

Annual Report
of the President of the Australian Industrial Relations
Commission

and

Annual Report
of the Australian Industrial Registry

1 July 2001 to 30 June 2002

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

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Contents

Annual Report of the President of the Australian Industrial Relations Commission

About the Commission	2
Introduction	5
Work of the Commission	7
Significant Cases	23
Members	39
Commission Members: Other Activities	42
Public Affairs & New Technology	47
Appendices	53

Annual Report of the Australian Industrial Registry

Foreword	70
Contact Officer & Internet Address	72
Industrial Registrar's Overview	75
Corporate Overview	88
Report on Performance	92
Management & Accountability	123
Financial Statements	149
Appendices	151

Glossaries	213
-------------------	-----

Index	227
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AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

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The Honourable Tony Abbott, 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 2002.

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

Yours sincerely,

Justice Giudice
President

26 September 2002

CATALOGUE

MEDIA

STUDENTS

SEARCH

Daily Hearing Lists

[Australasian](#) [Business](#) [Contractors](#) [Corporate](#) [General](#) [Industrial](#) [Mediation](#)
[Trade](#) [Unions](#)

Award Simplification

[Award Matters](#) [Decisions](#) [List of Awards](#) [Resource Page](#)
[Award Processing Targets](#)

Organisations

[Organisations List & Index](#) [Contact Index](#)

Research & Information

[About the Commission](#) [The Members](#) [The Panel System](#) [Media](#)
[Research](#) [Statistics](#) [APC Annual Reports](#) [Contact Us](#)

[Contact Us Review 2002 results](#)

Documents

[Full Bench Decisions](#) [All Decisions](#) [Transcripts](#) [Awards](#)
[Orders](#) [Unpaid Awards](#) [Agreements/LM](#) [APC](#)
[Employment Contract](#) [Business Period Matter](#)

Termination of Employment

[Termination Booklet](#) [Who Can Apply?](#) [Practice Note](#)
[Video](#) [Costs](#)

Procedures & Legislation

[User Guide](#) [APC Rules](#) [Forms](#) [Workplace Relations](#)
[Workplace Relations Regulations](#)

Features

[Ceremonial Sitting, 5 June 2001](#)

Registry

[Service Charter](#)



Research &
Public Economics

Abstract

Page 40

ANNUAL REPORT

of the President of the
Australian Industrial Relations Commission

About the Commission

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

The work of the Commission includes:

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

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

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

Contents

Annual Report of the President of the Australian Industrial Relations Commission

About the Commission	2
Introduction	5
Work of the Commission	7
Overview	7
Termination of Employment Matters	12
Award Simplification	18
Heads of Tribunals Meetings	21
Organisations	21
Archive Committee	22
Significant Cases	23
Members	39
Appointments	39
Resignations	40
Dual Appointees	40
Panels	41
Commission Members: Other Activities	42
Overseas	42
Domestic	43
Professional Development	45
Industry Consultative Councils	45
Public Affairs & New Technology	47
New Technology	47
Home Page	48
Media Liaison	49
Overseas Visitors	49
Appendices	53
A. Primary Appointees	53
B. Dual Appointees	55
C. Panel Assignments as at 30 June 2002	57
D. Statistics on the Activities of the Commission	63
E. Case Flow Measures	67

CONTENTS

Charts

1. Full Bench decisions by quarter 2001–02	10
2. Applications for relief in respect of termination of employment—By region 2001–02	13
3. Conciliation settlement rate	14
4. Award simplification and s.151 review progress as at 30 June 2002	20
5. Award simplification progress as at 30 June 2002—Detailed	20

Tables

1. Historical table of caseload categories	8
2. Full Bench matters 2001–02	9
3. Agreements lodged and certified for the years 1999–00, 2000–01 and 2001–02	11
4. Agreement processing time—Average days from lodgment to completion	11
5. Appeals—Termination of employment decisions 2001–02	15
6. Summary of outcomes of termination of employment matters finalised during 2001–02	15
7. Summary of outcomes of termination of employment matters up to and including the conciliation stage—31 December 1996 to 30 June 2002	16
8. Summary of outcomes of termination of employment matters outstanding after the end of conciliation—31 December 1996 to 30 June 2002	17
9. Result of termination of employment matters disposed of by decision under the <i>Workplace Relations Act 1996</i>	18
D1. Total matters lodged/nature of proceeding	63
D2. Organisations matters	66
D3. Matters determined	66
E1. Case flow measures	67

Introduction

The past year has been one of consolidation in many areas of the Commission's work, with industrial disputation remaining at levels which in historical terms are low. This, along with an increase in the number of Members, has provided the opportunity to allocate more time to the conciliation role. While the Commission's primary statutory role is to attempt to conciliate an agreed resolution to industrial disputes and other applications, conciliation can be very time-consuming. During periods of high individual caseload the Commission, and parties, are often pressed for time. The situation was improved during the year by the appointment of six Members, bringing the total number of Members appointed in successive years to 11. The appointment of two Members in Western Australia was particularly welcome since the number in Perth had reduced by three over the last four years. The addition of two in Melbourne has also assisted greatly since Melbourne remains the busiest registry in terms of both industrial disputes and applications relating to termination of employment. The number of Members, primary appointments only, increased to 49, an improvement on the declining numbers of the last four years but still significantly below the numbers of the mid 1990's. With the relatively large number of new Members within a short period, efforts have been made to provide opportunities for them to become experienced in a full range of Commission work, including sitting with more senior Members on appeal benches.

Despite the increase in the number of Members, however, individual caseloads remain fairly high, particularly in Victoria. The Commission's capacity to deal with its caseload has been affected by a number of factors. The increase in numbers has improved the Commission's ability to respond appropriately to applications relating to industrial disputes made by registered organisations and employers. Most dispute notifications, other than those based on the service and rejection of a log of claims, are listed within four weeks. Applications for orders in relation to industrial action are usually listed within four days. Despite continuing efforts, however, the time taken to finalise applications for a remedy in relation to termination of employment has not improved markedly. While a number of administrative changes have been introduced to reduce delays in the process, these have been negated to some extent by a small number of very long running cases in the coal industry. The time taken to certify agreements has increased, particularly agreements made in accordance with s.170LJ of the Act. The increase is due to a number of factors, including the filing procedures adopted by some parties. Agreement applications are not spaced evenly across

INTRODUCTION

the Commission's industry panels nor are the applications spread evenly over the months of the year. The number of applications goes up during periods of agreement renewal in particular industries and when new projects are coming on stream creating bottlenecks in the certification process. Attempts are being made, in consultation with the relevant parties, to ease the bottlenecks and it is to be hoped that agreement processing times will improve over the next 12 months. While the number of agreements certified declined to around 6700, 700 fewer than in the previous year, the volume is still very high.

The Commission continued to receive strong support from the staff of the Australian Industrial Registry. Developments in relation to staffing and infrastructure are dealt with in the Industrial Registrar's report. Of particular interest is the further development of web-based technology. An example of the application of this technology is that this year, for the first time, the Safety Net Review proceedings, including transcript, submissions and most exhibits, were available on a dedicated web site. In this way all of the materials used in the case were readily accessible in electronic form over the Internet to parties, researchers, the media and the public. Similar applications have been used for award simplification matters.

Work of the Commission

Overview

As in past years, a table has been produced which illustrates the number of applications in each of the more important areas of the Commission's work (Table 1). The table, which also provides an historical context, deals only with those types of cases which make a significant contribution to the Commission's overall caseload. It excludes applications which, although numerous, make little demand on Members' time. Thus, for example, the table does not include notifications of initiations of bargaining periods. There were around three and a half thousand such notifications last year, but few involved a request for conciliation. A bargaining period is often initiated to create the ability to take industrial action (on proper notice) without exposure to civil liability. The statistics also provide an indication of the changes in the composition of the Commission's caseload. There have been no fundamental alterations in the nature of the Commission's work in recent times.

Looking back over five years it can be seen that applications to vary awards, regardless of the section under which they are pursued, have reduced significantly. This is due to a number of factors, including a reduction in the number of awards through award simplification, an emerging stability in the award safety net and the legislative focus on agreement-making as a means of settling industrial disputes. As might be expected, along with the growth in the number of agreements, there has been an increase in the Commission's role in dealing with disputes under the dispute settling procedures in certified agreements. Applications in relation to termination of employment declined somewhat last year but the decline was within the bounds of routine fluctuations and it is unlikely, although possible, that it is a permanent decline.

WORK OF THE COMMISSION

Table 1: Historical table of caseload categories

Application	1997-98	1998-99	1999-00	2000-01	2001-02
Dispute notification (s.99)	3 273	2 836	2 679	2 598	2 564
Award variation (s.113, item 49, item 51 and on Commission's own motion under s.33)	2 758	2 363	1 898	1 326	1 405
Notification under dispute settling procedures of agreements (ss.170LW, 170VG, 293F, 520)	55	288	326	403	556
Agreement (certification, extension, variation, termination and determination of designated award)	6 587	9 001	6 885	10 081	7 070
Suspension or termination of bargaining period (s.170MW)	102	75	87	227	54
Award variation (s.111)	437	808	72	59	88
Order relating to industrial action (s.127)	293	335	425	444	414
Certificate in relation to civil action (s.166A)	47	65	64	93	68
Termination of employment (s.170CE)	8 092	8 146	7 498	8 109	7 461
• Jurisdiction	378	360	357	422	501
• Substantive arbitration (s.170CG)	653 ¹	277 ¹	346 ¹	291	291
• Costs (s.170CJ)	46	53	57	68	55
Full Bench matters (including appeals)	411	400	434	249	366
Minimum wage order for Victorian employees (s.501)	21	25	20	20	40
Referral of Australian workplace agreements to Commission (s.170VPB)	325	887	615	195	463

Table 2 gives a breakdown of Full Bench matters by reference to the section of the Act under which the matter was initiated. The number of Full Bench determinations during the year did not keep pace with the number of matters lodged or referred. Analysis of the data indicates there is no cause for concern that Full Bench decisions are taking longer to process. The contrary is the case. In relation to appeals, for example, as might be expected when the number of Full Bench matters is declining, the time taken to deal with appeals has reduced significantly. The number of separate Full Bench decisions handed down during the year was 128.

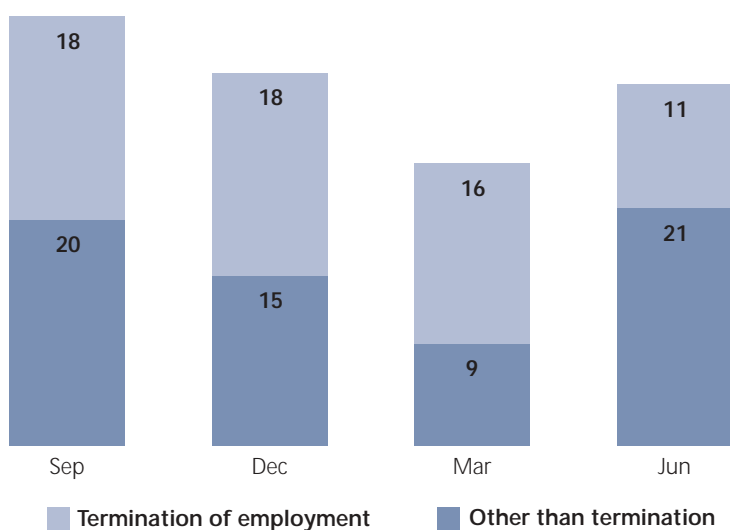
Table 2: Full Bench matters 2001–02

Nature of proceeding	Matters lodged/referred	Matters determined
Notice of appeal (s.45)	153	157
Referral from Registrar (s.79)	0	1
Appeal against decision of Registrar (s.81(5)(c))	2	2
Reference to a Full Bench (s.107) ²	31	9
Reference to a Full Bench (s.108(4))	37	34
Review on application of Minister (s.109)	0	0
Exceptional matters order (s.120A)	0	2
Application that a State authority be restrained from dealing with certain matters (s.128)	0	0
Multiple-business agreement (s.170LC)	11	11
Arbitration following termination of a bargaining period (s.170MX)	90	90
Application for cancellation and suspension of awards and orders (s.187)	2	1
Minimum wage order for Victorian employees (s.502)	40	20
Total	366	327

WORK OF THE COMMISSION

Chart 1 shows the number of Full Bench decisions on a quarterly basis. Decisions in appeals arising from applications for a remedy in relation to termination of employment constitute about half of the total number of appeal decisions.

Chart 1: Full Bench decisions by quarter 2001–02



The number of applications made to certify agreements was significantly less than in the previous year, but still totalled about six and a half thousand. Taking into account the agreement cycles in major industry groupings, an increase in applications is likely in the current year. Some detail concerning the number of applications lodged and the number of agreements certified is shown in Table 3.

Table 3: Agreements lodged and certified for the years 1999–00, 2000–01 and 2001–02

Agreement type	Year ending 30 June 2000		Year ending 30 June 2001		Year ending 30 June 2002	
	Lodged	Certified	Lodged	Certified	Lodged	Certified
With unions (s.170LJ)	3 666	3 536	5 936	5 147	3 975	4 321
With employees (s.170LK)	856	780	1 047	908	1 177	1 087
Greenfields (s.170LL)	348	347	328	266	586	558
About industrial disputes and situations (s.170LS)	868	876	1 098	995	757	772
Total	5 738	5 539	8 409	7 316	6 495	6 738

Processing time for agreements of various kinds is set out in Table 4. The average time taken to process agreements, from filing until the issue of the certificate, has increased. This is particularly so in relation to agreements made in accordance with s.170LJ. Taken in conjunction with the increase in processing time for such agreements in the previous year, it is clear that the significant increase in the volume of applications relevant to s.170LJ over a two year period has led to the processing problems referred to earlier.

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

Agreement type	1998-99	1999-00	2000-01	2001-02
s.170 LJ	34	29	45	62
s.170LK	37	28	30	30
s.170LL	17	16	14	28
s.170LS	27	23	32	40

Termination of Employment Matters

The *Workplace Relations Amendment (Termination of Employment) Act 2000* commenced on 30 August 2001. The legislation amended the *Workplace Relations Act 1996* in the following areas:

- exclusion of persons who had not completed a qualifying period;
- extensions of time;
- meaning of '*termination at the initiative of the employer*' in the context of a demotion;
- dismissal of claims with no reasonable prospects of success at the conclusion of the conciliation process;
- the manner in which jurisdictional objections are to be dealt with;
- the addition of matters to which the Commission must have regard in determining whether or not a termination is harsh, unjust or unreasonable;
- the dismissal of an application as a result of the applicant's non-appearance at a proceeding;
- costs provisions; and
- disclosure of contingency arrangements.

The *Workplace Relations Amendment Regulations 2001 (No. 2)* commenced on 7 December 2001. It excludes from the relevant provisions of the *Workplace Relations Act 1996* '*a casual employee engaged by a particular employer for a short period*' and goes on to define that term as:

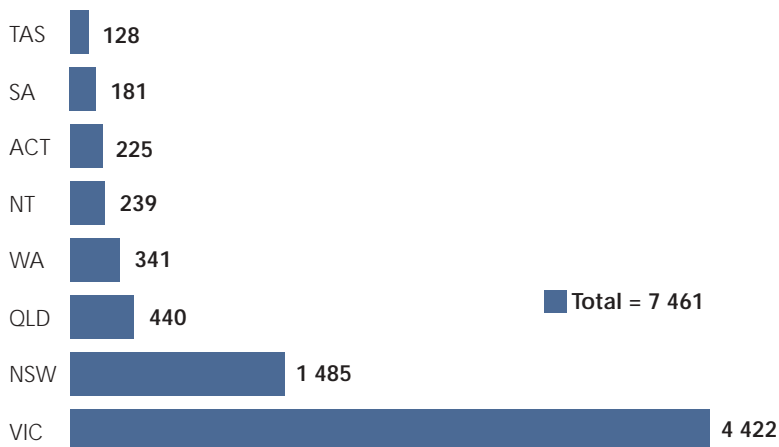
'a casual employee is engaged by a particular employer for a short period if the occasions on which the employee works for that employer under that engagement occur within a period of less than 12 months.'

It is possible that the new regulations do not apply in the case of an applicant whose termination of employment occurred before 7 December 2001.

The amended regulation followed the decision of the Full Court of the Federal Court of Australia in *Hamzy v Tricon International Restaurants trading as KFC* [2001] FCA 1589. The Court found that neither regulation 30B(1)(d) nor regulation 30B(3) of the Workplace Relations Regulations were authorised by s.170CC of the *Workplace Relations Act 1996* and both provisions were, therefore, invalid. The effect of the decision was that casual employees, as defined, were no longer excluded from the benefit of the Act.

Applications for relief in respect of termination of employment continued to constitute a significant part of the Commission's workload in 2001–02. During the year 7461 applications were lodged pursuant to s.170CE, with lodgments decreasing by 8 per cent from the previous year. As in previous years the bulk of the applications were lodged in Victoria (Chart 2). The number of jurisdictional objections determined increased by 26 per cent.

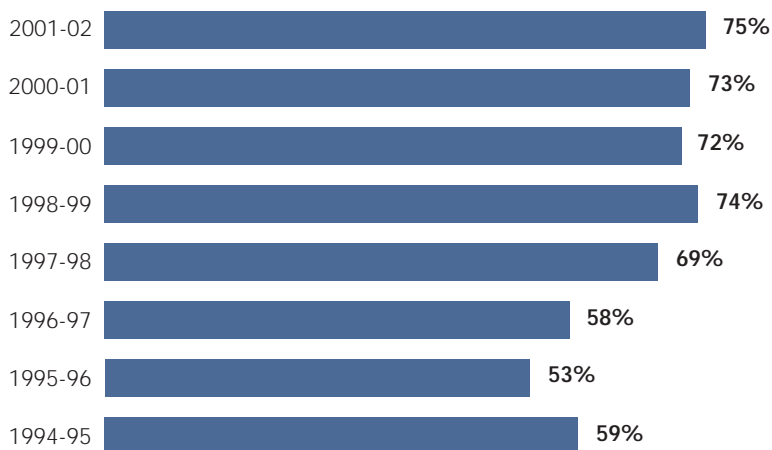
Chart 2: Applications for relief in respect of termination of employment – By region 2001-02



WORK OF THE COMMISSION

As has been mentioned in previous annual reports, conciliation conferences are conducted in the first instance by Deputy Industrial Registrars, senior Registry officers, retired members of industrial tribunals and some dual appointees in South Australia. This method of operation reduces the lead time between lodgment of an application and the first conciliation conference, as well as permitting Members to attend to other applications in a timely fashion. The arrangements continue to be justified by the level of lodgments. Members still conduct 'second' conciliations in many cases and arbitrate in unresolved matters. Seventy-five per cent of applications are resolved in conciliation (Chart 3).

Chart 3: Conciliation settlement rate



File management processes continue to be refined to achieve reductions in the time spans between lodgment and conciliation and unsuccessful conciliations and arbitration.

Information packages produced in 2000 to assist parties to better utilise the conciliation process are available on videotape and in booklet form. One thousand videos were produced and 5000 booklets were printed. Both forms need minor amendment on account of recent legislative and procedural changes for the next production run. In addition, information sheets, which are also available on the home page, are undergoing a complete revision.

There were 63 appeal decisions in relation to termination of employment applications. Overall 44 per cent of appeals were upheld.

Table 5: Appeals—Termination of employment decisions 2001-02

	Upheld	Dismissed	Total
Merit	8	17	25
Remedy	6	2	8
Jurisdiction	11	11	22
Costs	1	1	2
Practice and procedure	2	4	6
Total	28	35	63

Table 6 provides information concerning the way in which termination of employment applications were determined during the reporting period on a State and Territory basis. Of the total of more than 8600 applications finalised, less than 300 required a substantive hearing. More than half of those arbitrations were in Victoria.

Table 6: Summary of outcomes of termination of employment matters finalised during 2001–02

Region	Finalised at or prior to conciliation	Finalised prior to arbitrated orders	Substantive arbitrations	Total finalised
ACT	239	27	6	272
NSW	1 508	359	70	1 937
NT	219	28	5	252
QLD	386	46	14	446
SA	123	51	10	184
TAS	104	5	0	109
VIC	3 808	1 102	175	5 085
WA	332	30	11	373
Total	6 719	1 648	291	8 658

WORK OF THE COMMISSION

The next two tables provide aggregate statistics concerning the disposition of all applications lodged since the commencement of the *Workplace Relations Act 1996*. Table 7 deals with the conciliation phase and Table 8 with the post-conciliation phase. Table 7 indicates there were just under 1200 unfinalised conciliations at 30 June 2002. At 30 June 2001 there were 2000 unfinalised conciliations. Table 8 indicates there were under 400 applications which were unable to be settled by conciliation awaiting arbitration at 30 June 2002. The corresponding figure at 30 June 2001 was much higher, being over 750 applications.

Table 7: Summary of outcomes of termination of employment matters up to and including the conciliation stage—31 December 1996 to 30 June 2002

Nature of proceeding	To 30 June 2002 %	
Withdrawn, settled or otherwise discontinued prior to conciliation	7 778	18.3
Dismissed at preliminary stage (on threshold jurisdiction grounds, including 'out of time')	1 298	3.0
Settled by conciliation	23 378	54.9
Unable to be settled by conciliation (certificate issued under s.170CF(2) possible arbitration)	8 788	20.7
Certificate issued—no reasonable prospect	6	0.0
Certificate issued ³	135	0.3
Conciliation not finalised	1 177	2.8
Total	42 560	100.0

Table 8: Summary of outcomes of termination of employment matters outstanding after the end of conciliation—
31 December 1996 to 30 June 2002

Nature of proceeding	To 30 June 2002 %	
Lapsed through no election to proceed, or elected not to proceed	1 253	14.3
Withdrawn, settled or otherwise discontinued between conciliation and arbitration	5 166	58.8
Substantive arbitration	1 981	22.5
Not yet to substantive arbitration stage	388	4.4
Unable to be settled by conciliation (section 170CF(2) certificate—possible arbitration)	8 788	100.0

The final table in this section shows the outcome of cases in which the application was determined by a decision of the Commission. There have been nearly 3300 such matters since the end of 1996. The data do not include all decisions but only decisions which led to finalisation of the application. There are many preliminary decisions in the applicant's favour, in relation either to jurisdictional or to other matters, which are not included. Those applications are subsequently determined either by agreement, discontinuance or decision.

WORK OF THE COMMISSION

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

	31.12.96 to 30.6.97	1997-98 ⁴	1998-99 ⁴	1999-00 ⁴	2000-01	2001-02	Total 30.6.02
Order for payment in lieu	63	462	96	121	96	96	934
Reinstatement	8	29	26	27	42	47	179
Other (e.g. breach found but no order)	0	6	2	2	11	0	21
Dismissed—on merits	54	154	153	196	142	148	847
Dismissed—out of time	43	85	92	67	85	105	477
Dismissed—no jurisdiction	35	154	164	171	129	156	809
Total	203	890	533	584	505	552	3 267

Award Simplification

Background

Under the Transitional Provisions of the *Workplace Relations and Other Legislation Amendment Act 1996* (the WROLA Act), the Commission is required to review all federal awards as soon as practicable after 1 July 1998. The review involves several components:

- the deletion of provisions which are not allowable pursuant to the various subsections of s.89A of the *Workplace Relations Act 1996*;
- ensuring awards contain properly fixed minimum rates of pay; and

- where appropriate, awards must be reviewed to determine whether or not they meet criteria specified in items 51(6) and (7) of the WROLA Act. These criteria include requirements regarding the award being written in plain English and the deletion of provisions which are obsolete, discriminatory, restrict productivity or contain matters of detail best dealt with by agreement at the enterprise or workplace level.

In addition to the requirements under the WROLA Act, the Commission and the Industrial Registrar are also required, under s.151 of the *Workplace Relations Act 1996*, to ensure that awards which have not been varied for up to five years are reviewed and set aside if they no longer have any substantial continuing operation.

Progress to 30 June 2002

By the end of the reporting period the award simplification review process had been completed in relation to 85 per cent of the 3223⁵ federal awards requiring review.

As at 30 June 2002:

- 2739 awards have completed the review process as follows:
 - 921 awards have been simplified;
 - 1393 awards have been set aside or superseded;
 - 252 awards have been identified as having ceased operation; and
 - 173 awards have been identified as not requiring review;
- 484 awards were at various stages of the simplification process.

During the reporting period, 327 awards completed the award simplification review process.

During 2001–02 the Award Simplification folder on the AIRC Home Page was expanded to include links to the most recent version of all simplified awards. These awards can also be searched using the updated Version 6 of ISYS Web to enable research concerning provisions that have been found allowable in earlier cases.

WORK OF THE COMMISSION

Chart 4: Award simplification and s.151 review progress as at 30 June 2002

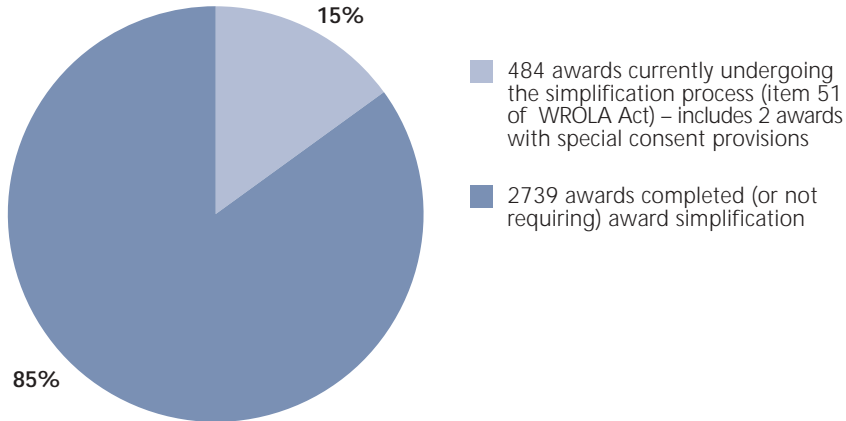
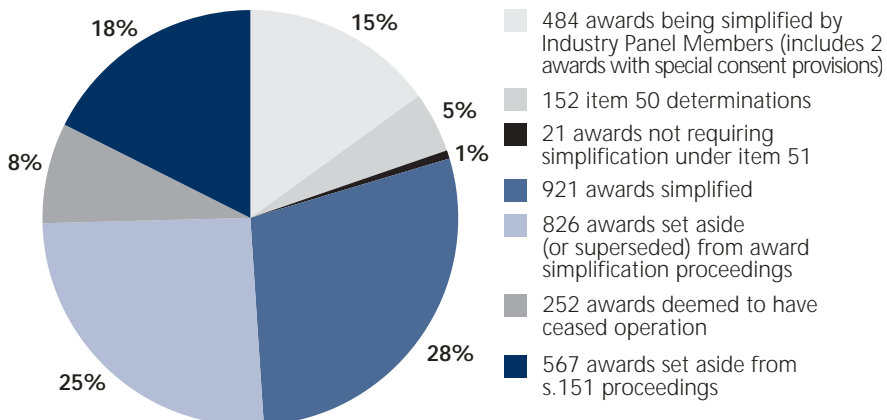


Chart 5: Award simplification progress as at 30 June 2002—Detailed



Heads of Tribunals Meetings

Section 171 of the Act requires the President to invite the heads of State industrial authorities to meet with him to exchange information and discuss matters of mutual concern. During the reporting period a meeting took place in May 2002.

Organisations

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

- an application to register the Striptease Artists Association Incorporated;
- an application for approval, under s.202, of an agreement between the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union and a West Australian State registered union;
- applications by the CPSU the Community and Public Sector Union, the Australian Education Union, the Australian Rail, Tram and Bus Industry Union, the Australian Liquor, Hospitality and Miscellaneous Workers Union, the Construction, Forestry, Mining and Energy Union, the Agribusiness Employers' Federation and The Showmen's Guild of Australasia to alter their eligibility rules;
- applications by the Managers and Financial Executives Association and the Aged & Community Services Association of NSW and ACT Incorporated to change their names; and
- an application for approval of the amalgamation between The Association of Professional Engineers, Scientists and Managers, Australia, and the Australian Collieries' Staff Association; the Australian Collieries' Staff Association was deregistered as a result of the amalgamation.

WORK OF THE COMMISSION

Archive Committee

The Commission has decided to establish an archive for the preservation of the history of federal conciliation and arbitration in Australia. To be known as the 'Sir Richard Kirby Archive', it will be located in Nauru House, Melbourne.

The archive will take some time to develop an extensive collection, but the intention is to create a resource that illuminates both the social and historical contexts of the work of the Commission and its broader community.



From left: Commission Associate Ms Sharyn Morrison with members of the Archive Committee: Senior Deputy President Lacy, Ms Helen Coulson, Commissioner Smith and Mr Brendan Hower.

Significant Cases

Re Pastoral Industry Award 1998

Decision: Sydney, 10 July 2001 [PR906141]

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

This decision concerned an application by The Australian Workers' Union (AWU) in relation to weekend shearing. Until 1991 the Pastoral Industry Award did not permit it. In 1991 an exception was inserted into the award allowing for weekend shearing to make up for time lost during the week because of rain or sheep sweating (the wet sheep exception). The main elements of the AWU's application were that no shearer could be required to work on weekends unless the shearer agreed to do so prior to engagement or unless required to do so pursuant to the wet sheep exception and that all weekend work should be paid at penalty rates. The AWU contended that the current award provision was inadequate and impossible to enforce and adduced some evidence to support this contention. The employers opposed the insertion of the new clause. The Commission found the AWU had failed to establish the basis on which the application was made and failed to show that the current award provisions were inadequate. The application was refused.

Re Victorian Minimum Wage Orders

Decision: Melbourne, 16 August 2001 [PR907793]

Full Bench: Vice President Ross, Senior Deputy President Watson, Commissioner Lewin

This decision deals with a number of applications pursuant to s.501 of the Act to vary the wage rates for classifications contained in the 18 Victorian minimum wage orders made by the Commission in 1997. The applications sought to increase the minimum wage rates prescribed by those orders by the same amounts determined for federal awards in the *Safety Net Review - Wages May 2001 decision* [PRO02001].

There was no opposition to the quantum of increase sought but the question of operative date was a matter of contention between the parties. The Victorian Trades Hall Council, on behalf of the applicants, sought an operative date of

SIGNIFICANT CASES

1 June 2001 and the employers submitted that the adjustment should not operate any earlier than 12 months after the orders were adjusted for the May 2000 decision, that is not before 10 September 2001.

