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The Industrial Relations Commission
of
New South Wales
Annual Report
Year Ended 31 December 1992

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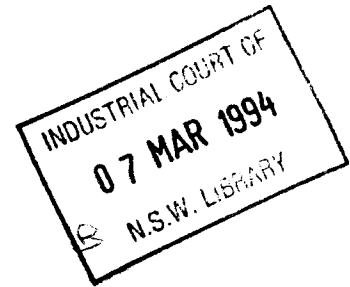
The Industrial Relations Commission

of

New South Wales

Annual Report

Year Ended 31 December 1992



I have the honour to furnish to the Minister for presentation to Parliament the Twenty-Sixth Report of the President of the Industrial Commission of New South Wales made pursuant to s.14A of the Industrial Arbitration Act, 1940, as amended, relating to the year ended 31 March 1992 and the first Report of the Industrial Relations Commission of New South Wales made pursuant to section 344 of the Industrial Relations Act 1991 for the year ended 31 December 1992.

A handwritten signature in black ink, appearing to read "W. J. ...". The signature is written in a cursive style and is positioned above a horizontal line.

PRESIDENT

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INTRODUCTION

The Industrial Relations Commission of New South Wales was established by the Industrial Relations Act, 1991. Prior to March 31, 1992 the Industrial Commission of New South Wales had been established by the Industrial Arbitration Act, 1940. The Industrial Relations Act, 1991 conferred upon the Commission jurisdiction in industrial matters as defined by the new Act, and repealed the former Industrial Arbitration Act, 1940. The Act also created the Industrial Court of New South Wales as a superior court of record, resulting in the separation of the functions and powers of the former Commission between the new Commission and the newly created Court.

In general the Industrial Relations Commission of New South Wales may be approached in 5 ways, and unlike the former Industrial Commission, may be approached by an individual in relation to unfair dismissal claims:

- ◆ By referral of a question, dispute or difficulty to the Commission or in the case of an individual a grievance pursuant to the terms of section 188 (1) and (2).
- ◆ By summons to a compulsory conference where there is a threatened, probable or contemplated industrial action or actual industrial action pursuant to the terms of section 204.
- ◆ By summons to compulsory conference where there is or may be a dispute as to a contract determination pursuant to section 698.
- ◆ By the filing of an application upon a Notice of Motion. In every case within 7 days of filing, these matters are assigned by the President to the appropriate Panel where the senior Member of the Panel refers the matter to an individual Member. The case would normally be listed for mention within a few days. All cases are projected forward by being fixed for hearing or further mention; there is no backlog. All cases are given a time and date for hearing by arrangement with the parties in the nature of a special fixture. Longer cases are relatively common.
- ◆ Individuals or Unions on behalf of individuals may claim under section 246 of the Industrial Relations Act, the area of the Act relating to Unfair Dismissals. These matters are allocated by the President on a daily basis, usually the day after the claim is filed. The applicant will have been advised by Legal Officers at the time of filing the claim as to general procedure. The cases are listed for preliminary hearing usually within one week after filing. Access by individuals under this section is a new avenue of approach to the Industrial Relations Commission, not possible under the former Industrial Arbitration Act 1940.

The Commission deals with such matters as:

- industrial disputes
- award applications
- applications for reductions in hours
- matters referred by the Minister
- industrial contract determinations
- reports and submissions by the Industrial Registrar
- matters relating to Conciliation Committees
- unfair dismissals
- appeals from Conciliation Commissioners and single Members

An examination of the report will show that the Commission is under substantial pressure from its lists. Attempts have been made to improve procedures and Commission practices so that the Commission may be able to give better service, especially in the area of Unfair Dismissals.

The Commission is comprised of the President, the Honourable Mr Justice Fisher, A.O., the Vice President, the Honourable Mr Justice Cahill, 9 other Judges (Deputy Presidents) and 12 Conciliation Commissioners.

ORGANISATION OF THE COMMISSION

THE JUDGES

Members of the Commission during the year were:

President:

The Honourable William Kenneth Fisher, A.O., appointed 18 November, 1981.

Members:

The Honourable John Joseph Cahill, appointed 25 March, 1971.
Appointed Vice President 19 February, 1987.

The Honourable Harold William Henry Bauer, appointed 14 April, 1980.

The Honourable Leone Carmel Glynn, appointed 14 April, 1980.

The Honourable Michael John Sweeney, appointed 22 February, 1982.

The Honourable Peter McMahon, A.M., appointed 22 February, 1982 (non-judicial member).

The Honourable Brian Eugene Hill, appointed 1 August, 1988.

The Honourable Gregory Ian Maidment, appointed 1 August, 1988.

The Honourable Barry Clive Hungerford, appointed 13 July 1989.

The Honourable Mervyn George Mills, appointed 5 December, 1990 (non-judicial member).

The Honourable Charles Cullen, appointed 4 February, 1991

The Honourable Russell John Peterson, appointed 21 May 1992

CONCILIATION COMMISSIONERS

The Conciliation Commissioners in office pursuant to s.15 of the Industrial Arbitration Act 1940, and section 315 (2)(d) of the Industrial Relations Act 1991, during the year were:

Mr Raymond John Patterson, appointed 12 May ,1980.

Mr Peter John Connor, appointed 15 May, 1987.

Mr Reginald George Mawbey, appointed 7 July, 1980

Mr James Leslie McMahan, appointed 22 April, 1983.

Mr Brian William O'Neill, appointed 12 November, 1984.

Mr Michael Francis Sheils, appointed 3 February, 1986.

Mr James Neil Redman, appointed 3 February, 1986.

Mr Rodney William Harrison, appointed 6 August, 1987.

Mr Anthony Kevin Buckley, appointed 7 February, 1991.

Mr Paul Bennett Kelly, appointed 7 February, 1991.

Mr Barry William French, appointed 18 February 1991.

Miss Inaam Tabbaa, appointed 25 February 1991.

Ms Donna Sarah McKenna, appointed 16 April 1992

RETIREMENTS

The Honourable Mr Justice Michael John Sweeney retired on the 31st March 1992.

Mr Conciliation Commissioner Reginald George Mawbey retired on the 13th March 1992.

The Honourable Mr Deputy President Mervyn George Mills, retired on 21 August 1992 (non-judicial member).

INDUSTRIAL REGISTRAR

The Industrial Registrar, Mr Gregory Keith Robertson was appointed on 31 March 1992.

The Deputy Registrar, Mr Michael Booth was appointed on 31 August 1992.

Under the provisions of the Industrial Relations Act, 1991, the Industrial Registrar must provide an annual report to Parliament by 31 October. Under section 608 of the Act, in this regard the Registrar can supply the President with any information he may require.

The Commission Registry has a staff of 70 including 7 legally qualified staff, the Industrial Registrar, the Deputy Registrar, the Manager of Industrial Organisations and 2 legal officers.

VENUES

The Commission has two regional centres - Newcastle and Wollongong, and sits regularly at country venues throughout New South Wales.

CO-LOCATION

For many years the Industrial Relations Commission and its predecessor have been separately located. The Commissioners are accommodated in Xerox House at Railway Square and the Presidential Members are in the Chief Secretary's Building, principally on the Phillip Street and Bridge Street frontages.

This has meant divided and less effective management. The Commissioners are particularly disadvantaged by separation from the Registry and the Library.

