

**The Industrial Relations Commission**

*of*

**New South Wales**

**Annual Report**

*Year Ended 31 December 1996*

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*I have the honour to furnish to the Minister for presentation to Parliament the first Report of the Industrial Relations Commission of New South Wales made pursuant to section 161 of the Industrial Relations Act 1996 for the year ended 31 December 1996.*

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**PRESIDENT**

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## INTRODUCTION

The Industrial Relations Commission of New South Wales was established by the *Industrial Relations Act, 1991*. The Act also created the Industrial Court of New South Wales as a superior court of record.

On 2 September 1996 the *Industrial Relations Act 1996* superceded the 1991 Act.

One major aspect of the new system was the abolition of the Industrial Court of New South Wales and the incorporation with amendments of the jurisdiction of the Court into the new *Industrial Relations Act 1996* and in particular the institution of the Commission in Court Session.

While preserving aspects of continuity, the Act by its terms has simplified a number of aspects of the jurisdiction, and tends to be more approachable and less didactic than the Act it replaced. It is significantly briefer.

The latter part of 1996 was marked by a considerable increase in the number of matters filed under s.84 of the Act. This may prove to be partly due to amendments to Federal legislation limiting the scope of the Federal Commission to hear and determine applications for reinstatement where the applicant was subject to a state award.

The operations of the Industrial Relations Commission Registry are funded by the Department of Industrial Relations, Education, Training and Further Education. The total operating expenses for the year 1993/1994 was \$7,063,038, (actual budget allocated for 1993/1994 was \$6,998,665) for the year 1994/1995 the same total for operating expenses was \$6,478,677, (actual budget allocation for this period was \$6,463,906) a reduction of approximately \$584,361 in actual operating costs and a reduction of \$534,749 in actual budget allocation. The operating

expenses for 1995/1996 were \$6,924,751 with an actual budget allocation of \$5,342,399. The actual budget allocation for 1996/1997 is \$6,150,000.

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. In response to difficulties being experienced by applicants, the Unfair Dismissal application forms were re-designed. Also an additional Legal Officer was employed on a temporary basis to assist with Unfair Dismissals and the production of the Arbitration Reports.

Case management and case flow techniques were further refined during 1996. The operation of the Commission places major demands of these techniques.

In 1996 some 994 industrial disputes were notified. These disputes are ordinarily cleared from the President's Chambers within an hour after registration and are normally in the hands of the member to whom the dispute has been allocated without significant delay. In an emergency, and not uncommonly, disputes can be listed for hearing, and called on, on the same day as being filed.

Rather similarly unfair dismissal applications filed on one day, are assessed and allocated on the next day and forwarded, usually to a Commissioner, that same afternoon or the next morning. This has meant that applications are most frequently called on within 2 weeks of filing, and subject to increasing work loads, generally concluded by conciliation or arbitration within 8 weeks of filing, often sooner. The ability of the President's Chambers to maintain the data base and case tracking system enables prompt review of the movement of case loads and consequently an effective distribution of the work.

## CO-LOCATION OF JUDGES AND CONCILIATION COMMISSIONERS

I regret to report that no discernable progress was made with respect to this subject matter and the problems dealt with in the 1995 Annual Report remain unabated. There is a prospect of significantly enlarged demands being made on the Commission's resources due to increases in the workload. There is no longer any available space at Xerox House, 815-825 George Street, Railway Square, or at 50 Phillip Street Sydney. I note that the Chief Secretary's Building (formerly the Colonial Secretary's Building) remains largely unused. While the building as a heritage building requires significant refurbishment, the uncertainties of the tenure at Xerox House, Railway Square, the immediate pressure on further available accommodation, and the prospect of co-location adds some sense of urgency to the reappraisal of the problem.

I note that in December 1994 the President initialed a plan for redevelopment in terms approved by the Heritage Council. I understand that it is still the only proposal consistent with restoration and use of the empty and in part near derelict building and I express disappointment that more is not being done. For some years it has been apparent that the Commission has outgrown available suitable accommodation.

