

Annual Report
of the
President
of the
Australian Industrial Relations Commission

and

Annual Report
of the
Australian Industrial Registry

1 July 2000 to 30 June 2001

This document combines the annual report of the President of the Australian Industrial Relations Commission and the annual report of the Australian Industrial Registry in one cover.

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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

PRESIDENT'S CHAMBERS

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The Honourable Tony Abbott, MP
Minister for Employment, Workplace Relations and Small Business
Parliament House
CANBERRA ACT 2600

Dear Minister,

I am pleased to present to you the annual report of the Australian Industrial Relations Commission for the year ended 30 June 2001.

The report is provided pursuant to section 49 of the *Workplace Relations Act 1996*.

Yours sincerely,

Justice Giudice

President

1 October 2001



N^o 13 of 1904.

AN ACT

Relating to Conciliation and Arbitration for the Prevention and Settlement of Industrial Disputes extending beyond the Limits of any one State.

(Assented to 15th December, 1904.)

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—INTRODUCTORY.

1. This Act may be cited as the *Commonwealth Conciliation and Arbitration Act 1904*. Short title.

2. The chief objects of this Act are—

Objects of Act.

- I. To prevent lock-outs and strikes in relation to industrial disputes;
- II. To constitute a Commonwealth Court of Conciliation and Arbitration having jurisdiction for the prevention and settlement of industrial disputes;
- III. To provide for the exercise of the jurisdiction of the Court by conciliation with a view to amicable agreement between the parties;
- IV. In default of amicable agreement between the parties, to provide for the exercise of the jurisdiction of the Court by equitable award;
- V. To enable States to refer industrial disputes to the Court, and to permit the working of the Court and of State Industrial Authorities in aid of each other;

vi. To

Annual Report
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Australian Industrial Relations Commission

About the Commission

The Australian Industrial Relations Commission (the Commission) is an arbitral body exercising federal jurisdiction. It was first established in 1904 as the Commonwealth Court of Conciliation and Arbitration and currently operates under the *Workplace Relations Act 1996* (the Act).

The work of the Commission includes:

- assisting employers and employees, or organisations of employees, to make agreements regarding wages and conditions of employment;
- establishing and maintaining a system of enforceable awards which provide a safety net of fair minimum wages and conditions of employment;
- preventing and settling industrial disputes, so far as possible by conciliation, and as a last resort and within the limits specified by the Act, by arbitration;
- handling unfair dismissal claims – by conciliation and, if necessary, arbitrating to determine if a termination is harsh, unjust or unreasonable;
- assessing whether proposed Australian workplace agreements referred from the Employment Advocate meet the no-disadvantage test; and
- dealing with matters concerning organisations, particularly registration, amalgamation, cancellation, representation rights, alteration of eligibility rules and change of name.

In the course of carrying out its statutory obligations the Commission also seeks to assist employees in balancing work and family responsibilities, to ensure equal remuneration for work of equal value and to help prevent and eliminate discrimination in the workplace.

Members of the Commission are appointed from the fields of industrial relations, law and economics. Appointments are made by the Governor-General on the recommendation of the Federal Government. Appointments are to the age of 65.

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Introduction

There was a ceremonial sitting in the Commission's main Sydney courtroom on 5 June 2001 to mark the Centenary of Federation. The sitting was held exactly 100 years after the first Conciliation and Arbitration Bill was introduced into the new Commonwealth Parliament on 5 June 1901. It is a measure of the importance of industrial relations in the early days of Federation that the first bill for a national industrial relations system was introduced into the Parliament only one month after the inaugural sitting on 9 May 1901. During the sitting the Commission was addressed by senior representatives of trade unions, employers, government and the legal profession. It was a unique occasion because it provided each of the speakers with the opportunity, free of the constraints of a particular case, to reflect on the Commission's past and future role in Australian society. In every case the speaker's observations were thoughtful, candid and very interesting. Each speaker had a different perspective on the development of the national dispute-settling body and together their addresses are an important collection of contemporary views about the regulation of labour relations in Australia. The speeches are available on the Commission's Internet home page (www.airc.gov.au).

The Governor-General appointed four Presidential Members and one Commissioner during the year. These appointments are welcome and have enhanced the Commission's ability to deal with its caseload. The number of Members, taking into account two retirements and one resignation, increased by only two over the course of the year and stood at 44 primary appointments at the end of the year. In 1996 there were 55 Members.

This year for the first time my Report contains a number of time-based caseflow measures for a number of the more common types of cases. The Commission does not have a stable and predictable flow of work of a homogeneous kind which can be dealt with according to one uniform process and the Commission uses a range of different procedures which are adapted to the various applications with which it deals.

For that reason different time-based measures have been chosen for different types of applications. In relation to industrial disputes notified pursuant to s.99, the measure is the number of days between the notification of the dispute and the first hearing. For applications for a remedy in relation to termination of employment, the measure chosen is the number of days from lodgment to the date the application is finalised. Other measures are used for other applications. This differentiated approach recognises that in some types of applications the time taken to get the matter on for conference or hearing is more important than the time taken to reach a conclusion. The data have been compiled for a three year period to give some basis for an historical comparison of service levels related to time alone. Time-based caseflow measures are not a very sophisticated measure of output. In particular, measuring time alone does not take account of quality of decision-making or whether there was a successful outcome.

Work of the Commission

Overview

There has been no reduction in the Commission's caseload overall. Although the major legislative changes of the 1990s altered the Commission's jurisdiction and powers, in relative terms resort to the Commission to assist in the resolution of industrial disputes is as common as it ever was. New areas of jurisdiction have of course been added to the traditional dispute settling functions. Applications for a remedy in relation to termination of employment are now a burgeoning area of jurisdiction which was almost non-existent prior to 1993 and in 2000-01 the Commission certified 7300 agreements – a 30% increase on the previous year. The Industrial Registrar's report provides information concerning the location of hearings conducted throughout the year. While the great bulk of hearings were conducted in the capital cities, there were 1500 hearings conducted in other places. The Commission's in-house videoconferencing facilities were upgraded and more than 400 hearings and conferences were conducted by video link. The appointment of Senior Deputy President O'Callaghan in Adelaide has provided the Commission with a resident Member holding a primary appointment in South Australia for the first time in some years. Unfortunately the resignation of Commissioner Laing has created a requirement for the Senior Deputy President to travel regularly to Western Australia to assist in dealing with cases in that State. Each of the five new Members appointed during the year has taken over a large number of award simplification files and this has given a fresh impetus to the task of completing the award simplification process.

Table 1 on the following page shows caseload information on a comparative basis for the last five years. The table does not include every type of application with which the Commission deals but only those types which constitute a substantial proportion of the Commission's work. It is not therefore a comprehensive measure of the caseload, rather an indication of the main areas. Trends observed in recent years continued. In particular, dispute notifications and award variation applications remain well below the levels of five years ago. Notifications under dispute settling procedures in agreements and applications for orders to stop or prevent industrial action have continued to increase in number. After a decrease of 2000 last year, applications in relation to agreements increased by 3000 to top 10,000 for the first time. Applications for a remedy in relation to termination of employment continued at around the same level as in the preceding three years and the number of decisions required in relation to those applications also stayed relatively stable. There were over 8000 applications and the Commission was required to give more than 700 decisions including decisions on jurisdictional issues, arbitrations and costs applications. Full Bench matters decreased substantially. The number of Full Bench matters increased in the years following the passing of the *Workplace Relations and Other Legislation Amendment Act 1996* (the WROLA Act). The reduction in the number of Full Bench matters in the most recent year may indicate that a number of issues of law and procedure which arose in the course of implementing the *Workplace Relations Act 1996* have now been resolved. A body of principle is developing which enables parties to assess more accurately whether a Full Bench is likely to find that a Member has made an error which should be corrected on appeal.

TABLE 1 – Historical table of caseload categories

Application	1996-97	1997-98	1998-99	1999-00	2000-01
Dispute notification (s.99)	3 696	3 273	2 836	2 679	2 598
Award variation (s.113, Item 49, Item 51 and on Commission's own motion under s.33)	2 109	2 758	2 363	1 898	1 326
Notification under dispute settling procedures of agreements (ss.170LW, 170VG, 293F, 520)	-	55	288	326	403
Agreement (certification, extension, variation, termination and determination of designated award)	4 772	6 587	9 001	6 885	10 081
Suspension or termination of bargaining period (s.170MW)	31	102	75	87	227
Award variation (s.111)	437	437	808	72	59
Order relating to industrial action (s.127 orders and bans clause matters under former legislation)	114	293	335	425	444
Certificate in relation to civil action (s.166A – includes former s.163 notices re boycotts)	63	47	65	64	93
Termination of employment (s.170CE)	10 621	8 092	8 146	7 498	8 109
• Termination of employment – jurisdiction	186	378	360	357	422
• Termination of employment – substantive arbitration (s.170CG)	311	653 ¹	277 ¹	346 ¹	291
• Termination of employment – costs (s.170CJ)	2	46	53	57	68
Full Bench matters (including appeals)	355	411	400	434	249
Minimum wage order for Victorian employees (s.501)	48	21	25	20	20
Referral of Australian workplace agreements to Commission (s.170VPB)	-	325	887	615	195

The table of Full Bench matters shows that the number of Full Bench determinations exceeded the number of Full Bench matters lodged or referred during the year by around 50. When account is taken of the fact that Full Bench matters which are withdrawn after lodgment or reference are not counted in the determinations, it may be concluded that Full Bench work was dealt with at a satisfactory rate over the course of the year. Frequently a number of Full Bench matters are heard concurrently and dealt with in one decision. The number of separate Full Bench decisions handed down during the year was 166, about the same number as in the two preceding years. The table gives a breakdown of Full Bench matters by reference to the section of the Act under which the matter was initiated.

TABLE 2 – Full Bench matters 2000-01

Nature of proceeding	Matters lodged/referred	Matters determined
Notice of appeal (s.45)	173	197
Referral from Registrar (s.79)	1	-
Appeal against decision of Registrar (s.81(5)(c))	1	-
Reference to a Full Bench (s.107) ²	10	44
Reference to a Full Bench (s.108(4))	40	38
Review on application of Minister (s.109)	-	16
Exceptional matters order (s.120A)	1	1
Application that a State authority be restrained from dealing with certain matters (s.128)	-	-
Multiple-business agreement (s.170LC)	14	7
Arbitration following termination of a bargaining period (s.170MX)	8	4
Application for cancellation and suspension of awards and orders (s.187)	-	-
Minimum wage order for Victorian employees (s.502) ³	1	1
Total	249	308

This chart shows the number of Full Bench decisions on a quarterly basis. Decisions in appeals arising from applications for a remedy in relation to termination of employment constitute a little over half of the total number of appeal decisions.

CHART 1 – Full Bench decisions by quarter 2000-01

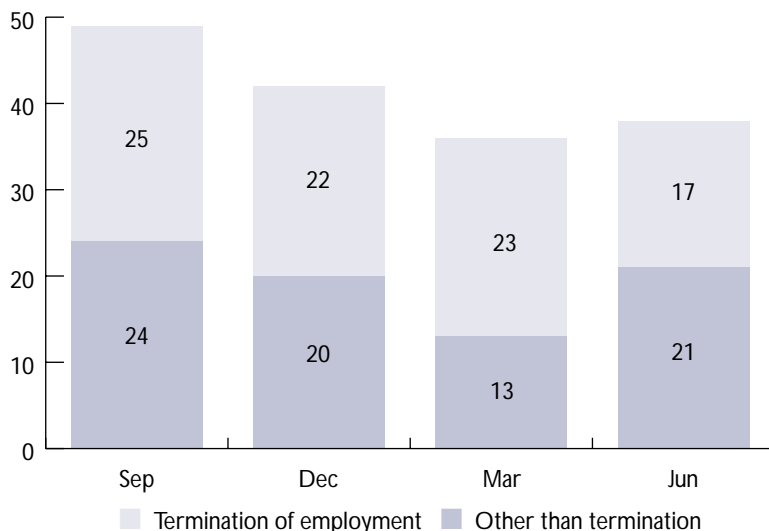


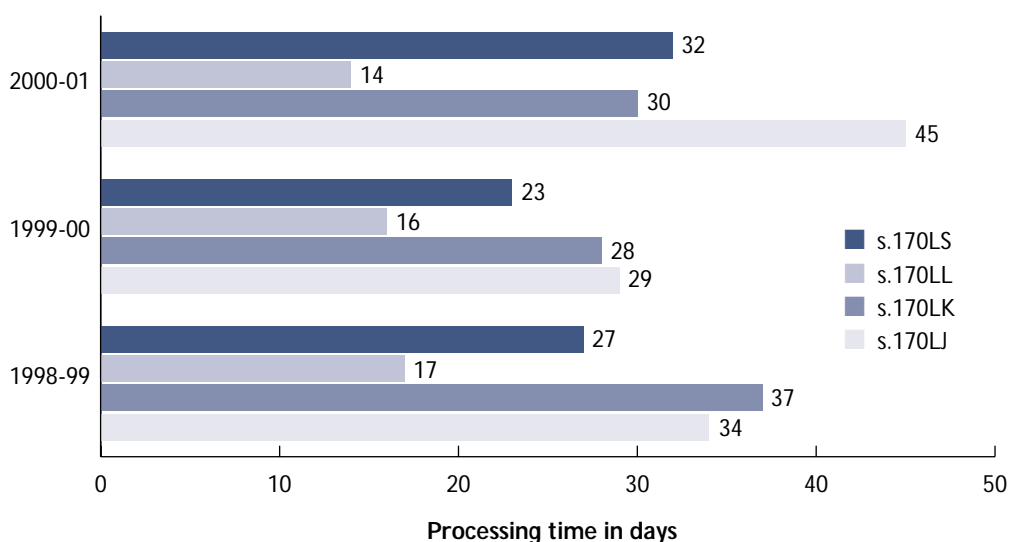
Table 3 shows the number of applications made to certify agreements and the number of agreements certified over the last three years. The number of applications lodged is the highest for a single year by a considerable margin.

TABLE 3 – Agreements lodged and certified for the years 1998-99, 1999-00 and 2000-01

Agreement type	Year ending 30 June 1999		Year ending 30 June 2000		Year ending 30 June 2001	
	Lodged	Certified	Lodged	Certified	Lodged	Certified
With unions (s.170LJ)	4 772	4 898	3 666	3 536	5 936	5 147
With employees (s.170LK)	890	844	856	780	1 047	908
Greenfields (s.170LL)	505	500	348	347	328	266
About industrial disputes and situations (s.170LS)	1 246	1 290	868	876	1 098	995
Total	7 413	7 532	5 738	5 539	8 409	7 316

Chart 2 deals with the average time taken to process agreements under the various sections. It shows the time in days from lodgment of an application to certify an agreement until the date of certification. The average processing time for applications to certify agreements pursuant to s.170LJ, by far the most common type of agreement application, increased in the last year. After showing significant improvement in the last few years, the average processing time is almost back to the 1997-98 level of 47 days. To put this in perspective, 2480 agreements were certified pursuant to s.170LJ in 1997-98. Last year the number of agreements certified pursuant to s.170LJ was almost 6000.

CHART 2 – Agreement processing time – Average days from lodgment to completion



Termination of Employment Matters

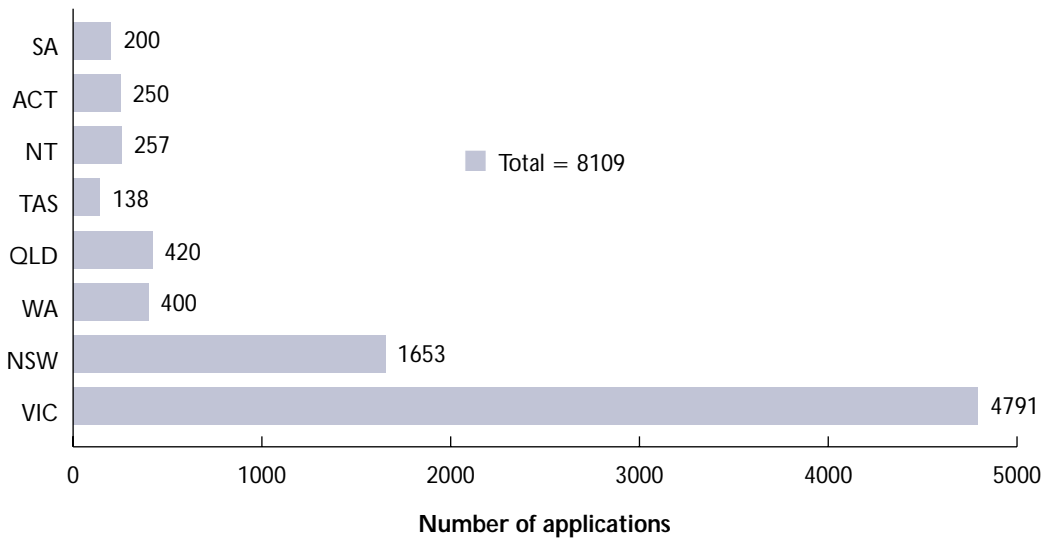
Applications for relief in respect of termination of employment continued to constitute a significant part of the workload of the Commission in 2000-01. During the year 8109 applications were lodged, pursuant to s.170CE, with lodgments increasing 8.1% over 1999-00. In order to provide timely access to conciliation, the Commission continued to utilise Deputy Industrial Registrars, senior Registry officers and retired members of industrial tribunals, together with additional assistance from dual appointees in South Australia, to conduct conciliation conferences. Given that the majority of applications are finalised at the conciliation phase this practice has facilitated the prompt conclusion of many matters far earlier than would have been possible if all conciliation conferences had been conducted by primary appointees. The practice has also assisted in the management of Commission workload, with the workload of Members being restricted to the further conciliation of unresolved matters and arbitration of matters where applicants elect to proceed to arbitration.

Particular pressures in the management of termination of employment matters exist in Victoria, where 59% of matters are initiated and progressed. This has resulted in some specific management processes peculiar to Victoria, reflected in the practice note of the President of 22 June 2000 and the practice of

regular arbitration weeks in which a group of Members sits and arbitrations are significantly over-listed to reflect settlement or discontinuance prior to arbitration. The management of termination of employment matters is constantly monitored, particularly in Victoria, with a view to the elimination of unnecessary delays in bringing applications to conclusion.

Additional appointments in Victoria, New South Wales and South Australia have assisted the management of the termination of employment caseload, although significant pressures have arisen in Western Australia, with only one primary Member since April 2001. The Western Australia workload has been managed by the use of Members from other States, but this is not a satisfactory situation for the longer term.

*CHART 3 – Applications for relief in respect of termination of employment –
By region – 2000-01*



In a major initiative in the reporting year, the Commission produced a video information package, providing information about the conciliation process in respect of termination of employment matters. The package, comprising a 15-minute video and a 12-page booklet, was released in May 2001. Aimed at assisting employees and employers involved in termination of employment cases, the package provides an overview of the conciliation process for those unfamiliar with the workings of the Commission. The video features scenes from a mock conciliation and interviews with practitioners who have day-to-day experience in termination of employment cases. The video and booklet were developed with extensive consultation with the Termination of Employment Users Group in Melbourne, together with Members, conciliators and Registry officers. The video has been distributed to representative organisations such as unions, employer bodies and law firms as well as regional libraries in centres where Commission conciliation conferences are regularly held and may also be viewed on-site at most Registries. The booklet may be obtained at Registry public counters. The text of the booklet and information about the video have been posted on the AIRC Home Page (www.airc.gov.au).

There were 87 appeal decisions in relation to termination of employment matters. Overall 31% of appeals were upheld and 69% were unsuccessful.

TABLE 4 – Appeals – Termination of employment decisions⁴ – 2000-01

	Upheld	Dismissed	Total
Merit	6	19	25
Remedy	12	3	15
Jurisdiction	7	30	37
Costs	1	1	2
Practice and procedure	1	7	8
Total	27	60	87

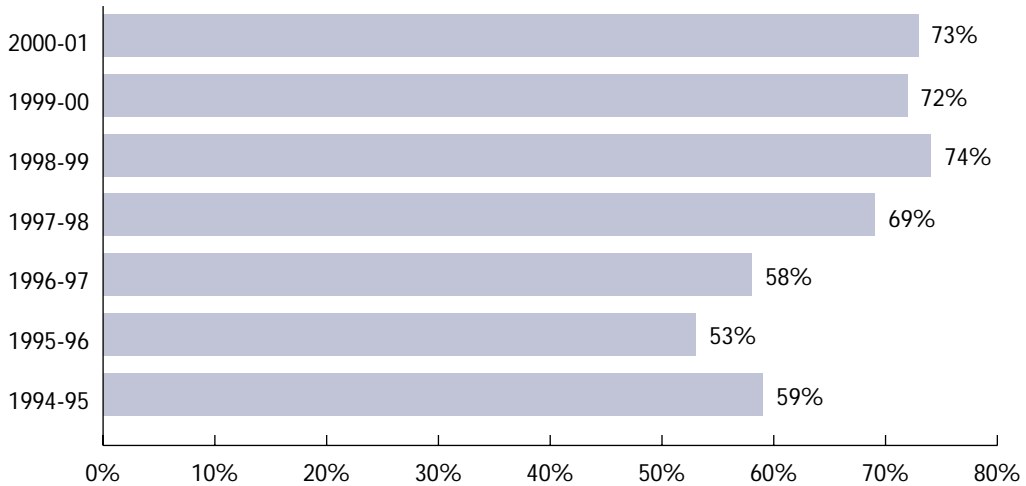
Table 5 provides information concerning the way in which termination of employment applications were finalised during the reporting period on a State and Territory basis. Of the total of almost 8000 finalised applications, less than 300 required a substantive arbitration. Approximately half of those arbitrations, 154, were in Victoria.

TABLE 5 – Summary of outcomes of termination of employment matters finalised during 2000-01

Region	Finalised at or prior to conciliation	Finalised prior to arbitrated orders	Substantive arbitrations	Total finalised
ACT	170	27	12	209
NSW	1 245	104	81	1 430
NT	209	27	8	244
QLD	342	65	12	419
SA	103	53	7	163
TAS	145	3	2	150
VIC	3 548	1 120	154	4 822
WA	334	23	15	372
Total	6 096	1 422	291	7 809

Chart 4 on the following page shows the settlement rate for valid claims since the first full year in which the jurisdiction commenced. The settlement rate is based on settlements achieved through the conciliation process. The rate seems to have plateaued just above 70%.

CHART 4 – Conciliation settlement rate



The next two tables provide aggregate statistics concerning the disposition of all applications lodged since the commencement of the *Workplace Relations Act 1996*. Table 6 focuses on the conciliation phase and Table 7 on the post-conciliation phase. The figures provided in Table 6 are for 30 June 2000, as well as for 30 June 2001. The figures for the year 2000 have been included because the figures contained in last year's report were substantially revised after the report had been written. By comparing the figures for 2000 with those for 2001 it can be seen that the number of uncompleted conciliations increased from about 1700 to 2000.

TABLE 6 – Summary of outcomes of termination of employment matters up to and including the conciliation stage – 31 December 1996 to 30 June 2001

Nature of proceeding	To 30 June 2000 ⁵		To 30 June 2001	
	26 990	%	35 099	%
Withdrawn, settled or otherwise discontinued prior to conciliation	4 733	17.5	6 168	17.6
Dismissed at preliminary stage (on threshold jurisdiction grounds, including 'out of time')	823	3.5	1 037	3.1
Settled by conciliation	14 097	52.2	18 544	52.9
Unable to be settled by conciliation (certificate issued under s.170CF(2) – possible arbitration)	5 546	20.5	7 214	20.6
Certificate issued ⁶	107	0.1	127	0.1
Conciliation not finalised	1 684	6.2	2 009	5.7

TABLE 7 – Summary of outcomes of termination of employment matters outstanding after the end of conciliation – 31 December 1996 to 30 June 2001

Unable to be settled by conciliation (certificate issued under s.170CF(2) – possible arbitration)	7 214	%
Lapsed through no election to proceed, or elected not to proceed	984	13.6
Withdrawn, settled or otherwise discontinued between conciliation and arbitration	3 787	52.5
Substantive arbitration	1 690	23.4
Not yet to substantive arbitration stage	753	10.4

The final table in this section shows the number of cases in which the application was determined by a decision of a Member of the Commission. There have been over 2700 such matters since the end of 1996. The data do not include all decisions but only decisions which led to finalisation of the application. There are many preliminary decisions in the applicant's favour, either in relation to jurisdictional or other matters, which are not included. Those applications are subsequently determined either by agreement, discontinuance or decision.

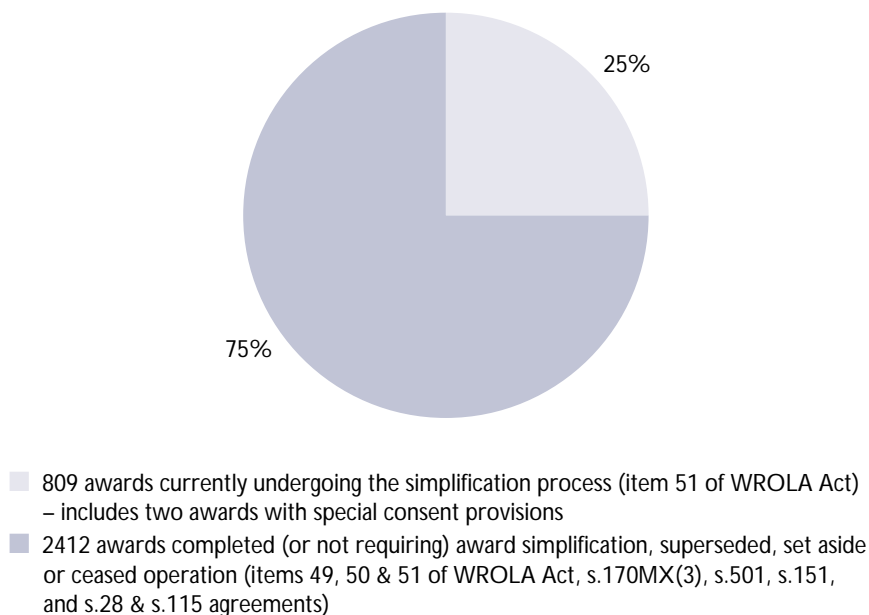
TABLE 8 – Result of termination of employment matters disposed of by decision under the Workplace Relations Act 1996

	31 Dec 96 to 30 June 97	1997-98	1998-99	1999-00⁷	2000-01	Total at 30 June 01
Compensation	63	462	96	121	96	838
Reinstatement	8	29	26	27	42	132
Other (e.g. breach found but no order)	0	6	2	2	11	21
Dismissed – on merits	54	154	153	196	142	699
Dismissed – out of time	43	85	92	67	85	372
Dismissed – no jurisdiction	35	154	164	171	129	653
Total	203	890	533	584	505	2 715

Award Simplification

Since 1997 the Commission has been reviewing all federal awards in accordance with the Transitional Provisions of the WROLA Act.

CHART 5 – Award Simplification and s.151 Review progress as at 30 June 2001



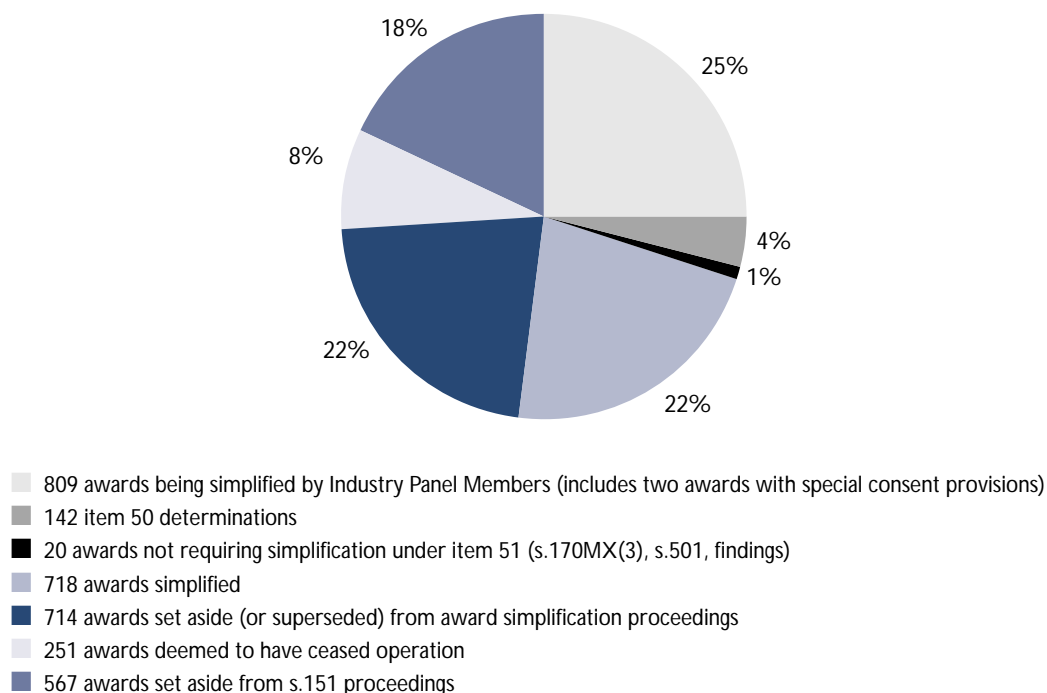
By the end of 2000-01 this process, known as the award simplification review process, was 75% complete. Of the 3221⁸ federal awards originally requiring review, 2412 awards had been reviewed and 809 awards were undergoing simplification.

Of the 2412 awards completed as at 30 June 2001:

- 718 had been simplified;
- 1281 had been set aside or superseded;
- 251 had ceased operation; and
- 162 had been identified as not requiring review.

Commission Members from all panels are now dealing with the remaining awards in an effort to finalise the review process as quickly as possible. An indication of the complexity and time-consuming nature of the award simplification task is that the 809 awards currently being reviewed comprise some 40,000 pages of text.

CHART 6 – Award Simplification progress as at 30 June 2001 – Detailed



To further assist parties with the award simplification review process, an extensive search facility was added to the AIRC Home Page in May 2001. The new search engine allows searching across databases of award simplification decisions and simplified awards as well as several other databases. The Award Simplification Resource Book, which is also available through the AIRC Home Page, was updated several times throughout the year.

Heads of Tribunals

Section 171 of the Act requires the President to invite the heads of State industrial authorities to meet with the President regularly to exchange information and discuss matters of mutual concern. Two such meetings were held during the reporting period, the first in October 2000 and the second in May 2001.

Organisations

During the year, a number of cases were heard and determined by members of the Organisations Panel. They included:

- applications by the Community and Public Sector Union, the Australian Nursing Federation, the Finance Sector Union of Australia, The Australian Workers' Union, The Maritime Union of Australia, the Australian Municipal, Administrative, Clerical and Services Union, the Victorian Hospitals' Industrial Association, The Pastoralists' and Graziers' Association of Western Australia (Incorporated) and the Construction, Forestry, Mining and Energy Union to alter their eligibility rules;
- an application by The Victorian Authorised Newsagents' Association Limited to change its name and alter its eligibility rules; and
- an application by the Australian Wool Selling Brokers Employers' Federation to change its name.

Significant Cases

Sammartino v Mayne Nickless trading as Wards Skyroad

Decision: Sydney, 23 May 2000 [Print S6212].

Full Bench: Justice Munro, Deputy President Duncan, Commissioner Jones.

On 18 June 1998, the Commission dismissed an application by the appellant for relief in relation to termination of his services as an owner-driver courier with the respondent, on the jurisdictional ground that he was not an employee, but rather was an independent contractor engaged under a contract for services.

On 14 October 1998, a Full Bench of the Commission dismissed an appeal against the Commission's earlier decision. On 25 August 1999, a Full Court of the Federal Court quashed the appeal decision, and issued a writ of mandamus directing the Full Bench of the Commission to hear and determine the appeal, by reference to the principles relevant to an appeal against a question of jurisdictional fact.

On 23 May 2000 the Full Bench handed down its reconsidered decision having determined that leave to appeal should be granted. The Full Bench acted upon the Full Court's observation that the critical question to be determined was the meaning of the term 'employee' in respect of an application under s.170CE.

The decision traces the approaches taken by various courts, over time, to the determination of whether a person is an employee at common law, or for particular purposes. It examines the use of the terms 'employee' and 'independent contractor' in the Act and its predecessors. The Full Bench stressed that the indicia developed by the courts should be applied to the particular circumstances of the appellant, having regard to the whole of the real situation between the parties, not just the stated or implied intent of the parties at the beginning of the relationship.

The Full Bench concluded that the term 'employee' in s.170CE does not extend to a person who as a matter of law is an independent contractor for services.

