreme Court or another court or tribunal, unless otherwise prescribed under the IR Act or another Act. The Court and Commission are in a unique position as a specialist court and tribunal to deal with an industrial matter in an effective and expeditious manner. The appointment of the four new Commissioners will strengthen our capacity to do that.

The addition of the new Members will require the Commission to embark on some further refurbishment and reconstruction of levels 21 and 22 of 66 Eagle Street, Brisbane. This work will include the addition of two new Chambers, the addition of two new conference rooms and some consequential modifications to the Industrial Registry. At the time of reporting, negotiations were taking place with the building management to secure additional floor space on level 21.

The Commission has historically attached considerable weight to the National Wage Review decisions whilst also having due regard to the economic conditions of the State of Queensland at the time.

In *Declaration of General Ruling (State Wage Case 2022)* [2022] QIRC 340 a Full Bench of the Commission considered the role of the Fair Work Commission's (FWC) annual wage determination in its deliberations regarding the determination of the general ruling. In that decision, the Full Bench observed that whilst regard will be had to the determinations of the FWC, the function of the Commission is not to slavishly follow those decisions. Evidence of the economic impact of factors upon the national industrial environment will generally be relevant to the determination of the Queensland State Wage Case and as the FWC considers these matters its determination will be relevant to future State Wage Cases.

Whilst accepting that the FWC determination will generally be relevant to the determination of the Queensland State Wage Case, it would be a mistake to assume that the FWC's determination can be a substitute for a proper forensic enquiry into the impact of economic factors upon the wages of workers in Queensland who are not national system employees.

# PRESIDENT'S REPORT

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## Overview of Justice Davis

It follows therefore, that the FWC will be a significant factor considered by the Full Bench in determining the State Wage Case. More recently, in *Declaration of General Ruling (State Wage Case 2023) (No 2)* [2024] QIRC 70 the Full Bench observed that future State Wage Cases will not be attended by the same level of detail but it will be incumbent on the parties to ensure that sufficient and cogent evidence is presented to the Full Bench to ensure that it can undertake an evaluative function having regard to the matters in ss 141 and 142 of the IR Act and assessing the qualities of the safety net by reference to the statutory criteria to ensure that the Commission establishes and maintains wages that are fair and just.

It is pleasing to note the nature and extent of the Commission's external engagement. As the pages of this report illustrate, the Commission has, within the limitations of its workload, engaged in an impressive array of external engagements. It is vitally important for members of the Court and Commission to engage with the industrial and wider community to explain the work of both the Court and Commission and the nature and extent of our jurisdiction.

During the year, the Court and the Commission progressed our ongoing project to enhance public access to information. The aim of this project is to increase transparency and public confidence in the work of the Court and Commission by increasing the range of information that may be accessed as of right while maintaining the integrity of confidential documents. The Industrial Registry has continued its work in enhancing its on-line services and case management systems which will assist members of the Court and Commission in managing matters allocated for hearing and determination.

The Commission continued its long-standing commitment to serve regional Queensland by conducting hearings in: Cairns, Hervey Bay, Bundaberg, Mackay, Townsville, Southport, Ingham, Gladstone, Toowoomba and Yeppoon. Whilst the Commission makes every effort to set matters down in a timely way, the problems associated with securing appropriate courtrooms in some regional centres has become increasing difficult. More problematic is the disconnect between the technological services of the Office of Industrial Relations and the Department of Justice and Attorney-General which can impede the smooth management of proceedings outside of Brisbane.

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

# YEAR IN REVIEW

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## Industrial Court of Queensland

The Industrial Court of Queensland (Court) is a superior court of record in Queensland. It was first established as the Industrial Court by the *Industrial Peace Act of 1912*. The Court is governed largely by Chapter 11, Part 1 of the *Industrial Relations Act 2016* (IR Act).

The functions of the President include the management and administration of the Court and Queensland Industrial Relations Commission (Commission).

Matters filed and heard in the Court are predominantly appeals on errors of law or lack or excess of jurisdiction against decisions of the Commission, an Industrial Magistrate, or the Industrial Registrar.

### PROFILE OF THE INDUSTRIAL COURT OF QUEENSLAND

#### **PRESIDENT**

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

#### **VICE PRESIDENT**

The Honourable Vice President  
Daniel O'Connor, OAM

#### **DEPUTY PRESIDENT**

The Honourable Deputy President  
John Merrell

#### **DEPUTY PRESIDENT**

The Honourable Deputy President  
Catherine Hartigan

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# YEAR IN REVIEW

## Industrial Court of Queensland

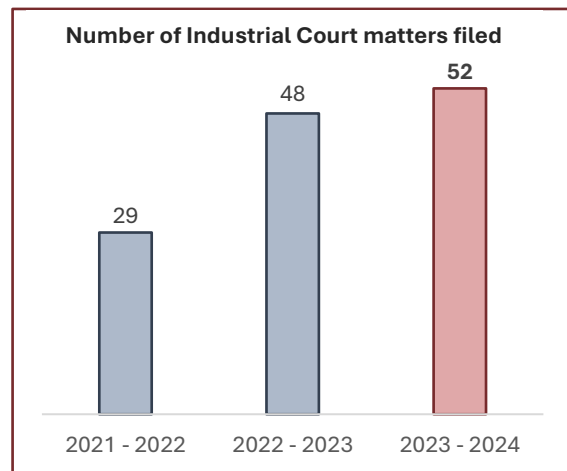
### CASELOAD OF THE INDUSTRIAL COURT OF QUEENSLAND

There were **52** appeals to the Court filed during the year in review. The types of appeals dealt with by the Court may be further broken down by type of appeal, outlined in the table opposite.

The expanded jurisdiction of the Commission in the areas of workplace discrimination and work health and safety, coupled with the consistent increase in the workload of the Commission in its other areas of jurisdiction, has had an effect on the Industrial Court's workload and will continue to do so in the foreseeable future.

Several Commission matters are also being dealt with by way of a Full Bench, with Justice Davis as the Head of the Bench. This, in turn, allows for an expeditious appeal process as these matters may then be appealed to the Court of Appeal.

Overall, **30** decisions were released and published by the Court in the reporting period.



<b>Appeal against the decision of an Industrial Magistrate</b> (in accordance with s 556 of the IR Act)	1
<b>Appeal against the decision of the Commission (IR Act)</b> (in accordance with s 556 of the IR Act including eight appeals against Public Sector Appeals)	23
<b>Appeal against the decision of the Commission (WCR Act)</b> (in accordance with s 561 of the <i>Workers' Compensation and Rehabilitation Act 2003</i> )	10
<b>Appeal against Chief Inspector's directives and review decisions</b> (in accordance with s 243 of the <i>Coal Mining Safety and Health Act 1999</i> )	16
<b>Application for a stay of a decision</b> (in accordance with s 566 of the IR Act)	2
<b>Total</b>	<b>52</b>

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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Deriving its powers and functions from Chapter 11, Part 2 of the IR Act, the Commission plays a major role in contributing to the social and economic wellbeing of people throughout Queensland by furthering the objects of the legislation, which is principally to provide a framework for industrial relations that is fair and balanced and supports the delivery of high-quality services, economic prosperity and social justice for Queenslanders.

There are currently 13 Members of the Commission, headed by the President. The President is responsible for administration of the Commission, including the allocation of matters, referrals to a Full Bench, and general conduct of Commission business.

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### JUDICIAL APPOINTMENTS

On 8 January 2024, the Commission welcomed the appointment of four new Members, who bring with them a wealth of knowledge and experience.



Pratt IC



Butler IC



Caddie IC



Gazenbeek IC

### PROFILE OF THE COMMISSION

#### PRESIDENT

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

#### VICE PRESIDENT

The Honourable Vice President  
Daniel O'Connor, OAM

#### DEPUTY PRESIDENTS

The Honourable Deputy President  
John Merrell

The Honourable Deputy President  
Catherine Hartigan

#### INDUSTRIAL COMMISSIONERS

Industrial Commissioner Minna Knight

Industrial Commissioner Samantha Pidgeon

Industrial Commissioner John Dwyer

Industrial Commissioner Jacqueline Power

Industrial Commissioner Roslyn McLennan

Industrial Commissioner Daniel Pratt

Industrial Commissioner Terri Butler

Industrial Commissioner Sharron Caddie

Industrial Commissioner Christopher Gazenbeek

# YEAR IN REVIEW

## Queensland Industrial Relations Commission

### JURISDICTION, POWERS AND FUNCTIONS OF THE COMMISSION

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

#### Main Legislation

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

#### Other/Subordinate Legislation

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

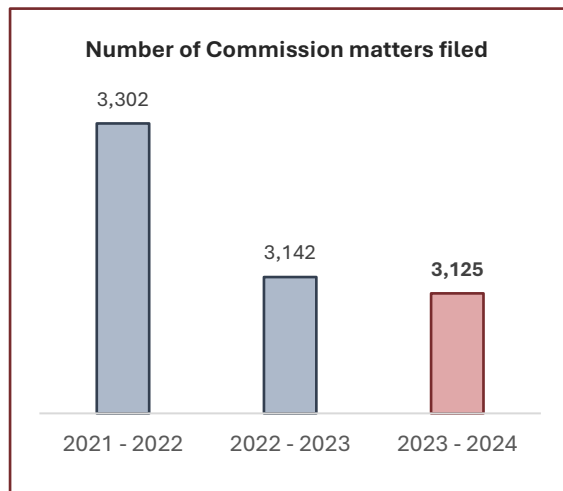
# YEAR IN REVIEW

## Queensland Industrial Relations Commission

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

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

### CASELOAD



Despite the number of filings remaining steady (**3,125**), the complexity of matters filed increases every year, particularly in the areas of anti-discrimination, public sector appeals, workers' compensation appeals and work health and safety.

Overall, there were **1,253** listings for proceedings held throughout the reporting period, **263** of which were hearings.

Decisions released and published in the reporting period totalled **336**, which are in relation to:

- 110 public sector appeals;
- 34 anti-discrimination matters;
- 32 unfair dismissal applications; and
- 21 workers' compensation appeals.