In dealing with the question of operative date, the Commission concluded that as a minimum wage order is not an award the legislative limitation on retrospective orders in s.146(2) of the Act does not apply to orders made pursuant to s.501. Despite the inapplicability of s.146 the Commission formed the view that while there was a general presumption against retrospectivity, the Commission has discretion to grant a retrospective operative date where there are exceptional or unusual circumstances. The Commission noted that retrospectivity has been awarded where it is in the interests of justice, equity and fairness to do so. A number of decisions were referred to in support of these general propositions.

The Commission decided against making a retrospective adjustment because of a concern that retrospectivity would impose a significant administrative and financial burden on the employers bound by the minimum wage orders. It was noted that such employers are predominantly small businesses.

But the Commission was persuaded that a 'special case' existed such as to warrant some relief from the strict application of the '12 month rule'. In this context the Commission had regard to the fact that a significant proportion of Schedule 1A employees are low paid and do not enjoy the range of employment conditions commonly enjoyed by federal award employees.

The Commission adjusted the minimum wage orders by the amounts provided for in the May 2001 decision operative from the date of decision (16 August 2001).

Mornington Racing Club Inc. v C Bellchambers

Decision: Melbourne, 16 August 2001 [PR905252]

Full Bench: Senior Deputy President Acton, Senior Deputy President Lacy, Commissioner Gay

This appeal decision considered two jurisdictional aspects of the termination of employment provisions of the Act, namely:

- whether the respondent was a *'federal award employee'* as defined by s.170CD(1) being *'an employee any of whose terms and conditions of employment are governed by an award, a certified agreement or an AWA'*; and
- whether the respondent was excluded from the provisions by virtue of ss.170CC(2) and (3) of the Act and reg.30B(1)(f) of the Workplace Relations Regulations (the regulations) which exclude employees not *'employed under award conditions'* whose remuneration immediately before termination exceeded a specified rate.

In refusing leave to appeal, the Full Bench rejected the appellant's submissions that the respondent's terms and conditions of employment were governed entirely by a written service agreement which, it was submitted, excluded the operation of the relevant federal award. Although an employer bound by an award may agree with an employee to terms and conditions of employment greater than those in the award, the employer cannot contract out of its minimum award obligations. Notwithstanding the service agreement, the terms and conditions of employment of the respondent were governed by the award and the respondent was a *'federal award employee'* when his employment was terminated.

The Full Bench also pointed out that s.492 has the effect of extending the termination of employment provisions to *'any employee in Victoria'* who is not within a class excluded by the regulations made under s.170CC, irrespective of the fact their terms and conditions of employment are not governed by an award, a certified agreement or an AWA. In substance, the Full Bench said s.170CB(1)

SIGNIFICANT CASES

because of s.492, is to be read as if it also included the category of an *'employee in Victoria'*.

The relevant award provided that:

'employees who earn in excess of 50 per cent above the award rate of pay for their classification are exempt from the terms and conditions of the award except as to clauses 16.1—Expenses, 17—Superannuation, 21—Annual leave and 28—Long service leave.'

The appellant submitted the respondent was not 'employed under award conditions' because the respondent earned in excess of 50 per cent above the relevant award rate of pay and the service agreement made provision for the respondent's expenses, superannuation, annual leave and long service leave. The Full Bench rejected this submission. It found that the award continued to apply to the respondent in relation to expenses, superannuation, annual leave and long service leave. The appellant was bound to maintain the rate of earnings or afford the respondent the other conditions; e.g. overtime, restricted hours of work and so on, under the *Liquor and Accommodation Industry—Licensed Clubs—Managers and Secretaries—Award 1998* [Print Q2722]. The Full Bench also noted that the award regulated the employee's 'ordinary time earnings' for the purposes of calculating superannuation contributions. Accordingly both the wages and conditions of employment of the respondent were regulated by the award. While the award provided for an employer and an employee to contract out of the rates of pay and substitute other provisions, there was no evidence that the service agreement had been made under that provision.

Emwest Products Pty Limited trading as Email Metering v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union

Decision: Melbourne, 29 August 2001 [PR908265]

Member: Commissioner Hingley

This decision arose from an application by Emwest Products Pty Limited trading as Email Metering (Emwest), pursuant to s.127(2) of the Act for an order preventing industrial action in relation to renegotiation of redundancy agreement entitlements.

Emwest and the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (the AFMEPKIU) were parties to two certified agreements, one of which dealt specifically with redundancy and had a nominal expiry date of 1 October 2000. Both agreements were current. Employees took unprotected industrial action in the form of strike action and Emwest alleged that the conduct of the AFMEPKIU made it clear that it would, or was likely to, incite further industrial action. The AFMEPKIU submitted that at the time of the hearing industrial action was not occurring and gave an undertaking that any future action would be protected action within the scheme of the Act. In that context it submitted that there is nothing in the Act to prevent the existence of two certified agreements between the same parties. The Commissioner accepted this submission and found that it was competent for the AFMEPKIU to initiate a bargaining period in respect of the redundancy agreement during the term of the general agreement and as a consequence be eligible to take protected action in renegotiating the redundancy agreement. Whilst the applicant had standing to bring the application, at the time of the hearing no industrial action was happening or continuing and the AFMEPKIU had undertaken that any future action would be protected. Therefore, as the jurisdictional prerequisites did not exist, the application was dismissed.

Note: This decision was considered by the Federal Court in *Emwest Products Pty Ltd v Automotive, Food, Metals, Engineering, Printing & Kindred Industries* [2001] FCA 1334 (18 September 2001) and *Emwest Products Pty Ltd v Automotive, Food, Metals, Engineering, Printing & Kindred Industries* [2002] FCA 62 (6 February 2002).

Coal and Allied Operations Pty Limited v BJ Crawford and Others

Decision: Melbourne, 19 September 2001 [PR909182]

Full Bench: Justice Giudice, Senior Deputy President Watson, Commissioner Gay

This was an appeal from a decision made by a Presidential Member pursuant to s.45(4) partially staying the application of an order, subject to some conditions, pending the determination of an appeal. It was decided that the test for assessing the balance of convenience pursuant to s.45(4) does not alter depending upon

SIGNIFICANT CASES

the nature of the order subject to appeal and all relevant circumstances are to be considered. While in most cases involving orders for payment of money the balance of convenience favours the grant of a stay, that may not be the case where an order pursuant to s.170CH is under appeal and the beneficiary of the order is under financial stress. No decision was made on whether the Commission is obliged to give reasons when deciding an application for an order made pursuant to s.45(4). The Bench accepted the proposition that in every appeal the appellant has a right to be returned to its original position should the appeal succeed. This is an issue to be taken into account in considering an application under s.45(4). The Commission discussed some of the procedures it may adopt to protect the appellant's financial position where doubt exists as to the respondent's ability to repay money paid pursuant to the decision under appeal.

Appeal by the Employment Advocate re Accurate Factory Maintenance Labour Hire Enterprise Agreement 2000—2003 and other agreements

Decision: Melbourne, 12 October 2001 [PR910205]

Full Bench: Justice Giudice, Senior Deputy President Kaufman, Commissioner Whelan

This appeal raised for consideration whether a provision requiring the payment of an agency bargaining fee by each employee to the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU) was an objectionable provision for the purposes of s.298Z of the Act. An objectionable provision is one which (among other things) requires or permits conduct that would contravene Part XA—Freedom of Association of the Act. The provision was said to contravene Part XA because it was part of an arrangement by which the CEPU would only enforce the provision against employees who declined to join the CEPU. The Bench found that although such conduct by the CEPU might be a breach of Part XA, the claim itself was not an 'objectionable provision' and that its legal effect was the same in relation to all employees, whether members of the CEPU or not. The Bench declined to consider whether the provision was one which pertained to the relations between an employer and its employees for the purposes of s.170LI of the Act, and if not whether, for that reason, the agreement was not one capable of certification.

Re *Franklins Limited SDA Victoria Agreement 2000*

Decision: Melbourne, 23 October 2001 [PR910614]

Member: Senior Deputy President Watson

This decision arose from an application by the Shop, Distributive and Allied Employees Association (the SDA) pursuant to s.170FB of the Act for the making of a s.170FA order to give effect to article 13 of the *Convention Concerning Termination of Employment at the Initiative of the Employer* (the Convention) in relation to potential redundancies by Franklins Limited (Franklins) arising from the closure of its Australian operations.

The order sought to require Franklins not to terminate the employment of any employee whose employment is regulated by the *Franklins Limited SDA Victoria Agreement 2000* (the FLV Agreement) [PR902124] and/or the *Franklins Big Fresh SDA Victoria Consent Award 1994* [Print L5499] and to provide to the SDA relevant information in relation to proposed terminations and an opportunity for consultation on measures to avert or minimise terminations and to mitigate the adverse effects of any terminations.

The jurisdictional issue for determination was whether or not the relevant clauses of the FLV Agreement constituted an alternative mechanism by which effect would be given to the requirements of article 13 of the Convention referred to in s.170FA of the Act. If this question were to be answered in the affirmative, s.170FC would operate to deprive the Commission of jurisdiction.

The Commission found that the Act does not give primacy to agreements over provisions enacted to give effect to international obligations and that a certified agreement does not extinguish the Commission's jurisdiction to make a s.170FA order unless the agreement constitutes an alternative mechanism for giving effect to those obligations.

The Commission was not satisfied that the relevant FLV Agreement provisions gave effect to the requirements of article 13. In particular, the Commission found that clauses requiring consultation prior to the termination of employment for redundancy, and providing for the resolution of disputes, were not sufficient to constitute an alternative mechanism for the purposes of s.170FC.

SIGNIFICANT CASES

A Ferguson and M French v CSR Limited trading as CSR Humes

Decision: Sydney, 24 October 2001 [PR910502]

Full Bench: Vice President McIntyre, Senior Deputy President Drake, Commissioner Hoffman

This decision concerned an appeal against the decision of a Deputy Industrial Registrar (DIR) to revoke permits under s.285A of the Act (the Commonwealth Act) to enter and inspect premises. The permits had been issued to the appellants, Andrew Ferguson and Martin French, each of whom was at the relevant time an officer or employee of the Construction, Forestry, Mining and Energy Union (CFMEU). CSR had made application to the DIR to revoke the permits because of incidents which occurred at the company's premises in July 2000. The appellants also held broadly similar permits issued under the *Industrial Relations Act 1996 (New South Wales)* (NSW Act).

Essentially the evidence in the matter showed the appellants:

- (1) entered CSR's premises without permission;
- (2) showed a permit issued under the NSW Act and did not show a permit under the Commonwealth Act;
- (3) conducted a meeting of employees which discussed enterprise bargaining, occupational health and safety matters and possibly claims that CSR was discriminating against CFMEU members;
- (4) moved around the premises with employees chanting slogans; and
- (5) later conducted inspections in relation to occupational health and safety matters.

The Full Bench found that the DIR had erred in concluding that the appellants were exercising powers under the Commonwealth Act and quashed the DIR's decision.

Re Northern Territory Public Sector (General Conditions of Service) Award 2000

Decision: Melbourne, 21 November 2001 [PR911561]

Full Bench: Justice Giudice, Senior Deputy President Watson, Commissioner Eames

This decision arose from an application by the CPSU, the Community and Public Sector Union (the CPSU) to vary the *Northern Territory Public Sector (General Conditions of Service) Award 2000* [Print G7172] by increasing the quantum of the award entitlement of annual leave from four weeks to six weeks for public sector employees in the Northern Territory.

The Bench found that the circumstances constituted a special case and that the application should be granted. Their decision was based on a number of factors including: the additional two weeks leave had been a feature of employment in the public sector in the Northern Territory for more than 20 years; it should be regarded as part of the safety net for the employees concerned; there could be no basis for a flow-on of the additional leave into the private sector; the existing level of benefit had already been provided for in one way or another in most of the public sector awards; the Commissioner for Public Employment consented to the application; and there would be no increase in labour costs resulting from the variation.

The Age Company Limited v AFMEPKIU

Decision: Melbourne, 22 January 2002 [PR913101]

Full Bench: Vice President Ross, Senior Deputy President Lacy, Commissioner Holmes

This appeal dealt with the jurisdiction of the Commission to issue a certificate pursuant to s.166A when industrial action ceased after the s.166A(3) notice had been given but before the expiration of 72 hours. The appeal focussed on the proper construction of s.166A(6)(b). That section provides that:

SIGNIFICANT CASES

'(6) If:

...

(b) the Commission decides that it would cause substantial injustice to the person who gave a notice under subsection (3) in respect of the conduct if the person were prevented from bringing the action to which the notice relates while the Commission is exercising conciliation powers in relation to the industrial dispute; or

...'

The Full Bench held that the word *'conduct'* in this section and elsewhere in s.166A includes industrial action, but is not confined to that concept. Further there is no reason in logic why an industrial dispute might not subsist after conduct in contemplation or furtherance of claims that are the subject of the industrial dispute has stopped. The Full Bench concluded that that is precisely the type of situation contemplated by s.166A(6)(b).

It also determined that in the context of s.166A(6)(b) the word *'while'* is used as a conjunction, meaning *'throughout the time that, or as long as'*. Thus the Commission may decide the issue of substantial injustice at any time throughout the time that, or as long as it is exercising conciliation powers in relation to the industrial dispute.

When determining whether substantial injustice would be caused by withholding the certificate, the Commission must, in the context of seeking to resolve the dispute by conciliation, balance the interests of the party seeking the certificate against the interests of the parties in respect of whose conduct the certificate is sought.

The Full Bench determined that the Commissioner was in error in deciding that the Commission had no jurisdiction to issue a certificate under s.166A(6)(b) of the Act after the expiration of 72 hours, unless s.166A(7) applies. However, the Full Bench reached the same conclusion as the Commissioner to the effect that, on the date of the hearing at first instance, there was no evidence of an industrial

dispute in respect of which the Commissioner was exercising, or required to exercise, conciliation powers. In the circumstances it was unnecessary for the Full Bench to consider the merits of the appellant's claim of substantial injustice. Leave to appeal was granted and the appeal dismissed.

Re Saizeriya Australia Employment Agreement 2001

Decision: Melbourne, 6 February 2002 [PR912618]

Full Bench: Justice Giudice, Deputy President Hamilton, Commissioner Foggo

This decision dealt with an appeal and two other applications brought by the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (the AFMEPKIU). Each of the matters was directed to setting aside the certification of an agreement between Saizeriya Australia Pty Ltd and the National Union of Workers. The substantial grounds were that the certification was made in error because in the certification proceedings the no-disadvantage test had been applied wrongly by reference to the *Grocery Products Manufacture—Manufacturing Grocers Award 1996* [Print P1412] when it should have been applied by reference to the *Food Preservers' Award 2000* [Print S8855]. It was not submitted, however, that if the latter award had been the reference point, the agreement would have failed the no-disadvantage test. The Bench found that even if the wrong award had been used as a reference point there was no basis for concluding that the agreement would have failed the no-disadvantage test and would not have been certified. The AFMEPKIU also submitted that the certification of the agreement had prejudiced its application to rope the employer into an award. This submission was rejected on the basis that such considerations are not relevant to an application to certify an agreement.

Safety Net Review—Wages May 2002

Decision: Melbourne, 9 May 2002 [PR002002]

Full Bench: Justice Giudice, Vice President Ross, Vice President McIntyre, Senior Deputy President Watson, Senior Deputy President Harrison, Commissioner Lewin, Commissioner Hoffman

This decision dealt with the Australian Council of Trade Union's 2002 Living Wage Claim. Consideration was also given to a number of issues raised concerning the

SIGNIFICANT CASES

Statement of Principles. The Bench noted that economic conditions differed significantly from those prevailing when the Commission conducted its Safety Net Review in 2001. The economy was forecast to grow between three and four per cent in 2001–02. The growth in full-time employment evident since 1993 was interrupted in 2000 but resumed in 2001 and strengthened in the early months of 2002. The outlook for private business investment generally was good and it was expected that inflation would moderate. After reviewing international developments the Bench concluded that world economic conditions did not pose a significant threat to the Australian economy in the next 12 months.

The Commission noted that no party supported an increase in a form which took account of the compression of relativities caused by a flat dollar increase. The Bench, as in previous decisions, rejected submissions that the safety net should only be adjusted at the lower wage levels.

The Commission pointed to the level of growth in earnings, wages and wage increases through agreements and expressed the view that economic circumstances permitted a sizable increase in the safety net which pays regard to the position of employees some way up the classification scales. The Commission awarded an increase of \$18 per week in all award rates and increased the minimum wage to \$413.40 per week.

The Commission considered a number of issues raised in the parties' submissions concerning the Statement of Principles and decided to make some amendments. In particular it amended Principle 10—Making and Varying an Award Above or Below the Safety Net.

Worley Ltd and Another v The Australian Workers' Union and Others

Decision: Sydney, 14 May 2002 [PR917278]

Full Bench: Vice President McIntyre, Senior Deputy President Lacy, Commissioner Smith

This decision concerned an appeal against a Member who had decided not to continue to hear proceedings initiated pursuant to ss.127 and 166A of the Act by Worley Ltd and another against The Australian Workers' Union and others.

The Member made this decision following an application under s.105 by the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia that, because he had exercised conciliation powers, the unions had a reasonable apprehension of bias and, accordingly, he should not continue to hear the matters.

The central question in the matter was whether s.105 is applicable to proceedings under ss.127 and 166A.

The Full Bench decided the powers conferred on the Commission by ss.127 and 166A are not arbitration powers as that term is used in s.105 and accordingly that the Member who heard the matter at first instance was in error in acceding to the application made pursuant to s.105.

Gunn and Taylor (Aust) Pty Ltd v AFMEPKIU

Decision: Melbourne, 4 June 2002 [PR918573]

Full Bench: Justice Giudice, Senior Deputy President Acton, Commissioner Grainger

This was an appeal against a decision in relation to an application made by the AFMEPKIU for an order pursuant to s.170BC of the Act for equal remuneration for work of equal value. Section 170BC appears in Division 2 of Part VIA of the Act, the object of which is to give effect or further effect to a number of ILO Conventions and Recommendations including the *Equal Remuneration Convention*, the *Convention on the Elimination of all Forms of Discrimination against Women*, the *Convention concerning Discrimination in respect of Employment and Occupation*, the *Equal Remuneration Recommendation 1951* and the *Discrimination (Employment and Occupation) Recommendation, 1958*.

There were four persons employed in the appellant's platemaking department as graphic reproducers. All were qualified tradespersons and all had a different rate of pay. One of the employees was a female, she had almost the same length of service as the longest serving of the other three employees. She received the lowest pay.

SIGNIFICANT CASES

The primary issue on appeal was whether an adequate alternative remedy was available to the AFMEPKIU under Commonwealth or State law within the meaning of s.170BE. The Member at first instance was not satisfied that either the *Sex Discrimination Act 1984* (Commonwealth) or the *Equal Opportunity Act 1995* (Victoria) provided a remedy which would ensure equal remuneration for work of equal value for a class or group of employees. The appellant submitted that an adequate alternative remedy was available because there was only one female currently employed in the appellant's platemaking department, the AFMEPKIU's application was in essence a complaint on behalf of an individual rather than one on behalf of a group.

The Commissioner noted that whilst the AFMEPKIU might be seeking a remedy for a class and also for the individual she doubted whether it was possible to achieve both. However the Full Bench agreed with her conclusion that to the extent that the AFMEPKIU sought an order of general application, the remedies available under other statutes were not adequate alternative remedies.

The Human Rights and Equal Opportunity Commission (HREOC) sought and was granted leave to intervene in the appeal. HREOC submitted that in the circumstances the Commonwealth Acts do not provide an adequate alternative remedy.

The appeal was dismissed.

WJ Morgan v Kitchside Nominees Pty Ltd

Decision: Sydney, 13 June 2002 [PR918793]

Full Bench: Justice Munro, Deputy President Coleman, Commissioner Gay

This was an appeal against a finding that a dismissed pharmacist's assistant could not claim relief in relation to the termination of her employment because she was not an employee within the meaning of the expression '*federal award employee*'. The appellant's employer was a service company, Kitchside Nominees Pty Ltd (Kitchside) which acted as a trustee for the pharmacist's family trust. Relevantly, the registered pharmacist performed a dual role as the sole director of Kitchside and registered proprietor of the pharmacy. The critical issue before the Bench was

whether Kittochside was bound by the relevant award by force of s.149 of the Act.

The Bench first considered and applied the provisions of s.149(1)(a) of the Act, which provides that, subject to any order of the Commission, an award determining an industrial dispute is binding on *'all parties to the industrial dispute who appeared or were represented before the Commission'*. The relevant finding of dispute, as was the award, was made in terms that identified the pharmacy and other respondent employer parties by reference to its business name. The Bench was not persuaded that the use of a business name describing an employer as a party to a dispute or as a respondent to an award was ineffective. The Bench emphasised that the parties thought it right to describe the employer parties to the dispute, and to the award, by an embracing and continuing collective description of the business. That description was directed to cover whoever was the employer of pharmacy assistants of the class covered by the award, irrespective of any effect of succession.

In the alternative, the Bench held that the business of the pharmacy had transmitted to Kittochside by force of s.149(1)(d). In the further alternative, the Bench found that there existed a substantial linkage and overlap in the control, purpose and substantial operation of Kittochside and the pharmacy, as the business named as a party to the award. That degree of connection between the respondent and the nominal respondent to the award was held to be sufficient to establish Kittochside as an ascertained joint venturer in the pharmacy. On that basis, Kittochside was also held to be bound by the award under s.149 as an assignee or transmittee of part of that business.

Finally, the Bench noted that a doctrine of joint employment, or of joint employers, well established in labour law in the United States, might usefully be accommodated within Australian law to cover labour hire practices of that kind.

SIGNIFICANT CASES

Striptease Artists Australia Incorporated— Application for Registration

Decision: Sydney, 25 June 2002 [PR919278]

Member: Vice President McIntyre

This decision concerned an application by Striptease Artists Australia Incorporated for registration as an organisation under the Act. When the application was gazetted there were a number of objections.

These objections were subsequently settled and the rules of Striptease Artists Australia Incorporated were amended, with the consent of the Commission, to reflect the settlements. With all objections removed, the Commission was satisfied on the material before it that the criteria for registration had been met and Striptease Artists Australia Incorporated was registered on 25 June 2002.

Members

At 30 June 2002 there were 49 Members of the Commission holding primary appointments—the President, two Vice Presidents, 14 Senior Deputy Presidents, five Deputy Presidents and 27 Commissioners. Just under half, including the President, were based in Melbourne with the remainder located in Sydney, Brisbane, Perth, Adelaide, Canberra and Hobart. There were no Members permanently located in Darwin.

A list of Members as at 30 June 2002 is included in Appendix A.

Appointments

Deputy Presidents Ives, Hamilton, McCarthy and Blain were appointed on 29 October 2001. Also appointed on that day were Commissioners Spencer and Roberts. Deputy Presidents Ives and Hamilton are based in Melbourne, Deputy Presidents McCarthy and Blain in Perth, Commissioner Spencer in Brisbane and Commissioner Roberts in Sydney.



From top, left to right: Deputy Presidents Ives, Hamilton, McCarthy, Blain and Commissioners Spencer and Roberts.

MEMBERS

Resignations

Commissioner Wilks resigned his commission effective from 31 August 2001.

Dual Appointees

At 30 June 2002 there were 28 Members of the Commission whose primary appointment was to a State industrial tribunal—14 Deputy Presidents and 14 Commissioners. A list of these Members is included in Appendix B.

There were also eight Members of the federal Commission holding secondary appointments to State industrial tribunals. They were:

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

Panels

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

There have been a number of changes to the panels during the reporting period. On 1 October 2001 Senior Deputy President Watson assumed responsibility for the panel of industries previously administered by Justice Boulton. At the same time Senior Deputy President Williams took over responsibility for the Unfair Termination Panel. In December 2001 there was some rearrangement of panel allocations and on 1 January 2002 Senior Deputy President O'Callaghan became a member of all panels for the purposes of work in South Australia only.

A list of panel assignments as at 30 June 2002 appears at Appendix C.

Commission Members: Other Activities

Overseas

In July 2001 Justice Giudice attended the annual conference of the Association of Labor Relations Agencies (ALRA) in Montreal, Canada. ALRA is an association of impartial government agencies in the United States and Canada responsible for administering labor-management relations laws or services. In December 2001 the President attended the Ninth Meeting of European Labour Court Judges in Geneva. He also attended a number of briefings with officials from the International Labour Organisation (ILO).

Justice Boulton commenced a period of leave without pay from the Commission in October 2001 in order to take up an appointment as the Country Director of the ILO in Indonesia. In this position, Justice Boulton has responsibility for the delivery of the ILO's projects and activities in Indonesia, including projects to improve industrial relations and social security, to eliminate the worst forms of child labour, to create more employment opportunities for young people and to provide workers' education.

Senior Deputy President Lacy presented a paper on 'The Role of the Commission', at the Australia-Indonesia Ministerial Forum: Working Group on Legal Cooperation in Jakarta in April 2002.

In February 2002 Commissioner Lewin attended the Association of Industrial Relations Academics of Australia and New Zealand (AIRAANZ) Conference in Otago, New Zealand and attended a briefing with the New Zealand Department of Labour.

Commissioners Bacon and Hingley participated in the Mediation Training Program for Mediators in Jakarta and Surabaya, Indonesia in May 2002. The workshops were jointly coordinated by the Indonesian Department of Manpower and Transmigration and the ILO/USA Declaration Project.

Commissioner Jones travelled to Canada in October 2001 to meet with the Regional Mediation Board and various other labour relations authorities and to

attend the Fifth Annual Labour Relations Conference at the University of Toronto; to England to meet with railway representatives; Geneva to attend a Congress sitting of the ILO; and Hong Kong for meetings with parties involved in a new rail project from Hong Kong into China.

Domestic

Justice Giudice addressed the Newcastle Branch of the Industrial Relations Society of New South Wales in July 2001 and the Industrial Relations Society of Australia's National Convention in September 2001. In February 2002 Justice Giudice addressed the Sydney Institute and the Australian Institute of Managers, and in April 2002 he spoke at The Australian Workers' Union Conference on Termination of Employment.

Vice President Ross is a member of the Advisory Board of the Australian Centre for Industrial Relations Research and Training (ACIRRT). He is also a member of Sydney University's Master of Labour Law and Relations Board of Studies and the International Industrial Relations Association's Study Group—Justice, Judges and Industrial Relations. Vice President Ross is a part-time lecturer in the Faculty of Law at Sydney University and participated in the Leo Cussen Institute for Continuing Legal Education—Industrial Law Program.

On Australia Day 2002, Justice Boulton was appointed as an Officer of the Order of Australia (AO). The citation for the honour was: 'For distinguished service to industrial arbitration and labour relations at State and national level, to the Australian Defence Force, and to the development of labour policy and standards in the South-East Asian region through the auspices of the International Labour Organisation.'

Senior Deputy President Polites is the chairman of the Federal Costs Advisory Committee which advises the Chief Justices of Federal Courts together with the Chief Magistrate of the Federal Magistrates Service in relation to adjustment of scale costs. He also participated in the Leo Cussen Institute for Continuing Legal Education—Industrial Law Program.

COMMISSION MEMBERS: OTHER ACTIVITIES

Senior Deputy President Harrison was the chairperson of the Pharmaceutical Benefits Remuneration Tribunal until 18 June 2002.

Senior Deputy President Duncan, Deputy President Ives and Commissioner Eames attended the Australian Institute of Judicial Administration's Courts and Indigenous Cultural Awareness National Conference in Alice Springs in June 2002.

Senior Deputy President Lacy has conducted training sessions for the Industrial Relations Society of Victoria in the AIRC Advocacy Training Program in Melbourne in October 2001 and May 2002. He also participated in the Leo Cussen Institute for Continuing Legal Education—Industrial Law Program.

Senior Deputy President Cartwright is chairman of the Alumni Board of the Australian Graduate School of Management (AGSM), Deputy Chairman of AGSM's Board of Directors and a member of AGSM's Advisory Board.

Commissioners Smith and Hingley participated in the Law Institute of Victoria's Seminar Series.

Commissioner Lawson was granted life membership of the Industrial Relations Society of New South Wales after 16 years as an Executive Committee member of the Society during which time he held the positions of President and Vice President of the State society and Vice President of the Industrial Relations Society of Australia.

Commissioner Hoffman continues to be chairman of both the Senior Prison Officers' Arbitral Tribunal of the Northern Territory and the Prison Officers' Arbitral Tribunal of the Northern Territory. His appointment as chairman of the Northern Territory Police Arbitral Tribunal recently ceased.

Commissioner Foggo is on the Council of the Victoria University of Technology, a co-opted member of the Executive Committee of the Industrial Relations Society of Victoria (IRSV) and convenor of the IRSV Women's Industrial Relations Interest Group.

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

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

Commissioner Grainger is a member of the United Nations Educational, Scientific and Cultural Organisation Communications Network. He is also a director of the Australian Children's Television Foundation.

Professional Development

Section 39 of the Act provides that at least once in each year there be a conference of Members of the Commission. The 2002 Statutory Conference of Members was held over a two day period in February in Melbourne. Presentations by guest lecturers, including Dr Michael Cooke, Mr Ian Gray, the Chief Magistrate of Victoria, and Deputy Presidents Ms Anne Cogan and Ms Cate McKenzie from the Victorian Civil and Administrative Tribunal focussed on cultural awareness and communications with Aboriginal people and people from non-English speaking backgrounds.

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

Industry Consultative Councils

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

Justice Munro chairs the Metal Industry Consultative Council.

COMMISSION MEMBERS: OTHER ACTIVITIES

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

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

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

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

Public Affairs & New Technology

New Technology

For the first time in a major case, during the Safety Net Review 2002 proceedings, the Commission established a dedicated web site using the Commission's new web-based technology for lodging electronic documents and making them accessible to the Commission, the parties to proceedings and the public. The new technology streamlines the creation and content management of web sites. The safety net site consolidated all documentation relevant to the current proceedings. Applications, submissions, exhibits, transcript and other materials related to the case were accessible through the web page.

The web page also included research resources, such as access to a compilation of previous Safety Net Review decisions, and access to all Commission databases (e.g. decisions, transcript, etc.) as well as links to Federal and High Court decisions databases. A link was also provided to the OSIRIS database. The web site was updated as documentation was received over the course of each day's proceedings. Parties were automatically notified by email when the site was updated.

