

annual report **2024**

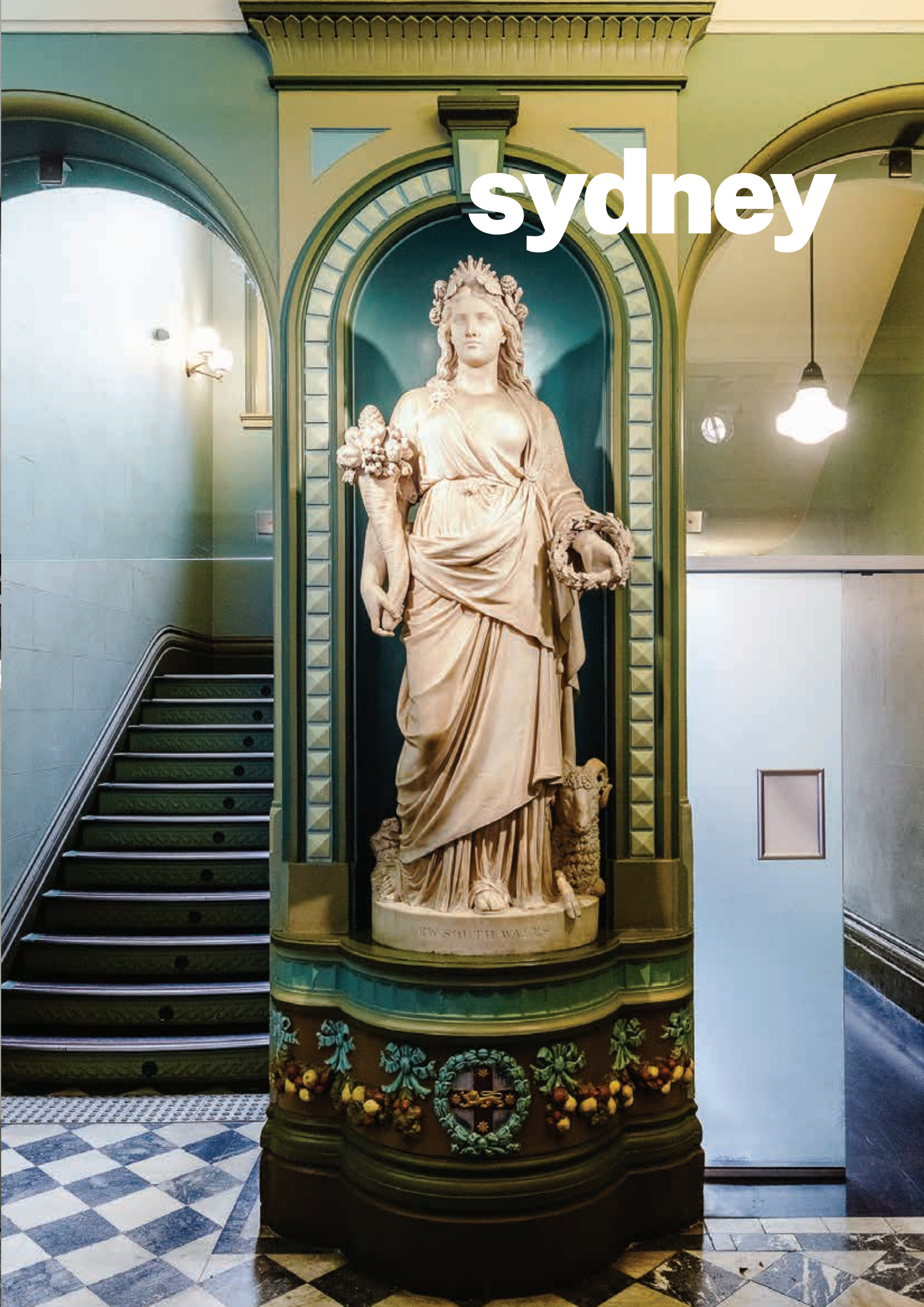


Industrial Relations Commission
of New South Wales

parramatta



sydney



Industrial Relations Commission of New South Wales

ISSN 1832-2093

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ACKNOWLEDGMENT OF COUNTRY

The principal places of business of the Industrial Relations Commission of New South Wales are Sydney and Parramatta.

We acknowledge this is the land of the Gadigal and Darug people of the Eora Nation. We respect the Elders both past and present, and their spiritual relationship with their country.

The Commission also conducts proceedings remotely and in other locations across the State and we acknowledge and pay our respects to the traditional custodians of those locations.

letter to the minister

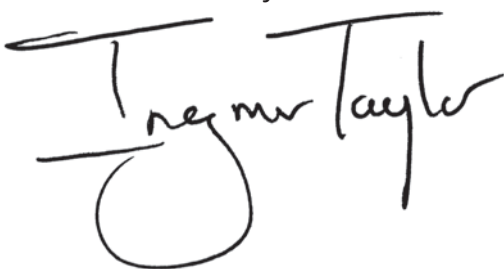
The Hon. Sophie Cotsis MP
Minister for Industrial Relations, and
Minister for Work Health and Safety
52 Martin Place, Sydney 2000
GPO Box 5341, Sydney 2001

31 May 2025

Dear Minister Cotsis

I am pleased to submit the Annual Report of the operations of the Industrial Relations Commission of New South Wales for the year that ended 31 December 2024 for presentation to each House of Parliament in accordance with section 161 of the *Industrial Relations Act 1996* (NSW).

Yours sincerely

A handwritten signature in black ink, reading "Justice I Taylor". The signature is fluid and cursive, with a large loop at the bottom of the "J" and a long, sweeping underline.

Justice I Taylor
President of the Industrial Relations Commission of New South Wales



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**foreword
by the
president**



The Industrial Relations Commission of New South Wales (Commission) is the longest continuing industrial court or tribunal in the world. 2024 marked the start of a new chapter for the Commission, reaffirming the importance of its historical role as the independent umpire for industrial disputes in NSW.

In 2016, the Industrial Relations Commission in Court Session, otherwise known as the Industrial Court, was abolished and its civil jurisdiction was transferred to the Local and Supreme Courts; its work health and safety (WHS) criminal jurisdiction having been transferred to the District Court in 2012. On 1 July 2024, the revived Industrial Court – as established by the *Industrial Relations Amendment Act 2023* (NSW) – commenced operations, when I, along with Justices David Chin and Jane Paingakulam were sworn into office as President, Vice President and Deputy President of the Commission respectively.

As I take on the role of the head of this jurisdiction, I express my thanks to Senior Commissioner Nichola Constant for her leadership of this tribunal since 2020 and her advice and assistance since my appointment. I also acknowledge the service of Commissioner Damian Sloan from 2018 until his resignation to take up appointment to the Fair Work Commission in August 2024, and the service of Registrar Elizabeth Robinson who led the Registry from February 2022 to August 2024.

The amendments that reinstated the Court returned to the Commission the jurisdiction which had been transferred in 2012 and 2016. In addition to its continued primary focus on regulating public sector and local government employment and regulating contract carriers, the reinstated Industrial Court gives the institution a substantial involvement in private sector workplace law, through its WHS criminal jurisdiction and its federal underpayments jurisdiction under the *Fair Work Act 2009* (Cth).

“ 2024 marked the start of a new chapter for the Commission, reaffirming the importance of its historical role as the independent umpire for industrial disputes in NSW.”

The decision to reinstate the Commission’s previous jurisdiction in full led to the elevation of the Registrar position to Director level, to which Karen Jones was appointed on 12 August 2024, as well as the appointments of Acting Justices Robert Hulme, Monika Schmidt AM and Peter Kite, who were sworn in on 20 December 2024.

During the first six months of the reconstituted Court’s operations, I have had as my focus the enhancement of the efficiency and capacity of the Commission to assist parties and resolve disputes. On the first day of operation, the Rules Committee met to formally resolve to amend our Rules to allow electronic filing, and we are continuing to increase the number of forms that can be filed via the online registry. We issued amendments to our Rules, four amended Practice Notes and a new Practice Note. We created three new user groups for the Industrial Relations Commission, Industrial Court, and Local Government.

In anticipation of the enhanced jurisdiction, the Industrial Court Digitisation Project commenced in February 2024. It is digitising and streamlining the Court’s case management systems and processes, enabling applicants to initiate claims, make submissions, and monitor documents filed by all parties online.



The addition to the Commission's jurisdiction led, as would be expected, to an increase in the number of matters filed and listed in the second half of the year. The total number of filings increased from 721 in 2023 to 980 in 2024, a 36% increase. Notably, 145 applications to commence criminal proceedings for summary WHS offences were filed between 1 July and 31 December 2024.

Notwithstanding the increasing workload, the Commission improved its efficiency in finalising matters in the second half of 2024. A greater percentage of unfair dismissal matters, public sector disciplinary appeals, and police disciplinary and dismissal appeals were finalised within the Commission's time standards.

“ I finish by warmly thanking my fellow Presidential Members, Justices Chin and Paingakulam, for their friendship, assistance and outstanding work, and by thanking all of the decision makers for their diligent work ethic and their dedication to assisting parties to resolve disputes efficiently, often at very short notice. Like the workers they regulate, they evince a strong commitment to public service, and I am proud and honoured to be able to work with them for this historic and important institution.”

However, despite that, the overall number of matters finalised decreased from 818 in 2023 to 687 in 2024. This is due to a number of factors. The first is the commencement of criminal matters from July 2024, which rarely take fewer than 12 months to resolve. Second, a large number of disputes were filed towards the end of the year. Third, the removal of what was known as the 'wages cap', which restricted the Commission's jurisdiction to award pay increases above 2.5% between 2011 to 2023 (including a period during which inflation substantially outstripped wage rises) led to a number of claims for substantial pay increases, not all of which have been able to be resolved by conciliation.

In early 2025, I introduced a policy that seeks to have all reserved decisions of the Commission handed down within three months, and for every annual report to record how many took longer than six months. A number of outstanding decisions were handed down following my appointment. In 2024 there were seven that took longer than six months to hand down. I expect none in 2025.

Appeals and major industrial cases, such as test cases and arbitrations involving nurses, doctors and firefighters, are led by the Presidential Members. They also are the only members who can hear the large number of WHS matters that will start to come on for hearing in 2025, along with all other matters filed in the Industrial Court and certain types of first instance Commission work such as police removal reviews. There is no reason to suppose that this flow of work will slow in the next few years. I will continue my aim to have all matters listed as and when parties are ready for them to be heard, but I acknowledge that is likely to be increasingly difficult. For that reason, I will continue to work on ways to preserve and bolster our capacity to assist parties to resolve matters as and when they arise.

I finish by warmly thanking my fellow Presidential Members, Justices Chin and Paingakulam, for their friendship, assistance and outstanding work, and by thanking all of the decision makers for their diligent work ethic and their dedication to assisting parties to resolve disputes efficiently, often at very short notice. Like the workers they regulate, they evince a strong commitment to public service, and I am proud and honoured to be able to work with them for this historic and important institution.

The Honourable Justice Ingmar Taylor
President of the Industrial Relations Commission of New South Wales



snapshot

Key Dates in 2024

1 July

Re-establishment of the Industrial Court and appointment of Presidential Members, **Taylor J**, President, **Chin J**, Vice President and **Paingakulam J**, Deputy President

12 August

Appointment of Director and Industrial Registrar **Karen Jones**

20 December

Appointment of Acting Justices **Hulme**, **Schmidt** and **Kite**

Key statistics in 2024

36% increase in the total number of filings (page 27)

259 more matters filed in 2024

16% decrease in the number of matters resolved (page 34)

84% of all matters resolved by conciliation, which is our primary statutory duty (page 35)

22% increase in the number of filings through the eRegistry (page 29)

145 WHS matters filed in new jurisdiction in first 6 months (page 28)



| commission profile

A photograph of a modern office hallway. On the left, there is a long row of cubicles with glass walls and black frames. The floor is covered in a grey carpet. The ceiling has recessed circular lights. On the right, there are white office partitions and a black desk. A blue rectangular overlay is positioned in the center of the image, containing the word "Jurisdiction" in a bold, yellow, sans-serif font.