Detail in relation to the different types of matters dealt with by the Commission will be further outlined, with a comprehensive table of the number and type of matters filed provided in the Schedule of this report.

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### BREAKDOWN OF MATTERS IN THE COMMISSION

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#### ANTI-DISCRIMINATION

Workers in Queensland are entitled to be treated fairly in the workplace, a workplace that is free from discrimination (direct or indirect), sexual harassment, vilification and victimisation.

The Commission has jurisdiction to conciliate, hear and determine complaints in relation to work-related discrimination matters which have been investigated and referred to it by the Queensland Human Rights Commission (QHRC) in accordance with the *Anti-Discrimination Act 1991* (AD Act), with non-work complaints referred to the Queensland Civil and Administrative Tribunal.

Work-related complaints may be made regarding alleged contraventions of the AD Act which include:

- discrimination at work (includes pre-work, work under a contract for services, commission work, work under a statutory appointment, work experience/ vocational placement, work under an apprenticeship/ occupational training program, voluntary/unpaid work);
- discrimination when applying for work;
- victimisation by an employer;
- encouraging discrimination at work;
- requesting unnecessary information at work or when applying for work;
- sexual harassment at work; and
- vilification that occurred at work or when applying for work.

In accordance with the AD Act, the Commission has the following functions:

- to make interim orders to protect a complainant's interests before a complaint is referred to the Commission;
- review decisions of the QHRC Commissioner regarding lapsing of complaints;
- the enforcement of agreements made by the parties at conciliation;
- to hear and decide work-related complaints referred to it;
- to determine the granting of exemptions from the AD Act in relation to work-related matters;
- to provide opinions regarding the application of the AD Act in relation to work-related matters; and
- to take any other action incident or conducive to the discharge of its functions.

Matters are referred by the QHRC in relation to:

- a complaint which was unable to be resolved by conciliation;
- an unconciliated complaint;
- a request of a complainant or a respondent if the QHRC has not finished dealing with the complaint six months after the complaint was accepted.

During the reporting year, a total of **115** complaints were referred to the Commission by the QHRC, an increase of 11 per cent from the previous financial year.

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

A total of **149** conciliation agreements were lodged, a 39 per cent increase from the previous reporting period. There were also three applications for orders to protect a complainant's interest filed.

Regarding the number of anti-discrimination matters *dealt with* in accordance with the AD Act throughout the reporting year, 34 decisions were released.

Of those 34 decisions, five were in relation to applications for exemptions in accordance with s 174B(b) of the AD Act. 16 interlocutory matters were considered, for example in relation to attendance notices or representation. The remaining 13 decisions related directly to discrimination, with all but one was in the area of work (the other being pre-work). Those decisions may be further categorised by attribute, as follows:

- Sex – 2
- Pregnancy – 2
- Age – 1
- Race - 3
- Impairment – 9
- Sexuality – 1
- Family responsibilities – 1

Regarding the outcome of those matters, ten were dismissed, two were granted, and one matter was stayed (as a result of the complainant's current incapacity to conduct their matter). A further two decisions were released in relation to alleged discrimination regarding reprisal, both of which were dismissed.

In accordance with s 174B(b) of the AD Act, the Commission has the power to grant exemptions in relation to work-related matters. The Commission hears and determines exemption applications made under s 113 of the AD Act to allow a person or business to do something that would otherwise be unlawful under the Act. These exemptions may be granted for a specified period of not more than five years, which, on application, may be renewed for a further period, also of not more than five years.

Throughout the reporting year, ten applications for exemption were filed in the Commission. The following matters were heard and decided during the reporting period:

- *Re: Rights in Action Inc.* [2024] QIRC 132
  - *Re: Jet Aviation Australia Pty Ltd & Jet Aviation Australia (Qld) Pty Ltd* [2024] QIRC 133
  - *Re: Community Solutions Group Ltd* [2023] QIRC 333
  - *Re: Rohde & Schwarz (Australia) Pty Ltd* [2024] QIRC 16
  - *Re: Children by Choice Association Incorporated* [2023] QIRC 293
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# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### BULLYING

An employee is considered to have been bullied in the workplace if an individual, or a group of individuals, behave unreasonably towards them (or a group of employees of which they are a member), and the behaviour creates a risk to the health and safety of that employee.

An employee who believes they have been bullied in the workplace may apply to the Commission for an order to stop bullying. The Commission may make an order that it considers appropriate, in accordance with s 275 of the IR Act, to prevent the employee from being bullied in the workplace.

During the reporting period, **16** of these applications were made and considered by the Commission.

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### CERTIFIED AGREEMENTS

Colloquially known as "Enterprise Bargaining Agreements" or "EBAs", certified agreements are a type of industrial instrument. Read in conjunction with the relevant modern award, they are a written agreement about industrial matters relating to a specific employer, and a group of employees (or category of employees) employed by that employer, and the registered industrial organisation (union) covered by the agreement. These agreements cover all employees in the group, regardless of whether they were employed after the agreement came into effect.

Certified in accordance with Chapter 4, Part 5 of the IR Act, these agreements set out wage rates, allowances, role classifications, leave entitlements, grievance procedures, workplace flexibility schemes, as well as other topics relevant to a particular category of employees and industry.

The Commission may also provide assistance to parties, by way of conciliation, throughout the collective bargaining process. Should conciliation not resolve the issue/s in dispute between the parties, the Commission may refer a matter to arbitration for determination.

Throughout the reporting year, the Commission received seven requests for help in bargaining negotiations, two of which are still before the Commission in conciliation and the rest either resolved or are not continuing.

Throughout the reporting year, **44** applications for the certification of an agreement were made to the Commission. The following agreements were certified by the Commission during the reporting year, each of which replaced a corresponding agreement which was terminated at the same time the new agreement was certified/determined.

These agreements are categorised as either Public Sector or Local Government Agreements, as follows.

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### Public Sector Agreements

- *Aboriginal and Torres Strait Islander Health Workforce (Queensland Health) Certified Agreement (No. 2) 2023*
- *Child Safety and Youth Justice Certified Agreement 2023*
- *CITEC Certified Agreement 2023*
- *Maritime Safety Queensland Maritime Operations Certified Agreement 2022*
- *Office of the Information Commissioner Certified Agreement 2022*
- *Parliamentary Service Electorate Staff Certified Agreement 2023*
- *QBuild Field Staff Certified Agreement 2022*
- *QFleet Certified Agreement 2022*
- *Queensland Police Service Protective Services Officers Certified Agreement 2022*
- *Queensland Police Service Staff Members Certified Agreement 2023*
- *South Bank Employing Office Employees' Certified Agreement 2023*
- *Stadiums Queensland Staff Certified Agreement 2023*
- *State Government Entities Certified Agreement 2023*
- *TAFE Queensland Educators Certified Agreement 2023*
- *Tourism and Events Queensland Certified Agreement 2022*
- *Transport and Main Roads Operational Employees' Certified Agreement 2022*
- *Transport and Main Roads Enterprise Bargaining Certified Agreement 2022*
- *Visiting Medical Officers' Employees (Queensland Health) Certified Agreement (No. 1) 2023*
- *WorkCover Employing Office - Certified Agreement 2022*
- *Youth Detention Centre Certified Agreement 2023*



# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### Local Government Agreements

- *Cassowary Coast Regional Council Certified Agreement 2023*
- *Charters Towers Regional Council Union Collective Certified Agreement 2023*
- *Goondiwindi Regional Council Certified Agreement 2023-2025 INDOOR*
- *Goondiwindi Regional Council Certified Agreement 2023-2025 OUTDOOR*
- *Hinchinbrook Shire Council Local Government Officers (Stream A) Certified Agreement 2023*
- *Hinchinbrook Shire Council Operational Employees (Stream B and C) Certified Agreement 2023*
- *Isaac Regional Council Certified Agreement 2023*
- *Lockyer Valley Regional Council Certified Agreement - Field 2023*
- *Lockyer Valley Regional Council Certified Agreement - Officers 2023*
- *Longreach Regional Council Certified Agreement 2023*
- *Maranoa Regional Council Certified Agreement 2023*
- *Moreton Bay Regional Council Certified Agreement 2022 EBA5*
- *North Burnett Regional Council Certified Agreement 2023*
- *Northern Peninsula Area Regional Council Certified Agreement – 2023*
- *Redland City Council Employees' Certified Agreement 2022*
- *Somerset Regional Council - Field Staff Certified Agreement 2023*
- *Somerset Regional Council - Officers Certified Agreement 2023*
- *South Burnett Regional Council Certified Agreement - Field Staff 2023*
- *South Burnett Regional Council Certified Agreement - Officers 2023*
- *Sunshine Coast Council Field-Based Employees Certified Agreement 2023 [No.5]*
- *Sunshine Coast Council Salaried Officers Certified Agreement 2023 (No. 5)*
- *Western Downs Regional Council Operational Staff Certified Agreement 2023*
- *Western Downs Regional Council Non-Operational Staff Certified Agreement 2023*
- *Winton Shire Council Certified Agreement 2023*

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### GENERAL PROTECTIONS

As outlined in Chapter 8 of the IR Act, the purpose of general protections is to:

- protect workplace rights;
- protect freedom of association;
- provide protection from workplace discrimination; and
- provide effective relief for persons who have been discriminated against, victimised or otherwise adversely affected because of unfair treatment.

Furthermore, an employer must not take adverse action against an employee because that employee has exercised, or proposes to exercise, a workplace right.

Adverse action taken against an employee, or prospective employee, might include:

- dismissing the employee;
- injuring the employee;
- altering the position of the employee to their disadvantage; or
- refusing to employ, or discriminating against, a prospective employee.

Conversely, adverse action taken by an employee against an employer might include:

- ceasing work whilst in the service of the employer; or
- taking unauthorised (unprotected) industrial action against the employer.

Section 309 of the IR Act outlines the Commission's jurisdiction in dealing with an application to deal with a dispute in relation to general protections. The Commission deals with these matters by way of conciliation in the first instance, with the option to proceed to hearing should the matter not be resolved. During the reporting period, **48** applications were made in accordance with this section of the IR Act.

