Annual Report of the President of the Australian Industrial Relations Commission

and

Annual Report of the Australian Industrial Registry

1 July 2005 to 30 June 2006
This publication 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.

Cover: View into one of the courtrooms at the Australian Industrial Relations Commission’s new Melbourne premises.
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The Honourable Kevin Andrews, MP
Minister for Employment and Workplace Relations
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 2006.

The report is provided pursuant to section 126 of the Workplace Relations Act 1996.

Yours sincerely,

[Signature]

Justice Giudice
President

20 September 2006
About the Commission

The Australian Industrial Relations Commission (the Commission) is an independent, national, industrial tribunal established under the *Workplace Relations Act 1996*. The Commission’s functions include assisting employers and employees in resolving industrial disputes, handling certain termination of employment claims, rationalising and simplifying awards, and dealing with applications about industrial action. In the performance of these functions the Commission is required to act quickly, with a minimum of legality and technicality and in the public interest.

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

Overshadowing all other events in 2005–06 was the coming into operation of the *Workplace Relations Amendment (Work Choices) Act 2005* (Work Choices legislation). The legislation made extensive changes to the *Workplace Relations Act 1996* and the nature and effect of those changes have been the subject of wide public comment and debate. (Note: references throughout this report to the unamended version of the Workplace Relations Act have been referred to as ‘the pre-reform Act’.) The impact of the legislation on the functions and powers of the Australian Industrial Relations Commission (the Commission) is both fundamental and broad-ranging. Under the new legislative arrangements, which for the most part commenced on 27 March 2006, the Commission’s role has been significantly altered. First, its arbitral role has been further reduced. In particular the function of fixing minimum wages and casual loadings has been removed from the Commission and given to the Australian Fair Pay Commission. The number of allowable award matters and the scope for variation of awards have been further limited. Secondly, the Commission’s dispute resolution function is, with very few exceptions, confined to cases in which the parties jointly agree that the Commission should exercise a dispute resolution function. Even in those cases the Commission usually has no power to make binding orders, except in some cases involving pre-Work Choices agreements. And while the Commission may still assist parties in negotiations for collective agreements, it now has no role in the certification or approval of such agreements once made. Thirdly, while the Commission retains the jurisdiction to grant remedies in relation to termination of employment disputes, that jurisdiction is also further limited. For example, the Commission can only deal with cases against employers with more than 100 employees in which genuine operational reasons played no operative part in the decision to terminate the employment.

The Commission has ongoing responsibility in relation to the control of unprotected industrial action and, in particular, has the added function of regulating the conduct of ballots in relation to proposed industrial action by employees in support of claims for a collective agreement.

There are a number of other ways in which the legislation affects the Commission’s role, some of which are referred to later in this report. Perhaps the most important element to note is that the new legislative scheme establishes a national system of industrial and workplace relations. The system is based on the use of the power of the Commonwealth Parliament to legislate in relation to trading, financial and foreign corporations and a number of other heads of power in the Australian Constitution, but not s.51(XXXV). The new system binds constitutional corporations generally, the Commonwealth, Commonwealth authorities and Territory employers as well as employers of flight crew officers, maritime employees and waterside workers. The legislation sweeps up state awards and agreements, insofar as they apply to federal system employers and employees, and makes those awards and agreements federal instruments. State industrial tribunals are deprived of jurisdiction in relation to federal system employers and employees. The situation in Victoria is also affected by the unique consideration that the State Government had already referred much of its power in relation to such matters to the Commonwealth. The effect of the legislation on other state industrial laws purports to be very extensive and it remains to be seen what scope remains for the exercise of state powers in relation to industrial and workplace relations. Many elements of the legislation, and the
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INTRODUCTION

legislation as a whole, are subject to challenge in the High Court of Australia. At the time of writing this report the High Court had heard the case and reserved its decision.

There will no doubt be a period of adjustment and refinement as parties become used to the new system and this will place additional demands on members of the Commission and Full Bench cases are likely to increase in number in the short-term. It is too early to say what the overall effect will be on caseload, apart from the obvious reduction related to the loss of award variation and agreement certification functions.

The legislation now provides for award rationalisation and a further round of award simplification. Award rationalisation involves a reduction in the number of awards by consolidating groups of awards. Award simplification requires the removal of award provisions which are no longer allowable award matters. There are currently around 2200 federal awards. The timing of rationalisation and simplification is at this stage unclear and there may be advantages in carrying out the two processes together. The process of rationalisation, however, is activated by a request from the Minister for Employment and Workplace Relations and no request has yet been received. Simplification on the other hand, may be subject to direction given by regulations. No such direction has been given. In addition, no party has made an application that any award be simplified. For these reasons it is difficult to say when these exercises will take place and how long they might take to complete.

These changes have necessitated a number of alterations to existing procedures and the introduction of some new ones. The Commission’s Rules have been completely reviewed and a new set of rules, including associated forms, have been published on an interim basis.

Partly in response to the change in the Commission’s role, the Commission conducted an internal review during the year. As part of this process there were two residential workshops moderated by an organisational change consultant during the second half of 2005. During the review, specific organisational goals were formulated encompassing excellence in the provision of industrial dispute resolution services and contributing to effective workplace relations policy and practice and to Australia’s economic and social well-being. In this context, parties can expect the Commission to be independent of Government and impartial, to have inexpensive, timely and flexible processes, to have industry-specific knowledge and expertise, to be experienced and to provide national coverage in dispute resolution. The review identified a number of areas in which procedures and processes can be improved and identified proposals for further consideration. It has led to a number of changes already including the introduction of a telephone and web-based inquiry service; user forums to explain the Commission’s new role; and a number of changes in case management including facilitating the parties’ choice of member in dispute resolution matters when it is practical to do so. The inquiry service has been used extensively by individuals, organisations and legal practitioners. The user forums, conducted nationally by members of the Commission, were attended by more than 1000 people. The Commission has also produced a guide to dispute resolution provisions in workplace agreements, which is available on the web site and on CD-ROM.
The Commission’s move from 80 Collins Street to 11 Exhibition Street in Melbourne is scheduled for 25 September 2006. The new premises have been custom designed to meet the needs of a modern dispute resolution body. There is a good balance of well-appointed hearing rooms and comfortable conference rooms. A number of the hearing rooms also have state of the art videoconferencing facilities. The public areas are laid out so that users and visitors can circulate around the outer perimeter of the hearing room floors while access for Commission members is through a corridor in the core of the building. There are a number of areas where private informal discussions can take place and all of the public areas, including the hearing rooms, make good use of natural light. The design and quality of the premises are first rate.

The fit-out of the new premises has only been possible by the combined efforts of the many people involved, with senior Registry staff having shouldered the main burden. A number of contractors and consultants—architects, builders, project managers—have played key roles and a committee of Commission members also contributed to important aspects of the design phase. During the life of the project they have met and overcome many challenging obstacles and their efforts are deserving of the highest praise and gratitude from all who will use the Commission’s new Melbourne facilities.

More generally, on behalf of the members of the Commission I would like to express my appreciation for the continuing support provided to the Commission by the staff of the Australian Industrial Registry. In particular thanks are due to Mr Nicholas Wilson, who resigned as Industrial Registrar during the year, and to the Acting Registrar, Mr Terry Nassios. Their contributions have been critical during this period of ongoing change. Their assistance has enabled the Commission to maintain and I believe enhance the quality and timeliness of the services it provides.
WORK OF THE COMMISSION

Overview

The Commission’s powers and functions have altered in a number of respects as a result of the changes to the *Workplace Relations Act 1996* (the WR Act). The changes took effect at the end of March and operated for the whole of the June quarter, subject to some transitional arrangements which it is unnecessary to refer to. Wherever possible, the statistical report which is set out in Table 1 (below) includes applications under the old and the new legislative provisions so as to give as full a picture as possible of the Commission’s caseload over the full 12 months. The table deals only with the main categories of applications dealt with by the Commission. (Full details of lodgments are in Appendix D). In almost every case the trend in lodgments is down. Noteworthy exceptions to this are applications in relation to agreements and notifications under dispute settling procedures in agreements. It is too early to attempt conclusions about the effect of the Work Choices legislation apart from some obvious ones. Those are that applications to certify agreements will no longer be necessary, although the Commission will continue to have some functions related to the variation and termination of agreements made under the pre-reform Act. Award variations should decrease after the rationalisation and simplification processes have been completed.

Commission President Justice Giudice and Commission panel heads prior to the resignation of Vice President Ross: (back row, from left) Vice President Ross, Senior Deputy President Acton, Vice President Lawler, Justice Giudice, President, Senior Deputy President Marsh, (front row) Senior Deputy President Harrison and Senior Deputy President Watson.
## Table 1: Historical table of caseload categories

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dispute notification(^1)</td>
<td>2 564</td>
<td>2 342</td>
<td>2 121</td>
<td>1 675</td>
<td>1 191</td>
</tr>
<tr>
<td>Award variation</td>
<td>1 493</td>
<td>1 715</td>
<td>2 054</td>
<td>1 701</td>
<td>1 538</td>
</tr>
<tr>
<td>Notification under dispute settling procedures of agreements(^2)</td>
<td>555(^3)</td>
<td>679</td>
<td>764</td>
<td>851</td>
<td>956</td>
</tr>
<tr>
<td>Agreement (certification, extension, variation, termination and determination of designated award)</td>
<td>7 070</td>
<td>8 326</td>
<td>9 217</td>
<td>6 656</td>
<td>8 836</td>
</tr>
<tr>
<td>Suspension or termination of bargaining period</td>
<td>54</td>
<td>58</td>
<td>67</td>
<td>33</td>
<td>37</td>
</tr>
<tr>
<td>Order relating to industrial action</td>
<td>414</td>
<td>451</td>
<td>480</td>
<td>424</td>
<td>344</td>
</tr>
<tr>
<td>Certificate in relation to civil action</td>
<td>68</td>
<td>77</td>
<td>62</td>
<td>46</td>
<td>15</td>
</tr>
<tr>
<td>Termination of employment</td>
<td>7 461</td>
<td>7 121</td>
<td>7 044</td>
<td>6 707</td>
<td>5 758</td>
</tr>
<tr>
<td>• Jurisdiction</td>
<td>501</td>
<td>467</td>
<td>434</td>
<td>340</td>
<td>305</td>
</tr>
<tr>
<td>• Substantive arbitration</td>
<td>291</td>
<td>241</td>
<td>223</td>
<td>202</td>
<td>124</td>
</tr>
<tr>
<td>• Costs</td>
<td>55</td>
<td>68</td>
<td>90</td>
<td>34</td>
<td>62</td>
</tr>
<tr>
<td>Full Bench matters (including appeals)</td>
<td>366</td>
<td>534</td>
<td>285</td>
<td>248</td>
<td>215</td>
</tr>
<tr>
<td>Minimum wage order for Victorian employees</td>
<td>40</td>
<td>20</td>
<td>20</td>
<td>19</td>
<td>40</td>
</tr>
<tr>
<td>Referral of Australian workplace agreements to Commission</td>
<td>463</td>
<td>211</td>
<td>1 273</td>
<td>1 177</td>
<td>1 297</td>
</tr>
</tbody>
</table>

\(^1\): Includes notifications lodged pursuant to s.99 of the pre-reform Act, and s.699 and clause 13 of Schedule 6 of the WR Act.

\(^2\): Includes notifications lodged pursuant to ss.170LW and 170VG of the pre-reform Act, and s.709 of the WR Act.

\(^3\): Revised figure. Previously reported as: 2001–02—556.
The number of Full Bench matters determined, 255, represents an increase of about 30% on the previous year (190), although it is anticipated that Full Bench matters will decrease considerably once the new provisions have been in operation for a reasonable period of time.

Table 2: Full Bench matters 2005–06

<table>
<thead>
<tr>
<th>Nature of proceeding</th>
<th>Matters lodged/referred</th>
<th>Matters determined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of appeal</td>
<td>114</td>
<td>138</td>
</tr>
<tr>
<td>Referral from Registrar</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Appeal against decision of Registrar</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Reference to a Full Bench—Dispute†</td>
<td>11</td>
<td>23</td>
</tr>
<tr>
<td>Reference to a Full Bench—By President</td>
<td>21</td>
<td>34</td>
</tr>
<tr>
<td>Reference to a Full Bench—Declaration</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Review on application of Minister</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Exceptional matters order</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Application that a state authority be restrained from dealing with certain matters</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Multiple-business agreement</td>
<td>18</td>
<td>28</td>
</tr>
<tr>
<td>Arbitration following termination of a bargaining period</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Application for the revocation of award</td>
<td>45</td>
<td>22</td>
</tr>
<tr>
<td>Application for cancellation and suspension of award or order</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>215</strong></td>
<td><strong>255</strong></td>
</tr>
</tbody>
</table>

†: There were 11 applications for a reference, of which all were refused.
The number of applications for certification of enterprise agreements, and the number of agreements certified, were significantly up on last year. This could arise from a number of factors such as the bringing forward and renewal of agreements prior to 27 March 2006 and the agreement cycle in various industries. The data for the various types of agreements over the last three years is shown in Table 3.

Table 3: Agreements lodged and certified

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>With unions</td>
<td>6 135</td>
<td>6 271</td>
<td>3 836</td>
<td>3 094</td>
<td>6 250</td>
<td>6 256</td>
</tr>
<tr>
<td>With employees</td>
<td>1 402</td>
<td>1 238</td>
<td>1 564</td>
<td>1 411</td>
<td>1 212</td>
<td>1 255</td>
</tr>
<tr>
<td>Greenfields</td>
<td>380</td>
<td>320</td>
<td>371</td>
<td>316</td>
<td>453</td>
<td>464</td>
</tr>
<tr>
<td>About industrial disputes and situations</td>
<td>792</td>
<td>720</td>
<td>402</td>
<td>376</td>
<td>283</td>
<td>290</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8 709</strong></td>
<td><strong>8 549</strong></td>
<td><strong>6 173</strong></td>
<td><strong>5 197</strong></td>
<td><strong>8 198</strong></td>
<td><strong>8 265</strong></td>
</tr>
</tbody>
</table>

1: Applications lodged pursuant to ss.170LJ, 170LK, 170LL and 170LS of the pre-reform Act.

Agreement processing times have not varied greatly over the last few years, as shown in Table 4.

Table 4: Agreement processing time—Average days from lodgment to completion

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>With unions</td>
<td>28</td>
<td>27</td>
<td>26</td>
<td>27</td>
</tr>
<tr>
<td>With employees</td>
<td>32</td>
<td>29</td>
<td>29</td>
<td>24</td>
</tr>
<tr>
<td>Greenfields</td>
<td>18</td>
<td>21</td>
<td>21</td>
<td>16</td>
</tr>
<tr>
<td>About industrial disputes and situations</td>
<td>29</td>
<td>30</td>
<td>24</td>
<td>20</td>
</tr>
</tbody>
</table>

1: Applications lodged pursuant to ss.170LJ, 170LK, 170LL and 170LS of the pre-reform Act.
Termination of Employment Matters

Applications for relief in respect of termination of employment and matters related to such applications constituted a significant part of the Commission’s workload in 2005–06. During the year, 5758 applications were lodged (compared to 6707 in 2004–05), with more than half of the applications lodged in Victoria.

As shown in Chart 2, 73% of the applications lodged in the Commission in 2005–06 were resolved in conciliation.
Table 5 below provides information concerning the outcomes of termination of employment applications during 2005–06 on a state and territory basis. Of the applications finalised, only 124 (2.1%) required a substantive arbitration hearing. More than half of the arbitrations were in Victoria.

Table 5: Summary of outcomes of termination of employment matters finalised during 2005–06

<table>
<thead>
<tr>
<th>Region</th>
<th>Finalised at or prior to conciliation</th>
<th>Finalised prior to arbitrated orders</th>
<th>Substantive arbitrations</th>
<th>Total finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>129</td>
<td>19</td>
<td>0</td>
<td>148</td>
</tr>
<tr>
<td>NSW</td>
<td>1 074</td>
<td>157</td>
<td>33</td>
<td>1 264</td>
</tr>
<tr>
<td>NT</td>
<td>142</td>
<td>9</td>
<td>4</td>
<td>155</td>
</tr>
<tr>
<td>QLD</td>
<td>300</td>
<td>38</td>
<td>5</td>
<td>343</td>
</tr>
<tr>
<td>SA</td>
<td>106</td>
<td>24</td>
<td>2</td>
<td>132</td>
</tr>
<tr>
<td>TAS</td>
<td>68</td>
<td>10</td>
<td>3</td>
<td>81</td>
</tr>
<tr>
<td>VIC</td>
<td>2 636</td>
<td>862</td>
<td>76</td>
<td>3 574</td>
</tr>
<tr>
<td>WA</td>
<td>284</td>
<td>24</td>
<td>1</td>
<td>309</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4 739</strong></td>
<td><strong>1 143</strong></td>
<td><strong>124</strong></td>
<td><strong>6 006</strong></td>
</tr>
</tbody>
</table>

In 2005–06 there were 40 appeal decisions relating to termination of employment applications. As Table 6 shows, just under half of the appeals were upheld.

Table 6: Appeals—Termination of employment decisions 2005–06

<table>
<thead>
<tr>
<th></th>
<th>Upheld</th>
<th>Dismissed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merit</td>
<td>8</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>Remedy</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>4</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Costs</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Practice and procedure</td>
<td>0</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>18</strong></td>
<td><strong>22</strong></td>
<td><strong>40</strong></td>
</tr>
</tbody>
</table>
The next two tables provide aggregate statistics concerning the disposition of all applications lodged since the commencement of the pre-reform Act. Table 7 deals with the conciliation phase and Table 8 with the post-conciliation phase.

Table 7 indicates that there were 787 unfinalised conciliations at 30 June 2006, down from 901 at 30 June 2005 and 1007 at 30 June 2004.

Table 8 indicates that there were 233 applications, which were unable to be settled by conciliation, which had not been finalised as at 30 June 2006. This was due to a variety of factors such as the time period for lodging an election to proceed not having lapsed or because the matters were awaiting arbitration. The corresponding figure at 30 June 2005 was 253 and at 30 June 2004 was 302.

<table>
<thead>
<tr>
<th>Nature of proceeding</th>
<th>To 30 June 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Withdrawn, settled or otherwise discontinued prior to conciliation</td>
<td>13 823</td>
</tr>
<tr>
<td>Dismissed at preliminary stage (on threshold jurisdiction grounds, including 'out of time')</td>
<td>2 077</td>
</tr>
<tr>
<td>Settled by conciliation</td>
<td>38 428</td>
</tr>
<tr>
<td>Unable to be settled by conciliation—certificate issued</td>
<td>14 103</td>
</tr>
<tr>
<td>Type of certificate:</td>
<td></td>
</tr>
<tr>
<td>No reasonable prospect</td>
<td>84</td>
</tr>
<tr>
<td>Unlawful only</td>
<td>231</td>
</tr>
<tr>
<td>Harsh, unjust and unreasonable and Unlawful</td>
<td>60</td>
</tr>
<tr>
<td>Harsh, unjust and unreasonable¹</td>
<td>13 728</td>
</tr>
<tr>
<td>Conciliation not finalised</td>
<td>787</td>
</tr>
</tbody>
</table>

¹: Prior to 27 March 2006 the Australian Industrial Registry did not record whether a certificate was issued under any additional ground(s).
Table 9 shows the outcome of cases in which the termination of employment application was determined by a decision of the Commission. There have been 4855 such matters since the end of 1996. The data do not include all decisions but only decisions which led directly to the finalisation of the application. There are many preliminary decisions in the applicant’s favour, in relation to jurisdictional or other matters, which are not included. Those applications are subsequently determined either by agreement, discontinuance or decision.

Table 9: Result of termination of employment matters disposed of by decision under the Workplace Relations Act 1996

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lapsed through no election to proceed, or elected not to proceed to arbitration</td>
<td>742</td>
<td>96</td>
<td>96</td>
<td>81</td>
<td>84</td>
<td>69</td>
<td>52</td>
<td>1 220</td>
</tr>
<tr>
<td>Withdrawn, settled or otherwise discontinued between conciliation and arbitration</td>
<td>90</td>
<td>42</td>
<td>47</td>
<td>24</td>
<td>22</td>
<td>18</td>
<td>17</td>
<td>260</td>
</tr>
<tr>
<td>Substantive arbitration</td>
<td>10</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>21</td>
</tr>
<tr>
<td>Dismissed—on merits</td>
<td>557</td>
<td>142</td>
<td>148</td>
<td>136</td>
<td>117</td>
<td>115</td>
<td>55</td>
<td>1 270</td>
</tr>
<tr>
<td>Dismissed—out of time</td>
<td>287</td>
<td>85</td>
<td>105</td>
<td>87</td>
<td>77</td>
<td>41</td>
<td>62</td>
<td>744</td>
</tr>
<tr>
<td>Dismissed—no jurisdiction</td>
<td>524</td>
<td>129</td>
<td>156</td>
<td>154</td>
<td>129</td>
<td>120</td>
<td>128</td>
<td>1 340</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2 210</strong></td>
<td><strong>505</strong></td>
<td><strong>552</strong></td>
<td><strong>482</strong></td>
<td><strong>429</strong></td>
<td><strong>363</strong></td>
<td><strong>314</strong></td>
<td><strong>4 855</strong></td>
</tr>
</tbody>
</table>
Award Simplification

Pursuant to the Transitional Provisions of the Workplace Relations and Other Legislation Amendment Act 1996 (the WROLA Act) the Commission was required to review and simplify all federal awards. This review process required, amongst other things, the removal of provisions considered to be not allowable pursuant to the pre-reform Act, that awards contain properly fixed minimum rates of pay, and that they meet criteria specified in items 51(6) and (7) of the WROLA Act. The Commission and the Industrial Registrar were also required to ensure that awards not varied for up to five years were reviewed and set aside if they no longer had any substantial continuing operation.

With the introduction of the Work Choices legislation, these review processes ceased and a requirement for the Commission to further simplify awards commenced (with this process yet to begin).

At 27 March 2006, 11 of the 3222 federal awards requiring review under the pre-reform Act had not completed the simplification process. Of the 3211 awards that had completed the review process:

- 1264 awards had been simplified;
- 1533 awards had been set aside or superseded;
- 252 awards had been deemed to have ceased operation; and
- 162 awards had been identified as not requiring review.

A total of 13 awards completed the review process during the reporting period and two awards were set aside under s.151 of the pre-reform Act.

Heads of Tribunals Meetings

Section 171 of the pre-reform Act required the President to invite heads of state industrial authorities to meet with him to exchange information and to discuss matters of mutual concern. During the reporting period meetings took place in July and November 2005.

Organisations

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

- applications for registration by the Australian Principals Federation and The Master Plumbers & Mechanical Contractors Association of New South Wales which were granted;
• applications by the Australian Education Union, The Australian Licenced Aircraft Engineers Association, the Australian Municipal, Administrative, Clerical and Services Union, The Australian Workers’ Union, the National Union of Workers, the Liquor, Hospitality and Miscellaneous Union, and The Motor Inn, Motel and Accommodation Association to alter their eligibility rules;

• a direction given to the Industrial Registrar to enter particulars of an agreement between the Australian Municipal, Administrative, Clerical and Services Union and the Amalgamated AWU (SA) State Union into the register of organisations; and

• the registrations of The Association of Employers of Waterside Labour and The United Graziers Association of Queensland (Union of Employers) being cancelled.

An appeal against a decision refusing consent to the alteration of eligibility rules of the Australian Nursing Federation was upheld and, as a result, consent to the alteration of eligibility rules was granted.

An appeal was lodged against the decision granting registration of the Australian Principals Federation, which is yet to be determined.

At the end of the reporting period there were 14 applications outstanding—four applications for registration, seven applications for the alteration of eligibility rules, one application for change of name, one application for approval for submission of amalgamation to ballot, and one application for cancellation of registration.

Sir Richard Kirby Archives

Archives Committee

The Archives Committee oversees the continuing development of the Sir Richard Kirby Archives, including its collection, exhibition program and oral history project. At 30 June 2006 the committee comprised Senior Deputy President Lacy (chair), Commissioners Smith, Gay and Deegan, media liaison officer Ms Judy Hughes and national librarian Ms Rachel Franklin.

Progress in 2005–06

The work of the Archives continued the focus on the centenary of the Commission and the Australian Industrial Registry (the Registry), and the preparation of the collection for the move to the new premises in Melbourne.

The Centenary Exhibition continued its tour, being tailored to fit the various locations depending on the space available. It moved from Sydney to Adelaide in July 2005, and was then displayed in Darwin at Parliament House from 22 August 2005 to 9 September 2005. The Darwin exhibit
coincided with the Industrial Relations Society of Northern Territory’s annual conference and shared the same venue.

The exhibition also toured Brisbane (where it was a feature at the Industrial Relations Society of Queensland’s annual conference at the Gold Coast). Part of the exhibition was then moved to the Supreme Court of Queensland as the backdrop to a talk by Mr Glenn Martin SC. The exhibition moved on to Perth on 17 October where it stayed for seven weeks before returning to Melbourne.

Other activities of the Archives in 2005–06 included:

- continuation of the collection of centenary-related memorabilia and documents including signed copies of speeches by members and other industrial relations figures, and photographs of centenary events;

- electronic cataloguing of the current contents of the Archives;

- continuation of the Oral History Project—interviews were conducted with Senior Deputy President Duncan upon his retirement from the Commission, former Industrial Registrar Mr Nicholas Wilson and Mr Des Keary, a long serving industrial relations advocate and a former associate; and

- development of a display strategy for the Commission’s new headquarters at 11 Exhibition Street.