The evidence did not reveal a comprehensive written document setting out the appellant's contract with the respondent. The terms of the contract had to be derived from the surrounding factual matrix. Some doubt and ambiguity existed about the relationship, but the Full Bench saw no reason to refuse to accept that it was the intention of the parties to create a contract appropriate to the relationship of independent contractor. While such an intention must be given weight, it should not be regarded as conclusive. The circumstances in this case warranted the application of common law principles to determine whether the contract was in truth a contract of service.

The Full Bench then examined the evidence and applied indicia relating to:

- the degree of control exercised over the service to be performed (similar to that exercised over award employees doing similar work);
- the mode of remuneration (including relationship to award rates and payment of superannuation contributions);

- provision of equipment or resources (supply of own vehicle);
- obligation to work (predetermined starting times);
- ability to delegate work (only in very restricted circumstances);
- hours of work and entitlements to leave (similar to award provisions);
- deduction of income tax (PPS deductions made, not PAYE); and
- superannuation, workers compensation etc. (similar to that applying to employees).

The Full Bench concluded that the appellant was an employee for the purposes of s.170CE. It indicated that the degree of control exercised by the respondent over his work as a driver was the factor which weighed most heavily, but other indicia also supported a conclusion to that effect.

The matter was referred for allocation for conciliation or arbitration.

Victorian Principals Federation – Application for Registration

Decisions: Sydney, 19 July 2000 [Print S8092] and Sydney, 8 June 2001 [PR904611].

Full Bench: Vice President McIntyre, Senior Deputy President Duncan, Commissioner Deegan.

This matter concerned an appeal by the Australian Education Union from the decision to grant an application by the Victorian Principals Federation for registration as an organisation. The Full Bench in the 19 July 2000 decision decided, among other things, that the Victorian Principals Federation was not an enterprise association. In the 8 June 2001 decision, the Full Bench decided to admit further evidence and to make a decision dealing with the subject matter of the decision at first instance. The Full Bench formed the view that the Victorian Principals Federation had failed to meet all the criteria required for registration. It quashed the decision at first instance and decided that the application by the Victorian Principals Federation for registration as an organisation be dismissed.

Re Australian Workplace Agreements

Decision: Sydney, 26 July 2000 [Print S8540].

Member: Senior Deputy President Harrison.

This decision is about several Australian workplace agreements (AWAs) in respect of which the Employment Advocate had concerns as to whether they passed the no-disadvantage test. The agreements were referred to the Commission under s.170VPB(3) of the Act to decide whether they passed the no-disadvantage test.

The relevant provisions of the Act were considered including the prohibition on the identification of parties to the AWAs and the constraints thereby placed on the Commission including all the relevant facts in the decision. Reference was made to several decisions made under s.170LK of the Act in which a no-disadvantage test in similar terms to the test which the Commission is required to apply to the AWAs was considered. Reference was also made to public interest considerations that arise in the event that the no-disadvantage test is not met. Observations were made about a number of aspects of the security industry and the nature of the employment contracts in it. The decision identified several

provisions in each AWA which provided for terms and conditions of employment less favourable to employees than those in the relevant State award by reference to which the no-disadvantage test was applied. The provisions of the AWAs were found to be less advantageous than those in the State award and the no-disadvantage test was not met. Consideration was then given to whether the AWAs could be approved under s.170VPG(4). This obliged the Commission to consider whether it would not be contrary to the public interest to approve the AWAs. The particular circumstances of the AWAs being entered into were referred to including the fact that AWAs in similar terms had previously been approved by the Employment Advocate. On that basis the employer had entered into contractual arrangements with clients assuming that subsequent AWAs would be approved in the same terms as those previously approved. Subject to certain identified conditions, the AWAs were approved.

Re Australian Liquor, Hospitality and Miscellaneous Workers Union (Defence Contracting) Award 1997

Decision: Melbourne, 10 August 2000 [Print S9043].

Full Bench: Vice President Ross, Senior Deputy President Polites, Commissioner Lewin.

This case concerned the operative date for the safety net adjustment made available by the *Safety Net Review – Wages May 2000 decision* [Print S5000]. The application sought a variation above the safety net because the operative date sought (1 June 2000) was less than 12 months after the rates were increased for the *Safety Net Review – Wages April 1999 decision*. Application of the ‘12 month rule’ would mean an operative date of 3 February 2001.

The principal submission advanced by the Liquor, Hospitality and Miscellaneous Workers’ Union (the LHMU) in support of its application was that because of an error in the historical adjustment of the rates of pay in the above award, an anomaly had been created. Historically the rates of pay in the award had been varied for safety net adjustments sometime after the State Wage Case in each State jurisdiction was completed. The union contended that this approach was erroneous – the award is a federal award and the operative dates of wage rate variations should not have been determined by reference to proceedings in State industrial tribunals. It was argued that the errors of the past had created an anomaly which we should now correct as a matter of equity. The employers opposed the application. They argued that the ‘errors’ referred to by the LHMU were of their own making and if the application was granted then they would suffer significant financial and competitive disadvantage.

The issue for determination by the Commission was whether the matter constituted a ‘special case’ within the meaning of Principle 10 of the wage principles. The Full Bench concluded that it did. In reaching this conclusion the Bench had particular regard to the following circumstances:

- the delay in varying the award was due to an error on the part of the LHMU in seeking to link the wage rate movements in these tables with movements in comparative State awards. This error was perpetuated with the introduction of the ‘12 month rule’ in the *Safety Net Review – Wages April 1999 decision*;
- the companies respondent to the award have had the benefit of the LHMU’s error in that each safety net adjustment has not applied to the wage rates in the award until some time after the relevant Safety Net Review decision;

- the difference in the operative date of adjustments in the wage rates applying in different States in the award has created an internal award anomaly; and
- the award only applied to two related companies and the cost impact of the decision made was limited.

The Full Bench found that this combination of circumstances constituted a special case.

Balancing all of the circumstances the Bench concluded that an appropriate operative date for the variation of the award for the May 2000 safety net adjustment was 1 October 2000.

It should be noted that after this decision paragraph 8(c) of the Statement of Principles was amended in the *Safety Net Review – Wages May 2001 decision* [PR002001] to read:

‘(c) In awards where the variation for a safety net adjustment arising from the April 1999, May 2000 or May 2001 decisions is by consent and does not result in an increase in the wage rates actually paid to employees or increase the wage costs for any employer, any applicable twelve months’ delay between variations may be waived.’

Re CPSU, the Community and Public Sector Union

Decision: Melbourne, 11 August 2000 [Print S9084].

Full Bench: Vice President Ross, Justice Munro, Commissioner Simmonds.

This decision was the first occasion that a Full Bench has had cause to consider the proper construction of s.204 of the Act since the amendments introduced in 1996. Section 204 deals with a designated Presidential Member’s powers to consent to alterations in an organisation’s eligibility rules.

The main head of appeal was to the effect that the decision of the Member at first instance to grant consent was vitiated by the misconstruction and/or misapplication of ss.204(4), 204(6A), 204(6B) and 204(6C) of the Act.

The legislative changes made by the *Workplace Relations and Other Legislation Amendment Act 1996* to the representative scheme for the registration of organisations were extensive.

The principal amendments to a designated Presidential Member’s powers under s.204 were:

- in broad conformity with the revised ‘no other organisation’ condition on registration, the omission from subsection (4) of the words *‘another organisation to which those persons might conveniently belong’* and their replacement with the words *‘another organisation’*:

‘(a) to which those persons might more conveniently belong; and

(b) that would more effectively represent those members.’;

- the introduction of a new subsection (5) qualifying the ‘more conveniently belong’ criterion in these terms:

‘(5) However, subsection (4) does not apply if the designated Presidential Member accepts an undertaking from the organisation seeking the alteration that the designated Presidential Member considers

appropriate to avoid demarcation disputes that might otherwise arise from an overlap between the eligibility rules of that organisation and the eligibility rules of the other organisation.;

- the repeal of subsections (5) and (6) preventing the erosion of industry-based organisations;
- the addition of a further discretionary criterion upon which consent may be refused, namely if such consent would change the effect of an order under s.113A and such a change would give rise to a serious risk of a damaging demarcation dispute; and
- the modification of the renumbered subsection (6B) to exclude the possibility that the criterion specified in subsection (6A) or (6B) might limit the grounds on which consent may be refused.

The Full Bench considered that the discretion under s.204 was exercisable by reference to several 'statutory' considerations, some of which if satisfied conditioned the exercise of the discretion. Some other considerations were also prescribed by the section and may be given determinative weight at the discretion of the decision maker. The discretion may also be exercised by reference to considerations that are not directly specified by the section. The Bench considered that s.204 provided for the discretion to refuse consent to be exercised with the degree of flexibility described. As such exercise of the discretion under s.204 was not thought to be 'structured' in the way or to the degree that the discretion under s.189 is structured.

One of the central issues on the appeal reduced to a question of whether the present legislative scheme encourages competition between organisations, or at least no longer discourages competition between organisations. The appellant contended that the changes made by the WROLA Act entailed only a change of emphasis.

The Full Bench concluded that the provisions of the Act departed substantially from the provisions of the antecedent schemes that were the legislative pillars of what the Commission accepted to be the foundational principle of avoiding overlapping coverage and consequential competition between organisations. The Bench considered, that among other purposes, it is now a purpose of the Act to allow for competition between organisations; and, to discourage primarily, if not only, that kind of competition which manifests as a demarcation dispute. That purpose may properly be said to be consistent with encouraging competition between organisations.

The Bench accepted that there was some force in the appellant's contention to the effect that a search of the Act will not disclose any explicit expression of a legislative policy of encouraging competition between organisations. No object of the Act declares such a purpose of the Act. However, among the consequences of the changes made to the Act is an increased, and explicit statutory tolerance of, overlapping coverage between organisations. Another is an encouragement of freedom of employee choice about forms of representation, including freedom to avoid organisations altogether. The changes affecting union registration may be assessed in that perspective. The Bench concluded that it would be obtuse to consider that the result of the changes must be other than increased competition by and between unions for representative roles and membership. It would also be obtuse to hold that such a result is not the intended purpose and effect of the legislation.

Saphron Pty Ltd v Bourke & Brond and Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union v ADI Ltd

Decision: Melbourne, 31 October 2000 [Print T2672].

Full Bench: Vice President Ross, Senior Deputy President Williams and Commissioner Foggo.

This decision dealt with two appeals which both raised the same issue, namely the proper construction of reg.30B(3)(a). Regulation 30B(3) deals with the circumstances in which a casual employee may be said to have been '*engaged for a short period*'. Such employees are excluded from some of the termination of employment provisions in the Act.

The relevant parts of reg.30B are as follows:

'(1) For subsection 170CC (1) of the Act, the following kinds of employees are excluded from the operation of Subdivisions B, C, D, E and F of Division 3 of Part VIA of the Act:

...

(d) a casual employee engaged for a short period, within the meaning of subregulation (3);

...

(3) For the purposes of paragraph (1)(d), a casual employee is taken to be engaged for a short period unless:

(a) the employee is engaged by a particular employer on a regular and systematic basis for a sequence of periods of employment during a period of at least 12 months; and

(b) the employee has, or but for a decision by the employer to terminate the employee's employment, would have had, a reasonable expectation of continuing employment by the employer.'

The issue which arose in both appeals was the proper construction of the expression '*a sequence of periods of employment during a period of at least 12 months*' in reg.30B(3)(a). The particular point in contention was whether or not periods of employment, other than as a casual, can form part of the calculation. In both cases it was conceded that the applicant was a casual employee at the time their employment was terminated.

The appellant in *Bourke* and the respondent in *Brond* contended that the Commission could only count periods of employment '*as a casual employee*' for the purpose of calculating the 12 month period in reg.30B(3)(a). It was argued that the principles of interpretation known as *noscitur a sociis* and *ejusdem generis* should be applied to the construction of the expression in question. That is, words are to be given meaning according to the context in which they appear and general matters (such as '*periods of employment*' in reg.30B(3)(a)) are limited by the specific matters referred to in conjunction with them (such as '*a casual employee*' in reg.30B(3)).

The Full Bench did not find these arguments persuasive. Rather, it decided to give effect to the literal meaning of the words used in reg.30B(3)(a). On its face the provision was not limited to periods of casual employment and there was no warrant for reading the provision down in the manner suggested in the absence of a clear necessity to read the word '*casual*' into reg.30B(3)(a). The Full Bench concluded that periods of employment other than as a casual can be taken into account in giving effect to the subregulation.

Re Minimum Wage Orders for Victoria

Decision: Melbourne, 6 September 2000 [Print T0427].

Member: Commissioner Lewin.

In November 1996 the Victorian Government announced its intention to refer specific industrial law matters to the Commonwealth. On 1 January 1997 those matters were accepted by the Federal Government by their incorporation into Part XA and Schedule 1A of the Act which contains the statutory minimum terms of conditions for employees in Victoria whose employment is not regulated by a federal award, a certified agreement or an AWA. By this means the Victorian Government also referred to the Commonwealth the power to set and adjust a system of minimum wage orders for such employees.

During June and July 2000, 10 unions lodged applications pursuant to s.501 of the Act to vary the wage rates for work level classifications contained in the 18 Victorian minimum wage orders made by the Commission in 1997.

The Victorian Industrial Relations Taskforce, in its report to the Victorian Government in August 2000, has estimated that the industry sector orders made by the Commission under this power regulate minimum wages for 561,000 Victorian employees.

The applications sought to increase the minimum wage rates prescribed by those orders by the same amounts determined for federal awards in the *Safety Net Review – Wages May 2000 decision*.

The applications were heard on 10 August 2000. The variations sought by the unions were consented to by the major employer organisations and the Victorian Government, no employer parties objected to orders being made as sought by the applications.

On 6 September 2000, the Commission decided to grant the applications and make the orders in the terms sought by the unions. The operative date of the orders was 10 September 2000.

Re s.509 Exemption from Minimum Rates of Pay

Decision: Melbourne, 12 September 2000 [Print T0744].

Member: Commissioner Gay.

This decision concerned a s.509(2) application from two employers in respect of 21 employees, and a s.509(6)(b) application by an employer for consent to employ multiple exempt persons. In assessing its discretion the Commission took the view that it should place itself on inquiry as to the position of the worker with the disability to ensure the probity of the application, this being consistent with public policy objective of ensuring that such employees are safeguarded against the possibility of exploitation. In this respect the Commission required the parties bearing the onus of proof to demonstrate sufficient and relevant proof or information to positively convince the Commission, clear of doubt or uncertainty such as to permit a clear conclusion on the factual position. As the applications concerning the individually named employees were found to incorporate the Supported Wage System model clause and were endorsed by officers of the federal Department of Family and Community Services, either following or pending independent assessment, the Commission was satisfied as to the individual employees' inability to obtain work at the full adult rate and granted the necessary exemptions. In

relation to the multiple employment application, the Commission noted that the granting of a general consent to an employer has the potential to cut across the care otherwise able to be taken by the Commission in monitoring the statutory ratio and was inconsistent with the duty of oversight. The at-large application was refused, however the Commission issued written consent in respect of the employment of each exempted employee.

Henderson v Department of Defence

Decisions: Melbourne, 28 July 2000 [Print S8591] and Melbourne, 14 September 2000 [Print T0775].

Full Bench: Justice Giudice, Senior Deputy President Williams, Commissioner Huxter (the Full Bench was reconstituted to include Commissioner McCutcheon following the retirement of Commissioner Huxter on 7 August 2000).

The appellant previously made application for relief from an alleged unfair dismissal from her employment. At first instance the termination was found to be harsh, unjust and unreasonable and the respondent ordered to pay an amount of \$11,309.22, representing 13 weeks' pay, in lieu of reinstatement. Leave to appeal was sought only against the remedy on the bases of the failure to order that the respondent reinstate the appellant, and alternately the manifest inadequacy of the amount ordered in lieu of reinstatement.

The appeal turned on the proper construction of s.170CH of the Act. In particular, the correct approach to the application of ss.170CH(2) and (7) was considered.

The Full Bench found that when the termination of an applicant's employment is determined to be harsh, unjust or unreasonable it is then mandatory, in considering whether it is appropriate to order a remedy, for the Commission to treat as a matter of significance each of the factors prescribed by s.170CH(2) of the Act in so far as they are relevant or applicable. Having regard to those factors the Commission should determine whether reinstatement is an appropriate remedy and if not, whether payment in lieu of reinstatement should be ordered.

Further, if the Commission determines that it is appropriate to order an amount in lieu of reinstatement, it is required to treat each of the factors specified in s.170CH(7) as a matter of significance. While noting the commonality of the factors specified in those subsections, regard must be had to the matters for different purposes. Whereas under s.170CH(2) the inquiry is for the purpose of ascertaining which remedy or remedies, if any, are appropriate; the purpose of the inquiry under s.170CH(7) is to ascertain the amount to be ordered in lieu of reinstatement. Failure to treat as a matter of significance one or more of these matters on each relevant occasion is an error.

Two errors were apparent at first instance in applying the provision. The Full Bench granted leave to appeal and upheld the appeal.

Having considered the material put at first instance, the Full Bench formed the view that it was appropriate to order a remedy, that reinstatement was not appropriate but that an amount in lieu of reinstatement was appropriate. After applying the principles contained in *Sprigg v Paul's Licence Festival Supermarket* ([Print R0235] 88 IR 21) the Full Bench determined that an amount equal to the relevant legislative cap of \$22,618.44 should be ordered.

South Australian Teachers s.170MX Arbitration

Decision: Sydney, 12 October 2000 [Print T1383].

Full Bench: Vice President McIntyre, Deputy President Hampton, Commissioner Deegan.

This case involved an arbitration under s.170MX of the Act. An earlier decision in December 1999 [Print S1986] determined that the Commission had power to make an interim award [Print S2982]. This decision was about the terms of the final award to be made under s.170MX applicable to the schools, preschools and technical and further education (TAFE) sectors of government education in South Australia. There were approximately 40 issues determined, many of which were major (for instance, salaries and workload issues). The decision also considered a number of jurisdictional issues.

Williams v Commonwealth of Australia

Decision: Sydney, 17 October 2000 [Print T2042].

Full Bench: Justice Giudice, Vice President McIntyre, Commissioner Hodder.

This appeal concerned a jurisdictional issue as to whether a member of the Australian Defence Force being an airman enlisted in the Royal Australian Air Force is an employee for the purposes of s.170CE and Division 3 of the Act. The Member at first instance dismissed the application finding that the appellant was not an employee within the meaning of that expression in Division 3. It was agreed that the appellant was not party to a contract of employment with the respondent and therefore not an employee at common law. He enlisted by taking an oath under the *Air Force Act 1923*. A member of the Australian Defence Force is not engaged under a contract of employment: *Commissioner for Railways (NSW) v Scott* (1959) 102 CLR 392; *Commonwealth v Quince* (1943) 68 CLR 227.

The appellant challenged the Member's decision on the basis that Division 3 is not limited to persons who are employees at common law. The thrust of the appellant's case was that the expression 'employee' should be construed to include all persons covered by reference to the International Labour Organisation (ILO) *Convention Concerning Termination of Employment at the Initiative of the Employer* (the Convention) Subdivision D. The critical issue was, therefore, whether the expression 'employee' in Division 3 was intended by the legislature to have a meaning broader than it has at common law so that on its proper construction it includes all persons coming within the terms of the Convention. The Commission found that Division 3 is confined in its operation to persons engaged under a contract of employment. The Commission dismissed the appeal.

Re Finance Sector Union of Australia

Decision: 1 December 2000 [Print T3883].

Member: Senior Deputy President Williams.

The Finance Sector Union of Australia (the FSU) sought consent to an alteration to its eligibility rules with a view to allowing it, amongst other things, to cover employees employed by related entities of the Commonwealth Bank of Australia (the CBA) where the related entity is providing a service to the CBA.

The immediate purpose of the application was to obtain eligibility for employees of two specific companies, EDS (Australia) Pty Ltd and EDS (Services) Pty Ltd, to one or other of which the CBA's

technology functions and the CBA's employees therein had been substantially transferred. The Commission found that the two companies were not related entities of the CBA, that the alterations proposed, if consented to, would not permit the FSU to enrol any employees of either of the two companies, that the introduction of any direct reference to those companies in the eligibility rules would be ineffective and of no use and that the presence in the eligibility rules of such an ineffective and useless reference would be confusing. Applying the principle that precision in eligibility rules is important, the Commission found that the inclusion of provisions which were otiose and which may lead to confusion were not in the public interest and refused to consent to those parts of the proposed alterations which contained a direct reference to the two companies.

Consent was also refused to alterations which would allow the FSU to cover employees of related entities of the CBA generally. Some of these entities were identified in the evidence as including, or as having included in the past, corporations involved primarily in industries such as construction, communications, steel production, mining, transport, food production and newspapers. The effect of granting consent would have been to permit the FSU to have eligibility for membership in respect to any employee of any related entity provided that the employee was employed in connection with the provision of any services to the CBA whether or not such services were banking or financial services. The entitlement of an employee to become and/or remain a member might depend upon an important external factor over which the Commission has no control, namely whether a particular person became, or ceased to be, a director of the CBA and/or of the other company. Under the proposed alterations, an employee could become a member and then find that such membership had terminated because the constitution of the board of a particular corporation had altered, more than likely without that member's knowledge. The Commission considered that, despite recent legislative changes, there is still a cohesive scheme for registering and regulating organisations and that the Commission retains a significant and important role in supervising the representative capacities of registered organisations. It, therefore, considered that it would be contrary to the public interest to allow membership of an organisation to depend upon the constitution of the board of a corporation and refused that part of the application.

The Commission consented to alterations which correctly recorded the CBA's name and which would allow the FSU to cover employees of CBA subsidiaries or joint venture partners where such employees are employed in connection with the provision of services provided to or on behalf of the CBA.

Re Pastoral Industry Award 1986

Decision: Sydney, 12 December 2000 [Print T4176].

Full Bench: Justice Giudice, Vice President McIntyre, Commissioner Raffaelli.

This matter involved an application under s.109 of the Act on behalf of the Minister for Workplace Relations and Small Business for the review of an order made by a Member in which the abovementioned award was varied for the purposes of item 49 of Schedule 5 to the WROLA Act (award simplification). The review was confined to clauses that the Minister challenged as not being allowable. The National Farmers' Federation, The Shearing Contractors' Association of Australia and The Australian Workers' Union appeared in the proceedings. The Full Bench, after hearing submissions on various clauses, determined that a number of clauses were not allowable. These included clauses dealing

with: substantive rights of termination of employment; the use, provision and maintenance of equipment concerning shearers; provision of amenities and accommodation for shearers and clauses consequential to non-allowable clauses. The Full Bench requested the Minister, after conferring with the parties, file a draft order to give effect to its decision.

Superannuation Provisions – Building and Plumbing Industries

Decision: Sydney, 13 December 2000 [Print T4144].

Full Bench: Vice President McIntyre, Senior Deputy President Polites, Commissioner Wilks.

This decision followed decisions in August 1999 [Print R7700] and June 2000 [Print S6886]. In relation to treatment of superannuation clauses in unsimplified awards the Full Bench decided that the August 1999 decision and the *Superannuation Test Case* of 7 September 1994 ([Print L5100], 55 IR 447) go as far as it is at present appropriate to go with respect to the provision of general guidance and a framework clause. In relation to the treatment of superannuation clauses in simplified awards, the Full Bench decided that it would be inappropriate for the Commission, in the absence of a request by an award party, to again review such awards. Finally, the Full Bench decided that in the absence of an application, it is not appropriate that with respect to each superannuation award, the jurisdiction to include a provision (if any) directing the payment of contributions for non-unionists into particular funds be examined.

Re Metal, Engineering and Associated Industries Award, 1998 – Part I

Decision: Sydney, 29 December 2000 [Print T4991].

Full Bench: Justice Munro, Senior Deputy President Polites, Commissioner Lawson.

The Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union applied to vary the abovementioned award. The application sought to modify the definition of casual employment, restrict the circumstances in which it could be used, require written specification of the type of employment and certain of its terms and conditions, establish an entitlement converting continuing casual employment to full-time employment, to establish a minimum daily engagement period for casual and part-time employees and to increase the casual pay rate loading from 20 to 30%.

The Full Bench considered the history of casual employment within the award and its predecessors. It concluded that the award definition of casual employment varied over time, ultimately stipulating only specific engagement of an employee as a casual and a higher hourly rate of pay. The primacy of weekly hire employment had eased over time. No restrictions were currently imposed on the circumstances in which a casual employee could be engaged.

The Full Bench concluded that in practice casual employment in the metals and manufacturing industry is only infrequently characterised by hourly hire engagement. Instead, casual employment often continues until it is necessary to interrupt or terminate it. Substantial evidence demonstrates a considerable and justifiable use of casual employment, primarily related to operational circumstances where uncertainty or contingencies necessitate workforce size flexibility. The function of an award is to provide a fair and enforceable set of minimum wages and conditions for each type of employment permitted under it. Hence, a primary task was to determine what type of casual employment should be

provided for and what its incidence should be. It did not follow that an award duty should be created restricting the definition of casual employment to engagements pertaining to specified circumstances. That claim was refused.

However, the Full Bench considered it desirable that the use of casual employment be justified, in order to discourage avoidance of conditions attached to full-time employment. Unfettered access to casual employment did not justify a unilateral extension of casual engagements over indefinite periods. Such a notion detracts from the integrity of a safety net in which standards for annual leave, paid sick leave, paid public holidays and personal leave were fundamentals. The approach adopted in *Re: Graphic Arts Award* [August 1999, Print R7898], and the *SA Casual Clerks Case* [(2000), SAIRComm 41] was broadly supported. The Full Bench awarded a provision limiting casual engagement to six months, extendable to 12 months, following which a casual employee may elect to convert to full or part-time employment.

In considering the claim concerning the supply of a written instrument upon engagement, the Full Bench commented that the award would be incomplete if it did not place a duty on the employer to inform employees of the terms of engagement. An entitlement was created applicable for an employee whose engagements extend over three or more weeks in any calendar month and whose employment was expected to be ongoing.

The Full Bench considered that minimum engagement provisions for both casual and part-time employees constituted a necessary component of the safety net. Influenced by existing manufacturing industry award provisions, a three-hour minimum was adopted for part-time employees, while for casual employees a four-hour minimum was set. The Full Bench stressed that there should be no expectation that such minima would be considered appropriate for other sectors of employment where factual circumstances might differ. The claim for a prohibition on more than one engagement per day of attendance was refused.

Finally, the Full Bench considered the claim for an increased casual loading rate. It observed that in contemporary awards the casual loading has the important and integral function of translating between different types of employment. Examination of the antecedent metal industry awards did not disclose any consistent or exposed rationale for the quantum of the casual loading. Additionally, casual loadings have generally been developed on a sectoral, case-by-case basis albeit with a high degree of commonality in the assessment of appropriate compensation for minimum paid leave entitlements. Further, the necessity to concentrate any contemporary formulation on the safety net function of the loading represented an important barrier to over reliance on precedent calculations and past formulations.

The Full Bench proceeded to consider the standard award benefits available to full-time employees but not applicable to casual employees. It noted that precise quantification of the benefits would not be practicable. Rather, arbitral judgment would be necessary.

The Full Bench determined that the 20% loading currently paid was substantially exhausted in compensating for paid leave entitlements. Having regard to additional components, including long service leave, substantially different access to notice of termination and the itinerance related to employment by the hour, the Full Bench was satisfied that a special case was sufficiently made to increase the loading to 25%.

The award was varied with effect from 1 March 2001.

Safety Net Review – Wages May 2001

Decision: Melbourne, 2 May 2001 [PR002001].

Full Bench: Justice Giudice, Vice President Ross, Justice Boulton, Senior Deputy President Polites, Senior Deputy President Watson, Senior Deputy President Harrison, Deputy President Leary, Commissioner Lewin.

The Bench dealt with the Australian Council of Trade Unions' (ACTU) 2001 Living Wage Claim. Consideration was also given to a number of issues raised concerning the Statement of Principles.

The Bench noted that after several years of strong non-inflationary growth, growth fell away in the second half of 2000 with a consequent weakening in the labour market. The ACTU, all governments and some employers submitted growth is likely to recover during 2001. Most parties who opposed the ACTU claim nevertheless supported an increase. Earnings since the last safety net increase (1 May 2000) rose by 3% or more, while inflation, even after the effect of the introduction of the goods and services tax (GST) works through is likely to remain within the Reserve Bank of Australia target band of 2 to 3% per annum.

The Bench stated that on a number of previous occasions it had drawn attention to the fact that adjusting the award safety net by uniform amounts erodes relativities. It noted that an inference could be drawn from an analysis of certified agreements that relativities within the labour market remain important. The ACTU claim was for a flat dollar increase for lower classification levels and a percentage adjustment above the level of the C10 classification in the *Metal, Engineering and Associated Industries Award, 1998 – Part I* [Print Q2527, AW789529]. The Commission determined to ensure maintenance of a fair safety net of minimum wages for all award dependent employees; the increase should be in a form that addressed the issue of compression. As employees on award rates at middle and upper levels had received less in relative terms since 1994, it was appropriate to recognise the impact of flat dollar increases.

The Bench awarded a \$13 per week increase in award rates up to and including \$490 per week, a \$15 per week increase in award rates between \$490 and \$590, and a \$17 increase above \$590 noting that while the increase at the lower end was substantial it was not sufficient to put undue pressure on employment. The federal minimum wage was increased to \$413.40 per week.

A number of issues were raised concerning the Statement of Principles and the Commission's award-making function. The Bench determined to slightly modify the requirement that safety net adjustments not be available within 12 months of the previous safety net adjustment but otherwise implementation of the increases is subject to the usual conditions. The Principles were amended accordingly.

Re Supported Wage System

Decision: Melbourne, 11 May 2001 [PR904196].

Full Bench: Vice President McIntyre, Senior Deputy President Watson, Commissioner Gay.

This matter concerned union applications to vary a number of awards in relation to the minimum amount prescribed by the Supported Wage System clauses. The Supported Wage System facilitates the employment of workers with disabilities in open employment at a rate of pay commensurate with the

employee's assessed productive capacity. The Full Bench decided that the proposed minimum rate was justified by the material and submissions of the parties. The increases were not opposed and the increased minimum rate of \$53 per week came into force from the first pay period commencing on or after 11 May 2001.

Finance Sector Union of Australia v HIH Casualty and General Insurance Limited

Decision: Sydney, 18 May 2001 [PR904332].

Member: Justice Boulton.

This matter involved an application by the Finance Sector Union of Australia (FSU) to vary the *Insurance Industry Award 1998* [AW784988] by inserting an appendix to provide for notice and severance pay entitlements for employees of HIH Casualty and General Insurance Limited (HIH) which at the time was in provisional liquidation. The FSU sought to include in the award an entitlement of eight weeks' notice and three weeks' salary for each year of service to a maximum of 65 weeks.

The FSU submitted that it was appropriate to provide redundancy and retrenchment entitlements for HIH employees. The award did not contain any provision for severance and redundancy payment and HIH employees were not covered by a certified agreement. It was acknowledged that the entitlements sought by the FSU were greater than those determined in the *Termination, Change and Redundancy Case* [(1984) 8 IR 34] and incorporated into many awards of the Commission. The question arose as to whether the insertion of the provisions would go beyond the Commission's jurisdictional limitation in s.89A(3) of the Act, that is to making a minimum rates award. The Commission determined that the inclusion of an above-standard provision dealing with a particular condition of employment, such as redundancy pay, would not convert the award into a paid rates award.

The Commission decided that the award should be varied to include provisions which reflect the long-standing and accepted custom and practice in relation to redundancy pay in the HIH group. The award variation was supported by the provisional liquidators and would provide an incentive to employees to remain with HIH in the run-off phase of the business. The entitlements sought were of a similar level to those which apply under agreements in the insurance industry. Further, this was a case where there was no opportunity for the parties to negotiate an agreement on severance pay and other matters because of limitations on the powers of the provisional liquidators to enter into agreements for longer than three months.

The Commission accepted that there were exceptional circumstances under s.146(2) to allow a retrospective operative date for the award variation, namely to the date that HIH was placed into provisional liquidation by the Supreme Court of New South Wales. The circumstances included the events surrounding the financial collapse of the HIH group and the actions taken by the provisional liquidators to divest parts of the business and to reduce employment levels by retrenchments and transfers. There were 136 employees retrenched in the period between the appointment of the provisional liquidators and the making of the Commission's decision who would otherwise be denied severance pay entitlements. As the Commission is required to act according to equity, good conscience and the substantial merits of the case under s.110(2)(c) it was held that it would not be fair to deny these employees a similar level of redundancy payments as other HIH employees.