## TRAINING

The Commissioners are poorly supplied with computers. A training programme proposed by the Judicial Commission of New South Wales had to be cut short because of incompatibility between computers used by Courts and the limited

items of equipment available to Commissioners. The lack of suitable computing equipment for Commissioners is unhelpful. I recommend a programme designed to equip and where advisable, re-equip Commissioners should be put in hand.

## **OCCUPATIONAL HEALTH & SAFETY – DATA BASE**

In September of 1996 the President's Research Associates initiated the development of an Occupational Health and Safety database. Primarily designed for the monitoring of penalties imposed in Occupational Health and Safety prosecutions, the system is intended to provide the Judicial members of the Commission with an array of information on all Occupational Health and Safety cases prosecuted in the Commission.

In order to establish the system, the Research Associates developed a coding frame for the recording of select information from each judgment. This information was then entered into a database specifically designed to accommodate the projected research needs of the Judges. This involved the Research Associates liaising with the Judicial Commission in order to determine the optimal format for the system, and conversations with Judges in order to accommodate any specific needs and requests with regard to their own Occupational Health and Safety research. The process of coding and data entry is currently still underway.

In conjunction with the Judges and the Judicial Commission of New South Wales, the system will be expanded to facilitate a variety of searches, and it is envisaged that hypertext links will be incorporated into the system allowing for immediate



access to cross-referencing and full text judgments or legislation cited within a judgment. The system will be able to be accessed through the Judicial Commission's Information Retrieval System (JIRS) via modem enabling fast and comprehensive access to a large quantum of Occupational Health and Safety information. The system is expected to be fully operational by mid 1997.

## 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 Brian Eugene Hill, appointed 1 August, 1988.

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

The Honourable Barrie Clive Hungerford, appointed 13 July 1989.

The Honourable Charles Leslie Cullen, appointed 4 February, 1991.  
Retired 25 March 1996.

The Honourable Russell John Peterson, appointed 21 May 1992

The Honourable Francis Marks, appointed 15 February 1993

The Honourable Monika Schmidt, appointed 22 July 1993

Mr Deputy President Harrison, appointed 2 September 1996

## COMMISSIONERS

The Commissioners in office pursuant to section 315 (2)(d) of the *Industrial Relations Act 1991*, and section 147 (d) of the *Industrial Relations Act 1996* during the year were:

Mr Raymond John Patterson, appointed 12 May, 1980.

Mr Peter John Connor, appointed 15 May, 1987.

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.

Mr John Patrick Murphy, appointed 21 September 1993.

Mr Ian Reeve Neal, appointed 2 September 1996.

Mr Ian Walter Cambridge, appointed 20 November 1996.

## **INDUSTRIAL REGISTRAR**

The Industrial Registrar, Mr Gregory Keith Robertson was appointed on 31 March 1992 as Industrial Registrar and Chief Executive Officer of the Industrial Relations Commission of New South Wales.

The Industrial Registrar is responsible to the President of the Industrial Relations Commission of New South Wales in relation to the work of the Industrial Registry and, in relation to functions under the *Public Sector Management Act 1988*, to the Director General, Department of Industrial Relations.

The duties of the Industrial Registrar include:

1. To act as Registrar and Chief Executive Officer of the Industrial Relations Commission of New South Wales, including statutory duties of, or related to, that role, and other duties as directed by the President of the Commission as head of jurisdiction.
2. To ensure that orders and awards of the Commission are correctly and promptly settled and promulgated, through publication in the Industrial Gazette and as may otherwise be appropriate.

3. To perform statutory duties required under Chapter 4 Part 10 of the Act in relation to industrial and other organisations, including duties in relation to:

- registration and deregistration of organisations
- the rules of organisations
- union accounts
- ballots for positions of officer within organisations
- right of entry permits for union officials

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Because of the introduction of the new *Industrial Relations Act* 1996 and the considerable modifications it brought in its train, full year statistics have been considered less meaningful. Accordingly the tables and annexures listed on p.15 have been divided on a before and after basis dealing separately with each period.