Jurisdiction

industrial relations commission of new south wales

The Industrial Relations Commission of New South Wales (NSW) (Commission) is established under section 145 of the *Industrial Relations Act 1996* (NSW) (IR Act).

The primary function of the Commission is to make new awards and vary existing awards setting terms and conditions of employment for the NSW public sector and local government employees. It also approves enterprise agreements in respect of these employees.

The Commission lists notifications of industrial disputes concerning NSW public sector and local government employees at short notice and seeks to resolve them by conciliation and, if necessary, arbitration.

The Commission hears applications by NSW public service and local government employees seeking relief in respect of:

- Unfair dismissal;
- Victimisation;
- Public sector disciplinary appeals;
- Review of the Police Commissioner's orders with respect to an officer's misconduct or unsatisfactory performance or decision to remove a police officer;
- Contract determinations and agreements;
- Recovery of small claims under s 380 of the IR Act; and
- Some civil proceedings under the *Work Health Safety Act 2011* (NSW) (WHS Act).

The Commission under Chapter 6 of the IR Act resolves disputes and sets conditions that apply to the transport industry. This includes making industry wide contract determinations and approving contract agreements which set conditions for owner drivers and determining compensation for the termination of certain contracts of carriage.

The Commission has an appellate jurisdiction, where matters determined by a single Member of the Commission or the Industrial Registrar can be appealed to the Full Bench of the Commission.

The Commission must consider the public interest when exercising these functions. For that purpose, it must have regard to the objects of the IR Act, the likely effect of its decisions on the NSW economy and, for the exercise of a function about public sector employees, the NSW Government's fiscal position and outlook.

“ The primary function of the Commission is to make new awards and vary existing awards setting terms and conditions of employment for the NSW public sector and local government employees.”



industrial court of new south wales

When exercising its judicial powers, the Commission sits as the Commission in Court Session, known as the Industrial Court of NSW (Industrial Court). The Industrial Court was re-established by the *Industrial Relations Amendment Act 2023* (NSW), which took effect on 1 July 2024.

The Industrial Court is a superior court of record under s 152(1) of the IR Act, with equivalent status to the Supreme Court of NSW and the Land and Environment Court.

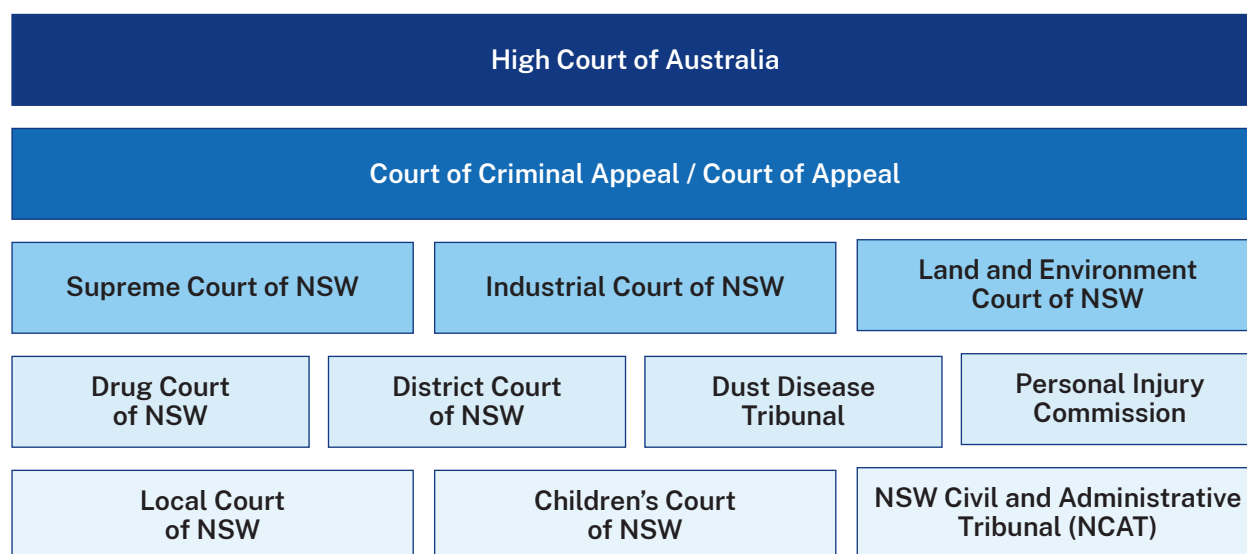


Figure 1: Structure of the NSW court system

Section 153 of the IR Act provides the Industrial Court with jurisdiction to determine:

- (a) offences before the Commission, including proceedings for contempt;
- (b) declarations of right under s 154;
- (c) unfair contracts under Chapter 2, Part 9;
- (d) contraventions of dispute orders under s 139;
- (e) the regulation of industrial organisations under Chapter 5, Parts 3, 4 and 5, other than Part 4, Division 3;
- (f) breach of industrial instruments under Chapter 7, Part 1;
- (g) recovery of remuneration under Chapter 7, Part 2;
- (h) superannuation appeals under s 88 of the *Superannuation Administration Act 1996* (NSW);
- (i) proceedings on an appeal from a Commission member exercising the functions of the Commission in Court Session or an Industrial Magistrate or another court;
- (j) appeals on questions of law relating to public sector promotional and disciplinary matters under s 197B, any other proceedings that are required to be taken before the Court under the IR Act or another Act.

The Industrial Court has a criminal jurisdiction under the WHS Act, which confers summary jurisdiction to hear work health and safety prosecutions in respect of all workplaces in NSW.

The *Fair Work Act 2009* (Cth) empowers the Industrial Court to award compensation and impose pecuniary penalties in the event of the contravention of a civil remedy provision, in respect of all private sector workplaces. This enables, amongst other proceedings, an application to compensate for wage underpayments by a private sector employer.

Matters decided by a single judicial member or by the Local Court when exercising jurisdiction under the IR Act or the WHS Act, and cases regarding questions of law that arise in public sector promotional and disciplinary matters, can be appealed to a Full Court of the Industrial Court.



Members of the Commission

The Industrial Court is constituted by Presidential Members of the Commission who are appointed as judicial members. They hold the same rank, title, status and precedence as Judges of the Supreme Court of NSW. The judicial members are assisted by associates and tipstaves who perform legal research, in-court duties, and other tasks.

On 1 July 2024, Justice Ingmar Taylor, Justice David Chin and Justice Jane Paingakulam were sworn into office by Chief Justice Bell as President, Vice President and Deputy President respectively.

On 20 December 2024, Justice RA Hulme, Justice Monika Schmidt AM, and Justice Peter Kite were sworn in as Acting Justices of the Industrial Court and Acting Deputy Presidents of the Commission by Justice Taylor.

During 2024, the Commission was otherwise constituted by the Senior Commissioner and five Commissioners. One of them, Commissioner Damian Sloan, resigned in August 2024 to take up an appointment at the Fair Work Commission.

“The Industrial Court is a superior court of record under s 152(1) of the IR Act, with equivalent status to the Supreme Court of NSW and the Land and Environment Court.”

presidential members



The Hon. Justice
Ingmar Taylor
President



The Hon. Justice
David Chin
Vice President



The Hon. Justice
Jane Paingakulam
Deputy President



presidential members (Acting Justices)



The Hon. Justice
Monika Schmidt AM
Acting Deputy President



The Hon. Justice
RA Hulme
Acting Deputy President



The Hon. Justice
Peter Kite
Acting Deputy President

commission members



Senior Commissioner
Nichola Constant



Commissioner Janine Webster



Commissioner Christopher Muir



Commissioner Daniel O'Sullivan



Commissioner Janet McDonald



Industrial Registry



industrial registrars

The Industrial Registrar has the responsibility for the management and day to day operations of the Commission's Registry.

The Industrial Registrar regulates state registered industrial organisations. The Industrial Registrar is responsible for their registration, ensuring they have rules as required by the IR Act, receives reports as to the conduct of elections and annual financial reports and can exercise various powers under Chapter 5 of the IR Act to ensure that they are operating effectively.

The Industrial Registrar is delegated the power to exercise some of the Commission's functions under s 162B of the IR Act. Industrial Registrars can:

- issue summonses for the purpose of dealing with a matter;
- determine applications and issue certificates for conscientious objection to union membership;
- approve and revoke right of entry permits;
- issue permits such as special wage payments and WHS Entry permits; and
- publish orders, awards and other instruments made by the Commission on the website to have legal effect.

The Commission welcomed Karen Jones's appointment to the role of Director and Industrial Registrar on 12 August 2024. Previously, Registrar Jones was the Registrar of the Court of Appeal and Common Law Case Management Registrar at the Supreme Court of NSW. Prior to that date Elizabeth Robinson was the Industrial Registrar, before it was elevated to Director level.

Deputy Industrial Registrars provide procedural support and attend to the issue of court orders, writs of execution and other miscellaneous matters. Elizabeth Robinson became Senior Deputy Industrial Registrar in August 2024. Ruwinie Delgoda continued in the role of Deputy Industrial Registrar after her appointment in 2022.

registry team

The Industrial Registrar manages a team of staff within the registry that provide day-to-day administrative, operational and clerical support to the Commission.

The registry team consists of Client Service Officers and Commissioner Support Officers. Client Services are the initial point of contact for the public, legal practitioners and unions, and:

- accept new applications and other documents filed at the Commission including exhibits and documents produced under a summons;
- list matters for conciliation and hearing;
- provide information to the public regarding court processes and procedures;
- maintain the Commission's files and records regarding parties to awards and industrial committees; and
- publish industrial awards, enterprise agreements and other orders made by members of the Commission.

The Commissioner Support team provides administrative support to the Commissioners, communicates with parties about case management and provides them with formal orders or decisions, lists matters for hearing, performs legal research and ensures that all the necessary facilities are available in the hearing rooms.

significant cases

State Wage Case 2024

The Fair Work Commission (FWC) determined in the Annual Wage Review 2023-2024 (AWR 2024)¹ to increase the National Minimum Wage and modern awards by 3.75% from July 1, 2024. The Commission, acting on its own initiative, issued a 'Summons to Show Cause' that asked interested parties why, considering the AWR 2024 decision, it should not take appropriate action.

The Commission considered whether minimum rates in respect of three categories of a limited number of State awards should be increased in line with the FWC's decision. The parties reached consent positions for Category Two and Category Three. The Commission determined the FWC's decision should be adopted in its entirety for Category One, with the increase of 3.75% to commence from 1 July 2024.

The Commission then reviewed the form and content of the 'Wage Fixing Principles'. It renamed them the 'Award Making Principles' and made several amendments including the inclusion of new principles that addressed the cost of living, namely the 'Value of Money Principle' and the 'Paid Rates Adjustment Principle'. The Commission indicated an intention to set an annual percentage increase for paid rates awards in future State Wage Cases that could be applied in the absence of a bargained outcome.

“ The Commission indicated an intention to set an annual percentage increase for paid rates awards in future State Wage Cases that could be applied in the absence of a bargained outcome.”