The order made by the Commission provided that the award variation does not apply to HII employees who were transferred to employment with NRMA Insurance Limited with continuity of employment entitlements, and does not apply to various senior executives of HII who have employment agreements making provision for redundancy.

Parental Leave for Casual Employees

Decision: Melbourne, 31 May 2001 [PR904631].

Full Bench: Justice Giudice, Senior Deputy President Watson, Senior Deputy President Acton, Commissioner Bacon, Commissioner Cribb.

This decision established a new parental leave test case standard extending the provision for parental leave to eligible casual employees. An eligible casual employee means a casual employee employed by an employer on a regular and systematic basis for several periods of employment or on a regular and systematic basis for an ongoing period of employment during a period of at least 12 months and that employee has, but for the pregnancy or the decision to adopt, a reasonable expectation of ongoing employment.

It was considered inequitable to deny parental leave to such casual employees while making it available to full-time and regular part-time employees, noting a substantial change in the extent and nature of casual employment since the July 1990 *Parental Leave Case* [Print J3596]. There was clear evidence that a number of casual employees today have ongoing associations with their employers and their employment is not necessarily limited to short periods and there are many cases where casuals have reasonably predictable working patterns and regular earnings with expectations of ongoing employment. Further, this decision promotes the objects of the Act by assisting employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers and in giving effect to Australia's international obligations in relation to labour standards.

Appeal by The Australian Workers' Union and Others Against a Decision to Consent to Alteration to Eligibility Rules of the Construction, Forestry, Mining and Energy Union

Decisions: Sydney, 28 February 2001 [PR901486] and Sydney, 13 June 2001 [PR905003].

Full Bench: Vice President McIntyre, Senior Deputy President Polites, Commissioner Whelan.

These decisions concerned appeals by The Australian Workers' Union and others against a decision consenting to an alteration of the eligibility rules of the Construction, Forestry, Mining and Energy Union. The Full Bench concluded that a number of errors had been made in the decision-making process and decided to quash the decision and dismiss the Construction, Forestry, Mining and Energy Union's application.

Re Application for Employment Termination Orders

Decision: Melbourne, 19 June 2001 [PR901504].

Full Bench: Justice Giudice, Justice Boulton, Commissioner Hingley.

This was an appeal by an employer against a decision and order awarding severance pay to a former employee. The former employee was employed under an award of the Commission that contained no provision for severance pay in the event of termination for redundancy. The former employee did not and was not entitled to receive social security benefits available to unemployed persons.

In submissions before the Bench, the Commonwealth submitted that because Australia has a developed social security system the requirements of article 12 of the *Convention Concerning Termination of Employment at the Initiative of the Employer* have been given effect to already and no order should have been made by the Member. The Full Bench stated that the payment of severance pay on termination of employment for redundancy is an established part of national practice, if not of national law, despite the availability of social security benefits. The entitlement to one does not exclude the other. A general order might be refused in the exercise of the discretion that s.170FA clearly affords the Commission, but the Full Bench was not persuaded that it should adopt a construction of s.170FA which deprives art.12(1)(c) of any practical operation in Australia. For this and for other reasons the Member was correct in deciding that Australia's social security system does not displace the Commission's discretion to make a severance pay order pursuant to s.170FA(1).

The appellant submitted that the power conferred by s.170FA is limited to making orders of general application. The Full Bench upheld that construction and decided that the power in s.170FA may only be used to establish rules of general application.

The Full Bench further noted that other submissions to the effect that the order should not have been made because of the operation of s.170FC. The 1996 amendments to the Act provided that the Commission must now only be satisfied that an alternative mechanism for the provision of severance benefits exists for the limitation under the section to operate. The Full Bench was of the view that the award process might provide an alternative mechanism by which effect can be given to the requirements of art.12 in relation to the employees concerned.

Re International Ship Management Ltd

Decision: Sydney, 28 June 2001 [PR905670].

Full Bench: Vice President McIntyre, Senior Deputy President Harrison, Commissioner Harrison.

This appeal involved International Ship Management Limited, a company incorporated in Hong Kong and not registered in Australia, and two maritime unions. The unions had applied to vary two awards by adding the company to the list of respondents in each. Copies of the applications to vary the awards and notices of hearing were sent by post to the company at its registered office in Hong Kong where they were received. The Full Bench held that the Commission's jurisdiction under ss.5(1), (2) and (3)(b) of the Act, given an employer and maritime employees and matters pertaining to the relationship between them, extended outside Australia and was not territorial. The Full Bench held that the Commission did not lack jurisdiction to vary the awards by reason only that it has no express powers to require or permit service outside Australia.

CPSU v One.Tel Limited

Decision: Melbourne, 28 June 2001 [PR904915].

Member: Commissioner Smith.

Following a decision to place One.Tel Limited in administration, the Community and Public Sector Union (CPSU) urgently sought an award to create safety net rights in relation to annual leave, redundancy pay and notice and payment of termination of employment. The union argued the award was warranted because of the serious circumstances which both the company and its employees found themselves.

The company and the administrator submitted that the Commission is bound by s.440D of the Corporations Law and as the Commission did not have the consent of the administrator or the leave of the court the matter should go no further. In support of this proposition the Commission was referred to a decision of Austin J of the Supreme Court of New South Wales in *Brian Rochford, (administrator appointed) v the TCFU* [(1999) 17 ACLC 152]. In that matter his Honour held that the Industrial Relations Commission of New South Wales was a court for the purpose of s.440D.

The company and the administrator argued that the scheme of the Corporations Law was to give certainty and to permit the administrator to know the four corners of his responsibilities without the distraction of legal proceedings.

The application was opposed on the basis that firstly the Commission is not a court; secondly, the *Industrial Relations Act 1996 (NSW)* was in significant aspects different from the *Workplace Relations Act 1996* and finally, Master Evans of the Supreme Court of Victoria had taken a view directly on point in *Charles Silvertch and Others v Gideon Rathner* [SCV 2000 No: 4984]. That view was that the Australian Industrial Relations Commission was not a court.

It appeared to the Commission that there is a different constitutional landscape as between the legislative power of the Commonwealth Parliament and the Parliament of New South Wales. In addition, there is a different statutory scheme as between the *Industrial Relations Act 1996 (NSW)* and the *Workplace Relations Act 1996*. The Commission found that it is able to further consider the exercise or otherwise of jurisdiction and that s.440D of Corporations Law did not inhibit or constrain the proceedings.

Consequent upon a finding of dispute an application was then made pursuant to s.111(1)(g) that the Commission should refrain from further hearing the matter on the ground that the administrator should be able to act free from any litigation. Arguments raised in relation to the application of the Corporations Law were revisited and dismissed.

The Commission was prepared to make an award on an interim basis operating for a period of three months only. The matter was to be re-listed within that time for the Commission to further consider the continuation, scope and operation of the award.

Members



From top, left to right: Senior Deputy Presidents Lacy, O'Callaghan, Cartwright, Kaufman and Commissioner Grainger.

At 30 June 2001, there were 44 Members of the Commission holding primary appointments – the President, two Vice Presidents, 14 Senior Deputy Presidents, one Deputy President and 26 Commissioners. Just under half, including the President, were based in Melbourne with the remainder located in Sydney, Brisbane, Canberra, Perth, Adelaide and Hobart.

In addition, there were 28 members of the Commission whose primary appointment was to a State industrial tribunal – 14 Deputy Presidents and 14 Commissioners.

During the reporting period there were a number of changes in the membership of the Commission. Lists of primary and dual appointees as of 30 June 2001 are included in Appendix A.

Appointments

On 29 August 2000 Deputy President Duncan was appointed to the office of Senior Deputy President.

On 1 January 2001 Commissioner Leary was appointed a Deputy President of the federal Commission and President of the Tasmanian Industrial Commission.

On 1 February 2001 Senior Deputy Presidents Lacy, O'Callaghan, Cartwright and Kaufman were appointed.

On 9 April 2001 Commissioner Grainger was appointed.

Retirements/Resignations

On 10 July 2000 Senior Deputy President MacBean retired.

On 21 August 2000 Commissioner Merriman retired.

On 20 April 2001 Commissioner Laing resigned.

On 7 July 2000 President Westwood of the Tasmanian Industrial Commission retired. His appointment to the federal Commission also ceased on that date.

Commissioner Fairweather retired on 7 July 2000 and Commissioners Huxter and Stevens retired on 7 August 2000, all of the Industrial Relations Commission of South Australia. Their appointments to the federal Commission also ceased on the date of their retirement.

Commissioner Baldwin, of the Queensland Industrial Relations Commission, resigned on 21 July 2000. Her appointment to the federal Commission also ceased on that date.

Deputy President Fielding of the Western Australian Industrial Relations Commission resigned on 15 June 2001. His appointment to the federal Commission also ceased on that date.

Relocations

Commissioner Eames relocated from Darwin to Melbourne on 19 March 2001.

Dual Appointees

Deputy President Hampton of the Industrial Relations Commission of South Australia was re-appointed as a dual appointee of the federal Commission on 8 August 2000.

Deputy President Gilchrist of the Industrial Relations Commission of South Australia was appointed a Deputy President of the federal Commission on 11 October 2000.

Vice President Linnane of the Queensland Industrial Relations Commission was appointed a Deputy President and Commissioners Asbury, Brown and Thompson, also of the Queensland Industrial Relations Commission, were appointed Commissioners of the federal Commission on 31 January 2001.

On 30 May 2001 Senior Judge Jennings, President of the Industrial Relations Commission of South Australia was re-appointed as a Deputy President of the federal Commission.

Commissioners Lesses, Dangerfield and Bartel of the Industrial Relations Commission of South Australia were appointed to the federal Commission on 9 November 2000. Commissioner Dangerfield was also appointed as a member of the Defence Force Remuneration Tribunal on 28 June 2001.

At 30 June 2001, eight members of the federal Commission also held secondary appointments to State industrial tribunals. They were:

- Senior Deputy President Harrison (Industrial Relations Commission of South Australia);
- Senior Deputy President Duncan (Queensland Industrial Relations Commission);
- Deputy President Leary (Tasmanian Industrial Commission);
- Commissioner Lewin (Industrial Relations Commission of South Australia);
- Commissioner Harrison (Queensland Industrial Relations Commission);

- Commissioner Hoffman (Queensland Industrial Relations Commission);
- Commissioner Hodder (Queensland Industrial Relations Commission); and
- Commissioner Bacon (Queensland Industrial Relations Commission).

Panels

The work of the Commission is administered through a panel system whereby Presidential Members organise and allocate work within a number of specified industries. A list of panel assignments as of 30 June 2001 is at Appendix B.

Changes throughout the reporting period included:

On 8 December 2000:

- Commissioner Lesses was assigned to Vice President Ross' panel in place of Commissioner McCutcheon;
- Deputy President Hampton was assigned to Justice Boulton's panel;
- Commissioners McCutcheon and Dangerfield were assigned to Justice Munro's panel to replace Commissioner Huxter;
- Commissioner Bartel was assigned to Senior Deputy President Marsh's panel to replace Deputy President Stevens; and
- Commissioner Dangerfield was assigned to Senior Deputy President Polites' panel.

On 28 May 2001:

- Senior Deputy President Lacy was assigned to Senior Deputy President Polites' panel;
- Senior Deputy President Cartwright was assigned to Justice Munro's panel; and
- Senior Deputy President Kaufman was assigned to Senior Deputy President Marsh's panel.

Commission Members: Other Activities

Centenary of Federation

On 5 June 2001 there was a Ceremonial Sitting to mark the Centenary of Australia's Federation. The sitting was held in Court 1, 80 William Street, East Sydney. It was addressed by:

- Mr Mark Paterson, Chief Executive of the Australian Chamber of Commerce and Industry;
- Ms Sharan Burrow, President of the Australian Council of Trade Unions;
- Mr Bob Herbert, Chief Executive of the Australian Industry Group;
- Dr Peter Shergold, Secretary of the Department of Employment, Workplace Relations and Small Business; and
- Mr Richard Bunting, representing the Law Council of Australia.



The Bench of the Ceremonial Sitting held in June 2001.

Primary appointees of the Commission were joined on the Bench by the Presidents of the Queensland, South Australian and Tasmanian Commissions and the Chief Commissioner of the Western Australian Commission. Other members of State industrial tribunals, as well as former Members of the Commission and of the Conciliation and Arbitration Commission, were present in the courtroom. A static display depicting the work of the Court/Commission over the past century was available for viewing outside the courtroom.



The Centenary of Federation display.

Overseas

Justice Boulton assisted with a number of International Labour Organisation (ILO) projects, mainly in Indonesia and Cambodia. During a period of long leave from the Commission, he was involved in advising the Indonesian Parliamentary Commission on new laws on industrial dispute settlement and on manpower development and protection and in assisting with the development of programs for the implementation of the new laws. In Cambodia, he was involved in the provision of training in labour standards and industrial relations practices. He was the keynote speaker at the ILO's South Pacific Meeting on Social Dialogue in Wellington, New Zealand (13-15 December 2000) and a guest lecturer on *Labour Standards and Human Rights in Asia* in the Master of Laws program at the University of Hong Kong (November 2000). Together with Deputy President Leary, he attended the Meeting of European Labour Court Judges and the World Congress on Labour Law and Social Security in Jerusalem in September 2000 and had the opportunity to visit and discuss the work of the Israel National Labour Court.

Senior Deputy President Williams attended the 6th International Industrial Relations Association European Congress in Oslo in June 2001. The Senior Deputy President also met with representatives of the Central Arbitration Service and the Advisory, Conciliation and Arbitration Service in London and the Labour Relations Commission of Ireland in Dublin.

In September 2000 Commissioner Laing visited Canada to attend an advanced mediation course in Toronto; the United States to meet with various labour relations authorities in Washington such as the National Labor Relations Board and the National Mediation Board; and California to attend the 12th Annual Californian Foundation for Improved Employment Relations Conference.

Commissioner Smith travelled to Namibia and Lesotho in Africa in May-June 2001 to participate in the International Labour Organisation/Swiss Project to Advance Social Partnership in promoting Labour Peace in Southern Africa. The Commissioner was a guest lecturer in the postgraduate Diploma in Law (Conciliation and Arbitration) program at the National University of Lesotho. Commissioner Smith taught aspects of the arbitration course and helped assess the performance of candidates during a series of conciliation and arbitration moots.

Commissioner Foggo visited several European vehicle manufacturing plants in April 2001 and met with senior representatives of management and Works Councils and union representatives at the plants.

Commissioners Larkin and Wilks attended the 6th International Industrial Relations Association European Congress in Oslo in June 2001.

Domestic

Justice Giudice addressed the City of Monash Business Awards Breakfast in February 2001. He was also the keynote speaker at the Queensland Bar Industrial and Employment Law Conference in April 2001. Justice Giudice, with Senior Deputy President Polites and Commissioner Smith, also assisted in the presentation of an Industrial Law seminar at the Leo Cussen Institute in March 2001. On 9 May 2001 Justice Giudice attended the principal event to mark the Centenary of Federation, *A Nation United*, at the Royal Exhibition Building, Melbourne.

Vice President Ross is a member of the advisory boards of the Australian Centre for Industrial Relations Research and Training (ACIRRT) and Deakin University's Centre for Change Management. He is also a member of Sydney University's Master of Labour Law and Relations Board of Studies and the International Industrial Relations Association's Study Group – Justice, Judges and Industrial Relations. He is a part-time member of the NSW Law Reform Commission and a part-time lecturer in the Faculty of Law at Sydney University. Vice President Ross attended the Australian Institute of Judicial Administration Tribunals Conference in Sydney in June 2001.

Justice Boulton is a member of the Advisory Board of the Centre for Employment and Labour Relations Law, University of Melbourne, and a member of the Editorial Committee of the Australian Journal of Labour Law. He presented a paper on *The Role of the Commission in Resolving Workplace Disputes* to the Annual Delegates Conference of The Australian Workers' Union in Sydney in August 2000.

Senior Deputy President Polites is the chairman of the Federal Costs Advisory Committee which advises the Chief Justices of all federal courts in relation to fee scales. He is also the chair of the Australian Entertainment Industry Council. The Senior Deputy President spoke at the regional conference of the Australian Mines and Metals Association in November 2000 and was the after-dinner speaker at the annual conference of the Australian Mines and Metals Association in Perth in March 2001.

Senior Deputy President Harrison is the chairperson of the Pharmaceutical Benefits Remuneration Tribunal.

Senior Deputy President Drake is a part-time member of the NSW Law Reform Commission and a member of the Sisters of Charity Advisory Finance Committee.

Senior Deputy President Cartwright is a director of the Australian School of Management which is a joint venture between the University of NSW and the University of Sydney. He is also chairman of the Australian Graduate School of Management Alumni Board at the University of New South Wales. He recently retired as a Commissioner on the Commonwealth Government's Safety, Rehabilitation and Compensation Commission.

Commissioner Hoffman continues to be the chairman of the Northern Territory Police Arbitral Tribunal, the Northern Territory Prison Officers Arbitral Tribunal and the Senior Prison Officers Arbitral Tribunal. He also chairs the National Investigation Committee of the National Institute of Accountants.

Commissioner Foggo is a council member of the Victoria University of Technology and a member of the Executive Committee of the Industrial Relations Society of Victoria.

Commissioner Cargill is a member of ACIRRT's Advisory Board and co-convenor of its advocacy course.

Commissioner Whelan is the chair of the Victoria Workplace Studies Centre Advisory Committee.

Commissioner Grainger is a member of the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) National Commission of Australia and chairs its Communications Network. He is also a director of the Australian Children's Television Foundation.

Professional Development

Section 39 of the *Workplace Relations Act 1996* provides that at least once in a year there be a conference of Members of the Commission. The 2001 Statutory Conference of Members was held in Sydney in June. It was addressed by Members of the Commission, former Commissioner Mr Bob Laing and several senior Registry staff. Topics included a review of recent High Court and Federal Court decisions, decision writing, conciliating and arbitrating with time constraints and United States and Canadian case management and reporting.

Members are involved in a range of educational and professional development courses on an ongoing basis. In the reporting period, a number were enrolled in or completed undergraduate, higher studies or short courses – mainly in the fields of law, industrial relations or mediation.

Industry Consultative Councils

Pursuant to s.133 of the Act, the Commission has continued to facilitate the operation of consultative councils for particular industries. The following councils are chaired by Members of the Commission:

Justice Munro chairs the Metal Industry Consultative Council.

Senior Deputy President Marsh chairs the Meat Industry Consultative Council and the Local Government Consultative Council.

Senior Deputy President Harrison is the chair of the Road Transport Industry Consultative Council.

Senior Deputy President Williams is the chairperson of the Felt Hatting Industry Consultative Committee. Commissioner Cargill is a member of the same committee and acts as chairperson in the absence of Senior Deputy President Williams.

Commissioner Simmonds is a member of the National Local Government Consultative Committee and the National Meat Industry Consultative Committee. He is the chairperson of both the Victorian Local Government Consultative Committee and the Western Australian Local Government Consultative Committee.

Public Affairs & New Technology

Home Page

There were many changes to the AIRC Home Page during the year but the highlight was a complete redesign of the site which was unveiled on 17 May 2001. The home page was restructured to enable more effective searching for information and documents and a number of new features were added.

The new features included:

- dedicated pages for the media and students;
- a text-only version of the site as required by the *Disability Discrimination Act 1992*, ensuring that online information and services are accessible by people with disabilities; and
- registered organisations rules, accessible from the 'Organisations' section.



The new look AIRC Home Page – www.airc.gov.au.

Other changes over the 12 month period included:

- the use of hypertext links in Commission decisions, awards and orders and the AIR Bulletin to other Commission documents and sections of the Act;
- the loading of ISYS Web software enabling the site to be indexed and to have an extensive and easy to use search facility. The databases that can now be searched include:
 - all Commission decisions from July 2000;

- Full Bench decisions from December 1997;
 - award simplification decisions and simplified awards;
 - awards and orders from September 2000;
 - transcripts from September 2000; and
 - decision summaries from January 2001;
- the addition of floor maps linked to hearing lists for Melbourne (other States will be added over the next few months) assisting in the access to courts and conference rooms; and
 - the provision of a privacy statement as required by the 'Guidelines for Federal and ACT Government World Wide Web Sites' issued by the Australian Privacy Commissioner.

Information Technology

Videoconferencing facilities, which were installed in 1998, are now operational in all of Commission/Registry premises with facilities available in the majority of courts and conference rooms.

A new Case Management System (CMS) was introduced in January 2001. It replaces the Case Tracking System.

Media Liaison

The role of the Commission's media liaison officer continued to develop in the reporting period. In addition to handling media inquiries and preparing media releases and background materials on the Commission's work, the media liaison officer was involved in an increasing range of public affairs activities. These included the conciliation video project, the Centenary of Federation display and redesigning the AIRC's Home Page. In 2000-01 the media liaison officer attended a national meeting of courts public information officers in Darwin and conducted briefing sessions for cadet journalists in Sydney and Perth.

Overseas and Other Visitors

In August 2000 a delegation of Korean government officials, including members of the Federation of Korean Trade Unions and the Labor Relations Policy Bureau, met with Justice Giudice, Commissioner Lewin and Deputy Industrial Registrar McCarroll to discuss the role of the Commission.

In August 2000 Vice President Ross met with representatives of the Indonesian Ministry of Justice and Human Rights and the Indonesian Board of Arbitration to discuss alternative dispute resolution.

On 15 November 2000 and 13 February 2001 Commissioner Gay and Deputy Industrial Registrar McCarroll met delegations from the Peoples Republic of China reviewing Australian industrial relations legislation, institutions and practice. The delegations from Shanghai and Yunan comprised arbitration and conciliation officials of central and provincial departments of labour together with representatives of regional enterprises and associations.

In March 2001 Justice Giudice, Justice Boulton and Justice Wright, President of the Industrial Relations Commission of New South Wales, met with Justice Stephen Adler, President of the National Labour Court of Israel. Justice Adler also addressed Members of the Commission at a lunch held in his honour on the jurisdiction of the Labour Court in Israel and its approach to the settlement of disputes.

Justice Boulton, Senior Deputy President Lacy and Registry officer Mr Andrew O'Brien met with a delegation of members of the Indonesian Parliament on 15 May 2001. The committee was examining new legislation on manpower development and protection and on the settlement of labour disputes. The leader of the delegation, Mr Yacob Nuwa Wea, was subsequently (9 August 2001) appointed the Minister of Manpower and Transmigration in the Cabinet announced by Indonesian President Megawati Soekarnoputri. The Manpower Ministry is in effect the Labour Ministry in Indonesia and covers all labour matters including employment and transmigration.

On 22 June 2001 a delegation sponsored by the American Council of Young Political Leaders and the Australian Political Exchange Council met with Justice Giudice, Senior Deputy President Watson, Senior Deputy President Acton, Commissioner Lewin and media liaison officer Ms Judy Hughes to discuss the statutory role of the Commission as well as the history of industrial relations in Australia.

As part of its public information activities, the Commission regularly hosts student groups from secondary schools as well as colleges and tertiary institutions.



Justice Boulton (second from left) with Mr Yacob Nuwa Wea (centre), Senior Deputy President Lacy (far right) and two members of the Indonesian delegation.



Justice Giudice (centre) with members of the US delegation, Senior Deputy Presidents Watson and Acton and Commissioner Lewin.

Endnotes

- ¹ Revised figures. Previously reported as: 1997-98 – 647, 1998-99 – 206, 1999-00 – 252.
- ² Seventy-three applications were made to the President under this section.
- ³ Twenty applications were lodged under s.501 but determined by a single Member.
- ⁴ Any decision in respect of more than one matter is treated as a single decision.
The total number of decisions, on that basis, is 87.
- ⁵ The figures for the period ending 30 June 2000 revise the figures included in the annual report for 1999-00.
- ⁶ Certificates issued solely relating to unlawful termination grounds.
- ⁷ Revised figures. The first column of Table 8 in the annual report for 1999-00 should be altered accordingly.
- ⁸ Revised figure. The figure previously reported was 3211.

Primary Appointees

As at 30 June 2001, there were 44 primary appointees – the President, two Vice Presidents, 14 Senior Deputy Presidents, one Deputy President and 26 Commissioners.

President: Justice G.M. Giudice (M)

Vice Presidents: Vice President I.J.K. Ross (M)
Vice President A.W.D. McIntyre (S)

Senior Deputy Presidents: Justice A.J. Boulton, Senior Deputy President (S)
Justice P.R. Munro, Senior Deputy President (S)
Senior Deputy President J.I. Marsh (S)
Senior Deputy President C.G. Polites (M)
Senior Deputy President I.R. Watson (M)
Senior Deputy President A.M. Harrison (S)
Senior Deputy President S.J. Williams (M)
Senior Deputy President J.M. Acton (M)
Senior Deputy President L.E.C. Drake (S)
Senior Deputy President D.A. Duncan (S)
Senior Deputy President B.J. Lacy (M)
Senior Deputy President M.G. O'Callaghan (A)
Senior Deputy President R.N. Cartwright (S)
Senior Deputy President L. Kaufman (M)

Deputy Presidents: Deputy President P.L. Leary (H)*

Commissioners:	Commissioner G.R. Smith (M)	Commissioner B.J. Eames (M)
	Commissioner J.C.W. Lewin (M)	Commissioner R.A. Redmond (S)
	Commissioner G.J. Harrison (S)	Commissioner H.M. Cargill (S)
	Commissioner J.W.L. Simmonds (M)	Commissioner A.P. Larkin (S)
	Commissioner P.A. Lawson (S)	Commissioner J.J. O'Connor (S)
	Commissioner M.A.G. Gay (M)	Commissioner J.R.G. Tolley (M)
	Commissioner D.A. Hoffman (B)	Commissioner D.M. Whelan (M)
	Commissioner E.R. Hodder (B)	Commissioner B. Deegan (C)
	Commissioner K.J. Bacon (B)	Commissioner F.J. Raffaelli (S)
	Commissioner D.B. Foggo (M)	Commissioner G.S.G. Grainger (M)
	Commissioner R.S. Jones (S)	
	Commissioner J.G. Holmes (M)	
	Commissioner W.D. Blair (M)	
	Commissioner L.N. Hingley (M)	
	Commissioner A.L.M.B. Cribb (M)	

Members based in:

(M) Melbourne, (S) Sydney, (B) Brisbane, (A) Adelaide, (C) Canberra, (P) Perth, (D) Darwin, (H) Hobart.

* Deputy President Leary is also the President of the Tasmanian Industrial Commission.

Dual Appointees

As of 30 June 2001, there were 28 Members of the Commission whose primary appointment was to a State industrial tribunal – 14 Deputy Presidents and 14 Commissioners.

Deputy Presidents:	Deputy President W.S. Coleman (P)	Chief Commissioner WAIRC
	Judge F.K. Cawthorne (A)	Deputy President IRCSA
	Judge J.P. McCusker (A)	Deputy President IRCSA
	Judge H.W. Parsons (A)	Deputy President IRCSA
	Deputy President D.R. Hall (B)	President QIRC
	Senior Judge W.D. Jennings (A)	President IRCSA
	Deputy President P.J. Hampton (A)	Deputy President IRCSA
	Justice F.L. Wright (S)	President IRCNSW
	Justice R.J. Peterson (S)	Presidential Member IRCNSW
	Justice F. Marks (S)	Presidential Member IRCNSW
	Justice M. Schmidt (S)	Presidential Member IRCNSW
	Deputy President R.W. Harrison (S)	Presidential Member IRCNSW
	Deputy President B.P. Gilchrist (A)	Deputy President IRCSA
	Deputy President D.M. Linnane (B)	Vice President QIRC
Commissioners:	Commissioner J.F. Gregor (P)	Commissioner WAIRC
	Commissioner M.G.G. McCutcheon (A)	Commissioner IRCSA
	Commissioner K.L. Edwards (B)	Commissioner QIRC
	Commissioner G.K. Fisher (B)	Commissioner QIRC
	Commissioner R.E. Bechly (B)	Commissioner QIRC
	Commissioner D.A. Swan (B)	Commissioner QIRC
	Commissioner A.L. Bloomfield (B)	Commissioner QIRC
	Commissioner B.J. Blades (B)	Commissioner QIRC
	Commissioner J.K. Lesses (A)	Commissioner IRCSA
	Commissioner A.J. Dangerfield (A)	Commissioner IRCSA
	Commissioner K.M. Bartel (A)	Commissioner IRCSA
	Commissioner I.C. Asbury (B)	Commissioner QIRC
	Commissioner D.K. Brown (B)	Commissioner QIRC
	Commissioner J.M. Thompson (B)	Commissioner QIRC

State Tribunals:

IRCNSW (Industrial Relations Commission of NSW)

QIRC (Queensland Industrial Relations Commission)

IRCSA (Industrial Relations Commission of South Australia)

WAIRC (Western Australian Industrial Relations Commission)

Members based in:

(M) Melbourne, (S) Sydney, (B) Brisbane, (A) Adelaide, (C) Canberra, (P) Perth, (D) Darwin, (H) Hobart.

Panel Assignments as at 30 June 2001



Justice Giudice (top)
Vice President Ross

President, Justice Giudice

The President is responsible for allocating all panel assignments.

Panel Head, Vice President Ross

Panel Members:

Williams SDP
Harrison C
Lawson C
Hoffman C **
Cargill C
O'Connor C **
Tolley C
Whelan C
Lesses C #

Industries:

Agricultural industry
Building, metal and civil construction industries
Cement and concrete products
Clothing industry
Dry cleaning and laundry services
Electrical contracting industry
Food, beverages and tobacco industry
Graphic arts
Grocery products manufacture
Gypsum, plaster board etc, manufacturing industry
Insulation materials manufacturing
Journalism
Pet food manufacturing
Plumbing industry
Printing industry
Publishing industry
Textile industry
Wool industry

** Indicates that the person is a member of more than one industry panel.

Indicates that the person is a dual appointee to the AIRC and is receiving AIRC file allocations.



Justice Boulton

Panel Head, Justice Boulton

Panel Members:

Acton SDP
 Duncan SDP
 Hampton DP #
 Leary DP **
 Hodder C **
 Eames C
 Raffaelli C

Note: Leary DP is responsible for the Tasmanian work of all panels.

Industries:

Airline operations
 Airport operations
 Banking services
 Catering industry
 Clerical industry
 Data processing industry
 Educational services
 Federal police operations
 Finance and investment services
 Grain handling industry
 Health insurance industry
 Insurance industry
 Liquor and accommodation industry
 Maritime industry
 Market and business consultancy services
 Northern Territory
 Northern Territory administration
 Pharmaceutical industry
 Photographic industry
 Port and harbour services
 Restaurants
 Storage services
 Tourism industry
 Travel industry
 Wholesale and retail trade

** Indicates that the person is a member of more than one industry panel.

Indicates that the person is a dual appointee to the AIRC and is receiving AIRC file allocations.



Justice Munro

Panel Head, Justice Munro

Panel Members:

Watson SDP
 Cartwright SDP
 Bacon C **
 Foggo C
 Hingley C
 Cribb C
 Redmond C
 O'Connor C **
 McCutcheon C #
 Dangerfield C #

Industries:

Agricultural implement manufacturing
 Aircraft industry
 Brass, copper and non-ferrous metals industry
 Brush and broom making industry
 Engine drivers and firemen
 Furnishing industry
 Glass industry
 Jewellery manufacturing
 Metal industry
 Paint manufacturing industry
 Paper products industry
 Rope, cordage and thread industry
 Rubber, plastic and cable making industry
 Saddlery, leather and canvas industry
 Shipbuilding industry
 Space tracking industry
 Timber industry
 Vehicle industry
 Watchmaking

** Indicates that the person is a member of more than one industry panel.

Indicates that the person is a dual appointee to the AIRC and is receiving AIRC file allocations.



Senior Deputy President
Marsh

Panel Head, Senior Deputy President Marsh

Panel Members:

Drake SDP
Kaufman SDP
Smith C
Simmonds C
Gay C
Bacon C **
Blair C
O'Connor C **
Wilks C
Deegan C
Bartel C #

Industries:

Australian Capital Territory public administration
Chemical industry
Coal industry
Coal treatment industry
Commonwealth employment
Communications industry
Fire fighting services
Health and welfare services
Library services
Local government administration
Meat industry
Pharmacy operations
Postal services
Scientific services
State government administration
Technical services
Telecommunications services
Water, sewerage and drainage services

** Indicates that the person is a member of more than one industry panel.

Indicates that the person is a dual appointee to the AIRC and is receiving AIRC file allocations.