## VENUES

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

In order to expedite the resolution of Unfair Dismissal claims and to help reduce the burden of costs for the applicants Conciliation Commissioners frequently sit in country venues throughout the State, with certain Commissioners having the equivalent of informal "circuits". This system has been found to be very cost effective.

The total number of country sitting days for 1996 was 622 (289 for 1995), the total number of regional sitting days were 346 (287 for 1995).

## ENGINEERED STANDARDS

On 3 May 1994, the Minister for Industrial Relations, in accordance with section 345 of the *Industrial Relations Act 1991*, referred three questions to the Full Commission of the Industrial Relations Commission.

The three questions were:-

- What, if any, measures should be implemented to secure the health, safety and welfare of employees when introducing the materials handling system known as "engineered standards" in the warehouse operations and distribution industry;
- Whether the introduction or implementation of the manual handling system known as "engineered standards" in this industry complies with State and national occupational health, safety and welfare legislation (including associated regulations), and codes on manual handling established by relevant occupational, health and safety authorities; and
- Whether the introduction or implementation of the manual handling system known as "engineered standards" in this industry is consistent with the objects of the New South Wales *Industrial Relations Act 1991*.

The report was finalised and published in 1996.

## ANNUAL CONFERENCE

The Annual Conference of the Industrial Relations Commission was held from 17 - 19 July 1996 at *Lilianfels*, Blue Mountains. The conference was well attended.

Overall, the discussions at the conference were topical and practical, due at least in part to the current state of legislative change, and was assessed by the participants very positively.

Presentations included the *Keynote Address* by the Hon J Shaw QC MLC; *Future Challenges and Problems Facing the Commission* by the Hon Mr Justice Fisher AO; *The Anti Discrimination Board and the Industrial Relations Act 1996* by Mr Chris Puplick; *Judgment Writing* by the Hon Mr Justice Mahoney AO; *Commentary from the Industrial Relations Commission* by the Hon Mr Justice Cahill; *Judicial Information Research System - The Judicial Commission's New Database* by Mr Ernest Schmatt; *Comparative Industrial Law* by Professor Dennis R Nolan; *The Industrial Relations Act 1996* by Professor Ron McCallum and *Panel Discussion on Unrepresented Litigants, Costs Orders, Ex Parte Hearings and Subpoenas* by the Hon Justice Schmidt, and Commissioners Connor and Tabbaa.

The development of the Annual Conference, substantially assisted by the Judicial Commission of New South Wales exercising its mandate to advance judicial education, has proved to be a most successful initiative with the potential to add to the professionalism which the Commission seeks to advance in all its work.

## MEMBERS SITTING ALONE

*Figures relating to the period 1 January to 31 December 1995 appear in brackets after the 1996 figures.*

### **Matters filed and concluded**

For the period 1 January to 31 December 1996, 4030 (2948) matters were filed in the Industrial Relations Commission of New South Wales, 3373 (3232) matters were concluded and 1605 (981) were continuing as at 31 December 1996 (*Tables A & C*).

### **Award applications**

There were 524 (493) award applications for the period 1 January - 31 December 1996 (*Tables A & C*) with 34 applications for approval of Enterprise Agreements; 646 (699) notifications of disputes (*Tables A & C*).

During the year 553 (392) matters were filed in the Court/Commission in Court Session (*Tables B & D*), 343 (260) were concluded during the year and as at 31 December 1996 575 (402) were continuing (*Tables B & D*).

### **Applications pursuant to s.84 of the *Industrial Relations Act, 1996***

A large and increasing volume of work lies in the area of Unfair Dismissal applications under section 84 of the *Industrial Relations Act, 1996*. These matters are allocated to Commissioners by the President on a daily basis. Most helpfully 2 legal officers were appointed in 1993, with an additional temporary position in 1995 to interview and assist in the many problems encountered by individual litigants (who comprise 76% of all applicants) in relation to the preparation of applications and the course that conciliation and arbitration may take. A total of 2259 (1497) such matters were filed during 1996, with 1777 (1618) being concluded (*Tables A & C*). This increase had a substantial impact on the work load of Commissioners particularly and the statistics show a large increase in the

final months of the year. Measures were implemented to decrease delays in bringing the matters to hearing and resolution, and a case flow tracking system has been designed to assist the President in monitoring workloads and case management. The average length of time for conclusion of an Unfair Dismissal Claim from time of filing, by either conciliation or arbitration, remained at approximately 8 weeks as in 1995.