Donations

A highlight for the Archives in 2005–06 was the donation by Mr Mark Perlman of Pittsburgh, USA, of correspondence between himself and Sir William Raymond Kelly, KBE, and Justice Alfred Foster during the preparation of his 1951 monograph on Industrial Relations in Australia.

Another significant addition was the donation of Commission and Coal Industry Tribunal hearing and case notes dating from 1991 to 2005 and other related material dating back to 1978 by Senior Deputy President Duncan, upon his retirement from the Commission.
SIGNIFICANT CASES

Family Provisions Case

Decision: Melbourne, 8 August 2005 [PR082005, (2005) 143 IR 245]

Full Bench: Justice Giudice, Vice President Ross, Senior Deputy President Cartwright, Deputy President Ives, Commissioner Cribb

This decision dealt with a number of applications which sought to establish a better balance between work and family responsibilities. The claims were the subject of lengthy conciliation before the Commission and a measure of agreement was achieved in some areas. The conciliation was followed by an arbitral proceeding of some magnitude, with considerable evidence from academics and researchers, employees, employers and others.

Essentially there were two types of claims:

• claims relating to parental leave, being an increase in the amount of simultaneous unpaid leave for both parents, an increase in unpaid parental leave from 12 to 24 months and a new right for mothers to return to work on a part-time basis; and

• claims relating to flexibility of an employee’s hours, days or times of work (including meal breaks and times), as well as the time of taking leave and the granting of unpaid leave.

The Full Bench reached three critical conclusions in looking at the areas of dispute.

First, that the Full Bench should take a positive step, by way of award provision, to assist employees to reconcile work and family responsibilities. The Full Bench noted it believed most employers were sensitive to this issue, but that some employers remain unlikely to accommodate such needs. The introduction of specific family provisions into awards would oblige employers to take them into account.

Secondly, it was considered important that this should be a cautious decision and that it should not impose upon employers new obligations that are excessive or overly complex. Thus it was determined that the new award provisions would be limited to parental leave entitlements which would operate for a reasonable period and then be subject to review.

Thirdly, the Full Bench addressed the manner in which the new flexibility provisions should be introduced. The Commission charted a middle course between the Australian Council of Trade Unions’ request that there be an unconditional right to additional parental leave benefits (which might lead to increased costs and reduced efficiency) and the employers proposal that it be purely voluntary (which might lead to a reluctance of employers to approve such entitlements). It decided to establish an employee ‘right to request’ a change in working conditions, which imposes a duty upon the employer to not unreasonably refuse that request. This approach drew on the provisions of ss.80F and 80G of the Employment Rights Act 1996 (UK).
The decision also approved a new consent provision relating to emergency leave and two new consent model clauses relating to sick leave and bereavement leave. Additional claims relating to the carrying forward of annual leave and an increase in the number of single days of annual leave that may be taken were also granted in part.

The outstanding claims were referred to the Commission for further conciliation.

Re Exel (Australia) Logistics Pty Ltd—Edinburgh Park & Salisbury South, South Australian Enterprise Agreement 2004 and others

Decision: Melbourne, 9 September 2005 [PR962259, (2005) 146 IR 334]

Full Bench: Justice Giudice, Deputy President McCarthy, Commissioner Mansfield

This was an appeal against two decisions of the Commission which refused to certify a number of agreements on the basis that they contained clauses that did not pertain to the employment relationship as required by s.170LI of the Workplace Relations Act 1996 (the pre-reform Act). The clauses in question concerned the engagement of contract labour, the right of union officials to enter premises and income protection insurance.

The Full Bench applied the High Court decision in Electrolux Home Products Pty Ltd v Australian Workers Union [(2004) 133 IR 49] and the Full Bench decision of the Commission in Re Schefenacker Vision Systems Australia Pty Ltd, AWU, AMWU Certified Agreement 2004 [(2004–05) 142 IR 289].

The contract labour clauses sought to ensure that the employees of contractors engaged by the employer would receive the same pay and conditions as employees covered by the agreement. The majority of the Full Bench affirmed that this type of clause is directly concerned with the security of employment of employees covered by the agreement and therefore, in general terms, pertains to the employment relationship. The only provisions that were found to be unacceptable were provisions that sought to directly prohibit (rather than just regulate) the engagement of contractors or the engagement of casuals by contractors. The minority decision expressed the view that contract labour clauses do not pertain to the employment relationship because the requirement that contractors receive the same pay and conditions as direct employees would have the effect of prohibiting the use of labour hire employees.

The Full Bench was satisfied that deductions from wages for an income protection scheme pertain to the employment relationship because the deductions clearly relate to an incident of employment as required by R v Portus; Ex parte ANZ Banking Group Ltd [(1971–72) 127 CLR 353].
The majority also found that the right of entry clauses did not pertain to the employment relationship because the rights they conferred on union officials were too broad.

The original decisions were upheld as each agreement contained at least one matter that did not pertain to the employment relationship.

**Conway v GSL Custodial Services Pty Ltd**

**Decision:** Melbourne, 12 September 2005 [PR962367]

**Member:** Commissioner Whelan

This decision concerned the issue of whether a prisoner has the right to lodge an application for unfair dismissal under the *Workplace Relations Act 1996* (the pre-reform Act). The applicant was a remand prisoner who had been ‘dismissed’ from working in a prison laundry. The respondent (who operates a prison pursuant to a contract with the State of Victoria under the *Prison Services Act 1986* (Vic)) asserted that the application should be dismissed on the basis that the applicant was not an employee.

The Commission noted that many aspects of work in a prison utilise the language of an employment relationship. For example, persons apply for work according to a selection process and are then paid as employees who may be dismissed for misconduct. However, the use of such language is not enough to establish an employment relationship. Rather, the evidence indicated that such terminology was chiefly used in the prison environment to replicate external work practices for the purposes of rehabilitation.

To determine whether a person is genuinely an employee requires an objective analysis of whether the parties had voluntarily entered into an employment contract that involved legally enforceable rights and duties [*Ermogenous v Greek Orthodox Community of SA Inc* [(2001) 112 IR 56]]. On this basis, it was clear that the respondent did not intend, at any stage, to enter into an employer/employee relationship with the applicant. Rather, the relationship between the parties was always one of custodian and prisoner and the provision of work (and the payment for work) derived from the prison administrator’s statutory and contractual responsibility for the care, supervision, control and welfare of prisoners rather than an employment contract.

The application was therefore dismissed on the basis that the applicant was not an employee.
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Cunningham v Australian Bureau of Statistics

**Decision:** Melbourne, 10 October 2005 [PR963720, (2005) 148 IR 20]

**Full Bench:** Justice Giudice, Senior Deputy President Watson, Commissioner Simmonds

This was an appeal against a decision ordering reinstatement of an executive level public servant, found to have made changes to his footy tipping competition tips on the employer’s computer system, to which he had administrator rights. His employment was terminated for breaches of the Australian Public Service Code of Conduct.

At first instance the Commission found that the conduct was not work related in terms of the Code of Conduct, did not impact on the community or the Government, and did not constitute a valid reason for termination.

The Full Bench disagreed, finding that anything which erodes the trust and honesty between work colleagues has the potential to affect the work environment. There was legitimate reason to conclude the requisite level of trust no longer existed, particularly given the confidential nature of data collected by the appellant, and the fact that the respondent was a senior manager who had abused his authority and then failed to reveal the full extent of his actions.

Having granted leave to appeal, the Full Bench went on to consider the matter afresh. The respondent’s 14-year unblemished work record and submissions regarding the family and social impact of the termination were considered against the fact that the persons directly affected by the conduct were co-workers, and that the respondent had used his system administrator privileges for personal gain.

Taking into account all of the matters raised, and the need for a fair go all round, the Full Bench quashed the original decision and dismissed the application for relief.

Adam v High Commission of Malaysia

**Decision:** Canberra, 11 October 2005 [PR963745]

**Member:** Commissioner Deegan

This decision considered whether a foreign state is immune from unfair dismissal proceedings under s.170CE of the *Workplace Relations Act 1996* (the pre-reform Act). The applicant was an Australian citizen terminated from employment with the Malaysian High Commission.

The respondent submitted that the Commission did not have jurisdiction to proceed for a number of reasons including:
• the respondent had diplomatic immunity under the *Vienna Convention on Diplomatic Relations 1961* (Vienna Convention); and

• the relevant documentation had not been properly served through diplomatic channels.

The Commission first noted that the Vienna Convention only grants diplomatic immunity to staff of foreign states rather than the state itself. As the contract of employment in the present case was with the sovereign state of Malaysia it was therefore determined that the diplomatic immunity of the Vienna Convention did not apply.

The Commission then drew attention to s.12 of the *Foreign States Immunities Act 1985* (FSI Act) which clearly indicates that (in certain circumstances) a sovereign state will not be immune from a proceeding concerning a contract of employment made and performed in Australia. The FSI Act defines a ‘proceeding’ as a proceeding in a court, tribunal or other body that has functions or powers that are judicial or of a kind similar to judicial functions or powers. The Commission was satisfied that it is a tribunal with powers of this kind citing *Miller v University of New South Wales* [(2003) 127 IR 432] and *Re Dingjan; Ex parte Wagner* [(1995) 58 IR 138]. The Commission further noted that the FSI Act adopts and codifies the ‘restrictive theory’ of sovereignty which now prevails at common law which posits that foreign states have no absolute immunity as regards commercial transactions.

Regarding the service of documents, the Commission noted that when the respondent had first entered an appearance in the jurisdictional proceeding before the Commission it did not make any objection in relation to the service of the initiating process. It was therefore determined that the respondent had, under s.26 of the FSI Act, waived its right to object to service.

In light of the above, the Commission found that the respondent was not immune from a proceeding initiated under s.170CE of the pre-reform Act. The application was therefore referred for conciliation.

**BlueScope Steel Limited v Brown**

**Decision:** Melbourne, 3 November 2005 [PR964604]

**Full Bench:** Justice Giudice, Senior Deputy President Duncan, Commissioner Blair

This was an appeal against a decision directing a firm of solicitors to produce documents. This matter arose as a preliminary issue in termination of employment proceedings.

Following the applicant’s dismissal the employer/appellant advised him that his termination would undergo an independent review. The appellant contracted a legal firm to conduct an investigation. The applicant initiated proceedings pursuant to s.170CE of the *Workplace Relations Act 1996* (the pre-reform Act). At the appellant’s request, the applicant attended an interview at the legal firm. Subsequently he attended a meeting with a representative of the
SIGNIFICANT CASES

appellant at which he was handed a letter confirming termination. The letter alluded to a report prepared by an employee of the legal firm, but claimed it was confidential and privileged. It was this document the appellant was directed to produce.

The sole question for consideration was whether the legal firm’s report was the subject of legal professional privilege. The Full Bench observed that as a matter of legal principle it was clear that a document is privileged if its production would reveal communications between lawyer and client made for the dominant purpose of giving or obtaining legal advice. The Bench was satisfied, on the basis of uncontroverted evidence of the appellant’s chief legal officer, that the appellant had sought such advice. However, whether or not it was privileged raised the issue of implied or imputed waiver. The Full Bench determined considerations of fairness as the cornerstone of imputed waiver. Moreover, waiver would be imputed if the client’s conduct was inconsistent with the maintenance of confidentiality. The Bench concluded that it was almost inconceivable that the applicant, properly advised, would have consented to be interviewed by legal advisors of the opposing party to proceedings under s.170CE. It concluded the appellant was clearly advantaged by this sequence of events.

Leave to appeal was granted and the substance of the Commission’s directions confirmed.

Re Macmahon Contractors Pty Ltd—Moura Project Certified Agreement 2005

Decision: Melbourne, 24 November 2005 [PR965459, (2005) 146 IR 466]

Full Bench: Justice Giudice, Vice President Lawler, Commissioner Raffaelli

This case concerned an appeal against a determination settling a dispute regarding disciplinary action taken pursuant to the employer’s drug and alcohol testing procedure which led to the resignation of one employee and the suspension of another. At first instance, the Commission found the testing procedure was unlawful and the two employees should be restored to their positions.

The Commission found that it was not empowered to deal with the matter pursuant to s.170LW(a) of the Workplace Relations Act 1996 (the pre-reform Act) because it was not a dispute over the application of the agreement. The Commission concluded, however, that the agreement validly conferred dispute-settling powers on the Commission pursuant to general law, even though those powers went beyond the powers of s.170LW(a). The Full Bench rejected this conclusion for three interrelated reasons.

The first concerned statutory construction. Section 170LW(a) prescribes the powers the parties may confer on the Commission by agreement. In specifying and limiting those powers the section implicitly excludes the conferral of other broader powers. Secondly, the Commission misconstrued a passage relied on from Construction, Forestry, Mining and Energy Union v Australian Industrial Relations Commission and another [(2001) 103 IR 473]. Where an
agreement exceeds what is permitted by the pre-reform Act, it cannot operate to give the Commission a role which exceeds that permitted by s.170LW. Finally, the Commission only has those powers which the pre-reform Act confers upon it. The Commission cannot increase its own jurisdiction by an award or decision it makes, nor can the parties to an agreement.

The Full Bench determined that an appellable error of jurisdiction had been made. Once it was found that the application did not involve a dispute over the application of the agreement, the application should have been dismissed. Leave to appeal was granted. The appeal was upheld and the Commission’s decision and determination were quashed.

Safety Net Review—Wages 2006

**Decision:**  Melbourne, 21 December 2005 [PR966840, (2006) 150 IR 361]

**Full Bench:**  Justice Giudice, Vice President Ross, Vice President Lawler, Senior Deputy President Marsh, Senior Deputy President Kaufman, Commissioner Hingley, Commissioner Grainger

This decision dealt with a number of applications to increase rates of pay in various awards.

At a directions hearing on 17 November 2005, the Commission issued a statement and provisional directions. The statement observed that if the Work Choices Bill passed into law in its then current form, it appeared the relevant provisions of the *Workplace Relations Act 1996* (the pre-reform Act) would cease to apply and the Commission’s power to fix minimum wages would be confined to transitional employees. This decision concerned the issue of what, if any, further steps the Commission should take in relation to the applications.

Two proposals on the processing of the applications were presented. The first, advanced by the Australian Council of Trade Unions, proposed the confirmation of the provisional directions issued on 17 November and, the fixing of dates for hearing after March in relation to transitional employees only. The second proposal, advanced by the Commonwealth, called on the Commission to vacate the provisional directions and adjourn the applications until after the minimum wage determination of the Australian Fair Pay Commission (the AFPC).

The Commonwealth’s proposal was based on three grounds. First, that under the Work Choices legislation the AFPC would be the lead body in the fixation of minimum wages in Australia. Secondly, that while the Work Choices legislation had been passed by the Parliament and certain parts had commenced operation, it would not commence operation fully until March 2006. As a consequence, the proceedings would straddle two systems, initially being subject to the pre-reform Act and thereafter by the quite different terms of the *Workplace Relations Act 1996* as amended by the Work Choices legislation. Thirdly, the public interest consideration was based on the fact that after the relevant amendments commence to operate, the Commission would have wage-fixing powers in relation to transitional employees only. The Commission acknowledged it was clear that after the commencement of the legislation, the Commission’s
minimum wage decisions would affect transitional employees only and its discretion in fixing those minimum wages would be circumscribed.

The Commission noted that under s.8 of Schedule 13 of the Work Choices legislation it would be required to have regard to the principle that the wages of transitional employees should be competitive with the wages of employees covered by the wage setting functions of the AFPC. Also, that it would be required to have regard to the wage-setting decisions of the AFPC and any relevant economic statements by that body.

The Commission determined there would be insufficient time to deal with the applications in their entirety before the legislation became fully operative and that it would be inappropriate to bring forward the Safety Net Review by three months abandoning the practice of annual reviews. The Commission also determined that it would not be desirable that it hear and determine claims for increases in minimum wages for transitional employees before the AFPC had made any determination in relation to the bulk of employees covered by the federal system. Such conclusion emanated from the criteria which the Commission is to apply in setting wages for transitional employees particularly the weight to be given to determinations and policy statements made by the AFPC.

The Commission determined that the existence of applications in state industrial jurisdictions for increases in minimum award rates did not provide any justification for the Commission to reject the Commonwealth’s adjournment proposal, although, the manner in which they are determined may in due course have some relevance to the fixation of minimum rates for transitional employees in the federal system.

The Commission adopted the Commonwealth’s proposal to revoke the provisional directions and adjourn the applications until the AFPC makes its first wage-setting determination.

Boeing Australia Limited v The Australian Workers’ Union

**Decision:** Perth, 23 February 2006 [PR968945, (2005) 148 IR 466]

**Full Bench:** Justice Giudice, Vice President Lawler, Commissioner Larkin

This decision arose from an application by Boeing Australia Limited (Boeing) for the Commission to exercise its power under s.128 of the *Workplace Relations Act 1996* (the pre-reform Act) to restrain the Industrial Relations Commission of New South Wales (IRCNSW) from dealing with a dispute referred to it by the New South Wales Minister for Industrial Relations (the New South Wales Minister).

The matter involved a long standing dispute over wages and conditions of employment at Boeing and with the manner in which conditions were negotiated and given effect to. Boeing’s employees wished to negotiate a collective agreement through the union, whereas Boeing was adamant it preferred to maintain individual contracts with its employees.
After a series of steps to resolve the matters in dispute, the New South Wales Minister established an inquiry to be conducted by the IRCNSW which sat as a Commission of Inquiry. The resulting report concluded that the Metal, Engineering and Associated Industries Award 1998 (the Metal Industries Award) did not apply to the relevant Boeing operations, that there was no prospect of the dispute being resolved by the parties, nor any real likelihood of the proceedings before the Commission resolving the dispute. Following the inquiry a dispute was notified to the IRCNSW. Subsequently, the union notified Boeing and the Commission that it no longer wished to negotiate an agreement in the federal jurisdiction, simultaneously advising the discontinuance of the bargaining period. Boeing subsequently issued proceedings under s.128 of the pre-reform Act.

Boeing submitted that it was bound by the Metal Industries Award. On this basis, Boeing argued there was potential for a clash between the federal award and any award that might flow from the application made to the IRCNSW. It also submitted that the union had sought to use the federal system to its benefit, and should not now be permitted to secure an advantage through the state system.

The Full Bench concluded that Boeing was bound by the Metal Industries Award. The Bench noted the issue of federal award coverage was fundamental from the point of view of its jurisdiction and the exercise of its discretion. It decided that it was appropriate an order be made restraining the IRCNSW as any award made by the IRCNSW would be inconsistent with the Metal Industries Award and the validity of any such award would be open to real doubt.

Review on Application by Minister for Employment and Workplace Relations

Decision: Melbourne, 2 May 2006 [PR971973, (2006) 151 IR 244]

Full Bench: Justice Giudice, Deputy President Ives, Commissioner Whelan

This review concerned the operation of transitional provisions relating to the Workplace Relations Amendment (Work Choices) Act 2005 (Work Choices legislation), with respect to an application for a protected action ballot order in the context of bargaining for a collective workplace agreement.

Prior to the commencement of the amended Workplace Relations Act 1996 (WR Act), bargaining periods had been initiated by the Australian Nursing Federation (ANF) and the Commission had begun to exercise its conciliation powers under s.170NA of the unamended Workplace Relations Act 1996 (the pre-reform Act). Under the pre-reform Act there was no requirement that an organisation make an application for a protected action ballot order before taking protected industrial action.

The question before the Commission was whether the ANF was required to follow the provisions of the pre-reform Act or those of the WR Act. That question turned upon the legal effect of
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certain transitional provisions in the WR Act. By effect of the transitional provisions, certain provisions of the pre-reform Act continued to apply for a period of three months, despite the commencement of the Work Choices legislation.

The Commission found that the taking of protected action in relation to the relevant bargaining periods was governed by the terms of the pre-reform Act and accordingly no ballot was required.

The Full Bench determined that the Minister had standing to make the application for review and that a review was in the public interest as the decision raised an important issue regarding the operation of the transitional provisions in relation to protected industrial action.

The Full Bench concluded that the purpose of the relevant transitional provision was to provide for a continuation of conciliation proceedings under s.170NA during the transitional period and that, consistent with that purpose, the operation of the transitional provision was confined to conciliation proceedings which commenced under s.170NA(1) of the pre-reform Act. As a result, the ANF would not be able to take protected industrial action without making an application for a protected action ballot order pursuant to s.451(1) of the WR Act. The decision of the Commission was quashed.
MEMBERS

At 30 June 2006 there were 44 members of the Commission holding primary appointments—the President, two Vice Presidents, 12 Senior Deputy Presidents, four Deputy Presidents and 25 Commissioners. Almost half of the members, including the President, were based in Melbourne with the remainder located in Sydney, Brisbane, Perth, Adelaide and Canberra. There were no members permanently based in Darwin or Hobart.

A list of members as at 30 June 2006 is included at Appendix A.

Appointments

Vice President Watson was appointed on 19 June 2006 and is based in Melbourne.

Commissioner Richards was appointed a Senior Deputy President on 3 May 2006 and continues to be based in Brisbane.

Retirements and Resignations

Vice President Ross resigned on 27 January 2006, Senior Deputy President Duncan retired on 18 December 2005 and Senior Deputy President Lloyd resigned on 28 September 2005.

Dual Appointees

As at 30 June 2006 there were 24 members of the Commission whose primary appointment was to a state industrial tribunal—12 Deputy Presidents and 12 Commissioners. A list of these members is included at Appendix B.

Commissioner Bechly of the Queensland Industrial Relations Commission retired his federal commission on 18 August 2005.

There were seven members of the federal Commission holding secondary appointments to state industrial tribunals. They were:

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

- Commissioner Hoffman (Queensland Industrial Relations Commission);
- Commissioner Bacon (Queensland Industrial Relations Commission);
- Senior Deputy President Richards, appointed as a Commissioner of the Queensland Industrial Relations Commission on 1 September 2005; and
- Commissioner Spencer, appointed as a Commissioner of the Queensland Industrial Relations Commission on 1 September 2005.

Panels

The work of the Commission is administered through a panel system whereby Presidential members organise and allocate work for a number of specified industries.

On 25 January 2006 Vice President Ross resigned his commission and Deputy President Ives was appointed Acting Panel Head in his place until the appointment of Vice President Watson.

A list of panel assignments as at 30 June 2006 appears at Appendix C.
Overseas

Justice Giudice attended meetings of international dispute resolution agencies in Vancouver, Canada in July 2005 and in Galway, Ireland in May 2006. He also met with representatives of the Ministry of Manpower and the Industrial Relations Court in Singapore and the Arbitration Council Foundation of Cambodia in May and June 2006.

Justice Boulton continued his period of leave without pay from the Commission as the Country Director of the International Labour Organisation in Jakarta, Indonesia.

In March 2006, Senior Deputy President Acton visited the Advisory, Conciliation and Arbitration Service, the Employment Tribunal and the Employment Appeal Tribunal in the United Kingdom, the Federal Mediation and Conciliation Service, the Canadian Industrial Relations Board and the Public Service Labour Relations Board in Canada and the Federal Mediation and Conciliation Service, the National Labour Relations Board and the National Mediation Board in the United States of America.

Commissioner Hoffman met with parties from the Vietnam General Confederation of Labour, the Labour Court, and the Ministry of Labour, War Invalids and Social Affairs in Vietnam in January 2006 to assist with the development of a negotiation skills training proposal.


Domestic

Justice Giudice addressed the annual convention of the Industrial Relations Society of the Northern Territory in Darwin in September 2005 on the topic of ‘Minimum Wage Fixation 1996–2005’. In November 2005 he was the after-dinner speaker at the Industrial Relations Society of Victoria’s Annual Convention. He participated in a panel session on ‘Some Legal Aspects of the Federal Workplace Reforms’ for the Australian Labour Law Association Victorian Chapter in December 2005. Justice Giudice spoke at the Australian Mines and Metals Association’s national conference in Launceston in March 2006, the Australian Industry Group’s National PIR Conference in Canberra and the Industrial Relations Society of New South Wales’ Annual Convention in May 2006. He was also the keynote speaker at the Industrial Relations Society of South Australia’s Annual Convention in Adelaide in June 2006. Justice Giudice is also the Patron of the Industrial Relations Society of Victoria (IRSV).
COMMISSION MEMBERS: OTHER ACTIVITIES

Senior Deputy President Acton is a member of the Advisory Board of the Centre for Employment and Labour Relations Law at The University of Melbourne.

Senior Deputy President Lacy is the Vice President of the IRSV in addition to being a member of the IRSV’s Advocacy and Functions Committee. He is also Chair of the Trinity Church Council and Chair of the Board of Uniting Care Harrison Community Service. The Senior Deputy President gave a presentation to the Law Institute of Victoria’s Workplace Relations Breakfast in July 2005, a presentation to union delegates, the Administrator and administration staff of Christmas Island, Mine Managers and Hospital Management on the Work Choices legislation at Christmas Island in March 2006, was Chair of a panel discussing Work Choices for the Victorian Bar’s Greens List in May 2006 and gave a presentation to the IRSV on the Model Advocate in May 2006.

Senior Deputy President Cartwright is the President of the Defence Force Remuneration Tribunal.