Senior Deputy President
Polites

Panel Head, Senior Deputy President Polites

Panel Members:

Harrison SDP
Lacy SDP
Lewin C
Hoffman C **
Jones C
Holmes C
Larkin C
Dangerfield C #

Industries:

Aluminium industry
Arts administration
Business equipment industry
Cemetery operations
Christmas Island
Clay and ceramics industry
Cleaning services
Cocos (Keeling) Islands
Defence support
Diving services
Electrical power industry
Entertainment and broadcasting industry
Funeral directing
Gardening services
Glue and gelatine industry
Hairdressing services
Industries not otherwise assigned
Mannequins and modelling industry
Mining industry
Oil and gas industry
Painting industry
Private transport industry
Prudential regulation
Public transport industry
Quarrying industry
Sanitary and garbage disposal services
Security services
Uranium mining (including construction)

** Indicates that the person is a member of more than one industry panel.

Indicates that the person is a dual appointee to the AIRC and is receiving AIRC file allocations.



Organisations Panel

Panel Head, Vice President McIntyre

Panel Members:

Williams SDP
Acton SDP
Duncan SDP

The Organisations Panel deals with matters concerning registered organisations including registration and rules.



Termination of Employment Matters

Panel Head, Senior Deputy President Watson

The Senior Deputy President is responsible for overseeing termination of employment matters.

Vice President McIntyre (top)
Senior Deputy President
Watson

Statistics on the Activities of the Commission

TABLE C1 – Total matters lodged/nature of proceeding

	1997-98	1998-99	1999-00	2000-01
Part A – Total matters lodged:	29 378	30 630	30 074	31 812
Part B – Nature of proceeding:				
Action on Commission's own motion (s.33)	909	44	23	62
Reference to dual appointee (s.36)	8	-	-	-
Notice of appeal (s.45)	249	207	236	173
Appeal from a Registrar (s.81)	4	1	1	1
Notification of dispute (s.99)	3 273	2 836	2 679	2 598
Application to revoke finding of dispute (s.101)	2	2	3	6
Certain matters to be dealt with by a Full Bench (s.106)	2	-	-	-
Reference to a Full Bench (s.107)	48	46	49	10
Reference to a Full Bench (s.108)	68	77	94	40
Review on application of Minister (s.109)	2	50	7	-
Application for orders (s.111)	437*	808	72	59
Commission to cease dealing in certain circumstances (s.111AAA)	-	3	3	1
Recommendation by consent (s.111AA)	-	1	2	3
Application to vary award (s.113)	1 616	1 385	1 322	1 264
Application for award variation re enterprise flexibility provision (s.113B)	4	2	-	1
Application re organisations coverage (s.118A)	16	2	2	-
Application to stop or prevent industrial action (s.127)	293	335	425	444
Application that a State authority be restrained from dealing with certain matters (s.128)	-	2	-	-
Industry Consultative Councils (s.133)	2	-	1	-
Action to order secret ballot (s.135)	6	1	2	1
Application for declaration of common rule (s.141)	22	8	3	7
Notification of dispute relating to boycott (s.157)	1	-	-	2

* Revised figure.

Part B – Nature of proceeding – continued	1997-98	1998-99	1999-00	2000-01
Notice of restriction on certain actions in tort (s.166A)	47	65	64	93
Application for order re equal remuneration (s.170BD)	1	4	1	-
Application for relief re termination of employment (s.170CE)	8 092	8 146	7 498	8 109
Application for payment of costs (s.170CJ)	46*	53	57*	68
Application for orders giving effect to articles 12 & 13 of Termination of Employment Convention (s.170FB)	4	27	14	34
Application for orders to consult unions about terminations (s.170GB)	9	16	13	21
Application for certification of multiple-business agreement (s.170LC)	5	7	15	14
Application for certification of agreement with unions (s.170LJ)	2 990	4 772	3 666	5 936
Application for certification of agreement with employees (s.170LK)	618	890	856	1 047
Application for certification of Greenfields agreement (s.170LL)	354	505	348	328
Application for certification of agreement about industrial disputes and industrial situations (s.170LS)	1 887	1 246	868	1 098
Application to settle dispute over application of agreement (s.170LW)	45	260	280	399
Application for extension of normal expiry date of certified agreement (s.170MC)	-	-	22	12
Application for certification, extension, variation and termination of agreement (ss.170MA, MJ, ML, MN) **	329	9	n/a	n/a
Application for variation of certified agreement (s.170MD)	25	275	166	134
Application for termination of certified agreement where valid majority approve (s.170MG)	22	16	29	34
Application for termination of certified agreement in public interest after nominal expiry date (s.170MH)	11	58	70	189
Application for termination of certified agreement as per agreement after nominal expiry date (s.170MHA)	13	10	12	38
Notice of initiation of bargaining period (s.170MI)	6 613	5 779	9 640	6 625
Suspension or termination of bargaining period (s.170MW)	88	75	87	227
Conciliation in respect of agreement (s.170NA)	4	28	32	41

* Revised figure.

** Operation continued beyond 30 December 1996 by virtue of transitional provisions contained in schedules to the WROLA Act.

Part B – Nature of proceeding – continued	1997-98	1998-99	1999-00	2000-01
Application to settle dispute over application or interpretation of AWA (s.170VG)	-	3	2	3
Application for terminating an AWA (s.170VM)	-	-	-	476
Referral of AWA to Commission (s.170VPB(3))	325	887	615	195
Application for determination of designated award or awards for the purposes of a certified agreement (s.170XF)	520	1 506	832	1 254
Reference of dispute/application to State industrial tribunals for allocation (s.174)	-	-	-	-
Application for cancellation and suspension of awards and orders (s.187)	3	1	2	-
Application to settle dispute or grievance in employment agreement under s.520 (s.293F)	-	25	12	1
Application for removal of preference clauses from awards and certified agreements (s.298Z)	9	733	290	258
Application for minimum wage order (Victorian employees) (s.501)	21	25	20	20
Organisations matters ***	41	28	27	17
Item 49 (WROLA Act)	233	-	-	-
Item 51 (WROLA Act) ****	-	1 616	553	-
Appeal from decision of a Board of Reference	1	-	-	-

*** See analysis by subject matter in Table C2 – Organisations matters.

**** 1998-99 figure revised. Previously reported as 676.

TABLE C2 – Organisations matters

Nature of proceeding	Matters lodged/referred	Matters determined
Application for registration (s.188)	2	1
Application for change of name (s.204)	7	4
Application re eligibility (s.204)	5	17
Application for community of interest declaration (s.241)	1	-
Application for approval for submission of amalgamation to ballot (s.242)	1	-
Application for cancellation of registration (s.296)	1	1
Total	17	23

TABLE C3 – Matters determined

Nature of proceeding	1998-99	1999-00	2000-01
Award made	29	515	259
Agreement certified	7 532	5 539	7 316
Order made	2 490	2 653	2 461
Full Bench matter determined	379	407	308
Organisations matter determined	25	27	23
Declaration of Common Rule	7	1	5
Award/agreement set aside	538	231	118
Decision on other matters	1 011	1 568	1 262
Termination of employment matters	9 040	9 053	8 145
Total	21 051	19 994	19 897

Case Flow Measures

TABLE D1 – Case flow measures

Nature of proceeding	Event	No. of cases %	Days from lodgment		
			1998-99	1999-00	2000-01
Dispute notification – other than log of claims (s.99)	First hearing	85	25	25	24
Variation (s.113)	First hearing	85	43	54	43
Order relating to industrial action (s.127)	First hearing	85	4	3	5
Agreement (s.170LJ)	Certification	85	50	42	81
Agreement (s.170LK)	Certification	85	56	43	41
Agreement (s.170LL)	Certification	85	21	26	21
Agreement (s.170LS)	Certification	85	46	35	43
Unfair termination (s.170CE)	Finalisation	85	183	209	182



AUSTRALIAN INDUSTRIAL REGISTRY

Level 42, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 8661 7777
Fax: (03) 9654 6812

The Honourable Tony Abbott, MP
Minister for Employment, Workplace Relations and Small Business
Parliament House
CANBERRA ACT 2600

Dear Minister,

In accordance with section 70 of the *Public Service Act 1999* and subsection 66(1) of the *Workplace Relations Act 1996*, I am pleased to present you with the annual report of the Australian Industrial Registry for the year ending 30 June 2001.

As you know, under subsection 66(2) of the *Workplace Relations Act 1996*, you are required to cause a copy of this report to be laid before each House of the Parliament within 15 sitting days after the day on which you receive this report.

Yours sincerely,

Peter J. Richards
Industrial Registrar
1 October 2001

AUSTRALIAN
INDUSTRIAL
REGISTRY

VOLUME

9

REGISTER OF
ORGANISATIONS

AUSTRALIAN
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VOLUME

7

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6

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ORGANISATIONS

Annual Report
of the
Australian Industrial Registry

Foreword

The 2000-01 annual report of the Australian Industrial Registry (the Registry) is provided pursuant to s.66 of the *Workplace Relations Act 1996* (the Act).

The Registry's annual report was prepared in accordance with the Requirements for Departmental Annual Reports approved by the Joint Committee of Public Accounts and Audit, under subsections 63(2) and 70(2) of the *Public Service Act 1999*, on 7 June 2001. In accordance with the annual reporting guidelines, information about the Registry and its activities is contained in this report. A compliance index was developed from these guidelines and is published at Appendix 1, for the guidance of readers. A general index to the contents of the annual report can be found at the back of the Appendices.

The statutory functions of the Registry are specified under s.63 of the Act.

Contact Officer

The contact officer to whom inquiries regarding the annual report of the Australian Industrial Registry, including those from Members of Parliament and Senators, may be addressed is as follows:

Name: Peter J. Richards
Title: Industrial Registrar
Address: Level 35
80 Collins Street
Melbourne VIC 3000
Telephone: (03) 8661 7765
Facsimile: (03) 9655 0416
Email: peter.richards@air.gov.au

The annual reports for both the Australian Industrial Relations Commission and the Australian Industrial Registry are accessible in electronic format on the Commission's Internet home page, at <http://www.airc.gov.au>. For the first time CD ROM versions of both annual reports are also available, in lieu of hardcopy versions, upon request.

Contact information for all Registry offices around Australia can be found in Appendix 2 of this report.

Lists of related Internet sites accessible from the AIRC Home Page, publications and documents contributing to an understanding of the work of the Commission and the Registry, and glossaries of abbreviations, acronyms and terms used throughout this report, can be found at Appendices 6, 7 and 8 respectively.

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Industrial Registrar's Overview

The Year in Summary

This reporting period has been characterised by the consolidation of the various reform tasks identified in the comprehensive organisational change process undertaken in the previous year (see Annual Report 1999-2000).

The Industrial Registry has moved forward with its efforts to reconstruct further its financial management, reporting, budget and contract management effort. The results, which have yielded demonstrated improvements in the Registry's administration of public resources, are in evidence in the following cameos, and elsewhere in this report.

Similarly, the Registry has continued to rebuild its national communications network and modernise its information technology platform so it can, over time, provide improved and new services to the Commission, registered organisations and parties, as well as the wider community. It is important to approach these developments strategically to ensure the organisation can quickly capture innovations – such as web-based case management – that will develop as broadband access improves and wireless networks emerge.



Industrial Registrar, Mr Peter J. Richards

The developments to date have been most evident in the enhancement of the AIRC Home Page (www.airc.gov.au) and intranets from which all published documents, including organisations' rules and transcript, may now be viewed and downloaded. But it is further evidenced in other areas as well: in the past 12 months the Registry has doubled the number of electronic payments to staff and suppliers (thereby reducing manual handling requirements) and this trend is set to continue. These developments were driven by the newly integrated Information Management and Technology Team, and the changed skill profile that initiative triggered across the organisation. An overview of the wider developments in this respect is provided below.

The introduction nationally of the new Case Management System (CMS) commenced on 1 January 2001. The new CMS is being progressively released by way of managed modules over the calendar year, to ensure the new process re-engineering requirements are absorbed by employees sequentially and with reduced conflict with their ongoing responsibilities. CMS provides the literal backbone to the organisation – it tracks the progress of an application from the point of receipt, through any hearings process, through to the publication of any order or decision. It is also the means through which

Commission workflow is allocated and reported on for internal purposes, and provides the software by which parties may be automatically notified of their listing times and places, directly from a Registry desktop (by email or facsimile). CMS will also provide an interface with the financial management system for assistance in auditing expenses and reviewing contract management performances.

Importantly, in the future, CMS will also automatically download applications made through the AIRC Home Page or by email, thereby reducing processing times and other administrative delays for the Registry and parties across the wider community. In this respect, it should be noted the Registry has completed the development of a suite of email and web-based application forms and submitted these for the Commission to consider in the context of its rules.

Some elements of the new Windows-based CMS, which replaces a now 16-year-old Case Tracking System, are cited below.

As is implicit in the above, the Registry's skills profile has been undergoing continuing change. This is the result of both internal retraining and recruitment exercises. Because so much of its business is in data processing and the publication and dissemination of documents, the Registry is focusing on building web publishing and web solutions-related skills, as well as attracting qualified information technology (IT) staff able to maintain the new systems and services. Also, there have been intensive efforts to build and transfer professional project and contract management skills across the Registry workforce.

Relatedly, the agency also moved to widen its links (through active promotions in the media and an expansion of the Graduate Program (see page 109)) with the legal education and training community to ensure an increased supply of legally qualified associates and relief associates to assist Members of the Commission in the coming calendar year. These initiatives ensure there is an injection, continuously, of contemporary skills and perspectives into the organisation. Notably, many of the recent graduates have a high level of IT literacy.

In the broad, organisations that have long embodied paper-based work practices and high levels of stratification do not easily make the transition to electronic processing and team-based workflow management, and the changed work values these imply. The Registry is one such organisation. The diffusion of contemporary skills is incompatible with the old organisational structures that were built on small, often personalised and autonomous work areas (many of which were low-skill), limited across-organisational efforts and opaque client service accountabilities.

It is for this reason that the Registry was collapsed to a simple three-team structure, emphasising team building activities, cross-skilling and performance planning based on the Australian Public Service (APS) Values and a concise suite of output indicators.

The resulting improved outcomes are already in evidence in some areas, particularly so across the Information Management and Technology Team, and in some areas of the Statutory Services Team. A summary of developments in team building strategies is provided below.

Relatedly, the team and individual performance appraisal system has entered its second generation, and has now formally integrated the APS Values as the principal organisational framework. Planning has also commenced to collapse the People and Planning, Resource Operations and Accounting Services

teams into one fully integrated and cross-skilled Corporate Services Team. This would complete the Melbourne-based teams restructure.

Further still, the Registry has developed a comprehensive suite of internal and external client satisfaction measures to ensure accountabilities and performance against stated objectives, and to encourage 'learning' on the part of the organisation. For the same reasons, the Registry has also implemented a comprehensive feedback mechanism focusing on internal and external clients.

That said, there are still significant challenges ahead in building an effective and genuinely integrated performance-based team system across the Registry. As reported in last year's annual report – and it is still relevant – some team managers are yet to apply uniform expectations across their teams or to adapt, in toto, to the role of professional managers. Further, the team structures are still less than optimal in some areas, and the performance and outputs focus is not the driver it should be in some Registries.

Similarly, there is still progress to be made in wider areas. The broadband classification structure, introduced in the *Australian Industrial Registry (New Directions) Agreement 2000* to underpin the team, skills and career development agenda, has not operated, in its entirety, as planned. It has instead been subject to some industrial tensions as is sometimes the case in exercises such as this in which traditional work patterns and long entrenched classification structures are disturbed. This has mitigated the contribution of the new broadbanded classifications structure to the aforementioned changes. In addition, there have been difficulties, at points, in diffusing low-skill work across the Registry, within the broadband context, to ensure 'skills ghettos' are minimised.

Generally, however, the 2000-01 financial year has been marked by a range of strategic developments that go directly to the Registry's long-run effectiveness as an organisation. A number of the more substantive of these developments are canvassed under separate headings below.

Financial Management Indicators

Following is a summary report against a selected number of key performance indicators that aim to drive improved financial management outcomes in the Registry.

Financial Performance

Indicator: Achieve budget break-even

The operating position of the Registry has improved significantly over the past year with an interim operating surplus of \$1.948m (\$0.164m deficit in 1999-00) achieved, which is the first surplus since 1997-98 (which produced a cash surplus of \$0.147m in the pre-accrual period, but without any capital program, any leasehold development of consequence, or any IT platform or a practical Case Management System replacement strategy).

A more rigorous approach to budget management has been employed with the 'operating' and 'capital' budgets reviewed on a quarterly basis for both the current year and the impacts on future years, thus providing a stronger strategic focus for major expenditure items, particularly in respect of the capital program.

Financial Position

Indicator: Maintain or improve balance sheet position in respect of equity, capital program and cash reserve

The total equity position improved for 2000-01 from the negative \$2.669m in 1999-00 owing to the operating surplus for the 2000-01 financial year. The need to focus on the agency's equity position arose because in the previous financial year, it was brought to light, that judges' leave provisions had not been funded in the past and had never been brought to book in the financial statements. That is, judges' leave had accrued but had not been funded, let alone been identified as requiring provisioning. An additional \$2.1m was brought formally to book and the liability is now funded, largely, by the recent surpluses and monthly provisioning. This has stabilised the financial position of the Registry and provided the foundation for the professional financial planning and management of the organisation's resources well into the future.

The cash reserve, which is a mix of term deposits and on-call funds (see Agency Banking below) has increased by \$1.260m to \$3.223m. The agency's historically accumulated deficits have been halved in 12 months.

A capital program (\$1.682m budget) has been introduced and has included major items such as the new Case Management System, refurbishment budgets and leasehold improvements.

Agency Banking

Indicator: Banking initiatives to ensure acceptable return on (any) cash for the agency's benefit

A 'Cash Flow Planning Policy' has been implemented to provide a framework for management of the Registry's cash, both in the short and longer term and balances the need to have margins of safety to cover employee provisions, the capital improvement budget and operational costs.

The Registry has taken advantage of the term deposit investment options available under the agency banking reforms with between \$1m and \$2.5m invested at any time, thus increasing interest earned.

Contract Management

Indicator: Review efficiency and effectiveness by 1 July 2001 of major contracts

A new contract management process was introduced in June 2000 to provide the framework for management of contracts within the Registry. A Contract Management Committee was established as the cornerstone of this framework and has approved a number of significant and strategic contracts including a new transcription contract, desktop upgrade and videoconferencing network.

Quarterly performance reporting has been introduced for a number of contracts, mainly travel services (which is a cluster contract), transcription services and the contracts regulating the outsourced Registry functions. A new suite of quantitative and qualitative performance indicators has been applied to Registry outsourcing contracts for which the service providers are the State governments of Queensland, Western Australia and South Australia. Reviews of contract performance and accountability processes have also been undertaken for several major contracts such as transcription services and contract conciliators for termination of employment matters.

Significant savings were achieved in respect of the transcription and travel contracts compared with 1999-00.

Financial Reporting

Indicator: Meet external audit requirements and provide evidence of any proactive audit measures undertaken by the agency as improvement measures

Items raised by external auditors in their audit of the financial statements are of a minor nature. Improved processes to reconcile the Registry's payroll system and the general ledger were introduced, which overcome minor concerns raised in past audits. The Registry's asset register (which has been rebuilt, in effect) has been transferred from stand-alone systems to the asset module within the Registry's financial management information system (FMIS). This will improve the reporting and reconciliation of assets. All major contracts have also been reviewed to ensure appropriate payment and costs controls are in place and that opportunities for fraud are minimised.

Financial Management

Indicator: Put in place and commence review by 1 July 2001 appropriate internal controls of a governance nature

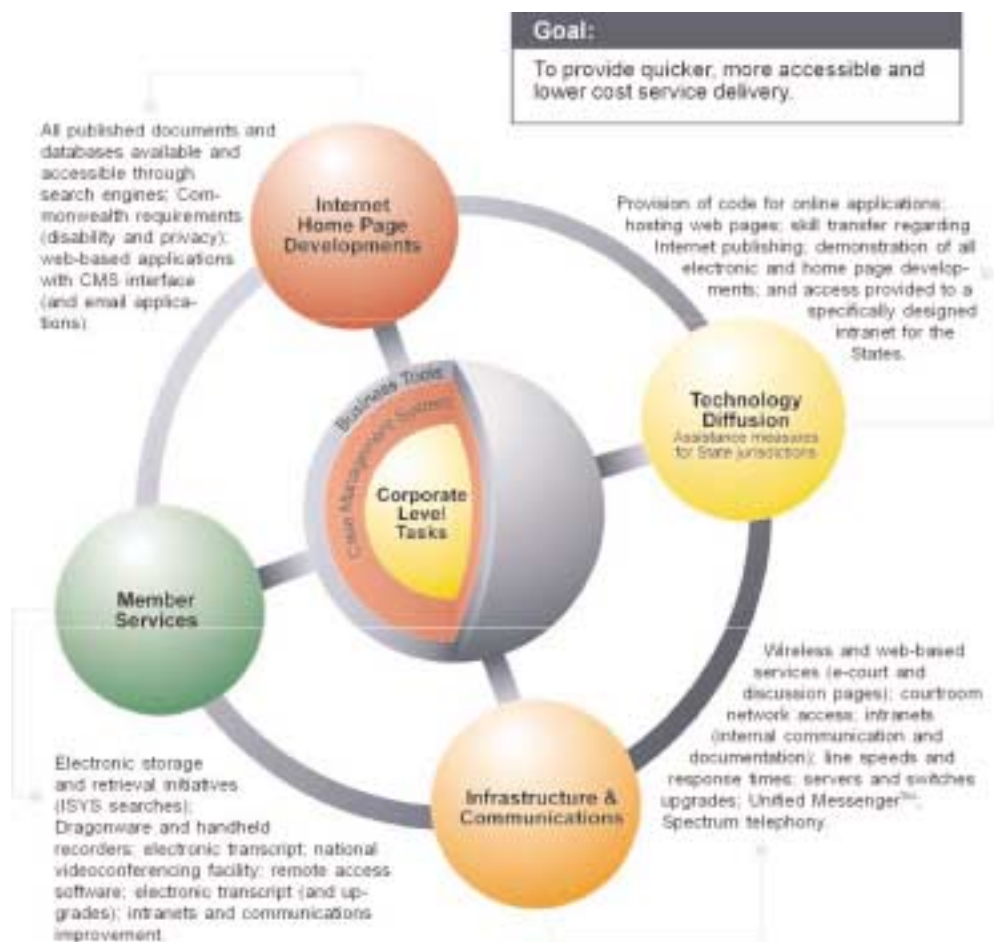
The Audit Committee has agreed to the introduction of a new financial management framework, which will bring together accounting policies and financial regulations (chief executive instructions, resource management instructions and procedures). This will replace all encompassing chief executive instructions with a more targeted approach which separates the instructions from the detailed procedures and is available in a user friendly form on the intranet.

The financial delegations were significantly overhauled in 2000 to bring them in line with the Registry's budget management environment.



Senior Resource Management Team staff (from left) Mr Paul Parry, Mr Dennis Mihelyi and Mr Ken Morgan.

Information Management and Technology Strategy



Corporate Level Tasks:

Change skills profile; recruitment; retraining; team and individual planning; organisational-drivers; budget structure; and re-engineer business processes.

Case Management System:

Managing the flow of matters/applications through their life cycles; storage of key data; workflow reporting; production of operational documentation; business process improvement.

Business Tools:

Desktop and laptop roll-out; Internet/intranets & graphic design software; fax server.

Information Management and Technology Team

Building on last year's strategic plan, the Information Management and Technology Team (IMTT) this year rolled out a series of initiatives intended to increase the sophistication of the Commission/Registry communication and information management system, and deepen the information technology infrastructure and available IT systems and services.

The initiatives summarised in the following do not include all the developments introduced and trialled, but they do signal the organisational effort that has taken place to build the capabilities (both technological and human) to ensure the Commission and Registry are positioned strategically to move readily to the next generation of communications, information management and service delivery.

Court Wireless Network Trial

Continuing earlier initiatives to bring the IT network to all courtrooms nationally, a pilot was conducted to test the effectiveness of wireless access to the IT network. The system enables Commission Members, associates and parties access to an effective local area network (LAN) without the use of cables. The system provides ubiquitous and uniform access to the LAN through the courtroom and will be an important element of any future electronic court development.

Simultaneously with this trial, IMTT is also trialling a web-based method of consolidating all documents generated in a proceeding, including the original application, affidavits, witness statements, transcript, exhibits, decisions and orders. This will allow Members and parties in future to access all documents through their laptops while in proceedings and as it is web-based and loaded onto the Internet, access is available from any location, inside and outside the court.

Entire proceedings, all cross-hyperlinked for easy access, can be accessed by parties inside and outside the court over the course of proceedings, and burned onto a CD ROM and stored and retrieved and distributed with ease.

Web-Based Award Simplification Case Management

The team has commenced a web-based trial to allow access to and the exchange of documents and a 'discussion page' for Members and parties to awards in award simplification cases. This project was undertaken with Senior Deputy President O'Callaghan's chambers, and was designed to facilitate the flow of directions, requests for information and exchange of documentation (indeed many elements of day-to-day case management) outside of the traditional courtroom context.

Dual Access Monitors in Outsourced Registries

Access to the federal system from State personal computers in harmonised States, for appropriate staff and associates was trialled and successfully implemented in South Australia.

South Australia was provided with Hewlett Packard 'e-Vectra' hard drives and switch boxes to enable virtual instantaneous 'switching' between the State and federal systems while using the one monitor, keyboard and mouse. This system is easy to use and inexpensive, and both networks are secure. The dual access allows for significant improvement in managing workflow between the jurisdictions with near instantaneous switching between State and federal networks.



Along with the Industrial Registrar, Ms Ailsa Carruthers (left) played a principal role in preparing and negotiating the new transcripts contract. Ms Barbara Mangos plays an ongoing role in ensuring transcripts are loaded onto the AIRC Home Page and that performance standards are maintained.

Electronic Transcript

The delivery of electronic transcript from Auscript to the Registry and parties commenced in September 2000. The service was especially useful during the Safety Net Review case as it enabled same day delivery by email to the Commission and parties.

Further developments included the development of an electronic table of contents within actual transcripts. Electronic transcript is also able to be searched through ISYS Web, and cut and pasted in the same way as any MS Word document.

Internet and Home Page Developments

AIRC Home Page

The AIRC Home Page was replaced with a new, dynamic version on 17 May 2001. The site has been restructured to enable more effective searching for information and documents.

ISYS Web searching is now available for all searches across all databases on the site (see below).

Where Commission decisions, awards, orders or the AIR Bulletin on the intranet and Internet cite other Commission documents or sections of the Act, hypertext links are used to link to these documents or sections.

As part of the Registry's ongoing commitment to the provision of online information, there is now access to decisions summaries and the rules of registered organisations.

A project has commenced for completion in coming months of a searchable awards list. Copies of awards will be added progressively to the site once the list has been posted.

To assist in providing easy access to courts and conference rooms, floor maps have been linked to hearing lists for Melbourne and will be available on other hearing list pages over the next few months.

Accessibility and Privacy

Commonwealth departments and agencies are obliged by the *Disability Discrimination Act 1992* to ensure that online information and services are accessible by people with disabilities. Adoption of common standards by all Australian governments will promote the confidence of users in online services, and the accessibility of online government information and services. The new AIRC Home Page complies with this Act providing access to a text-only version of the site.

It is widely considered that the public needs to trust that their privacy will be protected before they make significant use of the Internet for services. It is therefore best practice for web sites to include a prominent privacy statement or policy which states what information is collected about individuals when they visit the web site, how it will be used and whether it will be disclosed. The AIRC Home Page adheres to the 'Guidelines for Federal and ACT Government World Wide Web Sites' issued by the Australian Privacy Commissioner. There is a privacy statement on the AIRC Home Page.

IT Cooperation and Skills Transfer with State Jurisdictions

IMTT has liaised with the Tasmanian Industrial Commission (TIC) and Tasmanian Department of Justice with a view to helping them develop an Internet/intranet site for the Tasmanian Industrial Commission. This, prospectively at least, will include developing work processes for the TIC, including reformatting all documents and hosting the site on Registry servers on behalf of the TIC for an interim period.

The Registry has also provided the States with access to the code for a suite of online application forms, and is designing a purpose-built intranet site for State jurisdictions to enable ready access to relevant workplace relations documents and publications.

ISYS Web and Authorities Database

The software ISYS Web has been loaded onto the AIRC Home Page enabling the site to be indexed and have an extensive and easy to use search facility. The databases that can now be searched include:

- all decisions issued since July 2000;
- awards and orders from September 2000;
- all Full Bench decisions since December 1997;
- decision summaries since January 2001; and
- transcripts from September 2000.

In an effort to reduce further recourse to manual and paper-based searching, and retrieval functions, an 'authorities' database is being developed. The front-end of this database will provide a search facility drawn from the full list of industrial relations catchphrases and will be linked to the AIR Bulletin and all Registry databases. This will allow for search and retrieval of authorities on a browse or more 'literal' basis. It is envisaged that the search software ISYS Web will also be applied to the site, and will be made available via the AIRC Home Page, as well as internally on the AIRC intranet for Members of the Commission, for whom the online authorities database may assist in decision-writing.

E-applications

The Registry has developed interactive web-based electronic lodgment capabilities via the AIRC Home Page as well as through email forms that interface with the Case Management System and provide for automated confirmations and the provision of case numbers. The future role of such developments is now dependent on the Commission's deliberations.

The Registry has provided the code for the new generation of web-forms to the States as part of its ongoing cooperation measures.

AIRC and AIR Intranets

In order to enhance and enable more effective searching for information and documents, IMTT has begun to redevelop the intranets used for internal communications.

During the year, there has been a proliferation of team-based intranet information and internal customer service functions available through the intranet. This has been made possible through the ongoing internal training and advice provided to other Registry teams by IMTT. The AIR intranet is now the principal vehicle for the Registry's internal communications. The Registry has also designed a purpose-specific intranet to assist State jurisdictions (see above).

PC Roll-Out

A roll-out of new desktop and laptop computers, monitors and printers took place in late 2000. The hardware is Hewlett Packard's 'e-Vectra' desktops and laptops, with proven operating speeds of 700 MHz and 256 k RAM. The monitors feature 19 inch screens to ensure effective access to all internal documentation which has been progressively provided on the intranet instead of in the traditional paper form.

Unified Messenger

A 'Unified Messenger' service was introduced in June 2001 so as to complete the convergence of communications to Commission Members' desktops and laptops. This initiative was particularly targeted to assist Members, who are required to travel, to maintain effective and timely access to their emails, facsimiles and voice messages at the one point (their desktop or laptop) when they log on to the network.

Unified Messenger brings voice messages to the Microsoft Outlook email box as sound files. This means that whenever and wherever Members of the Commission log on to the network, they will receive their voice mail messages, along with their facsimiles and emails on their laptop or desktop (at work or at home). The service also permits access to data through a mobile phone (email messages can be read by robotic voice, facsimiles downloaded readily to any available facsimile machine) and voice messages replayed.

Dragonware and Digital Handheld Recorders

Dragonware software and handheld recorders have been made available to Members, enabling them to use their voice to 'write' orders and decisions directly onto their laptops and into MS Word, thereby largely obviating the need for manual typing.

Mobile Phone Roll-Out

A new mobile phone roll-out was completed. The next upgrade will take place in 18 months time to ensure we remain on top of the next product (and services) cycle.

Training

During the reporting period, IMTT coordinated and conducted training for Commission Members and Registry staff, subjects included:

- web design (for some associates and team intranet developers);
- Unified Messenger;
- the new PC hardware and software;
- MS Word, Windows and PowerPoint 2000; and
- several facets of the new Case Management System.

Case Management System

A new Case Management System (CMS) designed to support the business processes of the Commission and the Registry was introduced (progressively from 1 January 2001) as a replacement for the 16-year-old Case Tracking System and other related systems. CMS is a modern Windows-based product which manages the flow of the various matters through their respective life cycles.

CMS has functions for the storage of key data for all statutory matters processed by the Commission and Registry including details of initiating documents, parties, hearings, milestones, the status of processing, results and the associated documents including prints, publications and transcripts of proceedings. It facilitates ready production of operational documentation such as acknowledgment letters, notices of listing and agreement certificates and



CMS project managers Mr Ian McLeod (left) and Mr Damien Staunton.

is integrated with email and facsimile software to enable desktop transmission of documentation (such as notices of listing to parties). Superior information reporting is available, which enables ready retrieval of information about matters in response to internal and external inquiries.

The Registry contracted with McGirr Information Technology to develop CMS by customisation of the McGirr 'Industrial Relations Case Management (IRCM)' solution. CMS was implemented on a fixed price budget and within the agreed timeframe for the project.