### **Consent Enterprise Awards**

A continuing development in 1996 was the increase in the filing of consent enterprise awards, which reflect the settlement of industrial differences by negotiation and agreement assisted by the Commission.

## **FULL COMMISSION**

For the period 1 January to 31 December 1996 31 (24) appeals were lodged in the Industrial Relations Commission against a decision of a Member of the Commission, 25 (19) of which were appeals against a decision of a Conciliation Commissioner and 6 (4) were against a decision of a Presidential Member (*Tables A & C*). During 1996 29 (47) appeals were concluded and as at 31 December 1996, 24 (15) appeals remained active.

A total of 94 (57) appeals were lodged in the Industrial Court/Commission in Court Session for the period 1 January to 31 December 1996 of which 30 (30) appeals were lodged against a decision of the Chief Industrial Magistrate (*Tables B & D*). Appeals remaining active as at 31 December 1996 were 84 (40) (*Tables B & D*).



## REGIONAL AND COUNTRY SITTINGS

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 (s. 84) and rural industries has been to sit in the country center at or near 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 then better understand decisions or recommendations made.

An increase in matters filed for reinstatement under section 84 of the Act in country areas has been noted.

There were a total of 622 (289) sitting days in a wide range of Country Courts and other country locations during 1996, the majority of which were s.84 matters, with 346 (287) regional sittings in Newcastle and Wollongong for Unfair Dismissals and dispute matters, with one regional member sitting permanently in Newcastle (Mr Deputy President Harrison).

The Steel Industry (BHP) is centred in Newcastle and Wollongong. The regional Member for Wollongong, The Honourable Mr Justice Hungerford, handles all Port Kembla steel matters and sits on average 2 - 3 days *per* fortnight (66 (83) sitting days for 1996).

The regional Member for Newcastle, The Honourable Mr Justice Hill, sits on average one day *per* fortnight to attend to steel matters in Newcastle (24 sitting days for 1996).

Mr Deputy President Harrison deals with a wide range of industrial matters mostly of a regional nature in Newcastle and the Hunter district.

The present regional arrangements are working well.

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**ANNEXURES**

*Table A refers to matters filed, concluded and continuing under the Industrial Relations Act 1991 in the Industrial Relations Commission.*

*Table B refers to matters filed, concluded and continuing under the Industrial Relations Act 1991 in the Industrial Court of New South Wales.*

*Table C refers to matters filed, concluded and continuing under the Industrial Relations Act 1996 in the Industrial Relations Commission..*

*Table D refers to matters filed, concluded and continuing under the Industrial Relations Act 1996 in the Commission in Court Session.*

*Appendix A contains breakdowns of dispute notifications filed during 1996 under the Industrial Relations Act 1991.*

*Appendix B contains breakdowns of dispute notifications filed during 1996 under the Industrial Relations Act 1996.*

*Appendix C contains figures for Applications to Conciliation Committees for 1996 under the Industrial Relations Act 1991 and the Industrial Relations Act 1996..*

*Matters filed 1 January 1996 to 1 September 1996 and completed before 31 December 1996 and all matters continuing (including those filed in previous years) as at 31 December 1996 under the Industrial Relations Act 1991 - Table A (Commission) & Table B (Court).*