Senior Deputy President Hamberger is the Chair of the Pharmaceutical Benefits Remuneration Tribunal. In March 2006 he addressed the Committee for Economic Development of Australia’s Workplace Relations Forum in Sydney on ‘The Future Role of the AIRC’.

Senior Deputy President Richards is a Director of Moreton Bay Boys’ College. He has given briefings to the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, the National Retailer’s Association, the McCullough Robertson Employment and Industrial Relations Conference, the National Union of Workers Delegates Course, and Minter Ellison.

Deputy President Hamilton is a member of the CCH Australia Honorary Editorial Board for Industrial Relations.

Commissioner Smith is a member of the Camberwell Grammar School Council.

Commissioner Lewin is the Chairman of the Academic Advisory Board, Human Resource Management of Deakin University.

Commissioner Harrison is the immediate past President of the Industrial Relations Society of New South Wales.

Commissioner Hoffman is the Chair of the Senior Prison Officers Arbitral Tribunal of the Northern Territory and the Prison Officers Arbitral Tribunal of the Northern Territory. He is also the Deputy Chairperson of the Northern Territory Police Arbitral Tribunal.

Commissioner Foggo is the Deputy Chancellor of Victoria University.

Commissioner Hingley addressed the management representatives and union delegates and officials of Otis Elevator Company on the Work Choices legislative changes in April 2006.
Commissioner Eames is the Patron of the Industrial Relations Society of the Northern Territory.

Commissioner Cargill is a member of the Advisory Board of the Workplace Research Centre (previously the Australian Centre for Industrial Relations Research and Training) and co-convenor of its Advocacy Course.

Commissioner Whelan presented a seminar for the IRSV on the Model Advocate in May 2006. She is also a Director of the Melbourne Symphony Orchestra.

Commissioner Grainger is the Deputy Chairman of the Australian Children’s Television Foundation.

Professional Development

Section 39 of the pre-reform Act provided that at least once a year there be a conference of members of the Commission. A Statutory Conference was held over a two-day period in November–December in Sydney.

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

The Commission began an organisational review in 2004–05 and identified as a high priority the need to improve communications both externally to Commission users and the public, and internally within the Commission and Registry. As a result, and in recognition of the need to communicate the Commission’s changed role following the introduction of the Work Choices legislation, the following measures were implemented in 2005–06:

- a series of fact sheets and guides were prepared to assist users and the general public in understanding the role and work of the Commission following the introduction of the Work Choices legislation;

- a national telephone inquiry service was established with a single telephone number available Monday to Friday, 8.45 a.m. to 7.00 p.m. (EST), as well as an online live help service accessible through the AIRC web site; and

- a national program of user forums was conducted in all capital cities with more than 1000 Commission users attending.

Information Technology

During the year, all Commission and Registry personal computers (desktop hardware and software) were replaced. At the completion of the rollout of the new technology, Commission members had improved access to mobile technology that included notebook computers and Personal Digital Assistants.

After completion of the desktop upgrade, the Registry undertook a review of the information technology infrastructure to ensure that the Commission and Registry are well positioned to take advantage of any new technology. At the end of the reporting period, the replacement of videoconferencing equipment and personal printers, as well as the upgrading of the wide area network communication lines, was underway.

Home Page

The AIRC web site was reviewed in 2004–05 with a view to modernising its appearance and making its features better tailored to the needs of users. The review involved extensive consultation with external users including two online surveys—one to seek the views of users on the old site and the other to receive feedback on a draft design.
The new-look web site went live on 10 October 2005, some of its key features included:

- dedicated user portals for employees and employers; self represented parties and practitioners; and students and the media;

- quick links to the most frequently visited pages;

- new pages specifically designed to assist infrequent users—including an A to Z index, site help and frequently asked questions; and

- assistance for special needs users including a facility to change text size and advice for those with English language difficulties.

Following the introduction of the Work Choices legislation, the web site underwent a further design change aimed at highlighting information materials specifically designed to assist Commission users as they adapted to the new legislation.

Overseas Visitors

In 2005–06 the Commission hosted a number of overseas delegations interested in learning about the Commission and its work in dealing with industrial disputes and other employment-related matters.

Delegations and individual visitors were welcomed from China, Cambodia, Indonesia, Malaysia and Southern Africa. Members involved in hosting these visitors included Vice President Lawler, Senior Deputy President Lacy and Commissioners Smith, Gay, Hingley and Grainger.

The delegations from Cambodia comprised representatives of the Cambodian Arbitration Council and the Ministry of Labour, whilst the delegation from the Ministry of Human Resources of Malaysia was led by the Ministry’s Secretary General Datuk Dr P Manogran.

In addition to presenting briefings to overseas visitors, Commission members regularly provide presentations about the Commission’s work to students and other interested groups.
As at 30 June 2006, there were 44 primary appointees—the President, two Vice Presidents, 12 Senior Deputy Presidents, four Deputy Presidents and 25 Commissioners.

**President:**
Justice GM Giudice (M)

**Vice Presidents:**
Vice President MJ Lawler (S)
Vice President GR Watson (M)

**Senior Deputy Presidents:**
Justice AJ Boulton AO, Senior Deputy President (S) (on leave)
Senior Deputy President JI Marsh (S)
Senior Deputy President IR Watson (M)
Senior Deputy President AM Harrison (S)
Senior Deputy President JM Acton (M)
Senior Deputy President LEC Drake (S)
Senior Deputy President BJ Lacy (M)
Senior Deputy President MG O’Callaghan (A)
Senior Deputy President RN Cartwright (S)
Senior Deputy President L Kaufman (M)
Senior Deputy President JM Hamberger (S)
Senior Deputy President PJ Richards (B)

**Deputy Presidents:**
Deputy President KB Ives (M)
Deputy President RS Hamilton (M)
Deputy President BP McCarthy (P)
Deputy President N Blain (P)

**Commissioners:**
Commissioner GR Smith (M)
Commissioner JCW Lewin (M)
Commissioner GJ Harrison (S)
Commissioner JWL Simmonds (M)
Commissioner PA Lawson (S)
Commissioner MAG Gay (M)
Commissioner DA Hoffman (B)
Commissioner KJ Bacon (B)
Commissioner DB Foggo (M)
Commissioner WD Blair (M)
Commissioner LN Hingley AM (M)
Commissioner AL Cribb (M)
Commissioner BJ Eames (M)
Commissioner RA Redmond (S)
Commissioner HM Cargill (S)
Commissioner AP Larkin (S)
Commissioner JRG Tolley (M)
Commissioner DM Whelan (M)
Commissioner B Deegan (C)
Commissioner FJ Raffaelli (S)
Commissioner GSG Grainger (M)
Commissioner P Spencer (B)
Commissioner MG Roberts (S)
Commissioner WC Mansfield (M)
Commissioner CW Thatcher (P)

Members based in:
(A) Adelaide, (B) Brisbane, (C) Canberra, (M) Melbourne, (P) Perth, (S) Sydney.
DUAL APPOINTEES

As at 30 June 2006, there were 24 members of the Commission whose primary appointment was to a state industrial tribunal—12 Deputy Presidents and 12 Commissioners.

Deputy Presidents:
Judge JP McCusker (A), Deputy President IRCSA
Judge HW Parsons (A), Deputy President IRCSA
Deputy President DR Hall (B), President QIRC
Senior Judge WD Jennings (A), President IRCSA
Deputy President PJ Hampton (A), Deputy President IRCSA
Justice FL Wright (S), President IRCNSW
Justice F Marks (S), Presidential Member IRCNSW
Justice M Schmidt (S), Presidential Member IRCNSW
Deputy President RW Harrison (S), Presidential Member IRCNSW
Deputy President BP Gilchrist (A), Deputy President IRCSA
Deputy President DM Linnane (B), Vice President QIRC
Deputy President PL Leary (H), President TIC

Commissioners:
Commissioner JF Gregor (P), Senior Commissioner WAIRC
Commissioner KL Edwards (B), Commissioner QIRC
Commissioner GK Fisher (B), Commissioner QIRC
Commissioner DA Swan (B), Deputy President QIRC
Commissioner AL Bloomfield (B), Deputy President QIRC
Commissioner JK Lesses AM (A), Commissioner IRCSA
Commissioner AJ Dangerfield (A), Commissioner IRCSA
Commissioner KM Bartel (A), Deputy President IRCSA
Commissioner IC Asbury (B), Commissioner QIRC
Commissioner DK Brown (B), Commissioner QIRC
Commissioner JM Thompson (B), Commissioner QIRC
Commissioner BJ Blades (B), Commissioner QIRC

State Tribunals:
IRCSA (Industrial Relations Commission of South Australia)
IRCNSW (Industrial Relations Commission of New South Wales)
QIRC (Queensland Industrial Relations Commission)
TIC (Tasmanian Industrial Commission)
WAIRC (Western Australian Industrial Relations Commission)

Members based in:
(A) Adelaide, (B) Brisbane, (H) Hobart, (P) Perth, (S) Sydney.
PANEL ASSIGNMENTS AS AT 30 JUNE 2006

President, Justice Giudice

The President is responsible for allocating all panel assignments.

Panel Head, Vice President Lawler

Panel Members

- Drake SDP
- O’Callaghan SDP*
- Hamilton DP
- Blain DP*
- Smith C
- Bacon C
- Foggo C

- Cribb C
- Deegan C
- Grainger C
- Spencer C*
- Roberts C
- Bartel C*

Industries

- Australian Capital Territory public administration
- Banking services
- Chemical industry
- Coal industry
- Coal treatment industry
- Commonwealth employment
- Communications industry
- Finance and investment services
- Fire fighting services
- Health and welfare services
- Insurance industry
- Library services
- Local government administration
- Meat industry
- Pharmacy operations
- Postal services
- Scientific services
- State government administration
- Sugar industry
- Technical services
- Telecommunications industry
- Water, sewerage and drainage services
PANEL ASSIGNMENTS AS AT 30 JUNE 2006

APPENDIX C

Panel Head, Vice President Watson

Panel Members

O’Callaghan SDP* Lawson C
Kauffman SDP Whelan C
Richards SDP* Raffaelli C
Blain DP* Hampton DP#

Industries

Airline operations
Airport operations
Catering industry
Clerical industry
Data processing industry
Educational services
Fast food industry
Federal police operations
Grain handling industry
Health 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
Panel Head, Senior Deputy President Marsh

Panel Members

<table>
<thead>
<tr>
<th>Panel Member</th>
<th>Title</th>
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<tbody>
<tr>
<td>Acton SDP</td>
<td>Blair C</td>
</tr>
<tr>
<td>O’Callaghan SDP*</td>
<td>Hingley C</td>
</tr>
<tr>
<td>Cartwright SDP</td>
<td>Cargill C</td>
</tr>
<tr>
<td>Richards SDP*</td>
<td>Spencer C*</td>
</tr>
<tr>
<td>McCarthy DP*</td>
<td>Dangerfield C*#</td>
</tr>
<tr>
<td>Gay C</td>
<td>Bartel C*#</td>
</tr>
</tbody>
</table>

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
Panel Head, Senior Deputy President Watson

Panel Members

O’Callaghan SDP*  Hoffman C*
Ives DP          Eames C
McCarthy DP*     Redmond C
Harrison C       Lesses C#
Simmonds 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
Panel Head, Senior Deputy President
Harrison

Panel Members

<table>
<thead>
<tr>
<th>Panel Members</th>
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<tbody>
<tr>
<td>Lacy SDP</td>
<td>Larkin C</td>
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<td>O’Callaghan SDP*</td>
<td>Tolley C</td>
</tr>
<tr>
<td>Hamberger SDP</td>
<td>Mansfield C</td>
</tr>
<tr>
<td>Lewin C</td>
<td>Thatcher C</td>
</tr>
<tr>
<td>Hoffman C*</td>
<td>Dangerfield C*#</td>
</tr>
</tbody>
</table>

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)
Termination of Employment Matters—
Senior Deputy President Acton

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

Organisations Panel—
Vice President Watson

Panel Members

Lacy SDP
O’Callaghan SDP*
Kaufman SDP

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

Notes:

* 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.
### STATISTICS ON THE ACTIVITIES OF THE COMMISSION

#### Table D1: Total matters lodged/nature of proceeding

<table>
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<tr>
<td><strong>Part A—Total matters lodged:</strong></td>
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<tr>
<td></td>
<td>37 328</td>
<td>27 439</td>
<td>24 558</td>
<td>25 355</td>
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<td><strong>Part B—Nature of proceeding:</strong></td>
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<tr>
<td>Action on Commission’s own motion (s.33)</td>
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<tr>
<td>Notice of appeal (s.45)</td>
<td>181</td>
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<td>Notice of appeal (s.120)</td>
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<td>Appeal from a Registrar (s.81)</td>
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<td>Appeal from a Registrar (s.147)</td>
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<td>Notification of dispute (s.99)</td>
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<td>2 121</td>
<td>1 675</td>
<td>1 125</td>
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<tr>
<td>Notification of dispute (clause 33 of Schedule 6)</td>
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<tr>
<td>Application to revoke finding of dispute (s.101)</td>
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<td>Certain matters to be dealt with by a Full Bench (s.106)</td>
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<td>Reference to a Full Bench—Disputes (s.107)</td>
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<td>67</td>
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<td>Reference to a Full Bench—By President (s.108)</td>
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<td>51</td>
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<td>Reference to a Full Bench—Declaration (s.141A)</td>
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<td>Reference to a Full Bench—Minimum Wage (s.502)</td>
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<td>Review on application of Minister (s.114)</td>
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<td>Application for orders (s.111)</td>
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<td>110</td>
<td>57</td>
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<td>Commission to cease dealing in certain circumstances (s.111AAA)</td>
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<td>Recommendation by consent (s.111AA)</td>
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<td>4</td>
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<td>Application to vary award (s.113)</td>
<td>1 568</td>
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<td>1 633</td>
<td>1 441</td>
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<td>Application to vary award (s.552)</td>
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<td>Application for award variation re enterprise flexibility provision (s.1138)</td>
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<td>Application re representation rights of organisations of employees (s.133 RAO Schedule)</td>
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<td>Compulsory conferences (s.119)</td>
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## Table D1: Total matters lodged/nature of proceeding (continued)

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<td>Orders of Commission on exceptional matters (s.120A)</td>
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<td>Application to stop or prevent industrial action (s.127)</td>
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<td>Application to stop or prevent industrial action (s.496)</td>
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<td>Application that a state authority be restrained from dealing with certain matters (s.128)</td>
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<td>Action to order secret ballot (s.135)</td>
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<td>Application by members of organisation for secret ballot (s.136)</td>
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<td>Application for declaration of common rule (s.141)</td>
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<td>Persons bound by awards (s.149)</td>
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<td>Registrar to review operation of awards (s.151)</td>
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<td>Notice of restriction on certain actions in tort (s.166A)</td>
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<td>Application for order re equal remuneration (s.170BD)</td>
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<tr>
<td>Application for relief re termination of employment (s.170CE)</td>
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<td>7 044</td>
<td>6 707</td>
<td>4 444</td>
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<tr>
<td>Application for relief re termination of employment (s.643)</td>
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<td>-</td>
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<td>Application for payment of costs (s.170CJ)</td>
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<td>Application for payment of costs (s.658)</td>
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<td>Security for the payment of costs (Rule 47A)</td>
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<td>Application for orders giving effect to articles 12 &amp; 13 of Termination of Employment Convention (s.170FB)</td>
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<td>Application for orders to consult unions about terminations (s.170GB)</td>
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<td>Variation and revocation of orders (s.170JD)</td>
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<td>Application for certification of multiple-business agreement (s.170LC)</td>
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<td>18</td>
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<tr>
<td>Application for certification of agreement with unions (s.170LJ)</td>
<td>5 536</td>
<td>6 135</td>
<td>3 836</td>
<td>6 250</td>
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<tr>
<td>Application for certification of agreement with employees (s.170LK)</td>
<td>1 314</td>
<td>1 402</td>
<td>1 564</td>
<td>1 212</td>
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Table D1: Total matters lodged/nature of proceeding (continued)

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<tr>
<td>Application for certification of Greenfields agreement (s.170LL)</td>
<td>430</td>
<td>380</td>
<td>371</td>
<td>453</td>
</tr>
<tr>
<td>Application for certification of agreement about industrial disputes and industrial situations (s.170LS)</td>
<td>531</td>
<td>792</td>
<td>402</td>
<td>283</td>
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<tr>
<td>Application to settle dispute over application of agreement (s.170LV)</td>
<td>662</td>
<td>753</td>
<td>841</td>
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<td>Applications to make order about extent to which successor employer bound by certified agreement (s.170MBA)</td>
<td>0</td>
<td>3</td>
<td>8</td>
<td>4</td>
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<tr>
<td>Application for extension of nominal expiry date of certified agreement (s.170MC)</td>
<td>12</td>
<td>7</td>
<td>10</td>
<td>5</td>
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<tr>
<td>Application for variation of certified agreement (s.170MD)</td>
<td>201</td>
<td>200</td>
<td>187</td>
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<tr>
<td>Application for termination of certified agreement where valid majority approve (s.170MG)</td>
<td>66</td>
<td>45</td>
<td>57</td>
<td>124</td>
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<tr>
<td>Application for termination of certified agreement in public interest after nominal expiry date (s.170MH)</td>
<td>90</td>
<td>129</td>
<td>105</td>
<td>112</td>
</tr>
<tr>
<td>Application for termination of certified agreement as per agreement after nominal expiry date (s.170MHA)</td>
<td>39</td>
<td>5</td>
<td>13</td>
<td>20</td>
</tr>
<tr>
<td>Notice of initiation of bargaining period (s.170MI)</td>
<td>15 845</td>
<td>4 940</td>
<td>5 139</td>
<td>5 578</td>
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<tr>
<td>Notice of initiation of bargaining period (s.423)</td>
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<td>-</td>
<td>-</td>
<td>618</td>
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<tr>
<td>Suspension or termination of bargaining period (s.170MW)</td>
<td>58*</td>
<td>67</td>
<td>56</td>
<td>37</td>
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<tr>
<td>Power of Commission in relation to new bargaining periods (s.170MWA(4))</td>
<td>2</td>
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<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Notification to terminate award made under s.170MX (s.170MZ(5))</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>3</td>
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<td>Conciliation in respect of agreement (s.170NA)</td>
<td>61</td>
<td>83</td>
<td>93</td>
<td>98</td>
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<tr>
<td>Application to settle dispute over application or interpretation of AWA (s.170VG)</td>
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<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Application for terminating an AWA (s.170VM)</td>
<td>92</td>
<td>54</td>
<td>9</td>
<td>20</td>
</tr>
<tr>
<td>Referral of AWA to Commission (s.170VPB(3))</td>
<td>211*</td>
<td>1 273</td>
<td>1 177</td>
<td>1 297</td>
</tr>
<tr>
<td>Application for determination of designated award or awards for the purposes of a certified agreement (s.170XF)</td>
<td>82</td>
<td>91</td>
<td>85</td>
<td>25</td>
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<tr>
<td>Application to settle dispute or grievance in employment agreement under s.520 (s.293F)</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>0</td>
</tr>
</tbody>
</table>

* Revised figure.
### Table D1: Total matters lodged/nature of proceeding (continued)

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for removal of preference clauses from awards and certified agreements (s.298Z)</td>
<td>0</td>
<td>13</td>
<td>576</td>
<td>0</td>
</tr>
<tr>
<td>Application for order for protected action ballot to be held (s.451)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>23</td>
</tr>
<tr>
<td>Application for minimum wage order—Victorian employees (s.501)</td>
<td>20</td>
<td>20</td>
<td>1</td>
<td>40</td>
</tr>
<tr>
<td>Exemption from minimum rate of pay (s.509)</td>
<td>256</td>
<td>237</td>
<td>20</td>
<td>0</td>
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<tr>
<td>Application to be bound by an award—no agreement between employer and employees (s.559)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
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<tr>
<td>Application to make order regarding transmission of collective agreement (s.591)</td>
<td>-</td>
<td>-</td>
<td>-</td>
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</tr>
<tr>
<td>Application for alternative dispute resolution process to be conducted by Commission under model dispute resolution process (s.699)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>61</td>
</tr>
<tr>
<td>Application for alternative dispute resolution process to be conducted by Commission to resolve other disputes (s.704)</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Application for dispute resolution process to be conducted by Commission under workplace agreement (s.709)</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>27</td>
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<tr>
<td>Revocation of Entry of Permit (s.285G)</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
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<tr>
<td>Application for order by Commission—unreasonable request (s.771)</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Organisations matters**</td>
<td>22</td>
<td>24</td>
<td>25</td>
<td>17</td>
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<tr>
<td>Appeal from decision of a Board of Reference</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<tr>
<td>OH&amp;S Review Authority</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>0</td>
</tr>
</tbody>
</table>

** See analysis by subject matter in Table D2: Organisations matters—Registration and Accountability of Organisations Schedule.
Table D2: Organisations matters—Registration and Accountability of Organisations Schedule

<table>
<thead>
<tr>
<th>Nature of proceeding</th>
<th>Matters lodged/referred</th>
<th>Matters determined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for registration (s.18)</td>
<td>3</td>
<td>2</td>
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<tr>
<td>Cancellation of registration (s.30)</td>
<td>2</td>
<td>2</td>
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<tr>
<td>Application for community of interest declaration (s.43)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Application for approval for submission of amalgamation to ballot (s.44)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Lodgment of membership agreement with state unions (s.151)</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Application for change of name (s.158)</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Application re eligibility (s.158)</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Application for order for inspection of financial records (s.273)</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>17</strong></td>
<td><strong>19</strong></td>
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</table>

Table D3: Matters determined

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Award made</td>
<td>201</td>
<td>51</td>
<td>23</td>
</tr>
<tr>
<td>Agreement certified</td>
<td>8 549</td>
<td>5 197</td>
<td>8 265</td>
</tr>
<tr>
<td>Order made</td>
<td>3 035*</td>
<td>3 360*</td>
<td>3 164</td>
</tr>
<tr>
<td>Full Bench matter determined</td>
<td>285</td>
<td>190</td>
<td>255</td>
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<tr>
<td>Organisations matter determined</td>
<td>22</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>Declaration of common rule</td>
<td>5</td>
<td>185</td>
<td>13</td>
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<tr>
<td>Award set aside/agreement terminated</td>
<td>184*</td>
<td>159</td>
<td>308</td>
</tr>
<tr>
<td>Decision on other matters</td>
<td>1 359</td>
<td>1 489</td>
<td>835</td>
</tr>
<tr>
<td>Termination of employment matters</td>
<td>7 446</td>
<td>7 079</td>
<td>6 127</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>21 086</strong></td>
<td><strong>17 729</strong></td>
<td><strong>19 009</strong></td>
</tr>
</tbody>
</table>

* Revised figure.
Table E reports the various time based case flow measures in respect of the more common types of applications with which the Commission deals. The time measure reflects the time taken in 85% of the relevant applications/notifications.

### Table E: Case flow measures

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Dispute notification¹</td>
<td>First hearing</td>
<td>85</td>
<td>21</td>
<td>22</td>
<td>21</td>
<td>21</td>
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<tr>
<td>Award variation²</td>
<td>First hearing</td>
<td>85</td>
<td>42</td>
<td>41</td>
<td>38</td>
<td>47</td>
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<tr>
<td>Order relating to industrial action³</td>
<td>First hearing</td>
<td>85</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Agreement⁴</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With union</td>
<td>Certification</td>
<td>85</td>
<td>44</td>
<td>40</td>
<td>37</td>
<td>42</td>
</tr>
<tr>
<td>With employees</td>
<td>Certification</td>
<td>85</td>
<td>48</td>
<td>43</td>
<td>48</td>
<td>38</td>
</tr>
<tr>
<td>Greenfields</td>
<td>Certification</td>
<td>85</td>
<td>29</td>
<td>29</td>
<td>31</td>
<td>24</td>
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<tr>
<td>About industrial disputes and situations</td>
<td>Certification</td>
<td>85</td>
<td>40</td>
<td>42</td>
<td>31</td>
<td>32</td>
</tr>
<tr>
<td>Termination of employment⁵</td>
<td>Finalisation</td>
<td>85</td>
<td>146</td>
<td>124</td>
<td>120</td>
<td>115</td>
</tr>
</tbody>
</table>

1: The measure is the number of days between notification of the matter and the first hearing and includes notices lodged pursuant to s.99 of the pre-reform Act and s.699, 704 and 709 of the WR Act.

2: The measure is the number of days between lodgment of the matter and the first hearing and only includes applications lodged pursuant to s.113 of the pre-reform Act before 27 March 2006.

3: The measure is the number of days between lodgment of the matter and the first hearing and includes applications lodged pursuant to s.127 of the pre-reform Act and s.496 of the WR Act.

4: In relation to each type of agreement, the measure is the number of days between lodgment of the application and certification of the agreement.

5: The measure is the number of days between lodgment and finalisation of the application whether that is by conciliation or an arbitrated order and includes applications lodged pursuant to s.170CE of the pre-reform Act and s.643 of the WR Act.
The Honourable Kevin Andrews, MP  
Minister for Employment and Workplace Relations  
Parliament House  
CANBERRA ACT 2600

Dear Minister,

In accordance with section 70 of the Public Service Act 1999 and subsection 132(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 2006. The report has been prepared in accordance with the guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit, in June 2006.