State Super Enterprise Agreement 2024–2027

Justice Taylor approved an enterprise agreement applying to employees of the SAS Trustee Corporation Staff Agency. As part of the decision, he provided a comprehensive checklist of steps to assist future parties and the Commission when dealing with such applications in the future.

Industrial Secretary & Ors v Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales & Ors (No 2)

This case addressed NSW public sector salaries following the removal of the wages cap in July 2024. The principal dispute affected the salaries of 91,400 public sector employees.

Following conciliation and active case management the Commissioner made a new award giving effect to a consent increase in salaries and allowances under a new Crown Employees (Public Sector – Salaries 2024) Award in respect of most of those employees.

The Full Bench otherwise varied another 17 awards where agreement had not been reached to provide an interim pay increase backdated to 1 July 2024. The Full Bench considered inflation, the fiscal position and outlook of the NSW Government and the State economy to determine that an interim increase of 3.5% was appropriate for most of the awards, other than one award, involving greater claims that needed to be determined, where a 3% increase was awarded.

¹ Annual Wage Review 2023-2024 Decision (2024) 331 IR 248; [2024] FWCFB 3500.

upcoming significant cases

State Wage Case 2025

The 2024–2025 Award Making Principles introduced a new Change in the Value of Money Principle, which would permit a party to apply for a paid rates award adjustment for a public sector award. Such an adjustment would be determined annually in the State Wage Case and would only be available upon application for awards which are outside of their nominal term, which have not had an increase for 12 months, and where bargaining has been attempted but unsuccessful.

As the parties in State Wage Case 2024 did not have the opportunity to make submissions on this Principle, the clauses relating to the paid rates award adjustment do not have any application before State Wage Case 2025, in which the Commission will consider whether to make a paid rates adjustment and whether to amend those clauses.

“The Commission will initiate proceedings for a State Decision to consider whether there ought to be a model superannuation clause for public sector awards.”

Superannuation Test Case

The Commission will initiate proceedings for a State Decision to consider whether there ought to be a model superannuation clause for public sector awards. Many State awards, unlike Federal modern awards, do not contain superannuation clauses which require employers to make contributions to at least the level required to satisfy their obligations under superannuation guarantee legislation, such that a worker cannot bring a claim for a breach of an award term if their employer underpays their superannuation.

Fire and Rescue NSW Award Matters

The Commission will arbitrate three awards setting terms and conditions of employment for firefighters. The Fire Brigade Employees Union seek significant changes to the current awards for permanent and retained firefighters, including a 20% wage increase over three years, backdated to 26 February 2024; increased superannuation, minimum overtime payments and retainers; multiple new allowances and types of leave; new consultation clauses; and work health and safety procedures.

Public Health System Nurses’ and Midwives’ Award Matters

The Commission will arbitrate two awards setting terms and conditions of employment for nurses in the public sector. The New South Wales Nurses and Midwives’ Association seek a 35% increase to wages and wage related allowances; an increase in sick leave from 72 to 152 hours; an increase in night shift loading from 15% to 30%; the incorporation of the NSW Health Flexible Work Directive into the awards; and a Healthshare PTS crib allowance.

Doctor and Staff Specialist Award Matters

The Commission will arbitrate an award setting terms and conditions of employment for medical superintendents, medical officers, and staff specialists, who are currently covered by five awards. The respondent union, Australian Salaried Medical Officers’ Federation (NSW), seeks a 30% pay increase, and an interim award providing for a 25% attraction and retention allowance for psychiatry staff specialists.



engagement and education

The Commission has commenced a program of regular seminars for legal practitioners, industrial officers and union representatives. This allows representatives who appear before the Commission to stay up to date with evolving industrial laws, legal practices and practice standards so they can effectively represent their clients and members.

2024 Seminars

On 29 August 2024, Justice Chin hosted a webinar about an article co-authored with Dan Fuller, *The 'Causal' Problem in Australian Labour Law*.²

In October 2024, the Commission presented two seminars as part of its series 'Industrial Insights: Navigating the New Legal Landscape'. Doctor Rod Harrison, former Deputy President of the Commission, presented a seminar on mutual gains bargaining and the practical difference achieved when negotiations are based on shared interests and mutually beneficial solutions.

Justice Jane Paingakulam presented a seminar focused on the administrative processes and case management procedures that practitioners must follow during criminal prosecutions initiated under the WHS Act in the reconstituted Industrial Court.

“The Commission has commenced a program of regular seminars for legal practitioners, industrial officers and union representatives.”

Speeches

Commissioner Webster spoke at the Industrial Relations Society of NSW Conference on 4 May 2024.

Justice Taylor delivered a speech at the Industrial Relations Society of NSW Newcastle Annual Conference on 25 October 2024.

Justice Taylor delivered the 2024 Jeff Shaw Memorial Lecture on 7 November 2024 in which he paid tribute to Jeff Shaw's legacy before discussing the revival of the Industrial Court, the removal of the wages cap and the restoration of the Commission's powers.

On 22 November 2024, Justice Chin spoke about the State industrial relations system at a conference hosted by Unions NSW.

² (2024) 37 Australian Journal of Labour Law 115.

The background of the image is a dark blue overlay featuring the coat of arms of Australia. The coat of arms includes a shield with a seven-pointed star in the center, a kangaroo on the left, and an emu on the right. Above the shield is a sun with rays. The shield is flanked by a lion on the left and a kangaroo on the right. A banner at the bottom reads "A • RECENS • QUAM • PURA".

| commission operations

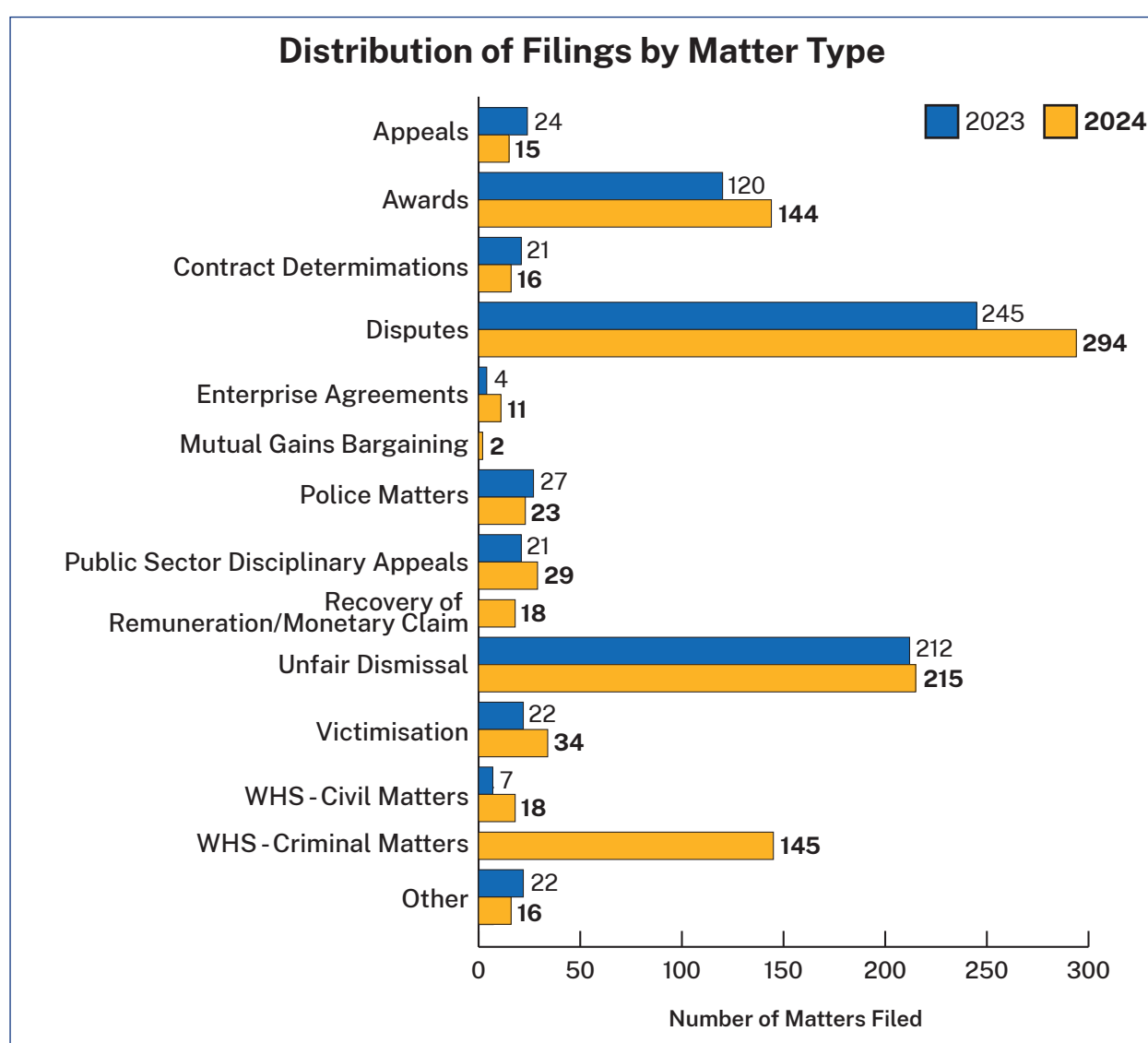


filing of matters

Distribution of Filings by Matter Type

In 2024, there were major changes to the Commission which affected filings: the Industrial Court was re-established, exercising jurisdiction that had been with the Supreme Court of NSW, as well as federal jurisdiction under the *Fair Work Act 2009* (Cth). The Industrial Court received WHS filings from 1 July 2024.

The total number of filings increased from 721 in 2023 to 980 in 2024, being a 36% increase. The graph below shows that of the 980 matters lodged, most cases were disputes (29%), followed by unfair dismissal claims (21%) and award applications (14%). Between 1 July and 31 December 2024, the Registry received 145 applications to commence criminal proceedings for a summary offence, amounting to 15% of all applications lodged in 2024.



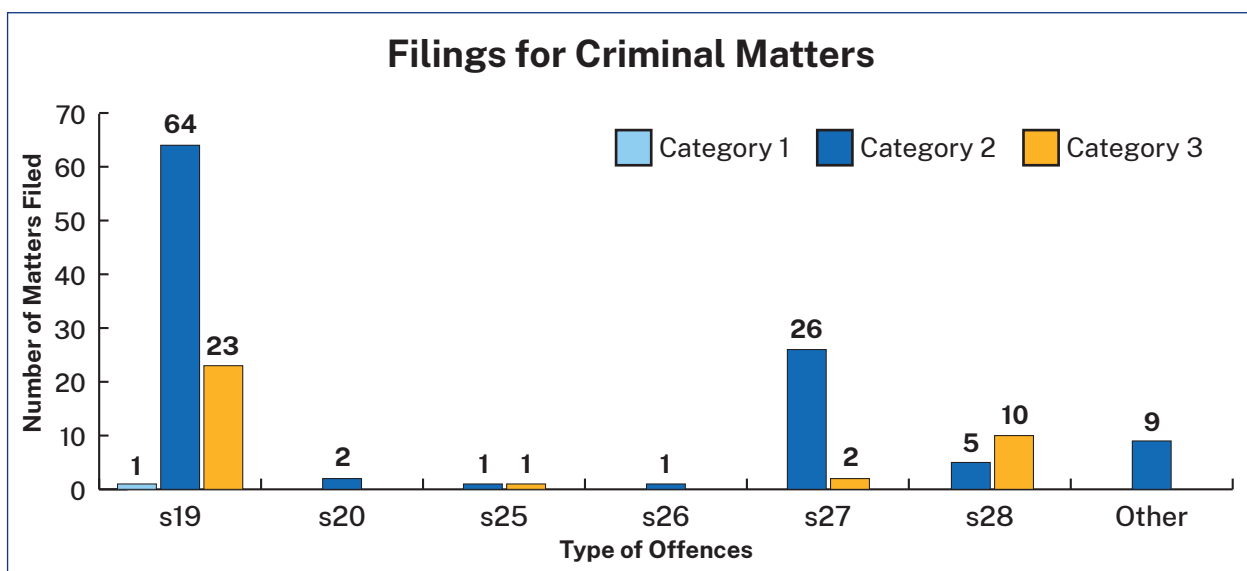
Graph 2.1 Breakdown of filings in 2024 by matter type.