The Full Bench accessed the web site from within the courtroom using the Registry's network, and parties were provided with laptops and training to access the web site from within the courtroom using new wireless technology. The web site was also available to the public through the AIRC Home Page.



2002 Safety Net Review proceedings.

PUBLIC AFFAIRS & NEW TECHNOLOGY

A similar web page, with access restricted to the Commission, was also established for proceedings in the Working Hours Case.

Senior Deputy President Lacy conducted two trials (in matters C2001/2647 and C2001/4369) using the wireless and web-based technology in a live courtroom situation.

Senior Deputy President Lacy has also utilised the web-based technology in 18 other matters. The web-based technology, in the form of interactive private web sites, has been a particularly useful communication medium in matters involving parties located on Christmas and the Cocos Keeling Islands and in matters involving a large number of parties located in various States.

Senior Deputy President O'Callaghan also established several web sites, accessible to parties to proceedings before him, to streamline the process in dealing with award simplification matters.

Home Page

The AIRC Home Page features a wide range of information including:

- daily hearings lists;
- copies of awards, orders, variations and decisions;
- transcripts of Commission proceedings;
- rules of registered employee and employer organisations;
- background information about the Commission's work and its Members;
- speeches, media releases and annual reports; and
- information regarding procedures and legislation.

Data is loaded onto the site on a daily basis. The site also features an advanced search facility.

During the year the following features were added to the home page:

- consolidated versions of all current awards are now available in downloadable form. The awards are updated as they are varied by the Commission. There are 2177 awards in this database and in excess of 100 000 pages of text;
- searchable lists of current awards made and agreements certified by the Commission (these lists are updated on a weekly basis); and
- a searchable 'keywords' database that enables searches over all Commission decisions on specified keywords or phrases, which is in addition to the existing ISYS search engine (this database is updated weekly).

Media Liaison

The Commission's media liaison officer continued to deal with media inquiries, prepare media releases and background material on the work of the Commission and assist in an increasing range of public affairs activities.

During the reporting period media guidelines, outlining the Commission's policy regarding the use of cameras and tape recorders in courtrooms, were issued and public information material that is available on the web site was reviewed and updated. The media officer also chaired a meeting of courts public information officers and commenced a project to produce a CD-Rom on the role of the Commission. The aim of the CD will be to present an overview of the work and structure of the Commission. It will be introductory in nature and have a target audience of visitors to the Commission, users of Commission services and students.

Overseas Visitors

In July 2001 Senior Deputy President Lacy met with Mr Thavalingam Thavarajah, a member of the Board that oversees the rules of industrial tribunals in Malaysia, to discuss the role of the Commission.

PUBLIC AFFAIRS & NEW TECHNOLOGY

During August 2001 Commissioner Smith met with Mr Chung Dongyoung, a member of the Supreme Council of the Millennium Democratic Party, National Assembly of the Republic of Korea, to discuss the work of the Commission, particularly the role of conciliation and arbitration.

In September 2001, with the assistance of the Australian Agency for International Development (AusAID), the Commission facilitated a study tour by Mr Mabathoana Khotle and Mr Bro-Matthew Shinguadja, the heads of the industrial tribunals of Lesotho and Namibia. They were accompanied by Mr Charles Nupen, Chief Technical Advisor with the ILO. Whilst in Australia they met with a number of Members of the Commission, senior Registry officials, representatives of peak employer and union bodies and the Minister for Employment and Workplace Relations.

Commissioner Gay met with several delegations from the Peoples Republic of China during the reporting period:

- a Labour Management delegation from Guangdong Province in November 2001;
- a delegation from the Shandong Federation of Trade Unions in December 2001; and
- a delegation from the Liaoning Provincial Government in June 2002.

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

Endnotes

- 1: Revised figures. Previously reported as: 1997–98—647, 1998–99—206, 1999–00—252.
- 2: s.107—66 applications for a reference; 31 references granted, 35 refused.
- 3: Certificates issued solely relating to unlawful termination grounds.
- 4: Revised figures. Figures appearing in columns headed 1997–98, 1998–99 and 1999–00 of Table 8 in the annual report for 1999–00 should be altered accordingly.
- 5: Amended figure.

Primary Appointees

As at 30 June 2002, there were 49 primary appointees—the President, two Vice Presidents, 14 Senior Deputy Presidents, five Deputy Presidents and 27 Commissioners.

President:	Justice G.M. Giudice (M)
Vice Presidents:	Vice President I.J.K. Ross (M) Vice President A.W.D. McIntyre (S)
Senior Deputy Presidents:	Justice A.J. Boulton AO, Senior Deputy President (S) Justice P.R. Munro, Senior Deputy President (S) Senior Deputy President J.I. Marsh (S) Senior Deputy President C.G. Polites (M) Senior Deputy President I.R. Watson (M) Senior Deputy President A.M. Harrison (S) Senior Deputy President S.J. Williams (M) Senior Deputy President J.M. Acton (M) Senior Deputy President L.E.C. Drake (S) Senior Deputy President D.A. Duncan (S) Senior Deputy President B.J. Lacy (M) Senior Deputy President M.G. O'Callaghan (A) Senior Deputy President R.N. Cartwright (S) Senior Deputy President L. Kaufman (M)
Deputy Presidents:	Deputy President P.L. Leary (H)* Deputy President K.B. Ives (M) Deputy President R.S. Hamilton (M) Deputy President B.P. McCarthy (P) Deputy President N. Blain (P)

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

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

PRIMARY APPOINTEES

Commissioners:

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

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

Dual Appointees

As of 30 June 2002, there were 28 Members of the Commission whose primary appointment was to a State industrial tribunal—14 Deputy Presidents and 14 Commissioners.

Deputy Presidents:

Deputy President W.S. Coleman (P)	Chief Commissioner WAIRC
Judge F.K. Cawthorne (A)	Deputy President IRCSA
Judge J.P. McCusker (A)	Deputy President IRCSA
Judge H.W. Parsons (A)	Deputy President IRCSA
Deputy President D.R. Hall (B)	President QIRC
Senior Judge W.D. Jennings (A)	President IRCSA
Deputy President P.J. Hampton (A)	Deputy President IRCSA
Justice F.L. Wright (S)	President IRCNSW
Justice R.J. Peterson (S)	Presidential Member IRCNSW
Justice F. Marks (S)	Presidential Member IRCNSW
Justice M. Schmidt (S)	Presidential Member IRCNSW
Deputy President R.W. Harrison (S)	Presidential Member IRCNSW
Deputy President B.P. Gilchrist (A)	Deputy President IRCSA
Deputy President D.M. Linnane (B)	Vice President QIRC

Commissioners:

Commissioner J.F. Gregor (P)	Commissioner WAIRC
Commissioner M.G.G. McCutcheon (A)	Commissioner IRCSA
Commissioner K.L. Edwards (B)	Commissioner QIRC
Commissioner G.K. Fisher (B)	Commissioner QIRC
Commissioner R.E. Bechly (B)	Commissioner QIRC
Commissioner D.A. Swan (B)	Commissioner QIRC
Commissioner A.L. Bloomfield (B)	Commissioner QIRC
Commissioner B.J. Blades (B)	Commissioner QIRC
Commissioner J.K. Lesses (A)	Commissioner IRCSA
Commissioner A.J. Dangerfield (A)	Commissioner IRCSA
Commissioner K.M. Bartel (A)	Commissioner IRCSA
Commissioner I.C. Asbury (B)	Commissioner QIRC
Commissioner D.K. Brown (B)	Commissioner QIRC
Commissioner J.M. Thompson (B)	Commissioner QIRC

State Tribunals:

IRCNSW (Industrial Relations Commission of NSW)
 QIRC (Queensland Industrial Relations Commission)
 IRCSA (Industrial Relations Commission of South Australia)
 WAIRC (Western Australian Industrial Relations Commission)

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



Panel Assignments as at 30 June 2002

President, Justice Giudice

The President is responsible for allocating all panel assignments.



Panel Head, Vice President Ross

Panel Members:

Williams SDP	O'Connor C
Hamilton DP	Whelan C
Harrison C	Grainger C
Hoffman C **	Lesses C #
Cargill C	



Justice Giudice (top)
Vice President Ross

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 ASSIGNMENTS AS AT 30 JUNE 2002

Panel Head, Justice Munro

Panel Members:

Acton SDP
Cartwright SDP
Blain DP **
Foggo C
Hingley C
Cribb C
Redmond C
Spencer C
McCutcheon C #
Dangerfield C #



Justice Munro

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 Marsh

Panel Members:

Drake SDP
 Kaufman SDP
 McCarthy DP **
 Smith C
 Simmonds C
 Gay C
 Bacon C
 Blair C
 Deegan C
 Roberts C
 Bartel C #



**Senior Deputy
President Marsh**

Industries:

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

PANEL ASSIGNMENTS AS AT 30 JUNE 2002

Panel Head, Senior Deputy President Polites

Panel Members:

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



Senior Deputy
President Polites

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)

Panel Head, Senior Deputy President Watson

Panel Members:

Duncan SDP	Hodder C
Leary DP **	Eames C
Ives DP	Raffaelli C
McCarthy DP **	Hampton DP #
Lawson C	



Senior Deputy
President Watson

Industries:

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

PANEL ASSIGNMENTS AS AT 30 JUNE 2002

Organisations Panel

Panel Head, Vice President McIntyre

Panel Members:

Williams SDP
Acton SDP
Duncan SDP

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

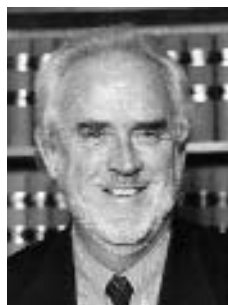


Vice President
McIntyre

Termination of Employment Matters

Panel Head, Senior Deputy President Williams

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



Senior Deputy
President Williams

Notes:

Senior Deputy President O'Callaghan is a member of all Panels for South Australian files.
Deputy President Leary is a member of all Panels for Tasmanian files.

**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

	1998-99	1999-00	2000-01	2001-02
Part A—Total matters lodged:	30 630	30 074	31 812	24 062
Part B—Nature of proceeding:				
Action on Commission's own motion (s.33)	44	23	62	31
Reference to dual appointee (s.36)	0	0	0	0
Notice of appeal (s.45)	207	236	173	153
Appeal from a Registrar (s.81)	1	1	1	2
Notification of dispute (s.99)	2 836	2 679	2 598	2 564
Application to revoke finding of dispute (s.101)	2	3	6	1
Certain matters to be dealt with by a Full Bench (s.106)	0	0	0	0
Reference to a Full Bench (s.107)	46	49	10	31
Reference to a Full Bench (s.108)	77	94	40	37
Review on application of Minister (s.109)	50	7	0	0
Application for orders (s.111)	808	72	59	88
Commission to cease dealing in certain circumstances (s.111AAA)	3	3	1	15
Recommendation by consent (s.111AA)	1	2	3	5
Application to vary award (s.113)	1 385	1 322	1 264	1 380
Application for award variation re enterprise flexibility provision (s.113B)	2	0	1	0
Application re organisations coverage (s.118A)	2	2	0	6
Application to stop or prevent industrial action (s.127)	335	425	444	414
Application that a State authority be restrained from dealing with certain matters (s.128)	2	0	0	0
Industry Consultative Councils (s.133)	0	1	0	0
Action to order secret ballot (s.135)	1	2	1	0

STATISTICS ON THE ACTIVITIES OF THE COMMISSION

	1998-99	1999-00	2000-01	2001-02
Part B—Nature of proceeding:				
Application for declaration of common rule (s.141)	8	3	7	6
Notification of dispute relating to boycott (s.157)	0	0	2	0
Notice of restriction on certain actions in tort (s.166A)	65	64	93	68
Application for order re equal remuneration (s.170BD)	4	1	0	3
Application for relief re termination of employment (s.170CE)	8 146	7 498	8 109	7 461
Application for payment of costs (s.170CJ)	53	57*	68	63
Application for orders giving effect to articles 12 & 13 of Termination of Employment Convention (s.170FB)	27	14	34	25
Application for orders to consult unions about terminations (s.170GB)	16	13	21	23
Application for certification of multiple-business agreement (s.170LC)	7	15	14	11
Application for certification of agreement with unions (s.170LJ)	4 772	3 666	5 936	3 975
Application for certification of agreement with employees (s.170LK)	890	856	1 047	1 177
Application for certification of Greenfields agreement (s.170LL)	505	348	328	586
Application for certification of agreement about industrial disputes and industrial situations (s.170LS)	1 246	868	1 098	757
Application to settle dispute over application of agreement (s.170LW)	260	280	399	549
Application for extension of nominal expiry date of certified agreement (s.170MC)	0	22	12	11
Application for variation of certified agreement (s.170MD)	275	166	134	273
Application for termination of certified agreement where valid majority approve (s.170MG)	16	29	34	49

* Revised figure.

	1998-99	1999-00	2000-01	2001-02
Part B—Nature of proceeding:				
Application for termination of certified agreement in public interest after nominal expiry date (s.170MH)	58	70	189	70
Application for termination of certified agreement as per agreement after nominal expiry date (s.170MHA)	10	12	38	19
Notice of initiation of bargaining period (s.170MI)	5 779	9 640	6 625	3 580
Suspension or termination of bargaining period (s.170MW)	75	87	227	54
Conciliation in respect of agreement (s.170NA)	28	32	41	55
Application to settle dispute over application or interpretation of AWA (s.170VG)	3	2	3	6
Application for terminating an AWA (s.170VM)	0	0	476	72
Referral of AWA to Commission (s.170VPB(3))	887	615	195	463
Application for determination of designated award or awards for the purposes of a certified agreement (s.170XF)	1 506	832	1 254	147
Reference of dispute/application to State industrial tribunals for allocation (s.174)	0	0	0	0
Application for cancellation and suspension of awards and orders (s.187)	1	2	0	2
Application to settle dispute or grievance in employment agreement under s.520 (s.293F)	25	12	1	0
Application for removal of preference clauses from awards and certified agreements (s.298Z)	733	290	258	160
Application for minimum wage order (Victorian employees) (s.501)	25	20	20	40
Organisations matters**	28	27	17	22
Item 51 (WROLA Act)***	1 616	553	0	1
Appeal from decision of a Board of Reference	0	0	0	2

** See analysis by subject matter in Table D2 – Organisations matters.

***1998-99 figure revised. Reported as 676 in 1998-99 and 1999-00 annual reports.

STATISTICS ON THE ACTIVITIES OF THE COMMISSION

Table D2: Organisations matters

Nature of proceeding	Matters lodged/referred	Matters determined
Application for registration (s.188)	2	1
Lodgment of agreements made with State registered unions (s.202)	1	1
Application for change of name (s.204)	0	1
Application re eligibility (s.204)	19	8
Application for community of interest declaration (s.241)	0	1
Application for approval for submission of amalgamation to ballot (s.242)	0	2
Application for cancellation of registration (s.296)	0	0
Total	22	14

Table D3: Matters determined

Nature of proceeding	1999-00	2000-01	2001-02
Award made	515	259	227
Agreement certified	5 539	7 316	6 738
Order made	2 653	2 461	3 066
Full Bench matter determined	407	308	327
Organisations matter determined	27	23	14
Declaration of common rule	1	5	7
Award/agreement set aside	231	118	130
Decision on other matters	1 568	1 262	1 313
Termination of employment matters	9 053	8 145	8 953
Total	19 994	19 897	20 775

Case Flow Measures

Table E1: Case flow measures

Nature of proceeding	Event	No. of cases %	Days from lodgment			
			1998-99	1999-00	2000-01	2001-02
Dispute notification— other than log of claims (s.99)	First hearing	85	25	25	24	24
Variation (s.113)	First hearing	85	43	54	43	42
Order relating to industrial action (s.127)	First hearing	85	4	3	5	4
Agreement (s.170LJ)	Certification	85	50	42	81	131
Agreement (s.170LK)	Certification	85	56	43	41	45
Agreement (s.170LL)	Certification	85	21	26	21	53
Agreement (s.170LS)	Certification	85	46	35	43	65
Unfair termination (s.170CE)	Finalisation	85	183	209	182	186



AUSTRALIAN INDUSTRIAL REGISTRY

Level 35, Nauru House
80 Collins Street, Melbourne, VIC 3000
GPO Box 1994S, Melbourne, VIC 3001
Telephone: (03) 8661 7777
Fax: (03) 9654 6812

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

Dear Minister,

In accordance with section 70 of the *Public Service Act 1999* and subsection 66(1) of the *Workplace Relations Act 1996*, I am pleased to present you with the annual report of the Australian Industrial Registry for the year ending 30 June 2002.

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

Yours sincerely,

Peter J. Richards
Industrial Registrar

11 September 2002

Foreword

The 2001-02 annual report of the Australian Industrial Registry (the Registry) is provided pursuant to s.66 of the *Workplace Relations Act 1996* (the Act).

The Registry's annual report was prepared in accordance with the Requirements for Annual Reports approved by the Joint Committee of Public Accounts and Audit, under subsections 63(2) and 70(2) of the *Public Service Act 1999* (the PS Act), in June 2002. In accordance with the annual reporting guidelines, information about the Registry and its activities is contained in this report. A compliance index was developed from these guidelines and is published at Appendix 1, for the guidance of readers. A general index to the contents of the annual report can be found at the back of the Appendices.

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



ANNUAL REPORT

of the Australian Industrial Registry

Contact Officer

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

Name:	Terry Nassios
Title:	General Manager, Statutory Services Branch
Address:	Level 35 80 Collins Street Melbourne VIC 3000
Telephone:	(03) 8661 7818
Facsimile:	(03) 9654 6672
Email:	terry.nassios@air.gov.au

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

Internet Address

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

Lists of related Internet sites accessible from the Commission's home page, publications and documents contributing to an understanding of the work of the Commission and the Registry, and glossaries of abbreviations, acronyms and terms used throughout this report, can be found at Appendices 7, 8 and 9 respectively.

Contents

Foreword	70
Contact Officer	72
Internet Address	72
Industrial Registrar's Overview	75
The Year in Summary	75
Case Management System	78
Web-Based Case Management/Wireless Network	79
Public Databases	80
Other Online Resources	81
Client Service	81
Budget Management	85
Cash Reserve	85
Capital Program	85
Employee Provisions	86
Contract Management	86
Corporate Overview	88
Organisational Structure	88
Outcome and Output Structure	89
Portfolio Structure	91
Report on Performance	92
Statutory Services Branch	92
State and Territory Service Teams	92
Research, Information and Advice Teams	98
Information Management and Technology Team	101
Corporate Services Team	104
Public Liaison and Awareness	111
Performance in Relation to Targets	112
Analysis of Performance	115
Social Justice and Equity	116
Management & Accountability	123
Corporate Governance	123
External Scrutiny	126
Management of Human Resources	128
Occupational Health and Safety Performance	141
Purchasing	144
Assets Management	145
Consultants and Competitive Tendering and Contracting	145
Financial Statements	149

CONTENTS

Appendices

1. Compliance Index—Checklist of Reporting Requirements	151
2. Commission & Registry Addresses	153
3. Summary Table of Resources	155
4. Financial Statements	157
5. Resources for Outcome	203
6. Information on Other Specific Requirements	205
7. Related Internet Sites	209
8. Documents Contributing to an Understanding of the Work of the Commission & Registry	211
9. Glossaries	213

Index	227
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Charts

1. Victoria Service Team: Time spent in Associate relief (Melbourne only)	77
2. Responses to external survey question: 'Overall, how would you rate our web site?'	83
3. Registry organisational structure	89
4. Commission and Registry outcome and output groups	90
5. Portfolio structure	91
6. Geographic location of proceeding conducted throughout Australia	97
7. Number of Commission documents processed	103

Tables

1. Victoria Service Team: Client Services Unit processing times for 2001-02	76
2. Overall workload	93
3. Lodgments of all Commission matters by location	93
4. Percentage of total lodgments by location	93
5. Lodgments of Commission matters (other than termination of employment) by location	94
6. Break up of Commission matters (other than termination of employment) by location	94
7. Number of termination of employment matters lodged by location	95
8. Number of Registry matters lodged by location	95
9. Number of hearings by location	96
10. Selection of matters finalised under Part IX of the <i>Workplace Relations Act 1996</i>	100
11. Performance information and planned level of achievement for 2001-02	112
12. Commonwealth Disability Strategy performance 2001-02	119
13. Geographic deployment of employees	129
14. Registry staffing by functional area	130
15. Registry employees—Gender and employment status by APS classification levels	132
16. Registry employees—Location and gender by APS classification levels	133
17. Contracts entered into during 2001-02	146

Industrial Registrar's Overview



Mr Peter J Richards, Industrial Registrar.

The Year in Summary

The Registry furthered its efforts over this financial year to put in place a modern service support structure with a focus on performance improvement.

There were continued developments in the output targets across the Registry's team structure, which sit behind the client service performance indicators (see below). The output targets (of which there are several hundred in total) go to the processing/quantitative and qualitative targets related to each of the Registry's functions. Output targets are reported on a biannual basis for service teams and on a monthly basis (as

required by the updated contracts) for each of the outsourced 'harmonised' Registries in South Australia, Queensland and Western Australia.

The team-based output performance indicators are also expressed at a micro level in each individual team member performance plan.

Performances against prescribed targets are published on the Registry's intranet and used for team and individual performance reviews.

An example of the suite of internal process indicators (for 2001-02) relating to the elapsed times for the processing by the Registry (from receipt of file, data entry into the Registry's Case Management System (CMS), file creation, checking through to allocation) of key applications under the Act is as follows:

INDUSTRIAL REGISTRAR'S OVERVIEW

Table 1: Victoria Service Team: Client Services Unit processing times for 2001-02

Section	Total Applications	Primary Target	Result (%)	Average Days
s.170CE	2 390	90% within 24 hrs	92.60	1
s.166A	31	100% within 24 hrs	100.00	0
s.127	107	100% within 24 hrs	99.10	0
s.99	666	100% within 24 hrs	91.60	0.11
s.99 Log	51	100% within 24 hrs	58.80	0.51
s.45	26	90% within 24 hrs	50.00	0.96
s.113	271	90% within 48 hrs	82.66	1.45
s.170LJ	1 518	90% within 72 hrs	65.10	4
s.170LK	179	90% within 72 hrs	72.60	3
s.170LL	160	90% within 72 hrs	68.13	4
s.170LS	229	90% within 72 hrs	65.50	6
s.170LW	113	90% within 72 hrs	100.00	0.19
s.170MI	1 332	90% within 72 hrs	56.68	6.17

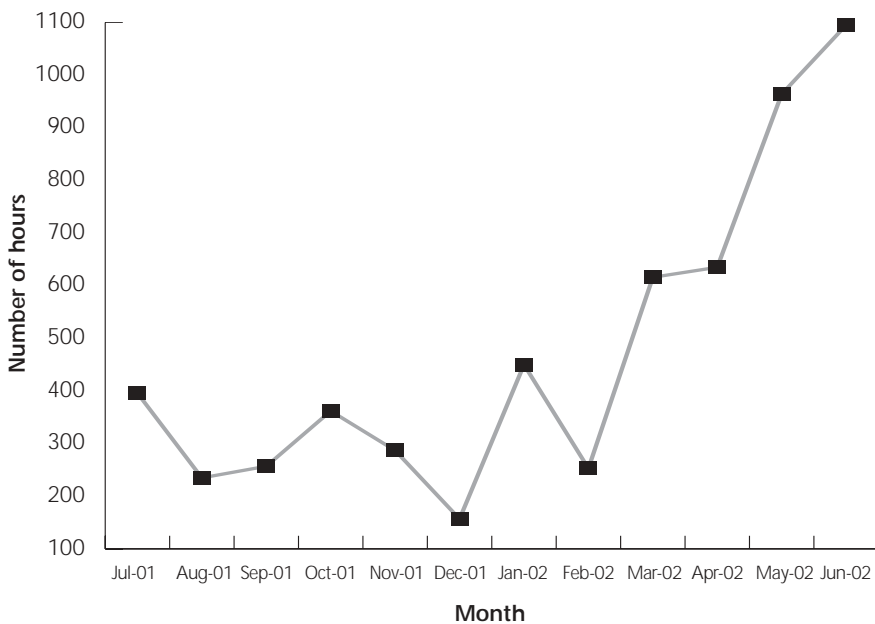
Technological developments (such as online lodgment and receipt of key data in applications in electronic form) holds potential to improve processing times such as these, as they are based on manual data entry/keying-in processes and the creation of paper files in each and every instance.

Recent initiatives to request voluntary provision of electronic data (along with conventional paper applications required under the Commission Rules) from parties making bulk applications holds promise to improve still further processing times and underlying work practices.

Very significant efforts have been undertaken over the course of the year to further develop the resources available to the Registry to meet Commission requirements for additional services. One particular area in which there has been considerable attention is in the provision of relief resources to chambers for

Commission Associates who are absent or otherwise require assistance. Such efforts are unique amongst the Registries at the federal court and tribunal level and reflect the particular workflow issues faced by the Members of the Commission.

Chart 1: Victoria Service Team: Time spent in Associate relief (Melbourne only)



The ability to meet growing demand in this respect has been made possible by broadbanding developments in the Registry's certified agreement, previously reported cross-training initiatives, the introduction of a Graduate Program and the expansion of the dedicated Associate relief team.

The Registry has also made further efforts to develop a modern technological platform (over and above or as enhanced or further developed from those reported in the previous year) to improve access to data, information and published products by industrial parties and the wider community.

Case Management System

As was reported in last year's annual report, the introduction nationally of a Case Management System commenced on 1 January 2001. The new CMS was progressively released by way of discrete modules in conjunction with focussed training over the calendar year.

CMS offers significant productivity benefits and at year end was a primary tool of most staff of Service Teams, the Research, Information and Advice Teams and the Information Management and Technology Team. In addition, a majority of chambers-based staff had readily adapted to the new CMS-related work processes. Others, however, need a higher level of encouragement and support.

CMS is a modern Windows-based product which manages the flow of the various matters before the Commission as well as those processed by the Registry through their respective life cycles. Its functions are directed to the performance of fundamental tasks in support of business processes of the Commission and the Registry. These functions include the storage of key data for all statutory matters of the Commission and Registry and the production of operational documentation such as acknowledgment letters, notices of listing, agreement certificates and reminder letters to registered organisations in relation to their accountability obligations under the Act. CMS is integrated with email and facsimile software to enable desktop transmission to parties of such documentation, as well as any resulting decisions and orders.

Enhancements to CMS made throughout the year related to:

- production and electronic transmission of notices of listing to parties;
- electronic filing of decisions and orders in the Registry;
- electronic transmission of decisions and orders to parties;
- processing, in bulk, of matters at a similar stage particularly new agreements lodged for certification;

- information reports about the progress of matters;
- reliability of data; and
- issues and suggestions of staff.

The Registry maintains on its computer network electronic document stores of decisions, orders, loose-leaf awards, rules of organisations and transcripts of proceedings. At year end work had commenced on a significant enhancement to provide hyperlink access to the electronic documents relevant to a specific matter, hearing, result, print or publication record in CMS.

Web-Based Case Management/Wireless Network

The Registry has brought into operation its web-based case content management strategy, which enables Commission proceedings to be conducted across the Internet, using wireless technology. This allows parties and Members of the Commission to access all documentation relevant to a proceeding (including transcript, written submissions, correspondence, applications, directions, etc.) from within the courtroom through a laptop without any extra cabling being necessary.

The web sites can also be readily accessed outside the courtrooms, from home or from the office.

These new services were on display in the 2002 Safety Net Review hearings. Web-based case content management may also be adapted for use in expediting award simplification processes, agreement certification and award variations.

A specially designed agreement approval web site has been created for use by Members of the Commission, with the first such web-based approval planned for entry in the new financial year.

Full Benches of the Commission have also used the new services where Members are resident in different States, thereby enabling quicker access to the full range

INDUSTRIAL REGISTRAR'S OVERVIEW

of constantly updated materials. The web-based case content management system is also being utilised in the Registry's dealings with a number of registered organisations. Several pilot sites are currently being tested with the cooperation of a number of employer and employee organisations in respect of the Registry's performance of statutory functions relating to organisations. The web-based case content management system has also been used to reduce dramatically the need for clients to attend on-site meetings and conferences. This has been most evident in respect of applications for registration etc. under the Clothing Trades Award. A new Clothing Trades site, operated by the Registry, allows the approval process to be completed online and as matters come to hand, instead of through the previous quarterly meetings of all parties.

Public Databases

The AIRC Home Page now includes a new agreements database, which provides parties and the wider community with an updated database containing details of all current certified agreements.

Work has also commenced on the construction of a searchable database to be housed on the AIRC Home Page that provides all details as to bargaining periods, including the relevant case number, date lodged, etc.

Consolidated loose-leaf awards (formerly only available from the Registry by paid subscription) are now accessible through the AIRC Home Page free of charge.

A new online searchable 'keywords' database has been introduced, allowing the community ready access to all Commission decisions on the basis of a 'keyword' search (that supplements the ISYS Web search engine).



Mr Stan Thomas, from the Registry's Information Management & Technology Team, has contributed to the development of numerous IT macros and applications used throughout the Registry.

Other Online Resources

An extranet has been developed for access by dual appointees to the Commission, allowing access to all relevant (and updated) documentation (searchable databases, contacts directories, press clippings service, etc.) available to primary appointees to the Commission (through the current intranet).

A CD-Rom has also been made available to all Members of the Commission (dual and primary appointees) that collates key information and documentation likely to be of use to Members when working out-of-the office, as it were. The documentation, including databases, is searchable and able to be edited.

Work is being undertaken to upgrade the remote access network. This has focused upon developing means to access Outlook folders and an extranet through any external Internet service provider (ISP), thereby allowing Members a means of accessing their email and access to all relevant Commission documentation from any point in the world through any ISP (over an encrypted environment).

Two years ago, the Registry developed an interactive online lodgment facility, which allows for applications to be lodged electronically through the Commission's web site, and has conducted user group explanations of the same. It remains to date a matter for the Commission to determine the role of this facility in its business. That said, with the cooperation of major users, the Registry has commenced acquiring application data in respect of bulk lodgments in electronic form, which is being uploaded directly onto CMS. This will enable better management of periods of peak workload, which have been a long standing impediment to business improvement in the Registry.

Client Service

The Registry has gone to some lengths to satisfy itself (over the 2001-02 financial year) that it provides effective services to external clients and that initiatives, such as those cited above, are meeting the expectations of the full range of internal and external clients.