Discussions have recently taken place centering on a proposal to move the Commissioners, when opportune, to the Chief Secretary's Building. While this will be a major project it represents the most economical solution to the problem of co-location as it leaves the Registry, the Library and Presidential Members where they are and moves the Commissioners and their staff, who in administrative terms probably form about 35% of the bulk of the Commission's administration.

JURISDICTION

PRODUCTION OF BENCH BOOK

During this year a major effort was made to produce a Bench Book for use of Conciliation Commissioners and Deputy Presidents.

The Bench Book was compiled with the assistance of the Judicial Commission of New South Wales.

The forward to the Bench Book summarises its utility and objectives and is reproduced:

This Bench Book, which is a confidential document, was conceived and prepared in this form as a working aid for the assistance, in particular of newly appointed Conciliation Commissioners and Deputy Presidents of the Industrial Relations Commission of New South Wales.

It is designed as a tool to be used in the exercise of quasi-judicial functions and as a convenient reference to matters which may arise, sometimes without any notice in the course of the Commission's hearings.

It does not seek to present binding statements of the law or to operate as directions as to the conduct of any matter.

While the book has been designed for members of the Commission, dual appointments and the interrelationship between the Industrial Relations Commission and the Industrial Court may make it of assistance to judicial members, particularly in relation to the practice and procedure of the Commission.

I consider the Industrial Relations Commission is particularly indebted to members of the Industrial Court and Industrial Relations Commission Education Committee who laboured mightily to produce the Bench Book and that their names should be recorded as our vote of thanks-

The Hon Mr Justice Cullen, Chairman
The Hon Mr Justice Peterson
The Hon John Dey QC (Consultant)
Mr Conciliation Commissioner P Connor
Mr G Robertson, Industrial Registrar
Mr L Armytage (Education Director of the Judicial Commission of
NSW - Convenor)

VOLUME OF WORK

Pursuant to section 338 of the Industrial Relations Act 1991, in order to exercise its functions, the Commission may be constituted by a member sitting alone, or the Full Commission. The Full Commission consists of not fewer than 3 members of whom at least one must be a Presidential Member as defined in section 317 of the Act, and at least one member must be a Conciliation Commissioner. The Full Commission constituted to hear an appeal from a decision of the Commission is not to include a member of the Commission as constituted when it made the decision (section 338(3)).

By section 339 of the Act, the President is to assign industries, and where appropriate enterprises, to 5 panels of members of the Commission, each panel consisting of 2 Presidential members and 2 Conciliation Commissioners. There are 2 regional members, one for Wollongong and one for Newcastle.

Pursuant to section 342 of the Act, the President of the Commission directs the business of the Commission (subject to the Act and the rules of the Commission).

As outlined in the 1991 Annual Report, the Commission does not operate upon a "back log" of cases. Every case filed is physically conveyed to a Member within six days of filing and is usually mentioned in Court shortly after, with a view to fixing dates for hearing if required. Every case is heard as a special fixture.

When the number of cases exceeds available resources, as is sometimes the case, the effect is to build forward a "front log", i.e. in order to arrive at days that are available for hearing, dates have to be set further and further into the future. On some occasions during 1992, this period ahead amounted to several months and therefore these matters are statistically noted as having not been completed (see Tables A, B, C & D).

This form of administration needs a prompt replacement of Members who retire. This has not always occurred.

I *recommend* that consideration be given to appointing Members one month in advance of any proposed date of retirement. This would meet the listing problems that delay in replacement appointments give rise to and additionally and importantly give the incoming appointee an opportunity to make an orderly transition to his/her case load with the assistance of the outgoing Member.

THE NEW ACT

The Industrial Arbitration Act 1940 consisted of some 154 sections, although a number of sections were numerically extended by adding *A, B, C etc.* to amended sections.

The Industrial Relations Act 1991 contains 752 sections, few of them replicating sections of the former Act.

The prospect is that this very substantial accretion of Statutory provisions will lead to a major increase in litigation before the Commission and the Industrial Court for some years to come, as new provisions progressively come under consideration and doctrine is developed. The new Act is much more legalistic than the former Act.

Some 276 matters were filed up to 31 March 1992, and a further 2409 to 31 December 1992, totalling 2685 matters for the year ended 31 December 1992. This compares to 1715 for 1991.

During 1992 the new provisions relating to appeals under the Industrial Relations Act did give rise to some difficulties. Under the former Act there was an intermediate appeal from a Conciliation Commissioner to a Presidential Member. Most appeals therefore ended at that point. All appeals must now go to a Full Bench. This is entirely understandable as both Conciliation Commissioners and Presidential Members are Members of the Commission (s.315 (2)). An appeal from one Member to another Member would be inappropriate.

However, under the former Act, appeals were by leave of the Full Commission when the Full Commission was of the opinion that the matter raised on appeal was of such importance that an appeal should lie. This provision was not repeated in the Industrial Relations Act 1991. The net result is that two case load reduction measures, the intermediate appeal and the leave provision, has meant that all appeals lodged have to be heard by a Full Bench including those which are of lesser importance and occasionally even trivial.

I *recommend* that consideration be given to reintroduction of the "leave" option.

COMPLETED CIVIL ENGINEERING PROJECTS

During the year two major civil engineering projects were completed.

The *SYDNEY HARBOUR TUNNEL PROJECT* involving an expenditure of approximately \$500 million was completed on time and on budget. Delays

caused by industrial problems were so minor as to be not statistically measurable in any real sense.

The enterprise which extended over some nine sites was, at its peak, the largest civil engineering project on the Australian mainland.

It stands in marked contrast to many major building projects completed within the state.

The work was done under an agreement registered with the approval of the Commission under section 11 of the *Industrial Arbitration Act, 1940*.

The second civil engineering project related to the **ALUMINIUM SMELTER EXTENSION PROJECT** at Tomago near Newcastle. An expenditure of approximately \$600 million was involved. Again an agreement negotiated and approved by the Commission was registered under section 11 of the *Industrial Arbitration Act, 1940*. At the time of construction the project was the largest civil engineering project in Australia. It finished well within time and well within budget. A total of 5 hours lost time from industrial disputation was encountered in the entire project development of the site.

These two major projects achieved industrial records and efficiencies well above international standards.

MEMBERS SITTING ALONE

- The introduction to the Industrial Relations Act 1991 on 31 March 1992 introduced a major discontinuity in the statistical records of the Commission.
- For the period ending 30 March 1992, 227 new matters to be determined by a member sitting alone were filed under the Industrial Arbitration Act 1940 (see Table B (1)), 224 matters were completed and 948 (including matters continuing from the previous year) were not completed. By 31 December 1992 a further 481 matters had been concluded and 469 matters filed under the "old" Act were yet to be concluded (see Table B(2)).
- For the period 31 March to 31 December 1992 a total of 2371 new matters were filed, of these 1292 were concluded and 1117 were yet to be concluded (see Table D). A further 397 matters were brought forward from the former Act, being matters previously before Conciliation Commissioners and which had not commenced hearing as at 31 March 1992, of these 218 were completed by December 31 1992 and 179 remained in the Commission's lists (see Table D).
- There were 286 award applications under the Industrial Relations Act 1991, of which 143 were completed by December 1992, 95 notifications of disputes in respect of awards and agreements, of which 47 were completed, 461 applications for Compulsory Conferences under section 204 of which 204 were concluded.
- With respect to matters requiring Members sitting alone and the Full Commission it is to be noted that Presidential Members are concurrently Judges of the Industrial Court. The Act provides by s.344 that this *Annual Report* on the Industrial Relations Commission is to be furnished but there is no corresponding requirement that an *Annual Report* be compiled in relation to the Industrial Court.