Notes: 'Other' includes contract carrier matters, application for declarations of a right and workers compensation reinstatement orders.

'Contract Determinations' category includes s 311 to s 321.



“The total number of filings increased from 721 in 2023 to 980 in 2024, being a 36% increase.”



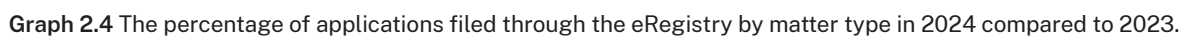
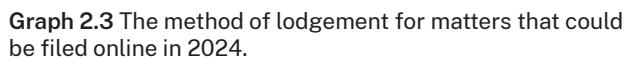
Graph 2.2 Breakdown of criminal matters lodged in the Industrial Court.

Notes:

WHS Act Provision	Offence
s 19	Primary Duty of Care
s 20	Duty of Persons Conducting Businesses or Undertakings Involving Management or Control of Workplace
s 25	Duties of Persons Conducting Businesses or Undertakings that Supply Plant, Substances or Structures
s 26	Duty of Persons Conducting Businesses or Undertakings that Install, Construct or Commission Plant or Structures
s 27	Duty of Officers
s 28	Duties of Workers

‘Other’ includes offences of direct or allow work by unauthorised persons; fail to immediately notify regulator of notifiable incident; fail to keep notifiable incident site undisturbed; give information that is false or misleading and not consulting others having duty in the same matter.

Applicants could only lodge unfair dismissal claims, public sector disciplinary appeals and industrial disputes through the eRegistry last year, with online application forms for police matters introduced on 14 December 2024. Applications for the remaining matters were filed in person at the Registry or by email.



Industrial Court Digitisation Project

The Industrial Court will become the most digitised court in the New South Wales court system by the end of 2025. The Industrial Court Digitisation Project (ICDP), which aims to digitise and streamline the Industrial Court's case management systems and processes, commenced in February 2024.

Applicants will be able to initiate claims online, make submissions and monitor documents filed by all parties through the eRegistry. The Online Court, eSubpoena and Online Transcript Portal will also be in use, while the Members of the Commission will manage their matters through a secure electronic application.

The ICDP will result in faster decision making, reduced waiting times, improved communication and provide greater transparency, since all interactions between parties involved in the matter will be digitally recorded, visible and accessible. The ICDP is scheduled to be completed in 2025.

“ The Industrial Court will become the most digitised court in the New South Wales court system by the end of 2025.”



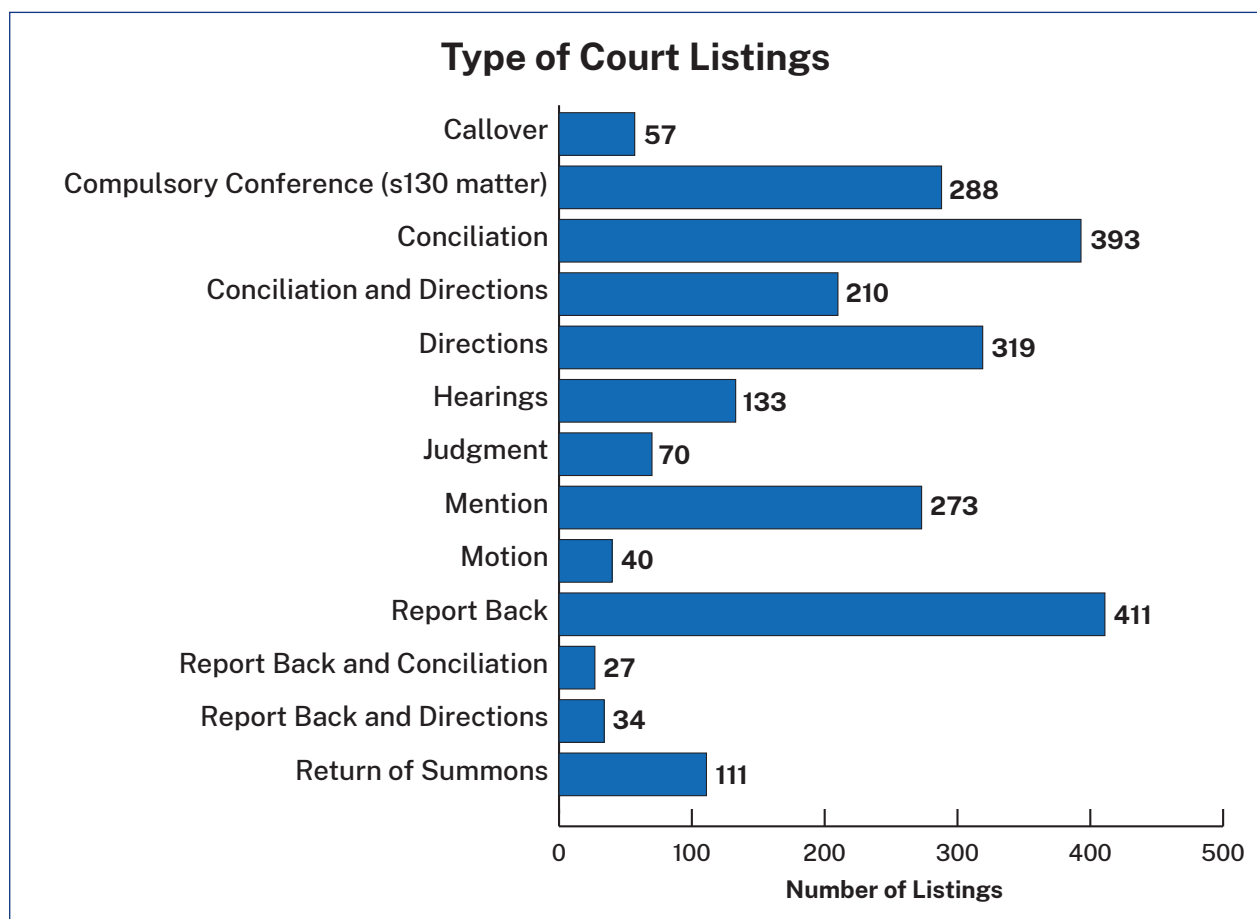
listing of matters

Type of Listings

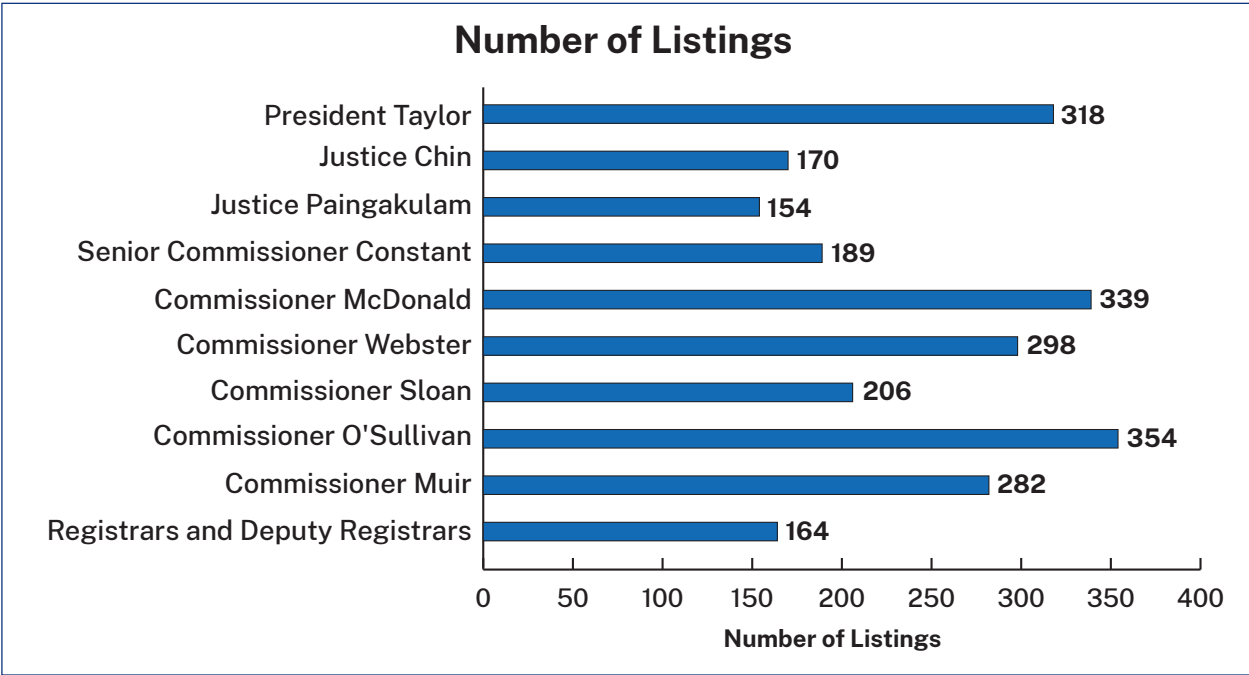
The Commission's decision makers spent more time in hearing rooms in 2024, with a 7% increase in the number of listings. There were 2366 listings in 2024 compared to 2212 listings in 2023.

A listing is every time a matter is scheduled to be discussed or adjudicated at the Commission. For example, if a matter is listed for a conciliation conference on one day and then proceeds to a five-day hearing it is counted once for conciliation and five times as a hearing.

“The Commission's decision makers spent more time in hearing rooms in 2024, with a 7% increase in the number of listings.”



Graph 2.5 Distribution of listing types in 2024.



Graph 2.6 The number of listings per decision maker at the Commission in 2024

Notes: Appeals to the Full Bench will have multiple decision makers and therefore the same listing will be recorded for each decision maker.

The workload for Justice Taylor, Justice Chin and Justice Paingakulam reflects six-months of work given their tenure at the Commission commenced on 1 July 2024. Commissioner Sloan departed the Commission in August 2024 to become a Commissioner of the Fair Work Commission.