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### GENERAL RULINGS AND STATEMENT OF POLICY

Chapter 11, Part 2, Division 4 of the IR Act outlines the powers the Commission has in relation to making general rulings and statements of policy.

A Full Bench of the Commission may make general rulings in relation to an industrial matter for employees bound by an industrial instrument if multiple inquiries into the same matter are likely. The Full Bench must ensure a general ruling in relation to a minimum wage for all employees is made at least once a year and provide all interested persons an opportunity to be heard.

During the reporting period, a Full Bench of the Commission, constituted by Justice Davis, Vice President O'Connor and Industrial Commissioner Power, heard and determined three joined applications for a general ruling filed by the Queensland Council of Unions, Together Queensland, Industrial Union of Employees and The Australian Workers' Union of Employees, Queensland.

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

This matter was more complex than previous years as the Full Bench was also required to consider the proper construction of s 459A of the IR Act. This was due to the recent insertion of this new section into the IR Act as a result of the *Industrial Relations and Other Legislation Amendment Act 2022* which gives the Commission discretion not to apply a general ruling to the wages payable to employees, or a class of employees, under an award.

In short, in a decision released on 12 September 2023, the Full Bench ordered the following:

[35] Pursuant to s 463 of the IR Act it is declared that upon the proper construction of s 459A of the IR Act that:

- (a) any order or component of a ruling made pursuant to s 459A(2) may only apply to the employees or class of employees, described in s 459A(1)(b), whose wages would equal or exceed the wages payable under a certified agreement, determination or directive issued under the Public Sector Act 2022 (Qld); and
- (b) any order or component of a ruling made pursuant to s 459A(2) of the Act may take effect from the date of the general ruling made under s 458 of the Act.<sup>1</sup>

A further decision<sup>2</sup> and order, issued on 28 March 2024, ordered, operative on and from 1 September 2023, that the wages or salaries for full-time adult employees in all state modern awards be increased by

5.75 per cent with an increase in the minimum wage rate for all full-time employees in Queensland to \$882.80. Further it was ordered that monetary allowances (other than expense related allowances) in all state modern awards that related to work or conditions which have not changed, and service increments, are to be increased by 5.75 per cent.

For more information regarding these decisions, please refer to the Notable Decisions section of this report.

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### INDUSTRIAL DISPUTES

Chapter 6 of the IR Act deals with industrial disputes. The Industrial Registrar may be given notice of an industrial dispute if an issue remains unresolved after genuine attempts have been made to settle the dispute between an employer (or a registered industrial organisation representing an employer) and an employee (or a registered industrial organisation representing employees).

The Commission may take steps it considers appropriate for the prevention or prompt settlement of the industrial dispute through compulsory conciliation in the first instance. If the Commission considers that conciliation has not been successful, the matter may be referred to arbitration.

The Industrial Registrar was notified of **122** industrial disputes throughout the reporting period. Of those, only three proceeded to arbitration, illustrating the continued strong conciliatory function of the Commission.

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<sup>1</sup> Declaration of General Ruling (State Wage Case 2023) [2023] QIRC 263

<sup>2</sup> Declaration of General Ruling (State Wage Case 2023) (No 2) [2024] QIRC 070

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### MODERN AWARDS

Modern awards are industrial instruments which are legally enforceable documents, working in conjunction with certified agreements, they outline minimum wages, conditions and entitlements for employees covered within its scope.

In accordance with the IR Act, the Commission must ensure that modern awards provide for fair and just wages and employment conditions that are at least as favourable as the Queensland Employment Standards, as well as ensuring that they generally reflect the prevailing employment conditions of employees covered, or to be covered, by the modern award.

In accordance with Chapter 3 of the IR Act, the Commission has the power to make, vary or revoke modern awards, and, in doing so, must have regard to:

- relative living standards and the needs of low-paid employees;
- the need to promote social inclusion through increased workforce participation;
- the need to promote flexible modern work practices and the efficient and productive performance of work;
- the need to ensure equal remuneration for work of equal or comparable value;
- the need to provide penalty rates for employees who work overtime, work unsocial, irregular or unpredictable hours, work weekends or public holidays, or perform shift work; and

- efficiency and effectiveness of the economy – productivity, inflation, high level of employment.

Throughout the reporting year, there were applications made to vary the following modern awards:

- *Queensland Public Service Officers and Other Employees Award – State 2015*; and
- *Queensland Local Government Industry (Stream A) Award – State 2017*.

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### PUBLIC SECTOR APPEALS

Public sector appeals are appeals against decisions made in relation to a public sector employee's employment.

Governed by Chapter 3, Part 1 of the *Public Sector Act 2022* (PS Act), the types of decisions that may be appealed against include:

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

# YEAR IN REVIEW

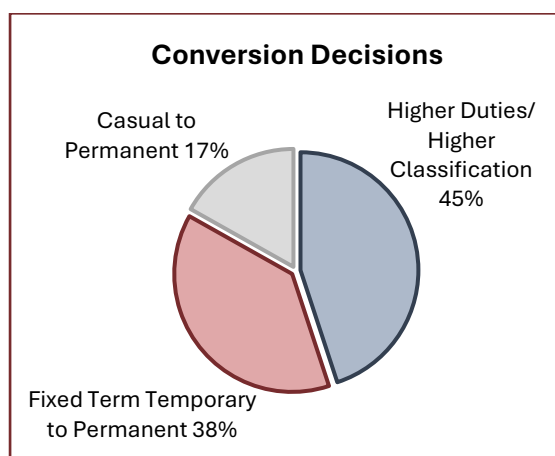
## Queensland Industrial Relations Commission

Public sector appeals are heard and determined by the Commission in accordance with Chapter 11 of the IR Act. A total of **238** appeals were filed during the reporting period, a decrease from the previous reporting period, however the matters dealt with by the Commission tend to be increasingly complex in nature and continue to occupy a large part of the Commission's workload.

Those matters filed may be broken down with regard to the type of decision being appealed against:

Conversion decision	89
Directive decision	9
Disciplinary decision	43
Fair treatment decision	71
Promotion decision	10
Suspension without pay decision	6
Transfer decision	7
Work performance direction decision	1
Decision about anything else which another Act allows	2

Appeals against a conversion decision may be further broken down as follows:



### TRADING HOURS

The *Trading (Allowable Hours) Act 1990* (TH Act) regulates the allowable trading hours of shops throughout Queensland. A five-year moratorium on the creation and amendment of trading hours in Queensland, which originated in 2018, was lifted on 31 August 2023.

Shop trading hours in Queensland are dependent upon the type of shop. The TH Act categorises shops as either being exempt or non-exempt shops.

Shops, such as independent retail shops, are generally classed as exempt shops, with the larger retailers (including supermarkets and department stores) classed as non-exempt shops.

Special trading hours apply to public holidays such as Anzac Day, Easter, Labour Day and Christmas Day. Hours of trade may also be restricted by other regulations, for example licenced premises must comply with the *Liquor Act 1992* and *Wine Industry Act 1994*.

Part 5 of the TH Act outlines the orders and declarations that may be made by the Commission with regard to the hours of trade.

During the reporting period, two applications were filed in accordance with s 31A of the TH Act requesting the Commission make a special event declaration. Those applications were approved by the Commission, declaring the following to be special events:

- Mount Isa Mines Rodeo [held 10 to 13 August 2023]; and
- Mount Isa Show [held 21 to 23 June 2024].

# YEAR IN REVIEW

## Queensland Industrial Relations Commission

### UNFAIR DISMISSALS

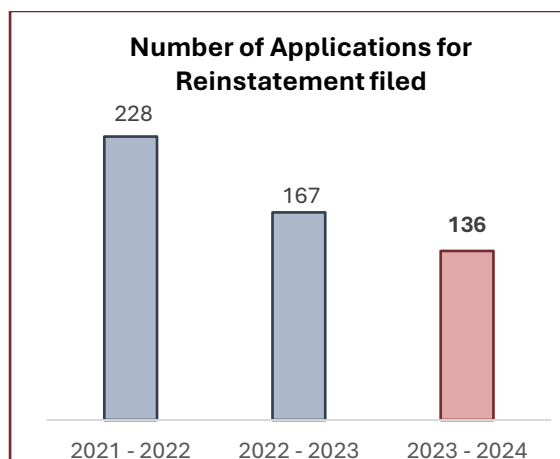
Governed by Division 2, Part 2 of Chapter 8 of the IR Act, reinstatement applications may be made to the Commission in circumstances where a worker believes they have been unfairly dismissed.

A dismissal may be unfair if it was determined to be harsh, unjust or unreasonable.

The outcome of an application depends upon whether the Commission determines an employee was unfairly dismissed. If the dismissal was found to be unfair, the Commission may award remedies as outlined in s 321 of the Act, being either reinstatement, re-employment or compensation.

The Commission deals with these matters by way of conciliation in the first instance. A matter may proceed to arbitration if conciliation is unsuccessful.

During the reporting year, **136** reinstatement applications were filed, a slight decrease from previous reporting years.



### WAGE RECOVERY

The Commission has jurisdiction to conciliate, hear and determine matters involving claims for unpaid wages, an apprentice's unpaid tool allowance, remuneration lost by an apprentice or trainee, or unpaid contributions to the approved superannuation fund payable to an employee.

The Commission is also responsible for the conciliation of Fair Work claims made in accordance with s 539(1) and (3) of the *Fair Work Act 2009* (Cwlth). Fair Work claims may be filed at either the Industrial Magistrates Court or the Industrial Registry (as the registry for the Industrial Magistrates Court for the purpose of Fair Work claims only). Should these matters not resolve at conciliation, they may be heard and determined by the Industrial Magistrates Court. In addition to Fair Work claims, the Industrial Magistrate also hears Unpaid Amount Claims and Employment claims, both of which may also be conciliated by the Commission.