- The work of the Court has relevance to the work of the Commission because the 11 Deputy Presidents are all legally qualified and have been drawn from other Courts, or practising barristers and solicitors.

During the year some 309 matters were filed in the Court.

- The Full Court is composed of three judges. Unlike the Industrial Relations Commission there is no power in the Court to delegate issues to a single member, a power which the Industrial Relations Commission uses from time to time and in suitable cases (s.346 (3)) to reduce the demands on appellate benches.

I *recommend* that consideration be given to a parallel provision with respect to the Court. Suitable cases could then be delegated to a single judge for decision or for hearing and report to the Full Court with a consequential reduction in case load pressures.

- **Applications pursuant to s.246 of the Industrial Relations Act, 1991**

A very large volume of work was in the area of Unfair Dismissals, applications under section 246 of the Industrial Relations Act, 1991. These matters are allocated to Conciliation Commissioners by the President on a daily basis, and most helpfully 2 legal officers have recently been appointed (1993) to assist in the many problems encountered by individual litigants who comprise 70% of all applicants. A total of 1249 such matters were filed between 31 March and 31 December 1992, with 762 being resolved. Measures were implemented to decrease delays in the hearing and improve resolution of these matters.

Prior to March 30 1992, the Industrial Arbitration Unfair Dismissals legislation was operative from July 1991. For the period July 1991 to March 1992, 742 applications were made under this legislation, with 238 applications being made

for the period January to March 1991. No further figures are available for these matters and hence comparisons between 1991 and 1992 are difficult to make.

- **Notifications under s.25A of the Industrial Arbitration Act, 1940**

Section 25A of the Industrial Arbitration Act 1940 required an industrial union or an employer which became aware of an actual or threatened industrial dispute or of a question which might lead to a strike or lockout to notify the Industrial Registrar.

From January to 30 March 1992, 539 notifications under this section were lodged with the Registrar. Attached to this Report as Appendix A is an analysis prepared by the Registrar of the reasons given for the making of the notifications. This shows that in 20 cases a stoppage was involved.

- **Notifications under sections 188 (1), 188(2), 204 and 698 of the Industrial Relations Act, 1991**

From 31 March to 31 December 1992, 597 notifications were lodged with the Registrar. Attached as Appendix B is an analysis of the reasons given. This also shows that in 55 cases a stoppage was involved.

Comparison with last year

During 1991 a total of 2,221 notifications under section 25A of the industrial Arbitration Act, 1940, were lodged. A total of 347 stoppages were involved.

For some years, within the jurisdiction of the Commission, which extends to some 65-70% of all employees in the state, intractable industrial dispute has been unknown and the number of disputes has steadily dropped until the present level which must be close to the irreducible practical minimum.

- **Notifications under ss.7 & 8 of the Employment Protection Act**

Some 127 Notices were lodged under the Employment Protection Act under s.7 of the Act, (previous year 164); a further 622 Notices under s.8 of the Act were also lodged during 1992, as compared to 582 lodged during 1991 under this section.

These figures are low but somewhat deceptive. Under the new Act applications for reinstatement can be made under s.246 of the Act. Under the former Act a limited number of notifications would have been in the form of disputes under s.25A of the former Act.

- **Industrial Agreements**

Industrial Agreements were filed under s.11 of the Industrial Arbitration Act, 1940 up to its repeal on 31 March 1992. Appendix D sets out the number of agreements filed up to that date.

Regrettably the Industrial Relations Act 1991 does not make provisions for industrial agreements similar to s.11 agreements but rather allows filing of enterprise agreements, which do not come before the Commission. However, s.147 of the 1991 act allows for limited variation of former s.11 agreements, and Appendix D also sets out the number of such variations filed.

- **Conciliation Committees**

As at 31 December 1992 there were 411 extant conciliation committees (previous years figure was 439). These committees were continued by the Industrial Relations Act 1991, but were given a limited life of 12 months unless established by the Commission. During the year the Commission established 39 new committees, dissolved 60 and made 12 alterations to assignments of industries and callings (previous years figures were 10, 6 and 3 respectively).

Appendix C contains particulars of application made to committees during the year.

Appendix E contains particulars of the activities of the committees from 1 January to 30 March 1992 pursuant to the Industrial Arbitration Act, 1940 and

form 31 March to 31 December 1992 pursuant to s.328 of the Industrial Relations Act, 1991.

FULL COMMISSION

- For the period to 30 March 1992, 22 matters were filed under the Industrial Arbitration Act 1940, of which 4 were appeals against an order, award, decision or ruling of a member of the Commission and 10 were applications for variation of an award or order. Including matters carried over from the previous year, as at 30 March 1992, 129 matters were still active before the Full Commission (see Table A(1)). As at 31 December 1992, 47 matters remained active (see Table A(2)).
- For the period 31 March to 31 December 1992, under the Industrial Relations Act, 1991, 38 appeals were lodged against decisions of a member of the Commission. As at 31 December 1992, 28 of these matters were still in the list (see Table D).

(A total of 70 appeals were lodged in the Industrial Court for the same period, of which 42 remained active as at 31 December 1992 (see Table E).

HEADS OF TRIBUNALS MEETING

During the year the President attended several conferences of the Heads of Tribunals which met under the Chairmanship of Mr Justice Maddern, President of the Australian Industrial Relations Commission. These conferences were of considerable assistance in keeping the President and Members of the Commission abreast of current and likely developments, particularly in relation to wage fixation principles and National Wage Cases.

REGIONAL AND COUNTRY SITTINGS

Due to the complexities that arose from the changes brought about from the introduction of the Industrial Relations Act, 1991, no figures are at present available for regional sittings and workload, or country sittings both by Commissioners or Presidential Members. There is a substantial workload in Newcastle and Wollongong in the areas of steel and heavy industry, serviced by both Commissioners and Presidential Members, and a considerable workload in the area of Unfair Dismissals for Commissioners in country sittings.

The general policy of the Commission in relation to dismissals (section 246) and rural industries has been to sit in the county centre where the events have occurred. This does require substantial travel but the Commission's assessment is that it has a beneficial and moderating effect on parties to the industrial disputation who can often attend the proceedings and the better understand decisions or recommendations made.

An increase in matters filed for reinstatement under section 246 of the Act in country areas has been noted.

ANNEXURES

Tables A, B, C, deal with matters filed under the Industrial Arbitration Act 1940.

The Tables have 2 numerical breakdowns.

The first contains figures for new matters filed from 1 February 1992 to 30 March 1992, and the second contains figures for all matters continuing as at 31 December 1992 which were filed under the Industrial Arbitration Act 1940. Each Table is followed by an abbreviated numerical breakdown.

Table D is an abbreviated numerical breakdown of all matters filed in the Industrial Relations Commission under the Industrial Relations Act 1991, from 31 March 1992 to 31 December 1992 and is followed by an index of the abbreviations used in the Table.

Table E is an abbreviated numerical breakdown of all matters filed in the Industrial Court under the Industrial Relations Act 1991, from 31 March 1992 to 31 December 1992 and is followed by an index of the abbreviations used in the Table.

Appendices A & B contain breakdowns of dispute notifications under the respective Acts.