**TABLE A**

**INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES**

ABBREVIATION	USAGE	FILED 1.1.96 - 31.8.96	COMPLETED 1.1.96 - 31.12.96	CONTINUING AS AT 31.12.96 (INC PREVIOUS YEARS)
AW	Application for an award variation/new award	329	440	82
BH	Disputes in Broken Hill	4	7	0
CC	Application re: establishing/dissolving/re-establishing/ removal of matters before conciliation committees	79	75	9
CD	Application re: variation/rescission/new contract determination	6	7	7
EPA	Report under s.11 of the Employment Protection Act	6	5	3
IR	Appeal against decision of Industrial Registrar	1	0	0
REGN	Application for registration pursuant to clause 27A of the Clothing Trades (State) Award	12	12	0
VTBAP	Appeal against a decision of Vocational Training Board	4	2	2
s14	Commission to consider & give effect to national wage decisions	2	1	3
s188(1)	Reference of question, dispute or difficulty under s.188(1)	258	282	95
s188(2)	Application for reference of grievance by individual employee under section 188(2)	3	5	2
s204	Notification under s.204 (dispute)	303	354	143
s219(1)	Application for payment of wages under section 219(1)	1	2	0
s220 & s221	Application for an order of demarcation under ss.220 & 221	5	8	0
s231	Application for an order under s 231	3	2	1
s237	Order for an injured worker to return to work	1	4	0
s246	Unfair dismissal	1270	1434	189
s345(4)	Reference by the Minister for Industrial Relations and Employment pursuant to section 345(4)	0	1	1
s385	Reference by Industrial Registrar to the Commission	0	0	0
s386	Application for order by President re: removal of matter before Industrial Registrar	0	0	0
s466	Application for permission for a Secret Ballot	0	0	0
S566	Application under s566 of the IR Act 1991.	1	0	1
S573 & s578	Application under s573 & 578 of the IR Act 1991.	1	0	1
S670	Application for alteration and amendment of rules.	1	1	0
S697B/D	Notification of Claim for Compensation in the Contract of Carriage Tribunal	10	17	31
s698	Notification under s.698 (dispute)	23	17	13
IRCAP1	Appeal against decision of Conciliation Commissioner	22	22	12
IRCAP2	Appeal against decision of Presidential Member	4	4	4
IRCAP3	Other Appeals	2	2	1
IAA 1940	Matters continuing under the Industrial Arbitration Act 1940	0	0	0
C	Matters referred from the Australian Industrial Relations Commission under s.174, Industrial Relations Act 1988 (Cth)	5	4	3
<b>TOTAL</b>		<b>2356</b>	<b>2707</b>	<b>604</b>