In total, the Commission dealt with **283** matters in relation to wage recovery. The following table outlines a breakdown in the number of wage recovery matters filed in the reporting period, by type.

# YEAR IN REVIEW

## Queensland Industrial Relations Commission

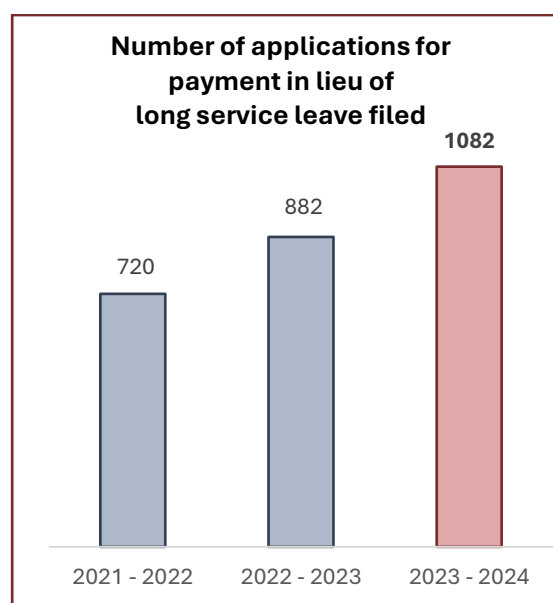
<b>Fair Work Claims</b> (filed in accordance with s 539 of the <i>Fair Work Act 2009</i> ) - 178 were filed at the Industrial Registry - 8 were filed at the Magistrates Court	186
<b>Unpaid Amount Claims</b> (filed at Magistrates Court in accordance with s 379 of the IR Act)	12
<b>Unpaid Amount Claims – unpaid wages, superannuation contribution, etc</b> (filed at the Industrial Registry in accordance with s 475 of the IR Act)	26
<b>Unpaid Amount Claims – pro rata long service leave</b> (filed at the Industrial Registry in accordance with s 475 of the IR Act)	50
<b>Employment Claim</b> (filed at the Magistrates Court in accordance with s 42B of the <i>Magistrates Court Act 1921</i> )	5
Subtotal	279
<b>Informal request for conference – Wage recovery</b>	4
<b>Total</b>	<b>283</b>

### Payment in lieu of Long Service Leave

An application may also be made to the Commission in accordance with s 110 of the IR Act for payment in lieu of taking long service leave, in part or in full, on compassionate grounds and/or because of financial hardship. Furthermore, registered workers covered by the *Community Services Industry (Portable Long Service Leave) Act 2020*, the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*, or the *Building and Construction Industry (Portable Long Service Leave) Act 1991* may also be eligible to make an application to the Commission for a payout of long service leave entitlements.

Given the nature of these applications, they are handled by the Commission in a very short turnaround time.

In the reporting year, **1,082** applications for payment in lieu of long service leave were filed, a significant increase from the previous reporting years.



### WORKERS' COMPENSATION APPEALS

The Workers' Compensation Regulator (the Regulator) is the statutory body that reviews workers' compensation decisions made by WorkCover Queensland (WorkCover) and self-insurers.

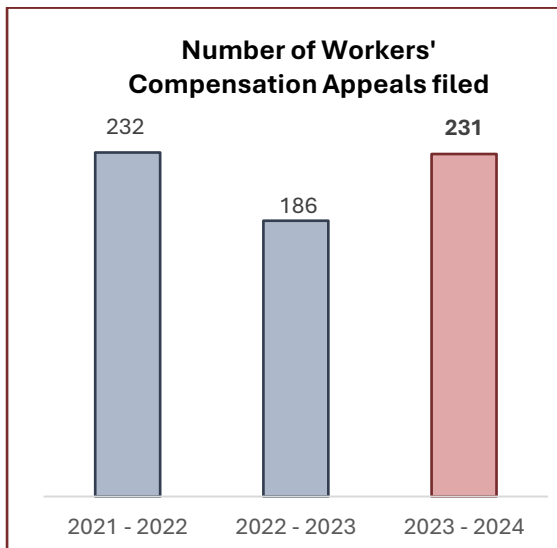
Where workers or employers feel aggrieved by a decision of either WorkCover or a self-insurer, they may seek a review of that decision by the Regulator. The Commission then has jurisdiction to hear appeals of those review decisions made by the Regulator pursuant to s 550 of the *Workers' Compensation and Rehabilitation Act 2003*.

# YEAR IN REVIEW

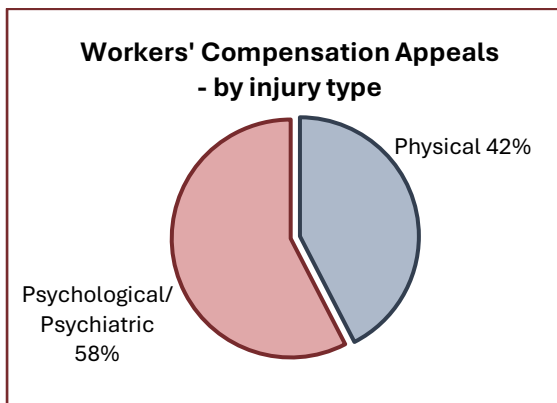
## Queensland Industrial Relations Commission

Appeals are conducted on a de novo basis and can be quite complex in nature and, as a result, tend to occupy a large proportion of the Commission's time.

During the year, **231** appeals against review decisions of the Regulator were filed, a significant increase from the 186 filed in the previous report year.



Of those appeals filed, **98** related to physical injuries in comparison to **133** relating to psychological/psychiatric injuries



### WORK HEALTH AND SAFETY

The main object of the *Work Health and Safety Act 2011* (WHS Act) is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

In accordance with the WHS Act, the Commission has jurisdiction to deal with WHS disputes, disputes about right of entry, and applications for an external review, and this jurisdiction continues to expand.

#### WHS disputes

A WHS dispute is a dispute about a WHS matter, such as:

- access to information by a health and safety representative;
- allowing a person assisting a health and safety representative to have access to a workplace to provide assistance;
- issue resolution; or
- right to cease or direct cessation of unsafe work.

If a dispute remains unresolved after the Regulator has been asked to appoint an inspector to assist, a party to the dispute may ask the Commission for assistance.



# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

### WHS permits

WHS entry permit holders are registered industrial organisation officials who hold a valid entry permit in accordance with the *Fair Work Act 2009* or the IR Act, as well as the WHS Act. They provide assistance by consulting and advising workers on WHS matters and inquiring into suspected contraventions of the WHS Act.

Applications for a permit are made to the Industrial Registrar. If approved, these permits have effect for a term of three years.

Throughout the reporting period, the Industrial Registrar considered **272** applications for the issue of a WHS entry permit.

### Right of entry disputes

A relevant person conducting a business or undertaking (PCBU) should not refuse or delay entry of, hinder or obstruct, a WHS entry permit holder. Likewise, a WHS entry permit holder must not delay, hinder or obstruct any person or disrupt work at the workplace, or act in an improper manner.

The Commission may deal with a dispute about right of entry in accordance with s 142 of the WHS Act, either by mediation, conciliation or arbitration.

### Applications for external review

In accordance with s 229B of the WHS Act, an eligible person may apply to the Commission for the review of a 'reviewable' decision made by the Regulator. Reviewable decisions are outlined in Schedule 2A of the WHS Act.

These applications are dealt with by way of rehearing by the Commission

The following table outlines the number of WHS matters dealt with by the Commission during the reporting period.

<b>Notice of WHS disputes</b> (filed in accordance with s 102B of the WHS Act)	9
<b>Dispute about right of entry</b> (filed in accordance with s 142 of the WHS Act)	4
<b>Application for external review</b> (filed in accordance with s 229B of the WHS Act)	11
<b>Total</b>	<b>24</b>

The Commission's jurisdiction in relation to dealing with WHS matters will be expanding as a result of legislative amendments due to be implemented in the second half of 2024.

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### PRACTICE DIRECTIONS

Practice Directions are issued by the Court, Commission and Industrial Registrar as a guidance for parties. Pursuant to s 552 of the IR Act and rule 92 of the *Industrial Relations (Tribunals) Rules 2011*, the following Practice Direction was issued during the reporting year:

- **Practice Direction 1 of 2024** – *Citation of Authority* (repealed PD 6 of 2021) – 18 January 2024
- 

### APPROVED FORMS

The following new or amended forms were approved by the Rules Committee of the Court and Commission in accordance with s 989(1) of the IR Act for use in the Court, Commission, Industrial Registry and Industrial Magistrates Court:

- **Form 5**      *Application to appeal* – 28 November 2023
  - **Form 6**      *Application to appeal to Full Bench* – 28 November 2023
  - **Form 7**      *Notice of appeal* – 28 November 2023
  - **Form 13**     *Application for payment instead of taking long service leave* – 21 March 2024
  - **Form 14**     *Application for proportionate payment of long service leave* – 27 February 2024
  - **Form 15**     *Application to recover unpaid wages, superannuation contributions etc* – 27 February 2024
  - **Form 16**     *Wage attachment notice* – 27 February 2024
  - **Form 17**     *Discharge by employee for payment received* – 27 February 2024
  - **Form 18**     *Application for order for repayment of fee received by a private employment agent* – 27 February 2024
  - **Form 20**     *Affidavit* – 21 March 2024
  - **Form 21**     *Certificate of Exhibit to Affidavit* – 21 March 2024
  - **Form 33**     *Notice of appointment of agent* – 1 July 2024
  - **Form 73A**    *Notice of WHS dispute* – 7 November 2023
  - **Form 85**     *Referral of a matter* – 7 November 2023
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# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

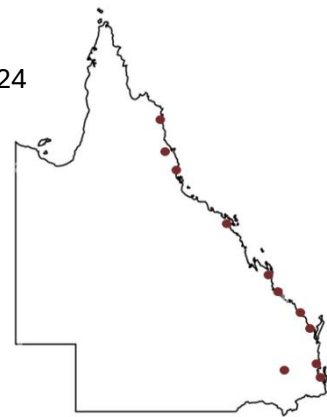
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### REGIONAL SITTINGS

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

During the reporting year, in addition to Brisbane, the Commission held proceedings in the following regions:

- **Cairns** – September 2023, January , February and May 2024
- **Hervey Bay** – September 2023 and March 2024
- **Bundaberg** – September 2023 and March 2024
- **Mackay** – October, November and December 2023, April 2024
- **Townsville** – November 2023
- **Southport** – November 2023
- **Ingham** – December 2023
- **Gladstone** – February and April 2024
- **Toowoomba** – March 2024
- **Yeppoon** – May 2024



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### EXTERNAL ENGAGEMENT, EDUCATION AND DEVELOPMENT

Members of the Court, Commission and Industrial Registry were actively involved in the training and further education of members of the public and the profession throughout the year.