As you know, under subsection 132(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,

Terry Nassios  
Acting Industrial Registrar  
27 September 2006
Foreword

The 2005–06 annual report of the Australian Industrial Registry (the Registry) is provided pursuant to s.132 of the Workplace Relations Act 1996 (the WR Act)

The Registry’s annual report was prepared in accordance with the guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit, under subsections 63(2) and 70(2) of the Public Service Act 1999, in June 2006. 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 report.

The statutory functions of the Registry are specified under s.129 of the WR Act.
Contact Officer

The contact officer for inquiries regarding the annual report of the Australian Industrial Registry, including those from members of Parliament and Senators, is as follows:

Name: Terry Nassios
Title: Acting Industrial Registrar
Address: Level 4
        11 Exhibition Street
        Melbourne VIC 3000
Telephone: (03) 8661 7818
Facsimile: (03) 9655 0401
Email: terry.nassios@air.gov.au

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

Internet Address

The Internet address of the Australian Industrial Relations Commission (the Commission) and the Registry is: www.airc.gov.au.

The annual reports for both the Commission and the Registry are accessible at http://www.airc.gov.au/publications/annualreports.html. CD-ROM versions of both annual reports are available upon request.

Lists of related Internet sites accessible from the Commission’s home page, 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

Work Choices Legislation

The most significant operational challenge for the Australian Industrial Registry (the Registry) during the reporting period arose from the Workplace Relations Amendment (Work Choices) Act 2005 (Work Choices legislation). Insofar as the provisions which have the greatest impact on the Registry, the legislation commenced on 27 March 2006.

A number of fact sheets about the impact of the legislative changes for the Australian Industrial Relations Commission (the Commission) and Registry clients and changes to the functions of the Commission, along with a redeveloped AIRC web site, were available on 27 March.

The full implications of the changes will not be known for some time but already aspects of the Registry’s workload have markedly changed. A notable immediate impact is the change regarding the certification of agreements. Collective agreements are now the responsibility of the Office of the Employment Advocate (OEA), with the Registry no longer required to process between 7000–9000 applications for certification of an agreement received each year.

Conversely, the work of the Registry in relation to the publication of awards has increased substantially and will increase further taking into account the various state awards which have become notional agreements within the federal jurisdiction.

Registry workloads in individual states and territories are also changing as a result of the creation of a national system of workplace relations.

The Registry has commenced to face the challenges in responding to these changes through examining its workload allocation systems and the roles of Registry staff. Revised objectives and strategies are in the process of being implemented, in particular to take account of the provisions of Part 13 of the Workplace Relations Act 1996 (WR Act) relating to dispute resolution.

Finances

The year saw a great deal of effort associated with ensuring the establishment and maintenance of a sustainable financial environment for the Commission and Registry. With the ongoing assistance of staff and Commission members, the Registry achieved an outcome better than anticipated at the commencement of the financial year. Savings that contributed to this outcome include a reduction of staff and cost reductions for transcript services and information technology. Delays in the completion of accommodation-related projects in Melbourne and the redevelopment of the Commission/Registry’s Case Management System (CMS) also contributed to lower than anticipated expenditures in the year.
Accommodation Projects

The Commission and Registry in Melbourne will be moving to new premises at 11 Exhibition Street in late September 2006, with the fit-out of the new premises completed in early September. As part of the preparation for the move, the Registry has already relinquished two floors of the 80 Collins Street premises.

In Sydney, the Commission reduced its tenancy area and is currently examining whether it is able to further reduce its tenancy with a consequent reduction in rental costs.

National Telephone Inquiry Service

The introduction of the Work Choices legislation led to an upgrading of public liaison and awareness services, including a substantial updating of Commission and Registry information materials, and major improvements to the way inquiries are handled. To manage inquiries and to ensure the provision of consistent information, the Registry established a National Telephone Inquiry Service (NTIS)—its commencement date coinciding with the introduction of the legislation on 27 March 2006. The new service comprises a national telephone inquiry line and an online ‘live help’ service accessible through the AIRC web site.
Redevelopment of the Case Management System

As mentioned in last year’s report, there is a need for the Registry to undertake a major redevelopment of its principal information technology workspace, CMS. During the year, the scope of the CMS redevelopment works was identified and a tender process was commenced. However, due to a large number of tenders being issued during the year, particularly in relation to information technology projects, the CMS tender had not been finalised as at 30 June. The Registry’s Contract Management Committee (CMC) is currently deciding how to proceed with regard to the CMS tender.

Mediation Pilot Program

The pilot began in May 2005 for use by employers and employees in eligible small businesses in Victoria. Following an interim evaluation of the pilot, a number of changes were made, with the pilot subsequently extended to all businesses in Victoria and in cases where one party expressed interest in the pilot, the Registry contacted the other party informing them of the expressed interest. An evaluation of the pilot was conducted by the Department of Employment and Workplace Relations (DEWR) in early 2006.

Industrial Registrar

On 7 April 2006, the Industrial Registrar, Nicholas Wilson, ceased his appointment with the Registry. He commenced as head of the Registry on 9 December 2002.

As the Registry’s chief executive, Nicholas was instrumental in achieving financial stability for the Commission and Registry. Notable major contributions to the Commission and Registry by the former Industrial Registrar include the impending move of the Melbourne premises from 80 Collins Street to 11 Exhibition Street, and driving the further integration and use of technology.
CORPORATE OVERVIEW

Role and Functions

On 27 March 2006, the Work Choices legislation generally came into effect. The references that follow in this report in relation to the Workplace Relations Act 1996 reflect the new provisions of the WR Act as implemented by the Work Choices legislation. References to pre-27 March sections and wording have been referred to in this report as ‘the pre-reform Act’.

The Registry is a statutory authority established under s.128 of the WR Act. Its role and functions are broadly outlined at s.129(1) of the WR Act:

- to act as the registry for the Commission and to provide administrative support to the Commission;

- to provide advice and assistance to organisations in relation to their rights and obligations under the WR Act; and

- such other functions as are conferred on the Registry by the WR Act, the Building and Construction Industry Improvement Act 2005 or the Registration and Accountability of Organisations (RAO) Schedule.

The Registry, as with other Australian Public Service (APS) agencies, also has particular Foundations of Governance in the APS functions and responsibilities in relation to its clients, and as an APS agency (http://www.apsc.gov.au/foundations/index.html).

The Registry’s 2005–06 Performance Outcomes Plan (the Registry Plan) articulates the Registry’s goals, its reputation/qualities, its principal performance measures and the performance outcomes sought (see p. 96) in 2005–06.

The Registry’s goals in 2005–06 were to:

- perform to the highest standard the functions conferred on the Registry through the WR Act and its delegated legislation;

- provide quality, prompt service to all Registry clients; and

- meet our statutory agency/APS responsibilities and accountabilities confidently and in a timely manner.
Organisational Structure

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

*Note:
Registry services in South Australia and Western Australia 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 Commission and the Registry, presented as output groups.

The Commission and Registry outputs reflect three groups of core activities provided for under the WR Act. These activities help facilitate equitable access to Commission and 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**

<table>
<thead>
<tr>
<th>Australian Industrial Relations Commission and Australian Industrial Registry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total price of outputs:</td>
</tr>
<tr>
<td>Total departmental appropriations:</td>
</tr>
</tbody>
</table>

**Outcome 1:** Cooperative workplace relations which promote the economic prosperity and welfare of the people of Australia

| Total price: | $57.995m¹ |
| Departmental outcome appropriation: | $53.785m |

**Output Group 1.1:** Agreements, awards, orders and decisions

| Total price: | $53.660m |
| Departmental outcome appropriation: | $49.757m |

**Output Group 1.2:** Registered organisations, compliance checks and investigations

| Total price: | $4.040m |
| Departmental outcome appropriation: | $3.754m |

**Output Group 1.3:** Publications and information services

| Total price: | $0.295m |
| Departmental outcome appropriation: | $0.274m |

¹: Total price of departmental outputs includes $4.089m to be funded from accumulated reserves in 2005–06.
Portfolio Structure

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

**Chart 3: Portfolio structure**

- **Portfolio Minister**
  - The Hon. Kevin Andrews, Employment & Workplace Relations
  - Minister Assisting the Prime Minister for the Public Service
  - The Hon. Dr Sharman Stone, Minister for Workforce Participation

- **Australian Fair Pay Commission**
  - **Secretariat**
  - Director: Jennifer Taylor
  - **Outcome 1**: Set federal minimum and classification wages to promote the economic prosperity of the people of Australia

- **Australian Industrial Relations Commission/Australian Industrial Registry**
  - **Acting Industrial Registrar**: Terry Nassios
  - **Outcome 1**: Cooperative workplace relations which promote the economic prosperity and welfare of the people of Australia

- **Equal Opportunity for Women in the Workplace Agency**
  - **Director**: Anna McPhee
  - **Outcome 1**: Equality of opportunity in employment for women

- **Office of the Australian Building and Construction Commissioner**
  - **Commissioner**: John Lloyd
  - **Outcome 1**: Workplace relations laws are enforced in building and construction industry workplaces

- **Office of the Employment Advocate**
  - Employment Advocate: Peter McIlwain
  - The OEA is a separate entity within the department contributing to Outcome 2

- **Comcare**
  - **Chief Executive Officer**: Barbara Bennett
  - **Outcome 1**: Safe and healthy workplaces, and cost effective and fair compensation

- **Indigenous Business Australia**
  - **General Manager**: Ron Morony
  - **Outcome 1**: Stimulating the economic advancement of Aboriginal and Torres Strait Islander peoples

- **Office of Workplace Services**
  - **Director**: Nicholas Wilson
  - **Outcome 1**: The rights and obligations of workers and employers under the Workplace Relations Act 1996 are understood and enforced fairly

- **Department of Employment and Workplace Relations**
  - **Secretary**: Dr Peter Boxall
  - **Outcome 1**: Efficient and effective labour market assistance
  - **Outcome 2**: Higher productivity, higher pay workplaces
  - **Outcome 3**: Increased workforce participation

- **Office of Workplace Services**
  - **Director**: Nicholas Wilson
  - **Outcome 1**: The rights and obligations of workers and employers under the Workplace Relations Act 1996 are understood and enforced fairly

Key: □ Separate entity within DEWR □ Agencies
REPORT ON PERFORMANCE

The following report on performance focuses on the first two goals in the Registry Plan and the specific performance outcomes identified under each of those goals, which are:

- to perform to the highest standard the functions conferred on the Registry through the WR Act and its delegated legislation; and
- to provide quality, prompt service to all Registry clients.

WR Act Functions

This goal addresses specific functions of the Registry to perform to the highest standard the functions conferred on the Registry through the WR Act and its delegated legislation, which are primarily in four areas:

- applications and matters for the attention of the Commission and related support services provided to the Commission by the Registry (Commission support);
- publication of Commission documents;
- registration and accountability of organisations matters (Schedule 1 of the WR Act); and
- research, information and advice/assistance provided to Commission members.

Performance outcomes are generally represented in quantitative measures and timeliness.

Commission Support

Commission support outcomes generally reflect the processing of applications under the various sections of the WR Act by State/Territory Service Teams before they are referred to the Commission, or following Commission deliberations.

Performance Indicators

Specific performance outcomes for 2005–06 include:

- 100% of notifications of industrial disputes or orders to stop/prevent industrial action processed within 2 hours of receipt;
- 100% of notifications of appeals processed within 1 day of receipt;
- 90% of applications for termination of employment matters processed within 2 days of receipt—100% processed within 3 days of receipt;
Performance Outputs

The outcomes for each of the above measures were not achieved. In the first two instances, 98% of respective matters were processed within the relevant timeframes. In relation to termination of employment matters, 75% of matters were entered into the Registry’s case management system within two days of receipt and 90% within three days.

Statistics on the quantities and categories of applications processed during 2005–06 appear in the following tables:

Table 1: Overall workload

<table>
<thead>
<tr>
<th></th>
<th>2004–05</th>
<th>2005–06</th>
<th>% change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission lodgments</td>
<td>24 558</td>
<td>25 355</td>
<td>+3.3</td>
</tr>
<tr>
<td>Total lodgments</td>
<td>27 204</td>
<td>28 240</td>
<td>+3.8</td>
</tr>
<tr>
<td>Total hearings</td>
<td>18 305</td>
<td>15 248</td>
<td>-16.7</td>
</tr>
<tr>
<td>Print IDs allocated to matters to be published</td>
<td>11 159</td>
<td>13 023</td>
<td>+16.7</td>
</tr>
</tbody>
</table>

Table 2: Lodgments of all Commission matters by location

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>673</td>
<td>673</td>
<td>563</td>
<td>525</td>
<td>392</td>
<td>-25.3</td>
</tr>
<tr>
<td>NSW</td>
<td>4 967</td>
<td>7 057</td>
<td>5 216</td>
<td>4 670</td>
<td>4 862</td>
<td>+4.1</td>
</tr>
<tr>
<td>NT</td>
<td>367</td>
<td>432</td>
<td>350</td>
<td>314</td>
<td>216</td>
<td>-31.2</td>
</tr>
<tr>
<td>QLD</td>
<td>1 679</td>
<td>3 855</td>
<td>1 746</td>
<td>1 806</td>
<td>2 002</td>
<td>+10.9</td>
</tr>
<tr>
<td>SA</td>
<td>1 100</td>
<td>1 495</td>
<td>1 354</td>
<td>955</td>
<td>820</td>
<td>-14.1</td>
</tr>
<tr>
<td>TAS</td>
<td>502</td>
<td>437</td>
<td>561</td>
<td>377</td>
<td>307</td>
<td>-18.6</td>
</tr>
<tr>
<td>VIC</td>
<td>13 574</td>
<td>21 993</td>
<td>16 344</td>
<td>14 526</td>
<td>15 415</td>
<td>+6.1</td>
</tr>
<tr>
<td>WA</td>
<td>1 200</td>
<td>1 386</td>
<td>1 305</td>
<td>1 385</td>
<td>1 341</td>
<td>-3.8</td>
</tr>
<tr>
<td>Total</td>
<td>24 062</td>
<td>37 328</td>
<td>27 439</td>
<td>24 558</td>
<td>25 355</td>
<td>+3.3</td>
</tr>
</tbody>
</table>
### Table 3: Percentage of Commission lodgments by location

<table>
<thead>
<tr>
<th>Location</th>
<th>ACT</th>
<th>NSW</th>
<th>NT</th>
<th>QLD</th>
<th>SA</th>
<th>TAS</th>
<th>VIC</th>
<th>WA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.6</td>
<td>19.2</td>
<td>0.8</td>
<td>7.9</td>
<td>3.2</td>
<td>1.2</td>
<td>60.8</td>
<td>5.3</td>
</tr>
</tbody>
</table>

### Table 4: Lodgments of Commission matters (other than termination of employment) by location*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ACT</td>
<td>448</td>
<td>476</td>
<td>318</td>
<td>323</td>
<td>254</td>
</tr>
<tr>
<td>NSW</td>
<td>3 482</td>
<td>5 745</td>
<td>3 838</td>
<td>3 299</td>
<td>3 546</td>
</tr>
<tr>
<td>NT</td>
<td>128</td>
<td>192</td>
<td>126</td>
<td>119</td>
<td>92</td>
</tr>
<tr>
<td>QLD</td>
<td>1 239</td>
<td>3 441</td>
<td>1 357</td>
<td>1 471</td>
<td>1 579</td>
</tr>
<tr>
<td>SA</td>
<td>919</td>
<td>1 342</td>
<td>1 185</td>
<td>797</td>
<td>659</td>
</tr>
<tr>
<td>TAS</td>
<td>374</td>
<td>318</td>
<td>452</td>
<td>276</td>
<td>224</td>
</tr>
<tr>
<td>VIC</td>
<td>9 152</td>
<td>17 616</td>
<td>12 102</td>
<td>10 361</td>
<td>12 150</td>
</tr>
<tr>
<td>WA</td>
<td>859</td>
<td>1 077</td>
<td>1 017</td>
<td>1 127</td>
<td>1 022</td>
</tr>
<tr>
<td>Total</td>
<td>16 601</td>
<td>30 207</td>
<td>20 395</td>
<td>17 773</td>
<td>19 526</td>
</tr>
</tbody>
</table>

* These figures are also included in Table 2: Lodgments of all Commission matters by location.

### Table 5: Break up of Commission matters by selected categories (other than termination of employment) by location*

<table>
<thead>
<tr>
<th>Location</th>
<th>Matter type</th>
<th>‘C’</th>
<th>‘AG’</th>
<th>‘BP’</th>
<th>‘D’</th>
<th>‘DR’</th>
<th>Total</th>
</tr>
</thead>
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<tr>
<td>NSW</td>
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<td>1 029</td>
<td>1 668</td>
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<td>24</td>
<td>3 546</td>
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<tr>
<td>NT</td>
<td></td>
<td>36</td>
<td>46</td>
<td>9</td>
<td>0</td>
<td>1</td>
<td>92</td>
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<tr>
<td>QLD</td>
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<td>7</td>
<td>1 579</td>
</tr>
<tr>
<td>SA</td>
<td></td>
<td>143</td>
<td>312</td>
<td>197</td>
<td>0</td>
<td>7</td>
<td>659</td>
</tr>
<tr>
<td>TAS</td>
<td></td>
<td>83</td>
<td>101</td>
<td>37</td>
<td>0</td>
<td>3</td>
<td>224</td>
</tr>
<tr>
<td>VIC</td>
<td></td>
<td>2 164</td>
<td>5 414</td>
<td>4 510</td>
<td>13</td>
<td>49</td>
<td>12 150</td>
</tr>
<tr>
<td>WA</td>
<td></td>
<td>345</td>
<td>429</td>
<td>246</td>
<td>0</td>
<td>2</td>
<td>1 022</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>4 219</td>
<td>8 940</td>
<td>6 257</td>
<td>16</td>
<td>94</td>
<td>19 526</td>
</tr>
</tbody>
</table>

* These figures are also included in Table 2: Lodgments of all Commission matters by location.
### Table 6: Lodgments of Commission matters (termination of employment) by location*

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
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<td>ACT</td>
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<tr>
<td>NSW</td>
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<td>1 312</td>
<td>1 378</td>
<td>1 371</td>
<td>1 316</td>
</tr>
<tr>
<td>NT</td>
<td>239</td>
<td>240</td>
<td>224</td>
<td>195</td>
<td>124</td>
</tr>
<tr>
<td>QLD</td>
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<td>414</td>
<td>389</td>
<td>335</td>
<td>423</td>
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<tr>
<td>SA</td>
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<td>161</td>
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<tr>
<td>TAS</td>
<td>128</td>
<td>119</td>
<td>109</td>
<td>101</td>
<td>83</td>
</tr>
<tr>
<td>VIC</td>
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<td>4 377</td>
<td>4 242</td>
<td>4 165</td>
<td>3 265</td>
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<tr>
<td>WA</td>
<td>341</td>
<td>309</td>
<td>288</td>
<td>258</td>
<td>319</td>
</tr>
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<td><strong>Total</strong></td>
<td>7 461</td>
<td>7 121</td>
<td>7 044</td>
<td>6 785</td>
<td>5 829</td>
</tr>
</tbody>
</table>

* These figures are also included in Table 2: Lodgments of all Commission matters by location.

### Table 7: Lodgments of Registry matters by location

<table>
<thead>
<tr>
<th>Location</th>
<th>Matter type</th>
<th>‘AR’</th>
<th>‘BOR’</th>
<th>‘E’</th>
<th>‘FR’</th>
<th>‘R’</th>
<th>‘RE’</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>ACT</td>
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<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
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<td>6</td>
<td>49</td>
<td>141</td>
<td>83</td>
<td>713</td>
<td>1 017</td>
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<tr>
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<td>1</td>
<td>1</td>
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<td>6</td>
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<td>1</td>
<td>39</td>
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<td>2</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
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<td>137</td>
<td>200</td>
<td>410</td>
<td>244</td>
<td>1 729</td>
<td>2 885</td>
</tr>
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</table>

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REPORT ON PERFORMANCE

Table 8: Number of hearings by location*

<table>
<thead>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Canberra</td>
<td>598</td>
<td>537</td>
<td>505</td>
<td>383</td>
<td>322</td>
</tr>
<tr>
<td>Sydney</td>
<td>3 773</td>
<td>3 417</td>
<td>3 246</td>
<td>3 007</td>
<td>2 722</td>
</tr>
<tr>
<td>Darwin</td>
<td>313</td>
<td>405</td>
<td>377</td>
<td>310</td>
<td>249</td>
</tr>
<tr>
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<td>1 290</td>
<td>1 411</td>
<td>1 417</td>
<td>1 178</td>
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<td>1 052</td>
<td>1 258</td>
<td>859</td>
<td>578</td>
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<td>203</td>
<td>177</td>
<td>141</td>
<td>128</td>
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<td>9 152</td>
<td>9 290</td>
<td>8 493</td>
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<td>1 272</td>
<td>1 287</td>
<td>885</td>
<td>1 098</td>
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<td>Other places</td>
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<td>1 095</td>
<td>1 123</td>
<td>903</td>
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<tr>
<td>Videoconferences</td>
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<td>719</td>
<td>1 107</td>
<td>1 219</td>
<td>910</td>
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<td>542</td>
<td>488</td>
<td>468</td>
<td>452</td>
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<tr>
<td>Total</td>
<td>20 190</td>
<td>19 823</td>
<td>20 241</td>
<td>18 305</td>
<td>15 248</td>
</tr>
</tbody>
</table>

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

Publication of Commission Documents

The Registry is responsible for ensuring copies of all published Commission documents are made available on the Registry’s various databases, intranet, Internet, and forwarded to the WageNet database and to clients who subscribe to receive such Commission documents.

Performance Indicators

The objective is for 100% of documents issued by the Commission pursuant to the WR Act to be published as soon as practicable in accordance with established timeframes (contained in Document, Library and Records Management Services at p. 80).

Performance Outputs

Outcomes are reported in terms of publishing to both internal and external databases. In relation to the publication and accessibility of Commission documents via internal databases, outcomes were achieved or surpassed. The majority of electronically available documents were transferred to internal databases within one to two hours of receipt by the Registry. With regard to posting these documents to external databases, specifically the AIRC web site, outcomes were generally achieved, with most documents being accessible (or transferred in the case of the WageNet database) within two to 24 hours of receipt. A substantial increase in documents issued by the
Commission immediately before the introduction of the Work Choices legislation saw turnaround times for posting one category of Commission documents (orders) to the web site pushed out to about eight days.

As indicated by the above chart, during 2005–06 a total of 12,976 Commission documents were processed—representing an increase of just over 16% on the number processed in 2004–05 (comprising 4,746 awards, orders and decisions, including 277 Registrars’ decisions, and 8,230 certified agreements). The Registry processed more than 5,000 certified agreements that had been lodged in paper format (for which an electronic version was not supplied), comprising more than 175,400 individual pages—each hardcopy agreement was scanned to an electronic file and loaded onto the AIRC’s home page and also to an internal database. Targets for processing hardcopy only documents were largely achieved (85%)—the timeframe being that hardcopy agreements are to be scanned and accessible through the AIRC web site within three days of receipt of the certified agreement.

Registration and Accountability of Organisations Matters

The Registry performs statutory functions arising under Schedule 1—Registration and Accountability of Organisations (RAO) of the WR Act. The teams provide administrative and technical support to members of the Commission’s Organisations Panel through timely and accurate information to organisations on the requirements of the WR Act and their obligations arising under Schedule 1. The teams also maintain electronic copies of organisations’ files and rules on the Commission’s web site.
REPORT ON PERFORMANCE

Performance Indicators

RAO matters are largely dealt with by Registry employees but necessarily also involve liaison with the Commission’s Organisations Panel when matters are to be dealt with by the Commission. Relevant performance outcomes include:

- 90% of right of entry permit applications determined within 7 days;
- 90% of ‘D’ matter applications (registration, amalgamation, eligibility, or cancellation of registration) reported and forwarded to the Commission within 14 days of expiry of objection period;
- 85% of rules matters determined and decisions made within 28 days;
- 85% of election matters determined and decisions made within 21 days of receipt of prescribed information;
- 85% of financial returns lodged within 7 months of the end of the financial year and 100% of overdue returns initially followed-up within 14 days of their due date;
- 90% of organisations satisfied with the Registry assistance provided through the currency of information on the Registry’s organisations’ information web sites, electronic filing and the e-filing helpline; and
- 90% of organisations satisfied with the promptness and accuracy of Registry advice and assistance provided regarding rights and obligations under the WR Act.

Performance Outputs

Significant changes in relation to RAO matters accompanied the Work Choices legislation, particularly in the areas of right of entry permits and transitional registration of state-registered employer and employee associations. In relation to officials of unions seeking to enter workplaces, a Registrar must be satisfied that a union official is a fit and proper person to exercise the rights the permit provides before a permit is issued. A new form for making such an application was prepared and forms part of the Commission’s procedural rules. Guidance has been provided to unions as to the substance and types of training that officials need to undertake as part of making an application for a permit. In addition, an official is required to give written ‘notice of entry to a premises’ to an employer in a form approved by the Industrial Registrar under s.738 of the WR Act. On 31 March 2006, the Industrial Registrar approved such a form of entry notice, which is accessible from the Commission’s web site.

State-registered employer and employee associations can now seek federal registration during a three-year transitional period to represent their members in the new national system. These applications are determined by the Industrial Registrar without a formal hearing, although material satisfying the requirements for transitional registration must be submitted with the application.
As at 30 June 2006 there were 67 employer and 46 employee organisations registered under the WR Act, and an additional five transitionally registered employer and 25 transitionally registered employee associations. A list of transitionally registered associations can be found on the Organisations page of the Commission’s web site.