**TABLE B**  
**INDUSTRIAL COURT OF NEW SOUTH WALES**

ABBREVIATION	USAGE	FILED 1.1.96 - 31.8.96	COMPLETED 1.1.96 - 31.12.96	CONTINUING AS AT 31.12.96 (INC PREVIOUS YEARS)
AHA	Application for recovery of moneys re <i>Annual Holidays Act 1944</i>	5	1	4
CSA	Prosecution under the <i>Construction Safety Act 1912</i>	0	0	1
DGA	Prosecution under the <i>Dangerous Goods Act</i>	0	0	0
FSIA	Prosecution under the <i>Factories, Shops and Industries Act 1962</i>	1	4	2
LSLA	Application for recovery of moneys pursuant to the <i>Long Service Leave Act 1955</i>	3	1	3
OHS s15	Prosecution of employer for failure to ensure health & safety of employees under s.15 of the <i>Occupational Health &amp; Safety Act 1983</i>	65	69	72
OHS s16	Prosecution of employer/self employed person for failure to ensure health & safety of persons other than employees	21	27	34
OHS s17	Prosecution of person in control of workplaces etc for failure to ensure health & safety of non employees	2	2	9
OHS s18	Prosecution of manufacturer/supplier for failure to ensure health & safety re: plant & substances for use at work	2	1	3
OHS s19	Prosecution of employee for failure to take care of others and co-operate with employer at work	0	1	5
OHS s27	Prosecution under s27 of the <i>Occupational Health &amp; Safety Act 1983</i>	2	1	4
OHS s50	Prosecution of directors/management of corporation for offences by the corporation	50	9	15
ss151,153 & 156	Application for recovery of moneys under ss.151, 153 & 156	8	3	8
s166	Prosecution for breach of an award under s.166	0	0	0
s193	Application for injunction under s.193	1	0	1
s194	Application for injunction under s.194	15	13	4
s195	Application for breach of injunction under s.195	3	1	2
s198	Referral of question re: interpretation of award/agreement	2	3	9
s202	Application for certification of "new matter" under s.202	0	0	0
s211	Summons to show cause re: contravention of dispute order	0	2	0
s262	Application for an injunction	0	0	0
s275	Application under s.275 (making a contract void)	99	110	145
s367	Prosecution for contempt/disturbance of the Commission	0	0	0
s384	Reference to Industrial Court by the Commission	1	1	0
ss481 & 482	Application re: victimisation	1	0	1
s488	Recovery of compensation from officer of organisation	0	0	0
s441	Application under s441 of the IR Act 1991.	1	0	1
s497	Application for order to vary rules of organisation considered oppressive	1	2	1
s636(1)(a)	Application under s 636(1)(a)	1	1	0
s686	Application for the recovery of moneys under s.686	1	2	0
CTAP1	Appeal against decision of a Judge in an IRC matter	0	1	1
CTAP1a	Appeal against decision of a Judge in a CT matter	22	16	16
CTAP2	Appeal against decision of a Commissioner in an IRC matter	1	1	2
CTAP3	Appeal against decision of Full Commission.	0	1	2
CIM	Appeal against decision of Chief Industrial Magistrate	19	27	12
COSMWST	Appeal against decision of Coal & Oil Shale Mine Workers Superannuation Tribunal	0	0	0
LOCAL CT	Appeal against decision of Local Court Magistrate	1	1	0
SASB	Appeal against decision of State Authorities Superannuation Board	3	2	5
SSMIC	Appeal against a decision of State Superannuation Investment and Management Corporation	0	0	0
s88F (1940)	s88F of Industrial Arbitration Act 1940	0	0	1
<b>TOTAL</b>		<b>331</b>	<b>303</b>	<b>363</b>

Matters filed during period 2 September 1996 to 31 December 1996 and matters completed and continuing as at 31 December 1996 which were filed under the Industrial Relations Act 1996  
 - Table C (Commission) & Table D (Commission in Court Session)

**TABLE C**  
**INDUSTRIAL RELATIONS COMMISSION OF NEW SOUTH WALES**

ABBREVIATION	USAGE	FILED 2.9.96 - 31.12.96	COMPLETED 2.9.96 - 31.12.96	CONTINUING AS AT 31.12.96 (FILED UNDER IR ACT 1996)
AW	Application for a new award/ variation/rescission of award	193	87	106
CC	Application re: establishing/dissolving/re-establishing/ removal of matters before conciliation committees	3	3	0
CD	Application re: variation/rescission/new contract determination	3	1	2
EA	Application for approval/variation/termination of Enterprise Agreement (s.35), (s.43), (s.44)	34	16	18
EPA	Report under s.11 of the Employment Protection Act	3	0	3
IC	Application to establish Industrial Committee	2	0	0
S18	Application for exemption from whole or any part of award	0	0	0
S33	Commission to set principles for approval of Enterprise Agreements	0	1	0
S50	Adoption of National decision	0	0	0
S51	Commission to make State decision	0	0	0
S52	Variation of awards & orders on adoption of National decisions	0	0	0
S79	Commission to make State decision under Part 3 in relation to part-time work	0	0	0
S84	Application re unfair dismissal	989	393	590
S93	Application to Commission for reinstatement of injured employee	0	0	0
S126	Application for Stand down orders	0	0	0
S130	Notification of industrial dispute to Commission	374	141	233
S132	Commission may convene compulsory conference re s.130 dispute	56	18	38
S139	Application re contravention of a dispute order	0	0	0
S143	Application for payment of Strike pay/remuneration	2	0	1
S193	Reference of a matter by Member to Full Bench	0	0	0
S203	Referral of matter by Federal President to State Commission	0	0	0
S204	Referral of matter by State President to Federal Commission	0	0	0
S205	Joint proceedings State/Federal Commissions	0	0	0
S213	Order to enforce provisions of Industrial organisation	0	0	0
S217	Application for registration of industrial organisation	0	0	0
S225	Application for cancellation of registration of industrial organisation	0	0	0
S247	Orders re rules of State organisation	0	0	0
S294	Demarcation orders	0	0	0
S311	Contract determinations/contracts of carriage	0	0	0
S314	Reinstatement of contract of carriage	0	0	0
S320	Variation/rescission of contract determination	0	0	0
S324	Application for approval of contract agreement	1	1	0
S332	Compulsory conference re contract of carriage/determination	5	2	3
S348	Compulsory conference with respect to claims - contract of carriage	0	0	0
S357	Civil penalty for breach of industrial instruments	0	0	0
IRCAP1	Appeal against decision of commissioner	3	1	3
IRCAP2	Appeal against Presidential member	2	0	2
IRCAP3	Other appeals	2	0	2
C	Matters referred from the Australian Industrial Relations Commission under s.174, Industrial Relations Act 1988 (Cth)	2	2	0
<b>TOTAL</b>		<b>1674</b>	<b>666</b>	<b>1001</b>