As familiarity with the various functions of CMS grows and its potential to improve the performance of fundamental tasks in support of business processes is recognised, suggestions are made by users for further enhancements, many of which are adopted. Significant productivity benefits are in evidence. Work had commenced at year's end on a substantial enhancement suggested by users to provide the capability to process, in bulk, matters at a similar stage.

Future enhancements will allow a ready interface with electronic applications made through the AIRC Home Page.

Team Building Strategies – Victoria Service Team Case Study

The continued organisational focus on the need for staff to work flexibly and be responsible and accountable for the performance outcomes of themselves and their work units has presented an array of challenges and opportunities in developing teams.

The Victoria Service Team (VST) developed strategic initiatives to team building in response to a range of identified needs.

Firstly, the focus on performance targets and individuals was recognised as the primary driver for the team. Ownership of both the team and individual plans was paramount. The process by which the plan was developed and delivered needed to be inclusive of all team members. The planning process was highly structured, delivered over a number of sessions and was of itself a team building exercise.

The planning process and goal orientation contains an element of 'mutual obligation', to the extent that the individuals needs and expectations are incorporated into the plan.

Secondly, management and leadership style was refocused toward a mentoring and coaching approach rather than surveillance and control.

This strategy focused almost exclusively on training and developing team leaders. The emphasis being on a 'hands-off' management approach. Team leaders were charged with tutoring, encouraging team members to develop the confidence, and if need be additional skills, to undertake tasks and solve problems themselves. Not surprisingly this has been quite a cultural shift and has been met with resistance by some.

Thirdly, team members were encouraged to take greater responsibility for monitoring their own performance, decision-making and problem solving.

Cyclical performance reviews, informal feedback from team leaders and transparent feedback reporting on the intranet site, and being directly accountable to Members and other clients for errors, highlights to team members and clients both strengths and weaknesses and provides greater incentive to focus on quality and accuracy.

Fourthly, team members were encouraged to develop a better understanding of their colleagues as individuals.

To promote a better understanding of the demands of work processes across the team, a system of staff rotation was implemented. All team building activities involved a combination of team members from each work group.

An e-magazine, *Newslink* was developed to encourage individual contributions in order to encourage personal respect for, and appreciation of, team members.

A number of 'fun' activities, such as a table tennis competition, were organised during lunch hours and after work.

Fifthly, reward and recognition strategies were developed.

An employee-of-the-month scheme, known as the *You Matter Trophy* was introduced.

The *You Matter Trophy* is peer-nominated and judged by team leaders according to a number of criteria developed by the nominee's VST colleague at a team building session.



Newslink – one strategy designed to encourage greater personal involvement in the team environment.



Victoria Service Team staff.

Corporate Overview

The Australian Industrial Registry is a statutory authority established under s.62 of the *Workplace Relations Act 1996*.

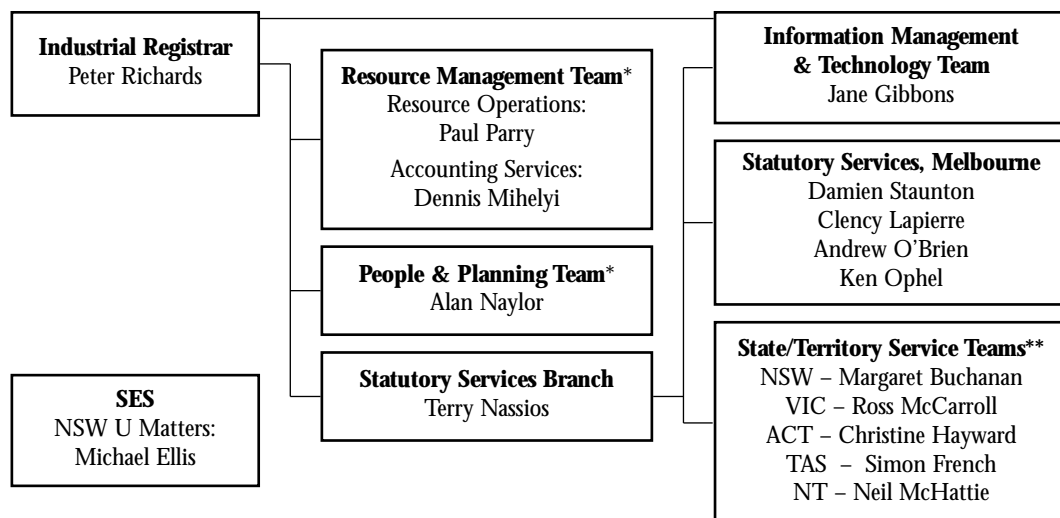
The Registry's mission is to facilitate the operations of the Australian workplace relations system. To carry out its mission, the agency seeks to achieve the following goals:

- act as the Registry for and provide administrative support to the Australian Industrial Relations Commission to enable it to meet the objectives of the Act;
- provide clients of the Commission/Registry with efficient, effective and timely services that facilitate the objectives of the Act;
- comply with the regulatory framework and requirements both in relation to the Act and the public service environment;
- provide Parliament and the Australian public with a service that is accountable;
- perform a range of functions and discharge statutory responsibilities conferred on the Registry by the Act and public service administrative legislation; and
- improve cooperation between the federal and State industrial relations systems.

Organisational Structure

The Registry's organisational structure is represented by the following chart:

CHART 1 – Registry organisational structure



* Note: From 1 July 2001, the Resource Management Team and the People & Planning Team will be collapsed into a single integrated Corporate Services Team.

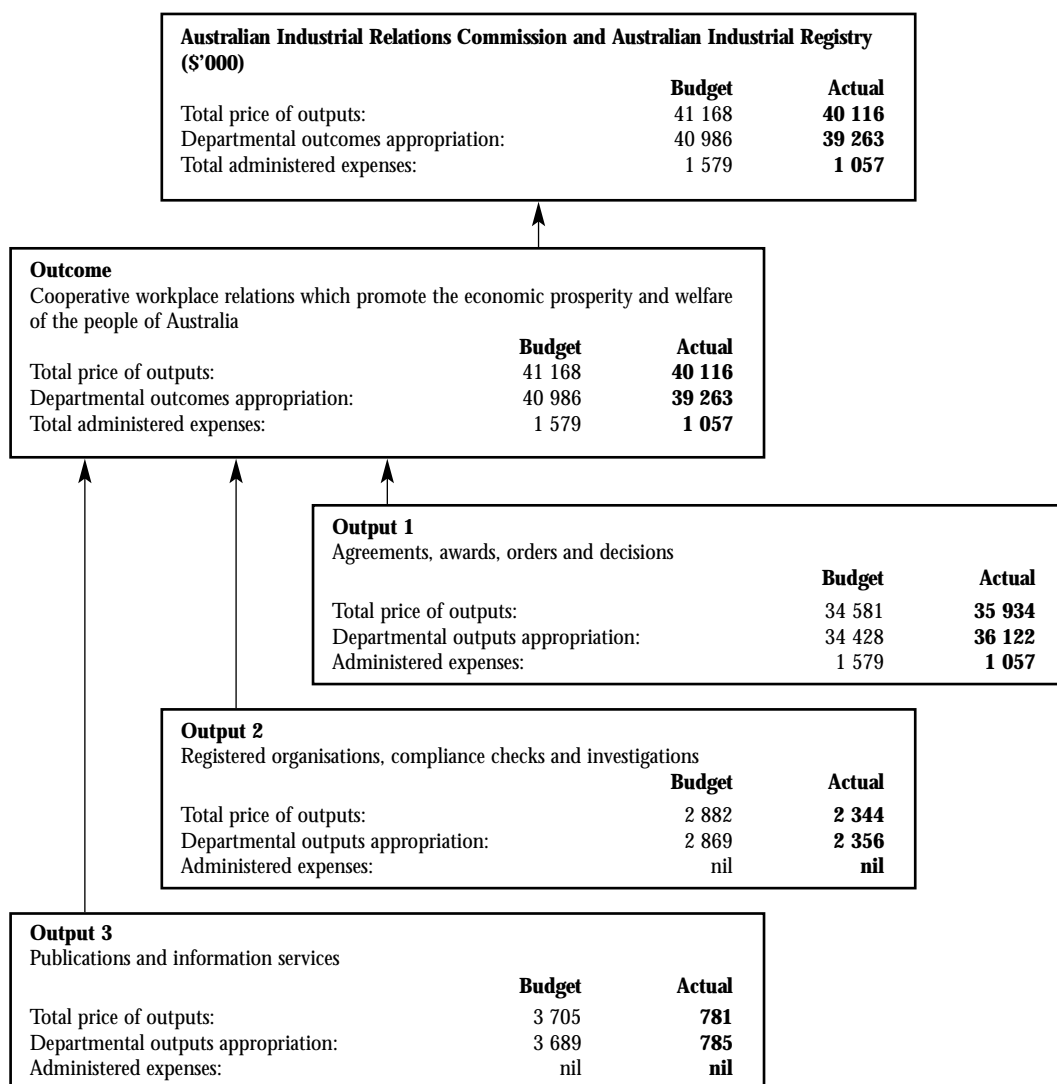
** Registry services in Qld, SA and WA have been contracted out to the respective State industrial authority under federal/State harmonisation arrangements.

Outcome and Output Structure

The following chart displays the relationship between the government outcome and the contributing outputs for the Australian Industrial Relations Commission and Australian Industrial Registry, presented as output groups.

The Commission and Registry outputs reflect three groups of core activities provided for under the *Workplace Relations Act 1996*. These activities help facilitate equitable access to Commission/Registry services that support cooperative workplace relations which promote the economic prosperity and welfare of the people of Australia.

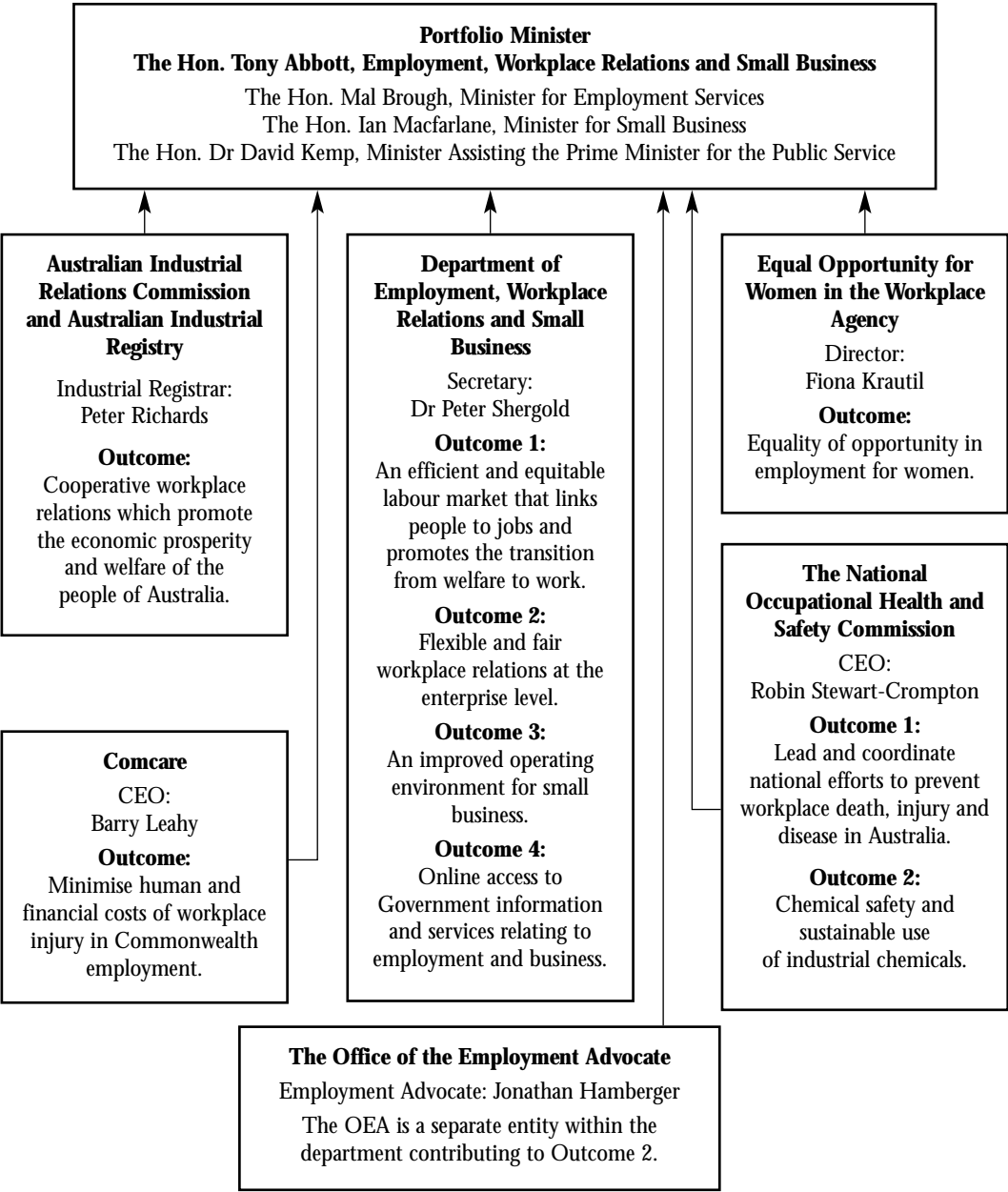
CHART 2 – Commission and Registry outcome and output groups



Portfolio Structure

The following chart is an outline of the structure of the portfolio encompassing the Commission and Registry:

CHART 3 – Portfolio structure



Report on Performance

Statutory Services Branch

The Statutory Services Branch is comprised of:

- State and Territory Registry Service Teams;
- Statutory Services (Research, Information and Advice) Teams; and
- the Information Management and Technology Team.

State and Territory Service Teams

Functions

Registry Service Teams provide comprehensive administrative support for all locally resident and visiting Members of the Commission. Service Team operations and functions include:

- day-to-day management and administration of the Service Team and Registry;
- contacting, notifying and liaising with parties about applications and proceedings, and making arrangements for hearing rooms, court reporting services, interpreter services, messenger, delivery and secretarial services as required;
- contact with industrial parties – receiving notification of disputes, the filing of other matters and the provision of procedural advice and information;
- processing matters concerning financial returns and elections for registered organisations;
- determining applications for certificates of conscientious objection, waiver of unfair dismissal/unlawful termination lodgment fee; and
- issuing 'right of entry' permits.

Summary of Workload Indicators and Outcomes

TABLE 1 – Overall workload

	1999-00	2000-01	% Change
Total lodgments	30 074	31 812	5.78
Total hearings	20 181	20 545	1.80
Print codes allocated to matters to be published	10 993	12 041	9.12

TABLE 2 – Lodgments by location

Location	1996-97	1997-98	1998-99	1999-00	2000-01	% annual variation
ACT	833	606	738	749	1 810*	141.66
NSW	7 134	6 898	7 178	6 095	5 656	-7.20
NT	499	461	412	357	395	10.64
QLD	1 589	1 962	1 682	1 718	1 852	7.80
SA	1 289	1 783	1 049	1 448	1 282	-11.46
TAS	487	416	572	410	568	38.54
VIC	13 296	15 152	17 042	17 839	18 849	5.66
WA	2 260	2 100	1 957	1 458	1 400	-3.50
Total	27 387	29 378	30 630	30 074	31 812	5.78

* Bulk lodgments by the same employers under s.170MI and s.170VM(3) account for approximately half of the total lodgments in the ACT.

TABLE 3 – Percentage of total lodgments by location

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
5.7	17.8	1.2	5.8	4.0	1.8	59.3	4.4

TABLE 4 – Lodgment of 'C' matters by location*

Location	1996-97	1997-98	1998-99	1999-00	2000-01
ACT	463	353	499	501	1 519
NSW	4 498	5 582	5 872	4 714	3 697
NT	144	197	154	110	130
QLD	1 054	1 204	1 210	1 234	1 389
SA	729	1 412	732	1 220	1 032
TAS	226	292	311	290	387
VIC	7 980	10 099	11 801	13 243	13 467
WA	1 090	1 798	1 550	1 048	979
Total	16 184	20 937	22 129	22 360	22 600

* These figures are also included in Table 2 – Lodgments by location.

TABLE 5 – Number of termination of employment matters lodged by location*

Location	1996-97	1997-98	1998-99	1999-00	2000-01
ACT	367	253	239	248	250
NSW	2 493	1 291	1 286	1 363	1 653
NT	347	260	257	245	257
QLD	404	644	336	412	420
SA	460	284	236	192	200
TAS	256	112	258	118	138
VIC	5 177	4 961	5 135	4 517	4 791
WA	1 122	287	399	403	400
Total	10 626	8 092	8 146	7 498	8 109

* These figures are also included in Table 2 – Lodgments by location.

TABLE 6 – Number of hearings by location*

Location	1996-97	1997-98	1998-99	1999-00	2000-01
Canberra	825	817	887	842	700
Sydney	5 445	4 072	4 095	3 772	3 686
Darwin	491	547	470	413	361
Brisbane	1 421	1 199	1 124	1 045	1 142
Adelaide	1 103	953	902	909	800
Hobart	322	229	297	250	298
Melbourne	9 217	9 212	9 726	8 891	9 697
Perth	2 526	1 474	1 516	1 721	1 330
Other Places	1 840	1 533	1 914	1 504	1 507
Videoconferences**	n/a	n/a	n/a	355	427
Telephone Conferences**	n/a	n/a	n/a	479	597
Total	23 190	20 036	20 931	20 181	20 545

* Figures in this table include proceedings conducted by Deputy Industrial Registrars and 'U' matter conferences.

** Video and telephone conference facilities were not available/reported prior to 1999-00.

CHART 4 – Geographic location of proceedings conducted throughout Australia

The following map is a graphical presentation of the locations of Commission proceedings (including Registry employees and contractors undertaking conferences on termination of employment matters on behalf of the Commission) conducted throughout Australia during 2000-01. Locations of proceedings are represented on the map by a bullet mark.

Australian Capital Territory

Canberra

New South Wales

Albury
Armidale
Ballina
Bathurst
Bega
Bourke
Broken Hill
Cobar
Coffs Harbour
Coonamble
Cootamundra
Cowra
Dartbrook
Dubbo
Glen Innes
Goulburn
Grafton
Griffith
Gunnedah
Harwood Island
Hay
Ingleburn
Inverell
Kotara
Leeton
Lismore
Lithgow
Liverpool
Moree
Moruya
Mudgee
Mulwala
Murwillumbah

Muswellbrook

Narrabri
Newcastle
Orange
Parkes
Port Macquarie
Sydney
Tamworth
Taree
Taren Point
Toronto
Twofold Bay
Wagga Wagga
Wollongong
Young

Northern Territory

Alice Springs
Alyangula
Darwin

Queensland

Brisbane
Cairns
Cape Flattery
Coolangatta
Goondiwindi
Maroochydyore
Oakey
Rockhampton
Southport
Stradbroke Island
Toowoomba
Townsville
Yeppoon

South Australia

Adelaide
Mt Gambier
Port Pirie
Sailsbury South

Tasmania

Burnie
Devonport
Hobart
Launceston

Victoria

Bairnsdale
Ballarat
Benalla
Bendigo
Dandenong
Echuca
Geelong
Hamilton
Horsham
Irymple
Kerang
Lemnos
Melbourne
Mildura
Moe
Morwell
Port Fairy
Portland
Sale
Shepparton
Swan Hill
Warnambool
Wodonga

Western Australia

Broome
Bruce Rock
Bunbury
Kalgoorlie
Merredin
Perth
Pilbara
South Headland

Christmas Island



Research, Information and Advice Teams

Functions

The Research, Information and Advice Teams (RIAT) are responsible for:

- the provision of quality professional assistance in meeting Commission and Registry information and research requirements, achieved through:
 - providing, on request, timely and accurate research in areas of labour law, economics and workplace relations for Members of the Commission and Registry staff;
 - provision of current awareness services;
 - maintenance of a loose-leaf legislation service for Members of the Commission and Registry staff; and
 - maintenance of the 'Register of Dispute Findings';
- performing statutory functions and to exercise the statutory powers arising under Part IX of the Act in relation to registered organisations in a manner which serves to support the objects of that Part (to encourage the democratic control of organisations; to encourage members of organisations to participate in the organisations' affairs; and to encourage the efficient management of organisations) achieved by:
 - providing administrative and technical support to Members of the Organisations Panel of the Commission;
 - provision of timely and accurate information to organisations on the requirements of the Act and on their obligations arising under Part IX of the Act; and
 - providing facilities to enable public inspection in all Registries of organisations' files and rules; and
- undertaking an advisory role to parties and practitioners who require information on practices and procedures of the Commission achieved by:
 - production of general information booklets and procedural guidelines for parties;
 - operation of a telephone inquiry service; and
 - conducting talks and tours of the Commission for interested parties.

Outcomes

Each of the five teams (there is one less than last year), which are located in Melbourne and Sydney, has responsibility for all aspects of Part IX requirements in relation to a portfolio of registered organisations and undertakes research and meets other information requirements of Members of the Commission and the Registry. This enables considerable flexibility within the team to meet the needs of its full range of clients.

During the year the teams produced 51 issues of the Decisions Summary comprising 2183 decisions, providing Members of the Commission, Registry staff and subscribers to the AIR Bulletin with brief summaries of industrial judgments of the High Court, Federal Court of Australia and federal and State jurisdictions.

As at 30 June 2001 there were 68 employer and 46 employee organisations. The following table sets out (in relation to a selection of matters arising under Part IX of the Act) the number of matters that were finalised within the reporting period and the percentage finalised within 28 days of lodgment in the Registry.

In relation to section 280(1) lodgment of audited financial reports, compliance statistics taken from the Registry's computer system for the past five years demonstrate that about 82% of expected reports arrive within 12 months of the previous 30 June (the most common balance date), another 12% within a further 12 months and about 6% subsequently.

TABLE 7 – Selection of matters finalised under Part IX of the Workplace Relations Act 1996

Matter	Number finalised			% Finalised within 28 days		
	1998-99	1999-00	2000-01	1998-99	1999-00	2000-01
s.203 Determination of alterations of rules by Industrial Registrar	9	-	1	89	-	100
s.205(1) Certification of alterations to rules other than eligibility rules	125	134	111	50	51	58
s.214(2) Arrangements for the conduct of an election by the Australian Electoral Commission	239	275	243	84	92	86
s.268(3) Lodgment of annual returns	230	256	168	84	88	82
s.269(1) Lodgment of details of loans, grants and donations	49	51	31	75	78	77
s.271A(1) Certificate exempting branch from financial reporting requirements	54	43	58	93	95	81
s.280(1) Lodgment of financial documents	562	403	479	48	67	51
s.285A(1) Right of entry permits	515	2 170	509	95	90	95
s.285A(3) Revocation of entry permit	4	5	7	50	20	14
s.291 Certificate as to membership of an organisation	47	23	37	68	90	92
s.291A Certificate as to requested representation or invitation	20	19	15	100	100	93

Information Management and Technology Team

Functions

The Information Management and Technology Team is primarily responsible for management of services and facilities in the areas of information/data management, communications and technology. The team's specific functions include:

- providing administrative support and assistance to Members of the Commission, associates and other Registry team members with respect to the publication of Commission documents, including provision of information, advice, research, format checks, reference material, training and obtaining print ID/code numbers;
- providing administrative support to the Commission in relation to the award simplification process as well as ensuring that awards are reviewed under s.151 of the *Workplace Relations Act 1996*;
- providing information and documentation to external clients, including the sale of Commission publications, Registry 'loose-leaf' consolidations, information sessions, and access to specialist library services;
- updating information maintained on Commission/Registry and related databases and Internet/intranet sites;
- access to, and management of, Commission/Registry records, including files and mail; and
- supporting the information technology infrastructure and services to the Members of the Commission and Registry, including the provision of an IT Help Desk facility.

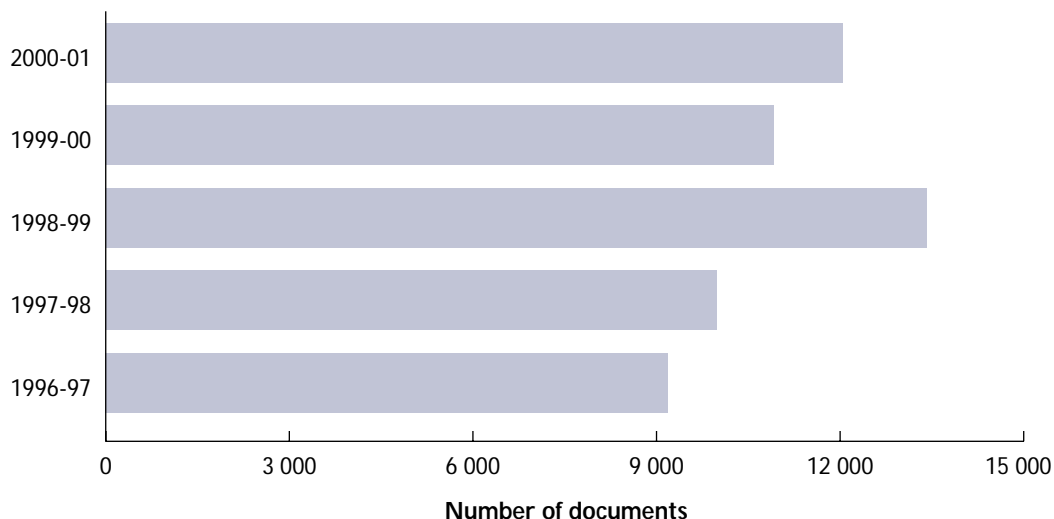
Outcomes

A summary of developments, initiatives and outcomes for the team appears on page 73 (in the Industrial Registrar's Overview). Other outcomes for activities undertaken by the team during 2000-01 are as follows:

- during the reporting period the team processed 12,041 Commission documents, representing a 9% increase on the number of documents processed during 1999-00; and
- the Commission issued 4725 awards, orders and decisions during the year. The team also processed 7316 agreements that were certified by the Commission.

Chart 5 on the next page indicates the publishing workload over the last five years:

CHART 5 – Number of Commission documents processed



At 30 June 2001, the team was maintaining 2264 current awards in consolidated form on the Registry's database. This database was amended on 1953 occasions during the year.

A recent survey of key external clients indicated, for the first nine months of the operation of the new service, that 84% (27) of clients are satisfied with the timeliness of the availability of electronic transcript on the home page, 49% (23) had accessed transcript through the home page, 84% (26) thought this improved the service and 95% (35) were satisfied with the standard of the transcripts provided. (It should be noted a number of respondents did not have Internet access or did not routinely make use of it where they did have such access).

A recent survey of external clients regarding Internet services indicated 88% (43) were aware of the information and publications available through the AIRC Home Page, 93% (39) said the information required was available on the site and 95% (39) indicated the site was easy to use.

People and Planning Team

Functions

The People and Planning Team (PPT) provides a comprehensive range of human resources management related services to Commission Members, retired Presidential Members and Registry employees consistent with legislative prescription and administrative guidelines. In relation to Registry employees, PPT services are also provided consistent with the PPT 'team plan' which articulates the team's role and responsibilities, and APS and Registry policy and agreements.

Services provided by the team include assisting and/or advising on:

- Registry framework and planning arrangements;
- terms and conditions of employment;

- workplace relations;
- training and development;
- occupational health and safety;
- workforce planning/recruitment;
- employment equity and diversity; and
- payroll.

In addition to the above, the team manages the 'Employee Expenses' budget (which represents more than 50% of the Registry's budget) and other mandatory reporting requirements (e.g. Annual Report, Public Sector and Merit Protection Commission (PSMPC) State of the Service Report, Diversity Report, etc.).

Outcomes

Significant outcomes for 2000-01 included:

- the implementation of the Graduate Program and the subsequent recruitment of two graduates;
- assisting with the training of both Commission Members and Registry employees on a comprehensive range of IT initiatives – new desktop and laptop roll-out, Unified Messenger, Dragonware voice recognition software, etc;
- further implementation of the performance management and remuneration arrangements in the Registry Agreement, and procedural development relating to such matters as studies assistance, home-based work, etc;
- redevelopment of team and individual performance planning arrangements consistent with the APS Values;
- further development and application of the Registry's languages and cultural skills register;
- assisting with Commission training events, the Statutory Conference of Members and a Centenary of Federation dinner;
- assisting with the further development and delivery of the Associate Relief Training Program;
- resolution of a comprehensive range of occupational health and safety (OHS) related matters raised both in the Registry's quarterly OHS surveys and more generally:
 - first aid arrangements were overhauled – the policy, appointments and kits;
 - cabling and other wiring (particularly loose and exposed) cleaned-up;
 - security arrangements looked into at several Commission/Registry locations with the installation of a proximity card entry system in Melbourne and counter modifications in Melbourne, Sydney and Hobart;
 - kitchens on Melbourne floors completely refurbished both to modernise and remove identified risks with slippery floors and hot water units; and
 - new 19 inch monitors rolled-out with the new PCs thereby significantly improving on any eye strain and glare problems associated with smaller monitors.

Resource Management Team

The Resource Management Team (RMT) consists of the Accounting Services and Resource Operations units. The main responsibilities of each are as follows:

Functions

Accounting Services:

- budgeting and cash management, both internal and external;
- contract management;
- provision of advice on accounting, budgetary and financial matters; and
- management of property leases.

Resource Operations:

- management and development of the Registry's financial management information system;
- provision of services including fleet management, travel, purchasing, accounts payable, accounts receivable, assets management, building maintenance, security, fit-out management, and OHS related matters; and
- management of various dedicated budget items, in particular travel, vehicle lease and hire, fringe benefits tax, office equipment, fit-out, cash draw-downs, bank accounts and revenue collection.

Outcomes for 2000-01

Budget and Cash Management

Budget management processes were further refined with the introduction of quarterly budget reviews, monthly feedback by budget managers, separation of operating and capital budgets, and new travel reports for panels.

A cash management strategy was implemented and cash investments made in approved term deposits under agency banking guidelines.

Financial Management

Financial system controls and procedures were implemented to cater for the introduction of the Goods and Services Tax which commenced on 1 July 2000.

The arrangement whereby an external provider is used to provide a bureau service for the Registry's financial management information system was discontinued. This service is now provided in-house using Registry resources, resulting in substantial savings.

Electronic payments to staff and suppliers represented 54.9% of all payments; in 1999-00, 28.4% of all payments were electronic.

Contract Management and Purchasing

Contract management guidelines were developed to assist the new contract management processes introduced in 2000. Reviews of several major contracts were undertaken.

Commission Members and senior staff were provided with replacement mobile telephones.

Property and Assets

Capital improvements were made during the year, including:

- refurbishment of Presidential Members' chambers;
- refurbishment of common use kitchens in Melbourne;
- establishment of a videoconference room (by converting a hearing room in Melbourne);
- extensive electrical works were carried out to tidy up communication/computer cables and improve electrical configuration in chambers and offices;
- new public counter in Sydney;
- refurbishment of furniture in chambers nationally; and
- improved security in Melbourne through:
 - installation of 'out of hours' sensor lighting in all lift foyers;
 - installation of doors and secured panelling at the rear of the public counter on Level 42; and
 - all Commission Members and staff were linked to a proximity card security access system.

The lease for Level 6 in Sydney was relinquished in accordance with the leasing provisions, including the 'make-good'.

Travel

The inaugural courts and tribunals travel cluster meeting was attended. The main points of discussion were based on performance and issues associated with the travel contract.

Approval, payment and remittance advice of travel allowances for all staff is now managed via the Registry's electronic management systems.

Assurance

An assessment of risk exposures was undertaken to comply with Comcover's request for a risk management plan to be implemented.

Public Liaison and Awareness

The Registry provides the following public liaison services:

- telephone inquiry line and student briefings provided by the Research, Information and Advice Teams; and
- media liaison provided by the media liaison officer.

In addition, library staff in Melbourne and Sydney and public counter staff in all Registries routinely answer inquiries from the public, particularly students. Information provided by Registry staff is of a factual nature and does not include legal opinion or legal advice.

The Registry also provides a range of public information materials both in printed form and online on the AIRC Home Page. These materials cover topics including:

- termination of employment;
- Commission/Registry procedures; and
- the history and role of the Commission.

News releases and background information on the Commission and its Members is also prepared specifically to assist media covering the work of the Commission and the Registry.

In the reporting period a video information package was produced by the Registry to assist parties in termination of employment cases. Launched in May 2001, the package comprises a 15-minute video and 12-page booklet. It gives an overview of the conciliation process in termination of employment cases and is designed to assist employees and employers unfamiliar with the workings of the Commission. The package is being distributed through representative organisations, such as law firms, unions and employer bodies, as well as regional libraries where conciliation conferences are regularly held. The video is available for viewing on-site at most Registries.