- **Basic Rights Queensland/Working Women Queensland** – 2 August 2023, Brisbane
  - Industrial Commissioner McLennan hosted a tour and information session at the Commission. Together with Vice President Asbury (of the Fair Work Commission), Industrial Commissioner McLennan addressed the group on the following topics:
    - useful tips for clients and advocates when coming to the Commission – including what not to do;
    - the role of the Commission in Magistrate's employment claims; and
    - work health and safety disputes.

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

- **Griffith University – Employment Relations and Human Resources – 21 August 2023, Brisbane**

- Senior Registry Officer Hayley Button conducted a tour and information session for students of Griffith Business School. Coordinated by Dr Susan Ressia, Dr Robyn May and Dr Andrew See, students participated in a question-and-answer session with Industrial Commissioner Dwyer, and were also able to observe a Commission hearing.



- **2023 Bar Association Queensland Conference – 25 to 27 August 2023, Gold Coast**

- Justice Davis, President of the Industrial Court, presented a paper<sup>3</sup> and an update on the work of the Court and Commission to the attendees of the Bar Association of Queensland's Employment and Industrial Relations Conference.



- **International Women's Day Breakfast for Basic Rights Queensland/Working Women Queensland – 12 March 2024, Brisbane**

- Industrial Commissioner Pidgeon participated in a panel discussion regarding employment and industrial relations.



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<sup>3</sup> 'Industrial Court of Queensland and Queensland Industrial Relations Commission: An Update' paper delivered to the Employment and Industrial Relations Conference 2023, Bar Association of Queensland, Gold Coast, 26 and 27 August 2023

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

- **QUT – Law and Design Thinking** – 19 April 2024, Brisbane
  - Industrial Commissioner Pidgeon, along with Vice President O'Connor and Industrial Commissioner Power, hosted a cohort of approximately 30 QUT students on a tour and information session.



- **QUT – Law and Design Thinking** – 3 and 4 May 2024, Brisbane
  - Industrial Commissioner Pidgeon continued working with QUT Law and Design Thinking students on campus as part of their "Design Hack" applying legal knowledge and design thinking principles to devise ways to support the Commission and its stakeholders.
- **Industrial Relations Jurisdiction User Group (IJUG) and Workers' Compensation Jurisdiction User Group (WCJUG)** – 10 May 2024, Brisbane
  - A combined meeting of the IJUG and WCJUGs was held, chaired by Justice Davis, Vice President O'Connor, Deputy President Merrell and Deputy President Hartigan with approximately 40 participants representing different stakeholders, such as government, registered industrial organisations (employee and employer), the legal profession (individual barristers and legal firm representatives) and the Workers' Compensation Regulator.
- **Community Legal Centres Queensland Conference** – 21 and 22 May 2024, Brisbane
  - Industrial Commissioner Butler participated in a panel discussion as part of a workshop which provided insights into developing and maintaining stakeholder and government relationships.

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

- **Council of Australian Tribunals, Heads of Workers' Compensation Jurisdiction –**  
6 June 2024, Brisbane
    - Deputy President Merrell, assisted by Paige Bailey (Associate to Industrial Commissioner Knight), chaired the Council of Australian Tribunals, Heads of Workers' Compensation Jurisdictions meeting at which the following topics were discussed:
      - Recent legislative changes in each jurisdiction;
      - Issues and approaches to self-represented litigants;
      - Whether other jurisdictions experience delays in obtaining medical reports from treating medical practitioners and/or independent medical examiners; and
      - Increasing number of matters involving secondary psychological conditions or matters with a psychological component.
  
  - **Papua New Guinea Law Society Seminar Series 2024 –** 25 June 2024, Papua New Guinea
    - Deputy President Hartigan was guest speaker at the seminar series with her presentation titled *Seminar on Ethical Practice Requirements for Lawyers: AI, Law and Ethics*.
  
  - **Sir Rui Kidu Lecture Series 2024, Papua New Guinea Centre for Judicial Excellence and University of Papua New Guinea (UPNG) School of Law –** 26 June 2024, UPNG, Waigani Campus, Papua New Guinea
    - Deputy President Hartigan was guest speaker at the lecture series with her presentation titled *The Changing Landscape of Employment Contracts in Australia and Papua New Guinea*.
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# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

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### PROFESSIONAL ACTIVITIES

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

Some Members of the Court and Commission utilised their jurisprudential allowance or education allowance to attend conferences, seminars or courses. Those attendances are listed below.

#### ■ Vice President O'Connor

- Bar Association of Queensland - Employment and Industrial Relations Conference – Gold Coast – 26 to 27 August 2023
- International Association of Judges – Taipei – 17 to 21 September 2023
- Australian Judicial Officers Association Colloquium – Auckland – 5 to 8 October 2023
- International Bar Association Annual Conference – Paris – 29 October to 3 November 2023
- Australian Judicial Officers Association – Sydney – 15 to 17 March 2024

#### ■ Deputy President Hartigan

- National Judicial Conference – Judicial Orientation Program – Sydney – 12 to 17 November 2023

#### ■ Industrial Commissioner Knight

- LeadWELL Evolution, Planning, Prioritising and Productivity in the Workplace Program – various dates – July, August and September 2023
- Council of Australasian Tribunals National Conference – Brisbane – 6 to 7 June 2024

#### ■ Industrial Commissioner Pidgeon

- Bar Association of Queensland – Employment and Industrial Relations Conference – Gold Coast – 26 to 27 August 2023
- Council of Australasian Tribunals National Conference – Brisbane – 6 to 7 June 2024
- Fundamental Negotiation and Conflict Resolution Skills – online course – 28 February 2024
- Looking after our wellbeing in dispute resolution work – online course – 22 April 2024

#### ■ Industrial Commissioner Dwyer

- Bar Association of Queensland – Employment and Industrial Relations Conference – Gold Coast – 26 to 27 August 2023

# YEAR IN REVIEW

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## Queensland Industrial Relations Commission

### ■ **Industrial Commissioner Power**

- Bar Association of Queensland – Employment and Industrial Relations Conference – Gold Coast – 26 to 27 August 2023
- Council of Australasian Tribunals National Conference – Brisbane – 6 to 7 June 2024
- National Judicial College of Australia – Oral Decisions – Sydney – 30 May 2024

### ■ **Industrial Commissioner McLennan**

- ALERA Australian Labour and Employment Relations Association – Australian Industrial Relations – What’s Next? – Hobart – 26 to 27 August 2023
- National Judicial College of Australia - Oral Decisions – Sydney – 30 May 2024
- Council of Australasian Tribunals National Conference – Brisbane – 6 to 7 June 2024

### ■ **Industrial Commissioner Butler**

- Council of Australasian Tribunals National Conference – Brisbane – 6 to 7 June 2024

### ■ **Industrial Commissioner Caddie**

- Council of Australasian Tribunals National Conference – Brisbane – 6 to 7 June 2024



# YEAR IN REVIEW

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## Queensland Industrial Registry

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### INDUSTRIAL REGISTRY

The Industrial Registry is the registry for the Court and Commission. The Industrial Registry is also the registry for the Industrial Magistrates Court in relation to Fair Work claims only. The Industrial Registry is a public sector entity, headed by the Industrial Registrar, pursuant to the IR Act and the *Public Sector Act 2022*.

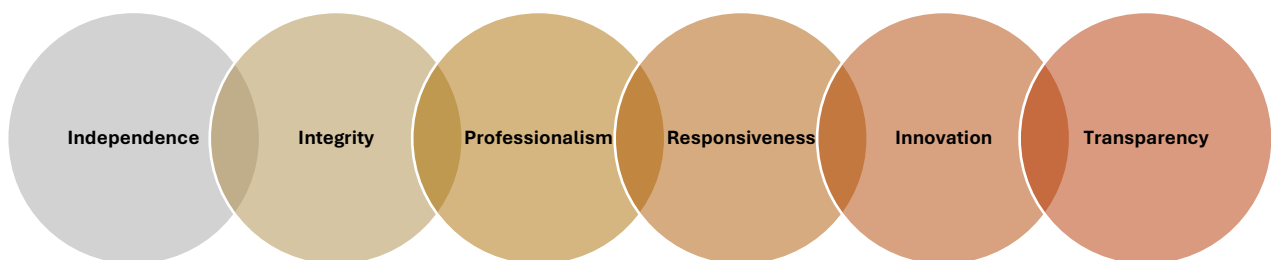
Appointed by the Governor in Council in accordance with s 514 of the IR Act, the Industrial Registrar is responsible for the management and administration of the Industrial Registry, as well as certain functions conferred under that Act (in addition to other legislation). A large part of these functions and powers lies within Chapter 12 of the IR Act in relation to registered industrial organisations.

The Industrial Registrar is directly supported by the Deputy Industrial Registrar and Registry Officers who are appointed in accordance with the *Public Sector Act 2022*.

Funding for the Court, Commission and Industrial Registry was provided, in the first part of the reporting period, by the Department of Education but, as a result of a change in the machinery of government in December 2023, is now provided through the Department of State Development and Infrastructure as part of the Office of Industrial Relations appropriation, with the Office of Industrial Relations being sensitive of the need to maintain the independence from the Court and Commission.