Time Standards for First Listing

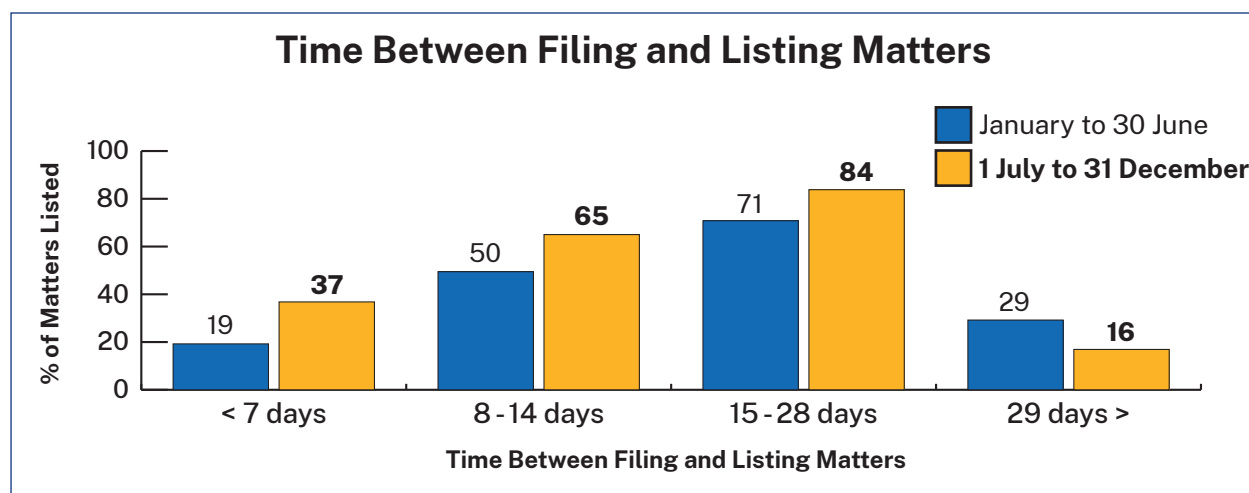
The Commission has time standards to ensure legal proceedings are conducted efficiently. Most applications were required to be first listed for conciliation, directions or a mention within 14 to 28 days, except for disputes, appeals and urgent applications which needed to be listed within two hours and seven days. Almost 90 per cent of all matters were listed within 28 days from filing.

In 2024:

- **88** per cent of all matters were listed within 28 days from filing,
- The remaining matters were listed within an average of 43 days,
- **33** per cent of disputes were listed within 24 hours,
- **63** per cent of disputes were listed within seven days,
- The remaining disputes listed within an average of nine days, and
- Most appeals were listed within seven to 14 days.

The graph below shows the time taken to list matters for conciliation, directions or a mention improved in the second half of 2024.

In October 2024, the Commission revised time standards for listings to assist with the timely resolution of matters. In 2025, most matter types must be listed within 14 days, with disputes required to be listed within 72-hours and five days.

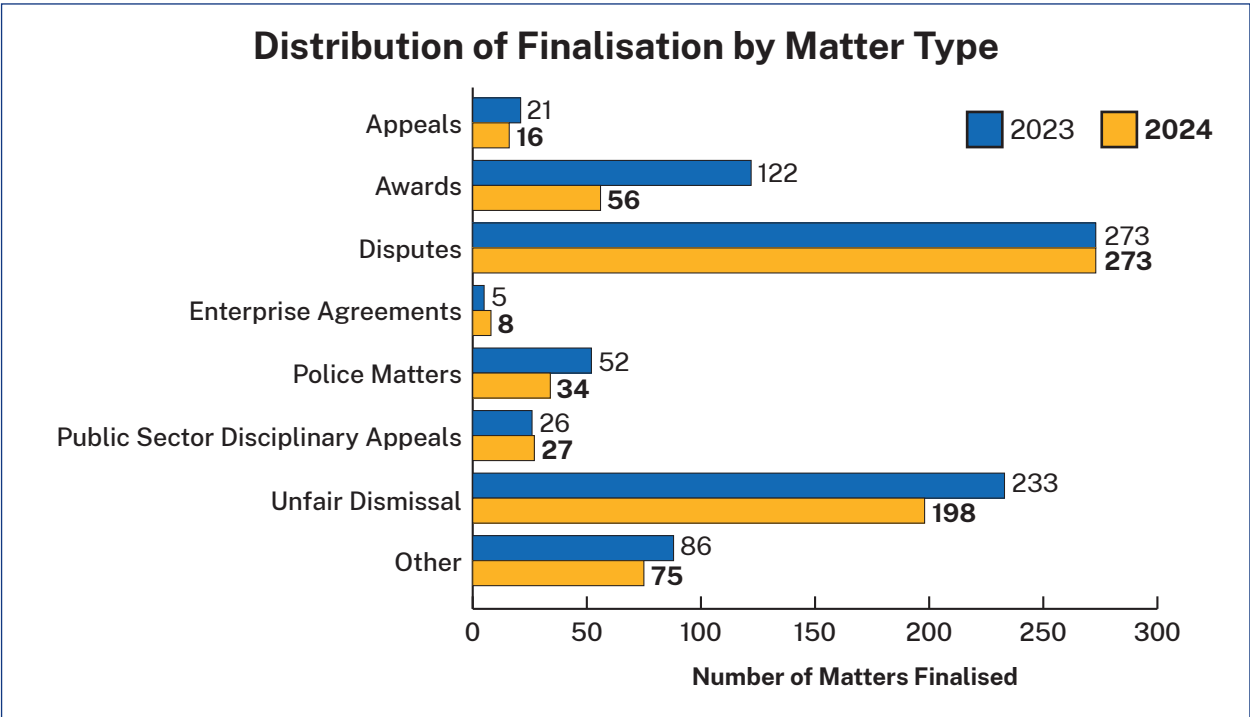


Graph 2.7 Half yearly comparison of the time taken for all matters to be listed in 2024.

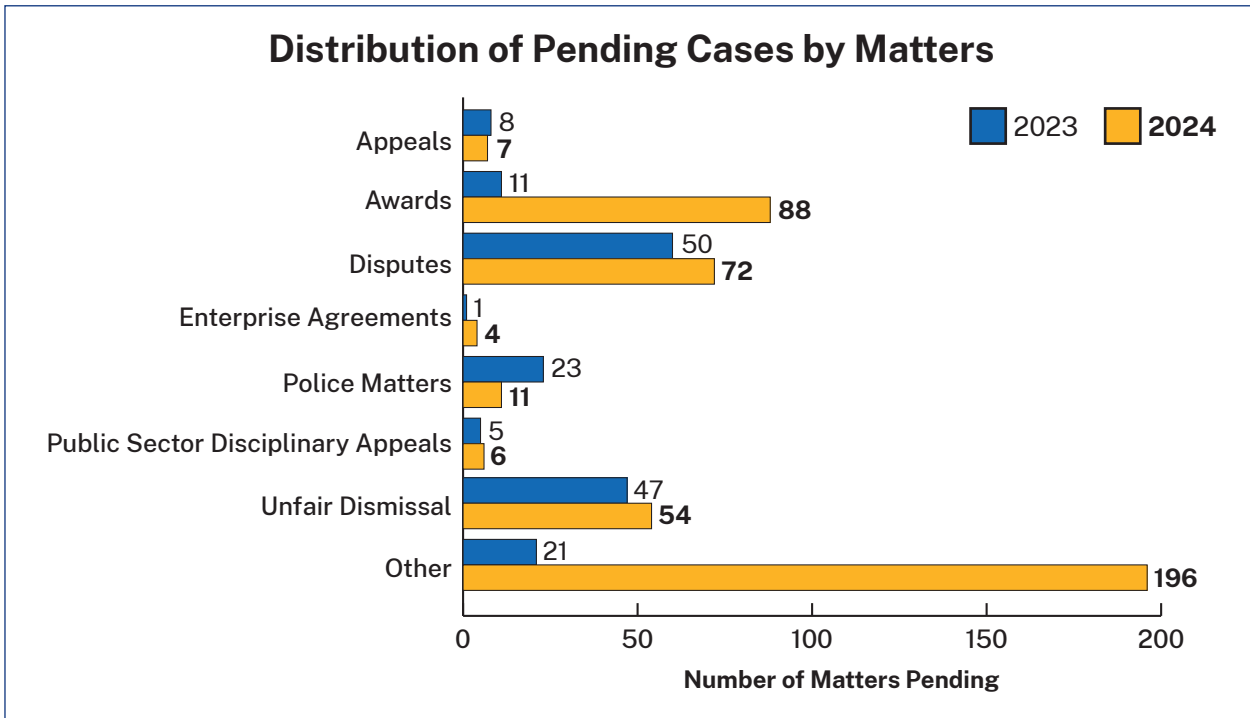
Notes: The percentage accumulates within the time standards of up to six months. For example, 36.81% of matters were listed within 7 days and another 28.2% of matters were listed between 8-14 days, which means 65.01% of matters in total were listed within 14 days. The percentage of matters not finalised represents the balance of matters in 2024 that were not listed within the time standard.

Finalisation of Matters

The number of matters which were finalised decreased in 2024 compared to 2023 for several reasons. First, 145 criminal matters were commenced, being matters that will ordinarily take more than 12 months to finalise. Second, 55% of the award applications were lodged between September and December, and a much higher percentage of those than normal were contested. The Commission finalised 687 matters in 2024, a 16% decrease compared to 2023.



Graph 2.8 Distribution of finalisations by matter type in 2024 compared to 2023.



Graph 2.9 Distribution of pending cases by matter type in 2024 compared to 2023.

‘Other’ includes WHS prosecutions.

Method of Disposal

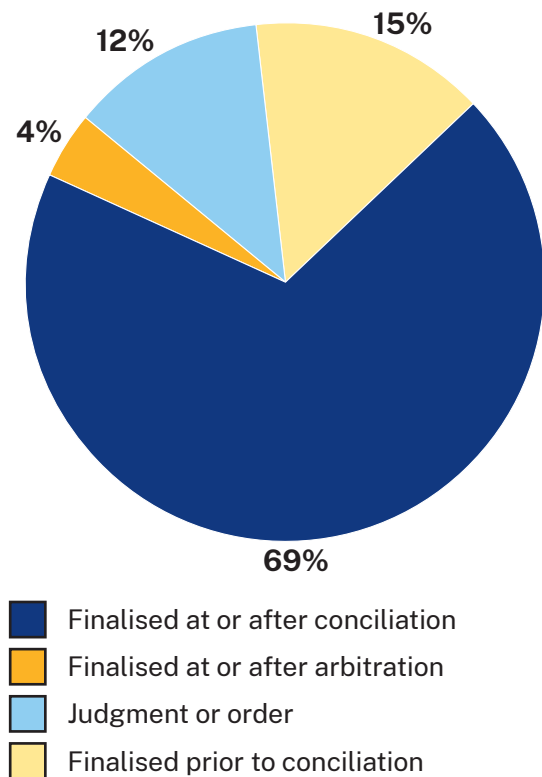
Matters filed at the Commission can be disposed or finalised before, at or after conciliation, at or after arbitration through settlement or a decision maker's judgment or order.

In 2024:

- 100 matters were finalised before conciliation,
- 474 cases were finalised at or after conciliation,
- 29 were resolved at or after arbitration through settlement, and
- 84 files were closed upon a judgment or order being issued.

“In 2024, 84% of matters were finalised before, at or after conciliation.”