**TABLE D**

**INDUSTRIAL RELATIONS COMMISSION IN COURT SESSION OF NEW SOUTH WALES**

ABBREVIATION	USAGE	FILED 2.9.96 - 31.12.96	COMPLETED 2.9.96 - 31.12.96	CONTINUING AS AT 31.12.96 (FILED UNDER IR ACT 1996)
AHA	Application for recovery of moneys re <i>Annual Holidays Act 1944</i>	1	1	0
LSLA	Application under s.12 Long Service Leave Act 1955 for recovery of money	3	0	3
OHS S15	Prosecution under s.15 of the Occupational Health and Safety Act 1983	68	0	68
OHS S16	Prosecution under s.16 of the Occupational Health and Safety Act 1983	6	0	6
OHS S18	Prosecution under s.18 of the Occupational Health and Safety Act 1983	1	0	1
OHS S50	Prosecution under s.50 of the Occupational Health and Safety Act 1983	8	0	8
S106	Application to Commission to declare contracts void or varied	81	7	75
S154	Declaratory jurisdiction	0	0	0
S180	Proceedings for Contempt of Commission	0	0	0
S365	Order for recovery of remuneration payable under industrial instrument	4	0	4
S368	Order for recovery of unpaid Superannuation	1	0	1
S369	Application for order for payment of moneys	0	0	0
S379	Application under s379 of the IR Act 1996	1	1	0
CTAP1	CICS Appeal against a decision of Presidential member in Commission	1	0	1
CTAP1A	CICS Appeal against a decision of Judge in CICS matter	29	0	29
CTAP3	CICS Appeal against a decision of Judge in CICS matter	1	0	0
CIM	Appeal against a decision of Chief Industrial Magistrate	11	0	11
LOCAL CT	Appeal against a decision of Local Court Magistrate	2	0	2
SASB	Appeal against decision of State Authorities Superannuation Board	3	0	3
SSIMC	Appeal against decision of State Superannuation Investment and Management Corporation	1	0	0
<b>TOTAL</b>		<b>222</b>	<b>9</b>	<b>212</b>



## APPENDIX A

*Reasons given for notification made pursuant to sections 188(1), 188(2), 204 and 698 of the Industrial Relations Act, 1991 from 1 January 1996 to 1 September 1996*