The following table shows the numbers and types of matters processed during the year. To enable comparison with previous annual reports, performance outputs are reported in terms of the percentage of matters finalised within 28 days.

Table 9: RAO matters finalised

<table>
<thead>
<tr>
<th>Matter</th>
<th>Number finalised</th>
<th>% finalised within 28 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certification of alteration to rules other than eligibility rules</td>
<td>107</td>
<td>130</td>
</tr>
<tr>
<td>Arrangements for the conduct of an election by the Australian Electoral Commission</td>
<td>201</td>
<td>186</td>
</tr>
<tr>
<td>Lodgment of annual returns</td>
<td>242</td>
<td>206</td>
</tr>
<tr>
<td>Lodgment of details of loans, grants and donations</td>
<td>45</td>
<td>96</td>
</tr>
<tr>
<td>Certificate exempting branch from financial reporting requirements</td>
<td>68</td>
<td>73</td>
</tr>
<tr>
<td>Lodgment of financial documents</td>
<td>404</td>
<td>463</td>
</tr>
<tr>
<td>Right of entry permit</td>
<td>620</td>
<td>1 025</td>
</tr>
<tr>
<td>Revocation of entry permit</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Certificate as to membership of an organisation</td>
<td>19</td>
<td>17</td>
</tr>
<tr>
<td>Certificate as to requested representation or invitation</td>
<td>19</td>
<td>10</td>
</tr>
<tr>
<td>Transitional registration</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Outcomes in respect of right of entry permit applications, election matters and organisations’ satisfaction were achieved. In respect of the finalisation of financial returns and the certification of alteration of rules, other than eligibility rules, the outcomes were not achieved, although in both cases the numbers finalised within 28 days has increased from last year.
REPORT ON PERFORMANCE

Research, Information and Advice/Assistance Provided to Commission Members

Under this function the Registry is responsible for the provision of timely and accurate research in the areas of labour law, economics and workplace relations for members of the Commission and Registry employees; current awareness services; the maintenance of a loose-leaf legislation service for members of the Commission and Registry employees; and maintenance of the Register of Dispute Findings.

Performance Indicators

The primary performance outcome was:

- 85% of Commission members satisfied with the quality, professionalism, accuracy and promptness of the advice, research, administrative and technical support provided by the Registry and 100% of any area(s) of dissatisfaction reported and remedies identified.

Performance Outputs

During the year, 51 issues of the Decisions Summary (published in the weekly AIR Bulletin) were produced, comprising 855 decisions—the summaries provide members of the Commission, employees, parties, practitioners and the general public with brief details of all decisions of the Commission, together with summaries of industrial judgments of the High Court of Australia, the Federal Court of Australia and federal and state jurisdictions.

In addition, secret ballots for six matters in accordance with s.135 of the pre-reform Act were conducted.

Each of the teams achieved the targeted outcomes in respect of providing advice, administrative and technical support to Commission members and undertaking research.
Client Service

Performance outcomes under this Registry goal relate to the provision of quality, prompt service in relation to general and team specific client service for both internal and external clients, identified as:

Internal clients
President
Commission members
Industrial Registrar
General Manager, Statutory Services
Registry teams, managers/other supervisors and other employees

External clients
Members of the Australian public including employees and employers
Parliament, the Government and Minister
Registered organisations
Workplace relations practitioners including the legal profession
Other APS agencies, particularly the ‘central agencies’
CPSU, the Community and Public Sector Union (re Registry workplace relations)

General Client Service

Performance Indicators

Client service performance outcomes include the following:

- 100% of employees aware of the APS framework for the delivery of client services—the Client Service Charter Principles 2000, the Charter of Public Service in a Culturally Diverse Society, the Commonwealth Disability Strategy, the APS Values, etc.—the Registry’s service charter and Registry Plan expectations;

- 85% of client comments/feedback to indicate satisfaction with Registry service delivery and also the above framework in the areas of, for example, social justice, access and equity, privacy, complaints/grievance mechanisms.

Performance Outputs

Each employee is required to have an Individual Performance Plan (IPP). In their IPP the employee is to indicate strategies and performance indicators regarding their client service and delivery within both the APS and Registry contexts. A June 2006 IPP Survey (for the purposes of the Australian Industrial Registry (Team Performance and Productivity) Agreement 2006–07 (the Registry Agreement)) found that 95% of employees had an IPP and each had addressed client service delivery. The Registry intranet necessarily also contains links to related sites and documents.
REPORT ON PERFORMANCE

In relation to client satisfaction with general service delivery, all in-house teams in the Registry regularly seek internal and external feedback from clients. While the Registry did not conduct a comprehensive client satisfaction survey this year, general feedback indicated that outcomes have been maintained.

Information and Support

Performance outcomes in this area relate to the availability of courtrooms and conference rooms as well as video and telephone conferencing facilities, the provision of monitoring and transcription services for the Commission and parties, the provision of support/resources for initiatives undertaken by the Sir Richard Kirby Archives, finalising the review of the Commission’s home page and providing support to the Commission in relation to Board of Reference and Clothing Trades Award files.

Performance Indicators

Hearing/conference facilities—99% of courts and conference rooms and monitoring, video or telephone conferencing facilities ready at least 5 minutes prior to commencement of proceedings.

Monitoring/transcription services—100% of transcripts are:

- forwarded to Commission members and parties within the timeframe requested;
- available on the Commission’s home page (other than termination of employment transcripts) within 15 days of the hearing; and
- corrected within 1 day of identification of an error.

Sir Richard Kirby Archives—specific outcomes include the provision of assistance as required to achieve initiatives of the Archives Committee and to finalise cataloguing of all archive items by 31 December 2005.


Board of Reference and Clothing Trades Award files—90% of Board of Reference and Clothing Trades Award files attended to in accordance with time and other stated requirements.

Performance Outputs

Hearing/Conference Facilities

In each of the capital city locations, court and conference rooms are available for proceedings being conducted by the Commission. There are also specific facilities available to enable video and telephone conferencing services for those parties who are unable to physically attend a
Commission matter in one of the provided locations. This outcome relates specifically to the presentation and readiness of these facilities to ensure an expeditious process for those involved. Targets for the various aspects of this outcome were achieved in all states and territories.

**Monitoring/Transcription Services**

All targets in respect of transcripts were achieved or surpassed during the year, with a total of 2977 individual transcripts forwarded to Commission members and parties. There were 2019 public transcripts processed and loaded onto the AIRC home page during 2005–06 (a reduction of approximately 50% on the number of public transcripts processed last year). There were 92 transcripts amended and returned within one day of notification of an error.

**Sir Richard Kirby Archives**

Outcomes in relation to the Archives were largely achieved. The focus in 2005–06 continued on the centenary of the Commission and the Registry, with the Centenary Exhibition touring Adelaide, Darwin, Brisbane and Perth.

The target of finalising the cataloguing of the collection by 31 December 2005 was not able to be achieved—delayed in part due to the continuing focus on the Centenary Exhibition program. However, at the time of reporting, the cataloguing program was largely completed.

Other support activities for the Archives during 2005–06 included the collection of centenary-related memorabilia and documents, and the preparation of a display strategy and plan for the Commission’s new Melbourne premises. Work also continued on the organisation, preservation and development of the Archives collection.

**Review of AIRC Home Page**

During the reporting period the project to redevelop the AIRC home page was completed. This project began in 2004 and included extensive surveying and consultation with users of the site to ensure that their needs when using the site were being met. Regular users had indicated that the site was relatively easy to use. However, infrequent visitors to the site indicated that it was difficult to locate relevant information. Most visitors to the site indicated that information was generally up-to-date and that the layout of the site was good or excellent, although some users did suggest that the front page was confusing and cluttered. There was also a desire for a greater use of plain English.

The new site was launched in October 2005 with further changes being made in March 2006 to coincide with the introduction of the Work Choices legislation. The site contains information on the latest news as well as quick links to commonly visited pages. There is an index of subject matters to assist users to navigate to other areas of the site. The site also features a ‘live chat’ facility which was introduced with the implementation of the Work Choices legislation to provide an additional avenue for people to make inquiries.
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Board of Reference and Clothing Trades Award Files

With regard to this outcome, 137 applications for a Board of Reference were lodged in the reporting period: 129 were lodged pursuant to s.131 of the pre-reform Act and eight applications were received pursuant to s.524 of the WR Act. Of these, 103 were applications for registration under the Clothing Trades Award 1999, 20 applications pertained to the Australia Post Non-Work Related Medical Restrictions Policy, four were applications for reclassification pursuant to the Victorian Local Authorities Award 2001 and 10 were made pursuant to dispute settling provisions in other awards. The greatest numbers of applications were lodged in Victoria (92), with 24 in Brisbane, 14 in Adelaide, six in Sydney and one in Perth. Overall the Registry was able to satisfy the requirement that 90% of Board of Reference and Clothing Trades Award files were attended to in accordance with time and other stated requirements.

Document, Library and Records Management Services

The Registry is responsible for transferring Commission and Registry documents to internal databases as well as posting documents to the AIRC web site. The Registry maintains a consolidated awards service and manages subscription services (for both electronic, referred to as eSubs, and hardcopy subscriptions) for a selection of publications issued or maintained by the Commission and Registry (e.g. decisions of the Commission, consolidated awards, the AIR Bulletin, organisations gazette notices). The Registry also provides library-related services and activities as well as records management services (including the storage and retrieval of Commission and administrative files).

Performance Indicators

The major performance outcomes relating to the provision of document publishing, library and records management services are:

Documents—100% of public Commission and Registry documents available through Registry databases, the Commission’s home page and intranet/extranet as follows:

- Full Bench decisions within 2 hours of receipt;
- other Commission decisions and orders within 1 day of receipt;
- certified agreements within 3 days of receipt; and
- Commission decisions summarised and summaries provided to the editor within 2 days of receipt of the decision—weekly decision summaries then published in the next edition of the AIR Bulletin.

Library titles—100% of library titles processed within 5 days of receipt.
Consolidated awards database—100% of amendments to the Registry’s consolidated awards database are processed in accordance with established priorities and turnaround times.

Subscription services—in relation to electronic and hardcopy services:

- 80% of all subscriptions are to the eSubs service;
- 100% of hardcopy award variations and decisions subscriptions dispatched within 10 days of receipt of new documents;
- 100% of hardcopy consolidated awards subscriptions dispatched within 4 weeks of receipt of an amendment; and
- 100% of eSubs services dispatched immediately following the availability of documents and/or information on the AIRC home page.

Records management—80% of inquiries processed on receipt, and the Registry’s record keeping/management infrastructure complies with the Designing and Implementing Record Keeping Standards (DIRKS) promulgated by the National Archives of Australia.

**Performance Outputs**

**Documents**

Outcomes in relation to the publication of Commission and Registry documents were largely achieved, with all public Commission documents made accessible through internal and external databases. Targets for processing Full Bench and single-member decisions were largely met, however processing times for orders were not consistently achieved, with turnaround times for posting orders to the AIRC web site ranging up to 48 hours. Increases in workloads and/or unplanned absences were generally responsible for this outcome. A substantial increase in the overall number of documents issued by the Commission immediately before the introduction of the Work Choices legislation saw turnaround times for posting orders, at that time, pushed out to about eight days. In relation to the publication of certified agreements and the preparation and dispatch of the AIR Bulletin, performance outcomes of approximately 85% and 95% respectively were achieved.

**Library Titles**

The Commission’s main library is situated within the Registry’s principal office in Melbourne, direct library services and support staff are also available in the Sydney office. The performance outcome in relation to processing library titles was largely achieved or surpassed, with an average of 18 titles processed per day during the reporting period. The occasional delays in processing resulted from technical difficulties with the library system.
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Consolidated Awards Database

Amendments to the consolidated awards database are prioritised according to the number of subscribers to an individual award and its general status (i.e. major industry awards are given an elevated priority due to their popularity within the workplace relations community, irrespective of the number of subscribers to the award). Timeframes for updating awards generally range from 10 to 30 days of receipt of a new Commission document. During 2005–06, 1756 amendments were made to the consolidated awards database—a total of 2312 amendments were received for processing. Of the amendments processed, 36% achieved their respective timeframes. A number of factors, predominantly changed work processes and increased workloads resulting from the Work Choices legislation, can be attributed to this outcome.

During the reporting period, the Registry commenced reformatting consolidated awards so that they are clause-based rather than page-based. The reformatted awards are loaded onto the Commission’s web site in HTML format as well as into a new searchable database (awaiting finalisation and release). Since the beginning of the reformatting process in March 2006 more than 500 awards, comprising approximately 42 000 pages, have commenced this process.

Subscription Services

At the end of the reporting period, there were 5217 subscribers to Registry subscription services, with 89% (4645) of subscriptions being to the free eSubs service—the target in relation to this service has been achieved. At 30 June 2006 subscriptions comprised the following:

Table 10: Subscribers to Registry subscription services

<table>
<thead>
<tr>
<th>Subscription type</th>
<th>No. of subscriptions*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hardcopy—Award variations and decisions</td>
<td>146</td>
</tr>
<tr>
<td>Hardcopy—Consolidated awards</td>
<td>426</td>
</tr>
<tr>
<td>eSubs—Awards</td>
<td>13 773</td>
</tr>
<tr>
<td>eSubs—All decisions</td>
<td>290</td>
</tr>
<tr>
<td>eSubs—Full Bench decisions</td>
<td>853</td>
</tr>
<tr>
<td>eSubs—AIR Bulletin</td>
<td>756</td>
</tr>
<tr>
<td>eSubs—Organisations</td>
<td>180</td>
</tr>
<tr>
<td>eSubs—Announcements</td>
<td>702</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>17 126</strong></td>
</tr>
</tbody>
</table>

* Subscribers can select multiple services.
Records Management

Outcomes in relation to processing inquiries upon receipt were met, with approximately 2300 requests for file movements being actioned on the day the request was received. With regard to the implementation of the National Archives of Australia’s DIRKS system, this outcome was not achieved due to limited resources, specifically the vacancy of the national librarian position. At the time of reporting, the position had been filled and the Registry was assessing its obligations under this requirement.

Rachel Franklin, national librarian, commenced employment with the Registry in May 2006.
Information Technology

This goal relates to the performance of information technology (IT) services for the Commission and Registry.

Performance Indicators

Measures for the provision of IT services include:

- 80% of users satisfied with all categories of IT services;
- no more than 3 hours downtime per month between 8.00 a.m. and 6.00 p.m. (EST), Monday to Friday for critical systems (CMS, Faxmaker and email);
- no more than 10 hours unscheduled downtime per month between 6.00 p.m. and 8.00 a.m., Monday to Friday and on Saturday and Sunday across all systems;
- better than 99% uptime per month for Wide Area Network (WAN) infrastructure; and
- 80% of IT Help Desk requests resolved within 2 days.

Performance Outputs

The Registry met its targets for the resolution of Help Desk requests this year and only a small number of users indicated dissatisfaction with any category of the IT service. Downtime for critical systems decreased dramatically compared to the previous year, largely due to the upgrading of the centralised fax service, and is now well within parameters.

The WAN infrastructure achieved greater than 99% uptime per month, with only one incidence of WAN downtime for the year. During January–February 2006, a review of the WAN was undertaken.

In June 2006 the following tenders for IT equipment and services were active:

- WAN Project—this project replaces the current Commission/Registry WAN communication lines and equipment located in the eight capital city offices with new lines and equipment;
- Server and Storage Project—this project is for the provision of servers and storage, their configuration and national installation, and the transfer of data to them;
- Personal Printers Project—this project replaces the current fleet of Commission/Registry laser printers located in the eight capital city offices;
Videoconferencing (Mobile Units) Project—this project is for the supply and installation of videoconferencing equipment and services for all Commission/Registry offices. The project is expected to be completed by October 2006;

Case Management System Redevelopment Project (see Industrial Registrar's Overview at p. 63); and

Local Area Network (LAN) Switches and Services Project—this project is for the design of the LANs in the eight capital city locations, the installation and supply of LAN switches and associated equipment, and the provision of associated services.

With the exception of the Case Management System Redevelopment Project, which has been referred to the Registry's CMC, all projects are expected to be implemented in the 2006–07 financial year.

Media Liaison/Public Affairs Information

The Registry provides the following public liaison services:

- information materials—printed, multi-media and online;
- a national telephone inquiry hotline;
- email and ‘live chat’ services through the Commission's web site;
- a media liaison service provided by the media liaison officer;
- student briefings; and
- an historical archive and exhibition program.

In addition, library employees in Melbourne and Sydney and public counter employees in all states and territories routinely receive inquiries from the public. Registry employees also provide support for Commission members conducting briefings for visiting international delegations, students and other interested groups. Information provided by employees is of a factual nature and does not include legal opinion or legal advice.

Performance Indicators

The primary goals incorporate public and media liaison and awareness, and public affairs information, for which there are the following performance outcomes:

- 90% of media inquiries are finalised within 2 hours of receipt or to meet the deadline of the client; and
REPORT ON PERFORMANCE

• 90% of public information materials are up-to-date and 100% accurate.

Performance Outputs

In general, performance targets were met in the areas of media liaison and broader public affairs. It is estimated that more than 90% of media inquiries were finalised within two hours or within the deadline of the client and feedback from users and clients indicated a high level of satisfaction with these services. Targets set in relation to the currency and accuracy of public information materials, however, were not achieved. Following the introduction of the Work Choices legislation, a very significant legislative change, most Commission information materials required updating. Priority was given to producing new fact sheets and guides aimed at assisting users of the Commission with the transition to the changes to the workplace relations system. Many existing materials were not updated at the time the Work Choices legislation was introduced on 27 March. At 30 June 2006, the process of reviewing and updating information materials was continuing.

It is expected that in 2006–07 additional resources will be provided in line with an increased emphasis on communication activities.

In 2005–06, public liaison included the following contacts:

• 16 700 counter attendance transactions;
• 5300 inquiries to the National Telephone Inquiry Service*;
• 1300 inquiries through the interactive ‘live chat’ inquiry service*;
• 700 inquiries to the AIRC home page feedback mailbox;
• 800 media inquiries; and
• 27 tour group briefings.

* Inquiries received since the establishment of the National Telephone Inquiry Service on 27 March 2006.

The above estimates do not include telephone inquiries to Service Teams, the Melbourne and Sydney libraries, the RIAT hotline, many individual employees and informal contacts.

Inquiries received through the AIRC web site mailbox were across a range of issues but for the most part related to requests/inquiries about particular awards; working conditions; wage rates; termination of employment; decisions of the Commission; discrimination; and web site access/currency of information. A number of inquiries were also received from students.

The NTIS began operation on 27 March 2006, to coincide with the Work Choices legislation coming into effect. Of the 6600 inquiries that have been handled by the team up to 30 June
Inquiries have varied across issues such as dispute processes, agreements, workers compensation, discrimination, notice periods, motions to dismiss, hearing processes, accessing decisions, bargaining periods, protected industrial action ballots and general Commission activity. Call durations generally range from five to 20 minutes. In addition to answering specific questions, NTIS directs clients to the Commission’s web site and undertakes mail-outs of information materials. In some instances, clients are also referred back to agencies for follow-up action. Interactive web-based inquiries (live chat) average about 20% of inquiries.

The Registry conducts talks and tours for interested parties on an ad hoc basis. These speaking engagements comprise an outline of the federal industrial relations system and a summary of the Commission’s functions followed by a brief tour observing actual Commission proceedings. During the year, speaking engagements and tours for 25 groups were conducted in Melbourne and for two groups in Sydney.

A feature of the new look AIRC web site is the ‘live chat’ facility.
Performance Information for Outcome

Table 11: Performance information for individual outputs 2005–06

<table>
<thead>
<tr>
<th>Performance information for administered items (including third party outputs)</th>
<th>Effectiveness—overall achievement of the outcome (measures, indicators and targets used as appropriate)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Output Group 1.1: Agreements, Awards, Orders and Decisions</strong></td>
<td></td>
</tr>
</tbody>
</table>
| **Output 1.1.1 Agreement processing** | Quality: Improve or maintain average times taken to certify agreements.  
Result: Average time taken was 26 days.  
Quantity: Number of agreements certified.  
Result: 8265 |
| Agreement-related applications processing, including applications to suspend/terminate a bargaining period. | |
| **Output 1.1.2 Termination of employment** | Quality: Maintain or improve on time elapsed from lodgment of application to finalisation of conciliation.  
Result: Median time taken was 40 days.  
Quantity: Number of termination of employment applications finalised.  
Result: 6006 |
| 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. | |
| **Output 1.1.3 Appeals** | Quality: Improve or maintain average time taken to determine appeals.  
Result: Median time taken was 82 days.  
Quantity: Number of appeals determined.  
Result: 120 |
| | |
| **Output Group 1.1** | Total price:  
Budget—$53.660m  
Actual—$48.646m |
Table 11: Performance information for individual outputs 2005–06 (continued)

<table>
<thead>
<tr>
<th>Performance information for administered items (including third party outputs)</th>
<th>Effectiveness—overall achievement of the outcome (measures, indicators and targets used as appropriate)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Output Group 1.2: Registered Organisations, Compliance Checks and Investigations</strong></td>
<td></td>
</tr>
</tbody>
</table>
| **Output 1.2.1 Application processing** | Quality: Percentage finalised within 28 days.  
Result: 81%  
Quantity: Number of organisations-related applications finalised.  
Result: 283 |
| Particularly applications for rule alterations and conduct of elections. |  |
| **Output 1.2.2 Notices processing** | Quality: Percentage finalised within 28 days.  
Result: 64%  
Quantity: Number of organisations-related notices finalised.  
Result: 581 |
| **Output 1.2.3 Request processing** | Quality: Percentage finalised within 28 days.  
Result: 96%  
Quantity: Number of organisations-related requests finalised.  
Result: 1258 |
| **Output 1.2.4 Compliance follow-up action** | Quality: Percentage of further contact required after first hastener.  
Result: 34%  
Quantity: Number of hasteners issued in respect to statutory returns.  
Result: 212 |
| **Output Group 1.2** | Total price:  
Budget—$4.040m  
Actual—$3.930m |
Table 11: Performance information for individual outputs 2005–06 (continued)

<table>
<thead>
<tr>
<th>Performance information for administered items (including third party outputs)</th>
<th>Effectiveness—overall achievement of the outcome (measures, indicators and targets used as appropriate)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Output Group 1.3: Publications and Information Services</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Output 1.3.1 Publication of Commission documents | Quality: Maintain or improve average time taken to update an award from making of a variation.  
Result: 36%  
**Quantity**: Number of amendments to the consolidated loose-leaf awards.  
**Result**: 1756  |
| Output 1.3.2 Public liaison and awareness | Quality: Percentage of clients surveyed who deem the service provided to be of satisfactory standard.  
**Result**: 99% indicated satisfactory standard or better.  
**Quantity**: Number of client contacts estimated.  
**Result**: 16 700 (counter attendance transactions)  |
| Output 1.3.3 Accountability to Parliament | Quality: Meeting of all due dates for Parliamentary questions, reports and correspondence.  
**Result**: Achieved.  
**Quantity**: Number of questions, reports and items of correspondence finalised.  
**Result**: Nine responses to Parliamentary questions were prepared during the reporting period.  |
| Output Group 1.3 | **Total price**:  
Budget—$0.295m  
Actual—$0.301m  |
Analysis of Performance for Individual Outputs

The Commission is principally responsible for Output Group 1.1 (agreements, awards, orders and decisions), as such the analysis of performance has more appropriately been addressed in the Commission’s annual report (pp. 8–15). Output Groups 1.2 and 1.3 relate to Registry functions and are commented on hereunder.

Not all outcomes in respect of Output Group 1.2 (registered organisations, compliance checks and investigations) were able to be maintained. Output Group 1.2.1 improved slightly from last year, while Output Group 1.2.3 saw noticeable improvements in both the percentage finalised within 28 days and the number of requests processed—increases of 40% and 19% respectively. Outcomes for Output Group 1.2.2 were not able to be maintained due primarily to an inability to successfully recruit a manager for the Research, Information and Advice Team (RIAT) in Sydney (which led to the prioritising of work within Output Group 1.2). Recruitment action is continuing for a team manager and training of Registry employees is to be undertaken to enable allocation of some of this work to areas other than RIAT. Outcomes in relation to Output Group 1.2.4 were not maintained, although the number of hasteners issued increased by almost 16%.

Outcomes in respect of Output Group 1.3.1 (publication of Commission documents) were not achieved, with an overall average of 36% of documents achieving the allocated timeframe for updating an award, and a reduction of 27% in the number of amendments made to the consolidated awards database. The introduction of technological enhancements to individual consolidated awards (e.g. web versions are now accessible in HTML format, awards are now formatted specifically for electronic media, rather than as a paper-based service); additional processing to improve database search/retrieval functionality; and award-related changes associated with the Work Choices legislation, were not fully achieved.

In respect of Output Group 1.3.2 (public liaison and awareness), teams regularly seek internal and external feedback from clients. Although the Registry did not conduct a comprehensive client satisfaction survey this year, informal feedback, along with routine over-the-counter client sampling, indicates that outcomes have been maintained.

In respect of Output Group 1.3.3 (accountability to Parliament), the Registry achieved its performance target meeting all due dates for responses to Parliamentary questions (the target being the due dates expected by the Department of Employment and Workplace Relations).
The third goal of the Registry Plan reports on performance regarding management and accountability.