The Industrial Registry provides high level administrative support to the Court, Commission and Industrial Registrar. As outlined in the Strategic Plan, the Industrial Registry's vision is to provide high quality and timely services to all Court and Commission users through innovation and a high performing, positive workplace culture. The Industrial Registry's key values and priorities are as follows:

#### Values








# YEAR IN REVIEW

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## Queensland Industrial Registry

### Priorities

-  Improved recording and monitoring of compliance reporting for Registered Industrial Organisations
-  Sustainable, future-focussed information technology
-  Responsive and innovative service delivery
-  Professional and engaged workforce
-  Transparency and accountability through improved governance

The Industrial Registry establishment is made up of 18.8 full-time equivalent positions, including the Industrial Registrar, and is structured into four main units, being Client Services, Information Services, Corporate Services, and Registered Industrial Organisations.

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### CLIENT SERVICES

The Registry Officers within Client Services provide support to the Industrial Registrar, Court, Commission and Associates through:

- examining, evaluating and processing all filed material, correspondence and other documentation received from stakeholders (either by email, post or over the counter);
- fielding enquiries from all stakeholders;
- assisting in administrative activities for each application and tracking the progress of matters through Ready Case (the case management system);
- organising, listing, booking, and notifying of proceedings before the Court and Commission (in Brisbane and throughout the State); and
- managing the accurate and efficient record keeping functions of Court, Commission and Industrial Registry files, both current and historical.

The workload of the Client Service team throughout the reporting period included the following:

- processed an average of 9,100 emails per quarter, approximately **39,400** emails in total;
  - a total of **3,125** applications were filed and processed; and
  - responded to approximately **4,000** telephone enquiries.
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# YEAR IN REVIEW

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## Queensland Industrial Registry

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### INFORMATION SERVICES

Senior Registry Officers within the Industrial Registry support the Industrial Registrar in the provision of a diverse range of high-quality publication material and administrative support including research, communication, and information and courtroom technology, that contribute to the effective functioning of the Court, Commission, and the Industrial Registry.

Information and technology services provided by Industrial Registry are pivotal in the efficient exercise of the Court and Commission's functions. These services include:

- managing and maintaining the website (which has been accessed over 290,000 times over the reporting period) to ensure content is relevant and up to date;
  - publication of all relevant documentation to the website, in accordance with legislative requirements;
  - ongoing review and ensuring accessibility of relevant forms, guides, benchbooks, information sheets etc for all users;
  - publication of all relevant documentation to the website, in accordance with legislative requirements;
  - arranging for the publication of decisions on the Supreme Court Library website;
  - management of the LinkedIn page;
  - managing and maintaining an internal intranet site, including information and research tools required by the Court, Commission, Associates and Industrial Registry Officers;
  - updating and implementation of processes and procedures;
  - managing the Court and Commission case management system, including the provision of statistical reporting; and
  - managing court and conference room technology.
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# YEAR IN REVIEW

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## Queensland Industrial Registry

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### CORPORATE SERVICES

A comprehensive suite of corporate services is provided to Court and Commission Members and Associates, as well Industrial Registry officers. Managed by the Deputy Industrial Registrar and supported by two Senior Registry Officers, those corporate services include:

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

In accordance with the provisions of the *Financial Accountability Act 2009*, the Director-General of the Department of State Development and Infrastructure is now the accountable officer of the Industrial Registry. The Director-General has further delegated certain powers to the Industrial Registrar under that Act to carry out financial functions and transactions for the Industrial Registry.

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### REGISTERED INDUSTRIAL ORGANISATIONS

Registered industrial organisations are assisted in their duty to comply with legislative provisions through several tools developed, maintained and updated by the Industrial Registry. The requirements for registration, membership, rules, structure and control, election of office bearers and financial accountability of registered industrial organisations are governed by Chapter 12 of IR Act. This chapter confers a number of functions on the Industrial Registrar.

Throughout the reporting period, a total of **272** matters concerning registered industrial organisations were filed and processed within the reporting period, a significant increase in comparison to the 236 matters in the previous reporting year. The schedule to this report contains a further breakdown of the types of matters filed.

Of note, an application to deregister the Bacon Factories' Union of Employees, Queensland was instigated by the Industrial Registrar due to the union being defunct after having first been registered in Queensland in 1946<sup>4</sup>.

Membership numbers of the registered industrial organisations representing employees has seen an increase over the reporting year to **381,735**, in comparison to 371,815 in the previous reporting year. A breakdown of membership numbers by organisation is outlined in the following tables.

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<sup>4</sup> *Industrial Registrar v The Bacon Factories' Union of Employees, Queensland* [2024] QIRC 077

# YEAR IN REVIEW

## Queensland Industrial Registry

Registered Industrial Organisations - EMPLOYEE	Number of members
Australian Institute of Marine and Power Engineers' Union of Employees, Queensland District	392
Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland	11,482
Australasian Meat Industry Union of Employees (Queensland Branch)	5,715
Australian Maritime Officers Union Queensland Union of Employees	701
Australian Salaried Medical Officers' Federation Queensland, Industrial Organisation of Employees	2,473
The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees	3,046
Australian Rail, Tram and Bus Industry Union of Employees, Queensland Branch	6,848
The Australian Workers' Union of Employees, Queensland	22,450
Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland	27,400
The Electrical Trades Union of Employees Queensland	18,667
Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees	2,952
Plumbers & Gasfitters Employees' Union Queensland, Union of Employees	3,637
Queensland Fire and Rescue - Senior Officers Union of Employees	121
Queensland Independent Education Union of Employees	16,719
Queensland Nurses and Midwives' Union of Employees	74,196
The Queensland Police Commissioned Officers' Union of Employees	312
Queensland Police Union of Employees	12,176
Queensland Services, Industrial Union of Employees	15,507
Queensland Teachers Union of Employees	48,642
Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees	28,267
The Seamen's Union of Australasia, Queensland Branch, Union of Employees	821
Together Queensland, Industrial Union of Employees	31,819
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)	7,766
United Firefighters' Union of Australia, Union of Employees, Queensland	2,924
United Workers' Union, Industrial Union of Employees, Queensland	36,702
<b>Total</b>	<b>381,735</b>

# YEAR IN REVIEW

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## Queensland Industrial Registry

Registered Industrial Organisations - EMPLOYER	Number of members
Australian Dental Association (Queensland Branch) Union of Employers	729
The Baking Industry Association of Queensland - Union of Employers	49
Local Government Association of Queensland Ltd	77
Master Electricians Association, Queensland Industrial Organisation of Employers	2,095
Master Plumbers' Association of Queensland (Union of Employers)	1,298
Master Painters, Decorators and Signwriters' Association of Queensland, Union of Employers	219
National Retail Association Limited, Union of Employers	6,643
Queensland Chamber of Commerce and Industry Limited ACN 009 662 060	1,641
Queensland Hotels Association, Union of Employers	1,230
Queensland Master Builders Association, Industrial Organisation of Employers	9,983
The Registered and Licensed Clubs Association of Queensland, Union of Employers	444
<b>Total</b>	<b>24,408</b>

# LEGISLATIVE AMENDMENTS

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Legislative amendments which have had a direct effect on the work of the Court, Commission and Industrial Registry over the reporting year are outlined below.

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## **INDUSTRIAL RELATIONS (TRIBUNALS) RULES 2011**

### **Industrial Relations (Tribunals) Amendment Rule 2023** – 3 November 2023

- Minor consequential amendments were made in line with amendments that were made to the IR Act because of the *Industrial Relations and Other Legislation Amendment Act 2022* which ensured transparency, accountability and reporting obligations for organisations who promote and represent industrial interests, as well as representation requirements for agents.
  - To ensure consistency with the IR Act, the following amendments were made:
    - replaced references to "association" with the terms "organisation" or "industrial organisation"; and
    - updated provisions to ensure that actions taken by agents representing parties pursuing industrial matters reflect the requirements for agents in the IR Act.
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## **ANTI-DISCRIMINATION ACT 1991**

### **Births, Deaths and Marriages Registration Act 2023** – 29 April 2024

- Discrete amendments were made to the *Anti-Discrimination Act 1991* to improve protections of the trans, gender diverse and intersex community. Those amendments were made to:
  - modernise the definition of "gender identity" so that it is more inclusive and aligns with international best practice;
  - introduce a new protected **attribute** of "sex characteristics" which provides protections for members of the intersex community; and
  - repeal an exemption which allows unlawful discrimination in the area of working with children.

These amendments came about as a result of the recommendations made of the Queensland Human Rights Commission in the *Building Belonging Report – Review of Queensland's Anti-Discrimination Act 1991* as well as taking into consideration the 2007 *Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*.