The Registry also produced a static display to coincide with the 5 June 2001 Ceremonial Sitting to mark the Centenary of Australia's Federation. The display gives a broad overview of the work of the Commission and its antecedent bodies over the past 100 years. It features a timeline showing a selection of key Court/Commission decisions and events. It is intended that the display will be shown in public areas of Registry premises in the second half of 2001.

Performance in Relation to Targets

TABLE 8 – Performance information and planned level of achievement for 2000-01

Performance information for administered items (including third party outputs)	Effectiveness – overall achievement of the outcome (measures, indicators and targets used as appropriate)
Output Group 1.1: Agreements, awards, orders and decisions	
Output 1.1.1 Agreement processing Agreement-related applications processing, including applications to suspend/terminate a bargaining period	Quality: Improve or maintain average times taken to certify agreements. Result: Average time taken was 40 days. Quantity: Number of agreements certified. Result: 7316
Output 1.1.2 Dispute notification processing including setting aside, varying or cancelling an award Maintenance of an effective award safety net Termination of employment application processing Registered organisations application processing, particularly applications for registration, amalgamation and eligibility rules	Termination of employment Quality: Maintain or improve on time elapsed from lodgment of application to finalisation of conciliation. Result: Median time taken was 53 days. Quantity: Number of termination of employment applications finalised. Result: 7809
Output 1.1.3 Appeals	Quality: Improve or maintain average time taken to determine appeals. Result: Median time taken was 125 days. Quantity: Number of appeals determined. Result: 197
Output Group 1.1	Total price: Budget – \$34.581m Actual – \$35.951m

Performance information for administered items (including third party outputs)	Effectiveness – overall achievement of the outcome (measures, indicators and targets used as appropriate)
Output Group 1.2: Registered organisations, compliance checks and investigations	
Output 1.2.1 Application processing Particularly applications for rule alterations and conduct of elections	Quality: Percentage finalised within 28 days. Result: 77% Quantity: Number of organisations – related applications finalised. Result: 354
Output 1.2.2 Notices processing	Quality: Percentage finalised within 28 days. Result: 62% Quantity: Number of organisation – related notices finalised. Result: 736
Output 1.2.3 Request processing	Quality: Percentage finalised within 28 days. Result: 94% Quantity: Number of organisations – related requests finalised. Result: 568
Output 1.2.4 Compliance follow-up action	Quality: Percentage of further contact required after the first hastener. Result: 26% Quantity: Number of hasteners issued in respect to statutory returns. Result: 198
Output Group 1.2	Total price: Budget – \$2.882m Actual – \$2.342m

Performance information for administered items (including third party outputs)	Effectiveness – overall achievement of the outcome (measures, indicators and targets used as appropriate)
Output group 1.3: Publications and information services	
Output 1.3.1 Publication of Commission documents	<p>Quality: Maintain or improve average time taken to update an award from making of a variation.</p> <p>Result: Achieved in 75% of cases.</p> <p>Quantity: Number of amendments to the consolidated loose-leaf awards.</p> <p>Result: 1953</p>
Output 1.3.2 Public liaison and awareness	<p>Quality: Percentage of clients surveyed who deem the service provided to be of satisfactory standard.</p> <p>Result: 99% indicated satisfactory standard or better.</p> <p>Quantity: Number of client contacts estimated.</p> <p>Result: 8000 (counter attendance transactions)</p>
Output 1.3.3 Accountability to Parliament	<p>Quality: Meeting of all due dates for Parliamentary questions, reports and correspondence.</p> <p>Result: Achieved.</p> <p>Quantity: Number of questions, reports and items of correspondence finalised.</p> <p>Result: Responses to 18 parliamentary questions were prepared during the reporting period.</p>
Output Group 1.3	<p>Total price: Budget – \$3.705m</p> <p>Actual – \$0.767m</p>

Analysis of Performance

For the purposes of performance reporting, Output Groups 1.2 and 1.3 principally relate to Registry functions. The Australian Industrial Relations Commission is principally responsible for Output Group 1.1.

Outcomes in respect of Output Group 1.2 (registered organisations, compliance checks and investigations) have generally been maintained although in the case of Output Group 1.2.2 the Registry's performance was not maintained in respect of the previous year's performance. This level of performance resulted from the Registry being pre-emptive with regard to Output 1.2.4 (compliance follow-up action). The Registry dramatically increased the number of hasteners issued (and at an earlier point in time than in previous years) which had the combined effect of significantly reducing the percentage of further contact required, other than the first hastener. Performance is being reviewed to ensure that a better balance between these outputs is achieved.

In respect of Output 1.2.3, the Registry has developed workflow controls for its RIAT and Service Teams to achieve more timely lodgment of these reports by registered organisations and their branches.

Outcomes in respect of Output Group 1.3 (publications and information services) were affected by the transition from paper-based publications to web publishing.

Since the beginning of the reporting period, all in-house teams in the Registry have been required to undertake a comprehensive internal and external feedback exercise. This incorporates regular client survey sampling on the basis of the full range of over-the-counter transactions and a more selective and comprehensive client satisfaction survey.

In respect of the over-the-counter feedback exercise, some 502 client satisfaction forms were returned this financial year, representing one in every 16 (estimated) client transactions for the Registry nationally. On the basis of these survey forms, 99% (rounded down) of survey forms indicated 'satisfactory' or better responses from clients.

In respect of the comprehensive (internal and external) client satisfaction surveys, in Melbourne, the site of the Principal Registry (which receives over 50% of all applications), 155 comprehensive surveys were distributed to Members of the Commission, associates, contracted conciliators, Victoria Service Team members, law firms, trade unions and employer organisations. An approximately 30% response rate was achieved on average. The feedback has proved useful in reviewing protocols and processes, and improving services.

The Registry achieved its performance target in respect of meeting all due dates for responses to Parliamentary questions (the target being the due dates expected by the Department of Employment, Workplace Relations and Small Business).

Summary – Resources for Outcomes

TABLE 9 – Financial and staffing resources summary (all programs)

+	(1) Budget 2000-01 \$'000	(2) Actual Expenses 2000-01 \$'000	Variation ((2) – (1)) \$'000	Budget 2001-02 \$'000
Administered Expenses				
<i>Judges' Pension Act 1968</i>	1 579	1 601	(22)	1 685
Other administered revenue	-	(544)	(544)	-
Total administered expenses	1 579	1 057	(655)	1 685
Price of Agency Outputs				
Output Group 1.1 Agreements, awards, orders and decisions	34 428	36 122	1 694	35 542
Output Group 1.2 Registered organisations, compliance checks and investigations	2 869	2 356	(513)	2 962
Output Group 1.3 Publications and information services	3 689	785	(2 904)	3 808
Revenue from Government (appropriations) for agency outputs	40 986	39 263	(1 723)	42 312
Revenue from other sources	182	(204)	(386)	182
Total price of outputs	41 168	39 059	(2 109)	42 494
Total for outcome (Total price of outputs and administered expenses)	42 747	40 116	(2 631)	44 179
Staff years		No. 228		No. 244

Management & Accountability

Corporate Governance

Senior Management

The Industrial Registrar, Mr Peter Richards, is the Registry agency head and is responsible for discharging all corporate governance responsibilities. He is assisted by the General Manager, Statutory Services Branch, Mr Terry Nassios.

The Industrial Registrar is also assisted by a Contracts Management Committee and an Audit Committee. There are no other senior management committees as such in the Registry.

Corporate and Operational Plans and Associated Performance Reporting and Review

The Registry has articulated its goals and identified its customers in a corporate plan document which guides team and individual planning arrangements. The corporate plan also identifies the reputation and organisational qualities the Registry is seeking.

Beyond the corporate plan level, team and individual plans (attuned to the APS Values) contain details on the specific operations and activities, and outcomes and outputs of the Registry.

In addition to the above, the Registry has a service charter, a diversity program as required by s.18 of the *Public Service Act 1999*, an Occupational Health and Safety agreement as required by s.16 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, a set of chief executive instructions issued pursuant to the *Financial Management and Accountability Act 1997* and a range of strategies (although not in single specific documents) relating to operational considerations, such as information management and technology, training and development, etc.

Performance at a corporate level is reported through prescribed annual reporting, state of the service and workplace diversity requirements, and other external reports such as the Portfolio Budget Statements.

Internally, each team and individual plan is evaluated at the end of the year (30 June). Team plan evaluations are forwarded to the Industrial Registrar for review and subsequently placed on the Registry intranet for comment by all Registry employees.

Policy and Practices on the Establishment and Maintenance of Appropriate Ethical Standards

Beyond the legislative framework (the *Public Service Act 1999*, the Public Service Regulations 1999 and the Public Service Commissioner's Directions 1999), the Registry 'ethics' framework is governed by its *Procedures for Determining Breaches of the Code of Conduct*, a new *Policy for the Use of Email and Internet Systems* issued early in 2001, a *Receipt of Gifts and Other Benefits Policy* and its team and individual planning arrangements.

In the first half of 2001 the Registry reconsidered its approach to team and individual planning arrangements, specifically with the APS Values and attending considerations (as expressed in the Public Service Commissioner's Directions) in mind. The outcome is that from 1 July 2001, team and individual plans are to contain performance indicators under five headings which generally encapsulate the application of the APS Values to the operations of the Registry. The headings (very much reflecting the wording of the Values) are:

- the APS provides a workplace that is free from discrimination and recognises and utilises the diversity of the Australian community it serves;
- the APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public;
- the APS establishes workplace relations that value communication, consultation, cooperation and input from employees on matters that affect their workplace;
- the APS provides a fair, flexible, safe and rewarding workplace; and
- the APS focuses on achieving results and managing performance.

The issues of ethical standards and personal and professional conduct, among many others, are required to be specifically addressed as performance indicators under the above headings. The performance indicators as expressed both in team and individual plans are evaluated biannually. Such evaluations also require 360 degree feedback – that is, teams and individuals are required to seek survey comments from peer groups (other teams) and client groups, including the Commission.

The Registry's 'ethics' framework is available to all employees on and through the People and Planning Team's intranet site.

Senior Executive Service (SES) Employees Remuneration

The nature and amount of remuneration for the Registry's two SES employees is determined through Australian workplace agreements.

External Scrutiny

Judicial Decisions and Administrative Review

There were no judicial or administrative decisions or findings which impacted on Registry operations.

Auditor-General's Reports

Auditor-General Audit Reports having an implication for the Registry, as well as many other APS agencies, were:

- Audit Report No. 13 which dealt with 'Certified Agreements in the Australian Public Service';
- Audit Report No. 14 which dealt with 'Benchmarking of the Internal Audit Function';
- Audit Report No. 19 which dealt with 'Management of Public Sector Travel Arrangements – Follow-up Audit';
- Audit Report No. 23 which dealt with 'Audits of Financial Statements of Commonwealth entities for the Period ended 30 June 2000';
- Audit Report No. 38 which dealt with 'The Use of Confidentiality Provisions in Commonwealth Contracts';
- Audit Report No. 52 which dealt with 'Payment of Accounts';
- Audit Report No. 53 which dealt with 'Commonwealth Management of Leased Office Property'; and
- Audit Report No. 54 which dealt with 'Engagement of Consultants'.

Recommendations made in particular in audit report numbers 13 and 19 have been noted and briefly discussed. Further actions are pending and the renegotiation of the Registry's certified agreement in the second half of 2001 will provide an opportunity for more detailed consideration of the contents of the two audit reports.

During 2000-01 the Australian National Audit Office (ANAO) undertook an Assurance and Control Assessment Audit on payroll management at the Registry and five other Commonwealth organisations. The overall findings from the audit will be presented to the Parliament in a separate audit report later in 2001.

The ANAO advised that the Registry had an adequate control environment in place, given the small size of its operations. The majority of recommendations related to ways in which the Registry could continue to ensure that it approaches better practice. The Registry agreed to consider implementation of the recommendations.

Management of Human Resources

Registry Premises

The Registry has a Principal Registry located in Melbourne and a Registry in each other capital city. In Brisbane, Adelaide and Perth, Registry services have been outsourced to the State Government Industrial Registry under federal/State workplace relations harmonisation arrangements. However, associates (personal staff of Commission Members) in these locations continue to be employed by the Registry, therefore those employees identified as being located in Queensland, South Australia or Western Australia are associates.

Deployment of Staff

There were 188 paid Registry employees at 30 June 2001, geographically deployed as follows:

TABLE 10 – Geographic deployment of staff

Location	No. of staff*	
	30 June 2000	30 June 2001
Victoria	124	122
New South Wales	50	50
Australian Capital Territory	4	4
Tasmania	4	3
Northern Territory	4	3
Queensland	3	3
South Australia	-	2
Western Australia	2	1
Total	191	188

* Excludes Industrial Registrar (a statutory appointment under s.67 of the *Workplace Relations Act 1996*) and persons on extended leave (e.g. maternity leave etc.).

Figures include part-time employees expressed as whole numbers.

In addition to the paid employees above (which include both ongoing and non-ongoing employees) there were:

- four ongoing employees on leave without pay for varying reasons, primarily associated with family responsibilities e.g. parental leave; and
- two ongoing employees temporarily with other APS agencies.

TABLE 11 – Paid Registry employees by functional area as at 30 June 2001

Industrial Registrar	1*
Statutory Services	
Executive Team	4
Research, Information and Advice Teams (Melbourne)	16
Information Management and Technology Team	33
Victoria Registry Team	52
New South Wales Registry Team	49
Australian Capital Territory Registry Team	4
Tasmania Registry Team	3
Northern Territory Registry Team	3
Queensland Registry Team	3
South Australia Registry Team	2
Western Australia Registry Team	1
Corporate Support	
People and Planning Team	6
Resource Management Team	11
SES Specialist, NSW	1
Total	189*

* Includes Industrial Registrar (a statutory appointment under s.67 of the *Workplace Relations Act 1996*).
Figures include three part-time employees (expressed as whole numbers).

Workforce Planning

The 2000-01 year for the Registry generally represented a stabilising period in terms of recruitment and workforce planning, following on from the comprehensive team-based structure reorganisation in the previous year. Recruitment to the Registry during the year targeted the acquisition of specific skills sets

(predominately information technology skills) or associate recruitment, particularly for the five new Members appointed to the Commission.

Separations

During the 2000-01 financial year a total of 25 employees left the Registry – 19 ongoing employees and six non-ongoing employees. A further 11 non-ongoing employees were employed during the year but ceased at the end of their specified-term employment period. The total number of APS employees at 30 June 2001 was 188, a decrease of three or 1.6% on the number of employees as at 30 June 2000. Based upon the staffing level at 30 June 2001, the 25 employees leaving during the year represented a turnover rate of 13.3%.

Resignation – 13 (52%) and voluntary redundancy – seven (28%) were the primary reasons for the 25 employee departures. Another four (16%) were promoted or moved to another APS Agency.

Ongoing Part-Time Work

The number of employees undertaking part-time work reduced from five ongoing employees at 30 June 2000 to three ongoing employees (two females and one male) at 30 June 2001.

TABLE 12 – Paid Registry employees – Gender and employment status by nominal classification levels

Classification	Salary range (as applicable from the Registry Agreement) \$	Ongoing		Non-ongoing		Ongoing part-time		Total staff
		Men	Women	Men	Women	Men	Women	
SES Band 1		2	-	-	-	-	-	2
Executive Level 2	69 609 - 81 557	2	2	-	-	-	-	4
Executive Level 1	60 355 - 65 171	10	2	-	-	-	-	12
APS Level 6	48 250 - 54 080	19	41	3	1	1	1	66
APS Level 5	43 590 - 46 221	7	11	3	7	-	-	28
APS Level 4	40 323 - 42 433	12	14	-	-	-	1	27
APS Level 3	35 976 - 37 845	9	10	1	1	-	-	21
APS Level 2	32 464 - 34 138	7	13	-	1	-	-	21
APS Level 1	27 202 - 30 065	1	6	-	-	-	-	7
Total		69	99	7	10	1	2	188*
Percentage (%)		36.7	52.7	3.7	5.3	0.5	1.1	100

* Excludes Industrial Registrar (statutory appointment under s.67 of the *Workplace Relations Act 1996*).
All employees are engaged under the *Public Service Act 1999*.

TABLE 13 – Paid Registry employees – Location and gender by nominal classification levels

Classification	Men Vic	Women Vic	Men NSW	Women NSW	Men ACT	Women ACT	Men TAS	Women TAS	Men NT	Women NT	Men SA	Women SA	Men QLD	Women QLD	Men WA	Women WA	Total Men	Total Women	Total Staff
SES Band 1	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-	2
Executive Level 2	2	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	2	2	4
Executive Level 1	9	1	-	-	-	1	-	-	1	-	-	-	-	-	-	-	10	2	12
APS Level 6	17	22	4	15	-	1	1	1	-	1	-	-	1	2	-	1	23	43	66
APS Level 5	4	11	4	6	1	-	-	-	-	-	1	1	-	-	-	-	10	18	28
APS Level 4	10	11	2	3	-	-	-	-	-	1	-	-	-	-	-	-	12	15	27
APS Level 3	5	7	5	2	-	1	-	1	-	-	-	-	-	-	-	-	10	11	21
APS Level 2	5	9	2	5	-	-	-	-	-	-	-	-	-	-	-	-	7	14	21
APS Level 1	1	6	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	6	7
Total	54	68	18	32	1	3	1	2	1	2	1	1	1	2	-	1	77	111	188*

*Excludes Industrial Registrar (statutory appointment under the Workplace Relations Act 1996).
All employees are engaged under the Public Service Act 1999.

Impact and Features of Certified Agreements and Australian Workplace Agreements

The Registry Agreement

The *Australian Industrial Registry (New Directions) Agreement 2000* (the Registry Agreement), as certified in February 2000, continued to operate during the course of the 2000-01 year. Negotiations on a replacement agreement are to commence at least by 30 September 2001. The Registry Agreement (a comprehensive agreement which displaces the APS Award) covers all employees below the SES level who are not on Australian workplace agreements (AWAs), although some AWAs call-up the Registry Agreement in respect of certain conditions of service.

There were no major developments regarding the Registry Agreement, rather it was a year for continued implementation and bedding-down of an agreement which provides for:

- a performance and team-based approach to the work of the Registry with an emphasis on results;
- very substantial work flexibilities within a dual broadbanded classification structure;
- a suite of family-friendly and flexible working initiatives; and
- streamlined processes and transactions which maximise investments and opportunities, consistent with the APS Values, and with effective risk management principles.

The approach articulated in the Registry Agreement has been aimed at supporting the significant investments being made in Registry technology so as to provide for improvements in client service and to reform internal transactions and web and other communications networks.

Clause 8.6 of the Registry Agreement provides for a dual broadbanded classification structure – APS Levels 1-6 and Executive Levels 1-2. Within the two broadbands there are pay point (simply requires a satisfactory performance assessment against the individual plan for the year just ended and a new individual plan) and work level test (a written submission to a Review Committee which requires the aforementioned assessment, a new individual plan addressing the proposed higher level of functionality and, a demonstration of both the availability of work at the higher level on an ongoing basis and the individual's ability to perform at the higher level) progressions. There are a total of five work level tests within the two broadbands.

Between the two broadbands, that is between the APS Level 6 and the Executive Level 1, there is a 'hard' barrier where formal gazettal actions and therefore competitive selection exercises continue.

The effective implementation of a performance progression system based on individual appraisal has been a major challenge for the Registry, in particular as regards the need for employees to demonstrate higher level functionality on a sustained basis (consistent with long established APS classification principles, employees are required to demonstrate that they will spend at least 30% of their working time on their highest level functions and do so on a sustained basis). The new performance framework also requires employees to commit to work across a wider skills portfolio both across and within teams.

Active management of multi-skilled teams is the order of the day, and team managers have been given considerable flexibilities and responsibilities to manage workloads and outcomes consistent with the Registry Agreement and the team and individual planning arrangements. For example:

- attendance is to be managed by teams within the flextime arrangements and with a focus on performance/outcomes rather than a culture based on the 'clocking-up' of hours; and
- performance indicators are required both in respect to working within and across teams, and there is a further requirement to inform other teams which might be impacted by operational events occurring within a team.

Non-salary benefits in the Registry Agreement include:

- increased flexibility regarding working hours in particular to accommodate personal circumstances, address fluctuations in workloads and to reduce transactional costs e.g. leave absences of less than one day;
- access to home-based work;
- child and dependant care facilities in Melbourne and Sydney;
- greater flexibility with annual and personal/carers leave including paid ante-natal medical checks without loss to personal leave credits or flextime; and
- learning organisation (studies assistance) provisions.

Team and individual plans are also able to provide for a range of non-salary benefits/rewards consistent with a team-based approach to operational performance, local considerations and the APS Values.

Australian Workplace Agreements

AWAs are available to Registry staff (unconditionally, subject only to the requirements of the Act) whose personal circumstances, dispositions or patterns of work are better accommodated within the framework of an individual agreement. As regards AWAs, there was a move towards comprehensive agreements that operate completely separately from the certified agreement. Continuing foci for AWAs were:

- the driving of best practice through effective use of new technology and systems (including teams);
- the streamlining of processes and transactions, for example, as related to conditions of service, allowances, etc; and
- individualised leave and other personal/family arrangements.

Performance Pay

Performance or bonus pay is not a feature of the Registry remuneration and performance arrangements. Pay point progression through the Registry's dual broadbanded classification structure, however, is contingent on satisfactory completion of an individual team member plan and the development of an annual successor plan (see Registry Agreement above).

Training and Development Strategies

Focus

The Registry's key training and development focus is on skills and competency development for the delivery of core business, and development of employability for employees through sustained training and education.

The strategies for staff development and training are integrated into the Registry's team and classification structures, the team and individual performance planning arrangements and the 'learning organisation' provisions embedded in the Registry Agreement.

The team-based arrangements and the broadbanded classification structure have provided improved opportunities for employees to work flexibly across a wider family of skills, to develop competencies and seek increased mobility.

The team and individual planning processes have been an essential strategy through which teams can, both collectively and individually, identify particular career, training/further education and mobility issues applicable to the operations of the team (and the broader Registry) and the individual employees.

Learning on-the-job is the primary focus for development, but there are focused training interventions where required. Access to external training is provided only where there is a demonstrable business and personal need, but there is positive encouragement for employees to undertake longer term education and gaining of qualifications – financial assistance and paid leave is provided for formal learning in the new skills and training development package. Fourteen staff (8%) accessed the 'studies assistance' provisions of the Registry Agreement, mainly in the legal, business/management and information technology areas.

Outcomes

The major training interventions for 2000-01 related to the continued introduction of new technologies or systems to improve productivity and client service, or to meet government initiatives:

- staff were provided with training associated with the implementation of the new Windows-based Case Management System:
 - CMS is being introduced in stages and training has been targeted;
 - key employees were trained prior to the initial online launch and other Statutory Services Branch employees, particularly associates, have been receiving staged and ongoing training to use CMS;
 - CMS was made the focus of the 2001 annual Associate Forum – all associates were able to attend a day's training in Sydney in the use of CMS and forthcoming developments with the system;
 - the staged introduction and training with case management has been a successful change management approach, and has allowed for improvements and problem resolution with the system, whilst allowing users to become gradually used to the system in a step-by-step manner;
- prior to the introduction of CMS, and to assist its introduction, Registry and Commission information technology systems were upgraded by a complete replacement of hardware and translation to the Windows 2000 operating system:
 - all Commission Members and employees were provided with training to use the new equipment, operating system and the upgraded Microsoft Office 2000 suite;
 - a series of short, focussed, modular training sessions for staff addressing the Microsoft Office 2000 suite of applications has commenced in order to build skills and increase efficiency – initial delivery has been in Melbourne with delivery to be extended to all offices over 2001-02;

- Commission Members, their staff, and selected other Registry staff were provided with training in the use of the Unified Messenger equipment/system allowing them access to integrated voice and electronic mail;
- a number of Commission Members were provided with 'Dragonware' voice recognition software and training, allowing them to quickly produce written draft documents without being limited by keyboard typing skills;
- a range of staff across the Registry have continued to enhance their skills in developing web pages as they continue to assist in the ongoing development of a Registry and Commission intranet, providing increased breadth of knowledge relating to such technology and facilitating the dissemination of information to the Commission and staff, with a reduced paper flow and productivity savings;
- Registry employees and contractors (in Brisbane, Adelaide and Perth) were provided with training in the use of the new videoconferencing facilities in Melbourne, Sydney, Adelaide, Brisbane, Canberra, Darwin and Perth – as well as providing increased flexibility and responsiveness for the Commission in hearing matters. The new equipment will also provide a means for delivering training to employees and contractors outside of Melbourne and Sydney.

Apart from technology, the major training focus in 2000-01 has been in ensuring the availability of quality personal assistance to the Commission. This has been in the form of training in associate duties both to new associates, including those employed for the five new Commission Members who commenced in 2001, and also to other employees and contractors to ensure that adequate relief is available for associate absences, and support. A new modular training program covering associate duties was developed, and three programs conducted in Melbourne and Sydney to train employees to provide relief. Whilst the Registry has built up the quantum of resources available for associate relief purposes, it still needs to deepen the knowledge of relief staff about associate duties: this can only come with experience and time. The training has been successful in creating a larger pool of staff able to undertake associate duties and maintain services to the Commission. In addition, training in aspects of duties related to the federal jurisdiction has been provided to associates of Members of the Industrial Relations Commission of South Australia holding a dual appointment to the Commission and undertaking matters in the federal jurisdiction. Training in associate duties was also provided to two staff of the Queensland Industrial Registry.

Graduate Program

The first participants (one in each of Melbourne and Sydney) in a new, annual 'Graduate Program' which encourages closer cooperation between the legal education and training fraternity and the Commission/Registry, commenced in October 2000. The program provides for the contracting of law graduates with an interest in labour law and related fields for a non-ongoing specified term of up to twelve months. The graduates are exposed to all facets of the Commission/Registry – from the processing of applications to the provision of associate services for Commission Members. The Graduate Program will be expanded in the next financial year.

Occupational Health & Safety (OHS) Performance

The Registry, consistent with s.16 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the OHS Act), has an OHS policy and agreement with the CPSU (the Community and Public Sector Union).

The OHS policy/agreement aims to:

- effect compliance with the OHS Act and other relevant legislation as a minimum standard;
- provide for effective cooperation between the Registry and its employees in promoting and developing measures to ensure their health, safety and welfare at work; and
- provide adequate mechanisms for reviewing the effectiveness of OHS measures taken.

Further, the OHS policy/agreement contains, among other matters, provisions relating to:

- management and employee responsibilities;
- designated work groups;
- health and safety representatives (HSRs); and
- OHS Committees in the Registry.

Registry OHS activity is driven by two primary internal sources:

- team and individual plans – which are to contain performance indicators in relation to health and safety, particularly as espoused by the APS Value – ‘The APS provides a fair, flexible, safe and rewarding workplace’; and
- quarterly OHS surveys required to be submitted by teams – these surveys generate responses to specific, immediate issues as well as problematic, longer term issues such as airconditioning (certainly in relation to this, the issue of legionnaires disease was again reconsidered during the year).

The major external driver of OHS considerations is Comcare Advice and other articles/journals drawing attention to office-based OHS issues.

The OHS folder on the People and Planning Team’s intranet site contains an ever increasing range of OHS material of particular relevance to the Registry as an office-based workplace – the OHS Survey compilations, *Officewise* workstation set-up, eye exercises, the Employee Assistance Program, accident reporting system, etc.

In 2000-01 the more significant OHS considerations included:

- further reviews on security arrangements for both Commission Members and Registry employees – among other matters, the installation of a proximity card system in Melbourne thereby limiting public access to the non-public areas, and upgrades to counter arrangements in Melbourne, Sydney and Hobart;
- the roll-out of new personal computers for all employees, in particular the provision of 19 inch monitors to address eye strain concerns;
- associated with the roll-out, the addressing of cabling issues to remove trip and other hazards;
- quarterly OHS surveys undertaken by all Registry teams;
- the continuation of the influenza vaccination program for Registry employees and Commission Members;

- the complete refurbishment of kitchens in Melbourne – both to modernise and remove identified risks with slippery floors and hot water units;
- first aid arrangements, in particular the restocking of kits, emergency signage and first aid officer network meetings;
- continuation of an 'Executive Health Assessment Program' for Commission Members; and
- training of IMTT staff in the area of 'Working Under Pressure'.

In 2000-01 there were no incidences of:

- dangerous occurrences, for which the Registry was required to provide a notice to Comcare pursuant to s.68 of the OHS Act;
- investigations undertaken, tests conducted, directions given to the Registry under s.45 nor notices given to the employer under ss.30, 46 and 47 of the OHS Act; or
- 'provisional improvement notices' issued by a HSR under s.29 of the OHS Act.

Purchasing

The Registry is aware of the Commonwealth procurement guidelines which form the basis of the Registry's Procurement Chief Executive Instruction. The Registry applies the following criteria to all procurement activities:

- value for money;
- open and fair competition;
- ethics and fair dealings;
- accountability and transparent reporting.

It is a requirement that all major procurements are subject to a tender and evaluation process. Outcomes are either ratified by an authorised delegate or the Contracts Committee. Details are recorded in the Registry's financial management information system and the contracts register.

Whenever possible, the goods and services required by the Registry are acquired competitively from the market (either by competitive quotations or formal tenders).

Assets Management

The Registry's main asset types are computer equipment, the bulk of which is leased, and building leasehold improvements (details of which can be found in the financial statements). Assets management is not considered to be a significant aspect of core business, therefore an assessment of the effectiveness of assets management is not reported.

Consultants and Competitive Tendering and Contracting

Consultants

The Registry's policy on the selection and engagement of consultants is to receive value for money on the basis of competitive quotations.

When it is recognised that a requirement cannot be met utilising the internal resources of the Registry, the decision is made to engage the services of a contractor. The task to be undertaken is thoroughly defined, the specifications documented, and a tender let. In other circumstances, where possible, three companies are drawn from a register of consultants based on specialist advice, and are invited to quote.

The Registry had not entered into any consultancy contracts with a value of \$10,000 or greater in 2000-01.

Competitive Tendering and Contracting

The Registry has a Contracts Management Committee to oversee and review all contracts. The committee also approves the contracts and reviews tendering and competitive quotation stages to ensure consistency with tendering and contracting guidelines.

The Registry entered into the following contracts in 2000-01:

TABLE 14 – Contracts entered into during 2000-01

Name	Description/Purpose	Value of Contract ^a (\$'000)	Expenditure in 2000-01 ^a (\$'000)
Praxa Limited	PC roll-out project management and implementation	210	210
Interface	PC roll-out personnel computers and laptops	1 497	381 ^b
Interface	PC roll-out Microsoft Office 2000	118	117
Dell	PC roll-out servers	223	31 ^b
Praxa	CD Rom towers	23	2 ^b
Airmaster	Computer room airconditioning unit	44	8 ^c
ASI	Wireless LAN pilot	12	5
Telstra	Unified Messenger system	13	14
Integrated Vision	Videoconferencing network	236	28 ^b
Tecprint	Annual report printing	14	17
Snap.com	Printing and photocopying services	49	42
Chubb	Security patrols Sydney	30	10
Security Design	Security system for Melbourne office	59	65
En-Vogue	Make-good of Level 6 Sydney internal stairwell	29	29
Practec	Make-good of Level 6 Sydney	207	207
Various	Unfair dismissal conciliators	782	782
Asia Pacific	Case management system	61	61
Drake	Switchboard operators – Melbourne	14	14
Select Appointments	Switchboard operators – Sydney and Melbourne	82	82
IPA	Award simplification contractors (formatting/editing)	229	229
Drake	Overload clerical staff	147	147
Total		4 079	2 481

^a GST exclusive. ^b Equipment leased for 3 years. ^c Equipment leased for 5 years.

Commonwealth Disability Strategy

Access and Equity – Charter for Public Service in a Culturally Diverse Society

The performance management framework for the above social justice and equity strategies identify five key roles for federal agencies – policy advisor, regulator, purchaser, provider and employer.

The major roles of the Registry are as a provider of services to clients of the Commission and the Registry, and as an employer. There are some limited regulator and purchaser roles.

In terms of its role as a service provider the Registry, together with the Commission, continues to review and improve internal and technical systems, procedures and services to suit the needs and preferences of its clients. During 2000-01 the Commission's web site has been redesigned to make it more accessible for those using assistive technology to access the Internet – text only options have been included where possible, and the site complies with Australian Government Locator Service (AGLS) metadata standards and BOBBY 'priority one' requirements. Additional information has been added to the web site, including decisions, awards, orders and transcripts of the Commission, as well as access to forms and the rules of registered organisations.