APS/Registry Responsibilities

Under this goal, the Registry seeks to establish what it is we, as APS and Registry employees, are trying to do, specifically:

- to ensure Registry managers drive acceptable workplace performance, conduct and practices through their own conduct and leadership—employees then follow these good examples;

- know what/how it is we are expected to achieve and to have the knowledge required to be effective APS/Registry employees;

- know how we are to work together, treat each other, to manage others and be managed;

- be well trained and capable of further learning activities to improve effectiveness;

- know who in the Registry we can ask for help and who outside (as demanded by the situation), for example, the Employee Assistance Program; and

- know what happens if performance is below expected standards.

Financial Performance

The Registry's funding was changed to reflect the expected impact of the Work Choices legislation as part of its portfolio submission in the Additional Estimates process. The funding included additional resources to meet the transitional costs associated with implementing the Work Choices legislation, particularly in 2005–06 and 2006–07. Funding will reduce significantly thereafter in line with the expected net impact on Commission and Registry workloads.

The Registry achieved a better than anticipated financial outcome for 2005–06 with an operating surplus of $1.4m. This was due in part to the reduction of staff numbers as a result of planned reductions and a higher than expected attrition rate. In addition, a number of significant expenditure items linked to the Melbourne relocation have been pushed into 2006–07 as a result of the movement of the completion to September 2006.
Performance Indicators

The performance outcomes in this area of the Registry Plan (as well as the financial statements, which are separately reported at p. 131) relate to budgetary and financial management; financial services and travel; and tenancy management considerations, including:

- annual financial statements certified as meeting required Department of Finance and Administration (DoFA) and accounting standards;
- estimates/budget meets DoFA criteria and timeframes for inclusion in the Employment and Workplace Relations Portfolio Budget Statements;
- draw-down of Registry funds from DoFA managed in line with agreed working capital arrangements, including for monitoring of daily bank balances and prospective payments;
- monthly reports to DoFA are provided within 10 days of the specified timeframes;
- 100% of bank accounts and ledgers are reconciled within 10 days of the end of the previous reporting month;
- 100% of revenue is receipted within 2 days and banked at least twice weekly, excluding public holidays;
- relocation to 11 Exhibition Street meets specific accommodation needs/requirements, including security of the Commission (chambers, courtrooms, conference rooms, assembly areas) and the Registry; Government access and equity requirements relating to both building and information accessibility; technology requirements—information technology, videoconferencing, communications networks; and project management and contractual requirements;
- the Registry maintains a building matrix to manage compliance with statutory obligations such as water quality, airconditioning, emergency and exit lighting; and
- 90% of payments to suppliers made within 27 days of receipt of a correctly rendered invoice, except where discounts are available or other payment terms are to be applied.

Performance Outputs

All outcomes in respect of the above performance indicators were generally achieved. The move to new Melbourne premises, as well as the handing-back/making-good of the existing premises prior to the cessation of the 80 Collins Street lease, were major drivers of activities throughout 2005–06.

During the reporting period, an internal review of the Registry’s financial services functions was undertaken, the purpose of which was to ensure proper systems of internal control and governance are in place and that these systems are performed in an efficient and cost effective way.
manner. The areas being reviewed included travel management and payments; asset management; goods and services tax and fringe benefits tax compliance; authorisation and delegations; accounts receivable; and cash management. The resulting report indicated that current practices were sound, there is scope for the further strengthening of existing processes, and made recommendations for the implementation of actions to achieve those outcomes.

Corporate Governance

Senior Executive and their Responsibilities

The Industrial Registrar is the Registry's chief executive officer and directs the business of the Registry pursuant to s.128(4) of the WR Act. The Industrial Registrar’s functions are broadly defined under s.133(2) of the WR Act and also include those that befall an APS agency head, which include overseeing the implementation of the principles and objectives of corporate governance within the Registry.

On 9 April 2006, Industrial Registrar Nicholas Wilson left and Terry Nassios commenced as the Acting Industrial Registrar. Nicholas Wilson and Terry Nassios were assisted in their corporate governance responsibilities by Dennis Mihelyi, Director, Corporate Services.

Registry Consultation and Communication

Performance Indicators

The targets in relation to consultation and communication for the Registry are that 90% of Registry employees are:

- aware of and satisfied with the consultation and feedback mechanisms in their team and through the Registry’s Consultative Committee (RCC), etc.;

- confident about raising performance/workplace-related matters and are satisfied that:
  - they are dealt with quickly and effectively at the individual, team or Registry level;
  - there is a genuine effort to convey information and consult with employees;
  - other means are used to elicit employee contributions on matters e.g. emails, surveys;
  - ideas are actively sought and adoption at least considered; and
  - contributions are acknowledged and valued by the team manager and others;
• able to fully participate in both formal and informal appraisal/feedback processes and Registry/team/individual performance monitoring, particularly on workflows and timeframes.

Performance Outputs

The level of awareness and satisfaction of employees with the totality of the available consultation and communication arrangements was not specifically measured in 2005–06. The opportunity to raise issues or express any dissatisfaction was nevertheless available to employees through personal IPP strategies or more formally at, for example, team meetings, the RCC and the Registry’s Occupational Health and Safety (OHS) Committee. In the absence of any significant evidence to the contrary, the assumption has been made that at least 90% of employees were generally satisfied with the available consultation and communications arrangements.

The RCC met twice during 2005–06—minutes are available to all employees via the intranet. The more significant matters addressed included the Work Choices legislation and, relatedly, the future direction for the Commission and Registry, Budget considerations, the Registry Agreement and its implementation, the relocation of the Melbourne premises, the Sydney refurbishment and the OHS Committee’s activities.

Further consultation and communication structures were also available in Melbourne throughout 2005–06 in relation to the relocation through a staff consultative committee.

Senior Management Committees and their Roles

The AIR Management Board is an advisory committee which assists the Industrial Registrar. The Board comprises the Industrial Registrar and six senior managers and acts as a clearing house for senior level decisions. It also supports enhanced financial management responsibility and accountability within the Registry. It meets as required, generally on a monthly basis. During the year, the Board also took over the responsibilities of the IT Board (which had previously existed to develop the Registry’s IT Strategic Plan).

The Registry’s Contract Management Committee (CMC) comprises the Industrial Registrar and three senior managers and has a pivotal role in Registry procurement management and associated processes. All contracts over $10 000 are referred to the CMC for approval. Contracts under $10 000 require competitive quotations/tenders and can be approved by the appropriate delegate, however a copy of the contract needs to be lodged with the CMC for inclusion in the Contracts Register. See p. 118 for further details.

The Registry’s Audit Committee is chaired by Terry Nassios, General Manager, Statutory Services, and also comprises the Industrial Registrar and an independent member, Brian Scammell, Assistant Commissioner, Corporate Services of the Productivity Commission. The committee is responsible for a range of governance activities including the clearance of the annual financial statements, and fraud and risk management. The committee is supported by the Registry’s
MANAGEMENT & ACCOUNTABILITY

internal auditors, PKF, who undertake audits and reviews in accordance with an agreed audit program.

Corporate and Operational Plans and Associated Performance Reporting and Review

The Registry Plan is the Registry's primary operational plan. It contains the Registry's goals, reputation/qualities, principal performance measures and the performance outcomes sought in 2005–06.

The Registry Plan provides:

• a consistent, whole-of-Registry approach to activities/outcomes against which all teams and employees can align their activities and outcomes; and

• a particular emphasis on communication and cooperation between all Registry teams so they work cohesively in achieving both the Registry Plan and the aims and objectives in the Registry Agreement.

The Registry Plan, together with team plans and IPPs, and the agreement-making structures, provide a strategic framework in the Registry for the integration of people, planning and performance, and reporting and review requirements.

In addition to the above, the Registry has a service charter, a workplace diversity program (WDP) as required by s.18 of the Public Service Act 1999 (the PS Act), an OHS agreement as required by s.16 of the Occupational Health & Safety (Commonwealth Employment) Act 1991 (the OHS Act), a financial management framework implementing the requirements of the Financial Management and Accountability Act 1997 (the FMA Act) and a range of strategies (although not necessarily in single specific documents) relating to operational considerations such as information management and technology, training and development, workforce planning, etc.

The Registry's goals in 2005–06 were to:

• perform to the highest standard the functions conferred on the Registry through the WR Act and its delegated legislation;

• provide quality, prompt service to all Registry clients; and

• meet our statutory agency/APS responsibilities and accountabilities confidently and in a timely way.

The Registry has identified specific qualities that it is seeking in its employees, such as:

• skilled;
• prompt and courteous;
• helpful/cooperative;
• informative/consultative;
• impartial/honest;
• high performing/outcome focused;
• confident/sense of public duty;
• ethical/fair/free from discrimination;
• flexible/safe; and
• accountable/use resources effectively.

The principal performance measures for 2005–06 were:

• the Commission being very satisfied (four on a five-point rating scale) with the promptness and the quality of the services provided by the Registry;

• the Commission being satisfied that Registry systems were able to provide the information/resources necessary for the Commission to fulfil its legislative functions and duties;

• 85% of all Registry clients being satisfied that services and assistance provided reflect our reputation/qualities; and

• 100% of Registry employees understanding their responsibilities under the Registry Plan, any team plan and their own IPP, particularly as they arise from the APS Values.

Performance is measured and reported by:

• offering 100% of all those with whom the Registry regularly dealt at least an annual opportunity to meet with Registry employees to discuss service requirements;

• surveying all relevant parties at least regarding our principal performance measures; and

• reporting accurately on Registry performance outcomes in external reports, including this report, and the State of the Service (SOS) Report Agency Survey, on Registry intranet sites and through Registry and team plans and IPP assessments.
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The APS Values, the APS Code of Conduct and the contents of the Public Service Commissioner’s Directions 1999 are given particular effect under the Registry Plan’s client service and statutory agency/APS responsibilities and accountability goals.

Not all Registry teams have a separate team plan, but many choose to do so to provide further team-specific clarity on activities and other operational arrangements/considerations, e.g. counter responsibilities, learning initiatives and leave arrangements.

The Registry Plan, team plans and IPP’s are evaluated as at 30 June each year. Team plan assessments/evaluations are reviewed by the Industrial Registrar/General Manager, Statutory Services, and subsequently placed on the Registry’s intranet for the information of and comment by all employees.

Performance at a corporate level is reported through prescribed annual report and SOS report requirements, other external reports such as the portfolio budget statements, central agency surveys, Australian National Audit Office (ANAO) surveys/performance audits, and through responses to Parliamentary questions. Outcomes against performance indicators in team plans are used in the compilation of the Registry’s annual report and in meeting other external reporting obligations.

Internal Audit Arrangements

The primary performance outcome in the Registry Plan in relation to risk management, fraud control and audit arrangements is for 100% of annual surveys for risk management, insurance, protective security, fraud, etc. to be completed by required dates for the Registry Fraud Control Plan and to satisfy both internal/external scrutiny.

The Audit Committee has an internal audit program that involves contracted independent auditors (PKF), the committee’s initiatives seek to enhance governance arrangements. PKF operates from a three-year internal audit plan that, among other things, reviews accounts payable and payroll, does an overall risk assessment and advises on/recommends changes to work practices including, as relevant, from Auditor-General’s reports. During the year internal audit reviews of information technology and financial services were undertaken.

The Registry participated in the Comcover Risk Management survey which resulted in a reduced premium for 2005–06 for general and liability insurance (details appear at p. 116).

Fraud Control Plan

In accordance with Australian Government Fraud Control Guidelines (www.ag.gov.au/fraud), the Registry has a Fraud Control Plan.

The Registry, with the assistance of its internal auditors, produced a new Fraud Control Plan during the year as a follow-on from the major risk management review undertaken in 2004–05.
The plan assesses the Registry’s significant functions/activities and the adequacy of controls/control procedures for those activities assessed as having higher risk of inherent fraud. The plan describes the controls in place to prevent, detect and deter fraud in the identified high risk activities, and includes commentary on areas where there is a need to improve controls to reduce the risk of fraud.

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

Beyond the broad legislative framework (principally the PS Act, the Public Service Regulations 1999 (PS Regulations), the Public Service Commissioner’s Directions 1999 and the FMA Act), Registry ethics are governed by the reputation and organisational qualities identified in the Registry Plan, internal policy and procedural advices/guidelines including the Procedures for Determining Breaches of the APS Code of Conduct, the Policy for the Use of Email and Internet Systems and a Receipt of Gifts and Other Benefits Policy, and the specific requirement to address such matters in any team plan and in each IPP.

Specific relevant performance outcomes in the Registry Plan include:

- 100% of employees understand the Registry’s goals, objectives, responsibilities and accountabilities, and strive to increase their understanding of:
  - the workplace behaviour and workplace conduct requirements in the APS Values and the APS Code of Conduct; the anti-discrimination provisions of the PS Act, the WR Act and other Commonwealth anti-discrimination legislation; and its application to their work/employment e.g. appropriate use of email and the Internet;
  - the FMA Act and its delegated legislation; and
  - associated/related Registry policies/procedures and such documents (as available through the intranet) as the Registry Agreement, the Registry’s WDP, etc.;

- 100% of employees:
  - are familiar with their workplace diversity rights/responsibilities and related Registry policy/procedures, particularly the Registry WDP;
  - take an active role in identifying, recording and resolving diversity and harassment issues; and
  - are satisfied the Registry workplace is free from discrimination and harassment; recognises, respects and values the differences between individuals and they are treated equitably; that no employee is subject to unlawful discrimination or unfair treatment in their employment—but if a concern arises, they know what to do and with whom they can pursue a concern or discuss and clarify any and all related matters.
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Each team plan and IPP is required to contain specific performance indicators that address the issues of workplace diversity, employment decision-making, ethical standards and personal and professional conduct. The performance indicators in each team plan and IPP are evaluated annually and such evaluations also require feedback from others—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 readily available to all employees through the Corporate Services intranet.

Senior Executive Service Employees Remuneration

The nature and amount of remuneration for the Registry’s two Senior Executive Service (SES) employees is determined through Australian workplace agreements (AWAs).

External Scrutiny

Judicial Decisions and Administrative Review

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

Auditor-General’s Reports

The Registry did not directly participate in any ANAO audits (other than the annual audit of the financial statements) during the year. However, the Registry participated in an ANAO survey on the Outcomes and Outputs Framework.

The Registry has made use of the better practice guides issued by ANAO in reviewing relevant policies and practices.

Australian Taxation Office Audit

In addition to the above, the Registry took steps to address the two areas of recommendations contained in the 2004–05 Australian Taxation Office audit of the Registry’s administration of surcharge arrangements of the Judges’ Pension Scheme.

The audit focused on two areas of perceived risk and/or compliance issues relating to the superannuation surcharge:

- maintenance of Individual Surcharge Debt Accounts (ISDA) for those presidential members of the Commission covered by the Judges’ Pensions Act 1968; and
• correct processing of payments (both voluntary and exit generated).

While the Superannuation Compliance Activity Report of June 2005 stated that there was compliance in all relevant areas, there were two areas of recommendations:

• the ISDA should be on a shared drive, with access restricted to those who require it, and a succession plan put in place to ensure continuity of maintenance; and

• a register should be created to record physical receipt of Surcharge Provider Assessment Notices—the notices to generate a confirmation of acknowledgment of details, and for a further separate employee to check such details.

Management of Human Resources

The Registry has its Principal Registry located in Melbourne and a Registry office in each capital city. In Adelaide and Perth, Registry services are outsourced to the State Government industrial registry under federal/state industrial relations harmonisation arrangements. However, associates (personal staff of Commission members) in those locations continue to be employed by the Registry.

Table 12: Geographic deployment of employees

<table>
<thead>
<tr>
<th>Location</th>
<th>No. of employees¹</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30 June 2005</td>
</tr>
<tr>
<td>Victoria</td>
<td>131</td>
</tr>
<tr>
<td>New South Wales</td>
<td>48</td>
</tr>
<tr>
<td>Other locations²</td>
<td>24</td>
</tr>
<tr>
<td>Total</td>
<td>203³</td>
</tr>
</tbody>
</table>

1: 30 June 2005 figures include 14 part-time employees expressed as whole numbers.
2: Includes Queensland, Australian Capital Territory, Northern Territory, Tasmania, South Australia and Western Australia.
3: Includes Industrial Registrar (a statutory appointment under the WR Act) and 8 employees on long-term leave without pay.
4: Includes Acting Industrial Registrar (a statutory appointment under the WR Act) and 7 employees on long-term leave without pay.
The seven ongoing employees on long-term leave without pay as at 30 June 2006 were either attending to parental/family responsibilities or had been granted leave for personal reasons—six in Victoria and one in Western Australia.

Table 13: Registry staffing by functional area

<table>
<thead>
<tr>
<th>Functional area</th>
<th>30 June 2005</th>
<th>30 June 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Registrar</td>
<td>2¹</td>
<td>1²</td>
</tr>
<tr>
<td>Statutory Services Branch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Research, Information and Advice Teams (Melbourne)</td>
<td>17</td>
<td>13</td>
</tr>
<tr>
<td>National Telephone Inquiry Service</td>
<td>-</td>
<td>9</td>
</tr>
<tr>
<td>Information Management Team</td>
<td>35</td>
<td>33</td>
</tr>
<tr>
<td>Victoria Service Team</td>
<td>58</td>
<td>46</td>
</tr>
<tr>
<td>New South Wales Service Team</td>
<td>47</td>
<td>38</td>
</tr>
<tr>
<td>Other Service Teams³</td>
<td>24</td>
<td>19</td>
</tr>
<tr>
<td>Corporate Services Team</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td>SES Specialist, NSW</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>203¹</strong></td>
<td><strong>176²</strong></td>
</tr>
</tbody>
</table>

¹: Includes Industrial Registrar (a statutory appointment under the WR Act).
²: Includes Acting Industrial Registrar (a statutory appointment under the WR Act).
³: Includes Service Teams for Queensland, Australian Capital Territory, Tasmania, Northern Territory, South Australia, and Western Australia.
Workforce Planning and Staff Retention and Turnover

The total number of Registry employees at 30 June 2006 (176) as against 30 June 2005 (203) represents a decrease of 27, or 13.3%, in Registry staffing numbers during 2005–06. In the two-year period from 2004–05 to 2005–06, Registry staffing has decreased from 212 to 176, an overall decrease of 17%.

Recruitment activity during 2005–06 was marginally higher than in the previous year. There were:

- three ongoing actions in Victoria; and
- 29 non-ongoing actions in Victoria, New South Wales, Queensland, Western Australia and the Australian Capital Territory—18 related to associates and 11 related to other positions.

In addition to the above actions, there were also a number of extensions of non-ongoing engagements consistent with the provisions of the PS Act and PS Regulations.

Overall, 21 new employees (either ongoing or non-ongoing) commenced employment with the Registry during 2005–06 and remained as at 30 June 2006. With a reduction in staffing numbers of 27 and 21 new employees, this represents a 23.7% turnover of staff from the staffing figures as at 30 June 2005.

Separations

During 2005–06 a total of 50 employees left the Registry—28 ongoing employees and 22 nonongoing employees. The reasons for separation were:

- resignation—6 ongoing employees (12%), 8 non-ongoing employees (16%);
- voluntary redundancy/retirement—17 (34%);
- promotion or ongoing movement—5 (10%); and
- cessation of non-ongoing engagement—14 (28%).

Part-Time Work

The number of employees undertaking part-time work decreased from 14 ongoing employees (11 women and three men) as at 30 June 2005 to nine employees (eight ongoing and one nonongoing; seven women and two men) as at 30 June 2006.
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Home Based Work

During 2005–06, three employees had home based work (HBW) agreements—two employees combining a return to work with parental responsibilities and one employee combining personal circumstances with ongoing work commitments. The HBW agreements were made consistent with the provisions of the Registry Agreement and complied with all of the requirements of a related Registry advice, especially the OHS and security requirements.

Table 14: Registry employees—Employment status and gender by APS classification

<table>
<thead>
<tr>
<th>Classification</th>
<th>Salary range ($) (as applicable from Registry Agreement)</th>
<th>Ongoing full-time Men</th>
<th>Ongoing full-time Women</th>
<th>Ongoing part-time Men</th>
<th>Ongoing part-time Women</th>
<th>Non-ongoing Men</th>
<th>Non-ongoing Women</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>SES Band 1</td>
<td>AWA</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Executive Level 2</td>
<td>84 950–99 530</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Executive Level 1</td>
<td>73 656–79 535</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>APS Level 6</td>
<td>58 883–65 998</td>
<td>23</td>
<td>59</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>51</td>
</tr>
<tr>
<td>APS Level 5</td>
<td>53 198–56 409</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>15</td>
<td>19</td>
</tr>
<tr>
<td>APS Level 4</td>
<td>49 210–51 785</td>
<td>12</td>
<td>20</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>APS Level 3</td>
<td>43 904–46 187</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>APS Level 2</td>
<td>39 619–41 661</td>
<td>3</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>APS Level 1</td>
<td>33 196–36 691</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>53</td>
<td>92</td>
<td>2</td>
<td>7</td>
<td>2</td>
<td>20</td>
<td>176</td>
</tr>
<tr>
<td>Percentage</td>
<td></td>
<td>30.1</td>
<td>52.3</td>
<td>1.1</td>
<td>4</td>
<td>1.1</td>
<td>11.4</td>
<td>100</td>
</tr>
</tbody>
</table>

1: Includes one part-time employee.
<table>
<thead>
<tr>
<th>Classification</th>
<th>Victoria</th>
<th></th>
<th>New South Wales</th>
<th></th>
<th>Other Locations¹</th>
<th></th>
<th>Total employees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>SES Band 1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Executive Level 2</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Executive Level 1</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>APS Level 6</td>
<td>18</td>
<td>38</td>
<td>4</td>
<td>17</td>
<td>1</td>
<td>13</td>
<td>23</td>
<td>68</td>
</tr>
<tr>
<td>APS Level 5</td>
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<td>8</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>APS Level 4</td>
<td>8</td>
<td>16</td>
<td>4</td>
<td>5</td>
<td>0</td>
<td>2</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>APS Level 3</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>APS Level 2</td>
<td>2</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>APS Level 1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td><strong>Total</strong></td>
<td>41</td>
<td>73</td>
<td>13</td>
<td>28</td>
<td>3</td>
<td>18</td>
<td>57</td>
<td>119</td>
</tr>
</tbody>
</table>

¹: Includes Queensland, Australian Capital Territory, Northern Territory, Tasmania, South Australia and Western Australia.
Collective Agreements and Australian Workplace Agreements

Employment and Conditions of Service Arrangements

Performance Indicators

Following are the Registry’s performance indicators in relation to employment and conditions of service arrangements:

• 100% of Registry employees inform themselves of their employment conditions and related APS/Registry advices on:
  - employment/recruitment decisions and reviews of actions;
  - agreement-making (the Registry Agreement and AWAs) and conditions of service;
  - classification arrangements; and
  - attendance and leave requirements;

• 95% of Registry employees are satisfied that selection, engagement, movement, promotion, assignment of duties, allocation of classification level and broadbanding decisions comply with APS/Registry guidelines, are transparent, equitable and procedurally fair, and are linked to an assessment of the skills and experience the Registry needs to meet its business goals;

• 100% of monthly APS employment database downloads are provided to the Australian Public Service Commission within 5 days;

• 95% of employees are satisfied with the promptness and accuracy of individual payroll/conditions of service transactions e.g. studies assistance, across-the-board pay increases; and

• 95% of employees are satisfied with the application of the Registry’s flextime arrangements, including the accrual of flextime, approval arrangements and the utilisation of leave options.

Performance Outputs

As with the consultation and communication targets, performance against these indicators was not specifically tested. However, the Registry was involved in negotiations for a new collective agreement in the first half of 2005–06 and necessarily there was much discussion in the areas reflected in the above indicators. The Registry Agreement was subsequently certified on 9 February 2006 with 78% of employees voting in favour of the proposed Registry Agreement.

The range of related conditions information on the intranet is being progressively updated following certification of the Registry Agreement.
The Registry rolled out an employee self service (ESS) facility in December 2005. The ESS provides employees with a portal from where they can enter personnel transactions and inquire about their personal information. The ESS is also a workflow system for manager approvals and information.

Registry Agreement

On 9 February 2006 the Commission certified the Registry’s replacement collective agreement—the *Australian Industrial Registry (Team Performance and Productivity) Agreement 2006–07*.

The new Registry Agreement was formulated against the expected Registry environment post the implementation of the Work Choices legislation.