# LEGISLATIVE AMENDMENTS

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## WORK HEALTH AND SAFETY ACT 2011

### ***Work Health and Safety and Other Legislation Amendment Act 2024*** – 20 May 2024

- Amendments to the *Work Health and Safety Act 2011* (WHS Act) came about because of the recommendations of the *Review of the Work Health and Safety Act 2011 – Final Report 2022* and the *2018 Review of the Mode Work Health and Safety Laws*, known as the Boland Review. The intention of the amendments was to:
    - strengthen and promote the role of health and safety representatives, including clarifying powers and functions performed at the workplace;
    - promote consultation about work health and safety matters with workers and their representatives;
    - clarify rights that WHS entry permit holders can exercise at workplaces to assist workers in relation to suspected contraventions of the WHS Act;
    - clarify which entities or persons may assist workers and act as their representatives in relation to WHS issues, essentially excluding associations or independent contractors who are not registered unions under the *Fair Work (Registered Organisations) Act 2009* (Cwlth) or not registered industrial organisations in accordance with the IR Act (consistent with previous amendments made to the IR Act in 2022);
    - clarify and streamline the dispute resolution process;
    - move certain proceedings from the Magistrates Court to the Commission (e.g. civil proceedings in relation to discriminatory or coercive conduct and civil penalty provisions in relation to contraventions/alleged contraventions of the WHS Act).
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# NOTABLE CASES

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## *State Wage Case 2023*

**Justice Davis, President, Vice President O'Connor, Industrial Commissioner Power**

- ***Declaration of General Ruling (State Wage Case 2023) [2023] QIRC 263***  
[12 September 2023] Decision regarding the proper construction of s 459A of the IR Act
  - ***Declaration of General Ruling (State Wage Case 2023) (No 2) [2024] QIRC 070***  
[28 March 2024] Declaration
  - ***Declaration of General Ruling (State Wage Case 2023) (No 3) [2024] QIRC 111***  
[10 May 2024] Reasons for decision
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## *Fox v Infosys Technologies Ltd [2024] QIRC 109*

**Justice Davis, President, Vice President O'Connor, Deputy President Hartigan**  
[10 May 2024]

INDUSTRIAL LAW – QUEENSLAND – GENERAL EMPLOYMENT CONDITIONS – LONG SERVICE LEAVE – ENTITLEMENT TO LEAVE – CONTINUITY OF SERVICE – where the employee was employed by the respondent in India – where a condition of the terms of employment was that the employee could be deployed to locations outside India – where the employee was deployed to Victoria – where, after ten years of continuous service with the respondent, the employee was deployed to work in Queensland – where the employee worked in Queensland for 18 days – where the employee made claim for long service leave pursuant to the provisions of the *Industrial Relations Act 2016* – whether long service leave entitlements only arise if the service of the employee has a "substantial connection" to the State – whether the entitlement to long service leave arises if the employee has performed ten years continuous service with the respondent before working in Queensland – whether entitlements of the employee under laws of the sovereign state of India disentitle the employee to long service leave under the provisions of *Industrial Relations Act 2016*.

CONSTITUTIONAL LAW – STATE CONSTITUTION – EXTRA-TERRITORIAL OPERATION OF LEGISLATION – GEOGRAPHICAL LIMITATION ON STATE LEGISLATIVE POWER – where an employee claimed an entitlement to long service leave – where the employee's "continuous service" included service under employment beyond Queensland – where the *Industrial Relations Act 2016* provided that service "wholly in the State or partly in and partly outside the State" counted towards long service leave – whether the provision concerning service beyond the State was beyond the power of the Queensland parliament – whether the provision concerning service beyond the State needed to be read down so as to be within the power of the Queensland parliament

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# NOTABLE CASES

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## ***Johnson v State of Queensland (Queensland Health) [2024] QIRC 102***

**Justice Davis, President, Vice President O'Connor, Industrial Commissioner Pidgeon**  
[2 May 2024]

INDUSTRIAL LAW – QUEENSLAND – INDUSTRIAL TRIBUNALS – PROCEEDINGS IN INDUSTRIAL TRIBUNALS – REPRESENTATION OF PARTIES – where the applicant brought a claim for unfair dismissal – where she purported to appoint as an agent to represent her an incorporated association – where a natural person was nominated as the "contact person" for the incorporated association – where an alternative natural person was nominated as "contact person" – where the law was amended so that no agent receiving remuneration could be appointed – where the alternative agent was receiving remuneration – where there were transitional provisions relevant to the amendment – whether the transitional provisions operated such that, having appointed an agent, the applicant was not bound by the restrictions in the amendments – where the proposed agent was a lawyer who was admitted to practise but did not hold a practising certificate – whether the agent was relevantly a "lawyer" – whether the agent could represent the applicant in the Commission without a practising certificate

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## ***Mackenzie v State of Queensland (Queensland Health) (No 2) [2023] QIRC 282***

**Justice Davis, President, Vice President O'Connor, Industrial Commissioner Dwyer**  
[29 September 2023]

INDUSTRIAL LAW – QUEENSLAND – DISMISSALS – UNFAIR DISMISSAL – where application for reinstatement – where matter referred to Full Bench – where respondent applied to strike out application – where application commencing proceedings struck out by Full Bench – where respondent sought an order for costs – where costs do not follow the event – where respondent must show that application was made without reasonable cause or that it was reasonably apparent that it had no prospect of success – whether application necessary or desirable in the public interest – whether costs ought to be awarded against the applicant

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## ***Industrial Registrar v The Bacon Factories' Union of Employees, Queensland [2024] QIRC 077***

**Vice President O'Connor, Industrial Commissioner Dwyer, Industrial Commissioner Pratt**

INDUSTRIAL LAW – QUEENSLAND – INDUSTRIAL ORGANISATIONS – REGISTRATION – DEREGISTRATION, CANCELLATION OR SUSPENSION – where the Industrial Registrar sought an order deregistering an organisation – where the organisation was defunct – whether all necessary procedural requirements have been met for deregistration of industrial organisation

# NOTABLE CASES

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## *Chen v State of Queensland (Queensland Health) (No 2) [2023] ICQ 21*

**Vice President O'Connor** [29 September 2023]

INDUSTRIAL LAW – QUEENSLAND -APPEAL TO INDUSTRIAL COURT – APPLICATION FOR COSTS – where public service appeals, general protections and dismissal applications filed in the Queensland Industrial Relations Commission (the Commission) – where appeal allowed and decision in public service appeals set aside – where public service appeal adjourned to Industrial Registry pending the hearing and determination of applications for general protections and dismissal – where appellant filed application for indemnity costs – where respondent seeking indemnity costs – whether application made or responded to vexatiously – whether application made without reasonable cause – whether application had reasonable prospect of success – whether indemnity costs should be ordered

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## *Reh v State of Queensland (Department of Education) [2023] ICQ 16*

**Vice President O'Connor** [1 August 2023]

INDUSTRIAL LAW – QUEENSLAND – APPEAL – PUBLIC SERVICE APPEAL – APPLICATION FOR ORDER TO STOP BULLYING – GENERAL APPLICATION – APPLICATION TO RECOVER UNPAID WAGES – where the appellant instituted proceedings in the Queensland Industrial Relations Commission (QIRC) – where appellant suspended without remuneration as from 27 January 2022 until 30 June 2022 – where appellant disciplined with reduction in remuneration from QC2-04 to QC2-03 for a period of 18 weeks and a reprimand – where appellant filed appeal eleven days out of time – where appellant filed Application for an order to stop bullying, a General Application seeking various forms of relief and an Application to recover unpaid wages – where appellant appealed the decision of the QIRC to the Industrial Court of Queensland – where appellant sought to discontinue appeal – where respondent objected – where respondent sought an order for costs – whether costs should be ordered – appeal dismissed by consent – determined appellant to pay respondent's costs to be assessed by Industrial Registrar

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# NOTABLE CASES

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## ***Seymour Whyte Constructions Pty Ltd v the Regulator under the Work Health and Safety Act 2011 [2024] QIRC 085***

**Vice President O'Connor** [19 April 2024]

INDUSTRIAL LAW – WORK HEALTH AND SAFETY – EXTERNAL REVIEW – IMPROVEMENT NOTICE – PROHIBITION NOTICE – where applications for external review – where applicant was issued three improvement notices and one prohibition notice – where parties agreed matters be heard together – where applicant seeks all notices be set aside – whether inspectors held a reasonable belief there was a contravention when issuing each of the improvement notices and the prohibition notice – whether inspectors formed a reasonable belief an activity was occurring at a workplace or may occur involving a serious risk to the health or safety of a person – whether grounds existed for the issue of the prohibition notice – whether improvement notices contained content required in s 192 of the *Work Health and Safety Act 2011* – whether prohibition notice contained content required in s 196 of the *Work Health and Safety Act 2011* – whether review decisions should be set aside – whether improvement notices and prohibition notice should be withdrawn

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## ***Fayers v State of Queensland (Queensland Health) [2023] QIRC 337***

**Vice President O'Connor** [29 November 2023]

INDUSTRIAL LAW – QUEENSLAND – DISMISSAL – UNFAIR DISMISSAL – application for reinstatement – where applicant claims dismissal was harsh, unjust and/or unreasonable – where applicant failed to comply with Health Employment Directive 12/21 issued under s 51A of the *Hospital and Health Boards Act 2011* – where application considered by Commission under an agreed joint set of common issues – where determined none of matters made applicants' dismissals unfair – where directions issued for applicant to show cause why the Commission should not dismiss the application or refrain from hearing, further hearing or deciding the application – whether further proceedings necessary or desirable in the public interest – whether costs should be awarded

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## ***Gilbert v Metro North Health and Hospital Service and Ors (No. 2) [2023] ICQ 020***

**Deputy President Hartigan** [15 September 2023]

INDUSTRIAL LAW - QUEENSLAND - APPEALS - APPEAL TO INDUSTRIAL COURT - where the appellant's claim seeking declarations and civil penalties was dismissed - where the appellant appeals - where the appeal considers the statutory construction of the terms "industrial association" and "trade union activity" within the meaning of those terms contained in the Industrial Relations Act 2016 (Qld) – whether the Nurses' Professional Association of Queensland ("the NPAQ") is an "industrial association" – whether the appellant engaged in "industrial activity" – whether the NPAQ is a "trade union" – whether the appellant engaged in "trade union activity" – where appeal dismissed.