Appendix C contains figures for Applications to Conciliation Committees under the respective Acts.

Appendix D contains figures for agreements and variations lodged during 1992.

Appendix E lists activity of Committees during 1992.

TABLE A1

Business of the Commission in Court Session
Period Ended 30 March 1992

Matters filed under the Industrial Arbitration Act 1940

Description of Matter	Matters filed in 1992 and allocated or delegated	Matters completed in 1992 (a)	Matters to be completed (b)
1. Appeals from order, award, decision or ruling of a member of the Commission (s.14(8)(b), s.30B(1)(a))	4	7	47
2. Questions of jurisdiction reserved for the consideration of, or directed to be argued before, the Commission in Court Session by a member or referred to it pursuant to s.30C (s.30B(1)(b), s.30C)	-	5	2
3. Matters involving the exercises of any power conferred on the Commission by an act other than the Industrial Arbitration Act or the Apprentices Act, 1969 (s.30B(1)(c))	-	-	-
4. Appeals made pursuant to s.120 of the Industrial Arbitration Act removed by a member to the Commission in Court Session (s.30B(1)(d), s.120)	-	-	2
5. Proceedings instituted pursuant to Part X of the Industrial Arbitration Act (s.30B(1)(e), Part X)	-	-	-
6. Questions as to the cancellation of the registration on an industrial union or association (s.8, s.30B(1)(f), s.91B(4))	-	-	-
7. Appeals from the Industrial Registrar (s.30B(1)(h))	-	-	3
8. Industrial matters referred by the Minister to the Commission in Court Session (s.30B(1)(h))	-	-	1
9. Matters in any proceeding commenced or arising before a member which such member considers ought to be removed to the Commission in Court Session (s.30B(1)(i)):-	-	-	15
a) Applications for an award or order (s.20, s.30)	-	2	22
b) Applications for variation of an award or order (s.20, s.30)	10	26	-
c) References by Minister (s.35(1)(o))	-	-	9
d) Notifications of question, dispute or difficulty (s.25A)	-	-	3
e) Appeals from order, award or decision of a conciliation committee or a conciliation commissioner (s.24)	-	-	-
f) Applications for commission to exercise powers and functions of a conciliation committee (s.30)	-	-	-
g) References by conciliation commissioner or conciliation committee	3	1	7
h) Summonses by commission on its own initiative (s.31(b))	-	-	-
ha) Applications for an order or award (s.88F)	-	-	2
hb) Applications to determine questions as to demarcation of industrial interests of trade unions or industrial unions (s.36)	1	-	-
i) Applications for inquiry into alleged irregularities in trade union election (ss.111A-111H)	-	-	-
j) Application for order directing that rules of a trade union be altered	-	-	-
k) Applications in Commission's original apprenticeship jurisdiction (Apprentices Act, s.21)	-	-	-
l) Appeals from award, order or decision of apprenticeship committee (Apprentices Act s.24(1))	-	-	-
m) Applications to enforce an agreement for the regulation of any business or industry (s.111)	-	-	-
n) Applications for removal of industrial union from registrar of industrial unions (s.8(9))	-	-	-
o) References by Industrial Registrar (s.58(6))	-	7	9
p) Application for anomalies conference in accordance with State Wage principles	4	-	-
10. Summonses by the Commission on its own initiative (s.57(1))	-	1	-
11. Applications for prescription of ordinary hours other than as prescribed by s.63(1)(a) (s.63(1)(g))	-	1	8
12. References by Industrial Registrar under s.58(6) (s.58(6))	-	-	-
13. Appeals from decision of under secretary (s.76A(7))	-	-	-
14. Appeals from order, award, ruling or decision of Retail Trade Industrial Tribunal under s.38T(2) of the Industrial Arbitration Act, 1940 (s.38T(2))	-	-	-
15. Special Bench, Special Case: any matter or variations of such importance allocated directly to the Full Bench	-	-	-
TOTAL:	22	51	129

Notes: a) Matters completed include matters commenced in 1992 or earlier which during 1992 were: i) finally adjudicated upon ii) withdrawn; iii) removed to the Commission in Court Session; or iv) referred to a conciliation commissioner under s.26, or v) removed to the dormant list for non-prosecution.
b) Matters to be completed include matters filed before 1992

TABLE A1

*Business of the Commission in Court Session
Period Ended 30 March 1992*

Matters filed under the Industrial Arbitration Act 1940

<i>Description of matter</i>	<i>New matters filed</i>	<i>Matters completed</i>	<i>Matters to be completed</i>
A1	4	7	47
A2	-	5	2
A3	-	-	-
A4	-	-	2
A5	-	-	-
A6	-	-	-
A7	-	-	-
A8	-	-	3
A9	-	-	1
A9A	-	2	15
A9B	10	26	22
A9C	-	-	-
A9D	-	-	9
A9E	-	-	3
A9F	-	-	-
A9G	3	1	7
A9H	-	-	-
A9HA	-	-	-
A9HB	1	-	2
A9I	-	-	-
A9J	-	-	-
A9K	-	-	-
A9L	-	-	-
A9M	-	-	-

<i>A9N</i>	-	-	-
<i>A9O</i>	-	-	-
<i>A9P</i>	4	7	9
<i>A10</i>	-	1	-
<i>A11</i>	-	1	8
<i>A12</i>	-	-	-
<i>A13</i>	-	-	-
<i>A14</i>	-	-	-
<i>TOTAL</i>	22	51	129

TABLE A2

Business of the Commission in Court Session
Period 31 March to 31 December 1992

Matters continuing under the Industrial Arbitration Act 1940

Description of Matter	Matters filed in 1992 and allocated or delegated	Matters completed in 1992 (a)	Matters to be completed (b)
1. Appeals from order, award, decision or ruling of a member of the Commission (s.14(8)(b), s.30B(1)(a))	-	30	17
2. Questions of jurisdiction reserved for the consideration of, or directed to be argued before, the Commission in Court Session by a member or referred to it pursuant to s.30C (s.30B(1)(b), s.30C)	-	1	1
3. Matters involving the exercises of any power conferred on the Commission by an act other than the Industrial Arbitration Act or the Apprentices Act, 1969 (s.30B(1)(c))	-	-	-
4. Appeals made pursuant to s.120 of the Industrial Arbitration Act removed by a member to the Commission in Court Session (s.30B(1)(d), s.120)	-	2	-
5. Proceedings instituted pursuant to Part X of the Industrial Arbitration Act (s.30B(1)(e), Part X)	-	-	-
6. Questions as to the cancellation of the registration on an industrial union or association (s.8, s.30B(1)(f), s.91B(4))	-	-	-
7. Appeals from the Industrial Registrar (s.30B(1)(h))	-	-	-
8. Industrial matters referred by the Minister to the Commission in Court Session (s.30B(1)(h))	-	3	-
9. Matters in any proceeding commenced or arising before a member which such member considers ought to be removed to the Commission in Court Session (s.30B(1)(i)):-	-	1	-
a) Applications for an award or order (s.20, s.30)	-	10	5
b) Applications for variation of an award or order (s.20, s.30)	-	14	8
c) References by Minister (s.35(1)(o))	-	-	-
d) Notifications of question, dispute or difficulty (s.25A)	-	5	4
e) Appeals from order, award or decision of a conciliation committee or a conciliation commissioner (s.24)	-	1	2
f) Applications for commission to exercise powers and functions of a conciliation committee (s.30)	-	-	-
g) References by conciliation commissioner or conciliation committee	-	5	2
h) Summonses by commission on its own initiative (s.31(b))	-	-	-
ha) Applications for an order or award (s.88F)	-	-	-
hb) Applications to determine questions as to demarcation of industrial interests of trade unions or industrial unions (s.36)	-	1	1
i) Applications for inquiry into alleged irregularities in trade union election (ss.111A-111H)	-	-	-
j) Application for order directing that rules of a trade union be altered	-	-	-
k) Applications in Commission's original apprenticeship jurisdiction (Apprentices Act, s.21)	-	-	-
l) Appeals from award, order or decision of apprenticeship committee (Apprentices Act s.24(1))	-	-	-
m) Applications to enforce an agreement for the regulation of any business or industry (s.111)	-	-	-
n) Applications for removal of industrial union from registrar of industrial unions (s.8(9))	-	-	-
o) References by Industrial Registrar (s.58(6))	-	-	-
p) Application for anomalies conference in accordance with State Wage principles	-	8	1
10. Summonses by the Commission on its own initiative (s.57(1))	-	-	-
11. Applications for prescription of ordinary hours other than as prescribed by s.63(1)(a) (s.63(1)(g))	-	2	6
12. References by Industrial Registrar under s.58(6) (s.58(6))	-	-	-
13. Appeals from decision of under secretary (s.76A(7))	-	-	-
14. Appeals from order, award, ruling or decision of Retail Trade Industrial Tribunal under s.38T(2) of the Industrial Arbitration Act, 1940 (s.38T(2))	-	-	-
15. Special Bench, Special Case: any matter or variations of such importance allocated directly to the Full Bench	-	-	-
TOTAL:	-	83	47