The aims and objectives of the Registry Agreement are to:

- directly support ongoing changes in the Registry;
- recognise that Commission directions may change;
- reflect employee agreement to continue to:
  - improve individual work performance;
  - improve team performance; and
  - reduce operating costs.
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The Registry Agreement also seeks to facilitate the following further high level objectives, to ensure the Registry is well placed to assist the Commission to achieve its identified vision and strategies:

- Registry employment emphasis moves from process-based administrative functions to a client-focused project-based employee resource;

- a universal management and employee commitment to rapidly and consistently increase the proportion of documents lodged and processed in the Registry to suitable electronic form—this objective ensures that the Registry can deliver significant process cost savings and client service improvements;

- CMS becomes the ‘electronic file’ through managers and employees committing to individual and collective actions that:
  - maximise the use of CMS, including the Correspondence Module;
  - ensure consistency of processes, using CMS as requested/designed, not as the individual may want; and
  - ensure all employees accept responsibility for scanning non-electronic documents into CMS;

- where they are needed:
  - multi-function, multi-location work teams;
  - training programs that equip employees for additional or changed work functions;
  - managers and employees have the capacity to design and implement changed work processes; and
  - all employees take on basic support services where there is a demonstrated cost benefit for the Registry.
Australian Workplace Agreements

All AWAs are discussed on the basis of the Registry’s AWA Policy Guidelines, the key objectives of which, within the framework of the Registry’s overall remuneration policy and subject to the provisions of Part 8 of the WR Act, are to:

- provide a package of fair pay and conditions that also reflects particularised circumstances and responsibilities, individual capability and individualised performance outputs;
- recognise and reward performance in achieving closely articulated organisation-wide, team and individual priorities, and in expressly demonstrating desired organisational values and behaviours; and
- attract and/or retain high performing employees.

AWAs are available to all employees (unconditionally, subject only to the requirements of the WR Act) whose personal circumstances, dispositions or patterns of work are better accommodated within an individual AWA. AWAs are either comprehensive agreements, which operate separately from the Registry Agreement, or agreements that also refer to specific provisions of the Registry Agreement, and have generally been developed along the following lines:

- the driving of best practice through effective use of new technology and systems or specific managerial goals/objectives;
- articulated workplace flexibilities;
- particularised higher performance initiatives and express targets;
- the streamlining of processes and transactions, for example, as related to conditions of service, allowances; and
- individualised leave and other personal/family arrangements.

As at 30 June 2006, both SES employees and 36 non-SES employees were on AWAs. This represents 22% of all employees. All other employees’ terms and conditions are covered by the Registry Agreement.

Non-Salary Benefits

A range of non-salary benefits are available to employees through the Registry Agreement and/or AWAs and/or other Registry initiatives. They include:

- access to annual train, tram, bus and ferry tickets for which the Registry pays the up-front cost and the employee then repays the amount fortnightly over a 12-month period;
• healthy lifestyle initiatives such as subsidised pilates and yoga classes; and

• payments for professional association memberships, road tolls and occasional car parking at Registry premises.

Performance Pay

There was one instance of performance pay in 2005–06, for an Executive Level 2 employee—the amount paid was $3375.

Paypoint progression through the Registry’s broadbanded classification arrangements is also contingent on satisfactory performance through a performance appraisal/assessment process that initially requires the completion of an agreed IPP.

Learning and Development Strategies

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 employee development and training are integrated into the Registry’s team and classification structures; the Registry, team and individual performance planning/management arrangements; and the ‘learning organisation’ provisions embedded in the Registry Agreement.

The primary strategy is for the development of learning on-the-job, with focused training interventions where required, access to external training where there is a demonstrable business and personal need, and positive encouragement for employees to undertake long-term education and gain qualifications.

Financial assistance and paid leave to encourage formal skills development and further education was provided to 18 employees during 2005–06 (10.2% of employees as at 30 June 2006).

The Registry Agreement provides significant financial support for study relevant to the Registry of up to 50% of fees. Law/employment law, business/commerce/management, human resources/industrial relations and information technology studies have been the primary areas of formal study.
Performance Indicators

In relation to the key training and development strategies, the Registry Plan contains the following performance measures:

- 95% of Registry employees are satisfied:
  - with the access to training and career development opportunities being provided to broaden skills and knowledge, to facilitate their role in the Registry and their team, and to carry out their duties, including involvement in special interest projects or working elsewhere in the Registry;
  - with the training and development consultancy and advisory services being provided to teams and employees, particularly as arising from/identified in team plans and IPPs;
  - that training programs are consistent with identified team and/or IPP requirements, and negotiated timelines;
  - that training materials development has been coordinated, as has the development of trainers;
  - that the Registry's studies assistance arrangements are being applied fairly; and
  - that they have the skills and knowledge, including information technology skills, to be able to flexibly contribute to Registry/team performance;

- 100% of new employees participate in and are satisfied with the Registry's induction program; and

- the President and Commission members are satisfied with the assistance provided to Commission training and development initiatives, including the annual Commission members statutory conference.

Performance Outputs

The major areas for internal and external training during 2005–06 included the following:

Personal Computing Hardware and Software Rollout

A project to provide new personal computers to all Commission members and Registry employees (approximately 300 machines) was undertaken during July and August 2005. A pilot group was established in June 2005 to develop a practical understanding of the new operating system. A number of employees from the pilot group, as well as additional employees with recognised expertise, undertook some additional training and then created a training program to introduce the major changes to Commission members and Registry employees. The training was presented in all state and territory offices.
In addition, information technology employees attended specialist training in relation to the introduction and maintenance of the new systems.

The rollout was completed on time and without significant disruption—feedback received indicated that the delivery of all aspects of the project was very good.

*Changes to the WR Act (Work Choices legislation)*

A number of employees were tasked with preparing information on the pending legislative changes. An overview seminar and accompanying material were delivered to employees in all states and territories immediately prior to the passage of the legislation. Follow-up seminars were presented to all employees in June 2006 to provide more detailed and procedural information. All employees had a basic understanding of the impact of the changes on the Commission, its clients and the Registry, and were able to maintain service levels.

*Commissioning of a New Human Resources Management Information System*

At the end of the 2004–05 reporting period, Corporate Services employees received training in a new human resources management information system (Aurion). The changeover to the new system was achieved on 1 July 2005 with minimal disruption. A major feature of the new system is the ESS facility, which was progressively rolled out to all employees (with one-on-one and small group introductory training being provided in-house).

The ESS provides employees with a portal from where they can enter personnel transactions and inquire about their personal information. The ESS is also a workflow system for manager approvals and information. The new system provides an increased capability for manager reports.

*Project Management*

In order to assist with the planning for and performance of the complex range of tasks needed to carry out various Registry projects (including the move to the new premises in Melbourne) as efficiently as possible, a number of employees involved in technology and other projects attended project management courses during the reporting period.

*Executive Level Employee Development Program*

Commencing in 2004–05 the Executive Level Employee Development Program (ELDP) was a joint small agency program conducted in cooperation with Comcare and the Australian Pesticides and Veterinary Medicines Authority. The ELDP aimed to create learning, development and networking opportunities for senior managers within a small agency context. It consisted of half-day seminars with associated networking opportunities conducted at roughly two-month intervals.

The ELDP seminar themes were:
• getting the best out of people;
• managing underperformance; and
• preventing psychological injuries in the workplace.

Seminars conducted in 2005–06 were:

• Prevention and Management of Negative Workplace Behaviour; and
• Robust Relationships.

The seminars generally had high satisfaction ratings from managers.

**Induction and New Associate Initial Training**

A comprehensive induction training program for new employees continues to be a training priority for the Registry. In addition to general induction training, new employees commencing as an associate to a Commission member receive initial overview training for the position. The initial training comprises a range of modules of up to four days’ duration. Eighteen new associates commenced employment during 2005–06 resulting in considerable training being conducted throughout the year.

**Written Communication**

During October–November 2005, a number of Registry employees involved in producing or maintaining Registry documents and publications, undertook a series of training sessions titled Improving Written Communication. The training, which was presented in-house by an external provider, was tailored to accommodate the specific needs of the Registry in the context of a judicial environment.

**Occupational Health & Safety Performance**

The Registry Plan contains the following performance indicators/outcomes regarding OHS responsibilities:

• 100% of employees understand their rights and responsibilities under the OHS legislation, principally the OHS Act and related Registry policy and procedures;

• every team manager/team does an annual OHS risk management assessment to actively manage their immediate and surrounding workplace environments, and compliance with OHS requirements; and
MANAGEMENT & ACCOUNTABILITY

• 100% of employees take an active role in identifying, recording and resolving OHS issues—95% are satisfied with the timeliness/progress/follow-up of matters through team meetings, the Registry’s OHS Committee and quarterly OHS reports.

The Registry’s OHS policy and agreement (the OHS Agreement), formulated to be consistent with s.16 of the OHS Act, 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.

The OHS Agreement also contains the Registry’s operational arrangements relating to employer/employee responsibilities, Designated Work Groups (DWGs), Health and Safety Representatives (HSRs) and OHS committees:

• there are four DWGs—two in Melbourne, one in Sydney and one covering Queensland, the Australian Capital Territory, the Northern Territory, Tasmania, South Australia and Western Australia (this last DWG covers a total of 21 employees);

• there are four HSRs, one for each DWG; and

• the Registry has a national OHS Committee that met on four occasions in 2005–06.

There are two primary internal drivers of Registry OHS activity:

• the Registry Plan, team plans and IPPs, all of which are to contain performance outcomes addressing OHS; and

• the quarterly OHS reports that are required to be submitted by each team—these reports generate responses both to specific, immediate issues and longer term issues such as security.

The major external drivers for OHS considerations are Comcare and Australian Safety and Compensation Council advices, fact sheets and booklets as well as their web sites, and other articles/journals and press drawing attention to office-based OHS issues e.g. indoor air quality, legionnaire’s disease, security, psychological injuries and compensation issues.

An OHS folder on the Corporate Services intranet contains a continually increasing range of OHS material of particular relevance to the Registry as an office-based workplace—Registry policy and procedures relating to matters such as manual handling, eyesight testing, first aid, incident/accident reporting systems, the quarterly OHS Report compilations, Officewise workstation set-up, eye exercises, the Employee Assistance Program and security.
In 2005–06 the more significant OHS considerations, as generated through the OHS Committee and quarterly OHS reports, included:

- the evolving national Registry Emergency Network management/facilitation of emergency/evacuation planning related matters across all locations, with particular focus on the 11 Exhibition Street arrangements, handling of suspect packages and other alertness initiatives, and complementing arrangements/initiatives within the Registry’s First Aid Officers (FAO) network;
- refresher training for FAOs in all Registry locations;
- the ongoing review and upgrade of security arrangements nationally, with particular emphasis on 11 Exhibition Street and Sydney as providing the standard for other Commission/Registry locations;
- the promulgation, through a range of documents, plans, etc. on the Corporate Services intranet, of the Registry’s risk management framework, which includes a risk management review, business continuity and disaster planning, a fraud control plan and security considerations;
- the annual influenza vaccination program for Commission members and Registry employees (a participation rate of around 50%); and
- the implementation of several healthy lifestyle initiatives including yoga and pilates sessions, and the 10 000 Steps Program.

In 2005–06 there were:

- no dangerous occurrences for which the Registry was required to provide a notice to Comcare pursuant to s.68 of the OHS Act;
- no investigations undertaken, tests conducted or directions given to the Registry under s.45, nor notices given to the employer under ss.30, 46 and 47, of the OHS Act; and
- no Provisional Improvement Notices issued by a HSR under s.29 of the OHS Act.

In 2003–04 the Registry examined its rising compensation exposure and costs as a result of the Registry’s Comcare premium having more than doubled in the previous three years.

Since that time, the Registry has continued to closely monitor its compensation exposure and internal rehabilitation programs against the broader APS consideration of rising compensation costs, the increasing incidence of longer term injuries and more problematic claims, including those of a psychological nature.
The following table reflects Registry and All Agency (comparison) data from Comcare for the last three years and for 2006–07 (as applicable).

As the table above shows the Registry is doing very well in its management of compensation and related matters, including its rehabilitation and return to work strategies.

Table 16: Comcare premiums

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<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Actual rate</td>
<td>$141 940</td>
<td>$156 400</td>
<td>$133 300</td>
<td>$102 100</td>
</tr>
<tr>
<td>Registry rate as a percentage of total payroll</td>
<td>0.87%</td>
<td>0.92%</td>
<td>0.80%</td>
<td>0.66%</td>
</tr>
<tr>
<td>All Agencies combined rate as a percentage of total payroll</td>
<td>1.43%</td>
<td>1.67%</td>
<td>1.77%</td>
<td>1.77%</td>
</tr>
</tbody>
</table>

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<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Registry claims (estimate at end May 2006)</td>
<td>5.0</td>
<td>5.1</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Registry claim frequency (claims per $m payroll—estimate at end May 2006)</td>
<td>0.33</td>
<td>0.32</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>All Agencies claim frequency (claims per $m payroll—estimate at end May 2006)</td>
<td>0.53</td>
<td>0.50</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

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</tr>
</thead>
<tbody>
<tr>
<td>Registry estimated total (lifetime) claim cost after capping</td>
<td>$45 000</td>
<td>$4 000</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Registry average (lifetime) claim cost after capping</td>
<td>$9 015</td>
<td>$874</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>All Agencies average (lifetime) claim cost after capping</td>
<td>$23 119</td>
<td>$25 939</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

n/a: Not available at the time of reporting.

Reflecting this performance:

- the Registry received a performance bonus of $10 200 towards its 2005–06 Comcare premium (representing 7.1% of the 2005–06 premium) and will receive a further $3500 performance bonus towards its 2006–07 premium (3.3% of the 2006–07 premium);

- in 2006–07, the Registry’s Comcare premium (both Registry employees and Commission members are covered by the Safety, Rehabilitation and Compensation Act 1988) will have dropped by 28% from the 2003–04 level (2002–03 excluded for comparative purposes in this area as Comcare markedly increased its premium rate formula for 2003–04 and beyond);
the Registry rate as a percentage of total payroll over the course of the last five years has dropped by 0.15%, yet the All Agency rate has increased by 0.64%; more definitively the Registry rate was 28% below the All Agency rate in 2002–03 but this difference has now leapt to 63% below that of All Agencies; and

- the Registry claim frequency is around 36% less than All Agencies and Registry average lifetime costs in each of the years is comprehensively below that of All Agencies.

**Assets Management**

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

The Registry Plan contains the following performance indicators/outcomes:

- 100% of asset acquisitions and movements recorded in the Assets Register within 10 days of receipt of correctly completed documentation; and

- 100% of vehicle leases managed in accordance with the Registry’s guidelines and fleet monitoring arrangements on identification of ‘discrepancies’, Fringe Benefits Tax and energy consumption.

**Procurement**

The Registry’s purchasing policies as outlined in the Industrial Registrar Instructions and Resource Management Guidelines reflect the principles of the Commonwealth Procurement Guidelines (CPGs). The Registry applies the following criteria to all procurement activities:

- value for money;
- efficiency and effectiveness;
- contestability and competitive neutrality;
- accountability and transparent reporting; and
- ethics.

The Registry’s procurement policy requires that all major procurements ($10 000 and over) be subject to a tender and evaluation process, with procurements over $80 000 being subject to an open approach to the market in line with the mandatory requirements of the CPGs. All open
approaches are advertised on both the AusTender and AIRC web sites. Outcomes of all major procurements are referred to the Registry’s CMC for approval. Details are recorded in the Registry’s financial management information system and the Contracts Register. All purchases with a value of $10 000 or more are reported in the Commonwealth Gazette Publishing System.

The Registry utilises whole-of-government endorsed supplier arrangements. Whenever possible, small and medium-size businesses are encouraged to tender for the Registry’s business.

The Registry Plan contains the following performance indicators:

- 100% of purchasing/contracts management requirements accord with the FMA Act and Registry guidelines relating to the effective use of Commonwealth resources;

- 100% of procurement activity with a value of $10 000+ approved by the CMC and meets the Senate Standing Orders public notification requirements;

- team plans articulate, as part of the team’s resource accountabilities, to facilitate appropriate planning and CMC considerations, details of contract/expenditure proposals and those of $10 000+;

- 100% of designated contract managers manage contract performance in accordance with specific performance measures contained in contracts and to ensure effectiveness of Registry services e.g. switchboard contracts, harmonisation contracts for Adelaide and Perth, transcript, etc.; and

- 90% of purchasing/supply actions are processed within three days of receipt of a request, for delivery within timelines negotiated with the client (but obviously also allowing for contractor and delivery times).

During 2005–06 the Registry prepared its second annual procurement plan outlining expected procurement opportunities during 2006–07. This was posted on the AusTender and Commission web sites.

The Registry also lists on the AIRC web site all contracts valued at $100 000 and over which have not been fully performed or which had been entered into during the previous 12 months in accordance with the Senate Order of 20 June 2001.

Significant contracts approved by the CMC during the year included:

- selection of a fit-out contractor for the new Melbourne premises at 11 Exhibition Street; and

- selection of a fit-out contractor for the make-good of level 7 of the Sydney office.
Consultants & 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 accordance with the Registry’s procurement policies.

During 2005–06 the Registry entered into one new consultancy contract (with a value of $10 000 or greater) at a total value of $55 240 (four new consultants at a total value of $331 221 in 2004–05) and actual expenditure of $55 240 in 2005–06 ($104 045 in 2004–05). In addition, three ongoing consultancies were active during the 2005–06 year, involving actual expenditure of $496 981.

Table 17: New consultancy contracts in 2005–06

<table>
<thead>
<tr>
<th>Name</th>
<th>Description/Purpose</th>
<th>Value of Consultancy</th>
<th>Basis of Selection</th>
<th>Reason for engaging</th>
<th>Expenditure in 2005–06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson Morris &amp; Wells</td>
<td>External communications review for AIRC</td>
<td>$55 240</td>
<td>Open EOI/select tender</td>
<td>Specialist expertise</td>
<td>$55 240</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$55 240</strong></td>
<td></td>
<td></td>
<td><strong>$55 240</strong></td>
</tr>
</tbody>
</table>

1: GST inclusive.

Table 18: Expenditure on consultancy contracts

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of active consultancies</td>
<td>1</td>
<td>6</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Total expenditure for all active consultancies&lt;sup&gt;1&lt;/sup&gt;</td>
<td>$18 747</td>
<td>$864 203</td>
<td>$278 731</td>
<td>$552 221</td>
</tr>
</tbody>
</table>

1: GST inclusive.
Competitive Tendering and Contracting

At 30 June 2006 the Registry had the following active contracts relating to the outsourcing of government activities under the Commonwealth’s competitive tendering and contracting (CTC) policy:

Table 19: CTC contracts let or active in 2005–06

<table>
<thead>
<tr>
<th>Name</th>
<th>Description/Purpose</th>
<th>Contract Start Date</th>
<th>Contract End Date</th>
<th>Basis of Selection</th>
<th>Value of Contract(^1) ($'000)</th>
<th>Expenditure in 2005–06(^1) ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Registrar, WAIRC</td>
<td>Provision of registry services to the AIRC/AIR in Western Australia</td>
<td>Jan-04</td>
<td>Dec-06</td>
<td>Contract with State Government</td>
<td>609</td>
<td>305</td>
</tr>
<tr>
<td>Department of Administrative and Information Services, SA</td>
<td>Provision of registry services and accommodation to the AIRC/AIR in South Australia</td>
<td>Jan-04</td>
<td>Sep-06</td>
<td>Contract with State Government</td>
<td>1 173</td>
<td>597</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>902</strong></td>
</tr>
</tbody>
</table>

\(^1\): GST inclusive.
Commonwealth Disability Strategy


Table 20: Commonwealth Disability Strategy performance 2005–06

<table>
<thead>
<tr>
<th>Performance indicator</th>
<th>Performance measure</th>
<th>Current level of performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulator Role</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publicly available information on regulations and quasi-regulations is available in accessible formats for people with disabilities.</td>
<td>100% of publicly available information on regulations and quasi-regulations requested and provided in: • accessible electronic formats; or • via the Commission’s web site. Requests for accessible material are met within two working days: • in electronic format; or • in formats other than electronic.</td>
<td>Commission’s web site complies with Australian Government Locator Service metadata standards—the following are available on the web site: • WR Act and WR Regulations; • Commission Rules, user guides, procedures, hearings lists; • electronic files of registered organisations; and • certified agreements, awards, orders, decisions and transcripts. The Commission’s web site was redesigned over 2005–06 and includes information on accessibility. For those without Internet access, copies of most information can be supplied on disk or in hardcopy. Requests for information in other formats can generally be provided the same day.</td>
</tr>
<tr>
<td>Publicly available regulatory compliance reporting is available in accessible formats for people with disabilities.</td>
<td>90% of publicly available regulatory compliance reporting requested and provided in: • accessible electronic formats; or • accessible formats other than electronic.</td>
<td>As above, most public information available via the Commission’s web site and in electronic or alternate formats. Electronic files of organisations available from the web site.</td>
</tr>
</tbody>
</table>
Table 20: Commonwealth Disability Strategy performance 2005–06 (continued)

<table>
<thead>
<tr>
<th>Performance indicator</th>
<th>Performance measure</th>
<th>Current level of performance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provider Role</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Providers have established mechanisms for quality improvement and assurance.</td>
<td>Evidence of quality improvement and assurance systems in operation.</td>
<td>The Registry regularly seeks feedback from clients via surveys regarding its service provision. User surveys are currently being revised and extended. The Commission is also intending to initiate a user group to provide more direct feedback and communication. In addition to surveys, clients are invited to provide comments, suggestions or criticisms via feedback forms on Registry counters. Clients are also able to make complaints directly to employees and local managers. Feedback and complaints are acknowledged in team performance planning arrangements as well as action to investigate and resolve complaints or improve procedures.</td>
</tr>
<tr>
<td>Providers have an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.</td>
<td>Established service charter that adequately reflects the needs of people with disabilities in operation.</td>
<td>The Registry currently has a client service charter in place that specifies its roles and its clients. The current service standards do not specify or directly address accessibility for people with disabilities as distinct from its commitments to all clients.</td>
</tr>
<tr>
<td>Complaints/grievance mechanisms, including access to external mechanisms, in place to address concerns raised about performance.</td>
<td>Established complaints/grievance mechanisms, including access to external mechanisms, in operation.</td>
<td>The Registry has an established complaints process for addressing concerns about Registry performance. Clients are able to make complaints directly to the Industrial Registrar and via client service feedback. Clients can raise any complaints regarding services provided by the Registry in matters before the Commission. Clients are able to take complaints to the Commonwealth Ombudsman and the Human Rights and Equal Opportunity Commission. No particular disability-related issues have been raised by clients regarding Registry services.</td>
</tr>
<tr>
<td>Performance indicator</td>
<td>Performance measure</td>
<td>Current level of performance</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Employment policies, procedures and practices comply with the requirements of the</td>
<td>Number of employment policies, procedures and practices that meet the requirements of</td>
<td>All current employment policies, procedures and practices meet the requirements of the Disability Discrimination Act 1992.</td>
</tr>
<tr>
<td>Recruitment information for potential job applicants is available in accessible</td>
<td>100% of recruitment information for ongoing employment provided within two working</td>
<td>All recruitment information for ongoing employment available in hardcopy and via the Internet, or in other electronic form. No requests for other accessible formats received.</td>
</tr>
<tr>
<td>formats on request.</td>
<td>days in:</td>
<td></td>
</tr>
<tr>
<td>Agency recruiters and managers apply the principle of reasonable adjustment.</td>
<td>• accessible electronic formats; and</td>
<td>No employees involved in the recruitment process and managers are aware of their responsibilities to make reasonable adjustment.</td>
</tr>
<tr>
<td>Training and development programs consider the needs of employees with disabilities.</td>
<td>• accessible formats other than electronic.</td>
<td>No employees involved in the recruitment process and managers are aware of their responsibilities to make reasonable adjustment.</td>
</tr>
<tr>
<td>Training and development programs include information on disability issues as they</td>
<td>100% of training and development programs will include information on the APS Values</td>
<td>90% of training and development programs include information on APS Values and disability issues as they relate to the program.</td>
</tr>
<tr>
<td>relate to the content of the program.</td>
<td>and disability issues as they relate to the program.</td>
<td></td>
</tr>
<tr>
<td>Complaints/grievance mechanisms, including access to external mechanisms, in place to</td>
<td>Established complaints/grievance mechanisms, including access to external mechanisms</td>
<td>Workplace Harassment Contact Officers are available to assist employees with information and support in making complaints. The Registry Agreement provides for an informal dispute resolution process in the first instance, a formal review of actions procedure exists beyond that where an independent third party will be appointed to investigate a formal complaint. No formal complaints of a disability nature were made in 2005–06.</td>
</tr>
<tr>
<td>address issues and concerns raised by employees.</td>
<td>in operation.</td>
<td></td>
</tr>
</tbody>
</table>
In accordance with the provisions of s.57 of the FMA Act, 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 2005–06 financial statements and accompanying documentation are published as Appendix 3 of this report.