Method of Disposal

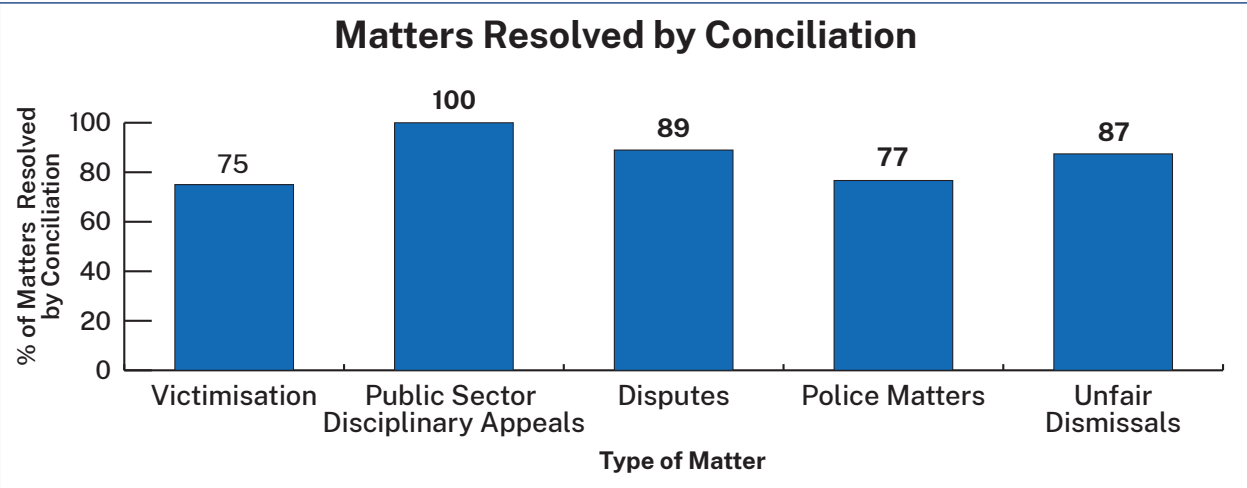


Graph 2.10 Method of disposal expressed as a percentage of all matters finalised in 2024.



Conciliation

The Commission must use all means it considers proper and necessary to settle the applicant's claim by conciliation under the IR Act. In 2024, 84% of matters were finalised before, at or after conciliation. The following graph records how successful conciliation was in respect of the Commission's key jurisdictions.



Graph 2.11 Key performance areas resolved by conciliation.

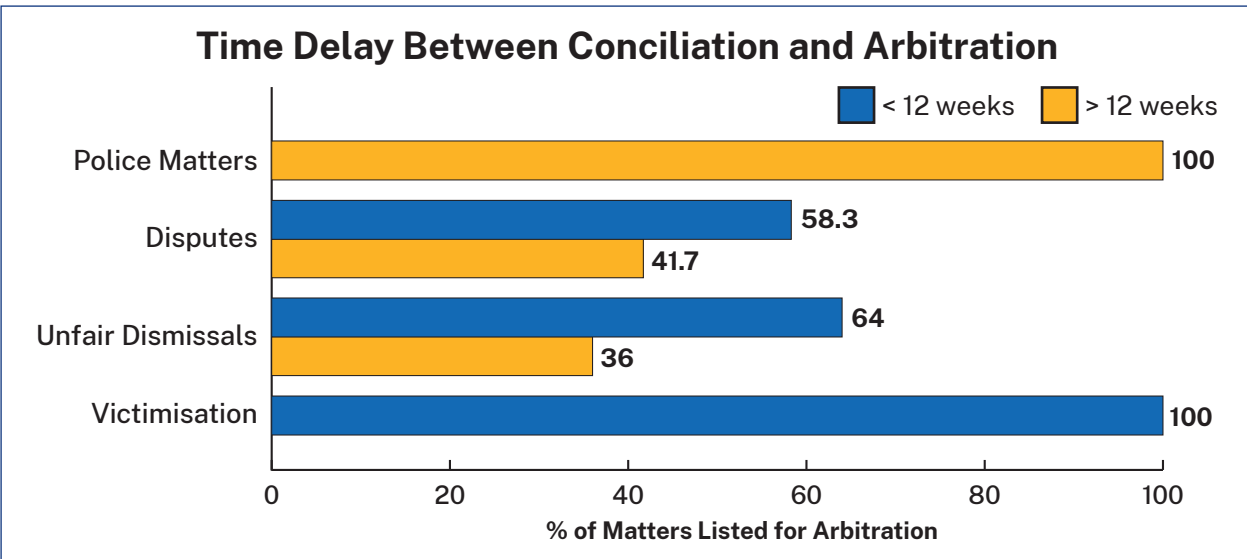
Notes: Police matters includes disciplinary appeals and removal orders.

Arbitration

Matters that are not finalised prior to, at or after conciliation will proceed to arbitration, where all parties formally present their arguments and evidence.

In October 2024, the Commission commenced a policy aiming to commence arbitrations in respect of jurisdictions listed in the graph below within 12 weeks of conciliation to ensure matters are finalised within a reasonable time frame.

In 2024, 100% of victimisation matters not resolved at conciliation were listed for arbitration within 12 weeks from the last unsuccessful conciliation attempt, with the other types of matters being listed within 12 weeks most of the time.



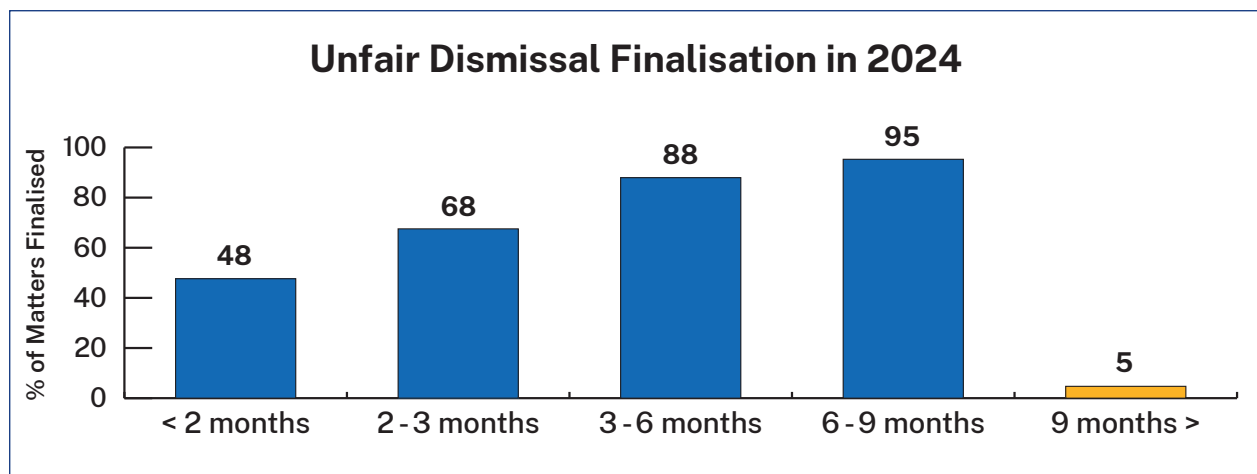
Graph 2.12 Time taken to list matters not finalised at conciliation for arbitration by key performance area.

Notes: Public Sector Disciplinary Appeals is not included in the graph because all matters were resolved at conciliation.

Finalisation Time Standards

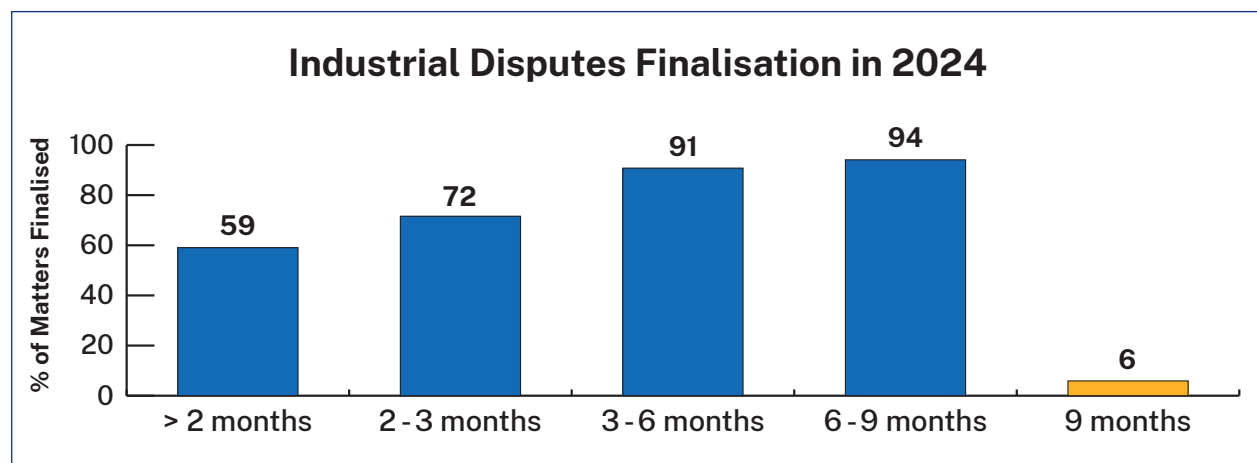
The time taken to finalise a matter is a calculation of the days between lodgement and resolution. The Commission has time standards for the various types of matters, to aim to have them finalised within a reasonable time frame and without unnecessary delay.

For most of 2024 the standards were: unfair dismissal claims and disputes were to be finalised within nine months, public sector disciplinary appeals within six months, and police matters in 12 months. The graphs below show more than 95% of unfair dismissal claims and 94% of disputes were finalised within nine months, while almost 90% of public sector disciplinary appeals were resolved within six months.

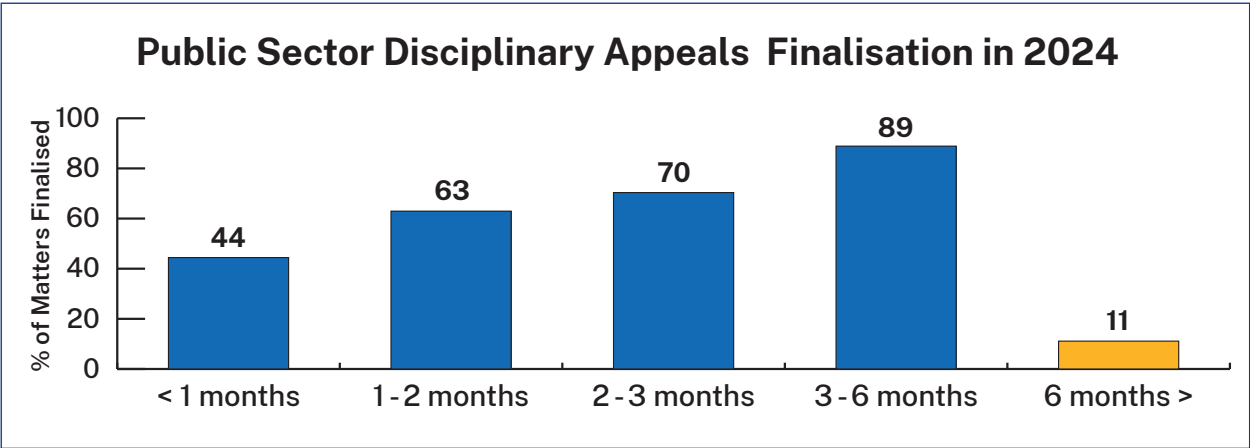


Graph 2.13 Percentage of unfair dismissal claims finalised within the time standards.

Notes: The percentage accumulates within the time standards of up to six months. For example, 47.64% of matters were finalised within two months and 19.9% of matters were finalised between 2-3 months, which means 67.54% of matters in total were finalised within three months. The percentage of matters not finalised represents the balance of matters in 2024 that were not listed within the time standard.