During 2000-01 the Commission produced a video to assist applicants to understand the conciliation process used by the Commission in dealing with termination of employment applications. The video has been shown to clients and extensively distributed. Information regarding the video and the supporting booklet have also been made available on the AIRC Home Page. Further initiatives are being examined for making information available in simple language in a variety of formats.

The Commission and Registry also upgraded and extended the availability of videoconferencing facilities for the Commission to all seven of the mainland capitals, providing faster and alternate access to the Commission where distance is a factor.

Professional interpreter services continue to be provided, where required, for people appearing before the Commission. Informal assistance is also available from multi-lingual Registry employees. Details of employees able to assist with informal interpreting with clients are maintained in a voluntary register of language and cultural skills.

Large volumes of telephone inquiries are received by the Registry, and use is made of the telephone interpreter service where there is difficulty communicating with a client.

Mechanisms have been put in place, particularly through the service charter and team plans, to canvass and address client comments, feedback and complaints.

A survey of employees (addressing PSMPC requirements for the 'State of the Service' Report) has indicated employees have a good understanding of the APS Values and believe that they and their colleagues uphold them, including the value of sensitivity to the diversity of the Australian public.

As an employer the Registry continues to seek, through its workplace diversity plan, that no discrimination occurs in the employment of people with disabilities or cultural and linguistic diversity. Selection and recruitment guides refer to equity and diversity principles. Team and individual plans put a focus on the APS Values including respect for individual diversity and meeting individual development needs. When surveyed employees believed that the Registry was reasonably good at recognising the diversity of skills, experiences and backgrounds of employees, and selecting employees on the basis of merit.

There were no formal harassment complaints during 2000-01, neither were there any informal issues raised by employees in respect of disability, language, or cultural diversity harassment and/or concerns.

Financial Statements

In accordance with the provisions of s.57 of the *Financial Management and Accountability Act 1997*, the Registry is required to publish a copy of the audited financial statements, which are prepared in accordance with the prescribed Finance Minister's Orders, and the Auditor-General's report thereon.

The 2000-01 financial statements and accompanying documentation have been published as Appendix 3 of this report. A summary table of resources showing the reconciliation of outcomes and appropriation elements for 2000-01 can be found at Appendix 4 of this report.

Discretionary Grants

The Registry does not administer any discretionary grants programs, and no discretionary grants were made during the reporting period.

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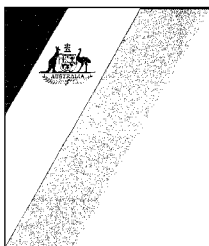
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INDEPENDENT AUDIT REPORT

To the Minister for Employment, Workplace Relations and Small Business

Scope

I have audited the financial statements of Australian Industrial Registry for the year ended 30 June 2001. The financial statements comprise:

- statement by the Chief Executive;
- statements of Financial Performance, Financial Position and Cash Flows;
- schedules of Commitments and Contingencies;
- schedules of administered Revenues and Expenses, Assets and Liabilities, Cash Flows, Commitments and Contingencies; and
- notes to and forming part of the Financial Statements.

The department's Chief Executive is responsible for the preparation and presentation of the financial statements and the information they contain. I have conducted an independent audit of the financial statements in order to express an opinion on them to you.

The audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards, to provide reasonable assurance as to whether the financial statements are free of material misstatement. Audit procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards, other mandatory professional reporting requirements and statutory requirements in Australia so as to present a view of the department which is consistent with my understanding of its financial position, its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

GPO Box 707 CANBERRA ACT 2601
Centenary House 19 National Circuit
BARTON ACT
Phone (02) 6203 7300 Fax (02) 6203 7777

Audit Opinion

In my opinion:

- (i) the financial statements have been prepared in accordance with Schedule 1 of the Financial Management and Accountability (Financial Statements 2000-2001) Orders; and
- (ii) the financial statements give a true and fair view, in accordance with applicable Accounting Standards, other mandatory professional reporting requirements and Schedule 1 of the Financial Management and Accountability (Financial Statements 2000-2001) Orders, of:
 - the financial position of the Australian Industrial Registry as at 30 June 2001 and the results of its operations and its cash flows for the year then ended; and
 - the Commonwealth assets and liabilities as at 30 June 2001 and the revenue, expenses and cash flows of the Commonwealth for the year then ended, which have been administered by the department.

Australian National Audit Office

K. I. Smith

Keith I. Smith
Senior Director

Delegate of the Auditor-General

Canberra
19 September 2001

Statement by the Chief Executive

Certification

In my opinion, the attached financial statements of the Australian Industrial Registry for the year ended 30 June 2001 give a true and fair view of the matters required by Schedule 1 to the Finance Minister's Orders made under section 63 of the *Financial Management and Accountability Act 1997*.

A handwritten signature in black ink, appearing to read 'PJR', followed by a long horizontal flourish.

Signed

Dated: 17 September 2001

Peter J. Richards
Chief Executive

Australian Industrial Registry
STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
Revenues from ordinary activities			
Revenues from government	4a	41,007	39,709
Other	4b	204	173
Total revenues from ordinary activities		41,211	39,882
Expenses from ordinary activities			
Employees	5a	19,745	23,306
Suppliers	5b	18,603	17,914
Depreciation and amortisation	5c	842	826
Write-down of assets	5d	64	104
Disposals of assets	5e	9	-
Total expenses from ordinary activities		39,263	42,150
Net operating surplus (deficit) from ordinary activities		1,948	(2,268)
Net surplus (deficit)	10	1,948	(2,268)
Equity Interests			
Net surplus (deficit) attributable to the Commonwealth		1,948	(2,268)
Total changes in equity other than those resulting from transactions with owners as owners		1,948	(2,268)

The above statement should be read in conjunction with the accompanying notes.

Australian Industrial Registry
STATEMENT OF FINANCIAL POSITION
as at 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
ASSETS			
Financial Assets			
Cash	6a	3,230	1,963
Receivables	6b	268	31
Total financial assets		3,498	1,994
Non-financial assets			
Land and buildings (leasehold improvements)	7a,d	2,309	2,595
Infrastructure, plant and equipment	7b,d	345	511
Intangibles	7c,d	760	290
Other	7e	763	520
Total non-financial assets		4,177	3,916
Total assets		7,675	5,910
LIABILITIES			
Provisions			
Employees	8	7,663	7,889
Payables			
Suppliers	9	733	690
Total liabilities		8,396	8,579
EQUITY			
Capital		1,860	1,860
Reserves		269	269
Accumulated surpluses (deficits)		(2,850)	(4,798)
Total equity	10	(721)	(2,669)
Current liabilities		6,836	5,682
Non-current liabilities		1,560	2,897
Current assets		4,260	2,514
Non-current assets		3,415	3,396

The above statement should be read in conjunction with the accompanying notes.

Australian Industrial Registry
STATEMENT OF CASH FLOWS
for the year ended 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations for outputs		40,986	41,546
Section 31 receipts		204	173
Total cash received		41,190	41,719
Cash used			
Employees		20,007	21,357
Suppliers		18,646	17,766
Total cash used		38,653	39,123
Net cash from (used by) operating activities	11	2,537	2,596
INVESTING ACTIVITIES			
Cash received			
Proceeds from sale of property, plant and equipment		-	-
Total cash received		-	-
Cash used			
Purchase of property, plant and equipment		1,270	736
Total cash used		1,270	736
Net cash from (used by) investing activities		(1,270)	(736)
Net increase (decrease) in cash held		1,267	1,860
Cash at the beginning of the reporting period		1,963	103
Cash at the end of the reporting period	6a	3,230	1,963

The above statement should be read in conjunction with the accompanying notes.

Australian Industrial Registry
SCHEDULE OF COMMITMENTS
as at 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
BY TYPE			
OTHER COMMITMENTS			
Operating leases – leaseholds		24,588	31,111
Operating leases – property, plant and equipment		1,449	229
Other		2,903	4,350
Total other commitments		28,940	35,690
COMMITMENTS RECEIVABLE			
		(1,940)	(917)
Net commitments		27,000	34,773
BY MATURITY			
One year or less		9,313	9,879
From one to five years		17,312	24,230
Over five years		375	664
Net commitments		27,000	34,773

NB: All commitments are GST inclusive where relevant.

The above schedule should be read in conjunction with the accompanying notes.

Australian Industrial Registry
SCHEDULE OF CONTINGENCIES
as at 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
CONTINGENT LOSSES		-	-
CONTINGENT GAINS		-	-
Net contingencies		-	-

There were no unrecognised or contingent liabilities requiring disclosure.

The above schedule should be read in conjunction with the accompanying notes.

Australian Industrial Registry
SCHEDULE OF ADMINISTERED REVENUES AND EXPENSES
for the year ended 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
Revenues from ordinary activities			
Taxation			
Other taxes, fees and fines	18a	182	194
Total taxation		182	194
Non-taxation			
Revenue from government	18b	1,777	1,594
Sales of goods and services	18c	178	311
Other sources of non-taxation revenue	18d	8	-
Total non-taxation		1,963	1,905
Total revenues from ordinary activities		2,145	2,099
Expenses from ordinary activities			
Personal benefits	19a	1,601	1,450
Total expenses from ordinary activities		1,601	1,450
Cash transferred to Official Public Account		(543)	(572)
Net increase (decrease) in administered net assets		1	77

The above schedule should be read in conjunction with the accompanying notes.

Australian Industrial Registry
SCHEDULE OF ADMINISTERED ASSETS AND LIABILITIES
for the year ended 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
ASSETS			
Financial assets			
Cash	20a	7	6
Receivables	20b	36,600	34,500
Total financial assets		36,607	34,506
Total assets		36,607	34,506
LIABILITIES			
Provisions and payables			
Personal benefits	21a	36,600	34,500
Other	21b	56	56
Total provisions and payables		36,656	34,556
Total liabilities		36,656	34,556
EQUITY			
Accumulated results		(49)	(50)
Total equity	22	(49)	(50)
Current liabilities		1,741	1,635
Non-current liabilities		34,915	32,921
Current assets		1,692	1,585
Non-current assets		34,915	32,921

The above schedule should be read in conjunction with the accompanying notes.

Australian Industrial Registry
SCHEDULE OF ADMINISTERED CASH FLOWS
for the year ended 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
OPERATING ACTIVITIES			
Cash received			
Sales of goods and services		182	193
Other taxes, fees & fines		182	236
Other receipts		4	-
Cash from Official Commonwealth Public Account		1,777	1,594
Total cash received		2,145	2,023
Cash used			
Personal benefits		1,601	1,450
Cash to Official Commonwealth Public Account		543	572
Total cash used		2,144	2,022
Net cash from (used by) operating activities	23	1	1
Net increase (decrease) in cash held			
Cash at the beginning of the reporting period		6	5
Cash at the end of the reporting period	20a	7	6

The above schedule should be read in conjunction with the accompanying notes.

Australian Industrial Registry
SCHEDULE OF ADMINISTERED COMMITMENTS
as at 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
BY TYPE			
OTHER COMMITMENTS			
Operating leases – leaseholds		-	-
Operating leases – property, plant and equipment		-	-
Other			
Total other commitments		-	-
COMMITMENTS RECEIVABLE		-	-
Net commitments		-	-
BY MATURITY			
One year or less		-	-
From one to five years		-	-
Over five years		-	-
Net commitments		-	-

There are no administered commitments.

The above schedule should be read in conjunction with the accompanying notes.

Australian Industrial Registry
SCHEDULE OF ADMINISTERED CONTINGENCIES
as at 30 June 2001

	Notes	2000-01 \$'000	1999-00 \$'000
CONTINGENT LOSSES		-	-
CONTINGENT GAINS		-	-
Net contingencies		-	-

There were no unrecognised or contingent liabilities requiring disclosure.

The above schedule should be read in conjunction with the accompanying notes.

Australian Industrial Registry
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
for the year ended 30 June 2001

1. Registry Objectives
2. Summary of Significant Accounting Policies
3. Events Occurring after Balance Date
4. Operating Revenues
5. Operating Expenses
6. Financial Assets
7. Non-financial Assets
8. Provisions
9. Payables
10. Equity
11. Cash Flow Reconciliation
12. Remote Contingencies
13. Executive Remuneration
14. Remuneration of Auditors
15. Average Staffing Levels
16. Act of Grace Payments, Waivers and Defective Administration Scheme
17. Financial Instruments
18. Administered Revenue
19. Administered Expenses
20. Administered Assets
21. Administered Liabilities
22. Administered Equity
23. Administered Cash Flow Reconciliation
24. Administered Remote Contingencies
25. Administered Financial Instruments
26. Appropriations
27. Trust Moneys
28. Reporting of Outcome

Note 1: Registry Objectives

A summary of the objectives of the Australian Industrial Registry is included in the 'Corporate Overview' section of the annual report.

Note 2: Summary of Significant Accounting Policies

2.1 Basis of Accounting

The financial statements are required by section 49 of the *Financial Management and Accountability Act 1997* and are a general purpose financial report.

The statements have been prepared in accordance with:

- Schedule 1 to Orders made by the Finance Minister for the preparation of Financial statements in relation to financial years ending on or after 30 June 2001;
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Boards;
- other authoritative pronouncements of the Boards; and
- Consensus Views of the Urgent Issues Group.

The statements have been prepared having regard to:

- Statements of Accounting Concepts; and
- the explanatory Notes to Schedule 1 issued by the Department of Finance and Administration.

The Agency Statements of Financial Performance and Financial Position have been prepared on an accrual basis and are in accordance with historical cost convention, except for certain assets which, as noted, are at valuation. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Agency Statement of Financial Position when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an Accounting Standard. Liabilities and assets which are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies (other than remote contingencies, which are reported at **Notes 12 and 24**).

Revenues and expenses are recognised in the Agency Statement of Financial Performance when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

The continued existence of the Registry in its present form is dependent on Government policy and on continuing appropriations by Parliament for the Registry's administration.

The Schedules of Administered Revenues and Expenses, Assets and Liabilities, and Cash Flows are prepared on the same basis and using the same policies as for Agency items, except where otherwise stated at **Note 2.16**.

Administered items are distinguished from Agency items in the financial statements by shading.

2.2 Changes in Accounting Policy

Changes in accounting policy have been identified in this note under their appropriate headings.

2.3 Revenue

The revenues described in this Note are revenues relating to the core operating activities of the Registry.

(a) Revenues from Government – Agency Appropriations

Appropriations for agency outputs are recognised as revenue to the extent that the Finance Minister is prepared to release appropriations for use (that is, the full amount of the appropriation passed by Parliament less any savings offered up at Additional estimates and not subsequently released).

(b) Resources Received Free of Charge

Services received free of charge are recognised as revenue when and only when a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

Contributions of assets at no cost of acquisition or for nominal consideration are recognised at their fair value when the asset qualifies for recognition, unless received from another government agency as a consequence of a restructuring of administrative arrangements (Refer to **Note 2.4**).

(c) Other Revenue

Revenue from the sale of goods is recognised upon the delivery of goods to customers.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

Revenue from disposal of non-current assets is recognised when control of the asset has passed to the buyer.

Agency revenue from the rendering of a service is recognised by reference to the stage of completion of contracts or other agreements to provide services to Commonwealth bodies. The stage of completion is determined according to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

2.4 Transactions by the Government as Owner

Appropriations designated as 'Capital – equity injections' are recognised directly in equity to the extent that they are drawn down as at the reporting date.

Net assets received under a restructuring of administrative arrangements are designated by the Finance Minister as contributions by owners and adjusted directly against equity. Net assets relinquished are designated as distributions to owners. Net assets transferred are initially recognised at the amounts at which they were recognised by the transferring agency immediately prior to transfer.

2.5 Employee Entitlements

(a) Leave

The liability for employee entitlements includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of the Registry is estimated to be less than the annual entitlement for sick leave.

The liability for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 2001 and is recognised at the nominal amount.

The long service leave provision is based on the Registry's estimated liability at balance date of the long service leave entitlements of its employees, which have been calculated in accordance with Department of Finance and Administration guidelines. Employees (bar Presidential Members) accrue 3 months long service leave after 10 years service, and progressively thereafter on a proportional basis. The non-current portion of the liability for long service leave is recognised and measured at the present value of the estimated future cash flows to be made in respect of employees at 30 June 2001 with between 3 and 10 years service. In determining the present value of the liability, the Registry has taken into account attrition rates and pay increases through promotion and inflation.

Presidential Members accrue 6 months long leave after 5 years of service. In recognition of the nature of Presidential Members' tenure, a provision is accrued from the first year of service.

As a consequence of change in accounting standards, the \$2.104m accrued long leave liability for Presidential Members of the Australian Industrial Relations Commission which was shown as an abnormal item in 1999-2000 has been reclassified as an ordinary expense this year. (see **Note 5a**)

(b) Separation and Redundancy

Provision is made for separation and redundancy payments in circumstances where the Registry has formally identified positions as excess to requirements and a reliable estimate of the amount of the payment can be determined.

(c) Superannuation

Staff of the Registry and Commissioners of the Australian Industrial Relations Commission ('Commission') contribute to the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme. Employer contributions amounting to **\$1,531,975** (1999-00 \$1,528,551) in relation to these schemes have been expensed in these financial statements.

No liability for superannuation is recognised as at 30 June as the employer contributions fully extinguish the accruing liability which is assumed by the Commonwealth.

Employer Superannuation Productivity Benefit contributions totalled **\$339,865** (1999-00 \$351,024).

(d) Judges' Pensions

Presidential Members of the Australian Industrial Relations Commission are members of the Judges' pension scheme under the *Judges' Pensions Act 1968*. The fund, as at 30 June 2001, was carrying liabilities for members benefits which exceeded the schemes assets. The Registry recognises a liability in its financial statements for the unfunded superannuation relating to its Presidential Members. Based on an estimate provided by the Australian Government Actuary the Registry has brought to account the liability of **\$36.6m** and recognised the existence of a receivable of the same value from the Commonwealth Government.

2.6 Leases

A distinction is made between finance leases which effectively transfer from the lessor to the lessee substantially all the risks and benefits incidental to ownership of leased non-current assets and operating leases under which the lessor effectively retains substantially all such risks and benefits.

Operating lease payments are expensed on a basis which is representative of the pattern of benefits derived from the leased assets. The net present value of future net outlays in respect of surplus space under non-cancellable lease agreements is expensed in the period in which the space becomes surplus.

At 30 June 2001 the Registry did not hold any finance leases.

2.7 Cash

Cash means notes and coins held and deposits held at call with banks.

2.8 Financial Instruments

Accounting policies for financial instruments are stated at **Note 17**.

2.9 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and revenues at their fair value at the date of acquisition, unless acquired as a consequence of restructuring administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor agency's accounts immediately prior to the restructuring.

2.10 Property, Plant and Equipment

Asset Recognition Threshold

Purchases of property, plant and equipment and intangibles (computer software*) are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than:

- \$10,000 for leasehold improvements;
- \$10,000 for internally developed and externally acquired software; and
- \$2,000 for all other classes.

which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

* includes both internally developed and externally acquired software

Revaluations

Property, plant and equipment are revalued progressively in accordance with the 'deprival' method of valuation in successive three-year cycles, so that no asset has a value greater than three-years-old.

The Registry last revalued all its assets during 1998-99 with the next revaluation due in 2001-02.

Assets in each class acquired after a revaluation will be reported at cost until the next revaluation.

Recoverable Amount Test

Schedule 1 requires the application of the recoverable amount test to departmental non-current assets in accordance with AAS 10 *Recoverable Amount of Non-Current Assets*. The carrying amounts of these non-current assets have been reviewed to determine whether they are in excess of their recoverable amounts, the relevant cash flows have been discounted to their present value.

Depreciation and Amortisation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful life to the Registry using, in all cases, the straight line method of depreciation. Leasehold improvements are amortised on a straight line basis over the lesser of the estimated useful life of the improvements or the unexpired period of the lease.

Depreciation/amortisation rates (useful lives) and methods are reviewed at each balance date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate. Residual values are re-estimated for a change in prices when assets are revalued.

Depreciation and amortisation rates applying to each class of depreciable asset are based on the following useful lives:

	2000-01	1999-00
	Lease term	Lease term
Leasehold improvements		
Infrastructure, plant and equipment	3 to 10 years	3 to 10 years
Intangibles – computer software *	3 to 10 years	3 to 10 years

* Includes both internally developed and externally acquired computer software

2.11 Taxation

The Registry is exempt from all forms of taxation except fringe benefits tax and the goods and services tax and some state taxes.

2.12 Capital Usage Charge

A capital usage charge of 12% is imposed by the Commonwealth on the net agency assets of the Registry.

2.13 Insurance

The Registry has insured for risks through the Government's insurable risk managed fund, called 'Comcover'. Workers compensation is insured through Comcare Australia.

2.14 Comparative Figures

Comparative figures have been adjusted to conform with changes in presentation in these financial statements, where required.

2.15 Rounding

Amounts have been rounded to the nearest \$1,000 except in relation to the following:

- act of grace payments, waivers and defective administration scheme;
- remuneration of executives;
- remuneration of auditors; and
- appropriations.

2.16 Administered Revenue

All revenues described in this Note are revenues relating to core operating activities performed by the Registry on behalf of the Commonwealth.

Revenue from Government – Administered Appropriations

Appropriations for administered expenses may be unlimited or limited as to amount. Where the appropriation is an annual appropriation and limited as to amount, revenue is recognised to the extent of the lesser of:

- the amount appropriated by the Parliament; and
- an amount determined by the Finance Minister – this amount is determined having regard to the expenses incurred for the reporting period.

Where unlimited, revenue is recognised to the extent that expenses have been incurred. Similarly, appropriations credited to administered special accounts are recognised as revenue to the extent that expenses have been incurred.

Other Revenue

Fees are charged for lodgment of unlawful dismissal. Revenue is also received from the sale of awards.

Note 3: Events Occurring after Balance Date

There were no significant events that occurred after 30 June 2001 but prior to the signing of the financial statements.

Note 4: Operating Revenues

Note 4a: Revenues from Government

	2000-01 (‘000)	1999-00 (‘000)
Appropriations for outputs	40,986	39,686
Resources received free of charge	21	23
	<u>41,007</u>	<u>39,709</u>

Note 4b: Sale of Goods and Services

	2000-01 (‘000)	1999-00 (‘000)
Interest from agency bank accounts	112	24
Members and staff contributions for vehicles	37	39
Other sale of goods and services	55	110
	<u>204</u>	<u>173</u>

Note 5: Operating Expenses

Note 5a: Employee Expenses

	2000-01 (‘000)	1999-00 (‘000)
Remuneration (for services provided)		
Salary and wages	14,649	15,537
Employer contribution for employee superannuation	1,872	1,880
Provisions for employee entitlements	1,613	1,524
Separation and redundancy	291	1,013
	<u>18,425</u>	<u>19,954</u>
Judges' long leave (opening balance)	-	2,104
Total remuneration	<u>18,425</u>	<u>22,058</u>
Other employee expenses	<u>1,320</u>	<u>1,248</u>
Total employee expenses	<u>19,745</u>	<u>23,306</u>

Note 5b: Suppliers Expenses

	2000-01 (‘000)	1999-00 (‘000)
Operating lease rentals	6,995	7,311
Supply of goods and services	11,608	10,603
Total	<u>18,603</u>	<u>17,914</u>

Note 5c: Depreciation and Amortisation

	2000-01 (‘000)	1999-00 (‘000)
Depreciation – leasehold improvements	584	669
Depreciation – property, plant and equipment	172	143
Amortisation – computer software	86	14
Total depreciation and amortisation	<u>842</u>	<u>826</u>

Note 5d: Write Down of Assets

	2000-01 (‘000)	1999-00 (‘000)
Non-financial assets		
Leasehold improvements – disposal	<u>64</u>	<u>104</u>

Note 5e – Proceeds and Expense from Sales of Assets

	2000-01 (‘000)	1999-00 (‘000)
Non-financial assets – Plant and equipment		
Expenses associated with sale	9	-

Note 6: Financial Assets**Note 6a: Cash**

	2000-01 (‘000)	1999-00 (‘000)
Agency bank account	673	1,907
Agency advance accounts	49	50
Cash on hand	8	8
Term deposits	2,500	-
	3,230	1,963

Note 6b: Receivables

	2000-01 (‘000)	1999-00 (‘000)
Members and Registry staff	35	5
Suppliers	70	26
GST receivable	163	-
	268	31

Note 7: Non-financial Assets**7a: Land and Buildings**

	2000-01 (‘000)	1999-00 (‘000)
Leasehold improvements – at 1999 valuation	12,416	13,326
Accumulated amortisation	(10,797)	(11,087)
	1,619	2,239
Leasehold improvements – at cost	515	49
Accumulated amortisation	(28)	-
	487	49
Leasehold improvements – work in progress	203	307
Total Land and Buildings	2,309	2,595

7b: Infrastructure, Plant and Equipment

	2000-01	1999-00
	('000)	('000)
Infrastructure, plant and equipment – at 1999 valuation	804	805
Accumulated depreciation	(518)	(405)
	286	400
Infrastructure, plant and equipment – at cost	179	172
Accumulated depreciation	(120)	(61)
	59	111
Total Plant and Equipment	345	511

7c: Intangibles

	2000-01	1999-00
	('000)	('000)
Computer software – at cost	860	62
Accumulated amortisation	(100)	(14)
	760	48
Internally developed software – work in progress	-	242
Total Intangibles	760	290

7d – Analysis of Property, Plant, Equipment and Intangibles

Item	Leasehold improvements	Plant and equipment	Intangibles	Total
	\$'000	\$'000	\$'000	\$'000
Gross value as at 1 July 2000	13,682	977	304	14,963
Additions	159	15	556	730
Work in progress	203	-	-	203
Revaluations	-	-	-	-
Disposals	(910)	(9)	-	(919)
Gross value as at 30 June 2001	13,134	983	860	14,977
Accumulated Depreciation/ amortisation charge for assets held 1 July 2000	11,087	466	14	11,567
Depreciation/amortisation charge for assets held 1 July 2000	561	171	21	753
Depreciation/amortisation charge for additions	23	1	65	89
Adjustment for revaluations	-	-	-	-
Adjustment for disposals	(846)	-	-	(846)
Accumulated Depreciation/ Amortisation as at 30 June 2001	10,825	638	100	11,563
Net book value as at 30 June 2001	2,309	345	760	3,414
Net book value as at 1 July 2000	2,595	511	290	3,396

Note 7e: Other

	2000-01 (‘000)	1999-00 (‘000)
Prepayments	<u>763</u>	<u>520</u>

Note 8: Provisions

Note 8a: Employee Provisions

	2000-01 (‘000)	1999-00 (‘000)
Salaries and wages	342	313
Superannuation	50	47
Annual leave	2,250	2,166
Leave bonus	35	15
Long service leave	2,722	3,088
Judges’ long leave	2,264	2,260
Aggregate employee entitlement liability	<u>7,663</u>	<u>7,889</u>

Note 9: Payables

	2000-01 (‘000)	1999-00 (‘000)
Trade creditors	<u>733</u>	<u>690</u>

Note 10: Equity

Item	Capital*		Accumulated results		Asset revaluation reserve		TOTAL EQUITY	
	2000-01 \$’000	1999-00 \$’000	2000-01 \$’000	1999-00 \$’000	2000-01 \$’000	1999-00 \$’000	2000-01 \$’000	1999-00 \$’000
Balance 1 July 2000	1,860	1,860	(4,798)	(2,530)	269	269	(2,669)	(401)
Operating result	-	-	1,948	(2,268)	-	-	1,948	(2,268)
Balance 30 June 2001	1,860	1,860	(2,850)	(4,798)	269	269	(721)	(2,669)

* represents carry-over of appropriation at 30 June 1999

Note 11: Cash Flow Reconciliation

	2000-01 (‘000)	1999-00 (‘000)
Reconciliation of Cash per Statement of Financial Position to Statement of Cash Flows:		
Cash at year end per Statement of Cash Flows	3,230	1,963
Statement of Financial Position items comprising above cash – ‘Financial Asset – Cash’	3,230	1,963
Reconciliation of operating surplus (deficit) to net cash provided by operating activities:		
Net surplus (deficit)	1,948	(2,268)
Depreciation/Amortisation	843	826
Profit on sale of non-current assets	-	-
Loss on sale of non-current assets	9	-
Write down of assets (disposals)	64	104
Asset adjustment	(9)	(34)
Decrease (increase) in receivables – carryover	-	1,860
Decrease (increase) in receivables	(238)	(27)
Decrease (increase) in other assets	103	172
Increase (decrease) in accounts payable	43	10
Increase (decrease) in employee entitlements	(226)	1,953
Net cash provided (used) by operating activities	<u>2,537</u>	<u>2,596</u>

Note 12: Remote Contingencies

As at 30 June 2001 there were no unrecognised or contingent liabilities requiring disclosure.

Note 13: Executive Remuneration

The number of executive officers who received or were due to receive total remuneration of \$100,000 or more:

	2000-01	1999-00
Fixed remuneration		
\$100,000 to \$109,999	-	1
\$110,000 to \$119,999	-	3
\$120,000 to \$129,999	-	-
\$130,000 to \$139,999	1	-
\$140,000 to \$149,999	2	1
\$150,000 to \$159,999	1	-
Total remuneration	<u>4</u>	<u>5</u>

	2000-01	1999-00
The aggregate amount of total remuneration of executive officers shown above.	\$579,589	\$589,298
The aggregate amount of performance pay paid during the year to the executive officers shown above.	-	-
The aggregate amount of separation and redundancy payments during the year to officers shown above.	\$115,918	\$328,049

Note 14: Remuneration of Auditors

Financial statement audit services are provided free of charge to the Registry. The fair value of audit services provided was:

	2000-01	1999-00
Australian National Audit Office		
Provision of audit services	\$21,000	\$23,000

No other services were provided by the Auditor-General.

Note 15: Average Staffing Levels

Average staffing levels were as follows:

	2000-01	1999-00
Presidential Members	15.2	13.6
Commissioners	26.6	28.2
Registry staff	185.7	210.7
	227.5	252.5

Note 16: Act of Grace Payment, Waivers and Defective Administration Scheme

No Act of Grace payments were made during the reporting period.

No waivers of amounts owing to the Commonwealth were made pursuant to subsection 34(1) of the *Financial Management and Accountability Act 1997*.

Note 17: Financial Instruments

Note 17a: Terms, conditions and accounting policies

Financial Instrument	Notes	Accounting Policies and Methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms and conditions affecting the amount, timing and certainty of cash flows)
<i>Financial Assets</i>		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Cash – deposits at call	6a	Deposits are recognised at their nominal amounts. Interest is credited to revenue as it accrues.	Interest is earned on the daily balance. Rates have averaged 3.6% for the year (1999-00: 4.2%). Interest is paid 3 monthly for at call deposits and at maturity for term deposits.
Receivables for goods and services	6b	These receivables are recognised at the nominal amounts due less any provision for bad and doubtful debts. Collectability of debts is reviewed at balance date. Provisions are made when collection of the debt is judged to be less rather than more likely.	All receivables are with entities external to the Commonwealth. Credit terms are: Registry staff – net 14 days.
<i>Financial Liabilities</i>		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.	
Trade creditors	9	Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).	All creditors are entities that are not part of the Commonwealth legal entity. Settlement is usually made net 30 days.