Notes: a) Matters completed include matters commenced in 1992 or earlier which during 1992 were: i) finally adjudicated upon; ii) withdrawn; iii) removed to the Commission in Court Session; or iv) referred to a conciliation commissioner under s.26, or v) removed to the dormant list for non-prosecution.
b) Matters to be completed include matters filed before 1992

TABLE A2

*Business of the Commission in Court Session
Period 31 March to 31 December 1992*

Matters continuing under the Industrial Arbitration Act 1940

<i>Description of matter</i>	<i>New matters filed</i>	<i>Matters completed</i>	<i>Matters to be completed</i>
A1	-	30	17
A2	-	1	1
A3	-	-	-
A4	-	2	-
A5	-	-	-
A6	-	-	-
A7	-	-	-
A8	-	3	-
A9	-	1	-
A9A	-	10	5
A9B	-	14	8
A9C	-	-	-
A9D	-	5	4
A9E	-	1	2
A9F	-	-	-
A9G	-	5	2
A9H	-	-	-
A9HA	-	-	-
A9HB	-	1	1
A9I	-	-	-
A9J	-	-	-
A9K	-	-	-
A9L	-	-	-
A9M	-	-	-

TABLE A2 (cont.)

A9N	-	-	-
A9O	-	-	-
A9P	-	8	1
A10	-	-	-
A11	-	2	6
A12	-	-	-
A13	-	-	-
A14	-	-	-
TOTAL	-	83	47

TABLE B1

Business of the Commission in Original Jurisdiction - Members Sitting Alone
Period ended 30 March 1992

Matters filed under the Industrial Arbitration Act 1940

Description of Matter	Matters filed in 1992 and allocated or delegated	Matters completed in 1992 (a)	Matters to be completed (b)
1. Applications for an award or order (s.20(1), s.30)	11	19	66
2. Application for variation, interpretation or rescission of or exemption from an award (s.20(1), s.30, s.87)	5	6	3
3. Applications for variation or interpretation of an industrial agreement	66	7	24
4. Summonses by Commission on its own initiative to vary or rescind an award (s.31(b))	-	1	7
a) Summonses by Commission on its own initiative (s.57(1))	-	5	14
b) Conference under s.31(a) (s.31(a))	-	-	-
5. References by Minister (s.35(1)(o))	-	-	-
a) Reference by Minister (s.35B(1)(h))	-	-	-
6. Notifications of question, dispute or difficulty (s.25A)	50	53	318
7. Applications to determine questions as to demarcation of industrial interests of trade unions or industrial unions (s.36)	1	1	4
8. Applications to demark callings (s.37)	-	-	-
9. Applications for order or award declaring contract or arrangement void (s.88F)	33	18	151
a) Regulations of Certain Contracts under s.88FA (s.88FA)	-	-	-
10. Matters relating to establishment and membership of conciliation committees or alteration of industries and callings assigned thereto (s.18)	3	4	9
a) Matters relating to establishment and membership of contract regulation tribunals (s. 91J)	1	-	1
b) Applications for contract determination re class of contracts of carriage (s.91L)	-	1	-
11. Reports and submissions by Industrial Registrar	20	18	28
a) References by Industrial Registrar (s.11)	2	1	1
12. Applications re entitlement to membership of trade union (s.115)	-	-	1
13. Applications for inquiry into alleged irregularities in trade union election (ss.111A-111H)	-	-	-
14. Applications for leave to prosecute, unlawful dismissal (s.95)	-	-	1
15. Applications for order directing trade union to alter rules (s.115)	-	-	1
16. Summonses to enforce trade union rules (s.111)	-	-	1
a) Application to enforce an agreement for the regulation of any business or industry (s.111)	-	-	-
17. Applications for Commission to exercise powers and functions of conciliation committee, industrial registrar or industrial magistrate.	1	5	10
18. Notices of intention to strike (s.99A)	-	-	-
19. Applications for revocation of exemption (Long Service Leave Act s.5)	-	-	-
20. Applications relating to apprenticeship committees (Apprentices Act s.17)	-	-	-
21. Submission of question by apprenticeship committee (Apprentices Act s.18)	-	-	-
a) Applications in Commission's original apprenticeship jurisdiction (Apprentices Act s.21)	-	-	-
22. References of provision of award or question of law by director of apprenticeship (Apprentices Act s.53)	-	-	-
23. Applications for order for payment of wages (s.92)	-	-	-
24. Applications for removal of industrial unions from the register of industrial unions (s.8(9))	-	-	-
25. Submissions by Industrial Registrar (reg.16)	-	1	2
26. Report of the Industrial Registrar pursuant to s.11 of the Employment Protection Act, 1982	26	14	19
27. Applications for an anomalies conference. Principle 6 of the State Wage Case (October, 1983)	-	-	-
28. Prosecution under sections of the Occupational Health and Safety Act, 1983	9	7	72
TOTAL:	227	224	948

Notes: a) Matters completed include matters commenced in 1992 or earlier which during 1992 were: i) finally adjudicated upon; ii) withdrawn; iii) removed to the Commission in Court Session; or iv) referred to a conciliation commissioner under s.26. or v) removed to the dormant list for non-prosecution.
b) Matters to be completed include matters filed before 1992

TABLE B1

*Business of the Commission in Original Jurisdiction - Members Sitting Alone
Period ended 30 March 1992*

Matters filed under the Industrial Arbitration Act 1940

<i>Description of matter</i>	<i>New matters filed</i>	<i>Matters completed</i>	<i>Matters to be completed</i>
B1	11	19	66
B1A	5	6	3
B2	66	71	247
B3	-	5	14
B4	-	-	-
B4A	-	-	-
B4B	-	-	-
B5	-	-	-
B5A	-	-	-
B6	50	53	318
B7	1	1	4
B8	-	-	-
B9	33	18	151
B9A	-	-	-
B10	3	4	9
B10A	1	-	1
B10B	-	1	-
B11	20	18	28
B11A	2	1	1
B12	-	-	1
B13	-	-	-
B14	-	-	1
B15	-	-	1
B16	-	-	1

TABLE B1 (cont.)