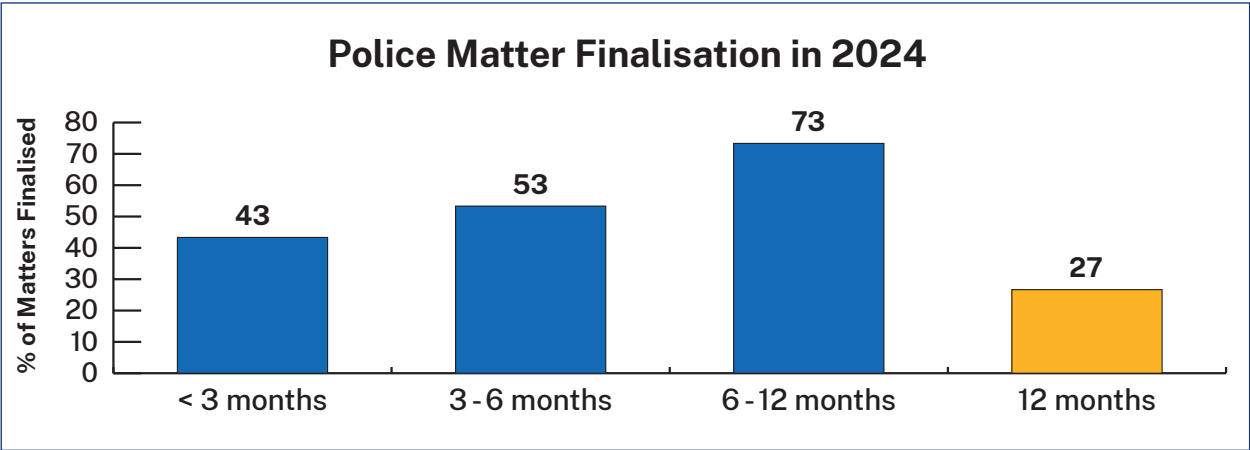


Graph 2.14 Percentage of industrial disputes finalised within the time standards.



Graph 2.15 Percentage of public sector disciplinary appeals finalised within the time standard.

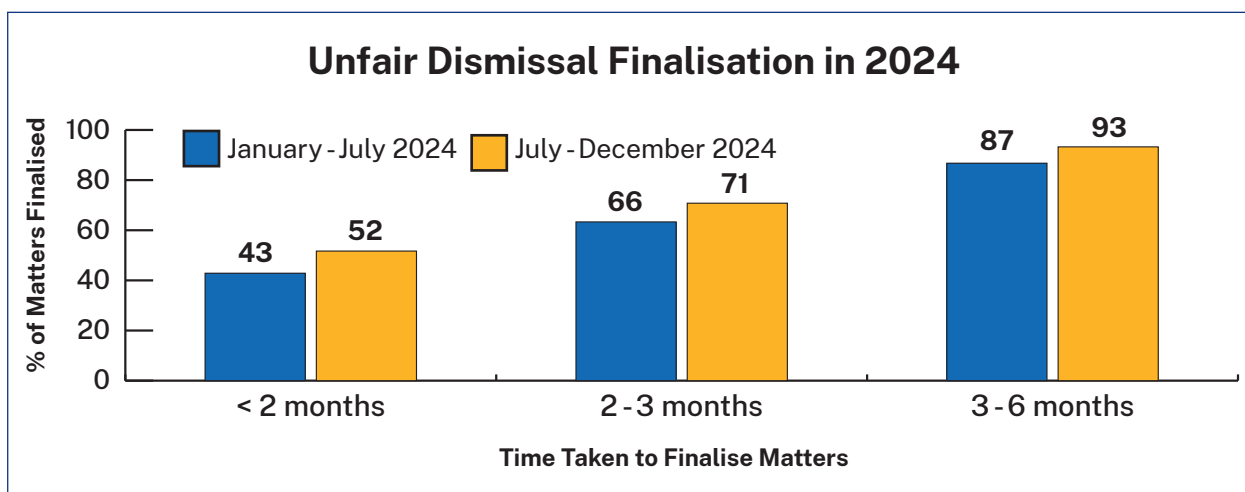
“In 2024, 84% of matters were finalised before, at or after conciliation.”



Graph 2.16 Percentage of police matters finalised within the time standards.

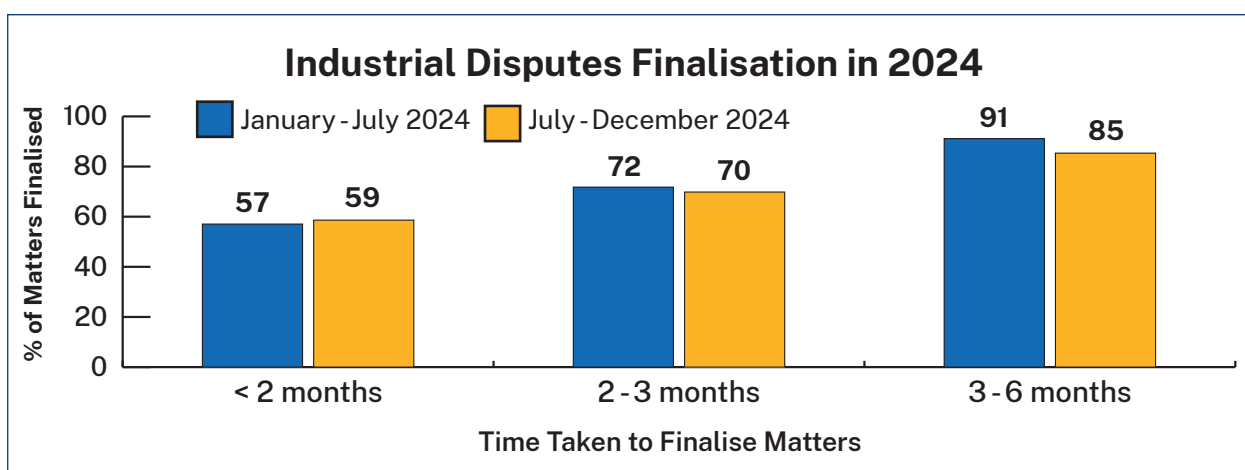
In October 2024, the Commission revised the time standards for the finalisation of matters to ensure matters are resolved in a timelier manner. Unfair dismissal claims and disputes are now to be finalised within six months, public sector disciplinary appeals within three months and police matters will remain at 12 months.

The following graphs show the Commission improved the finalisation of matters in the second half of 2024. They compare the Commission’s performance in the first half of the year to the second half in key performance areas using the revised time standards.

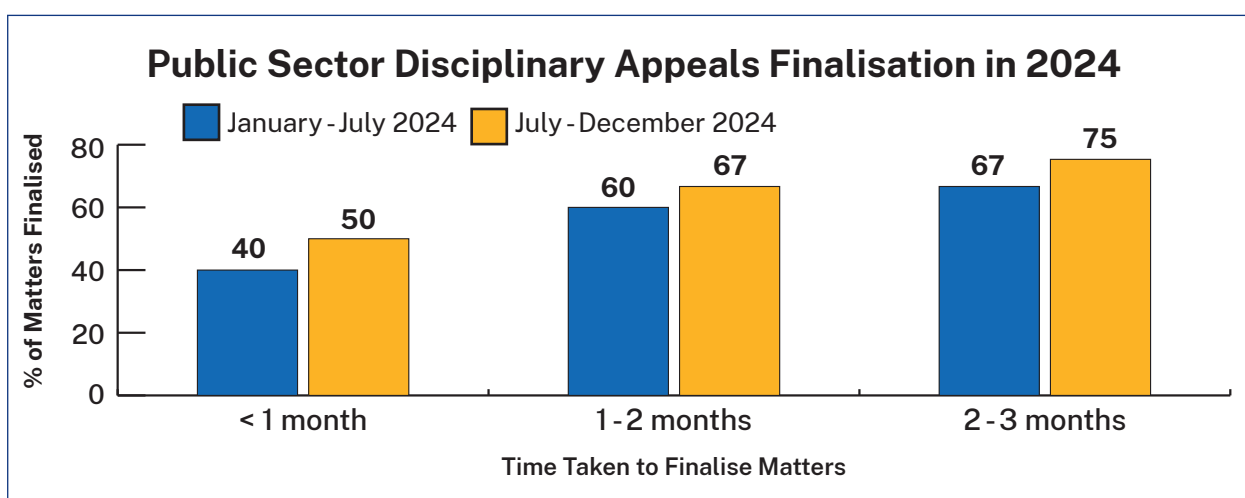


Graph 2.17 Half yearly comparison of unfair dismissal matters finalised within time standards

Notes: The time standards for 2025 have been used to demonstrate improvement in performance and efficiency from graph 2.17 to graph 2.21.



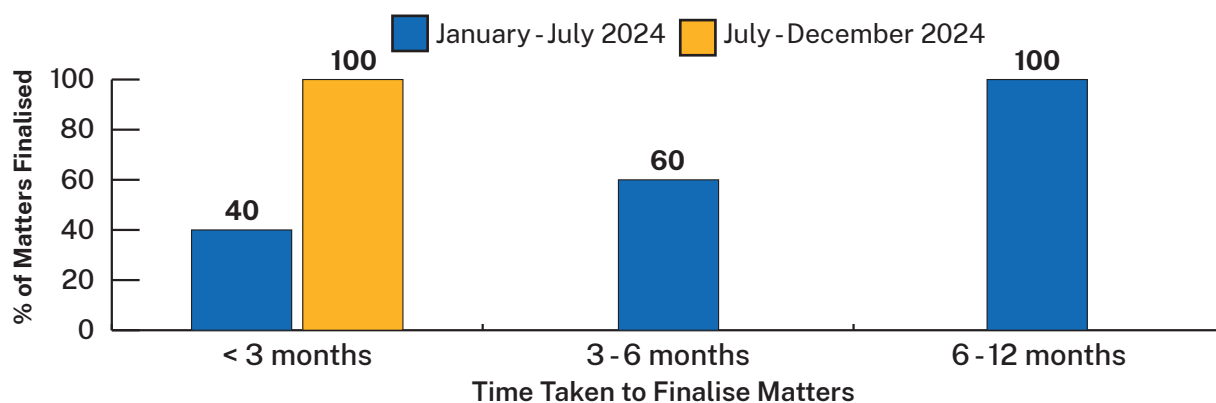
Graph 2.18 Half yearly comparison of industrial disputes finalised within time standards.



Graph 2.19 Half yearly comparison of Public Sector Disciplinary Appeals finalised within time standards.

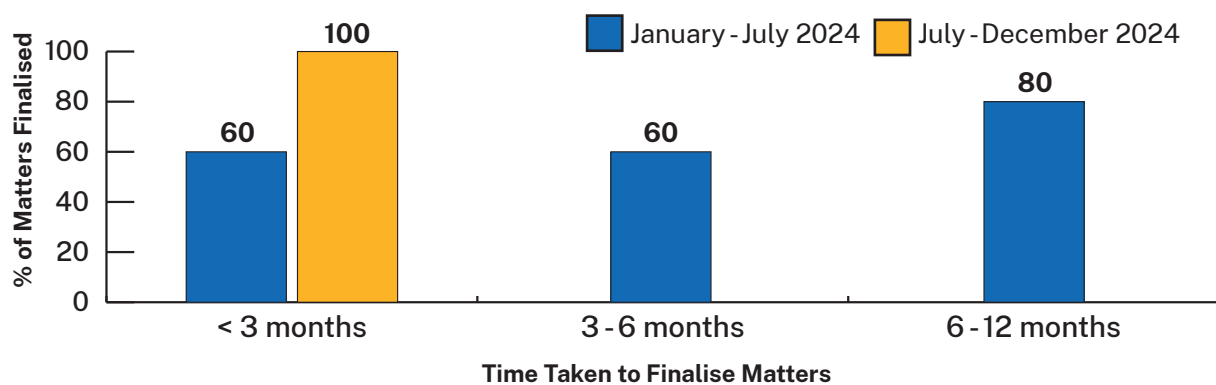


Police Disciplinary Appeals Finalisation in 2024



Graph 2.20 Half yearly comparison of Police Disciplinary Appeals finalised within time standards in 2024.