INDUSTRIAL REGISTRAR'S OVERVIEW

The Victoria and New South Wales Service Teams (which account for the bulk of all transactions nationally) undertake relatively extensive, annual feedback exercises involving surveying internal and external clients on service levels on a range of criteria (e.g. processing times and information technology (IT) services), as well as biannual team-based internal surveys and 360-degree feedback (focusing on employee evaluations of management performances). In addition, short, indicative counter customer surveys are collected over the course of the reporting year to provide 'snap shots' of customer satisfaction with discrete transactions.

This year, 303 external organisations (principally law firms and registered organisations) were surveyed for the annual, comprehensive customer satisfaction survey. A 30 per cent response rate was achieved. While the questions are wide ranging, a single question sought views as to the overall quality of Registry services in 2001-02 against 2000-01. Some 50 per cent of the total number of respondents stated the level of service had remained constant. Some 35 per cent reported it had improved. Only one respondent indicated (to the date of this report) that the service levels had declined. (NB: The residual did not complete the question.)



Members of the Victoria Service Team.

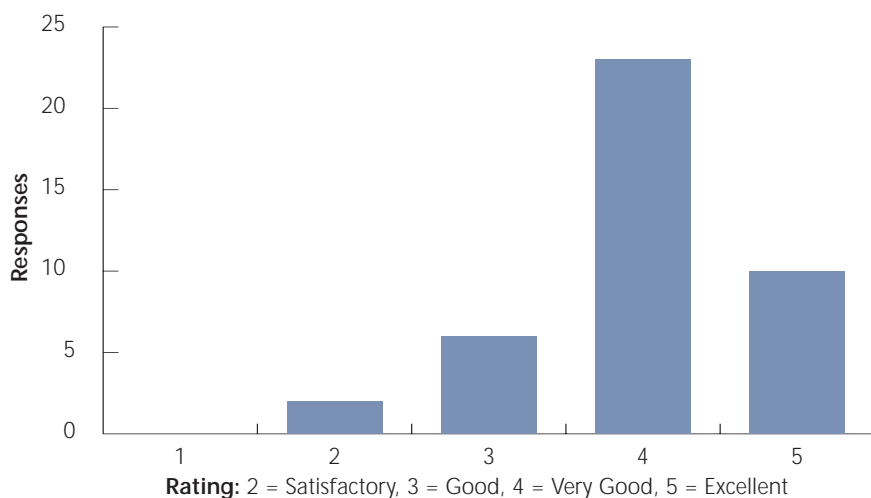
Some 513 counter-based customer satisfaction forms were also completed this financial year, representing approximately 5 per cent of all counter transactions nationally per annum (approx. 10 000). Less than 1 per cent of respondents indicated the level of service was not satisfactory.

All customer feedback (external and internal) and allied comment is published on the intranet. (NB: Internal client satisfaction surveys also demonstrate more than satisfactory levels of client service.)

In respect of the role of the value of the AIRC Home Page to clients, some 43 external organisations were surveyed (principally representing employee organisations, law firms, consultants and employer bodies), and asked the question: *'Was the information sufficiently current or up-to-date for your needs?'* Forty-two respondents replied in the affirmative and one in the negative.

The same survey generated the following response to the question: *'Overall, how would you rate our web site?'*

Chart 2: Responses to external survey question: *'Overall, how would you rate our web site?'*



INDUSTRIAL REGISTRAR'S OVERVIEW

Adherence to the Australian Public Service (APS) Code of Conduct and the APS Values was encouraged through a number of avenues in the Registry over the course of the 2001-02 financial year.

The APS Values were introduced into the Registry's performance planning system in late 2000-01 as the framework for defining work and measuring the performance of the Registry. This year (2001-02) was the first full year of operation of that new system.

Teams and individual employees are therefore required to design measures to ensure they understand the relevance/relationship of their day-to-day work to the intrinsic requirements of the APS Values and the Code of Conduct.

The Registry's diversity strategy is also being designed in the context of the APS Values and integrated with the performance planning system.

Internal training on the APS Values and APS Code of Conduct to assist employees in relating the Values to their (the employees') day-to-day work was provided by the APS Commission.

The feedback and client service machinery utilised by the Registry, in addition to internal communication strategies, are integral to the APS Values (especially those relating to communication, customer focus and achieving results/managing performance).

Quarterly harassment etc. and occupational health and safety (OHS) surveys are undertaken through team managers (in the context of the relevant APS Values).

Contracts are also being updated to include references, where applicable, to the APS Values and the Code of Conduct.

The Registry also manages its resources to achieve a sustainable budgetary framework and comprehensive financial reporting that is consistent with the *Financial Management and Accountability Act 1997* (the FMA Act) and other Commonwealth guidelines and Regulations.

Budget Management

The Registry employs a cycle of quarterly budget reviews (introduced in 2000-01), which not only review the current financial year but also update the indicative estimates for the next two financial years. The budgets are maintained for both operating activities and expenditure of capital items and from employee provisions. A key element of budget management is the role of the designated budget managers who are responsible for managing the items under their control, managing the costs of those items and developing strategies for reducing costs.

Cash Reserve

The Registry's cash holdings are a mix of term deposits and on-call funds as allowed under the Agency Banking scheme (see below). The Registry manages its cash flow and investments in accordance with the principles of its *Cash Flow Planning Policy*.

The cash reserve has increased over the past year due in part to the deferral of a number of capital projects to 2002-03 and the achievement of the operating surplus. Consequently the capital program in 2002-03 will be greater than normal and will reduce the level of the cash reserve.

Capital Program

The capital budget is reviewed on a quarterly basis along with the operating budget for both the current year and two forward years. The capital program includes major items such as the refurbishment budget, leasehold improvements and enhancements to CMS and other corporate software. The Registry has given particular attention this year to planning and budgeting for major improvement works for the Commission in Melbourne, especially in respect of courtroom and chambers developments.

Employee Provisions

The Registry has been able to fund judges' long leave for Presidential Members of the Commission and a significant proportion of other employee provisions. The level of provisions will increase as a result of the appointment of new Commission Members and accompanying Associates during 2001-02.

Contract Management

The Registry continued to place a high emphasis on contract management with the Contracts Management Committee (CMC) playing a pivotal role in the process.

The CMC has further reviewed contract management processes to ensure greater accountability, transparency and value for money. The outcome of this review has been included as a chapter in the new Industrial Registrar Instructions and Resource Management Guidelines.



Ms Jane Gibbons, Manager Information Management and Technology Team, with the Registry's Contracts Management Committee, from left, Mr Peter Richards, Mr Dennis Mihelyi, Mr Paul Parry and Mr Terry Nassios.

The CMC has approved a number of significant and strategic contracts over the past year including the Spectrum phone system, the library system, the human resource management system bureau service, refurbishment projects and security. The Audit Committee has approved a process to instigate an external audit of the outsourced Registry services (harmonisation) contracts with the States of Queensland, Western Australia and South Australia, which will take place in 2002-03. The CMC is also overseeing a Request for Expressions of Interest for the Commission/Registry's recording and transcription services as a pre-tender strategy, in an effort to 'grow' the market competition in this area of service delivery (there being few providers for the Registry's largest contract).

In aggregate terms, expenditure on major contracts has increased by 2.1 per cent in 2001-02 compared with 2000-01 in real terms, due primarily to increased travel costs of 9.4 per cent resulting from the loss of travel rebates for eight months following the collapse of Ansett in September 2001. An alternative rebate, subsequently, has been secured.

Over the course of the financial year, the Registry also completed a review of internal controls of a governance nature.

The Registry's Audit Committee last year agreed to the introduction of a new financial management framework within the Registry. This exercise was completed with effect from 1 July 2002 with the introduction of second-generation financial directions, which adopted a three-tiered approach, namely the Industrial Registrar Instructions and Resource Management Guidelines, supported by specific procedural manuals for assets and public moneys.

In addition to this, the financial delegations have been further refined to be reflective of the new financial management framework.

Corporate Overview

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

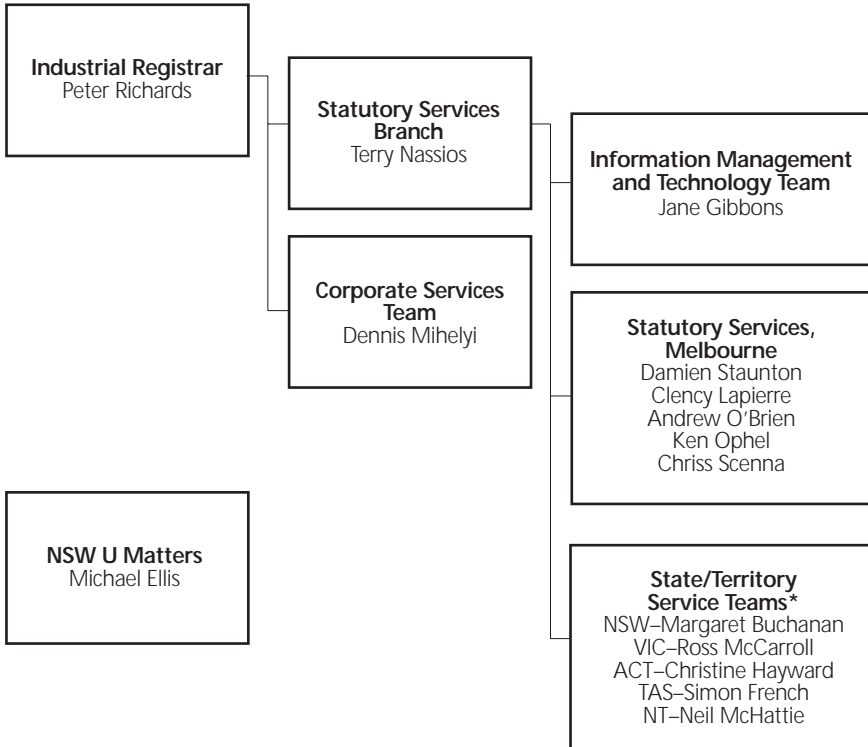
The Registry's mission is to facilitate the operations of the Australian workplace relations system. To carry out its mission, the Registry seeks to achieve the following goals:

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

Organisational Structure

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

Chart 3: Registry organisational structure



* Note: Registry services in Queensland, South Australia and Western Australia have been contracted out to the respective State industrial authority under federal/State harmonisation arrangements.

Outcome and Output Structure

Chart 4 on the following page 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 Act. These activities help facilitate equitable access to Commission/Registry services that support cooperative workplace relations, which promote the economic prosperity and welfare of the people of Australia.

CORPORATE OVERVIEW

Chart 4: Commission and Registry outcome and output groups

Australian Industrial Relations Commission and Australian Industrial Registry		
	(\$'000)	(\$'000)
	Budget	Actual
Total price of outputs:	44 294	41 198
Departmental outcomes appropriation:	44 112	41 464
Total administered expenses:	1 685	1 188

Outcome 1 Cooperative workplace relations which promote the economic prosperity and welfare of the people of Australia		
	(\$'000)	(\$'000)
	Budget	Actual
Total price of outputs:	44 294	41 198
Departmental outcomes appropriation:	44 112	41 464
Total administered expenses:	1 685	1 188

Output Group 1.1 Agreements, awards, orders and decisions		
	(\$'000)	(\$'000)
	Budget	Actual
Total price of outputs:	40 880	38 059
Departmental outcomes appropriation:	40 727	38 305
Total administered expenses:	1 685	1 188

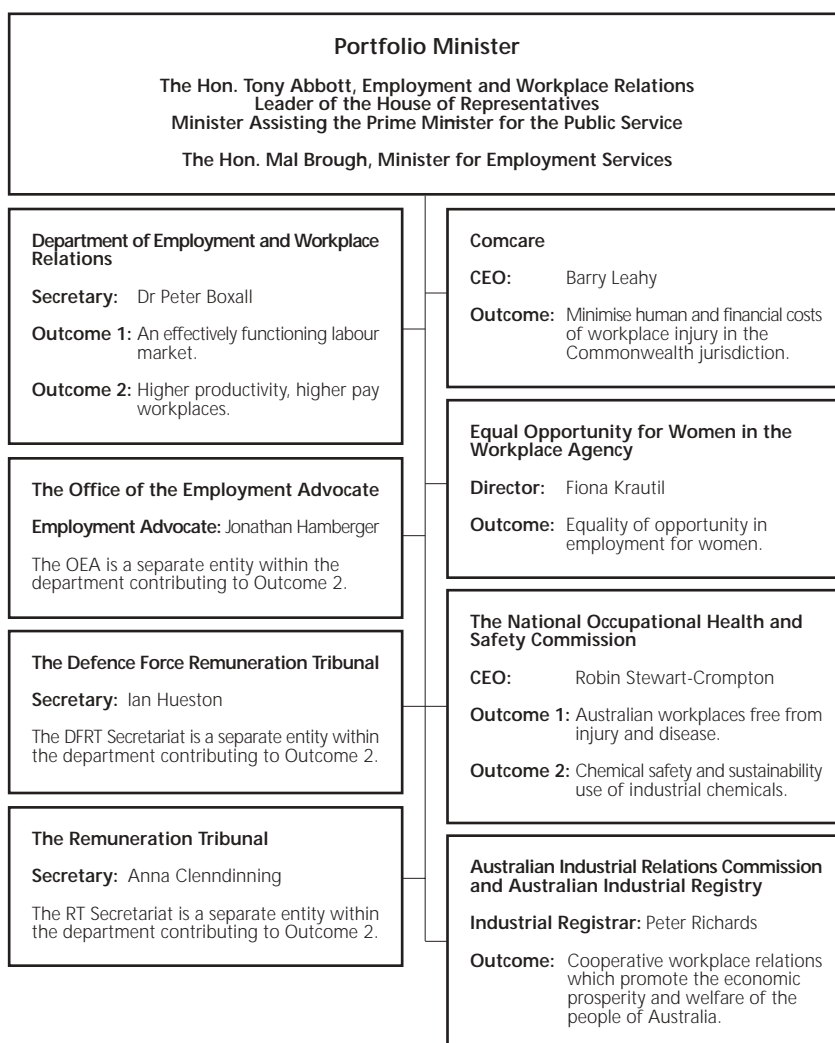
Output Group 1.2 Registered organisations, compliance checklists and investigations		
	(\$'000)	(\$'000)
	Budget	Actual
Total price of outputs:	2 552	2 579
Departmental outcomes appropriation:	2 539	2 595
Total administered expenses:	nil	nil

Output Group 1.3 Publications and information services		
	(\$'000)	(\$'000)
	Budget	Actual
Total price of outputs:	862	560
Departmental outcomes appropriation:	846	564
Total administered expenses:	nil	nil

Portfolio Structure

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

Chart 5: Portfolio structure



Report on Performance

Statutory Services Branch

The Statutory Services Branch is comprised of:

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

State and Territory Service Teams

Functions

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

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

Summary of workload indicators and outcomes

Table 2: Overall workload

	2000-01	2001-02	% change
Total lodgments	31 812	24 062	-24.4
Total hearings	20 545	20 316	-0.1
Print IDs allocated to matters to be published	12 041	11 882	-1.4

Table 3: Lodgments of all Commission matters by location

Location	1997-98	1998-99	1999-00	2000-01	2001-02	% annual variation
ACT	606	738	749	1 810	673	-62.8
NSW	6 898	7 178	6 095	5 656	4 967	-12.2
NT	461	412	357	395	367	-7.1
QLD	1 962	1 682	1 718	1 852	1 679	-9.3
SA	1 783	1 049	1 448	1 282	1 100	-14.2
TAS	416	572	410	568	502	-11.6
VIC	15 152	17 042	17 839	18 849	13 574	-28.0
WA	2 100	1 957	1 458	1 400	1 200	-14.3
Total	29 378	30 630	30 074	31 812	24 062	-24.4

Table 4: Percentage of total lodgments by location

ACT	NSW	NT	QLD	SA	TAS	VIC	WA
2.8	20.6	1.5	7.0	4.6	2.1	56.4	5.1

REPORT ON PERFORMANCE

Table 5: Lodgments of Commission matters (other than termination of employment) by location*

Location	1997-98	1998-99	1999-00	2000-01	2001-02
ACT	353	499	501	1 519	448
NSW	5 582	5 872	4 714	3 697	3 482
NT	197	154	110	130	128
QLD	1 204	1 210	1 234	1 389	1 239
SA	1 412	732	1 220	1 032	919
TAS	292	311	290	387	374
VIC	10 099	11 801	13 243	13 467	9 152
WA	1 798	1 550	1 048	979	859
Total	20 937	22 129	22 360	22 600	16 601

* These figures are also included in Table 3—Lodgments of all Commission matters by location.

Table 6: Break up of Commission matters (other than termination of employment) by location*

Location	'C' matters	'AG' matters	'BP' matters	Total
ACT	216	179	53	448
NSW	1 384	1 430	668	3 482
NT	68	45	15	128
QLD	349	718	172	1 239
SA	259	444	216	919
TAS	142	153	79	374
VIC	2 969	3 936	2 247	9 152
WA	286	389	184	859
Total	5 673	7 294	3 634	16 601

* These figures are also included in Table 3—Lodgments of all Commission matters by location.

Table 7: Number of termination of employment matters lodged by location*

Location	1997-98	1998-99	1999-00	2000-01	2001-02
ACT	253	239	248	250	225
NSW	1 291	1 286	1 363	1 653	1 485
NT	260	257	245	257	239
QLD	644	336	412	420	440
SA	284	236	192	200	181
TAS	112	258	118	138	128
VIC	4 961	5 135	4 517	4 791	4 422
WA	287	399	403	400	341
Total	8 092	8 146	7 498	8 109	7 461

* These figures are also included in Table 3—Lodgments of all Commission matters by location.

Table 8: Number of Registry matters lodged by location*

Location	'AR' matters	'BOR' matters	'E' matters	'FR' matters	'R' matters	'RE' matters	Total
ACT	1	0	3	10	11	18	43
NSW	31	12	44	143	65	141	436
NT	0	0	7	7	2	3	19
QLD	1	14	1	1	1	0	18
SA	1	10	5	2	0	0	18
TAS	1	1	20	35	5	30	92
VIC	266	33	143	238	136	495	1 311
WA	2	0	3	4	0	0	9
Total	303	70	226	440	220	687	1 946

* Figures previously not reported.

REPORT ON PERFORMANCE

Table 9: Number of hearings by location*

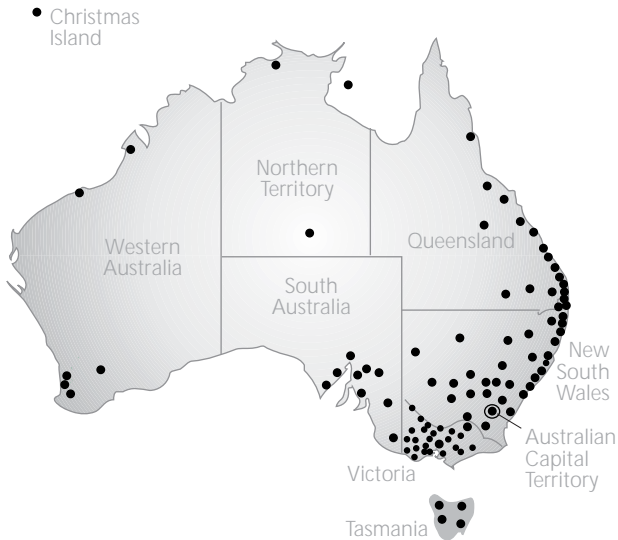
Location	1997-98	1998-99	1999-00	2000-01	2001-02
Canberra	817	887	842	700	598
Sydney	4 072	4 095	3 772	3 686	3 773
Darwin	547	470	413	361	313
Brisbane	1 199	1 124	1 045	1 142	1 103
Adelaide	953	902	909	800	1 021
Hobart	229	297	250	298	215
Melbourne	9 212	9 726	8 891	9 697	9 424
Perth	1 474	1 516	1 721	1 330	1 034
Other Places	1 533	1 914	1 504	1 507	1 409
Video-conferences**	n/a	n/a	355	427	814
Telephone Conferences**	n/a	n/a	479	597	612
Total	20 036	20 931	20 181	20 545	20 316

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

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

The following map is a graphical presentation of the locations of Commission proceedings (including Registry employees and contractors undertaking conferences on termination of employment matters on behalf of the Commission) conducted throughout Australia during 2001-02. Locations of proceedings are represented on the map by a bullet mark.

Chart 6: Geographic location of proceedings conducted throughout Australia



Research, Information and Advice Teams

Functions

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

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

- operation of a telephone inquiry service; and
- conducting talks and tours of the Commission for interested parties.

Outcomes

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

During the year the teams produced 51 issues of the Decisions Summary (which are published in the weekly AIR Bulletin) comprising 1402 decisions, providing Members of the Commission, Registry staff, parties, practitioners and the general public with brief summaries of industrial judgments of the High Court, Federal Court of Australia and federal and State jurisdictions.

As at 30 June 2002 there were 69 employer and 46 employee organisations. The following table sets out (in relation to a selection of matters arising under Part IX of the Act) the number of matters that were finalised within the reporting period and the percentage finalised within 28 days of lodgment in the Registry.

REPORT ON PERFORMANCE

Table 10: Selection of matters finalised under Part IX of the *Workplace Relations Act 1996*

Matter	Number finalised			% finalised within 28 days		
	1999-00	2000-01	2001-02	1999-00	2000-01	2001-02
s.205(1) Certification of alterations to rules other than eligibility rules	134	111	93	51	58	60
s.214(2) Arrangements for the conduct of an election by the Australian Electoral Commission	275	243	231	92	86	89
s.268(3) Lodgment of annual returns	256	168	261	88	82	85
s.269(1) Lodgment of details of loans, grants and donations	51	31	44	78	77	100
s.271A(1) Certificate exempting branch from financial reporting requirements	43	58	54	95	81	96
s.280(1) Lodgment of financial documents	403	479	425	67	51	57
s.285A(1) Right of entry permits	2 170	509	678	90	95	97
s.285A(3) Revocation of entry permit	5	7	2	20	14	0
s.291 Certificate as to membership of an organisation	23	37	16	90	92	94
s.291A Certificate as to requested representation or invitation	19	15	20	100	93	95

Information Management and Technology Team

Functions

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

- providing advice, support and assistance to Members of the Commission, Associates and other Registry employees in making effective use of existing and new technology applications (including web-based communications) to enhance service delivery with respect to the publication of Commission documents and other Commission/Registry information;
- assisting in the maintenance and development of information technology infrastructure across the Commission and Registry and providing support services to Members of the Commission and Registry employees;
- providing access to all public Commission documents through use of internal databases, the intranet and Internet to internal and external clients;
- providing information to external clients, including publishing Commission documents on the Internet, the provision/conduct of information sessions and access to specialist library services; and
- the effective management of Commission and Registry records, including files and mail.

Outcomes

A summary of developments, initiatives and outcomes for IMTT appears on pages 79 to 81 (in the Industrial Registrar's Overview). Other major developments during the reporting period included:

- implementation of electronic transfers of Commission and Registry documents, using Adobe Acrobat and email, to external printers for copying (in lieu of forwarding traditional paper copies);
- development of the wide area network (WAN) and Windows 2000 projects;
- roll-out of Internet Explorer 6; and

REPORT ON PERFORMANCE

- development of macros for the extraction of data from CMS.

A recent survey of key external clients indicated that 88 per cent of clients are satisfied with the timeliness of the availability of electronic transcript on the home page, 54 per cent had accessed transcript through the home page, 100 per cent thought this improved the service and 100 per cent were satisfied with the standard of the transcripts provided.

The survey included questions about the use of e-court facilities—69 per cent of clients indicated they would be interested in accessing the Internet in the courtroom, 26 per cent used the Safety Net Review 2002 web site with 91 per cent finding it useful and 90 per cent would like to see more sites like this developed.

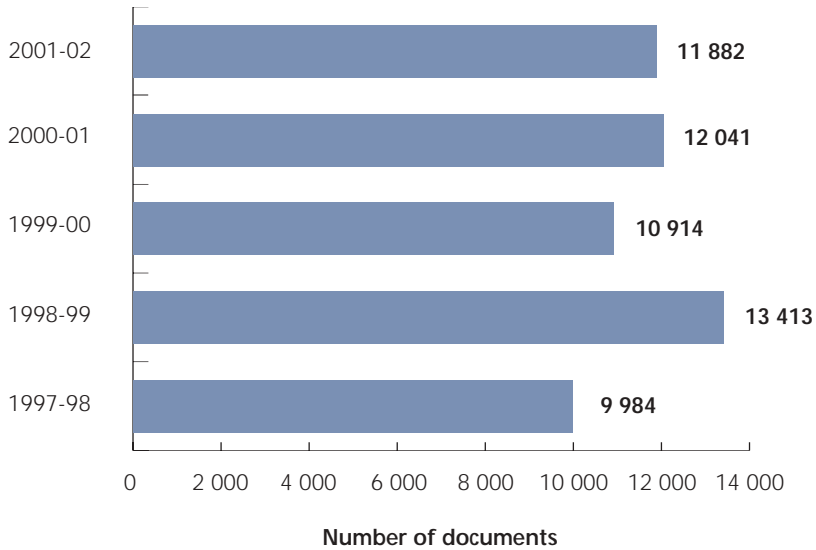
Other outcomes for activities undertaken by IMTT during 2001-02 are:

- during the reporting period the team processed 11 882 Commission documents, representing a decrease of 1.4 per cent on the number of documents processed during 2000-01; and
- the Commission issued 5144 awards, orders and decisions during the year. The team also processed 6738 agreements that were certified by the Commission.

Each published Commission document (excluding certified agreements) is now accessible electronically via the Commission's home page, generally within two to 24 hours of receipt in the Registry.

Chart 7 indicates the publishing workload over the last five years:

Chart 7: Number of Commission documents processed



At 30 June 2002, IMTT was maintaining 2177 current awards in consolidated form on the Registry's database. This database was amended on 2207 occasions during the year.

Copies of consolidated awards are now also accessible electronically via the Commission's web site, within one to five days of being updated and loaded onto the Registry's database. Electronic copies of consolidated awards are prepared in Adobe Acrobat, so as to mirror the hardcopy version, and are available through this medium free of charge.

Corporate Services Team

Functions

The Corporate Services Team (CST) provides a comprehensive range of services to Commission Members, retired Presidential Members and Registry employees, especially assistance and advice on the following:

- people and planning services:
 - payroll, conditions of service and workplace relations;
 - team planning and performance management;
 - training and development;
 - workforce planning/recruitment;
 - occupational health and safety; and
 - employment equity and diversity;
- financial services:
 - budgets, financial reporting and accounting;
 - accounts payable and receivable; and
 - cash management and banking;
- travel:
 - traveller and service provider payments, reporting and contract administration;
 - fleet management;
- contract management and purchasing;
- tenancy management:
 - leases;

- building maintenance services; and
- leasehold improvements;
- assurance:
 - risk management (including insurance) and assisting with audit related activities.

In addition to the above, CST is responsible for managing a significant range of budget items (over 75 per cent of the Registry's operating budget) and other mandatory reporting requirements (e.g. Annual Report, State of the Service (SOS) Report, Diversity Report, Fraud Control, etc.).

Outcomes for 2001-02

Significant outcomes for 2001-02 included:

Intranet

A new CST intranet site with a distinctive look was implemented in September 2001. The site enables easier access to information on the range of services provided by the team.

Payroll, conditions of service and workplace relations

Registry agreement-making was again to the fore with a replacement certified agreement (the *Australian Industrial Registry (Continuing Change) Agreement 2002* (the Registry Agreement)) being negotiated and consequently certified by the Commission in June 2002. Information on agreement negotiations was maintained in a Table of Events on the intranet, to facilitate communications and consultation and to ensure all employees were apprised of both the progress with the agreement and its implementation. During the year, the Registry also finalised an *Australian Workplace Agreements Policy Guidelines* document to ensure access to all agreement-making options under the Act is provided to all employees.

To further facilitate and strengthen communication and consultative arrangements, the Registry now also has a revised Registry Consultative

REPORT ON PERFORMANCE

Committee (the principal employer/employee consultative forum) operational arrangements 'agreement'. In addition, the intranet now has a communications page on which all significant corporate communication is recorded.

The streamlining of transactional processing resulting from Registry agreements and other changes in recent years has continued. The number of transaction lines processed on the payroll system again reduced—this time by 16 per cent compared with 2000-01.

Recruitment activities for the year included ten Associates for the four Deputy Presidents and two Commissioners appointed to the Commission, and a significant increase in graduate employees to facilitate services being provided to Commission Members.

The newly appointed Commission Members and Associates also had a significant impact on other areas of CST activity—conditions of service, induction, accommodation, fleet management and other related functions.

Team and Performance Management

The Registry's team and individual performance management arrangements are specifically aligned with the APS Values. Teams and individual employees are required to measure their performance against indicators that articulate how, in undertaking their activities, they are giving practical effect to the APS Values.

Performance management arrangements were reviewed again in 2001-02 and the planning template was revised in particular to strengthen the focus on workplace diversity and employment decision-making and to accommodate a specific 'all staff' survey on these aspects in 2002-03.

The Registry's contribution to the 2001-02 SOS report demonstrated how integral its performance management arrangements are in meeting the requirements and promoting awareness of the APS Values and the APS Code of Conduct. Specific elements addressed in the SOS report included email and Internet use, whistle blowing, the disclosure of information and the employment framework including the obligations on contractors and service providers to conduct themselves in accordance with the APS Values and Code of Conduct.

Together, the Registry's performance management arrangements and its agreement-making have provided a strategic framework for the integration of people, planning and performance.

Training and Development

CST employees have assisted other teams and the Commission in a range of training activities, including IT training courses for desktop applications, the Unified Messenger system for employees and Commission Members, the annual Associate Training Forum, as well as organising and assisting with the induction and training in Associate duties of 25 new Associates, relief Associates and Graduate Program participants.

Other achievements for 2001-02 included:

- an Associate Training Program and revision and updating of the Associate Handbook;
- consultancy services to other Registry Teams;
- manual handling training developed and delivered to IMTT;
- APS Values and performance feedback training organised and delivered for the Victoria Service Team; and
- telephone handset and Windows 2000 training organised and delivered for the NSW Service Team.

The CST provided significant assistance with Commission professional development and training, including the Statutory Conference of Members and advanced mediation workshop, as well as use of Dragon software.