B16A	-	-	-
B17	1	5	10
B18	-	-	-
B19	-	-	-
B20	-	-	-
B21	-	-	-
B21A	-	-	-
B22	-	-	-
B23	-	-	-
B24	-	-	-
B25	-	1	2
B26	26	14	19
B27	-	-	-
B28	9	7	72
TOTAL	227	224	948

TABLE B2

Business of the Commission in Original Jurisdiction - Members Sitting Alone
Period 31 March to 31 December 1992

Matters continuing under the Industrial Arbitration Act 1940

Description of Matter	Matters filed in 1992 and allocated or delegated	Matters completed in 1992 (a)	Matters to be completed (b)
1. Applications for an award or order (s.20(1), s.30)	-	32	34
	-	2	1
2. Application for variation, interpretation or rescission of or exemption from an award (s.20(1), s.30, s.87)	-	115	132
3. Applications for variation or interpretation of an industrial agreement	-	9	5
4. Summonses by Commission on its own initiative to vary or rescind an award (s.31(b))	-	-	-
a) Summonses by Commission on its own initiative (s.57(1))	-	-	-
b) Conference under s.31(a) (s.31(a))	-	-	-
5. References by Minister (s.35(1)(o))	-	-	-
a) Reference by Minister (s.35B(1)(h))	-	-	-
6. Notifications of question, dispute or difficulty (s.25A)	-	160	158
7. Applications to determine questions as to demarcation of industrial interests of trade unions or industrial unions (s.36)	-	2	2
8. Applications to demark callings (s.37)	-	-	-
9. Applications for order or award declaring contract or arrangement void (s.88F)	-	87	65
a) Regulations of Certain Contracts under s.88FA (s.88FA)	-	-	-
10. Matters relating to establishment and membership of conciliation committees or alteration of industries and callings assigned thereto (s.18)	-	7	2
a) Matters relating to establishment and membership of contract regulation tribunals (s. 91J)	-	-	1
b) Applications for contract determination re class of contracts of carriage (s.91L)	-	-	-
11. Reports and submissions by Industrial Registrar	-	19	9
a) References by Industrial Registrar (s.11)	-	1	-
12. Applications re entitlement to membership of trade union (s.115)	-	1	-
13. Applications for inquiry into alleged irregularities in trade union election (ss.111A-111H)	-	-	-
14. Applications for leave to prosecute, unlawful dismissal (s.95)	-	-	1
15. Applications for order directing trade union to alter rules (s.115)	-	-	1
16. Summonses to enforce trade union rules (s.111)	-	-	1
a) Application to enforce an agreement for the regulation of any business or industry (s.111)	-	-	-
17. Applications for Commission to exercise powers and functions of conciliation committee, industrial registrar or industrial magistrate.	-	3	7
18. Notices of intention to strike (s.99A)	-	-	-
19. Applications for revocation of exemption (Long Service Leave Act s.5)	-	-	-
20. Applications relating to apprenticeship committees (Apprentices Act s.17)	-	-	-
21. Submission of question by apprenticeship committee (Apprentices Act s.18)	-	-	-
a) Applications in Commission's original apprenticeship jurisdiction (Apprentices Act s.21)	-	-	-
22. References of provision of award or question of law by director of apprenticeship (Apprentices Act s.53)	-	-	-
23. Applications for order for payment of wages (s.92)	-	-	-
24. Applications for removal of industrial unions from the register of industrial unions (s.8(9))	-	-	-
25. Submissions by Industrial Registrar (reg.16)	-	-	2
26. Report of the Industrial Registrar pursuant to s.11 of the Employment Protection Act, 1982	-	16	3
27. Applications for an anomalies conference. Principle 6 of the State Wage Case (October, 1983)	-	-	-
28. Prosecution under sections of the Occupational Health and Safety Act, 1983	-	27	45
TOTAL:	-	481	469

Notes: a) Matters completed include matters commenced in 1992 or earlier which during 1992 were: i) finally adjudicated upon; ii) withdrawn; iii) removed to the Commission in Court Session; or iv) referred to a conciliation commissioner under s.26, or v) removed to the dormant list for non-prosecution.
b) Matters to be completed include matters filed before 1992

TABLE B2

*Business of the Commission in Original Jurisdiction - Members Sitting Alone
Period 31 March to 31 December 1992*

Matters continuing under the Industrial Arbitration Act 1940

<i>Description of matter</i>	<i>New matters filed</i>	<i>Matters completed</i>	<i>Matters to be completed</i>
B1	-	32	34
B1A	-	2	1
B2	-	115	132
B3	-	9	5
B4	-	-	-
B4A	-	-	-
B4B	-	-	-
B5	-	-	-
B5A	-	-	-
B6	-	160	158
B7	-	2	2
B8	-	-	-
B9	-	87	65
B9A	-	-	-
B10	-	7	2
B10A	-	-	1
B10B	-	-	-
B11	-	19	9
B11A	-	1	-
B12	-	1	-
B13	-	-	-
B14	-	-	1
B15	-	-	1
B16	-	-	1

TABLE B2 (cont.)

<i>B16A</i>	-	-	-
<i>B17</i>	-	3	7
<i>B18</i>	-	-	-
<i>B19</i>	-	-	-
<i>B20</i>	-	-	-
<i>B21</i>	-	-	-
<i>B21A</i>	-	-	-
<i>B22</i>	-	-	-
<i>B23</i>	-	-	-
<i>B24</i>	-	-	-
<i>B25</i>	-	-	2
<i>B26</i>	-	16	3
<i>B27</i>	-	-	-
<i>B28</i>	-	27	45
TOTAL	-	481	469

TABLE C1

Business of the Commission in the Appellate or Supervisory Jurisdiction - Members Sitting Alone
 Period ended 30 March 1992

Matters filed under the Industrial Arbitration Act 1940

Description of Matter	Matters filed in 1992 and allocated or delegated	Matters completed in 1992 (a)	Matters to be completed (b)
1. Appeals from order, award or decision of a Conciliation Committee or a Conciliation Commissioner (s.24(8))	8	4	19
2. References of matter or question by Chairman of a Conciliation Committee (s.77E(d))	7	6	14
3. References of question, dispute or difficulty by a Conciliation Commissioner or a Conciliation Committee (s.25(4))	7	6	27
4. Appeals from a decision of a special commissioner (s.17A(4))	-	-	-
5. Appeals from order, award or determination of an apprenticeship committee (Apprentices Act, 1969, s.24)	-	-	-
3. Appeals from order of an industrial or other magistrate:	3	-	8
i) Annual Holidays Act			
ii) Bread Industry Act			
iii) Consumer Protection Act			
iv) Factories, Shops and Industries Act			
v) Industrial Arbitration Act			
vi) Long Service Leave Act			
vii) Motor Dealers Act			
viii) Construction Safety Act			
ix) Occupational Health and Safety Act			
7. Appeals from district court (s.92(3))	-	-	-
8. Appeals from Industrial Registrar (s.129B(2)(e))	-	-	-
9. Submissions by Apprenticeship Committee (s.18(10) Apprentices Act, 1969)	-	-	-
10. Appeals from decision of Under Secretary (s.76A(7) Factories, Ships and Industries Act, 1962)	-	-	-
11. Appeals from Superannuation decision (Part III Division 8)	2	2	17
TOTAL:	27	18	85