Police Dismissal Appeal Finalisation in 2024



Graph 2.21 Half yearly comparison of Police Dismissal Appeals finalised within time standards in 2024.

Notes: The time standards for 2025 have been used to demonstrate improvement in performance and efficiency.

Reserved Judgments

Many of the decisions of the Commission are not published on the NSW Department of Communities and Justice's database of judgments, NSW Caselaw. They are announced at the end of the hearing and recorded on transcript, which can be made available to the parties.

“ From 28 February 2025, the Commission has had a policy to hand down all reserved decisions within three months of the final hearing day or receipt of final written submissions (whichever is the later). ”

Some decisions are given on the day but subsequently published on NSW Caselaw. Significant or complex decisions are usually “reserved” and handed down on a later date and published on Caselaw.

From 28 February 2025, the Commission has had a policy to hand down all reserved decisions within three months of the final hearing day or receipt of final written submissions (whichever is the later), while acknowledging that more complex matters, such as appeals and full bench hearings, can take up to six months.

The following tables record all decisions published in Caselaw in 2024, recording the time between the date the hearing(s) ended, or the final written submissions were received (whichever is the later), and the date the decision was published on NSW Caselaw.

Total number of individual decisions		89
Handed down within 5 weeks	61	69%
Including those decisions handed down on the same day	28	31%
Handed down between 5 and 12 weeks	10	11%
Handed down after 12 weeks	18	20%
Including those decisions handed down after 6 months	7	8%

Table 2.1 Decisions published on NSW Caselaw by a single decision maker in 2024.

Total number of Full Bench decisions		17
Handed down within 5 weeks	11	65%
Including those handed down on the same day	2	12%
Handed down between 5 and 12 weeks	2	12%
Handed down after 12 weeks	4	24%
Included those handed down after 6 months	1	6%

Table 2.2 Decisions published on NSW Caselaw by a Full Bench in 2024.

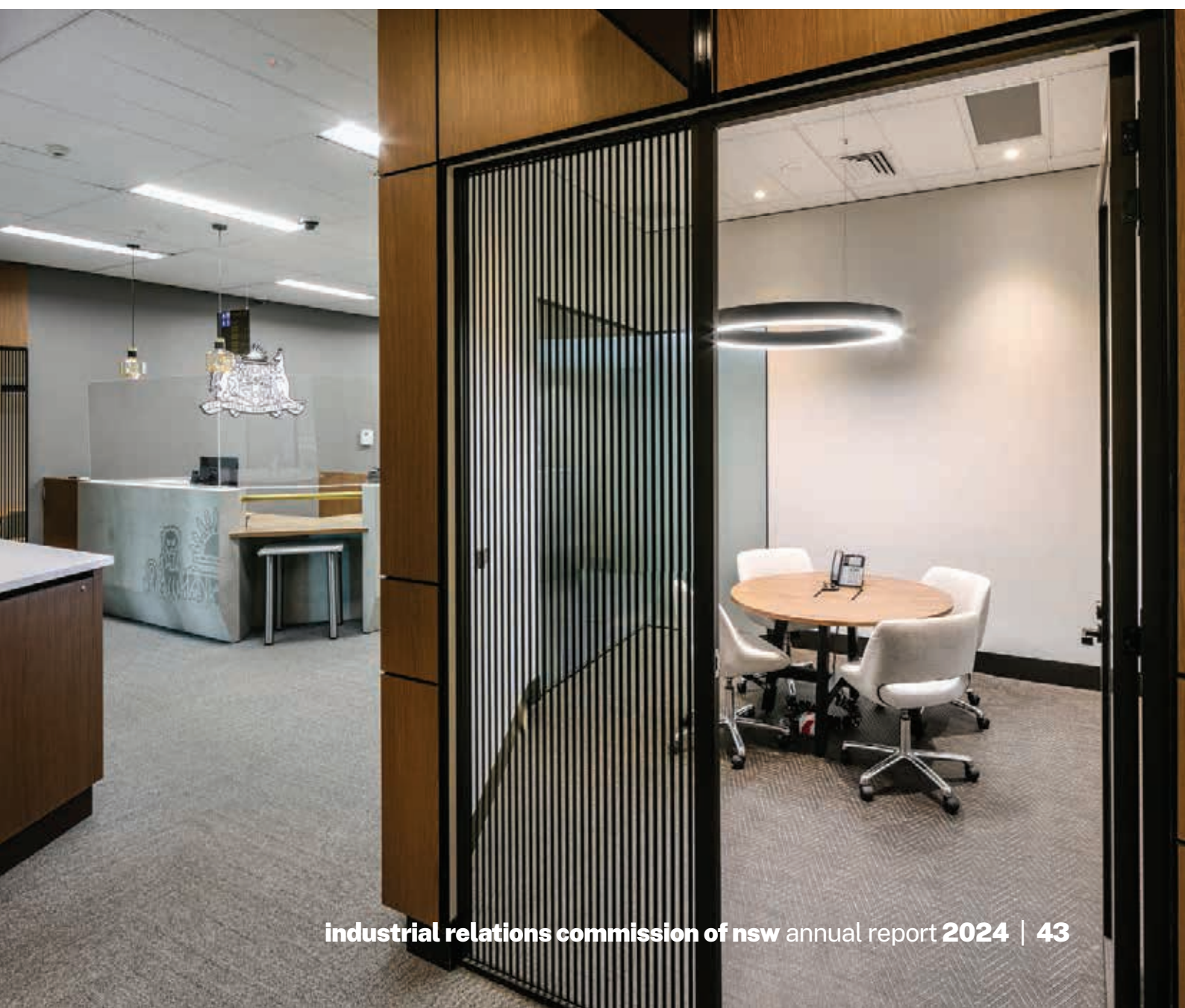
appendix

List of Registered Industrial Organisations

Employee organisations and peak councils

Organisation	Org Type	Category	Reg No.
Australian Education Union New South Wales Teachers Federation Branch	Employees	Federal	EE77
Australian Institute of Marine and Power Engineers New South Wales District	Employees	State	EE56
Australian Maritime Officers' Union of New South Wales	Employees	State	EE28
Australian Nursing and Midwifery Federation New South Wales Branch	Employees	Federal	EE79
Australian Paramedics Association (NSW)	Employees	State	EE76
Australian Salaried Medical Officers' Federation (New South Wales)	Employees	State	EE60
Australian Services Union of N.S.W.	Employees	State	EE22
Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, New South Wales Branch	Employees	State	EE06
Construction, Forestry and Maritime Employees Union (CFMEU)	Employees	State	EE70
Electrical Trades Union of Australia, New South Wales Branch	Employees	State	EE33
Finance Sector Union of Australia, New South Wales Branch	Employees	State	EE41
Fire Brigade Employees' Union of New South Wales	Employees	State	EE36
Health Services Union NSW	Employees	State	EE15
Independent Education Union of Australia NSW/ACT Branch	Employees	Federal	EE80
Media, Entertainment and Arts Alliance New South Wales	Employees	State	EE26
Mining and Energy Union	Employees	State	EE81
Musicians' Union of Australia (Sydney Branch)	Employees	State	EE75
New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union	Employees	State	EE05
New South Wales Nurses and Midwives' Association	Employees	State	EE23
Newcastle Trades Hall Council	Employees	State	EE71
NTEU New South Wales	Employees	State	EE69
Police Association of New South Wales	Employees	State	EE09
Police Association Salaried Officers Union	Employees	State	EE25
Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales	Employees	State	EE59
Rail, Tram and Bus Union of New South Wales	Employees	State	EE47
Real Estate Association Salaried Officers Union	Employees	State	EE48
Shop Assistants and Warehouse Employees' Federation of Australia, Newcastle and Northern, New South Wales	Employees	State	EE11
Shop, Distributive and Allied Employees' Association, New South Wales	Employees	State	EE30
The Association of Principals of Independent Schools in New South Wales	Employees	State	EE31
The Association of Professional Engineers, Scientists and Managers, Australia (NSW Branch)	Employees	State	EE58
The Australasian Meat Industry Employees' Union, New South Wales Branch	Employees	State	EE39
The Australasian Meat Industry Employees' Union, Newcastle and Northern Branch	Employees	State	EE50
The Australian Workers' Union, New South Wales	Employees	State	EE24
The Broken Hill Town Employees' Union	Employees	State	EE74

The Development and Environmental Professionals' Association	Employees	State	EE07
The Funeral and Allied Industries Union of New South Wales Branch	Employees	State	EE44
The Local Government Engineers' Association of New South Wales	Employees	State	EE35
The New South Wales Plumbers and Gasfitters Employees' Union	Employees	State	EE38
The Seamens' Union of Australia, New South Wales Branch	Employees	State	EE02
Transport Workers' Union of New South Wales	Employees	State	EE17
Unions NSW	Employees	Peak Council	EE-PEAK State Peak Council for Employees
United Workers' Union, New South Wales Branch		State	EE04



Employer organisations and peak councils

Organisation	Org Type	Category	Reg No.
Association of Quality Child Care Centres of NSW Inc	Employers	Separate	ER46
Australian Federation of Employers and Industries	Employers	State	ER61-PEAK a State Peak Council for Employers
Australian Hotels Association (NSW)	Employers	State	ER38
Australian Medical Association (NSW) Limited	Employers	Separate	ER29
Australian Private Hospitals Association	Employers	Federal	ER17
Australian Retailers Association	Employers	Federal	ER58
Australian Road Transport Industrial Organisation, New South Wales Branch	Employers	Federal	ER69
Bus and Coach Industrial Association of New South Wales	Employers	State	ER21
Clay Brick & Paver Association of New South Wales	Employers	State	ER10
Furnishing Industry Association of Australia Limited	Employers	Federal	ER51
Local Government NSW	Employers	State	ER28
Motor Traders' Association of New South Wales	Employers	Federal	ER68
New South Wales Taxi Council Limited	Employers	Separate	ER67
NSW Business Chamber Limited	Employers	Separate	ER70
NSW Farmers' (Industrial) Association	Employers	Separate	ER66
Nursery & Garden Industry NSW & ACT Limited	Employers	Separate	ER60
Roofing Industry Association of NSW Incorporated	Employers	Separate	ER64
TAB Agents' Association of New South Wales	Employers	State	ER27
The Association of Wall & Ceiling Industries of New South Wales	Employers	State	ER02
The Australian Industry Group New South Wales Branch	Employers	Federal	ER56-PEAK a State Peak Council for Employers
The Caravan Camping and Touring Industry and Manufactured Housing Industry Association of NSW Limited	Employers	Separate	ER43
The Electrical Contractors' Association of New South Wales	Employers	State	ER04
The Funeral Directors' Association of New South Wales Limited	Employers	Separate	ER36
The Master Builders' Association of New South Wales	Employers	State	ER52
The Master Fish Merchants' Association of Australia	Employers	State	ER37
The Master Plumbers & Mechanical Contractors Association of New South Wales	Employers	State	ER47
The New South Wales Chamber of Fruit and Vegetable Industries Incorporated	Employers	Separate	ER33
The New South Wales Pharmacy Guild	Employers	State	ER25
The Newsagents' Association of NSW and ACT Ltd	Employers	Separate	ER63
The N.S.W. Retail Tobacco Traders' Association	Employers	Federal	ER26
The Racing Guild of New South Wales	Employers	State	ER57
The Registered Clubs Association of New South Wales	Employers	State	ER16
Timber Trade Industrial Association	Employers	Federal	ER44
Waste Contractors and Recyclers Association of N.S.W.	Employers	State	ER20





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