CST employees have also revisited the Registry's induction processes to ensure they are relevant to both the requirements of the respective teams (and the Commission) and the needs of new employees.

Occupational Health and Safety (OHS)

The Registry's primary strategy for the resolution of OHS matters is its quarterly OHS survey, in which the provision of responses (an obligation on all team

REPORT ON PERFORMANCE

managers) requires those same team managers to discuss with and report on issues raised by team members. Of course, this is not the only means by which matters are addressed. Registry employees can report matters directly to senior management or to CST; the OHS Committee can identify and deal with specific OHS issues, which in its view require resolution; or the Registry responds to emerging issues as might arise publicly or be identified by Comcare and other OHS institutions.

More significant matters attended to in 2001-02 included:

- manual handling matters related to mail and file handling, deliveries and storage;
- security, particularly in light of 11 September and, associated with this, the handling of suspicious mail and parcels, and emergency procedures; and
- workstations/ergonomics, particularly as associated with manual handling considerations including compensation cases and return to work programs, repair and re-gassing of courtroom and office chairs, etc.

The Registry also made available its biennial Healthy Heart Screening Program and annual influenza vaccinations, and enhanced its first aid arrangements through its First Aid Officer (FAO) network and through the creation of a specific first aid intranet site.

Financial Services

CST developed a new three-tiered financial management framework to replace the Chief Executive Instructions with effect from 1 July 2002. The new framework is comprised of Industrial Registrar Instructions, Resource Management Guidelines and a limited number of procedure manuals.

The Registry's financial management information system, Finance One, was upgraded to version ten in November 2001. The percentage of payments made to employees and suppliers using electronic funds transfer increased to 63.7 per cent (54.9 per cent in 2000-01).

Preliminary work commenced to create a link between CMS and Finance One to improve refund of unlawful termination payment process times.

Market testing of the Registry's transactional banking services was undertaken, resulting in the Reserve Bank of Australia remaining as the Registry's primary banker.

Cash investments were made in approved term deposits under the Agency Banking Scheme and improved interest earnings were achieved during the year. However changes by the Department of Finance and Administration to the administration of agency banking no longer enables the interest earned to be available for agency use.

Travel

Following the demise of the Registry's travel service provider, Ansett Australia in September 2001, the Registry entered into an interim arrangement with a travel agent to provide travel services. In April 2002 the Registry appointed Qantas to deliver travel services.

New Microsoft 'Outlook based' electronic movement requisition forms were introduced to support travel reporting.

Contract Management and Purchasing

Contract management guidelines were revised to reflect improved procurement arrangements, which were included in the new Industrial Registrar Instructions and Resource Management Guidelines.

The team continued to provide secretariat support to the CMC who reviewed and approved a range of contracts and major purchases during the year.

Tenancy Management

National refurbishment projects included:

- re-painting of the Sydney tenancy;
- conversion of the Library to a conference room in Perth;

REPORT ON PERFORMANCE

- supply of ergonomic desks and refurbishment of furniture in various Members chambers;
- alterations to Members chambers; and
- alterations to courtrooms.

Leasehold improvements included:

- extensive electrical works being carried out to tidy up communication/ computer cables and improve electrical configuration in chambers and offices in Sydney;
- improved communications links by converting a hearing room into a video-conference room in Sydney;
- refurbishment of IMTT accommodation commenced in June 2002;
- alterations to chambers in Perth;
- alterations to Members private bathroom in Brisbane;
- to improve air quality and airflow in courtroom 1 Melbourne, the supplementary airconditioning was given a major overhaul; and
- a building matrix was established for the Melbourne tenancy to assist with the timely maintenance of necessary building services. This will be extended to other tenancies in 2002-03.

Improvements to tenancy security included:

- in Melbourne, installation of glass security doors and additional security card readers on Commission floors; and
- in Sydney, installation of 'out of hours' sensor lighting in all lift foyers.

It should be noted that the Sydney projects above have been undertaken in conjunction with the New South Wales Service Team.

Assurance

The team participated in Australian National Audit Office (ANAO) audits/surveys, including audits/surveys on payroll management (the Registry was one of the six Commonwealth agencies involved in a Payroll Management Assurance and Control Assessment Audit) and risk management and insurance.

Public Liaison and Awareness

The Registry provides the following public liaison services:

- telephone inquiry line and student briefings provided by RIAT; and
- media liaison provided by the media liaison officer.

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

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

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

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

Performance in Relation to Targets

Table 11: Performance information and planned level of achievement for 2001-02

Performance information for administered items (including third party outputs)	Effectiveness—overall achievement of the outcome (measures, indicators and targets used as appropriate)
Output Group 1.1: Agreements, awards, orders and decisions	
<p>Output 1.1.1 Agreement processing Agreement-related applications processing, including applications to suspend/terminate a bargaining period</p>	<p>Quality: Improve or maintain average times taken to certify agreements. Result: Average time taken was 51 days. Quantity: Number of agreements certified. Result: 6738</p>
<p>Output 1.1.2 Dispute notification processing including setting aside, varying or cancelling an award Maintenance of an effective award safety net Termination of employment application processing Registered organisations application processing, particularly applications for registration, amalgamation and eligibility rules</p>	<p>Termination of employment Quality: Maintain or improve on time elapsed from lodgment of application to finalisation of conciliation. Result: Median time taken was 44 days. Quantity: Number of termination of employment applications finalised. Result: 8655</p>
<p>Output 1.1.3 Appeals</p>	<p>Quality: Improve or maintain average time taken to determine appeals. Result: Median time taken was 83 days. Quantity: Number of appeals determined. Result: 157</p>
<p>Output Group 1.1</p>	<p>Total price: Budget – \$40.880m Actual – \$38.059m</p>

Performance information for administered items (including third party outputs)	Effectiveness—overall achievement of the outcome (measures, indicators and targets used as appropriate)
Output Group 1.2: Registered organisations, compliance checks and investigations	
<p>Output 1.2.1 Application processing</p> <p>Particularly applications for rule alterations and conduct of elections</p>	<p>Quality: Percentage finalised within 28 days.</p> <p>Result: 81%</p> <p>Quantity: Number of organisations – related applications finalised.</p> <p>Result: 324</p>
<p>Output 1.2.2 Notices processing</p>	<p>Quality: Percentage finalised within 28 days.</p> <p>Result: 72%</p> <p>Quantity: Number of organisations – related notices finalised.</p> <p>Result: 784</p>
<p>Output 1.2.3 Request processing</p>	<p>Quality: Percentage finalised within 28 days.</p> <p>Result: 96%</p> <p>Quantity: Number of organisations – related requests finalised.</p> <p>Result: 716</p>
<p>Output 1.2.4 Compliance follow-up action</p>	<p>Quality: Percentage of further contact required after the first hastener.</p> <p>Result: 33%</p> <p>Quantity: Number of hasteners issued in respect to statutory returns.</p> <p>Result: 205</p>
<p>Output Group 1.2</p>	<p>Total price: Budget – \$2.552m Actual – \$2.579m</p>

REPORT ON PERFORMANCE

Performance information for administered items (including third party outputs)	Effectiveness—overall achievement of the outcome (measures, indicators and targets used as appropriate)
Output Group 1.3: Publications and information services.	
Output 1.3.1 Publication of Commission documents	<p>Quality: Maintain or improve average time taken to update an award from making of a variation.</p> <p>Result: Achieved in 83% of cases.</p> <p>Quantity: Number of amendments to the consolidated loose-leaf awards.</p> <p>Result: 2207</p>
Output 1.3.2 Public liaison and awareness	<p>Quality: Percentage of clients surveyed who deem the service provided to be of satisfactory standard.</p> <p>Result: 99% indicated satisfactory standard or better.</p> <p>Quantity: Number of client contacts estimated.</p> <p>Result: 10 000 (counter attendance transactions).</p>
Output 1.3.3 Accountability to Parliament	<p>Quality: Meeting of all due dates for Parliamentary questions, reports and correspondence.</p> <p>Result: Achieved/not applicable.</p> <p>Quantity: Number of questions, reports and items of correspondence finalised.</p> <p>Result: A response to one Parliamentary question was prepared during the reporting period.</p>
Output Group 1.3	<p>Total price: Budget – \$0.862m Actual – \$0.560m</p>

Analysis of Performance

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

Outcomes in respect of Output Group 1.2 (registered organisations, compliance checks and investigations) have generally been improved arising from a better balance between these outputs being achieved.

Outcomes in respect of Output Group 1.3 (publications and information services) have also been improved following the successful transition from paper-based publications to web publishing.

All in-house teams in the Registry are required to undertake a comprehensive internal and external feedback exercise. This incorporates regular client survey sampling on the basis of the full range of over-the-counter transactions and a more selective and comprehensive client satisfaction survey.

In respect of both over-the-counter feedback and other client satisfaction surveys, outcomes have been maintained.

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

Social Justice and Equity

Access and Equity—Charter for Public Service in a Culturally Diverse Society and Workplace Diversity

The performance management framework for social justice and equity strategies identify five key roles for federal agencies—Policy Advisor, Regulator, Purchaser, Provider and Employer.

The major roles of the Registry are as a Provider of services to clients of the Commission and the Registry, and as an Employer. There are some limited Regulator and Purchaser roles.

In terms of its role as a Provider of services, the Registry together with the Commission continues to review and improve internal and technical systems, procedures and services to suit the needs and preferences of its clients. The main focus has been to provide access to as much information as possible via the Commission's web site. The site complies with Australian Government Locator Service (AGLS) metadata standards and BOBBY 'priority one' requirements, and was redesigned to make it more accessible for those using assistive technology to access the Internet - text only options have been included where possible. During 2001-02 a keyword search facility was added to the web site, as well as access to submissions in key cases such as the Safety Net Review.

Information on the Commission's web site is supported by a video (and a booklet) for clients—that is used and distributed by the Registry—to assist applicants to understand the conciliation process used by the Commission with termination of employment applications.

The Commission and Registry maintain networked videoconferencing facilities for the Commission in all seven of the mainland capitals, providing faster and alternate access to the Commission where distance is a factor. In addition, the Commission regularly conducts matters in country locations in order to minimise travel and inconvenience to applicants.

Professional interpreter services are provided, where required, for people appearing before the Commission, as well as informal assistance being available from multi-lingual employees. Details of employees able to assist with informal interpreting with clients are maintained in a voluntary Register of Language and Cultural Skills.

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

Mechanisms, particularly through the Service Charter and team plans, are in place to canvass and address client comments, feedback and complaints.

A survey of employees indicated that they had a good understanding of the APS Values and believed that they and their colleagues upheld them, including the value of sensitivity to the diversity of the Australian public. Several training sessions were conducted for employees in Melbourne regarding understanding the APS Values in practice in their work. When surveyed, employees also believed that the Registry was reasonably good at recognising the diversity of skills, experiences and backgrounds of employees, and selecting employees on the basis of merit.

As an Employer the Registry continues to ensure, through its Workplace Diversity Program, that no discrimination occurs in the employment of people with disabilities or cultural and linguistic diversity. Selection and recruitment guides refer to equity and diversity principles, and members of selection committees have undertaken training where workplace diversity principles have been canvassed in the training.

Team and individual performance planning puts an explicit focus on the APS Values including respect for individual diversity and meeting individual development needs. During 2001-02 the Registry has strengthened the workplace diversity focus in its team and individual performance planning arrangements following a review of progress against the current Workplace Diversity Program, and as a result has put in place a mechanism for a complete evaluation of workplace diversity in 2002-03.

REPORT ON PERFORMANCE

The Registry has reviewed and updated its workplace harassment policy and will undertake refresher training for employees in 2002-03. No formal harassment complaints or informal issues were raised by employees during 2001-02 in respect of disability or language or cultural diversity harassment/concerns.

Contracts with contractors were reviewed and specific requirements to adhere to the APS Values are to be included.

During 2001-02 employees were invited to update or supply diversity information. As a result of the update, the diversity statistics show that the Registry continues to have more ongoing employees from a non-English speaking background and ongoing employees who identify as having a disability, than the rates in the APS as a whole.

Providing Access to People with Disabilities

The Registry's performance against the Commonwealth Disability Strategy is detailed in the following table:

Table 12: Commonwealth Disability Strategy performance 2001-02

Performance indicator	Performance measure	Current level of performance
Regulator Role		
<p>Publicly available information on regulations and quasi-regulations is available in accessible formats for people with disabilities.</p>	<p>100% of publicly available information on regulations and quasi-regulations requested and provided in:</p> <ul style="list-style-type: none"> • accessible electronic formats; • via the Commission web site. <p>Requests for accessible material:</p> <ul style="list-style-type: none"> • in electronic format; • in formats other than electronic; <p>are met within two working days.</p>	<p>Commission web site, which has been redesigned to allow for text only mode, complies with AGLS metadata standard and BOBBY priority one requirements. The following are available on the web site:</p> <ul style="list-style-type: none"> • Workplace Relations Act, Regulations; • Commission Rules, user guide, procedures, hearing lists; • rules of registered organisations; and • certified agreements, awards, decisions, transcripts. <p>For those without Internet access, copies of most information can be supplied on disk or hardcopy.</p> <p>Some requests for information on disk received and information provided same day.</p>
<p>Publicly available regulatory compliance reporting is available in accessible formats for people with disabilities.</p>	<p>90% of publicly available compliance reporting requested and provided in:</p> <ul style="list-style-type: none"> • accessible electronic formats; and • accessible formats other than electronic. 	<p>As above, most public information available via Commission web site, and in electronic or alternate formats.</p> <p>Records of organisations—only available in hardcopy form.</p> <p>No requests received for information in electronic or other accessible formats.</p>

REPORT ON PERFORMANCE

Performance indicator	Performance measure	Current level of performance
Provider Role		
<p>Providers have established mechanisms for quality improvement and assurance.</p>	<p>Evidence of quality improvement and assurance systems in operation.</p>	<p>The Registry seeks feedback from its clients on its service provision, it does not maintain any consultative forums or directly involve external clients in the planning process.</p> <p>Clients are invited to provide comments, suggestions or criticisms via feedback forms on each Registry counter, all feedback and criticism goes directly to the Industrial Registrar.</p> <p>Clients are also able to make complaints directly to staff and the local Team Manager. All feedback and complaints are acknowledged in the team performance planning arrangements as well as action to investigate and resolve complaints or improve procedures.</p>
<p>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.</p>	<p>Established service charter that adequately reflects the needs of people with disabilities in operation.</p>	<p>The Registry currently has a Client <i>Service Charter</i> in place which specifies its roles and its clients.</p> <p>The current service standards do not specify or directly address accessibility for people with disabilities.</p>

Performance indicator	Performance measure	Current level of performance
Provider Role		
Complaints/grievance mechanisms, including access to external mechanisms, in place to address concerns raised about performance.	Established complaints/grievance mechanisms, including access to external mechanisms, in operation.	<p>The Registry has an established complaints process for addressing concerns about Registry performance.</p> <p>Clients are able to make complaints directly to the Industrial Registrar via Client Service Feedback.</p> <p>Clients can raise any complaints regarding services provided by the Registry in matters before the Commission.</p> <p>Clients are able to take complaints to the Commonwealth Ombudsman and the Human Rights and Equal Opportunity Commission.</p> <p>No particular disability related issues have been raised by clients regarding Registry service.</p>
Employer Role		
Employment policies, procedures and practices comply with the requirements of the <i>Disability Discrimination Act 1992</i> .	Number of employment policies, procedures and practices that meet the requirements of the <i>Disability Discrimination Act 1992</i> .	All current employment policies, procedures and practices meet the requirements of the <i>Disability Discrimination Act 1992</i> .
Recruitment information for potential job applicants is available in accessible formats on request.	<p>100% of recruitment information for ongoing employment provided in:</p> <ul style="list-style-type: none"> • accessible electronic formats; and • accessible formats other than electronic; <p>within two working days.</p>	<p>All recruitment information for ongoing employment available in hardcopy and via the Internet, or in other electronic form.</p> <p>No requests for other accessible formats received.</p>

REPORT ON PERFORMANCE

Performance indicator	Performance measure	Current level of performance
Employer Role		
Agency recruiters and managers apply the principle of reasonable adjustment.	Percentage of recruiters and managers provided with information on reasonable adjustment.	Those employees involved in the recruitment process and managers are aware of their responsibilities to make reasonable adjustment.
Training and development programs consider the needs of staff with disabilities.	100% of training and development programs that consider the needs of staff with disabilities.	Adjustment and accommodation on all training for staff with disabilities.
Training and development programs include information on disability issues as they relate to the content of the program.	100% of training and development programs will include information on the APS Values and disability issues as they relate to the program.	80% of training and development programs included information on APS Values and disability issues as they relate to the program.
Complaint/grievance mechanism, including access to external mechanisms, in place to address issues and concerns by staff.	Established complaints/grievance mechanisms, including access to external mechanisms in operation.	<p>Workplace Harassment Contact Officers are available to assist staff with information and support in making complaints. No issues of a disability nature have been raised during 2001-02.</p> <p>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.</p> <p>No formal complaints of a disability nature have been made in 2001-02.</p>

Management & Accountability

Corporate Governance

Senior Management

The Industrial Registrar, Mr Peter Richards, oversees the implementation of the principles and objectives of corporate governance in the Registry. He is assisted in his corporate governance responsibilities by the General Manager, Statutory Services Branch, Mr Terry Nassios and the Director, Corporate Services Team, Mr Dennis Mihelyi.

The Industrial Registrar is also assisted in corporate governance matters by a Contracts Management Committee and an Audit Committee.

Corporate and Operational Plans and Associated Performance Reporting and Review

The Registry's goals and identified customers are outlined in a broad corporate plan, which also broadly identifies the reputation and organisational qualities the Registry is seeking—the corporate plan document together with the APS Values provide a framework for Registry team and individual performance management arrangements.

At the micro level, the detail on the specific operations, activities, outcomes and outputs of the Registry is contained in team and individual performance plans. Each plan is required to identify performance measures/indicators against five key APS Values identified by the Registry as being particularly relevant and applicable to the greater proportion of its day-to-day operations and the employees involved therein. Not every APS Value is included in the performance planning template as, in a small agency such as the Registry, many are best given effect at the corporate level. Teams and individual employees can, however, include any other APS Value in a plan if it assists with the organisation of the disparate functions they might undertake.

In addition to the above performance planning arrangements, the Registry has a service charter, a workplace diversity program as required by s.18 of the PS Act, an occupational health and safety agreement as required by s.16 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, a new

MANAGEMENT & ACCOUNTABILITY

three-tiered financial management framework implemented pursuant to the FMA Act (which comprises Industrial Registrar Instructions, Resource Management Guidelines and a number of procedure manuals; see also page 108), and a range of strategies (although not in single specific documents) relating to operational considerations such as information management and technology, training and development, etc.

Performance at a corporate level is reported through prescribed annual reporting, SOS and workplace diversity requirements, other external reports such as the portfolio budget statements, a constant array of central agency surveys, ANAO surveys/performance audits, and through responses to Parliamentary questions.

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

Fraud Control

In accordance with *Commonwealth Fraud Control Guidelines*, the Registry has developed a *Fraud Control Plan*. The plan was prepared subsequent to an extensive fraud risk assessment of the Registry's significant functions and activities, as well as a review of controls to assess the adequacy of control procedures for those activities assessed as having higher risk of inherent fraud.

The *Fraud Control Plan* describes the controls in place to prevent, detect and deter fraud in the high risk activities identified in the fraud risk assessment. It also 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* and the *Public Service Commissioner's Directions 1999*; and the new Registry financial management framework emanating from the FMA Act), Registry 'ethics' are governed by internal advices/guidelines including the *Procedures for Determining Breaches of The APS Code of Conduct*, a *Policy for*

the Use of Email and Internet Systems and a Receipt of Gifts and Other Benefits policy, and the specific requirement to address 'ethics' matters against the five key APS Values contained in team and individual performance plans.

During 2001-02, the Registry again reconsidered its team and individual performance management arrangements. The outcome was some fine tuning to the planning template to strengthen the focus on workplace diversity and employment decision-making, particularly as it relates to the issue of equity. The key APS Values, against which the Registry requires each team and individual to provide specific performance indicators, are reflected as follows:

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

Each plan must contain specific performance indicators that address the issues of ethical standards and personal and professional conduct. The performance indicators in team and individual plans are evaluated biannually, and such evaluations also require feedback from others—that is, teams and individuals are required to seek survey comments from peer groups (other teams) and client groups, including the Commission.

The Registry's 'ethics' framework is readily available to all employees through the CST intranet.

Senior Executive Service (SES) Employees Remuneration

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

External Scrutiny

Judicial Decisions and Administrative Reviews

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

Auditor-General's Reports

Auditor-General Audit Reports released during the year and having an implication for the Registry, as well as other APS agencies, were:

Assurance and Control Assessment Audits:

- Audit Report No. 8, 2001-02, Disposal of Infrastructure, Plant and Equipment;
- Audit Report No. 10, 2001-02, Management of Bank Accounts by Agencies;
- Audit Report No. 19, 2001-02, Payroll Management;
- Audit Report No. 25, 2001-02, Accounts Receivable;
- Audit Report No. 27, 2001-02, Agency Management of Software Licensing 2001-2002;
- Audit Report No. 33, 2001-02, Senate Order of 20 June 2001 (February 2002);
- Audit Report No. 34, 2001-02, Management of Travel—Use of Taxis;
- Audit Report No. 45, 2001-02, Recordkeeping; and

- Audit Report No. 53, 2001-02, Goods and Services Tax Administration by Commonwealth Organisations.

Financial Control and Administration Audits:

- Audit Report No. 12, 2001-02, Selection, Implementation and Management of Financial Management Information Systems in Commonwealth Agencies; and
- Audit Report No. 52, 2001-02, Internal Budgeting.

Financial Statements Audits:

- Audit Report No. 29, 2001-02, Audits of the Financial Statements of Commonwealth Entities for the Period Ended 30 June 2001 (21 December 2001); and
- Audit Report No. 67, 2001-02, Control Structures as Part of the Audit of Financial Statements of Major Commonwealth Entities for the Year Ending 30 June 2002.

Information Services Audits:

- Audit Report No. 28, 2001-02, An Analysis of the Chief Financial Officer Function in Commonwealth Organisations (21 December 2001);
- Audit Report No. 36, 2001-02, Benchmarking Implementation and Production Costs of Financial Management Information Systems (13 March 2002);
- Audit Report No. 61, 2001-02, Managing People for Business Outcomes; and
- Audit Report No. 62, 2001-02, Benchmarking the Finance Function Follow-on Report.

Performance Audits:

Audit Report No. 13, 2001-02, Internet Security within Commonwealth Agencies (20 September 2001); and

MANAGEMENT & ACCOUNTABILITY

Audit Report No. 18, 2001-02, Performance Information in Portfolio Budget Statements (1 November 2001).

Recommendations made in the above audit reports have been noted and appropriate Registry actions both for the immediate and longer term discussed in the context of team and individual performance management plans.

The Registry was one of the six agencies involved in Audit Report No. 19 dealing with payroll management. The ANAO advised the Registry that it had an adequate control environment in place, given the small size of its operations. The majority of recommendations related to ways in which the Registry could continue to ensure that it approaches better practice, and the Registry has progressively put in place a number of changes addressing the recommendations. The Registry has also responded to ANAO general surveys and questionnaires.

Management of Human Resources

Registry Premises

The Registry has a Principal Registry located in Melbourne and a Registry in each other capital city. In Adelaide, Perth and Brisbane, 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 these locations continue to be employed by the Registry—those employees identified as being located in South Australia, Western Australia or Queensland are therefore Associates.

Note: Commencing from this year's annual report (2001-02), all staffing tables will now show total employee numbers (ongoing or non-ongoing, paid or unpaid). In previous annual reports, consistent with then requirements, only paid employees were included. The 30 June 2001 figures from the 2000-01 annual report have been adjusted to include unpaid employees as at 30 June 2001.

Deployment of Employees

There were 205 Registry employees as at 30 June 2002, geographically deployed as follows:

Table 13: Geographic deployment of employees

Location	No. of employees*	
	30 June 2001	30 June 2002
Victoria	126	132
New South Wales	54	50
Australian Capital Territory	4	5
Tasmania	3	3
Northern Territory	3	3
South Australia	2	2
Western Australia	1	5
Queensland	3	5
Total	196¹	205²

1: Excludes Industrial Registrar (a statutory appointment under s.67 of the Act) and includes 8 employees on long-term leave without pay.

2: Excludes Industrial Registrar (a statutory appointment under s.67 of the Act) and includes 5 employees on long-term leave without pay.

* Figures include part-time employees expressed as whole numbers.

The five ongoing employees on long-term leave without pay as at 30 June 2002 were primarily associated with parental/family responsibilities—three in Victoria and two in New South Wales.

MANAGEMENT & ACCOUNTABILITY

Table 14: Registry staffing by functional area

Functional area	30 June 2001	30 June 2002
Industrial Registrar	1*	1*
Statutory Services Branch		
Executive Team	5	7
Research, Information & Advice Teams (Melbourne)	17	17
Information Management & Technology Team	34	33
Victoria Service Team	53	60
New South Wales Service Team	53	49
Australian Capital Territory Service Team	4	5
Tasmania Service Team	3	3
Northern Territory Service Team	3	3
South Australia Service Team	2	2
Western Australia Service Team	1	5
Queensland Service Team	3	5
Corporate Services Team	17	15
SES Specialist, NSW	1	1
Total	197*	206*

* Includes Industrial Registrar.

Workforce Planning

There was considerable recruitment activity during 2001-02 in the context of total Registry staffing numbers:

- 12 ongoing actions in Victoria, New South Wales and South Australia—nine appointments (six related to Associates or relief Associates), two internal promotions and one internal reassignment of duties;
- 29 non-ongoing actions in Victoria, New South Wales, South Australia, Western Australia and Queensland—20 related to Associates, eight (six in Melbourne and two in Sydney) related to the Graduate Program and other

special projects in the Registry and one in the ACT related to irregular/intermittent engagements associated with short-term Registry relief duties.

Apart from the above actions, there were also a number of extensions of non-ongoing engagements, consistent with the provisions of the PS Act and Public Service Regulations.

The total number of Registry employees at 30 June 2002 (205) as against 30 June 2001 (196) represents an increase in Registry staffing numbers during 2001-02 of nine or 4.4 per cent. In all, 30 new employees (either ongoing or non-ongoing) commenced in the Registry during 2001-02 and remained as at 30 June 2002—this can be represented as a 15 per cent turnover of employees from the employee figures as at 30 June 2001.

Separations

During 2001-02 a total of 21 employees left the Registry—nine ongoing employees and 12 non-ongoing employees. The reasons for separation were:

- resignation—13 (61%);
- voluntary redundancy—1 (5%);
- invalidity retirement—1 (5%);
- voluntary movement to another agency—1 (5%); and
- termination of non-ongoing engagements—5 (24%).

Ongoing Part-Time Work

The number of employees undertaking part-time work increased from three ongoing employees (two females and one male) at 30 June 2001 to five ongoing employees (two females and three males) as at 30 June 2002.

MANAGEMENT & ACCOUNTABILITY

Home Based Work

During 2001-02, the Registry entered into its first home based work (HBW) agreement with an employee combining a return to work with parental responsibilities. The HBW agreement was made consistent with the provisions of the Registry Agreement and complied with all the requirements of a related CST (People and Planning) Advice, in particular the OHS and security requirements.

There is the possibility of a further HBW agreement early in 2002-03 associated with an employee recovering from injury.

Table 15: Registry employees—Gender and employment status by APS classification levels

Classification	Salary range (\$) (as applicable from Registry Agreement)	Ongoing		Non-ongoing		Ongoing part-time		Total
		Men	Women	Men	Women	Men	Women	
SES Band 1		2	0	0	0	0	0	2
Executive Level 2	72 393-84 819	2	2	0	0	0	0	4
Executive Level 1	62 769-67 778	12	3	0	0	1	0	16
APS Level 6	50 180-56 243	23	56	0	1	2	1	83
APS Level 5	45 334-48 070	8	6	4	13	0	0	31
APS Level 4	41 936-44 130	12	14	0	0	0	1	27
APS Level 3	37 415-39 359	7	12	0	7	0	0	26
APS Level 2	33 763-35 504	3	9	1	1	0	0	14
APS Level 1	28 290-31 268	0	2	0	0	0	0	2
Total		69	104	5	22	3	2	205*
Percentage		33.7	50.7	2.4	10.7	1.5	1	100

* Excludes Industrial Registrar.

Table 16: Registry employees—Location and gender by APS classification levels

Classification	VIC		NSW		ACT		TAS		NT		SA		WA		QLD		Total employees			
	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Total	
SES Band 1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	
Executive Level 2	2	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	2	2	4	
Executive Level 1	10	2	2	0	0	1	0	0	0	0	0	0	0	0	0	0	13	3	16	
APS Level 6	18	32	4	19	1	1	1	1	0	1	0	1	0	1	2	25	58	83		
APS Level 5	8	8	4	3	0	0	1	0	0	0	1	0	4	0	2	12	19	31		
APS Level 4	9	11	3	2	0	1	0	0	1	0	0	0	0	0	0	12	15	27		
APS Level 3	4	14	3	4	0	1	0	0	0	0	0	0	0	0	0	7	19	26		
APS Level 2	3	7	1	3	0	0	0	0	0	0	0	0	0	0	0	4	10	14		
APS Level 1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2		
Total	55	77	18	32	1	4	2	1	2	1	2	0	2	0	5	1	4	76	124	205*

* Excludes Industrial Registrar.

Impact and Features of Certified Agreements and Australian Workplace Agreements

The Registry Agreement

As flagged in last year's annual report, Audit Report No. 13 of 2000-01, which dealt with 'Certified Agreements in the Australian Public Service' was looked at as preliminary to considerations regarding Registry agreement-making during 2001-02 (and to the extent applicable given its broad context).

On 11 June 2002 the Commission certified the replacement agreement to the *Australian Industrial Registry (New Directions) Agreement 2000* - the *Australian Industrial Registry (Continuing Change) Agreement 2002* (the Registry Agreement). Considerations on the Registry Agreement commenced with an all staff email on 18 September 2001 inviting suggestions, comments, ideas, etc. Negotiations with the CPSU commenced on 21 November 2001 with in-principle agreement being reached on 20 February 2002, thereafter the Registry sought the required clearance against the policy parameters from the Department of Employment and Workplace Relations (DEWR) (confirmation received on 26 March 2002) and the Minister's approval (received 21 May 2002), and conducted the ballot (closed on 31 May 2002 with 128 for and 28 against).