Notes: a) Matters completed include matters commenced in 1992 or earlier which during 1992 were: i) finally adjudicated upon; ii) withdrawn; iii) removed to the Commission in Court Session; or iv) referred to a conciliation commissioner under s.26, or v) removed to the dormant list for non-prosecution.
 b) Matters to be completed include matters filed before 1992

TABLE C1

*Business of the Commission in the Appellate or Supervisory Jurisdiction - Members Sitting Alone
Period ended 30 March 1992*

Matters filed under the Industrial Arbitration Act 1940

<i>Description of matter</i>	<i>New matters filed</i>	<i>Matters completed</i>	<i>Matters to be completed</i>
C1	8	4	19
C2	7	6	14
C3	7	6	27
C4	-	-	-
C5	-	-	-
C6	3	-	8
C7	-	-	-
C8	-	-	-
C9	-	-	-
C10	-	-	-
C11	2	2	17
TOTAL	27	18	85

TABLE C2

Business of the Commission in the Appellate or Supervisory Jurisdiction - Members Sitting Alone
Period 31 March to 31 December 1992

Matters continuing under the Industrial Arbitration Act 1940

Description of Matter	Matters filed in 1992 and allocated or delegated	Matters completed in 1992 (a)	Matters to be completed (b)
1. Appeals from order, award or decision of a Conciliation Committee or a Conciliation Commissioner (s.24(8))	-	12	7
2. References of matter or question by Chairman of a Conciliation Committee (s.77E(d))	-	8	6
3. References of question, dispute or difficulty by a Conciliation Commissioner or a Conciliation Committee (s.25(4))	-	14	13
Appeals from a decision of a special commissioner (s.17A(4))	-	-	-
Appeals from order, award or determination of an apprenticeship committee (Apprentices Act, 1969, s.24)	-	-	-
6. Appeals from order of an industrial or other magistrate:	-	3	5
i) Annual Holidays Act			
ii) Bread Industry Act			
iii) Consumer Protection Act			
iv) Factories, Shops and Industries Act			
v) Industrial Arbitration Act			
vi) Long Service Leave Act			
vii) Motor Dealers Act			
viii) Construction Safety Act			
ix) Occupational Health and Safety Act			
7. Appeals from district court (s.92(3))	-	-	-
8. Appeals from Industrial Registrar (s.129B(2)(e))	-	-	-
9. Submissions by Apprenticeship Committee (s.18(10) Apprentices Act, 1969)	-	-	-
10. Appeals from decision of Under Secretary (s.76A(7) Factories, Ships and Industries Act, 1962)	-	-	-
11. Appeals from Superannuation decision (Part III Division 8)	-	7	10
TOTAL:	-	44	41

Notes: a) Matters completed include matters commenced in 1992 or earlier which during 1992 were: i) finally adjudicated upon; ii) withdrawn; iii) removed to the Commission in Court Session; or iv) referred to a conciliation commissioner under s.26, or v) removed to the dormant list for non-prosecution.
b) Matters to be completed include matters filed before 1992

TABLE C2

*Business of the Commission in the Appellate or Supervisory Jurisdiction - Members Sitting Alone
Period 31 March to 31 December 1992*

Matters continuing under the Industrial Arbitration Act 1940

<i>Description of matter</i>	<i>New matters filed</i>	<i>Matters completed</i>	<i>Matters to be completed</i>
C1	-	12	7
C2	-	8	6
C3	-	14	13
C4	-	-	-
C5	-	-	-
C6	-	3	5
C7	-	-	-
C8	-	-	-
C9	-	-	-
C10	-	-	-
C11	-	7	10
TOTAL	-	44	41

TABLE D

Period 31 March to 31 December 1992

Matters filed , completed and continuing under the Industrial Relations Act 1991
INDUSTRIAL RELATIONS COMMISSION of NSW MATTERS

Abbreviation	Filed*	Completed*	Remaining
AW	286	143	143
CC	138	50	88
CD	5	1	4
EPA	78	56	22
IA	1	-	1
IR	1	-	1
PART 7	4	3	1
SA	-	-	-
VTBAP	2	1	1
s188	95	47	48
s204	461	204	257
s220	3	-	3
s220 & s221	5	-	5
s220(2)	2	-	2
s221	1	-	1
s235	1	-	1
s237	3	2	1
s246	1249	762	487
?? s25A	1	-	1
s466	3	-	3
s698	32	13	19

TABLE D (cont.)

Summary	Filed*	Completed*	Remaining
IRCAP1	32	7	25
IRCAP2	6	3	3
Total	2409	1292	1117

* Matters removed from single member to Full Commission and delegated from Full Commission to a single member are included in the count

92/4000's

Abbreviation	Filed	Completed	Remaining
AW	146	50	96
CC	1	1	-
EPA	2	1	1
s246	173	118	55
s25A	75	48	27
Total	397	218	179

These were matters before Conciliation Commissioners as at 31 March 1992 which had not been completed.

OTHER

Abbreviation	IRC/CT	Filed	Completed	Remaining
CC	CC	24	17	7
	C	2	-	2

TABLE D

ABBREVIATIONS

Applicable from 31.3.92 - Industrial Relations Act, 1991

INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES

ABBREVIATION	CT/IRC	USAGE
AW	IRC	Application for an award / new award
CC	IRC	Application re establishing, dissolving and re-establishing conciliation committees
CD	IRC	Contract Determination
EPA	IRC	Report under s.11 of the Employment Protection Act
IA	IRC	Industrial agreement
IR	IRC	Appeal against Industrial Registrar
PART 7	IRC	Application under Part 7
SA	IRC	Site Agreement
VTBAP	IRC	Appeal against decision VTBAP

ABBREVIATION	CT/IRC	USAGE
s188	IRC	Notification of question of reference under s.188(1)
s204	IRC	Notification under s.204 (dispute)
s220	IRC	Application for an order of demarcation under s.220
s220 & s221	IRC	Application for an order of demarcation under ss.220 & s221
s220(2)	IRC	Application for an order under s.220(2)
s221	IRC	Application for an order of demarcation under s.221
s235	IRC	Application for reinstatement
s237	IRC	Application for order of reinstatement
s246	IRC	Unfair dismissal
s25A	IRC	Notification of dispute under s25A IRA, 1941
s466	IRC	Application for permission for a Secret Ballot
s698	IRC	Notification under s.698 (dispute)

TABLE D (cont.)

ABBREVIATION	CT/IRC	USAGE	
Matter No.	IRC	Appeal against decision of a Conciliation Commissioner in an IRC matter (FIRC)	IRCAP1
		Appeal against decision of a Judge in an IRC matter (FIRC)	IRCAP2
		Appeal against decision of the Transport Industry Courier and Taxi Truck Contract Regulation Committee (TICTTCRC) (FIRC)	IRCAP3

TABLE E

Period 31 March to 31 December 1992

Matters filed , completed and continuing under the Industrial Relations Act 1991

INDUSTRIAL COURT of NSW MATTERS

Abbreviation	Filed*	Completed*	Remaining
AHA	1	-	1
COSMWST	3	-	3
LSLA	1	-	1
PART 7	4	4	-
OHS	12	2	10
SASB	4	1	3
SSIMC	1	-	1
s151	96	4	92
s151 & s156	1	-	1
s153	2	-	2
s156	1	-	1
s166	-	-	-
s194	2	2	-
s198	4	2	2
s202	2	1	1
s211	1	-	1
s275	78	11	67
s384	4	2	2
s384(1)	-	-	-
s384(5)	2	-	2
s441	3	-	3
s482	9	2	7
s578	1	-	1
s686	7	-	7

TABLE E (cont.)