Note 17b: Credit and Interest Rate Risk: Agency

Financial Instrument	Notes	Floating Interest Rate		Non-Interest Bearing		Total		Weighted Average Effective Interest Rate	
		00-01 \$'000	99-00 \$'000	00-01 \$'000	99-00 \$'000	00-01 \$'000	99-00 \$'000	00-01 %	99-00 %
Financial Assets									
Cash at bank	6a	3,230	1,963	-	-	3,230	1,963	3.6	4.2
Receivables	6b	-	-	268	31	268	31	n/a	n/a
Total Financial Assets (Recognised)		3,230	1,963	268	31	3,498	1,994		
Total Assets						7,675	5,910		

Financial Liabilities									
Trade creditors	9	-	-	733	690	733	690	n/a	n/a
Total Financial Liabilities (Recognised)		-	-	733	690	733	690		
Total Liabilities						8,396	8,579		

Note 17c: Net Fair Values of Financial Assets and Liabilities

	Notes	2000-01		1999-00	
		Total carrying amount \$'000	Aggregate net fair value \$'000	Total carrying amount \$'000	Aggregate net fair value \$'000
Agency Financial Assets					
Cash at bank	6a	3,230	3,230	1,963	1,963
Receivables	6b	268	268	31	31
Total Financial Assets		3,498	3,498	1,994	1,994
Financial Liabilities (Recognised)					
Trade Creditors	9	733	733	690	690
Total Financial Liabilities (Recognised)		733	733	690	690

Note 18: Administered Revenue

Note 18a: Administered Other taxes, Fees and Fines

	2000-01 ('000)	1999-00 ('000)
Termination of employment lodgment fees	352	335
Less refunds of termination of employment lodgment fees	(170)	(141)
	<u>182</u>	<u>194</u>

Note 18b: Administered Revenues from Government

	2000-01 ('000)	1999-00 ('000)
Appropriations	<u>1,777</u>	<u>1,594</u>

Note 18c: Administered Sale of Goods and Services

	2000-01 ('000)	1999-00 ('000)
Award sales	168	301
Sale of rules	10	10
	<u>178</u>	<u>311</u>

Note 18d: Administered Other

	2000-01 ('000)	1999-00 ('000)
Fees and other miscellaneous	<u>8</u>	<u>-</u>

Note 19: Administered Expenses

Note 19a: Employee Expenses

	2000-01 ('000)	1999-00 ('000)
<i>Judges' Pensions Act 1968</i>	<u>1,601</u>	<u>1,450</u>

Note 20: Administered Assets

Note 20a: Cash

	2000-01 ('000)	1999-00 ('000)
Cash on hand	2	-
Cash at bank	5	6
	<u>7</u>	<u>6</u>

Note 20b: Receivables

	2000-01 ('000)	1999-00 ('000)
Current		
Government Contributions for Superannuation *	1,685	1,579
Non-Current		
Government Contributions for Superannuation *	34,915	32,921
	<u>36,600</u>	<u>34,500</u>
Receivables which are overdue are aged as follows:		
Less than 30 days	-	-
30 to 60 days	-	-
More than 60 days	-	-

*Represents the Commonwealth Government obligation to meet the costs of the Registry's unfunded superannuation liability (refer also Note 2.5d).

Note 21: Administered Liabilities

Note 21a: Employee Liabilities

	2000-01 ('000)	1999-00 ('000)
Judges' Pensions	<u>36,600</u>	<u>34,500</u>

*Represents the Registry's unfounded superannuation liability for Presidential Members under the *Judges' Pensions Act 1968* (refer also Note 2.5d).

Note 21b: Other

	2000-01 (‘000)	1999-00 (‘000)
Award sales – payments received in advance	54	49
Appropriation payable	2	6
Other – GST payable	-	1
	<u>56</u>	<u>56</u>

Note 22: Administered Equity

Item	Accumulated results		TOTAL EQUITY	
	2000-01 \$’000	1999-00 \$’000	2000-01 \$’000	1999-00 \$’000
Balance 1 July 2000	(50)	(127)	(50)	(127)
Operating result	1	77	1	77
Balance 30 June 2001	(49)	(50)	(49)	(50)

Note 23: Administered Cash Flow Reconciliation

	2000-01 (‘000)	1999-00 (‘000)
Reconciliation of Cash per Schedule of Administered Assets and Liabilities to Schedule of Administered Cash Flows:		
Cash at year end per Schedule of Administered Cash Flows	7	6
Schedule of Administered Assets and Liabilities items comprising above cash – ‘Financial Assets – Cash’	7	6
Reconciliation of ‘Net change in administered net assets’ from Schedule of Administered Revenues and Expenses to net cash provided by operating activities:		
Net increase (decrease) in administered net assets	1	1
Increase (decrease) in other liabilities (unearned revenue)	4	(82)
Increase (decrease) in other liabilities	(4)	6
Net cash from Operating Activities	<u>1</u>	<u>77</u>

Note 24: Administered Remote Contingencies

As at 30 June 2001 there were no unrecognised or contingent liabilities requiring disclosure.

Note 25: Administered Financial Instruments

Note 25a: Terms, conditions and accounting policies: Administered

Financial Instrument	Notes	Accounting Policies and Methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms and conditions affecting the amount, timing and certainty of cash flows)
<i>Financial Assets</i>		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Cash – deposits at call	20a	Deposits are recognised at their nominal amounts.	The balance of the administered cash account is non interest bearing.
<i>Financial Liabilities</i>		Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.	
Unearned revenue	21b	Award Sales are recognised at the time the service has been performed.	No credit offered for Award Sales.

Note 25b: Credit and Interest Rate Risk: Administered

Financial Instrument	Notes	Floating Interest Rate		Non-Interest Bearing		Total		Weighted Average Effective Interest Rate	
		00-01 \$'000	99-00 \$'000	00-01 \$'000	99-00 \$'000	00-01 \$'000	99-00 \$'000	00-01 %	99-00 %
Financial Assets									
Cash at bank	20a	7	6	-	-	7	6	n/a	n/a
Total Financial Assets (Recognised)		7	6	-	-	7	6		
Total Assets						36,607	34,506		
Financial Liabilities									
Unearned revenue	21b	-	-	54	49	54	49	n/a	n/a
Other	21b	-	-	2	7	2	7	n/a	n/a
Total Financial Liabilities (Recognised)		-	-	56	56	56	56		
Total Liabilities						36,656	34,556		

Note 25c: Net Fair Values of Financial Assets and Liabilities: Administered

		2000-01		1999-00	
		Total carrying amount \$'000	Aggregate net fair value \$'000	Total carrying amount \$'000	Aggregate net fair value \$'000
	Notes				
Administered Financial Assets					
Cash at bank	20a	7	7	6	6
Total Financial Assets		7	7	6	6
Financial Liabilities (Recognised)					
Unearned revenue	21b	54	54	49	49
Other (appropriation)	21b	2	2	7	7
Total Financial Liabilities (Recognised)		56	56	56	56

Note 26: Appropriations

Special Appropriations (unlimited) for Administered items

Special Appropriation (Act/section)	2000-2001 Budget \$	2000-2001 Actual \$
<i>Judges' Pensions Act 1968</i>	<u>1,609,029</u>	<u>1,607,238</u>

26a: Agency Appropriations

Annual appropriations for Agency items (price of outputs)

	2000-01 (‘000)	1999-00 (‘000)
Appropriation Acts No 1 & 3 credits:		
Section 7 – Act 1 – basic appropriations (budget)	<u>40,986</u>	<u>39,686</u>
Total Current Appropriation Acts	<u>40,986</u>	<u>39,686</u>
Add: FMA Act appropriations		
s.31 appropriations	<u>182</u>	<u>183</u>
Total appropriated in the year	<u>41,168</u>	<u>39,869</u>
Balance brought forward from previous year	<u>1,850</u>	<u>-</u>
Total appropriations available for the year	<u>43,018</u>	<u>39,869</u>
Payments during the year	<u>39,923</u>	<u>38,019</u>
Balance of appropriations (unspent) for outputs at 30 June	<u>3,095</u>	<u>1,850</u>

Annual Appropriations for Agency non-revenue items

	2000-01 ('000)	1999-00 ('000)
Appropriation Act no 2 & 4		
Appropriation Acts no 2 (Budget)	-	1,860
Total Current Appropriations	-	1,860
Balance available at 1 July brought forward from previous year	-	-
Total appropriations available for payments	-	1,860
Payments during the year	-	1,860
Balance of appropriations (unspent) for outputs at 30 June	-	-

Note 27: Trust Moneys

Services for other governments and non-agency bodies

Legal authority – *Financial Management and Accountability Act 1997*

Purpose – payment of costs in connection with services performed on behalf of other governments and non-agency bodies

	2000-01 Cash \$	2000-01 Total \$	1999-00 Cash \$	1999-00 Total \$
Opening balance	-	-	11,748	11,748
Receipts	-	-	-	-
Expenditure	-	-	(11,748)	(11,748)
Closing balance	-	-	-	-

Transactions under the Head of Trust relate to incapacity payments to current employees in accordance with determinations made, and funds issued, by COMCARE.

Note 28: Reporting of Outcome

Reporting by Outcome

	2000-01 Budget (‘000)	2000-01 Actual (‘000)
Net subsidies, benefits and grants expenses	(729)	(544)
Other administered expenses	1,579	1,601
Total net administered expenses	850	1,057
Add Net cost of entity outputs	41,168	39,059
Net Cost to Budget Outcome	42,018	40,116
Total assets deployed as at 30 June 2001	5,533*	44,282
Net assets deployed as at 30 June 2001	(413)	(770)

* 2000-01 Budget did not include the unfunded superannuation liability for Judges' pensions.

Reporting of Outcome (cont.)

Outcome	Administered Expenses \$'000			Agency Outputs \$'000				Total Appropriations \$'000	Total Expenses \$'000
	Expenses against Special Appropriations	Expenses against Annual Appropriations	Total Administered Expenses (A)	Expenses against Revenue from Government (Appropriations) (B)		Expense against Revenue from other sources (C)	Total Expenses against Outputs		
		Appropriation Act 1 & 3	Appropriation Act 2 & 4 (SPP's & New Outcomes)	Special Appropriations	Annual Appropriations	Total		(D) = (A) + (B)	
Outcome 1									
Actual	1,607	-	-	-	39,059	39,059	204	40,660	40,864
Budget	1,579	-	-	-	40,986	40,986	182	42,565	42,747
							Appropriation Act 2 Administered Capital		
							Actual	-	
							Budget	-	
							Appropriation Act 2 Agency Capital		
							Actual	-	
							Budget	-	
							Total Appropriations		
							Actual	40,660	
							Budget	42,565	

NB: Expenses may be incurred against funding sources not separately identified in this table but which can be included in the total expenses column e.g. expenses incurred by special accounts under section 20 of the FMA Act.

Major Agency Revenues and Expenses by Output Group

	Output Group 1.1	Output Group 1.2	Output Group 1.3	Total	
	Actual \$'000	Actual \$'000	Actual \$'000	Budget \$'000	Actual \$'000
Operating Revenues					
Revenues from Government	37,707	2,459	820	40,986	40,986
Sale of goods and services	188	12	4	155	204
Other non-taxation revenue	19	1	-	27	21
Total operating revenues	37,914	2,473	824	41,168	41,211
Operating Expenses					
Employees	18,165	1,185	395	20,803	19,745
Suppliers	17,097	1,115	372	19,088	18,584
Other	859	56	19	1,277	934
Total operating expenses	36,122	2,356	785	41,168	39,263

Summary Table of Resources

Reconciliation of Outcomes and Appropriation Elements for 2000-01

The Australian Industrial Relations Commission/Australian Industrial Registry is a single outcome within the Employment, Workplace Relations and Small Business portfolio.

	A +	B +	C +	D =	E	- F	+ G
Outcome	Approp Bills Nos 1 and 3	Approp Bills Nos 2 and 4	Special Approps ^a	Annotated Approps ^b	Total for Outcome	Adjustments ^c	Total for Outcome
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
1	38 855	-	1 601	204	40 660	(544)	40 116

^a *Judges' Pension Act 1968* (administered) appropriation.

^b Annotated appropriations are a form of special appropriations to allow an agency access to the money it earns.

^c Other (administered) revenue.

Further information can also be found in Note 28 of the Financial Statements (Appendix 3) and in the Financial and Staffing Resources Summary (Table 9).

Information on Specific Statutory Provisions

Occupational Health and Safety

The Registry's occupational health and safety (OHS) considerations are governed by:

- the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the OHS Act) and Regulations; and
- Comcare and Registry OHS policy and procedural documents, including the OHS agreement between the Registry and the CPSU.

Section 74 of the OHS Act provides the basis for annual reporting requirements.

OHS Policy

The Registry's OHS policy aims to:

- comply with the OHS Act and other relevant legislation as a minimum standard;
- provide for effective cooperation between the Registry and its staff in promoting and developing measures to ensure their health, safety and welfare at work; and
- provide adequate mechanisms for reviewing the effectiveness of measures taken.

OHS Committees

There are two OHS committees in operation in the Registry:

- the Registry OHS Committee (National Consultative Committee); and
- the NSW OHS Committee (local committee to meet the requirements of s.34 of the OHS Act).

The Registry OHS Committee comprises management and CPSU/staff representatives. It has the following terms of reference:

- to advise, develop and implement OHS policy and procedural guidelines and programs;
- to review and report on all OHS matters, including annual report requirements;
- to liaise extensively on OHS matters; and
- to examine reports and determine appropriate actions on matters contained therein from other Registry OHS Committees and Designated Work Groups.

The Registry OHS Committee met twice in 2000-01. Minutes of Committee meetings were provided to the RCC and were published on the PPT intranet site.

OHS Considerations During 2000-01

The more significant OHS considerations during the reporting period included:

- further reviews on security arrangements for both Commission Members and Registry employees – among other matters, the installation of a proximity card system in Melbourne thereby limiting public access to the non-public areas, and upgrades to counter arrangements in Melbourne, Sydney and Hobart;
- the roll-out of new personal computers for all employees, in particular the provision of 19 inch monitors to address eye strain concerns;
- associated with the roll-out the addressing of cabling issues to remove trip and other hazards;
- the continuation of the influenza vaccination program for Registry employees and Commission Members;
- first aid arrangements, in particular the restocking of kits, emergency signage and first aid officer network meetings;
- continuation of an 'Executive Health Assessment Program' for Commission Members; and
- training of IMTT staff in the area of 'Working Under Pressure'.

The Registry continues to offer an 'Employee Assistance Program' provided by ACCESS Programs.

2000-01 OHS Data

In 2000-01 there were no incidences of:

- dangerous occurrences, for which the Registry is required to provide a notice to Comcare pursuant to s.68 of the OHS Act;
- investigations undertaken, tests conducted, directions given to the Registry under s.45 or notices served on the Registry under sections 30, 46 and 47 of the OHS Act during the year; and
- 'Provisional Improvement Notices' issued by a Health and Safety Representative under s.29 of the OHS Act.

Freedom of Information

Introduction

In accordance with s.8 of the *Freedom of Information Act 1982*, statements setting out the particulars of the organisation and functions of agencies are to be included in the annual reports of Commonwealth agencies.

The Australian Industrial Registry is a statutory authority established under the *Workplace Relations Act 1996*. The Registry carries out statutory and administrative duties pursuant to the Act.

The Registry comprises the Industrial Registrar, a number of Deputy Industrial Registrars and other staff.

Functions

The Industrial Registrar, Deputy Industrial Registrars and Registry staff provide administrative support to the Australian Industrial Relations Commission, and exercise statutory functions of a regulatory nature concerning the registration of employer and employee associations provided by the Act.

Categories of Documents

The Industrial Registrar and Deputy Industrial Registrars are exempt from the provisions of the *Freedom of Information Act 1982* in respect of non-administrative matters. Documents of an administrative nature fall into the following categories:

Publications

Copies of awards, orders, decisions and agreements issued by the Australian Conciliation and Arbitration Commission and, since 1 March 1989, the Australian Industrial Relations Commission, are available for purchase through offices of the Australian Industrial Registry either individually or by subscription from Subscriptions, IMTT, Australian Industrial Registry, GPO Box 1994S, Melbourne, Victoria 3001. A variety of publications can also be accessed on the Commission's home page at <http://www.airc.gov.au>.

Commonwealth Arbitration Reports (CARs) (published volumes cover the periods 1904 to 1986 and 1991 to August 1993) can be inspected at offices of the Registry.

Financial Returns of Registered Organisations

Financial returns and a list of office-bearers of registered organisations and their branches, can be made available at any office of the Registry. Photocopies will be made available on payment of a prescribed fee.

Files

Commission files (other than files relating to applications for relief in respect of termination of employment), organisations' files and Board of Reference files can be made available at any office of the Registry unless determined otherwise by a Member of the Commission or the Industrial Registrar. Photocopies will be made available on payment of a prescribed fee.

Freedom of Information Procedures and Initial Contact Points

Many of the documents of the Registry which are prepared or held under provisions of the *Workplace Relations Act 1996* can be inspected or purchased at any of the offices listed in Appendix 3. General inquiries may therefore be directed to any of these offices.

Requests for access to documents under the *Freedom of Information Act 1982* should be made in writing and delivered or posted, together with the prescribed fee of \$30, to the Industrial Registrar, Principal Registry, Level 35, Nauru House, 80 Collins Street, Melbourne, Victoria 3000 or Industrial Registrar, GPO Box 1994S, Melbourne, Victoria 3001, telephone (03) 8661 7765. Reading facilities will be made available at any Registry by arrangement.

The Registry also acts as the initial contact point for any inquiries relating to the Commission.

Freedom of Information Requests

No requests were received during the reporting period.

Advertising and Market Research

In accordance with s.311A of the *Commonwealth Electoral Act 1918*, the principal officer of every Commonwealth agency is required to include a statement in their annual report setting out particulars of all amounts paid by, or on behalf of, the agency during the reporting period to:

- advertising agencies;
- market research organisations;
- direct mail organisations;
- media advertising agencies; and
- persons or organisations to whom those amounts were paid.

The Registry spent \$50,462 on advertising during the 2000-01 reporting period, the details of which are as follows:

Supplier	Amount \$ ^a	Purpose
Advertising Investment Services	29 597	Statutory requirements arising from the Act in relation to registered organisations and common rules in Territories; recruitment and other advertising.
AusInfo	9 297	Statutory requirements arising from the Act in relation to registered organisations and common rules in Territories and other advertising.
Starcom Worldwide	9 248	Recruitment and other advertising.
Public Service and Merit Commission	1 827	Recruitment advertising in gazette.
Employment National	493	Recruitment advertising.
Total	50 462	

^a GST exclusive.

The Registry did not commission or pay for any market research during the reporting period.

Ecologically Sustainable Development and Environmental Performance

The Registry operates to ensure energy resources are utilised as efficiently as practicable in the context of a working tribunal and that it maintains a healthy working environment, particularly in terms of water quality, recycling options, airconditioning standards and reductions in paper requirements.

Related Internet Sites

The following related Internet sites can be accessed through the AIRC Home Page:

- *Workplace Relations Act 1996* – <http://law.ausinfo.gov.au/html/pasteact/0/70/top.htm>;
- OSIRIS (maintained by DEWRSB) – www.osiris.gov.au – includes the full text of federal awards, variations, certified agreements and decisions of the AIRC. All inquiries should be directed to DEWRSB via email on the OSIRIS site;
- AUSTLII and SCALEPLUS – for access to Australian law e.g. High Court of Australia judgments see either: <http://law.ausinfo.gov.au/Welcome.html> – SCALEPLUS or <http://www.austlii.edu.au> – AUSTLII. Industrial and Labour Law Project – <http://www.austlii.edu.au/au/special/industrial/> – contains various information relating to Industrial and Labour law by jurisdiction and includes special resources on topical issues, e.g. the Australian Waterfront Dispute 1998;
- Department of Employment, Workplace Relations and Small Business – <http://www.dewrsb.gov.au> – contains fact sheets and user guides, covering 'Termination of Employment', 'Agreement making' and 'Industrial action and compliance'; the *Workplace Relations Act 1996*, the Workplace Relations Regulations and Explanatory Memorandum;
- WageNet (Office of Workplace Services) – <http://www.wagenet.gov.au> – assists users to determine whether their award coverage is federal or State. Users are then directed to the appropriate State department site or OSIRIS. An email facility is available to lodge inquiries on line with advisors in your State or Territory;
- Office of the Employment Advocate (OEA) – <http://www.oea.gov.au> – includes basic information regarding Australian workplace agreements, development and lodging procedures;
- National Library of Australia, law on the internet – <http://www.nla.gov.au/oz/law.html> – is a good starting point for clients wishing to access Australian law;
- All federal government departments and agencies – enables search of all relevant web sites – <http://www.fed.gov.au>;
- Federal Court – <http://www.fedcourt.gov.au>;
- High Court – <http://www.hcourt.gov.au/>;
- Department of the Registrar, Western Australia Industrial Relations Commission – <http://www.wa.gov.au/wairc/>;
- Attorney-General's Department, *Window on the Law* – <http://law.gov.au/> – for legal information including SCALEPLUS.

Documents Contributing to an Understanding of the Work of the Commission & Registry

Major documents contributing to an understanding of the work of the Australian Industrial Relations Commission and the Australian Industrial Registry are:

- *Workplace Relations Act 1996* (as amended);
- *Workplace Relations Regulations 1996* (as amended);
- Australian Industrial Relations Commission Rules;
- Australian Industrial Registry Procedures Manual;
- Australian Industrial Relations Commission/Australian Industrial Registry Annual Reports 1999-2000;
- *Australian Industrial Registry (New Directions) Agreement 2000*;
- *Australian Industrial Registry Service Charter*;
- Australian Industrial Registry Workplace Diversity Plan;
- Award Simplification Resource Book [2001];
- Workplace Relations and Small Business Portfolio Budget Statements 2000-01;
- Australian Industrial Relations Commission General Information Brochure; and
- Australian Industrial Relations Commission Historical Overview Brochure.

Glossaries

Glossary of Abbreviations & Acronyms

ACIRRT	Australian Centre for Industrial Relations Research and Training
Act	<i>Workplace Relations Act 1996</i>
ACTU	Australian Council of Trade Unions
AIR	Australian Industrial Registry
AIRC	Australian Industrial Relations Commission
ANAO	Australian National Audit Office
APS	Australian Public Service
AWA	Australian workplace agreement
CAR	Commonwealth Arbitration Report
CBA	Commonwealth Bank of Australia
CLR	Commonwealth Law Report
CMS	Case Management System
Commission	Australian Industrial Relations Commission
CPSU	The Community and Public Sector Union
DEWRSB	Federal Department of Employment, Workplace Relations and Small Business
DIR	Deputy Industrial Registrar
email	electronic mail system
FMA Act	<i>Financial Management and Accountability Act 1997</i>
FMIS	financial management information system
FSU	Finance Sector Union of Australia
GST	goods and services tax
HSR	health and safety representative
ILO	International Labor Organisation
IMTT	Information Management and Technology Team
IR	industrial reports
IR Act	<i>Industrial Relations Act 1988</i>

IT	information technology
LAN	local area network
LHMU	Australian Liquor, Hospitality and Miscellaneous Workers Union
OHS	occupational health and safety
OHS Act	<i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i>
OSIRIS	Australian industrial relations information site
PPT	People and Planning Team
PSMPC	Public Sector and Merit Protection Commission
RCC	Registry Consultative Committee
Registry	Australian Industrial Registry
Registry Agreement	<i>Australian Industrial Registry (New Directions) Agreement 2000</i>
RIAT	Research, Information and Advice Team
RMT	Resource Management Team
s.	section of an Act
ss.	sections of an Act
SES	senior executive service
TIC	Tasmanian Industrial Commission
VST	Victoria Service Team
WR Act	<i>Workplace Relations Act 1996</i>
WROLA Act	<i>Workplace Relations and Other Legislation Amendment Act 1996</i>

Glossary of Terms*

AIR Bulletin	Weekly publication produced by the AIR; includes details of procedural changes and developments in the Registry, advice regarding the rights and obligations of organisations registered under the Act and weekly decisions summaries.
Allowable matters	Those matters subject of the relationship between an employer and employees which are considered appropriate for inclusion in federal minimum rates awards. The matters deemed allowable are prescribed by section 89A of the <i>Workplace Relations Act 1996</i> . From 1 July 1998 the Act required that all awards be simplified to the defined set of 20 allowable matters. Matters outside the 20 (except for those matters deemed by the AIRC to be necessary to the operation of the award) are not enforceable after that date.
Arbitration	Process whereby an independent body or person determines a grievance or dispute by imposing a binding settlement. In industrial arbitration a tribunal with legal authority may have powers of compulsory arbitration as well as offering voluntary arbitration.
Associate	Commission Member's support staff/personal assistant.
Auscript	Responsible for providing court recording and transcription services to the AIRC/AIR.
AusInfo	Federal authority (under the Department of Finance and Administration) responsible for the distribution of government reports, legislation and information.
Australian Industrial Registry (AIR)	The body that acts as the registry for the Australian Industrial Relations Commission (AIRC), provides administrative support to the AIRC, keeps a register of organisations and publishes decisions, orders and awards of the Commission.
Australian Industrial Relations Commission (AIRC)	Exercises a range of powers under the <i>Workplace Relations Act 1996</i> in relation to ensuring the establishment and maintenance of fair minimum wages and conditions of employment, preventing and settling industrial disputes, facilitating agreement making between employers and employees, conciliating and arbitrating claims in relation to unfair dismissal and dealing with matters concerning industrial organisations.
Australian workplace agreement (AWA)	An individual, legally enforceable agreement between an employer and employee about the employee's terms and conditions of employment. AWAs must meet a no-disadvantage test (see below) and be approved by the Employment Advocate.

Award simplification	The process by which federal awards are reviewed so that they contain only the prescribed 20 allowable matters (see above) and meet certain other legislative criteria. Any matters not contained in the allowable matters are a matter for agreement between employers and employees at the workplace level.
Awards	Documents that set out the minimum wages and conditions of employees. In some cases awards cover a specific issue such as superannuation or long service leave. The AIRC oversees federal awards, while State industrial tribunals are responsible for State awards. Sometimes, both federal and State awards can apply to the one workplace, although to different classifications of employees.
'B' or 'BOR' matters	Matters dealt with by a Board of Reference.
Board of Reference	Board consisting of two or more persons appointed by the Commission for the purpose of dealing with a matter or matters under an award. May consist of or include a Commissioner.
BOBBY	(trade name/software) A free service to help web page authors identify and repair significant barriers to access by individuals with disabilities.
'C' matters	Matters dealt with by the Commission (other than 'B', 'BOR', 'D' and 'U' matters) including among others, such matters as notification of industrial disputes, applications to vary an award, applications for certification of agreement, notification of initiation of bargaining period and appeals to a Full Bench.
Casual employment	Casual employees work on an as-required basis and generally receive a loading on their pay in lieu of certain employment conditions such as paid annual leave and sick leave.
Certified agreement (CA)	A collective agreement covering wages and conditions that can be made directly between an employer and a group of employees or between an employer and a union or unions representing a group of employees.
Common rule	In the Australian Capital Territory and the Northern Territory 'common rule' awards can apply to all employees in a particular industry whether or not their employers are named in the award.
Conciliation	The process by which an independent body attempts to facilitate the resolution of a grievance or dispute by assisting the parties to reach and accept a solution by mutual, voluntary agreement.
'D' matters	Matters heard by a designated Presidential Member including such matters as applications for registration of amalgamation of organisations and change to eligibility rules of an organisation.

Decisions summaries	Summaries of federal and State industrial judgments, including industrial judgments of the High Court and Federal Court of Australia.
Designated Presidential Member	A Member of the Organisations Panel.
Discrimination – direct and indirect	<p>Direct discrimination occurs when someone is treated unfairly or less favourably in the same or similar circumstances because, for example, of their gender or race.</p> <p>Indirect discrimination occurs when there is a rule, policy, practice or procedure that is the same for everyone, but has an unequal or disproportionate effect for a specific group of people.</p>
Dragonware	(trade name) Voice recognition software.
Employment Advocate	A Commonwealth Government agency which assesses and approves AWAs as well as providing assistance and advice to employees and employers about their rights and obligations in relation to AWAs. The Office of the Employment Advocate also has certain powers in relation to alleged contraventions of freedom of association provisions.
Federal minimum wage	The federal minimum wage is the weekly rate of pay below which no full-time adult employee working under a federal award is to be paid. The rate is set by the AIRC and a proportionate amount applies for junior, part-time and casual employees.
Full Bench	A Full Bench of the AIRC is convened by the President and comprises at least three Members, two of whom must be Presidential Members. Full Benches are convened to hear appeals, matters of significant national interest, test cases and various other matters specifically provided for in the Act.
Freedom of association	The freedom of association provisions of the <i>Workplace Relations Act 1996</i> prohibit victimisation or discrimination on various grounds, including a person's membership or non-membership of an industrial association, or the exercise of a person's rights under industrial laws. The provisions abolish preference in employment and compulsory unionism.
Industry sectors	Documents stating the minimum wage entitlements of Victorian employees not covered by a federal award (see Schedule 1A below.) An industry sector applies to a particular industry in which an employer in Victoria is mainly engaged and incorporates such things as coverage, work classifications and minimum wages.
ISYS Web	(trade name) A full-text retrieval program available on the Commission's web site to search awards, decisions, transcripts, the Workplace Relations Act & Regulations and AIRC Rules by single words, phrases or linked phrases and words.

Log of claims	A list of demands sent by a union to one or more employers demanding particular pay and conditions. It is the first step in the creation of an industrial dispute within the AIRC's jurisdiction. The process of settling the dispute may result in the making or varying of an award.
Member	A Member of the Australian Industrial Relations Commission.
Minimum wage orders	Orders periodically issued by the Commission adjusting minimum wage rates for employees in Victoria not subject to a federal award, certified agreement or AWA. The orders are issued within the framework of industry sectors.
MS Word	(trade name) Microsoft Word, word processing software.
'No disadvantage' test – for certified agreements and AWAs	The AIRC is required to apply a 'no disadvantage test' to ensure that when considered as a whole a certified agreement is no less favourable to employees than the relevant award(s) and laws. The Employment Advocate, and in some cases also the AIRC, is required to apply a similar test in assessing AWAs.
OSIRIS	Web site maintained by DEWRSB featuring the full text of Australian federal awards, agreements, decisions, variations and decisions summaries of the AIRC. (http://www.osiris.gov.au)
Panel system	System by which the work of the AIRC is administered. In general, each panel has a Panel Head (who is a Presidential Member) and at least one Commissioner and is responsible for work in a number of set industries. The President determines the composition of the panels. There is also an Organisations Panel which deals with work relating to registered employee and employer organisations and a Termination of Employment Panel.
Parental leave	Term encompassing maternity leave, paternity leave and adoption leave. It is usually unpaid.
Party	An applicant or respondent, or representative of same, to a proceeding before the AIRC.
Pay As You Earn (PAYE)	PAYE or Pay As You Earn is an instalment tax paying system where employers deduct tax from salary and wages of employees and remit them to the Tax Office.
Personal/carers' leave	Combines entitlements to sick leave, carers' leave and bereavement leave into one entitlement.
Practice Note	Practice Notes are statements issued from time to time by the President dealing with procedural matters concerning the conduct of Commission matters. These Notes do not purport to set out the requirements of the Act, Regulations or Commission Rules.

Prescribed Payments System (PPS)	PPS or Prescribed Payments System is a way for many people who work and earn money under contract to pay their tax by instalments throughout the year.
Presidential Member	The President, a Vice President, a Senior Deputy President or a Deputy President of the AIRC.
Probationary period	An agreed trial period for a new employee, during which dismissal of the employee may be exempt from the federal termination of employment provisions.
Registration as an industrial organisation	Process by which employee and employer organisations formally register as industrial organisations. Registration under the <i>Workplace Relations Act 1996</i> confers certain rights and obligations including the right to appear before the Commission and the obligation to report to the Registry on certain financial matters.
Respondent	A legal term used to describe an employer who is bound by a federal award. The term is also used to refer to a party to a proceeding initiated by someone else.
Right of entry	The legal right of departmental officers and union officials to enter business premises for purposes as described in the <i>Workplace Relations Act 1996</i> .
Safety Net Review	The Safety Net Review, or national wage case, adjusts the minimum wage rates in federal awards. It is essentially a test case and any adjustment awarded is flowed on to other federal awards by application. The decision in such a case may also involve changes to the Commission's wage-fixing principles known as the Statement of Principles.
Schedule 1A	The part of the <i>Workplace Relations Act 1996</i> that sets out the terms and conditions of Victorian employees who are not covered by a federal award (see industry sectors and minimum wage orders above).
Serious misconduct	Conduct by an employee justifying summary dismissal by the employer.
Statement of Principles	Wage-fixing principles established by a Full Bench of the Commission in the Safety Net Review case.
Supported Wage System	The supported wage system facilitates the employment of workers with disabilities in open employment at a rate of pay commensurate with the employee's assessed productive capacity.
Termination of employment	Subject to certain exclusions, employees can apply to the Commission to deal with claims for unfair dismissal (harsh, unjust or unreasonable) or unlawful termination (discriminatory grounds) by conciliation. If conciliation does not resolve the matter and the applicant elects to continue with an unfair dismissal claim, the Commission will arbitrate. Unresolved unlawful termination claims can be pursued in the Federal Court of Australia.

'U' matters	Applications lodged under s.170CE of the Act.
Unified Messenger	(trade name) Software enabling voice messages and facsimiles to be accessed via email and mobile telephones.
Victorian Industrial Relations Taskforce	Independent body appointed by the Victorian Government in April 2000 to inquire into the Victorian industrial relations system. Reported to the Victorian Minister for Industrial Relations on 31 August 2000.
Windows	(trade name) Microsoft Windows software.
<i>Workplace Relations Act 1996</i> (WR Act)	Principal Commonwealth law governing the operations of the Commission and the Registry.

***Note:** Definitions in this glossary have been prepared to assist readers in understanding the annual reports of the Commission and the Registry which are contained in this publication. They should not be regarded as comprehensive or legally authoritative.

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