The aims and objectives of the Registry Agreement reflect the next step/level in the change processes underway in the Registry and in doing so:

- reflect the emphases on the extensive continuing investment in technology particularly CMS (see also page 78), web and other online services, so as to continually improve client service (both to the Commission and externally) and Registry processes;
- continue and strengthen the focus on a performance oriented and team-based approach to the work of the Registry, with an emphasis on results;
- continue the very substantial work flexibilities within a dual broadbanded classification structure;
- maintain and enhance in a small way the suite of family-friendly and flexible working initiatives; and

- re-emphasise the streamlining of processes and transactions, which in turn maximise investments and opportunities, consistent with the APS Values and effective risk management principles.

Beyond the aims and objectives of the Registry Agreement, much of the detail regarding conditions of employment essentially remained the same. The opportunity was taken, however, to:

- update the performance management arrangements consistent with the experience gained over the past two years with the previous agreement and with the new APS management framework (PS Act, etc.) since its inception in December 1999;
- further extend flexibilities associated with the taking of leave;
- increase studies assistance provisions so as to support the Registry's learning organisation principles and strategies in relation to sustained and successful participation in post-secondary and higher education;
- significantly reorder the 'working together' arrangements in response to, and to facilitate, employee working relationships; and
- update allowances.

In last year's annual report there was some commentary on a significant element of the Registry Agreement—the dual broadbanded classification structure of APS Levels 1 to 6 and Executive Levels 1 and 2 (clause 8.6), insofar as it was not operating in its entirety as planned and it was subject to some industrial tensions. The broadbanding arrangements were obviously, therefore, also the subject of discussion during the negotiations on the Registry Agreement. The outcomes of the negotiations and the Registry Agreement have been:

- that Registry employees are now very aware of the work level test (WLT) arrangements and just what it is that is needed to demonstrate both the availability of work at the higher level on an ongoing basis and an individual's ability to perform at that higher level;
- in making a WLT submission employees are also expected to commit to work across a wider skills portfolio both across and within teams; and

MANAGEMENT & ACCOUNTABILITY

- an agreed *Australian Industrial Registry (Continuing Change) Agreement 2002—Review Committee Arrangements* document which clearly outlines that Committee's composition (the Committee that deals with WLT submissions and which now includes a third independent person), how the Committee attends to its deliberations and the review mechanisms associated with any Review Committee determinations/decisions.

The expectation now, at the Registry level, is that the performance progression system (based on individual appraisal) has moved to a more effective footing and the major challenge flagged in last year's report has largely been overcome. Additionally, the further understanding of the review mechanisms available to an employee also provides any employee with the information required to address any individual and personal disappointment that might arise from a Review Committee decision—with this in mind, it is therefore considered that the focus of any tension is now confined to these instances and individual employees.

The negotiations on the Registry Agreement and the resultant communications with all Registry employees also provided the opportunity to re-emphasise the focus on multi-skilled teams managing their corporate and people responsibilities, workloads and outcomes consistent with the considerable flexibilities they have been given by the team and individual performance management arrangements and through the Registry Agreement. For example:

- the team manages its attendance requirements within the flextime arrangements and with a focus on performance/outcomes rather than just 'clocking-up' of hours; and
- team and individual performance is required to acknowledge that team/individual employees do not operate in a vacuum—performance indicators must reflect aspects of working both within and across teams, assisting other teams/individuals in times of demand and informing other teams/individuals where there is a likely impact for that other team arising from operational events occurring within a team.

Scope continues for teams to include in team and individual performance plans a range of non-salary benefits/rewards consistent with the team-based approach

to operational performance, local considerations and the APS Values and Code of Conduct.

Australian Workplace Agreements (AWAs)

During 2001-02, the Registry finalised an *AWA—Policy Guidelines* document. The key objectives of AWAs within the framework of the Registry's overall remuneration policy and subject to the provisions of Part VID of the Act are to:

- provide a package of fair pay and conditions, which also reflect 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 Registry staff (unconditionally, subject only to the requirements of the Act) whose personal circumstances, dispositions or patterns of work are better accommodated within an individual AWA. Registry AWAs are comprehensive agreements which operate completely separately from 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, etc; and
- individualised leave and other personal/family arrangements.

As at 30 June 2002, both SES employees and 36 non-SES employees were on AWAs. All other employees terms and conditions are covered by the Registry Agreement.

Performance Pay

Performance or bonus pay is not a feature of the Registry's remuneration and performance arrangements.

Paypoint progression through the Registry's dual broadbanded classification arrangements is, however, contingent on satisfactory performance through a performance appraisal/assessment process, which requires the completion of an agreed team performance plan and an individual performance team manager or team member plan (see also Registry Agreement above).

Training and Development Strategies

Focus

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

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

Learning is an integral part of each employee's work, is essential for the achievement of best practice customer service and is a joint responsibility of team managers and employees. The individual performance plan enables the team manager together with each of their employees to identify particular career, training/further education and mobility issues applicable for the management of the 'total needs' of the employee.

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

Financial assistance and paid leave to encourage formal skills development and further education has been provided to 21 employees (10.5 per cent of

employees as compared to 8 per cent in 2000-01). Legal, business/management and information technology studies have been the primary areas of formal study.

Outcomes

The major training interventions for 2001-02 have continued the focus of the last several years on improvements in service delivery to the Commission, efficiency of internal processes and interaction with external clients related to effective use of existing and new technology applications.

Foremost has been CMS with its staged implementation from commencement in January 2001:

- Registry employees, particularly Associates, have continued to receive staged and ongoing training in the use of CMS; and
- CMS was again the focus of the 2002 annual Associate Training Forum where all Associates were able to attend one and a half days training in Melbourne in the latest developments in CMS, as well as training to assist in the better use of existing electronic communications, web page development, and the Commission's new 'e-court' and wireless facility.

To support face-to-face training, an 'i.training' site has been created on the Registry intranet and a series of tutorials, delivered via 'Flash' movies, can be accessed on an expanding range of information technology topics, initially various CMS functionalities and processes, and aspects of the Microsoft Office Suite.

The continuing goal of providing information and services through web technology, externally to Commission and Registry clients via the Commission Internet site, and internally to the Commission and Registry employees via the Commission and Registry intranet sites, has meant there has been an ongoing focus for a range of employees developing and enhancing skills in web page development.

Following a survey on information technology training needs, a suite of short training sessions was developed and conducted primarily for employees in Melbourne, but with some sessions conducted in Sydney. Employees from a

MANAGEMENT & ACCOUNTABILITY



The Registry's 'i.training' site provides access to 'training movies' prepared by Registry staff on a range of topics.

number of teams contributed their expertise by conducting sessions on applications in which they had particular skills and knowledge. In support of the on-the-job approach to training, a number of employees have also attended workplace trainer training.

With the ever increasing reliance on information technology, there has also been a priority to maintain and upgrade the skills and knowledge of information technicians to ensure system stability, and to provide an effective problem resolution and help desk service to the Commission and Registry. This has been done through attendance at formal learning, external training seminars and the sharing of knowledge amongst relevant employees.

Apart from technology, the major training challenge in 2001-02 has been in ensuring the availability of quality personal assistance to the Commission. This has been in the form of training in Associate duties both to new Associates, including those employed for the six new Members of the Commission appointed in October 2001, but also to other employees, contractors and Graduate Program participants to ensure that adequate relief is available for Associate absences and support. Twenty-five new Associates, relief Associates and graduates received induction and a modular training program covering Associate duties. During 2001-02 the Associate modular training program was revised and updated along with the Associate handbook.

Further training in 'Dragon' voice recognition software was provided to Commission Members to assist with the quick and timely production of written draft documents.

Graduate Program

Six new participants (four in Melbourne and two in Sydney) were recruited to the annual Graduate Program and commenced in October 2001 (an expansion from two on the 2000-01 program). The Graduate Program seeks to encourage closer cooperation between the legal education and training fraternity and the Commission/Registry and provides for the contracting of law graduates with an interest in labour law and related fields for a non-ongoing, specified term of up to 12 months. The graduates are exposed to all facets of the Commission/Registry—from the processing of applications to the provision of Associate services for Commission Members.

Occupational Health and Safety Performance

The Registry's OHS policy and agreement, made consistent with s.16 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (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 policy/agreement also contains the Registry's operational arrangements relating to employer/employee responsibilities, Designated Work Groups, Health and Safety Representatives (HSR) and OHS committees.

MANAGEMENT & ACCOUNTABILITY

Registry OHS activity is driven by two primary internal sources:

- team and individual plans, which are to contain performance indicators in relation to health and safety under the APS Value heading—'The APS provides a fair, flexible, safe and rewarding workplace'; and
- the quarterly OHS surveys required to be submitted by teams—these surveys generate responses both to specific, immediate issues and the more problematic, longer term issues such as airconditioning, security, etc.

The major external drivers for OHS considerations are Comcare/National Occupational Health and Safety Commission advice, fact sheets and booklets and their web sites, and other articles/journals, as well as press drawing attention to office-based OHS issues e.g. indoor air quality, legionnaire's disease, etc.

The OHS folder on the CST intranet site contains an increasing range of OHS material of particular relevance to the Registry as an office-based workplace, Registry policy and procedures related to matters such as manual handling, eyesight testing, first aid, incident/accident reporting systems, etc, the OHS survey compilations, *Officewise* workstation set-up, eye exercises, the Employee Assistance Program, etc.

In 2001-02 the more significant OHS considerations included:

- further upgrading of security arrangements, particularly for Commission Members and Associates—installation of a proxy card system to replace code locks in Melbourne, and upgrades to access/counter arrangements in Hobart, Melbourne and Sydney;
- building related matters:
 - emergency/evacuation procedures as a response to the 11 September World Trade Centre incident;
 - fire warden training also took place in Melbourne and a first ever fire drill was conducted in Sydney;
 - indoor air quality/airconditioning and the ever present issue of legionnaire's disease;

- a Registry response to building related matters has been to develop a 'building matrix' for each Commission/Registry occupied building and itemise the building services (air, lifts, emergency procedures, security, cleaning, etc.), the applicable standards, lease provisions and when required actions are taken/to be taken;
- as a corollary, the Registry is attempting to include in all new leases provisions specifically addressing building matrix matters;
- manual handling particularly in relation to the receipt, delivery and despatch of mail, and court servicing activities—and in conjunction with this further considerations regarding the application of the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations, Part 5—Manual Handling*, the *Approved Code of Practice for Manual Handling* and the *Approved Code of Practice for the Prevention of Occupational Overuse Syndrome*;
- review of various storage arrangements and attending removals or disposals of files (to a storage facility) and excess furniture, equipment and paper records;
- workstation ergonomics associated with a number of both compensable and non-compensable situations;
- an overhaul and repair of all office chairs particularly in relation to castor operability, hydraulics, cleaning, etc;
- the continuation of the influenza vaccination and health assessment programs for Commission Members and Registry employees;
- the further development of first aid arrangements, as arising from FAO network meetings and responses to specific incidents, and, as a consequence, the development of a specific intranet site which contains information relating to FAO's, kits, related advice/information/links and the minutes of FAO meetings; and
- training of IMTT employees in 'working under pressure'.

MANAGEMENT & ACCOUNTABILITY

In 2001-02 there were no incidences of:

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

Purchasing

The Registry's purchasing policies are outlined in the Industrial Registrar Instructions and Resource Management Guidelines which incorporate the principles of the Commonwealth Procurement Guidelines and Best Practice Guidance. 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.

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

Assets Management

The Registry's main asset types are leasehold improvements and computer equipment, the bulk of which is leased. Details of leaseholds can be found in Appendix 4 (Financial Statements) of this report.

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.

Consultants and Competitive Tendering and Contracting

Consultants

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

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

The Registry did not enter into any consultancy contracts with a value of \$10 000 or greater in 2001-02.

Competitive Tendering and Contracting

The Registry's Contracts Management Committee oversees and reviews all contracts. The CMC also approves the contracts and reviews tendering and competitive quotation stages to ensure consistency with tendering and contracting guidelines.

The Registry has the following contracts valued at \$100 000 or more which have not been fully performed or which were entered into during the financial year:

MANAGEMENT & ACCOUNTABILITY

Table 17: Contracts entered into during 2001-02

Name	Description/purpose	Contract start date	Contract end date	Value of contract ^a (\$'000)	Expenditure in 2001-02 (\$'000)
Telstra Corporation Limited	Spectrum fully managed voice telecommunications service	May-02	Jun-04	1 553	87
Qantas	Travel services to AIRC/AIR	Apr-02	Oct-03	1 200	66
Timeline Building Services	Refurbishment of level 36 Melbourne	Feb-02	Aug-02	107	nil
S & H Maintenance Group	Re-painting of the Sydney tenancy	Dec-01	Apr-02	126	126
Kistend Travel	Travel services to AIRC/AIR	Sep-01	May-02	760	760
Department of Registrar, Western Australian Industrial Relations Commission	Provision of registry services to the AIRC/AIR in Western Australia	Jul-01	Jun-03	500	246
Queensland Industrial Relations Commission & Industrial Court	Provision of registry services to the AIRC/AIR in Queensland	Jul-01	Jun-03	560	280
Drake	Overload clerical and switchboard staff in Melbourne	Jul-01	Jun-02	128	128

a: GST exclusive.

b: Annual cost.

c: Commonwealth owned building, no formal lease.

Name	Description/purpose	Contract start date	Contract end date	Value of contract ^a (\$'000)	Expenditure in 2001-02 (\$'000)
KFPW	Property portfolio management services ^b	Jul-01	Jun-02	132	132
McGirr Information Technology Pty Ltd	Case Management System maintenance and enhancements ^b	Jul-01	Jun-02	177	177
National Law Courts Administration	AIRC/AIR property lease in Hobart ^{b c}	Jul-01	Jun-02	247	247
Various	Unfair dismissal conciliators ^b	Jul-01	Jun-02	837	837
ECR Capital Pty Ltd	Leasing of video-conferencing equipment	Jan-01	Jan-04	202	67
Equitech Finance	Leasing of PC roll-out servers	Oct-00	Oct-03	151	50
Equitech Finance	Leasing of PC roll-out personal computers and laptops	Sep-00	Oct-03	1 467	489
Auscript Pty Ltd	Provision of court reporting services to AIRC/AIR	Sep-00	Sep-03	5 177	1 762
Department of Administrative and Information Services (SA)	Provision of registry services and accommodation to the AIRC/AIR in South Australia	May-00	Jun-03	982	480
IPA Group Pty Ltd	Award simplification contractors (formatting/editing)	Mar-98	Dec-02	748	212

a: GST exclusive.

b: Annual cost.

c: Commonwealth owned building, no formal lease.

MANAGEMENT & ACCOUNTABILITY

Name	Description/purpose	Contract start date	Contract end date	Value of contract ^a (\$'000)	Expenditure in 2001-02 (\$'000)
Fuji-Xerox Australia Pty Ltd	Lease of photocopiers and document processors	Jul-98	Jun-02	282	70
Star of Gold Pty Ltd	AIRC/AIR property lease in Canberra	Jun-98	May-08	1 770	178
Leaseplan	Leasing of executive vehicles	Aug-97	Aug-02	3 489	643
Territory Insurance Office	AIRC/AIR property lease in Darwin	Jan-96	Dec-05	1 865	198
Terrace Tower Pty Ltd	AIRC/AIR property lease in Sydney	Jul-95	Jun-05	31 862	3 193
National Mutual Life Association	AIRC/AIR property lease in Perth	Feb-95	Jan-05	2 711	289
QIC & CPQ Limited	AIRC/AIR property lease in Brisbane	Apr-94	Apr-04	5 632	629
Nauru Phosphate Royalties Trust	AIRC/AIR property lease in Melbourne	Jul-93	Jun-03	24 600	2 949
Total					14 295

a: GST exclusive.

b: Annual cost.

c: Commonwealth owned building, no formal lease.

Financial Statements

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.

A summary table of resources showing the reconciliation of outcomes and appropriation elements for 2001-02 can be found at Appendix 3 of this report. The 2001-02 financial statements and accompanying documentation have been published as Appendix 4 of this report.



Compliance Index—Checklist of Reporting Requirements

Letter of Transmittal .....	.69
Aids to Access	
Table of contents .....	.73
Index .....	.227
Glossary of abbreviations and acronyms .....	.213
Glossary of terms .....	.216
Contact officer .....	.72
Home page address .....	.72
Internet address for report .....	.72
Industrial Registrar's Overview .....	.75
Corporate Overview .....	.88
Role and functions .....	.88
Organisational structure .....	.88
Outcome and output structure .....	.89
Portfolio structure .....	.91
Report on Performance .....	.92
Review of performance in relation to outputs and contribution to outcome .....	.75, 92-111
Performance in relation to targets against planned level of achievement .....	.112
Analysis of performance .....	.115
Performance against service standards .....	.75, 81, 116
Social justice and equity .....	.116
Analysis of financial performance .....	.85, 108
Summary table of resources; resources for outcome .....	.155, 203

COMPLIANCE INDEX— CHECKLIST OF REPORTING REQUIREMENTS

Management & Accountability

Corporate governance	123
Senior management	123
Corporate and operational plans and associated performance reporting and review	123
Fraud control	124
Policy and practices on the establishment and maintenance of appropriate ethical standards	124
Senior executive service employees remuneration	126
External Scrutiny	126
Judicial decisions and administrative reviews	126
Auditor-General's reports	126
Management of Human Resources	128
Assessment of effectiveness in managing and developing human resources, see Industrial Registrar's Overview	75
Workforce planning, staff turnover and retention	130
Certified agreements and AWAs	134
Training and development	107, 138
Occupational health and safety performance	107, 141
Statistics on staffing	129-133
Performance pay	138
Purchasing	144
Assets Management	145
Consultants and Competitive Tendering and Contracting	145
Providing Access to People with Disabilities	116, 118
Financial Statements	149, 157
Other Information	
Occupational health and safety	107, 141
Freedom of information	205
Advertising and market research	207
Ecologically sustainable development and environmental performance	208
Discretionary grants	208
Consultancy services	145

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Summary Table of Resources

Reconciliation of Outcome and Appropriation Elements for 2001–02

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

Outcome	A+ Approp Bills Nos 1 & 3 \$'000	B+ Approp Bills Nos 2 & 4 \$'000	C+ Special Approps ^a \$'000	D= Annotated Approps ^b \$'000	E Total for Outcome \$'000	-F Adjustments \$'000	+G Total for Outcome \$'000
1	40 932	0	1 628	266	42 826	(440)	42 386

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

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

c: Other (administered) revenue.

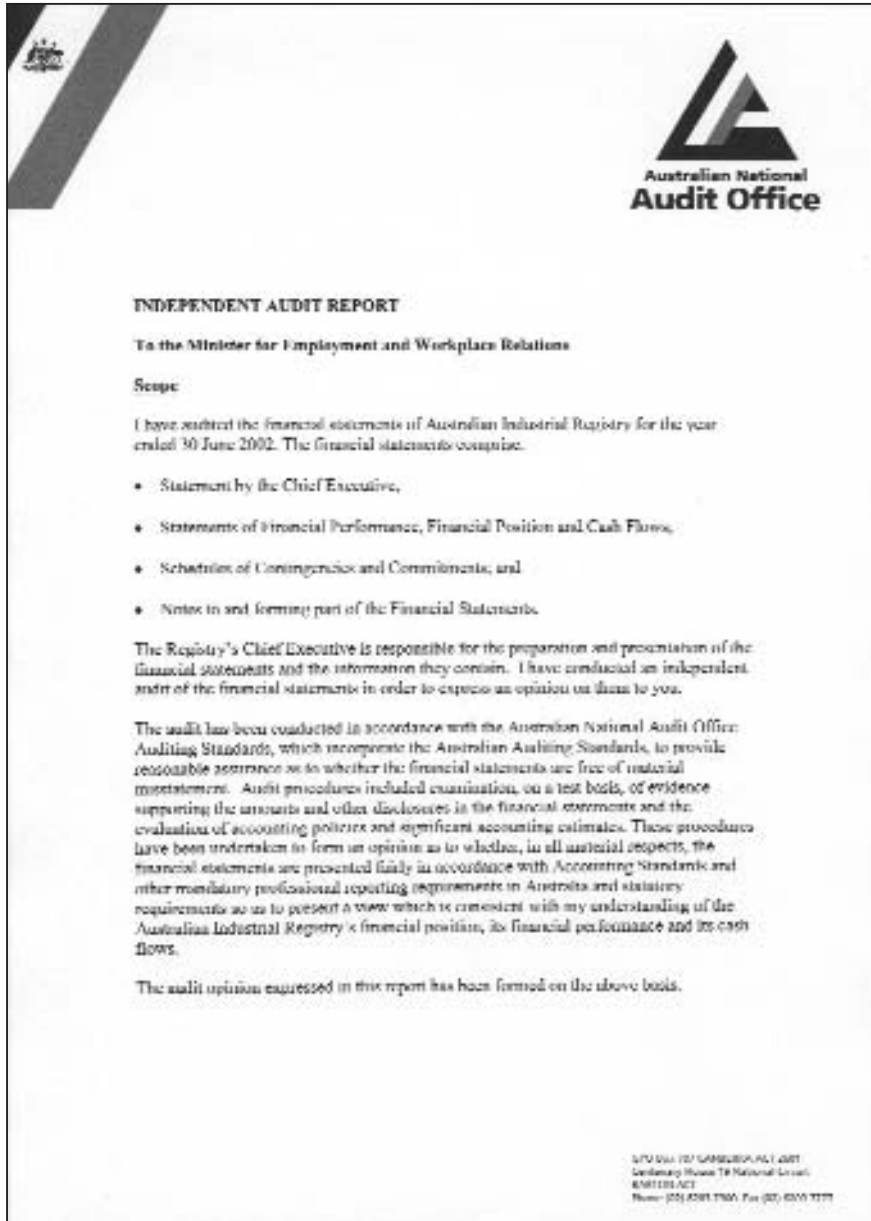
Further information can also be found in Note 20 of the Financial Statements (Appendix 4), and in Resources for Outcome (Appendix 5).



Financial Statements

Independent Audit Report on Financial Statements	158
Statement by the Chief Executive	160
Statement of Financial Performance	161
Statement of Financial Position	162
Statement of Cash Flows	163
Schedule of Commitments	164
Schedule of Contingencies	165
Notes to and forming part of the Financial Statements	166

FINANCIAL STATEMENTS



Audit Opinion

In my opinion the financial statements:

- (i) have been prepared in accordance with Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*; and
- (ii) give a true and fair view, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Finance Minister's Orders, of the financial position of the Australian Industrial Registry as at 30 June 2002, and its financial performance and cash flows for the year then ended.

Australian National Audit Office



Allan M. Thompson
Executive Director

Delegate of the Auditor General

Canberra
20 September 2002

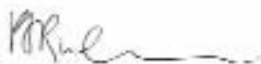
FINANCIAL STATEMENTS

STATEMENT BY THE CHIEF EXECUTIVE

Certification

In my opinion, the attached financial statements of the Australian Industrial Registry for the year ended 30 June 2002 give a true and fair view of the matters required by Schedule 1 to the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*.

Signed



Dated: 13 September 2002

Peter J Richards
Chief Executive

Australian Industrial Registry
STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 30 June 2002

	Notes	2002 \$'000	2001 \$'000
Revenues from ordinary activities			
Revenues from Government	3a	44,132	41,007
Interest	3b	188	112
Other		78	92
		<u>44,398</u>	<u>41,211</u>
Total revenues from ordinary activities			
Expenses from ordinary activities			
Employees	4a	22,291	19,745
Suppliers	4b	18,339	18,603
Depreciation and amortisation	4c	819	842
Write-down of assets	4d	14	64
Disposals of assets	4e	1	9
		<u>41,464</u>	<u>39,263</u>
Total expenses from ordinary activities			
Net operating surplus (deficit) from ordinary activities			
		<u>2,934</u>	1,948
Net surplus (deficit)			
	9	<u>2,934</u>	<u>1,948</u>
Net surplus (deficit) attributable to the Commonwealth			
		<u>2,934</u>	1,948
Net credit (debit) to asset revaluation reserve			
		<u>(75)</u>	-
Total revenues, expenses and valuation adjustments attributable to the Commonwealth and recognised directly in equity			
		<u>(75)</u>	-
Total changes in equity other than those resulting from transactions with owners as owners			
		<u>2,859</u>	<u>1,948</u>

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

FINANCIAL STATEMENTS

Australian Industrial Registry
STATEMENT OF FINANCIAL POSITION
as at 30 June 2002

	Notes	2002 \$'000	2001 \$'000
ASSETS			
Financial assets			
Cash	5a	986	730
Receivables	5b	2,164	268
Investments	5c	4,500	2,500
Total financial assets		7,650	3,498
Non-financial assets			
Land and buildings	6a,d	2,306	2,309
Infrastructure, plant and equipment	6b,d	210	345
Intangibles	6c,d	768	760
Other	6e	790	763
Total non-financial assets		4,074	4,177
Total assets		11,724	7,675
LIABILITIES			
Provisions			
Capital Use Charge		235	-
Employees	7	8,757	7,663
Total provisions		8,992	7,663
Payables			
Suppliers	8	829	733
Total liabilities		9,821	8,396
NET ASSETS		1,903	(721)
EQUITY			
Capital		1,860	1,860
Reserves		194	269
Accumulated surpluses (deficits)		(151)	(2,850)
Total equity	9	1,903	(721)
Current assets		8,440	4,260
Non-current assets		3,284	3,415
Current liabilities		3,785	6,836
Non-current liabilities		6,036	1,560

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

Australian Industrial Registry
STATEMENT OF CASH FLOWS
for the year ended 30 June 2002

	Notes	2002 \$'000	2001 \$'000
OPERATING ACTIVITIES			
Cash received			
Sales of goods and services			
Government		3	6
Non-government		116	113
Appropriations		42,292	40,986
Interest		188	112
GST received from ATO		1,608	1,303
		<u>44,207</u>	<u>42,520</u>
Total cash received		44,207	42,520
Cash used			
Employees		21,173	20,007
Suppliers		19,959	19,949
GST paid to ATO		41	27
		<u>41,173</u>	<u>39,983</u>
Total cash used		41,173	39,983
Net cash from (used by) operating activities	10	<u><u>3,034</u></u>	<u><u>2,537</u></u>
INVESTING ACTIVITIES			
Cash received			
Proceeds from maturity of term deposits		16,300	3,800
		<u>16,300</u>	<u>3,800</u>
Total cash received		16,300	3,800
Cash used			
Purchase of property, plant and equipment		638	714
Purchase of term deposits		18,300	6,300
Purchase of intangibles		140	556
		<u>19,078</u>	<u>7,570</u>
Total cash used		19,078	7,570
Net cash from (used by) investing activities		<u><u>(2,778)</u></u>	<u><u>(3,770)</u></u>
Net increase (decrease) in cash held		256	(1,233)
Cash at the beginning of the reporting period		730	1,963
Cash at the end of the reporting period	5a	<u><u>986</u></u>	<u><u>730</u></u>

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

FINANCIAL STATEMENTS

Australian Industrial Registry
SCHEDULE OF COMMITMENTS
as at 30 June 2002

	Notes	2002 \$'000	2001 \$'000
BY TYPE			
OTHER COMMITMENTS			
Operating leases		<u>22,703</u>	28,940
Total other commitments		<u>22,703</u>	28,940
COMMITMENTS RECEIVABLE			
		<u>(1,626)</u>	(1,940)
Net commitments		<u><u>21,077</u></u>	<u><u>27,000</u></u>
BY MATURITY			
All net commitments			
One year or less		10,345	9,313
From one to five years		10,357	17,312
Over five years		375	375
Net commitments		<u><u>21,077</u></u>	<u><u>27,000</u></u>
Operating lease commitments			
One year or less		11,013	9,924
From one to five years		11,290	18,641
Over five years		400	375
Net commitments		<u><u>22,703</u></u>	<u><u>28,940</u></u>

NB: All commitments are GST inclusive where relevant.

Operating leases included are effectively non-cancellable and comprise:

Nature of lease	General description of leasing arrangement
leases for office accommodation	<ul style="list-style-type: none"> lease payments are subject to either increases in accordance with the CPI or fixed amounts in accordance with the lease agreement.
agreements for the provision of motor vehicles to senior executive officers and Members of the Australian Industrial Relations Commission	<ul style="list-style-type: none"> leases are part of an operating lease and there are no purchase options available to the Registry.
lease in relation to computer and office equipment	<ul style="list-style-type: none"> the lessors provide all computer and office equipment in accordance with the lease agreements.

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

Australian Industrial Registry
SCHEDULE OF CONTINGENCIES
as at 30 June 2002

	Notes	2002 \$'000	2001 \$'000
CONTINGENT LOSSES		-	-
CONTINGENT GAINS		-	-
Net contingencies		-	-

There were no unrecognised or contingent liabilities requiring disclosure.

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

FINANCIAL STATEMENTS

Australian Industrial Registry
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
for the year ended 30 June 2002

Note	Description
1	Summary of Significant Accounting Policies
2	Events Occurring after Balance Date
3	Operating Revenues
4	Operating Expenses
5	Financial Assets
6	Non-financial Assets
7	Provisions
8	Payables
9	Equity
10	Cash Flow Reconciliation
11	Remote Contingencies
12	Executive Remuneration
13	Remuneration of Auditors
14	Average Staffing Levels
15	Act of Grace Payments, Waivers and Defective Administration Scheme
16	Financial Instruments
17	Administered Items
18	Appropriations
19	Assets Held in Trust
20	Reporting of Outcome

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the Registry

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

1.2 Basis of Accounting

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

The statements have been prepared in accordance with:

- Finance Minister's Orders (being the *Financial Management and Accountability (Financial Statements 2001-02) Orders*);
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Board;
- other authoritative pronouncements of the Board; and
- Consensus Views of the Urgent Issues Group.

The statements have also been prepared having regard to the Explanatory Notes to Schedule 1, and Finance Briefs issued by the Department of Finance and Administration.

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

Assets and liabilities are recognised in the Statement of Financial Position when and only when it is probable that future economic benefits will flow

FINANCIAL STATEMENTS

and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an Accounting Standard. Liabilities and assets which are unrecognised are reported in the Schedule of Commitments and the Schedule of Contingencies (other than remote contingencies, which are reported at **Note 12**).