NATURE	S.188(1)	S.188(2)	S.204	S.698
<b>CONDITIONS OF EMPLOYMENT</b>				
(i) Allowances	8	-	14	-
(ii) Wage rates/conditions of employment	55	-	72	7
(iii) Overtime	11	-	9	-
(iv) Hours of Work (eg. rosters, shiftwork)	34	-	15	-
(v) Leave entitlements	12	-	8	-
(vi) Superannuation	-	-	4	-
(vii) Restructuring	9	-	13	-
(viii) Enterprise Agreements	8	-	35	5
<b>PHYSICAL WORKING CONDITIONS</b>				
(i) Safety	9	-	7	-
(ii) Amenities	6	-	3	-
<b>DISMISSAL</b>				
(i) Neglect of duties/absenteeism	-	-	-	-
(ii) Rentrenchment	6	-	10	-
(iii) Unspecified	10	-	13	2
<b>MANAGEMENT CONTROL</b>				
(i) Suspension/demotion	8	-	5	1
(ii) Contract labour	4	-	5	-
(iii) Interpretation	-	-	-	-
(iv) Breach	3	-	4	2
(v) Appointments	17	-	12	2
(vi) Transfers	4	-	12	2
(vii) Manning	4	-	7	-
<b>UNION MATTERS</b>				
(i) Employment of non-unionists	-	-	1	-
(ii) Demarcation	1	-	5	-
(iii) Sympathy with other unions	-	-	1	-
<b>MISCELLANEOUS - OTHER</b>				
	43	3	46	2
<b>STOPPAGES</b>				
	38	-	65	4
<b>TOTAL no. of disputes</b>				
	252	3	304	21

## APPENDIX B

*Reasons given for notification made pursuant to sections 130, 130 & 380, 332 of the Industrial Relations Act 1996 from 2 September to 31 December 1996*

NATURE	S.130	S.130 & S.380	S.332
<b>CONDITIONS OF EMPLOYMENT</b>			
(i) Allowances	14	1	-
(ii) Wage rates/conditions of employment	85	6	3
(iii) Overtime	13	-	-
(iv) Hours of Work (eg. rosters, shiftwork)	21	-	-
(v) Leave entitlements	21	1	-
(vi) Superannuation	7	-	-
(vii) Restructuring	19	1	-
(viii) Enterprise Agreements	36	-	1
<b>PHYSICAL WORKING CONDITIONS</b>			
(i) Safety	13	-	-
(ii) Amenities	3	-	-
<b>DISMISSAL</b>			
(i) Neglect of duties/absenteeism	-	-	-
(ii) Rentrenchment	15	-	-
(iii) Unspecified	14	-	1
<b>MANAGEMENT CONTROL</b>			
(i) Suspension/demotion	9	-	-
(ii) Contract labour	8	-	-
(iii) Interpretation	-	-	-
(iv) Breach	10	1	-
(v) Appointments	16	-	-
(vi) Transfers	4	-	-
(vii) Manning	10	-	-
<b>UNION MATTERS</b>			
(i) Employment of non-unionists	4	-	-
(ii) Demarcation	6	-	-
(iii) Sympathy with other unions	3	-	-
<b>MISCELLANEOUS - OTHER</b>			
STOPPAGES	52	-	-
	53	-	2
<b>TOTAL no. of disputes</b>	<b>393</b>	<b>10</b>	<b>6</b>

## APPENDIX C

### *Application to Conciliation Committees*

Applications to Committee on behalf of:	Industrial Relations Act 1991		Industrial Relations Act 1996
	Conciliation	Contract Regulation	Industrial Committees
(a) employees for an order or award s.347(2)(c)(i)	14	-	s.199(2)(b)(ii) 2
(b) employers for an order or award s.347(2)(c)(ii)	-	-	s.199(2)(b)(i) -
(c) employees for variation or interpretation of awards s.347(2)(c)(i)	13	-	s.199(2)(b)(ii) 9
(d) employers for variation or interpretation of awards s.347(2)(c)(ii)	-	-	s.199(2)(b)(i) -
Miscellaneous	-	-	
Application pursuant to Clothing Trades (State) Award	12	N/A	-
<b>TOTAL</b>	<b>27</b>	<b>Nil</b>	<b>11</b>

## APPENDIX D

### *Activity of Conciliation Committees during 1994*

ESTABLISHED	5
DISSOLVED	1
ALTERED	N/A
<b>TOTAL</b>	<b>6</b>