Summary			
CTAP1	10	8	2
CTAP1a	7	7	-
CTAP2	26	7	19
CTAP3	3	2	1
CTAP4	-	-	-
CIM	23	3	20
ORDER	1	-	1
Total:	309	58	251

* Matters removed from single member to Full Court and delegated from Full Court to a single member are included in the count

TABLE E

ABBREVIATIONS

Applicable from 31.3.92 - Industrial Relations Act, 1991

INDUSTRIAL COURT OF NEW SOUTH WALES

ABBREVIATION	CT/IRC	USAGE
AHA	CT	Application for the recovery of monies pursuant the Annual Holidays Act, 1944
COSMWST	CT	Appeal against decision of COSMWST
LSLA	CT	Application for the recovery of monies pursuant the Long Service Leave Act, 1955
OHS	CT	Information/Prosecution under sections of the Occupational Health and Safety Act, 1983
PART 7	CT	Application under Part 7
SASB	CT	Appeal against decision of the State Authorities Superannuation Board
SSIMC	CT	Appeal against decision SSIMC

ABBREVIATION	CT/IRC	USAGE
s151	CT	Application for the recovery of money/monies under s.151
s151 & s156	CT	Application under s.151 & s.156
s153	CT	Application for the recovery of monies under s.153
s156	CT	Application for the recovery of monies under s.156
s166	CT	Prosecution under s.166
s194	CT	Application for injunction under s.194
s198	CT	Reference under s.198
s202	CT	Application for a certificate under s.202
s211	CT	Summons to show cause under s.211
s275	CT	Application under s.275 (making a contract void)
s384	CT	Reference under s.384 by Conciliation Commissioner (question of interpretation)

TABLE E (cont.)

s384(1)	CT	Application under s.384(1)
s384(5)	CT	Application for prohibition of proceedings under s.384(5)
s441	CT	Application under s.441
s482	CT	Application for relief from victimisation under s.482
s578	CT	Application under s.578
s686	CT	Application for the recovery of monies under s.686

ABBREVIATION	CT/IRC	USAGE	
Matter No.	CT	Appeal against the decision in this matter	Summary
		Appeal against decision of a Conciliation Commissioner in an IRC matter (FCT)	CTAP1
		Appeal against decision of a Conciliation Commissioner in an IRC matter (single Judge)	CTAP1(a)
		Appeal against decision of a Judge in a CT matter (FCT)	CTAP2
		Appeal against decision of Full Commission in an IRC matter (FCT)	CTAP3
		Appeal against decision of a District Court Judge (DCJ) (single Judge)	CTAP4
Matter No.	CT	Appeal against decision of Chief Industrial Magistrate	CIM
Matter No.	CT	Application for interlocutory order that matter be struck out	ORDER
Matter No.	CT	Application for prohibition of proceedings (incl. under s.384(5))	PROHIB

APPENDIX A

Reasons given for notifications made pursuant to section 25A of the Industrial Arbitration Act as at 30 March 1992.

1. Terms of Employment:

a)	Wages	
	(i) Claim for increase	—
	(ii) Claim for allowances	20
	(iii) Claim for award rate	6
	(iv) Non payment of wages	24
	(v) Other	39
b)	Dismissal	
	(i) Unspecified	93
	(ii) Neglect of duties/misconduct	9
	(iii) Absenteeism	4
	(iv) Retrenchment	4
	(v) Seeking reinstatement	17
c)	Hours etc	
	(i) Overtime	4
	(ii) Alteration to rosters	8
	(iii) Hours of work	5
	(iv) Sick leave entitlement	4
d)	Physical Working Conditions	
	(i) Safety	2
	(ii) Amenities	—
e)	Matters of Management Control	
	(i) Suspension/Standing down/demotion	19
	(ii) Contract labour	5
	(iii) Interpretation or breach of award/agreement	68
	(iv) Appointments	5
	(v) Transfers	13
	(vi) Manning	6

2. Union Matters

(i)	Employment of non-unionists	—
(ii)	Demarcation	1
(iii)	Sympathy with other unions	—

3. Miscellaneous

(i)	Other Matters	183
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4. TOTAL 539

5. Notification indicating stoppages 20

APPENDIX B

Reasons given for notification made pursuant to sections 188(1), 188(2), 204 and 698 of the Industrial Relations Act, 1991 from 31 March 1992 to 31 December 1992.

1. Terms of Employment:

a)	Wages	
i)	Claim for increase	7
ii)	Claim for allowances	31
iii)	Claim for award rate	5
iv)	Non payment of wages	15
v)	Other	40
b)	Dismissal	
i)	Unspecified	43
ii)	Neglect of duties/misconduct	11
iii)	Absenteeism	6
iv)	Retrenchment	10
v)	Seeking reinstatement	28
c)	Hours etc	
i)	Overtime	6
ii)	Alteration to rosters	20
iii)	Hours of work	18
iv)	Sick leave entitlement	3
d)	Physical Working Conditions	
i)	Safety	3
ii)	Amenities	1
e)	Matters of Management Control	
i)	Suspension/Standing down/demotion	17
ii)	Contract labour	5
iii)	Interpretation or breach of award/agreement	60
iv)	Appointments	17
v)	Transfers	8
vi)	Manning	15

2. Union Matters

i)	Employment of non-unionists	1
ii)	Demarcation	2
iii)	Sympathy with other unions	—

3. Miscellaneous

i)	Other Matters	222
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4. TOTAL 594

5. Notifications indicating stoppages 55

APPENDIX C

Application to Conciliation Committees

Description of Matter	Total Matters 1991	Total Matters up to 30/3/92	Total from 31/3 to 31/12/92
1. Applications filed on behalf of:			
(a) employees for an order or award s.20(1)	24	1	6
(b) employees for an order of award s.20(1)	14	1	1
(c) employees for variations or interpretation of an award s.20(1)	310	114	7
(d) employers for variations or interpretation of an award s.20(1)	30	9	2
(e) employees for exemption or variation of an exemption form an award	—	—	—
(f) employers for exemption or variation of an exemption from an award	—	—	—
2. Applications to approve employment of probationary commercial traveller or salesman	—	—	—
3. Application pursuant to the Clothing Trades (State) Award	13	—	5
4. Miscellaneous	2	1	4
TOTAL MATTERS	393	126	25

APPENDIX D

Agreements and variations lodged during 1992

MONTH	PRINCIPAL	VARIATION
January	4	4
February	8	4
March	49	12
April	—	18
May	—	6
June	—	—
July	—	—
August	—	2
September	—	3
October	—	—
November	—	—
December	—	—

APPENDIX E

Activity of Committees during 1992

	From 1 January to 30 March 1992	From 31 March to 31 December 1992
ESTABLISHED	5	34
DISSOLVED	19	41
ALTERED	12	—
TOTAL	36	75