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

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

Administered revenues, expenses, assets and liabilities and cash flows reported in **Note 17** are accounted for on the same basis and using the same policies as for Agency items, except where otherwise stated at **Note 1.18**.

1.3 Changes in Accounting Policy

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

1.4 Revenue

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

(a) Revenues from Government

The full amount of the appropriation for departmental outputs for the year (less any savings offered up at Additional Estimates and not subsequently released) is recognised as revenue. This is a change in accounting policy caused by the introduction of a new requirement to this effect in the Finance Minister's Orders. (In 2000-01, output appropriations were

recognised as revenue to the extent the appropriations had been drawn down from the Official Public Account).

The change in policy had no financial effect in 2001-02 as the full amount of the output appropriation for 2000-01 had been drawn down in that year.

(b) Resources Received Free of Charge

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

Contributions of assets at no cost of acquisition or for nominal consideration are recognised at their fair value when the asset qualifies for recognition, unless received from another government agency as a consequence of a restructuring of administrative arrangements (**Refer to Note 1.5**).

(c) Other Revenue

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

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

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

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

FINANCIAL STATEMENTS

1.5 Transactions by the Government as Owner

From July 2001, Appropriations designated as 'Capital - equity injections' are recognised directly in Contributed equity according to the following rules determined by the Finance Minister:

- to the extent that the appropriation is not dependent on future events, as at 1 July; and
- to the extent that it is dependent on specified future events requiring future performance, on drawdown.

(In 2000-01, all equity injections were recognised as contributed equity on drawdown).

The change in policy has no financial effect in 2001-02 because the full amounts of the equity injections in both 2000-01 and 2001-02 met the criteria now required by the Finance Minister.

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

1.6 Employee Entitlements

(a) Leave

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

The liability for annual leave reflects the value of total annual leave entitlements of all employees at 30 June 2002 and is recognised at the nominal amount.

The long service leave is based on the Registry's estimated liability at balance date of the long service leave entitlements of its employees, which have been calculated in accordance with Department of Finance and Administration guidelines. Employees (bar Presidential Members) accrue 3 months long service leave after 10 years service, and progressively thereafter on a proportional basis. The non-current portion of the liability for long service leave is recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at 30 June 2002 with between 3 and 10 years service. In determining the present value of the liability, the Registry has taken into account attrition rates and pay increases through promotion and inflation.

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

(b) Separation and Redundancy

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

(c) Superannuation

Staff of the Registry and Commissioners of the Australian Industrial Relations Commission ("Commission") contribute to the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme. Employer contributions amounting to **\$1,598,641** (2000-01 \$1,531,975) in relation to these schemes have been expended in these financial statements.

FINANCIAL STATEMENTS

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

Employer Superannuation Productivity Benefit contributions totalled **\$380,947** (2000-01 \$339,865).

(d) Judges' Pensions

Presidential Members of the Australian Industrial Relations Commission are members of the Judges' pension scheme under the Judges' Pensions Act 1968. The fund, as at 30 June 2002, was carrying liabilities for members benefits which exceeded the schemes assets. The Registry recognises a liability in its financial statements for the unfunded superannuation relating to its Presidential Members. Based on an estimate provided by the Australian Government Actuary the Registry has brought to account the liability of **\$39.5m** and recognised the existence of a receivable of the same value from the Commonwealth Government.

1.7 Leases

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

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

At 30 June 2002 the Registry did not hold any finance leases.

1.8 Cash

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

1.9 Financial Instruments

Accounting policies for financial instruments are stated at **Notes 16 & 17**.

1.10 Acquisition of Assets

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

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

1.11 Property, Plant and Equipment

Asset Recognition Threshold

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

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

FINANCIAL STATEMENTS

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

* includes both internally developed and externally acquired software.

Revaluations

Property, plant and equipment are revalued progressively in accordance with the 'deprival' method of valuation in successive 3-year cycles, so that no asset has a value greater than three years old.

The Registry has revalued all its assets during 2001-02. Property (leasehold improvements), plant and equipment are measured at their depreciated replacement cost. Where assets are held which would not be replaced or are surplus to requirements, measurement is at net realisable value. At 30 June 2002, the Registry had no assets in this situation.

Valuation of leasehold improvements was undertaken by the Australian Valuation Office. Valuation of other classes of assets is at Director's valuation.

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

Recoverable Amount Test

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

Depreciation and Amortisation

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

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

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

	2002	2001
Leasehold improvements	Lease term	Lease term
Infrastructure, plant and equipment	3 to 10 years	3 to 10 years

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in **Note 4c**.

1.12 Intangibles

The Registry's intangibles comprise internally developed and externally acquired computer software. These assets are carried at cost.

The carrying amount of each non-current intangible asset is reviewed to determine whether it is in excess of the asset's recoverable amount. If an excess exists as at the reporting date, the asset is written down to its recoverable amount immediately. In assessing recoverable amounts, the relevant cash flows, including the expected cash inflows from future appropriations by the Parliament, have been discounted to their present value.

No write down to recoverable amount has been made in 2001-02.

FINANCIAL STATEMENTS

Intangible assets are amortised on a straight-line basis over their anticipated useful lives.

Useful lives are:

Intangibles—computer software * **3 to 10 years** 3 to 10 years

* Includes both internally developed and externally acquired computer software.

1.13 Taxation

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

1.14 Capital Usage Charge

A capital usage charge of 11% (2000-01 12%) is imposed by the Commonwealth on the net departmental assets of the Registry.

1.15 Insurance

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

1.16 Comparative Figures

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

1.17 Rounding

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

- act of grace payments and waivers;
- remuneration of executives;
- remuneration of auditors; and
- appropriation note disclosures.

1.18 Reporting of Administered Activities

Administered revenues, expenses, assets, liabilities and cash flows are presented in the Notes to these financial statements. In 2000-01, summary information was presented in Schedules following the primary Agency statements. Either presentation is permitted by AAS 29 Financial Reporting by Government Departments.

Accounting policies for administered items are as stated in **Note 1.2** above.

These financial statements do not report the receipt of administered appropriation from the Official Public Account (OPA) as administered revenues, nor are transfers of administered receipts to the OPA reported as administered expenses. This change in 2001-02 acknowledges that the administered activities of agencies are performed on behalf of the Commonwealth Government and it is not appropriate to identify resources transferred between administered activities of different agencies as revenues and expenses of the Administered entity. Generally, therefore, the notes to these financial statement do not report any transactions or balances that are internal to the Administered entity. One exception is the disclosure of administered cash flows, since cash transferred between the OPA and the Registry's bank account is necessary for the completeness of the cash flow disclosures.

FINANCIAL STATEMENTS

Accounting policies which are relevant to the Registry's administered activities only are disclosed below.

Revenue

All administered revenues are revenues relating to core operating activities performed by the Registry on behalf of the Commonwealth.

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

Note 2: Events Occurring after Balance Date

There were no significant events that occurred after 30 June 2002 but prior to the signing of the financial statements.

Note 3: Operating Revenues

	2002 (‘000)	2001 (‘000)
Note 3a – Revenues from Government		
Appropriations for outputs	44,112	40,986
Resources received free of charge	<u>20</u>	<u>21</u>
	<u>44,132</u>	<u>41,007</u>
Note 3b – Interest		
Interest on deposits	<u>188</u>	<u>112</u>
	<u>188</u>	<u>112</u>

Note 4: Operating Expenses

	2002 (‘000)	2001 (‘000)
--	----------------	----------------

Note 4a – Employee Expenses

Remuneration (for services provided)		
Salary and wages	16,975	14,649
Employer contribution for employee superannuation	1,990	1,872
Provisions for employee entitlements	1,913	1,613
Separation and redundancy	42	291
Total remuneration	<u>20,920</u>	<u>18,425</u>
Other employee expenses	1,371	1,320
Total employee expenses	<u>22,291</u>	<u>19,745</u>

Note 4b – Supplier Expenses

Operating lease rentals	6,882	6,995
Supply of goods and services	11,457	11,608
Total	<u>18,339</u>	<u>18,603</u>

Note 4c – Depreciation and Amortisation

Depreciation - leasehold improvements	612	584
Depreciation - property, plant and equipment	75	172
Amortisation - computer software	132	86
Total depreciation and amortisation	<u>819</u>	<u>842</u>

Note 4d – Write Down of Assets

Non-financial assets		
Property, plant and equipment - revaluation decrement	14	-
Leasehold improvements - disposal	-	64
	<u>14</u>	<u>64</u>

Note 4e – Proceeds and Expense from Sales of Assets

Non-financial assets - Plant and equipment		
Expenses associated with sale	1	9
	<u>1</u>	<u>9</u>

FINANCIAL STATEMENTS

Note 5: Financial Assets

	2002 ('000)	2001 ('000)
Note 5a – Cash		
Cash at bank	933	673
Advance accounts	47	49
Cash on hand	6	8
	<u>986</u>	<u>730</u>
Note 5b – Receivables		
Appropriation receivable	1,800	-
Members and Registry staff	11	35
Suppliers	-	70
GST receivable	353	163
	<u>2,164</u>	<u>268</u>
All receivables are current assets.		
Receivables (gross) are aged as follows:		
Not overdue	2,162	203
Overdue by:		
Less than 30 days	-	-
30 to 60 days	-	-
60 to 90 days	2	65
More than 90 days	-	-
	<u>2</u>	<u>65</u>
Total receivables (gross)	<u>2,164</u>	<u>268</u>
Note 5c – Investments		
Term deposits (current)	4,500	2,500
	<u>4,500</u>	<u>2,500</u>

Note 6: Non-financial Assets

	2002 ('000)	2001 ('000)
Note 6a – Land and Buildings		
Leasehold improvements - at 2002 valuation	13,756	-
Accumulated amortisation	(11,450)	-
	<u>2,306</u>	-
Leasehold improvements - at 1999 valuation	-	12,416
Accumulated amortisation	-	(10,797)
	-	<u>1,619</u>
Leasehold improvements - at cost	-	515
Accumulated amortisation	-	(28)
	-	<u>487</u>
Leasehold improvements - work in progress	-	203
Total Land and Buildings	<u><u>2,306</u></u>	<u><u>2,309</u></u>

The revaluations were in accordance with the revaluation policy stated at Note 1 and were completed by an independent valuer (Australian Valuation Office). Revaluation increments of \$102,437 were made to the asset revaluation reserve.

Note 6b – Infrastructure, Plant and Equipment

Infrastructure, plant and equipment - at 2002 valuation	1,776	-
Accumulated depreciation	(1,566)	-
	<u>210</u>	-
Infrastructure, plant and equipment - at 1999 valuation	-	804
Accumulated depreciation	-	(518)
	-	<u>286</u>
Infrastructure, plant and equipment - at cost	-	179
Accumulated depreciation	-	(120)
	-	<u>59</u>
Total Plant and Equipment	<u><u>210</u></u>	<u><u>345</u></u>

The revaluations were in accordance with the revaluation policy stated at Note 1 and were completed by Registry officers with appropriate qualifications and experience. Revaluation decrements of \$190,775 were made (\$177,177 were made to the asset revaluation reserve and \$13,598 were expensed).

FINANCIAL STATEMENTS

	2002 ('000)	2001 ('000)
Note 6c – Intangibles		
Computer software - at cost	1,000	860
Accumulated amortisation	(232)	(100)
	<u>768</u>	<u>760</u>
Internally developed software - work in progress	-	-
Total Intangibles	<u><u>768</u></u>	<u><u>760</u></u>

Note 6d – Analysis of Property, Plant, Equipment and Intangibles

Item	Leasehold improvements \$'000	Plant and equipment \$'000	Intangibles \$'000	Total \$'000
Gross value as at 1 July 2001	13,134	983	860	14,977
Additions: purchases of assets	506	132	140	778
Disposals	-	(1)	-	(1)
Revaluations: write-ups	115	662	-	777
Gross value as at 30 June 2002	13,756	1,776	1,000	16,532
Accumulated Depreciation/amortisation charge for assets held 1 July 2001	10,825	638	100	11,563
Depreciation/amortisation charge for year	612	75	132	819
Revaluations: write-ups	13	853	-	866
Accumulated Depreciation/amortisation as at 30 June 2002	11,450	1,566	232	13,248
Net book value as at 30 June 2002	2,306	210	768	3,284
Net book value as at 1 July 2001	2,309	345	760	3,414

	2002 ('000)	2001 ('000)
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Note 6e – Other Non-Financial Assets

Prepayments	<u>790</u>	<u>763</u>
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All other non-financial assets are current assets.

Note 7: Provisions

Note 7a – Employee Provisions

Salaries and wages	695	342
Superannuation	55	50
Annual leave	2,365	2,250
Leave bonus	35	35
Long service leave	2,884	2,722
Judges' long leave	<u>2,723</u>	<u>2,264</u>
Aggregate employee entitlement liability	<u>8,757</u>	<u>7,663</u>
Current	2,721	6,103
Non-current	6,036	1,560

Note 8: Payables

Note 8a – Supplier Payables

Trade creditors	<u>829</u>	<u>733</u>
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All payables are current liabilities.

FINANCIAL STATEMENTS

Note 9: Equity

Item	Capital*		Accumulated results		Asset revaluation reserve		Total Equity	
	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000
Opening balance 1 July	1,860	1,860	(2,850)	(4,798)	269	269	(721)	(2,669)
Operating result	-	-	2,934	1,948	-	-	2,934	1,948
Net revaluation increment/(decrement)	-	-	-	-	(75)	-	(75)	-
Capital use charge	-	-	(235)	-	-	-	(235)	-
Closing balance 30 June	1,860	1,860	(151)	(2,850)	194	269	1,903	(721)

* represents carry-over of appropriation at 30 June 1999

Transactional banking arrangements introduced from 1 July 1999 enabled agencies to manage their surplus cash balances and earn interest on them. Reviews are being conducted by the Department of Finance and Administration with each agency to determine whether interest earned to 30 June 2002 was consistent with the Government's Budget-neutrality condition for the arrangements. However, as at the date of signing these statements, no decision has been made by the Government of the amount, if any, of the distribution of equity to be made to it by the Australian Industrial Registry.

Note 10: Cash Flow Reconciliation

	2002	2001
	\$'000	\$'000
Reconciliation of cash per Statement of Financial Position to Statement of Cash Flows:		
Cash at year end per Statement of Cash Flows	986	730
Statement of Financial Position items comprising above cash - 'Financial Asset - Cash'	986	730
Reconciliation of net surplus (deficit) to net cash from operating activities:		
Net surplus (deficit)	2,934	1,948
Depreciation/amortisation	819	843
Profit on sale of non-current assets	-	-
Loss on sale of non-current assets	1	9
Write down of assets (disposals)	-	64
Write down of assets (revaluation)	13	-
Asset adjustment	-	(9)
Decrease (increase) in net receivables	(1,896)	(238)
Decrease (increase) in other assets	(27)	103
Increase (decrease) in accounts payable	96	43
Increase (decrease) in employee provisions	1,094	(226)
Net cash from (used by) operating activities	<u>3,034</u>	<u>2,537</u>

Note 11: Remote Contingencies

As at 30 June 2002 there were no unrecognised or contingent liabilities requiring disclosure.

FINANCIAL STATEMENTS

Note 12: Executive Remuneration

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

	2002	2001
\$100,000 to \$110,000	-	-
\$110,001 to \$120,000	-	-
\$120,001 to \$130,000	-	-
\$130,001 to \$140,000	-	1
\$140,001 to \$150,000	-	2
\$150,001 to \$160,000	1	1
\$160,001 to \$170,000	-	-
\$170,001 to \$180,000	1	-

The aggregate amount of total remuneration of executives shown above.

\$328,579 \$443,616

The aggregate amount of separation and redundancy payments during the year to executives shown above.

Nil \$115,918

Accounting policy changed to include only executives involved in the management of the affairs of the Registry in accordance with Schedule 1 of the Finance Minister's Orders 2001-02.

Note 13: Remuneration of Auditors

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

	2002	2001
	\$	\$
Australian National Audit Office Provision of audit services	<u>20,000</u>	<u>21,000</u>

No other services were provided by the Auditor-General.

Note 14: Average Staffing Levels

	2002	2001
Average staffing levels were as follows:		
Presidential Members	19.2	15.2
Commissioners	26.1	26.6
Registry staff	<u>192.1</u>	<u>185.7</u>
	<u>237.4</u>	<u>227.5</u>

Note 15: Act of Grace Payment and Waivers

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

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

FINANCIAL STATEMENTS

Note 16: Financial Instruments**Note 16a – Terms, Conditions and Accounting Policies**

Financial Instrument	Notes	Accounting Policies and Methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms & conditions affecting the amount, timing and certainty of cash flows)
<i>Financial Assets</i>		Financial assets are recognised when control over future economic benefits is established and the amount of the benefit can be reliably measured.	
Cash – deposits at call	5a	Deposits are recognised at their nominal amounts. Interest is credited to revenue as it accrues.	Interest is earned on the daily balance. Rates have averaged 3.8% for the year (2000-01: 3.6%). Interest is paid 3 monthly for at call deposits and at maturity for term deposits.
Receivables for goods and services	5b	These receivables are recognised at the nominal amounts due less any provision for bad and doubtful debts. Collectability of debts is reviewed at balance date. Provisions are made when collection of the debt is judged to be less rather than more likely.	Credit terms are: Registry staff – net 14 days. Other creditors – net 30 days.

Financial Instrument	Notes	Accounting Policies and Methods (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms & conditions affecting the amount, timing and certainty of cash flows)
<i>Financial Liabilities</i>			
Trade creditors	8	<p>Financial liabilities are recognised when a present obligation to another party is entered into and the amount of the liability can be reliably measured.</p> <p>Creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).</p>	<p>All creditors are entities that are not part of the Commonwealth legal entity. Settlement is usually made net 30 days.</p>

FINANCIAL STATEMENTS

Note 16b – Credit and Interest Rate Risk – Agency

Financial Instrument	Notes	Floating Interest Rate		Fixed Interest Rate Maturing In 1 Year or less		Floating Interest Rate		Non-Interest Bearing		Total		Weighted Average Effective Interest Rate	
		2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 \$'000	2001 \$'000	2002 %	2001 %
Financial Assets													
Cash at bank	5a	986	730	-	-	986	730	-	-	986	730	3.8	3.6
Receivables	5b	-	-	-	-	-	-	2,164	268	2,164	268	n/a	n/a
Term deposits	5c	-	-	4,500	2,500	4,500	2,500	-	-	4,500	2,500	n/a	n/a
Total Financial Assets		986	730	4,500	2,500	5,486	3,230	2,164	268	7,650	3,498		
Total Assets										11,724	7,675		
Financial Liabilities													
Trade creditors	8	-	-	-	-	-	-	829	733	829	733	n/a	n/a
Total Financial Liabilities		-	-	-	-	-	-	829	733	829	733		
Total Liabilities										9,821	8,396		

Note 16c – Net Fair Values of Financial Assets and Liabilities

	Notes	2002		2001	
		Total carrying amount \$'000	Aggregate net fair value \$'000	Total carrying amount \$'000	Aggregate net fair value \$'000
Agency Financial Assets					
Cash at bank	5a	986	986	730	730
Receivables	5b	2,164	2,164	268	268
Term deposits	5c	4,500	4,500	2,500	2,500
Total Financial Assets		<u>7,650</u>	<u>7,650</u>	<u>3,498</u>	<u>3,498</u>
Financial Liabilities (Recognised)					
Trade creditors	8	829	829	733	733
Total Financial Liabilities (Recognised)		<u>829</u>	<u>829</u>	<u>733</u>	<u>733</u>

Financial assets

The net fair values of cash and non-interest bearing monetary financial assets approximate their carrying amounts.

Financial liabilities

The net fair values for trade creditors are approximated by their carrying amounts.

FINANCIAL STATEMENTS

Note 17: Administered Items

	2002 (‘000)	2001 (‘000)
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Note 17a – Revenues Administered on Behalf of Government for the year-ended 30 June 2002**Revenues****Other taxes, fees and fines**

Termination of employment lodgment fees	335	352
Less refunds of termination of employment lodgment fees	<u>(183)</u>	<u>(170)</u>

Total	<u>152</u>	<u>182</u>
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Sale of Goods and Services

Award sales	125	168
Sale of rules	4	10
Fees and other miscellaneous	<u>30</u>	<u>8</u>

Total	<u>159</u>	<u>186</u>
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Total Revenues Administered on Behalf of Government	<u>311</u>	<u>368</u>
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Note 17b – Expenses Administered on Behalf of Government for the year-ended 30 June 2002**Expenses****Pensions**

<i>Judges’ Pensions Act 1968</i>	<u>1,628</u>	<u>1,601</u>
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Total Expenses Administered on Behalf of Government	<u>1,628</u>	<u>1,601</u>
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	2002 ('000)	2001 ('000)
Note 17c – Assets Administered on Behalf of Government for the year-ended 30 June 2002		
Financial Assets		
Cash		
Cash	<u>6</u>	<u>7</u>
Total	<u>6</u>	<u>7</u>
Receivables		
Government Contributions for Superannuation*	<u>39,500</u>	<u>36,600</u>
Total	<u>39,500</u>	<u>36,600</u>
Receivables (gross) are aged as follows:		
Not overdue	<u>39,500</u>	<u>36,600</u>
Total receivables (gross)	<u>39,500</u>	<u>36,600</u>
Total Assets Administered on Behalf of Government	<u><u>39,506</u></u>	<u><u>36,607</u></u>

* Represents the Commonwealth Government obligation to meet the costs of the Registry's unfunded superannuation liability (refer also Note 17d).

Note 17d – Liabilities Administered on Behalf of Government for the year-ended 30 June 2002

Payables		
Judges' Pensions*	<u>39,547</u>	<u>36,600</u>
Award sales - payments received in advance	<u>38</u>	<u>54</u>
Appropriation Payable	<u>4</u>	<u>2</u>
Other - GST payable	<u>-</u>	<u>-</u>
	<u>42</u>	<u>56</u>
Total Liabilities Administered on Behalf of Government	<u><u>39,589</u></u>	<u><u>36,656</u></u>

* Represents the Registry's unfunded superannuation liability for Presidential Members under the *Judges' Pensions Act 1968* (refer also Note 17c).

FINANCIAL STATEMENTS

	2002 ('000)	2001 ('000)
Note 17e – Administered Cash Flows for the year-ended 30 June 2002		
OPERATING ACTIVITIES		
Cash received		
Sales of goods and services	152	182
Other taxes, fees & fines	113	182
Other receipts	32	4
Cash from Official Public Account	<u>1,756</u>	<u>1,777</u>
Total cash received	2,053	2,145
Cash used		
Personal benefits	1,580	1,601
Cash to Official Public Account	<u>474</u>	<u>543</u>
Total cash used	2,054	2,144
Net cash from (used in) operating activities	<u>(1)</u>	<u>1</u>
Net increase (decrease) in cash held	<u>(1)</u>	<u>1</u>
Cash at the beginning of the reporting period	<u>7</u>	<u>6</u>
Cash at the end of the reporting period	<u><u>6</u></u>	<u><u>7</u></u>

Note 17f – Administered Commitments as at 30 June 2002

As at 30 June 2002 there were no commitments requiring disclosure.

Note 17g – Administered Contingencies as at 30 June 2002

As at 30 June 2002 there were no unrecognised or contingent liabilities requiring disclosure.

Note 17h – Administered Financial Instruments

a) Terms, conditions and accounting policies

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

FINANCIAL STATEMENTS

Note 17h – Administered Financial Instruments

b) Interest Rate Risk

Financial Instrument	Notes	Floating Interest Rate		Non-Interest Bearing		Total		Weighted Average Effective Interest Rate	
		01-02	00-01	01-02	00-01	01-02	00-01	01-02	00-01
		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	%	%
Financial Assets									
Cash at bank	20a	-	-	6	7	6	7	n/a	n/a
Total Financial Assets (Recognised)		-	-	6	7	6	7		
Total Assets						39,506	36,607		
Financial Liabilities									
Unearned revenue	21b	-	-	38	54	38	54	n/a	n/a
Other	21b	-	-	4	2	4	2	n/a	n/a
Total Financial Liabilities (Recognised)		-	-	42	56	42	56		
Total Liabilities						39,589	36,656		

Note 17h – Administered Financial Instruments

c) Net Fair Values of Administered Financial Assets and Liabilities

	Notes	2002		2001	
		Total carrying amount \$'000	Aggregate net fair value \$'000	Total carrying amount \$'000	Aggregate net fair value \$'000
Administered Financial Assets					
Cash at bank	20a	<u>6</u>	<u>6</u>	<u>7</u>	<u>7</u>
Total Financial Assets		<u><u>6</u></u>	<u><u>6</u></u>	<u><u>7</u></u>	<u><u>7</u></u>
Financial Liabilities (Recognised)					
Unearned revenue	21b	<u>38</u>	<u>38</u>	54	54
Other (appropriation)	21b	<u>4</u>	<u>4</u>	<u>2</u>	<u>2</u>
Total Financial Liabilities (Recognised)		<u><u>42</u></u>	<u><u>42</u></u>	<u><u>56</u></u>	<u><u>56</u></u>

FINANCIAL STATEMENTS

Note 18: Appropriations**Note 18a – Appropriation Acts (No. 1/3) 2001-02**

	Administered Expenses \$	Agency Outputs \$	Total \$
Year Ended 30 June 2002			
Balance carried from previous year	6,896	3,229,236	3,236,132
Appropriation for reporting period (Act 1)	1,755,976	44,112,000	45,867,976
Appropriation for reporting period (Act 3)	-	-	-
GST credits (FMA s.30A)	-	1,567,290	1,567,290
Annotations to 'net appropriations' (FMA s.31)	-	266,041	266,041
Other Annotations	496,199	-	496,199
Available for payments	2,259,071	49,174,567	51,433,638
Payments made	2,253,122	41,888,665	44,141,787
Balance carried to next year	5,949	7,285,902	7,291,851
Year Ended 30 June 2001			
Available for Payments	2,150,931	44,429,535	46,580,466
Payments made 2001	2,144,035	41,200,299	43,344,334
Balance carried forward to 1 July 2001	6,896	3,229,236	3,236,132

FMA = *Financial Management and Accountability Act 1997*.

Act 1 = Appropriation Act (No. 1) 2001-02.

Act 3 = Appropriation Act (No. 3) 2001-02.

Note 18b – Appropriation Acts (No. 2/4) 2001-02

	Administered \$	Capital \$	Total \$
Year Ended 30 June 2002			
Balance carried from previous year	-	-	-
Appropriation for reporting period (Act 2)	-	-	-
Appropriation for reporting period (Act 4)	-	-	-
Available for payments	-	-	-
Payments made	-	-	-
Balance carried to next year	-	-	-
Year Ended 30 June 2001			
Available for Payments	-	-	-
Payments made 2001	-	-	-
Balance carried forward to 1 July 2001	-	-	-

Act 2 = Appropriation Act (No. 2) 2001-02.

Act 4 = Appropriation Act (No. 4) 2001-02.

Note 18c – Special Appropriations (Unlimited Amount)

	Administered 2002 \$	Administered 2001 \$
<i>Judges' Pensions Act 1968</i>		
Budget estimate	1,685,000	1,579,000
Payments made	1,574,393	1,607,238
Refunds credited (section 30)	-	-

FINANCIAL STATEMENTS

Note 19: Assets Held in Trust**Comcare Trust Account**

Purpose - moneys held in trust and advanced to the Registry by COMCARE for the purpose of distributing compensation payments made in accordance with the *Safety Rehabilitation and Compensation Act 1998*.

	Trust Money Comcare Trust Account	
	2002 \$	2001 \$
Balance carried forward from previous year	-	-
Receipts during the year	-	-
Available for payments	-	-
Payments made	-	-
Balance carried forward to next year	-	-

Note 20: Reporting of Outcome**Note 20a – Total Cost/Contribution of Outcome (Whole of Government)**

	2002 Budget ('000)	2002 Actual ('000)	2001 Budget ('000)	2001 Actual ('000)
Net subsidies, benefits and grants expenses	(656)	(311)	(729)	(368)
Other administered expenses	1,685	1,628	1,579	1,601
Total net administered expenses	1,029	1,317	850	1,233
Add Net cost of entity outputs	44,294	41,198	41,168	39,059
Net Cost to Budget Outcome	45,323	42,515	42,018	40,292

Reporting by Outcome (cont.)

Note 20b – Major Departmental Revenues and Expenses by Output Group

	Output Group 1.1		Output Group 1.2		Output Group 1.3		Total	
	2002 Actual \$'000	2001 Actual \$'000	2002 Actual \$'000	2001 Actual \$'000	2002 Actual \$'000	2001 Actual \$'000	2002 Budget \$'000	2001 Actual \$'000
Operating Revenues								
Revenues from Government	40,751	37,707	2,761	2,459	600	820	44,112	40,986
Sale of goods and services	246	188	17	12	3	4	266	204
Other non-taxation revenue	18	19	1	1	1	-	27	21
Total operating revenues	41,015	37,914	2,779	2,473	604	824	44,294	41,211
Operating Expenses								
Employees	20,593	18,165	1,395	1,185	303	395	22,386	19,745
Suppliers	16,942	17,097	1,148	1,115	249	372	20,652	18,584
Other	770	859	52	56	12	19	1,256	934
Total operating expenses	38,305	36,122	2,595	2,356	564	785	44,294	39,263

FINANCIAL STATEMENTS

Note 20c – Major Classes of Departmental Assets and Liabilities by Output Group

The Registry's assets and liabilities cannot be attributed to specific output groups.