A summary table of resources for outcomes, including total administered expenses, revenue from Government (appropriations) for outputs and the total price of outputs, can be found at Appendix 4 of this report.
# COMPLIANCE INDEX—CHECKLIST OF REPORTING REQUIREMENTS

<table>
<thead>
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<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
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<td>Letter of Transmittal</td>
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</tr>
<tr>
<td>Aids to Access</td>
<td></td>
</tr>
<tr>
<td>Table of Contents</td>
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## COMMISSION & REGISTRY ADDRESSES

### Principal

<table>
<thead>
<tr>
<th>Australian Capital Territory</th>
<th>New South Wales</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Level 4,</strong> 11 Exhibition Street Melbourne GPO Box 1994 Melbourne Vic 3001</td>
<td><strong>Level 8,</strong> Terrace Towers 80 William Street East Sydney NSW 2011</td>
</tr>
<tr>
<td>Tel: (03) 8661 7777 Fax: (03) 9655 0401 Email: <a href="mailto:melbourne@air.gov.au">melbourne@air.gov.au</a></td>
<td>Tel: (02) 6209 2400 Fax: (02) 6247 9774 Email: <a href="mailto:canberra@air.gov.au">canberra@air.gov.au</a></td>
</tr>
</tbody>
</table>

### Northern Territory

| **10th Floor,** Northern Territory House 22 Mitchell Street Darwin GPO Box 969 Darwin NT 0801 |
| Tel: (08) 8936 2800 Fax: (08) 8936 2820 Email: darwin@air.gov.au |

### Queensland

| **Level 14,** Central Plaza Two 66 Eagle Street Brisbane PO Box 5713 Central Plaza Brisbane Qld 4001 |
| Tel: (07) 3000 0399 Fax: (07) 3000 0388 Email: brisbane@air.gov.au |

### South Australia

| **Level 8,** Riverside Centre North Terrace Adelaide PO Box 8046 Station Arcade SA 5000 |
| Tel: (08) 8308 9863 Fax: (08) 8308 9864 Email: adelaide@air.gov.au |

### Tasmania

| **1st Floor,** Commonwealth Law Courts 39–41 Davey Street Hobart GPO Box 1232M Hobart Tas 7001 |
| Tel: (03) 6214 0200 Fax: (03) 6214 0202 Email: hobart@air.gov.au |

### Victoria

| **Level 4,** 11 Exhibition Street Melbourne GPO Box 1994 Melbourne Vic 3001 |
| Tel: (03) 8661 7777 Fax: (03) 9655 0401 Email: melbourne@air.gov.au |

### Western Australia

| **Floor 16,** AXA Centre 111 St Georges Terrace Perth GPO Box X2206 Perth WA 6001 |
| Tel: (08) 9464 5172 Fax: (08) 9464 5171 Email: perth@air.gov.au |
## Resources for Outcome

### Price of Departmental Outputs

<table>
<thead>
<tr>
<th>Output Group</th>
<th>(1) Budget 2005–06 $’000</th>
<th>(2) Actual Expenses 2005–06 $’000</th>
<th>Variation (2)-(1) $’000</th>
<th>(3) Budget 2006–07 $’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Output Group 1.1 Agreements, awards, orders and decisions</td>
<td>53 539</td>
<td>48 514</td>
<td>(5 025)</td>
<td>53 718</td>
</tr>
<tr>
<td>Output Group 1.2 Registered organisations, compliance checks and investigations</td>
<td>4 040</td>
<td>3 930</td>
<td>110</td>
<td>4 053</td>
</tr>
<tr>
<td>Output Group 1.3 Publications and information services</td>
<td>295</td>
<td>301</td>
<td>6</td>
<td>296</td>
</tr>
<tr>
<td>Revenue from Government (appropriations) for agency outputs</td>
<td>57 874</td>
<td>52 745</td>
<td>(5 129)</td>
<td>58 067</td>
</tr>
<tr>
<td>Revenue from other sources</td>
<td>121</td>
<td>132</td>
<td>11</td>
<td>121</td>
</tr>
<tr>
<td><strong>Total price of outputs</strong></td>
<td><strong>57 995</strong></td>
<td><strong>52 877</strong></td>
<td><strong>(5 118)</strong></td>
<td><strong>58 188</strong></td>
</tr>
<tr>
<td><strong>Total for Outcome</strong></td>
<td><strong>57 995</strong></td>
<td><strong>52 877</strong></td>
<td><strong>(5 118)</strong></td>
<td><strong>58 188</strong></td>
</tr>
</tbody>
</table>

### Average Staffing Level

<table>
<thead>
<tr>
<th></th>
<th>2005–06</th>
<th>2006–07</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average staffing level</td>
<td>222</td>
<td>227</td>
</tr>
</tbody>
</table>

1. Full-year budget, including additional estimates.
2. Budget prior to additional estimates.
3. Total price of outputs budget includes approval for a loss of up to $4.089m to be funded from accumulated reserves.
INFORMATION ON SPECIFIC STATUTORY PROVISIONS

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 WR Act). The Registry carries out statutory and administrative duties pursuant to the WR Act.

The Registry comprises the Industrial Registrar, a number of Deputy Industrial Registrars and other employees.

Functions

The Industrial Registrar, Deputy Industrial Registrars and Registry employees 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 WR 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 Industrial Relations Commission are available for purchase through Registry offices, either individually or by subscription (see Appendix 2 for Commission and Registry addresses). A large number of publications can also be accessed on the Commission’s home page at http://www.airc.gov.au/publications.
Financial Returns of Registered Organisations

Financial returns of organisations and a list of office-bearers of registered organisations and their branches, can be made available at any office of the Registry. Photocopies are 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 are 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 WR Act can be inspected or purchased at any of the offices listed in Appendix 2. 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 4, 11 Exhibition Street, Melbourne, Victoria 3000 or Industrial Registrar, GPO Box 1994, Melbourne, Victoria 3001, telephone (03) 8661 7777. 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

One request was 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.

During the 2005–06 reporting period the Registry spent $180,026 on advertising.

<table>
<thead>
<tr>
<th>Supplier</th>
<th>Amount $</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attorney-General’s Department</td>
<td>12,727</td>
<td>Statutory requirements arising from the WR Act in relation to registered organisations and common rule awards and other advertising.</td>
</tr>
<tr>
<td>HMA Blaze</td>
<td>165,628</td>
<td>Statutory requirements arising from the WR Act in relation to registered organisations and common rule awards and other advertising.</td>
</tr>
<tr>
<td>Australian Library and Information Association</td>
<td>330</td>
<td>Recruitment advertising.</td>
</tr>
<tr>
<td>Australian Public Service Commission</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Registry did not commission or pay for any market research during the 2005–06 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 waste. The Registry’s procurement decisions have regard to environmental management requirements.

The new Melbourne office at 11 Exhibition has incorporated energy saving initiatives within the design including sensor lighting for all offices, meeting rooms and courtrooms and the general use of energy efficient lighting systems.

Discretionary Grants

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

The following related Internet sites can be accessed through the AIRC home page:

• **Workplace Relations Act 1996**—

• **AUSTLII**—http://www.austlii.edu.au—a legal site including legislation, treaties and decisions of courts and tribunals;

• **ComLaw**—http://www.comlaw.gov.au/—legislative repository that has replaced SCALEplus containing Commonwealth primary legislation, as well as other ancillary documents and information, and the Federal Register of Legislative Instruments;

• **Australian Workplace**—http://www.workplace.gov.au—provides access to online services and information, guiding users to employment information, government assistance, jobs, careers, training, working conditions and Indigenous Employment Centres;

• **WageNet (maintained by DEWR)**—http://www.wagenet.gov.au/—provides information about wages and conditions of employment in Australia for work that is covered by federal awards and agreements;

• **Department of Employment and Workplace Relations**—http://www.dewr.gov.au/—provides general information about DEWR and its Ministers, including their media statements;

• **Office of the Employment Advocate (OEA)**—http://www.oea.gov.au—includes information on making and lodging workplace agreements;

• **Federal Court of Australia**—http://www.fedcourt.gov.au/;

• **High Court of Australia**—http://www.hcourt.gov.au/;

• **Attorney-General’s Department, Australian Law Online**—http://law.gov.au/—provides access to law and justice related information services from all levels of government;

• **New South Wales Industrial Relations Commission**—

• **Queensland Industrial Relations Commission**—http://www.qirc.qld.gov.au/index.htm;

• **South Australian Industrial Relations Tribunals**—http://www.industrialcourt.sa.gov.au/;
• Tasmanian Industrial Commission—http://www.tic.tas.gov.au;

• Western Australian Industrial Relations Commission—http://www.wairc.wa.gov.au/;

• International Labour Organization—http://www.iolo.org—provides technical assistance primarily in the fields of vocational training and vocational rehabilitation, employment policy, labour administration, labour law and industrial relations, working conditions, management development, cooperatives, social security, labour statistics and occupational safety and health.
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 2004–2005;
- *Australian Industrial Registry (Team Performance and Productivity) Agreement 2006–07*;
- Australian Industrial Registry Service Charter;
- Australian Industrial Registry Workplace Diversity Program;
- Employment and Workplace Relations Portfolio Budget Statements 2005–06;
- Australian Industrial Relations Commission General Information Booklet; and
- Australian Industrial Relations Commission Historical Overview Booklet.
### Glossary of Abbreviations & Acronyms

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AASB</td>
<td>Australian Accounting Standards Board</td>
</tr>
<tr>
<td>AEIFRS</td>
<td>Australian Equivalents to International Financial Reporting Standards</td>
</tr>
<tr>
<td>AFPC</td>
<td>Australian Fair Pay Commission</td>
</tr>
<tr>
<td>AGAAP</td>
<td>Australian Generally Accepted Accounting Principles</td>
</tr>
<tr>
<td>AIR</td>
<td>Australian Industrial Registry</td>
</tr>
<tr>
<td>AIRC</td>
<td>Australian Industrial Relations Commission</td>
</tr>
<tr>
<td>ANAO</td>
<td>Australian National Audit Office</td>
</tr>
<tr>
<td>ANF</td>
<td>Australian Nursing Federation</td>
</tr>
<tr>
<td>APS</td>
<td>Australian Public Service</td>
</tr>
<tr>
<td>AWA</td>
<td>Australian workplace agreement</td>
</tr>
<tr>
<td>Boeing</td>
<td>Boeing Australia Limited</td>
</tr>
<tr>
<td>CLR</td>
<td>Commonwealth Law Report</td>
</tr>
<tr>
<td>CMC</td>
<td>Contract Management Committee</td>
</tr>
<tr>
<td>CMS</td>
<td>Case Management System</td>
</tr>
<tr>
<td>Commission</td>
<td>Australian Industrial Relations Commission</td>
</tr>
<tr>
<td>CPGs</td>
<td>Commonwealth Procurement Guidelines</td>
</tr>
<tr>
<td>CRF</td>
<td>Consolidated Revenue Fund</td>
</tr>
<tr>
<td>CSS</td>
<td>Commonwealth Superannuation Scheme</td>
</tr>
<tr>
<td>CTC</td>
<td>competitive tendering and contracting</td>
</tr>
<tr>
<td>DEWR</td>
<td>Department of Employment and Workplace Relations</td>
</tr>
<tr>
<td>DIRKS</td>
<td>Designing and Implementing Record Keeping Standards</td>
</tr>
<tr>
<td>DoFA</td>
<td>Department of Finance and Administration</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>DWG</td>
<td>designated work groups</td>
</tr>
<tr>
<td>ELDP</td>
<td>Executive Level Employee Development Program</td>
</tr>
<tr>
<td>email</td>
<td>electronic mail system</td>
</tr>
<tr>
<td>ESS</td>
<td>employee self service</td>
</tr>
<tr>
<td>FAO</td>
<td>first aid officer</td>
</tr>
<tr>
<td>FMA Act</td>
<td>Financial Management and Accountability Act 1997</td>
</tr>
<tr>
<td>FMOs</td>
<td>Finance Minister’s Orders</td>
</tr>
<tr>
<td>FSI Act</td>
<td>Foreign States Immunities Act 1985</td>
</tr>
<tr>
<td>GST</td>
<td>goods and services tax</td>
</tr>
<tr>
<td>HBW</td>
<td>home based work</td>
</tr>
<tr>
<td>HSR</td>
<td>health and safety representative</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>IPP</td>
<td>individual performance plan</td>
</tr>
<tr>
<td>IR</td>
<td>industrial reports</td>
</tr>
<tr>
<td>IRCNSW</td>
<td>Industrial Relations Commission of New South Wales</td>
</tr>
<tr>
<td>IRCSA</td>
<td>Industrial Relations Commission of South Australia</td>
</tr>
<tr>
<td>IRSV</td>
<td>Industrial Relations Society of Victoria</td>
</tr>
<tr>
<td>ISDA</td>
<td>Individual Surcharge Debt Accounts</td>
</tr>
<tr>
<td>IT</td>
<td>information technology</td>
</tr>
<tr>
<td>LAN</td>
<td>Local Area Network</td>
</tr>
<tr>
<td>Metal Industries Award</td>
<td>Metal, Engineering and Associated Industries Award 1998</td>
</tr>
<tr>
<td>NTIS</td>
<td>National Telephone Inquiry Service</td>
</tr>
<tr>
<td>OEA</td>
<td>Office of the Employment Advocate</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>OHS</td>
<td>occupational health and safety</td>
</tr>
<tr>
<td>OHS Act</td>
<td><em>Occupational Health and Safety (Commonwealth Employment) Act 1991</em></td>
</tr>
<tr>
<td>OPA</td>
<td>Official Public Account</td>
</tr>
<tr>
<td>OWS</td>
<td>Office of Workplace Services</td>
</tr>
<tr>
<td>PP&amp;E</td>
<td>property, plant and equipment</td>
</tr>
<tr>
<td>Pre-reform Act</td>
<td><em>Workplace Relations Act 1996</em> as operative prior to the introduction of the Work Choices legislation</td>
</tr>
<tr>
<td>PS Act</td>
<td><em>Public Service Act 1999</em></td>
</tr>
<tr>
<td>PS Regulations</td>
<td><em>Public Service Regulations 1999</em></td>
</tr>
<tr>
<td>PSS</td>
<td>Public Sector Superannuation Scheme</td>
</tr>
<tr>
<td>QIRC</td>
<td>Queensland Industrial Relations Commission</td>
</tr>
<tr>
<td>RAO</td>
<td>Registration and Accountability of Organisations</td>
</tr>
<tr>
<td>RCC</td>
<td>Registry Consultative Committee</td>
</tr>
<tr>
<td>Registry</td>
<td>Australian Industrial Registry</td>
</tr>
<tr>
<td>Registry Agreement</td>
<td><em>Australian Industrial Registry (Team Performance and Productivity) Agreement 2006–07</em></td>
</tr>
<tr>
<td>Registry Plan</td>
<td>Australian Industrial Registry 2005–06 Performance Outcomes Plan</td>
</tr>
<tr>
<td>RIAT</td>
<td>Research, Information and Advice Teams</td>
</tr>
<tr>
<td>s.</td>
<td>section of an Act</td>
</tr>
<tr>
<td>SES</td>
<td>senior executive service</td>
</tr>
<tr>
<td>SOS</td>
<td>State of the Service</td>
</tr>
<tr>
<td>ss.</td>
<td>sections of an Act</td>
</tr>
<tr>
<td>TIC</td>
<td>Tasmanian Industrial Commission</td>
</tr>
<tr>
<td>WAIRC</td>
<td>Western Australian Industrial Relations Commission</td>
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### Glossaries

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>WAN</td>
<td>Wide Area Network</td>
</tr>
<tr>
<td>WDP</td>
<td>workplace diversity program</td>
</tr>
<tr>
<td>Work Choices</td>
<td><em>Workplace Relations Amendment (Work Choices) Act 2005</em></td>
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<td>WR Act</td>
<td><em>Workplace Relations Act 1996</em></td>
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<tr>
<td>WROLA Act</td>
<td><em>Workplace Relations and Other Legislation Amendment Act 1996</em></td>
</tr>
<tr>
<td>WR Regulations</td>
<td><em>Workplace Relations Regulations</em></td>
</tr>
</tbody>
</table>
Appendix 8

Glossary of Terms*

‘AG’ matters  Matters dealt with by the Australian Industrial Relations Commission in relation to collective workplace agreements.

AIR Bulletin  Weekly publication produced by the Australian Industrial Registry which includes details of procedural changes and developments in the Australian Industrial Registry, advice regarding the rights and obligations of organisations registered under the *Workplace Relations Act 1996* and weekly decisions summaries.

Allowable matters  Matters deemed by the *Workplace Relations Act 1996* as being appropriate to be included in federal awards.

APS employee  A person engaged under s.22, or a person who is engaged as an Australian Public Service employee under s.72, of the *Public Service Act 1999*.

‘AR’ matters  Matters dealt with by the Australian Industrial Registry in relation to the obligations of registered organisations to keep records and lodge returns (other than audited financial reports) in the Australian Industrial Registry.

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  Australian Industrial Relations Commission member’s support staff/personal assistant.

AusTender  A web-based application, managed by the Department of Finance and Administration, enabling access to Australian Government business opportunities online (https://www.tenders.gov.au/federal/index.shtml).

Australian Fair Pay and Conditions Standard (AFPCS/ the Standard)  A legislated set of key minimum entitlements of employment for employees in the national workplace relations system.

Australian Industrial Registry (AIR/Registry)  The body that acts as the registry for the Australian Industrial Relations Commission, provides administrative support to the Commission, keeps a register of organisations and publishes decisions, orders and awards of the AIRC.
**Australian Industrial Relations Commission (AIRC/Commission)**
An independent, national, industrial tribunal established under the *Workplace Relations Act 1996*. The Commission’s functions include assisting employers and employees in resolving industrial disputes, handling certain termination of employment claims, rationalising and simplifying awards, and dealing with applications about industrial action.

**Australian workplace agreement (AWA)**
An individual, legally enforceable agreement between an employer and employee about the employee’s terms and conditions of employment. AWAs are the responsibility of the Office of the Employment Advocate.

**Award rationalisation**
The process of rationalising the number, nature and content of federal awards, conducted by the Australian Industrial Relations Commission on request from the Minister for Employment and Workplace Relations.

**Award simplification**
The process of reviewing and simplifying federal awards, conducted by the Australian Industrial Relations Commission to ensure they only include matters that are permitted to be in awards.

**Awards**
Instruments made by the Australian Industrial Relations Commission containing enforceable minimum terms and conditions of employment.

**Board of Reference**
A board consisting of two or more persons which allows, approves, fixes or deals with matters that an award requires be so administered.

**‘BOR’ matters**
Matters dealt with by a Board of Reference.

**‘BP’ matters**
Matters dealt with by the Australian Industrial Relations Commission in relation to the initiation of bargaining periods for proposed collective agreements, and applications for orders for protected action ballots.

**‘C’ matters**
Matters dealt with by the Australian Industrial Relations Commission (other than ‘AG’, ‘BOR’, ‘BP’, ‘D’, ‘DR’ and ‘U’ matters) including such matters as notifications of industrial disputes, applications to vary an award and appeals to a Full Bench.

**Certified agreement**
Collective workplace agreements certified by the Australian Industrial Relations Commission under the industrial system in place before the introduction of the Work Choices legislation. Such agreements were made directly between an employer and a group of employees or between an employer and one or more unions.

**Collective agreement**
A legally enforceable agreement about terms and conditions of employment between an employer and a group of employees or
between an employer and one or more unions. Collective agreements are the responsibility of the Office of the Employment Advocate.

**Conciliation**
The process by which an independent body attempts to facilitate the resolution of a grievance or dispute between the parties to it.

**Corporate governance**
The process by which agencies are directed and controlled. It is generally understood to encompass authority, accountability, stewardship, leadership, direction and control.

**‘D’ matters**
Matters heard by a designated Presidential member of the Australian Industrial Relations Commission including such matters as applications for registration of an association as an organisation, the amalgamation of organisations and changes to eligibility rules of an organisation.

**Decisions summaries**
Summaries of federal and state industrial judgments, including industrial judgments of the High Court of Australia and the Federal Court of Australia.

**Designated Presidential member**
A member of the Australian Industrial Relations Commission’s Organisations Panel.

**Discrimination—direct and indirect**
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.

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.

**Dispute resolution**
The process of resolving disputes conducted by the Australian Industrial Relations Commission which arises from the model dispute resolution process, disputes about the terms of a proposed collective agreement and dispute resolution procedures in workplace agreements.

**‘DR’ matters**
Matters dealt with by the Australian Industrial Relations Commission under the model dispute resolution process or dispute procedures in workplace agreements, or in relation to a proposed collective agreement.

**‘E’ matters**
Matters dealt with by the Australian Industrial Registry in relation to making arrangements with the Australian Electoral Commission for the conduct of elections for an office of a registered organisation or a branch of an organisation.
**FedLink**
A virtual private network (Government intranet) allowing Australian Government agencies to transmit and receive information securely to ‘protected level’ via the Internet using the agency’s existing Internet gateways (http://www.fedlink.gov.au).

**‘FR’ matters**
Matters dealt with by the Australian Industrial Registry in relation to the obligations of registered organisations and their branches to keep accounting records and lodge audited financial reports in the Registry.

**Freedom of association**
The freedom of association provisions of the *Workplace Relations Act 1996* 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.

**Full Bench**
A Full Bench of the Australian Industrial Relations Commission is convened by the President of the Commission and comprises at least three members of the Commission, 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 *Workplace Relations Act 1996*.

**Legal Transcripts Pty Ltd**
The provider of court reporting and transcription services to the Australian Industrial Relations Commission/Australian Industrial Registry.

**Member**
A member of the Australian Industrial Relations Commission.

**Model dispute resolution process**
The dispute resolution process outlined in the *Workplace Relations Act 1996*. The Model Dispute Resolution Process is deemed to apply in all federal awards as well as any workplace agreements that do not specify another dispute resolution process. This process emphasises dispute resolution at the workplace level.

**Non-ongoing APS employee**
An Australian Public Service employee who is not an ongoing Australian Public Service employee.

**Office of the Employment Advocate (OEA)**
An Australian Government agency with administrative responsibilities in respect of workplace agreements.

**Ongoing APS employee**
A person engaged as an ongoing Australian Public Service employee as mentioned in s.22(2)(a) of the *Public Service Act 1999*.

**Panel system**
The system by which the work of the Australian Industrial Relations Commission 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 of the Commission 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**

A term encompassing maternity leave, paternity leave and adoption leave.

**Party**

An applicant or respondent to a proceeding before the Australian Industrial Relations Commission.

**Personal/carer’s leave**

Combines entitlements to sick leave, carer’s leave and bereavement leave into one entitlement.

**Practice Notes**

Statements issued from time to time by the President of the Australian Industrial Relations Commission dealing with procedural matters concerning the conduct of Commission matters.

**Pre-reform Act**

The *Workplace Relations Act 1996* as operative prior to the introduction of the Work Choices legislation.

**Pre-reform award**

Federal awards created before the Work Choices legislation came into operation.

**Preserved award terms**

Certain specified award conditions that apply instead of the Australian Fair Pay and Conditions Standard if they are more generous than the Standard. They include award conditions on annual leave, personal/carer’s leave, parental leave, long service leave, notice of termination, jury service and superannuation.

**Presidential member**

The President, a Vice President, a Senior Deputy President or a Deputy President of the Australian Industrial Relations Commission.

**Public Service Act 1999 (PS Act)**

Principal Commonwealth law providing for the establishment and management of the Australian Public Service (and therefore the employees of the Australian Industrial Registry).

**‘R’ matters**

Matters dealt with by the Australian Industrial Registry in relation to registered organisations (other than ‘AR’, ‘E’, ‘FR’ and ‘RE’ matters) including the certification of alterations of rules of organisations.

**‘RE’ matters**

Matters dealt with by the Australian Industrial Registry in relation to applications by registered organisations for the issue or revocation of right of entry permits.
Registration as an industrial organisation

Process by which employee and employer organisations formally register as industrial organisations. Registration under the Workplace Relations Act 1996 confers certain rights and obligations including the right to appear before the Australian Industrial Relations Commission and the obligation to report to the Australian Industrial 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 described in the Workplace Relations Act 1996.

Safety Net Review

Before the introduction of the Work Choices legislation, the Safety Net Review, or national wage case, adjusted the minimum wage rates in federal awards. It was essentially a test case and any adjustment awarded flowed on to other federal awards by application. The decision in such a case may also have changed the Australian Industrial Relations Commission’s wage-fixing principles, known as the Statement of Principles.

Schedule 1

The part of the Workplace Relations Act 1996 that relates to the registration and accountability of organisations registered under the WR Act.

Secret ballots

A process allowing employees directly concerned to vote on whether they authorise industrial action to advance the claims for their proposed collective agreement.

Termination of employment

Subject to certain exclusions, employees can apply to the Australian Industrial Relations Commission to deal with claims for unfair dismissal (harsh, unjust or unreasonable) or unlawful termination (such as 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.

Transitional awards

Federal awards created before the Work Choices legislation came into operation which covered employers that are not constitutional corporations or the Commonwealth.
Transitionally registered associations
To represent their members in the national workplace relations system arising from the Work Choices legislation, state-registered employer associations and unions can seek federal registration during a transitional period. When registered under the new system, the state-registered employer associations and unions will be known as transitonally registered associations.

‘U’ matters
Applications lodged under the Workplace Relations Act 1996 in relation to termination of employment.

Unfair dismissal
Unfair dismissal occurs when the employee’s dismissal is harsh, unjust or unreasonable.

Unlawful termination
A person’s employment has been unlawfully terminated if the termination was based on one or more grounds listed in s.659, s.660 or s.661 of the Workplace Relations Act 1996. These may include discrimination or failure to meet the required notice provisions.

WageNet
Web site maintained by the Department of Employment and Workplace Relations featuring the full text of Australian federal awards, agreements, decisions, variations and decision summaries of the Australian Industrial Relations Commission (http://www.wagenet.gov.au/).

Workplace Relations Act 1996 (WR Act)
The principal Commonwealth law governing Australia’s workplace relations system.

Workplace Relations Amendment (WorkChoices) Act 2005
Legislation introducing substantial change to Australia’s workplace relations system by amendment to the Workplace Relations Act 1996 and largely coming into effect on 27 March 2006.

* Note: Definitions in this glossary have been prepared to assist readers in understanding the annual reports of the Australian Industrial Relations Commission and Australian Industrial Registry which are contained in this publication. They should not be regarded as comprehensive or legally authoritative.
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