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# NOTABLE CASES

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## ***Robertson v McDonald's Australia Limited [2023] ICQ 027***

**Deputy President Hartigan** [21 November 2023]

COURTS AND JUDGES – JUDGES – DISQUALIFICATION FOR INTEREST OR BIAS – where the appellant claimed they were discriminated against by the respondent – subsequent applications in existing proceedings filed in the Court for various orders – recusal application – allegation of actual bias – consideration of applicable principles to determine if actual bias established – actual bias not established – consideration of applicable principles to determine if apprehension of bias established – apprehension of bias not established – application in existing proceedings dismissed

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## ***Re: Children by Choice Association Incorporated [2023] QIRC 293***

**Industrial Commissioner Pidgeon** [10 October 2023]

EQUAL OPPORTUNITY AND DISCRIMINATION – application to grant exemption under the *Anti-Discrimination Act 1991* (Qld) s 113 so the Applicant can advertise for, recruit and employ only women to all positions – where the Applicant is an independent non-profit providing services to women and pregnant people – where many of the Applicant’s clients report experiencing domestic violence, sexual assault, or reproductive coercion, predominantly perpetrated by men – where the exemption is sought to enable the Applicant to meet its objectives and service provision obligations under funding arrangements – where the exemption is sought to enable the Applicant to provide services in a space and manner whereby women and pregnant people feel safe and comfortable – where the Queensland Human Rights Commission says that excluding males from work with the Applicant is prima facie unlawful sex discrimination under the AD Act – where the Queensland Human Rights Commission submits the exemption should be limited to roles that require direct contact with clients – where the Queensland Human Rights Commission proposes alternative measures for achieving the objectives of the exemption application – where the exemption is necessary – where there are no suitable non-discriminatory ways of achieving the objects or purposes for which the exemption is sought – where the exemption is in the community interest – where persons or bodies other than the Applicant support the exemption application – exemption granted for five years

HUMAN RIGHTS – DISCRIMINATION LEGISLATION – whether granting the exemption affects a human right within the meaning of the *Human Rights Act 2019* (Qld) – whether exemption is compatible with human rights within the meaning of the *Human Rights Act 2019* (Qld) – where the Queensland Human Rights Commission submits that the Applicant has not demonstrated that restricting work to women only is a legitimate and proportionate limitation on the right to equality and the protection without and against discrimination – where the limitation is demonstrably justified – exemption granted for five years

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# NOTABLE CASES

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## ***Philp v State of Queensland (Department of Education) [2023] QIRC 219***

**Industrial Commissioner McLennan** [28 July 2023]

PUBLIC SERVICE – EMPLOYEES AND SERVANTS OF THE CROWN GENERALLY – PUBLIC SERVICE APPEAL – Appellant employed as a teacher – Appellant charged with offences under the *Criminal Code Act 1899* (Qld) – Appellant suspended without remuneration pursuant to s 137(4) of the *Public Service Act 2008* (Qld) – whether decision to extend suspension without remuneration was fair and reasonable – decision to extend suspension without remuneration was not fair and reasonable – appeal is allowed

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## ***Sime v State of Queensland (Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships) [2023] QIRC 327***

**Industrial Commissioner McLennan** [15 November 2023]

PUBLIC SECTOR – EMPLOYEES AND SERVANTS OF THE CROWN GENERALLY – appeal against a disciplinary finding – allegations of misconduct against the appellant – whether disciplinary findings were fair and reasonable – whether the appellant engaged in the conduct subject of the allegations – where five of the six allegations can be substantiated – where the finding that discipline grounds exist was fair and reasonable

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## ***Rolfe v State of Queensland (Children's Health Queensland Hospital and Health Service) and Ors (No. 3) [2024] QIRC 150***

**Industrial Commissioner McLennan** [19 June 2024]

HUMAN RIGHTS – DISCRIMINATION – REFERRAL OF COMPLAINT – where the complainant was employed on a fixed term temporary contract – where the complainant's employment was not renewed – whether the respondents discriminated against the complainant on the basis of sex and pregnancy – whether victimisation occurred – whether the respondents made an unlawful request for information – consideration of less favourable treatment – where the respondents are found to have directly discriminated against the complainant on the basis of the protected attribute of pregnancy – where no victimisation occurred – where an unlawful request for information was not made – where damages are awarded

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# NOTABLE CASES

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## ***Re: Rights in Action Inc. [2024] QIRC 132***

**Industrial Commissioner Butler** [27 May 2024]

INDUSTRIAL LAW – ANTI-DISCRIMINATION – EXEMPTION – application to grant exemption under s 113 of the *Anti-Discrimination Act 1991* (Qld) – exemption in relation to discrimination on the grounds of age and impairment so the applicant can advertise, recruit, select, appoint and employ for or to a specific job – exercise of discretion

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## ***Gill v WBC Investments Pty. Ltd. [2024] QIRC 153***

**Industrial Commissioner Butler** [21 June 2024]

INDUSTRIAL LAW – RECOVERY OF PRO RATA LONG SERVICE LEAVE – Employee absent from work for an extended period because of injury – whether the employer constructively dismissed the employee – whether the employer unfairly dismissed the employee – the employee is entitled to proportionate long service leave.

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## ***Kempster v JGI Property Group Pty Limited & Ors [2024] QIRC 151***

**Industrial Commissioner Butler** [20 June 2024]

ANTI-DISCRIMINATION LAW – INDUSTRIAL LAW – where application by Complainant for grant of leave to be legally represented – where application opposed – whether proceedings would be dealt with more efficiently if leave granted – whether unfair not to grant leave – whether discretion should be exercised to grant leave for Complainant to be represented – leave granted.

ANTI-DISCRIMINATION LAW – INDUSTRIAL LAW – where application by Complainant for grant of leave to be represented by an agent – where application opposed – where agent is an unpaid agent instructing counsel – whether proceedings would be dealt with more efficiently if leave granted – whether discretion should be exercised to grant leave for Complainant to be represented – leave granted.

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## ***Johanson v Queensland Teachers Union of Employees and Ors [2024] QIRC 157***

**Industrial Registrar Shelley** [24 June 2024]

INDUSTRIAL LAW – QUEENSLAND – REGISTERED INDUSTRIAL ORGANISATIONS - Application for an election inquiry – Industrial Registry may refer the application to the Commission – Industrial Registrar needs to be satisfied there are reasonable grounds to inquire – whether there has been an irregularity – what are reasonable grounds – definition of "irregularity" – whether application is one for referral to the Commission for an election inquiry – not referred

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# SCHEDULE

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## MATTERS FILED IN THE INDUSTRIAL COURT

Type of appeal filed	2023/2024
<b>Appeal against a decision of an Industrial Magistrate</b> (s 556 of the <i>Industrial Relations Act 2016</i> )	1
<b>Appeal against a decision of the Commission</b> (s 557 of the <i>Industrial Relations Act 2016</i> )	23
<b>Appeal against a decision of the Commission</b> (s 561 of the <i>Workers' Compensation and Rehabilitation Act 2003</i> )	10
<b>Appeal against Chief Inspector's directives and review decisions</b> (s 243 of the <i>Coal Mining Safety and Health Act 1999</i> )	16
<b>Application for stay of decision</b> (s 566 of the <i>Industrial Relations Act 2016</i> )	2
<b>Total</b>	<b>52</b>

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## MATTERS FILED IN THE QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Type of matter filed		2023/2024
<b>Industrial Relations Act 2016</b>		
s 99(2)(b)	Payment for Commission	4
s 110	Long Service Leave – payment in lieu of	1,082
s 147(1)(b)	Application to vary a modern award	2
s 149(1)	Variation correction of minor errors	1
s 175(1b)	Request for help in negotiations for bargaining	7
s 189(1)	Application for certification of agreement	44
s 213	Decision about designated award	3
s 225(1)	Application to amend a bargaining instrument	2
s 227(1)	Application for termination on/before expiry date	1
s 228(1)	Application for termination after expiry date	42
s 235(1)	Application for approval to engage in industrial action	23
s 261	Notice of industrial dispute	122
s 273	Application for a commission order to stop bullying	16
s 309(2)	Application to deal with a dispute	48
s 317(1)	Application for reinstatement (unfair dismissal)	136
s 326(1)	Application for severance allowance	1
s 337	Authorisation of industrial officers	244
s 379	Recovery of unpaid wages (UAC)	12
s 451	General powers of the commission	1
s 458	Application for general ruling	3
s 463(1)	Application for declaration	2
s 467(1)	Application for interpretation	1
s 473(1)	Application for injunction	1
s 475(1)	Recovery of pro rata long service leave	50
s 475(1)(a)	Recovery of unpaid wages	26
s 484(1)	Application to re-open proceedings	8
	Request for recovery conference	4
<b>Industrial Relations (Tribunals) Rules 2011</b>		
r 230	Lapse of proceedings after at least 1 year's delay	1

Type of matter filed		2023/2024
<b>Magistrates Court Act 1921</b>		
s 42B	Employment claim	5
<b>Public Interest Disclosure Act 2010</b>		
s 48	Application for an injunction about a reprisal	2
<b>Public Sector Act 2022</b>		
s 131(1)(a)	Appeal against a conversion decision	40
	- Higher Duties	34
	- Temporary to permanent	15
	- Casual to permanent	
s 131(1)(b)	Appeal against a directive decision	9
s 131(1)(c)	Appeal against a disciplinary decision	43
s 131(1)(d)	Appeal against a fair treatment decision	71
s 131(1)(e)	Appeal against a promotion decision	10
s 131(1)(f)	Appeal against a suspension without pay decision	6
s 131(1)(g)	Appeal against a transfer decision	7
s 131(1)(h)	Appeal against a work performance direction decision	1
s 131(1)(i)	Appeal against a decision about anything else against which another Act allows	2
<b>Trading (Allowable Hours) Act 1990</b>		
s 31A	Special event declaration	2
<b>Workers' Compensation and Rehabilitation Act 2003 and Workers' Compensation and Rehabilitation Regulation 2014</b>		
s 550(4)	Appeal against decision of Workers' Compensation Regulator	230
s 550 (4)	Appeal against decision of insurer	1
<b>Work Health and Safety Act 2011</b>		
s 102B	Notice of WHS dispute	9
s 131	WHS entry permit	272
s 142	Dispute about right of entry	4
s 229B	Application for review	11
<b>Anti-Discrimination Act 1991</b>		
s 113	Application for exemption from certain provisions	10
s 144(1)	Application for orders protecting complainant's interests	3
s 164	Anti-Discrimination conciliation agreement	149
s 164A(2)	Referral of complaint not resolved	16
s 166(1)	Referral of complaint unconciliated	98
s 167(1)(a)	Referral of complaint after six months	1

Type of matter filed		2023/2024
<b>Queensland Civil and Administrative Tribunal Act 2009</b>		
s 52	Transfer of QCAT file	1
<b>Fair Work Act 2009 (Cwlth)</b>		
s 539	Fair Work Claim	186
	<b>TOTAL</b>	<b>3,125</b>

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## MATTERS FILED IN RELATION TO REGISTERED INDUSTRIAL ORGANISATIONS

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