Note 20d – Major Classes of Administered Revenues and Expenses by Outcome

	Outcome 1	
	2002 Actual \$'000	2001 Actual \$'000
Operating Revenues		
Fees and fines	152	182
Other	159	186
Total operating revenues	311	368
Operating Expenses		
Judges' Pensions	1,628	1,601
Total operating expenses	1,628	1,601

Note 20e – Major Classes of Administered Assets and Liabilities by Outcome

	Outcome 1	
	2002 Actual \$'000	2001 Actual \$'000
Outcome Specific Administered Assets		
Government contributions for superannuation	39,500	36,600
Total Outcome Specific Administered Assets	39,500	36,600
Other Administered Assets		
Cash	6	7
Total Other Administered Assets	6	7
Outcome Specific Administered Liabilities		
Judges' Pensions	39,547	36,600
Total Outcome Specific Administered Liabilities	39,547	36,600
Other Administered Liabilities		
Other	42	56
Total Other Administered Liabilities	42	56

Resources for Outcome

	(1) Budget* 2001-02 \$'000	(2) Actual Expenses 2001-02 \$'000	Variation (2)-(1) \$'000	Budget** 2002-03 \$'000
Administered Expenses				
<i>Judge's Pension Act 1968</i>	1 685	1 628	(57)	1 947
Other administered revenue	0	(440)	(440)	0
Total administered expenses	1 685	1 188	(497)	1 947
Price of Agency Outputs				
Output Group 1.1 Agreement awards, orders and decisions	40 727	38 305	(2 422)	41 972
Output Group 1.2 Registered organisations, compliance checks and investigations	2 539	2 595	56	2 737
Output Group 1.3 Publications and information services	846	564	(282)	913
Revenue from Government (appropriations) for agency outputs	44 112	41 464	(2 648)	45 622
Revenue from other sources	182	(266)	(448)	176
Total price of outputs	44 294	41 198	(3 096)	45 798
Total for outcome (Total price of outputs and administered expenses)	45 979	42 386	(3 593)	47 745
	No.	No.	No.	No.
Average staffing level	244	237	(7)	248

* Full-year budget, including additional estimates.

**Budget prior to additional estimates.



Information on Other Specific Requirements

Freedom of Information

Introduction

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

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

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

Categories of Documents

The Industrial Registrar and Deputy Industrial Registrars are exempt from the provisions of the *Freedom of Information Act 1982* in respect of non-administrative matters. Documents of an administrative nature fall into the following categories:

Publications

Copies of awards, orders, decisions and agreements issued by the Australian Conciliation and Arbitration Commission and, since 1 March 1989, the Australian Industrial Relations Commission, are available for purchase through Registry offices, either individually or by subscription (from Subscriptions, IMTT, Australian Industrial Registry, GPO Box 1994S, Melbourne, Victoria 3001). A variety of

INFORMATION ON OTHER SPECIFIC REQUIREMENTS

publications can also be accessed on the Commission's home page at <http://www.airc.gov.au>.

Commonwealth Arbitration Reports (CARs) (published volumes cover the periods 1904 to 1986 and 1991 to August 1993) can be inspected at offices of the Registry.

Financial Returns of Registered Organisations

Financial returns 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 will be made available on payment of a prescribed fee.

Files

Commission files (other than files relating to applications for relief in respect of termination of employment), Organisations' files and Board of Reference files can be made available at any office of the Registry unless determined otherwise by a Member of the Commission or the Industrial Registrar. Photocopies will be made available on payment of a prescribed fee.

Freedom of Information Procedures and Initial Contact Points

Many of the documents of the Registry which are prepared or held under provisions of the 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 35, Nauru House, 80 Collins Street, Melbourne, Victoria 3000 or Industrial Registrar, GPO Box 1994S, Melbourne, Victoria 3001, telephone (03) 8661 7765. Reading facilities will be made available at any Registry by arrangement.

The Registry also acts as the initial contact point for any inquiries relating to the Commission.

Freedom of Information Requests

There were no requests received during the reporting period.

Advertising and Market Research

In accordance with s.311A of the *Commonwealth Electoral Act 1918*, the principal officer of every Commonwealth agency is required to include a statement in their annual report setting out particulars of all amounts paid by, or on behalf of, the agency during the reporting period to:

- advertising agencies;
- market research organisations;
- direct mail organisations;
- media advertising agencies; and
- persons or organisations to whom those amounts were paid.

The Registry spent \$69 326 on advertising during the 2001-02 reporting period.

Supplier	Amount \$ ^a	Purpose
Department of Communications	7 935	Statutory requirements arising from the Act in relation to registered organisations and common rules in Territories; recruitment and other advertising.
Info Products	5 635	Statutory requirements arising from the Act in relation to registered organisations and common rules in Territories and other advertising.
Public Service and Merit Protection Commission	1 825	Advertising in the Public Service Gazette.
Starcom Worldwide	32 815	Statutory requirements arising from the Act in relation to registered organisations and common rules in Territories and other advertising.
Starcom Worldwide	21 116	Recruitment advertising.
Total	69 326	

a: GST exclusive.

INFORMATION ON OTHER SPECIFIC REQUIREMENTS

The Registry did not commission or pay for any market research during the 2001-02 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.

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*
<http://law.ausinfo.gov.au/html/pasteact/0/70/top.htm>;
- OSIRIS (maintained by DEWR)—www.osiris.gov.au—includes the full text of federal awards, variations, certified agreements and decisions of the AIRC. All inquiries should be directed to DEWR via email on the OSIRIS site;
- AUSTLII and SCALEPLUS—for access to Australian law e.g. High Court of Australia judgments see either: <http://law.ausinfo.gov.au/Welcome.html>—SCALEPLUS or <http://www.austlii.edu.au>—AUSTLII. Industrial and Labour Law Project—<http://www.austlii.edu.au/au/special/industrial/>—contains various information relating to industrial and labour law by jurisdiction and includes special resources on topical issues, e.g. the Australian Waterfront Dispute 1998;
- Department of Employment and Workplace Relations—<http://www.dewr.gov.au>—contains fact sheets and user guides, covering termination of employment, ‘agreement making’ and ‘industrial action and compliance’; the *Workplace Relations Act 1996*, the Workplace Relations Regulations and Explanatory Memorandum;
- WageNet (Office of Workplace Services)—<http://www.wagenet.gov.au>—assists users to determine whether their award coverage is federal or State. Users are then directed to the appropriate State department site or OSIRIS. An email facility is available to lodge inquiries online with advisors in your State or Territory;
- Office of the Employment Advocate (OEA)—<http://www.oea.gov.au>—includes basic information regarding Australian workplace agreements, development and lodging procedures;

RELATED INTERNET SITES

- National Library of Australia, law on the Internet—<http://www.nla.gov.au/oz/law.html>—is a good starting point for clients wishing to access Australian law;
- All federal government departments and agencies—enables searching of all relevant web sites—<http://www.fed.gov.au>;
- Federal Court—<http://www.austlii.edu.au/au/other/fca/>;
- High Court—<http://www.hcourt.gov.au/>;
- Department of the Registrar, Western Australia Industrial Relations Commission—<http://www.wa.gov.au/wairc/>;
- Attorney-General's Department, Window on the Law—<http://law.gov.au/>—for legal information including SCALEPLUS.

Documents Contributing to an Understanding of the Work of the Commission & Registry

Major documents contributing to an understanding of the work of the Australian Industrial Relations Commission and the Australian Industrial Registry are:

- *Workplace Relations Act 1996* (as amended);
- *Workplace Relations Regulations 1996* (as amended);
- Australian Industrial Relations Commission Rules;
- Australian Industrial Registry Procedures Manual;
- Australian Industrial Relations Commission/Australian Industrial Registry Annual Reports 2000–2001;
- *Australian Industrial Registry (Continuing Change) Agreement 2002*;
- Australian Industrial Registry Service Charter;
- Australian Industrial Registry Workplace Diversity Program;
- Award Simplification Resource Book [2002];
- Workplace Relations and Small Business Portfolio Budget Statements 2001–2002;
- Australian Industrial Relations Commission General Information Brochure; and
- Australian Industrial Relations Commission Historical Overview Brochure.



Glossaries

Glossary of Abbreviations and Acronyms

ACIRRT	Australian Centre for Industrial Relations Research and Training
Act	<i>Workplace Relations Act 1996</i>
AFMEPKIU	Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union
AGSM	Australian Graduate School of Management
AIR	Australian Industrial Registry
AIRAANZ	Association of Industrial Relations Academics of Australia and New Zealand
AIRC	Australian Industrial Relations Commission
ALRA	Association of Labor Relations Agencies
ANAO	Australian National Audit Office
APS	Australian Public Service
APSC	Australian Public Service Commission
AusAID	Australian Agency for International Development
AWA	Australian workplace agreement
AWU	The Australian Workers' Union
CAR	Commonwealth Arbitration Report
CEPU	Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia
CFMEU	Construction, Forestry, Mining and Energy Union
CLR	Commonwealth Law Report
CMC	Contracts Management Committee
CMS	Case Management System
Commission	Australian Industrial Relations Commission
CPSU	CPSU, the Community and Public Sector Union
CST	Corporate Services Team
DEWR	federal Department of Employment and Workplace Relations
DIR	Deputy Industrial Registrar

GLOSSARIES

email	electronic mail system
FAO	first aid officer
FMA Act	<i>Financial Management and Accountability Act 1997</i>
FMIS	financial management information system
GST	goods and services tax
HBW	home based work
HREOC	Human Rights and Equal Opportunity Commission
HSR	health and safety representative
ILO	International Labor Organisation
IMTT	Information Management and Technology Team
IR	industrial reports
IR Act	<i>Industrial Relations Act 1988</i>
IRSV	Industrial Relations Society of Victoria
ISP	Internet service provider
IT	information technology
LAN	local area network
OHS	occupational health and safety
OHS Act	<i>Occupational Health and Safety (Commonwealth Employment) Act 1991</i>
OSIRIS	Australian industrial relations information site
PS Act	<i>Public Service Act 1999</i>
RCC	Registry Consultative Committee
Registry	Australian Industrial Registry
Registry Agreement	<i>Australian Industrial Registry (Continuing Change) Agreement 2002</i>
RIAT	Research, Information and Advice Teams
s.	section of an Act
ss.	sections of an Act
SDA	Shop, Distributive and Allied Employees Association

SES	senior executive service
VST	Victoria Service Team
WAN	wide area network
WLT	work level test
WR Act	<i>Workplace Relations Act 1996</i>
WROLA Act	<i>Workplace Relations and Other Legislation Amendment Act 1996</i>

GLOSSARIES

Glossary of Terms*

'AG' matters	Matters dealt with by the Commission in relation to agreements including certifying agreements, as well as extending, varying or terminating certified agreements.
AIR Bulletin	Weekly publication produced by the AIR; includes details of procedural changes and developments in the Registry, advice regarding the rights and obligations of organisations registered under the Act and weekly decisions summaries.
Allowable matters	Those matters subject of the relationship between an employer and employees which are considered appropriate for inclusion in federal minimum rates awards. The matters deemed allowable are prescribed by section 89A of the <i>Workplace Relations Act 1996</i> . From 1 July 1998 the Act required that all awards be simplified to the defined set of 20 allowable matters. Matters outside the 20 (except for those matters deemed by the AIRC to be necessary to the operation of the award) are not enforceable after that date.
APS employee	A person engaged under s.22, or a person who is engaged as an APS employee under s.72, of the <i>Public Service Act 1999</i> .
'AR' matters	Matters dealt with by the Registry in relation to the obligations of registered organisations to keep records and lodge returns (other than audited financial reports) in the 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	Commission Member's support staff/personal assistant.
Auscript	Responsible for providing court recording and transcription services to the AIRC/AIR.
Australian Industrial Registry (AIR/Registry)	The body that acts as the registry for the Australian Industrial Relations Commission (AIRC), provides administrative support to the AIRC, keeps a register of organisations and publishes decisions, orders and awards of the Commission.
Australian Industrial Relations Commission (AIRC/Commission)	Exercises a range of powers under the <i>Workplace Relations Act 1996</i> in relation to ensuring the establishment and maintenance of fair minimum wages and conditions of employment, preventing and settling industrial disputes, facilitating agreement making between employers and employees, conciliating and arbitrating claims in relation to unfair dismissal and dealing with matters concerning industrial organisations.
Australian workplace agreement (AWA)	An individual, legally enforceable agreement between an employer and employee about the employee's terms and conditions of employment. AWAs must meet a no disadvantage test (see below) and be approved by the Employment Advocate.
Award simplification	The process by which federal awards are reviewed so that they contain only the prescribed 20 allowable matters (see above) and meet certain other legislative criteria. Any matters not contained in the allowable matters are a matter for agreement between employers and employees at the workplace level.

GLOSSARIES

Awards	Documents that set out the minimum wages and conditions of employees. In some cases awards cover a specific issue such as superannuation or long service leave. The AIRC oversees federal awards, while State industrial tribunals are responsible for State awards. Sometimes, both federal and State awards can apply to the one workplace, although to different classifications of employees.
Board of Reference	Board consisting of two or more persons appointed by the Commission for the purpose of dealing with a matter or matters under an award. May consist of or include a Commissioner.
BOBBY	(trade name/software) A free service to help web page authors identify and repair significant barriers to access by individuals with disabilities.
'BOR' matters	Matters dealt with by a Board of Reference.
'BP' matters	Matters dealt with by the Commission in relation to negotiations for certified agreements including initiation, suspension or termination of a bargaining period.
'C' matters	Matters dealt with by the Commission (other than 'BOR', 'BP', 'D' and 'U' matters) including among others, such matters as notification of industrial disputes, applications to vary an award and appeals to a Full Bench.
Casual employment	Casual employees work on an as-required basis and generally receive a loading on their pay in lieu of certain employment conditions such as paid annual leave and sick leave.

Certified agreement (CA)	A collective agreement covering wages and conditions that can be made directly between an employer and a group of employees or between an employer and a union or unions representing a group of employees.
Common rule	In the Australian Capital Territory and the Northern Territory 'common rule' awards can apply to all employees in a particular industry whether or not their employers are named in the award.
Conciliation	The process by which an independent body attempts to facilitate the resolution of a grievance or dispute by assisting the parties to reach and accept a solution by mutual, voluntary agreement.
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 including such matters as applications for registration of an association as an organisation, the amalgamation of organisations and change to eligibility rules of an organisation.
Decisions summaries	Summaries of federal and State industrial judgments, including industrial judgments of the High Court and Federal Court of Australia.
Designated Presidential Member	A Member of the Organisations Panel.

GLOSSARIES

Discrimination— direct and indirect	<p>Direct discrimination occurs when someone is treated unfairly or less favourably in the same or similar circumstances because, for example, of their gender or race.</p> <p>Indirect discrimination occurs when there is a rule, policy, practice or procedure that is the same for everyone, but has an unequal or disproportionate effect for a specific group of people.</p>
Dragonware	(trade name) Voice recognition software.
'E' matters	Matters dealt with by the 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.
Employment Advocate	A Commonwealth Government agency which assesses and approves AWAs as well as providing assistance and advice to employees and employers about their rights and obligations in relation to AWAs. The Office of the Employment Advocate also has certain powers in relation to alleged contraventions of freedom of association provisions.
Federal minimum wage	The federal minimum wage is the weekly rate of pay below which no full-time adult employee working under a federal award is to be paid. The rate is set by the AIRC and a proportionate amount applies for junior, part-time and casual employees.
'FR' matters	Matters dealt with by the 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 <i>Workplace Relations Act 1996</i> prohibit victimisation or discrimination on various grounds, including a person's membership or non-membership of an industrial association, or the exercise of a person's rights under industrial laws. The provisions abolish preference in employment and compulsory unionism.
Full Bench	A Full Bench of the AIRC is convened by the President and comprises at least three Members, two of whom must be Presidential Members. Full Benches are convened to hear appeals, matters of significant national interest, test cases and various other matters specifically provided for in the Act.
Industry sectors	Documents stating the minimum wage entitlements of Victorian employees not covered by a federal award (see Schedule 1A below.) An industry sector applies to a particular industry in which an employer in Victoria is mainly engaged and incorporates such things as coverage, work classifications and minimum wages.
ISYS Web	(trade name) A full-text retrieval program available on the Commission's web site to search awards, decisions, transcripts, the Workplace Relations Act & Regulations and AIRC Rules by single words, phrases or linked phrases and words.
Log of claims	A list of demands sent by a union to one or more employers demanding particular pay and conditions. It is the first step in the creation of an industrial dispute within the AIRC's jurisdiction. The process of settling the dispute may result in the making or varying of an award.
Member	A Member of the Australian Industrial Relations Commission.

GLOSSARIES

Minimum wage orders	Orders periodically issued by the Commission adjusting minimum wage rates for employees in Victoria not subject to a federal award, certified agreement or AWA. The orders are issued within the framework of industry sectors.
MS Word	(trade name) Microsoft Word, word processing software.
'No-disadvantage' test—for certified agreements and AWAs	The AIRC is required to apply a 'no-disadvantage test' to ensure that when considered as a whole a certified agreement is no less favourable to employees than the relevant award(s) and laws. The Employment Advocate, and in some cases also the AIRC, is required to apply a similar test in assessing AWAs.
Non-ongoing APS employee	An APS employee who is not an ongoing APS employee.
Ongoing APS employee	A person engaged as an ongoing APS employee as mentioned in s.22(2)(a) of the <i>Public Service Act 1999</i> .
OSIRIS	Web site maintained by DEWR featuring the full text of Australian federal awards, agreements, decisions, variations and decisions summaries of the AIRC. (http://www.osiris.gov.au)
Panel system	System by which the work of the AIRC is administered. In general, each panel has a Panel Head (who is a Presidential Member) and at least one Commissioner and is responsible for work in a number of set industries. The President determines the composition of the panels. There is also an Organisations Panel which deals with work relating to registered employee and employer organisations and a Termination of Employment Panel.

Parental leave	Term encompassing maternity leave, paternity leave and adoption leave. It is usually unpaid.
Party	An applicant or respondent, or representative of same, to a proceeding before the AIRC.
Pay As You Earn (PAYE)	PAYE or Pay As You Earn is an instalment tax paying system where employers deduct tax from salary and wages of employees and remit them to the Tax Office.
Personal/carers' leave	Combines entitlements to sick leave, carers' leave and bereavement leave into one entitlement.
Practice Note	Practice Notes are statements issued from time to time by the President dealing with procedural matters concerning the conduct of Commission matters. These Notes do not purport to set out the requirements of the Act, Regulations or Commission Rules.
Prescribed Payments System (PPS)	PPS or Prescribed Payments System is a way for many people who work and earn money under contract to pay their tax by instalments throughout the year.
Presidential Member	The President, a Vice President, a Senior Deputy President or a Deputy President of the AIRC.
Probationary period	An agreed trial period for a new employee, during which dismissal of the employee may be exempt from the federal termination of employment provisions.
<i>Public Service Act 1999 (PS Act)</i>	Principal Commonwealth law providing for the establishment and management of the Australian Public Service (and therefore the employees of the Registry).

GLOSSARIES

'R' matters	Matters dealt with by the 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 Registry in relation to applications by registered organisations for the issue or revocation of a right of entry permit.
Registration as an industrial organisation	Process by which employee and employer organisations formally register as industrial organisations. Registration under the <i>Workplace Relations Act 1996</i> confers certain rights and obligations including the right to appear before the Commission and the obligation to report to the Registry on certain financial matters.
Respondent	A legal term used to describe an employer who is bound by a federal award. The term is also used to refer to a party to a proceeding initiated by someone else.
Right of entry	The legal right of departmental officers and union officials to enter business premises for purposes as described in the <i>Workplace Relations Act 1996</i> .
Safety Net Review	The Safety Net Review, or national wage case, adjusts the minimum wage rates in federal awards. It is essentially a test case and any adjustment awarded is flowed on to other federal awards by application. The decision in such a case may also involve changes to the Commission's wage-fixing principles known as the Statement of Principles.
Schedule 1A	The part of the <i>Workplace Relations Act 1996</i> that sets out the terms and conditions of Victorian employees who are not covered by a federal award (see industry sectors and minimum wage orders above).

Serious misconduct	Conduct by an employee justifying summary dismissal by the employer.
Statement of Principles	Wage-fixing principles established by a Full Bench of the Commission in the Safety Net Review case.
Supported Wage System	The supported wage system facilitates the employment of workers with disabilities in open employment at a rate of pay commensurate with the employee's assessed productive capacity.
Termination of employment	Subject to certain exclusions, employees can apply to the Commission to deal with claims for unfair dismissal (harsh, unjust or unreasonable) or unlawful termination (discriminatory grounds) by conciliation. If conciliation does not resolve the matter and the applicant elects to continue with an unfair dismissal claim, the Commission will arbitrate. Unresolved unlawful termination claims can be pursued in the Federal Court of Australia.
'U' matters	Applications lodged under s.170CE of the Act.
Unified Messenger	(trade name) Software enabling voice messages and facsimiles to be accessed via email and mobile telephones.
Windows	(trade name) Microsoft Windows software.
<i>Workplace Relations Act 1996 (WR Act)</i>	Principal Commonwealth law governing the operations of the Commission and the Registry.

*Note:

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



Index

A

A Ferguson and M French v CSR Limited trading as CSR Humes	30
Abbreviations and Acronyms, Glossary of	213
About the Commission	2
Access,	
and Equity	116
to People with Disabilities, Providing	118
Accountability, Management &	123
Activities of the Commission,	
Overseas	42
Statistics on the	63
Addresses,	
of the AIRC Home Page and Internet address for report	72
of the Commission and Registry	153
Administration Audits, Financial Control and	127
Administrative Reviews, Judicial Decisions and	126
Advertising and Market Research	207
AFMEPKIU,	
Age Company Limited, The v	31
Emwest Products Pty Limited trading as Email Metering v	26
Gunn and Taylor (Aust) Pty Ltd v	35
Age Company Limited, The v AFMEPKIU	31
Analysis of Performance	115
Appeal by the Employment Advocate re <i>Accurate Factory Maintenance Labour Hire Enterprise Agreement 2000–2003</i> and other agreements	28
Appointees,	
Dual	40, 55
Primary	39, 53
Appointments, Members	39
Archive Committee	22
Assets Management	145
Assurance,	111
and Control Assessment Audits	126
Auditor-General's Reports	126

Australian Workers' Union, The and Others, Worley Ltd and Another v . . . . .	.34
Australian Workplace Agreements,	
AIR . . . . .	.137
Certified Agreements and, Impact and Features of . . . . .	.134
Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, see AFMEPKIU	
Award Simplification . . . . .	.18
 B	
Bellchambers C, Mornington Racing Club Inc. v . . . . .	.25
Budget Management . . . . .	.85
 C	
Capital Program . . . . .	.85
Case Flow Measures . . . . .	.67
Case Management System . . . . .	.78
Cash Reserve . . . . .	.85
Certified Agreements and Australian Workplace Agreements, Impact and Features of . . . . .	.134
Charter for Public Service in a Culturally Diverse Society . . . . .	.116
Client Service . . . . .	.81
Coal and Allied Operations Pty Limited v BJ Crawford and Others . . . . .	.27
Commission and Registry Addresses . . . . .	.153
Commission Members,	
Domestic Activities . . . . .	.43
Industry Consultative Councils . . . . .	.45
Other Activities . . . . .	.42
Overseas Activities . . . . .	.42
Professional Development . . . . .	.45
Committee,	
Archive . . . . .	.22
Audit . . . . .	.87, 123
Contracts Management . . . . .	.86, 123
Commonwealth Disability Strategy . . . . .	.116, 118
Competitive Tendering and Contracting . . . . .	.145

Compliance Index—Checklist of Reporting Requirements	151
Conditions of Service and Workplace Relations, AIR	105
Consultants	145
Contact Officer	72
Contents,	iii
AIR	73
AIRC	3
Contract Management,	86
and Purchasing	109
Contracts Management Committee	86
Control Assessment Audits, Assurance and	126
Corporate,	
and Operational Plans and Associated Performance Reporting and Review	123
Governance	123
Overview	88
Services Team	104
Crawford BJ and Others, Coal and Allied Operations Pty Limited v	27
CSR Limited trading as CSR Humes, A Ferguson and M French v	30

D

Databases, Public	49, 80
Decisions of the Commission, see Significant Cases	
Deployment of Employees	129
Development, Training and	107, 138
Disabilities, Providing Access to People with	118
Discretionary Grants	208
Documents,	
Contributing to an Understanding of the Work of the Commission & Registry	211
Published	103
Domestic Activities, Commission Members	43
Dual Appointees	40, 55

E

Ecologically Sustainable Development and Environmental Performance	208
Email Metering, Emwest Products Pty Limited trading as, v AFMEPKIU	26
Employee Provisions	86, 134
Emwest Products Pty Limited trading as Email Metering v AFMEPKIU	26
Equity, Social Justice and	116
Ethical Standards, Policy and Practices on the Establishment and Maintenance of Appropriate	124
External Scrutiny	126
Extranet	81

F

Ferguson A and French M v CSR Limited trading as CSR Humes	30
Financial,	
Control and Administration Audits	127
Services	108
Statements	149, 157
Statements Audits	127
Foreword, AIR	70
<i>Franklins Limited SDA Victoria Agreement 2000</i> , see Significant Cases	
Fraud Control	124
Freedom of Information	205
Full Bench decisions, see Significant Cases	
Full Bench matters	9

G

Geographic,	
Deployment of Employees	129
Location of Proceedings	97
Glossary,	
of Abbreviations and Acronyms	213
of Terms	216
Graduate Program	141
Gunn and Taylor (Aust) Pty Ltd v AFMEPKIU	35

H

Heads of Tribunals Meetings	21
Home Based Work	132
Home Page	47, 48, 72, 79
Human Resources, Management of	128

I

Impact and Features of Certified Agreements and Australian Workplace Agreements	134
Industrial Registrar's Overview	75
Industry Consultative Councils	45
Information, Management and Technology Team	101
on Other Specific Requirements	205
Services Audits	127
Internet,	47, 48
Address	72
Corporate Services Team	105
Home Page	48
Sites, Related	209
Web-Based Case Management/Wireless Network	79
Introduction, AIRC	5

J

Judicial Decisions and Administrative Reviews	126
---	-----

K

Kittochside Nominees Pty Ltd, WJ Morgan v	36
---	----

L

Liaison, Public	49, 111
-----------------------	---------

M

Management,	
& Accountability	.123
Assets	.145
Budget	.85
Contract	.86, 109
of Human Resources	.128
Senior	.123
Team and Performance	.106
Tenancy	.109
Market Research, Advertising and	.207
Media Liaison	.49
Members, see also Commission Members,	.39, 53, 55
Appointments	.39
Dual Appointees	.40, 55
Panels	.41
Resignations	.40
Morgan WJ v Kittochside Nominees Pty Ltd	.36
Mornington Racing Club Inc. v C Bellchambers	.25

N

New Technology	.47
<i>Northern Territory Public Sector (General Conditions of Service)</i> <i>Award 2000, see Significant Cases</i>	

O

Occupational Health and Safety	.107, 141
Ongoing Part-Time Work	.131
Online Resources, Other	.81
Operational Plans, Corporate and, and Associated Performance Reporting and Review	.123
Organisational Structure	.88
Organisations,	
Matters	.66
Panel	.21, 62

Other Online Resources	.81
Outcome and Output Structure	.89
Overseas,	
Commission Members	.42
Visitors	.49
Overview,	
AIRC	.7
Corporate	.88
P	
Panels	.41, 57
Part-Time Work, Ongoing	.131
<i>Pastoral Industry Award 1998</i> , see Significant Cases	
Performance,	
Analysis of	.115
Audits	.127
Commonwealth Disability Strategy	.119
Ecologically Sustainable Development and Environmental	.208
in Relation to Targets	.112
Management	.106, 123
Pay, AIR	.138
Reporting and Review	.92, 123
Policy and Practices on the Establishment and Maintenance of	
Appropriate Ethical Standards	.124
Portfolio Structure	.91
Primary Appointees	.53
Professional Development, Commission Members	.45
Public,	
Affairs & New Technology	.47
Databases	.49, 80
Liaison and Awareness	.111
Purchasing,	.144
Contract Management and	.109

R

Reconciliation of Outcomes and Appropriation Elements	155
Registration, Application for, Striptease Artists Australia Incorporated, see Significant Cases	
Registry,	
Addresses	153
Agreement	105, 134
Premises	128
Related Internet Sites	209
Remote Access Network	81
Report on Performance	92
Reporting Requirements, Compliance Index—Checklist of	151
Research, Information and Advice Teams	98
Resignations, Members	40
Resources,	
for Outcome	203
Summary Table of	155

S

Safety Net Review—Wages May 2002, see Significant Cases	
<i>Saizeriya Australia Employment Agreement 2001</i> , see Significant Cases	
Senior,	
Executive Service Employees Remuneration	126
Management, AIR	123
Separations, AIR	131
Service Teams, State and Territory	92
Significant Cases,	
A Ferguson and M French v CSR Limited trading as CSR Humes	30
Age Company Limited, The v AFMEPKIU	31
Appeal by the Employment Advocate re <i>Accurate Factory Maintenance Labour Hire Enterprise Agreement 2000–2003</i> and other agreements	28
Coal and Allied Operations Pty Limited v BJ Crawford and Others	28
Emwest Products Pty Limited trading as Email Metering v AFMEPKIU	26
Re <i>Franklins Limited SDA Victoria Agreement 2000</i>	29
Gunn and Taylor (Aust) Pty Ltd v AFMEPKIU	35

Significant Cases—continued	
Mornington Racing Club Inc. v C Bellchambers	.25
Re <i>Northern Territory Public Sector (General Conditions of Service) Award 2000</i>	.31
Re <i>Pastoral Industry Award 1998</i>	.23
Safety Net Review—Wages May 2002	.33
Re <i>Saizeriya Australia Employment Agreement 2001</i>	.33
Striptease Artists Australia Incorporated—Application for Registration	.38
WJ Morgan v Kittochside Nominees Pty Ltd	.36
Worley Ltd and Another v The Australian Workers' Union and Others	.34
Re Victorian Minimum Wage Orders	.23
Social Justice and Equity	.116
State and Territory Service Teams	.92
Statistics on the Activities of the Commission	.63
Statutory Services Branch	.92
Striptease Artists Australia Incorporated—Application for Registration, see Significant Cases	
Structure,	
Organisational	.88
Outcome and Output	.89
Portfolio	.91
Summary Table of Resources	.155
T	
Targets, Performance in Relation to	.112
Team and Performance Management	.106
Technology, New	.47
Tenancy Management	.109
Termination of Employment Matters	.12
Training and Development	.107, 138
Travel	.109
Tribunals Meetings, Heads of	.21

V

Victoria Service Team	76, 82
Victorian Minimum Wage Orders, see Significant Cases	
Visitors, Overseas	49

W

Web-Based Case Management/Wireless Network	79
WJ Morgan v Kittochside Nominees Pty Ltd	36
Work,	
Home Based	132
of the Commission	7
Part-Time	131
Workforce Planning	130
Workload,	
Indicators and Outcomes, AIR	93
Statistics on the Activities of the Commission	63
Workplace,	
Diversity	116
Relations	105
Worley Ltd and Another v The Australian Workers' Union and Others	34

Y

Year in Summary, AIR	75
----------------------	----