

2025

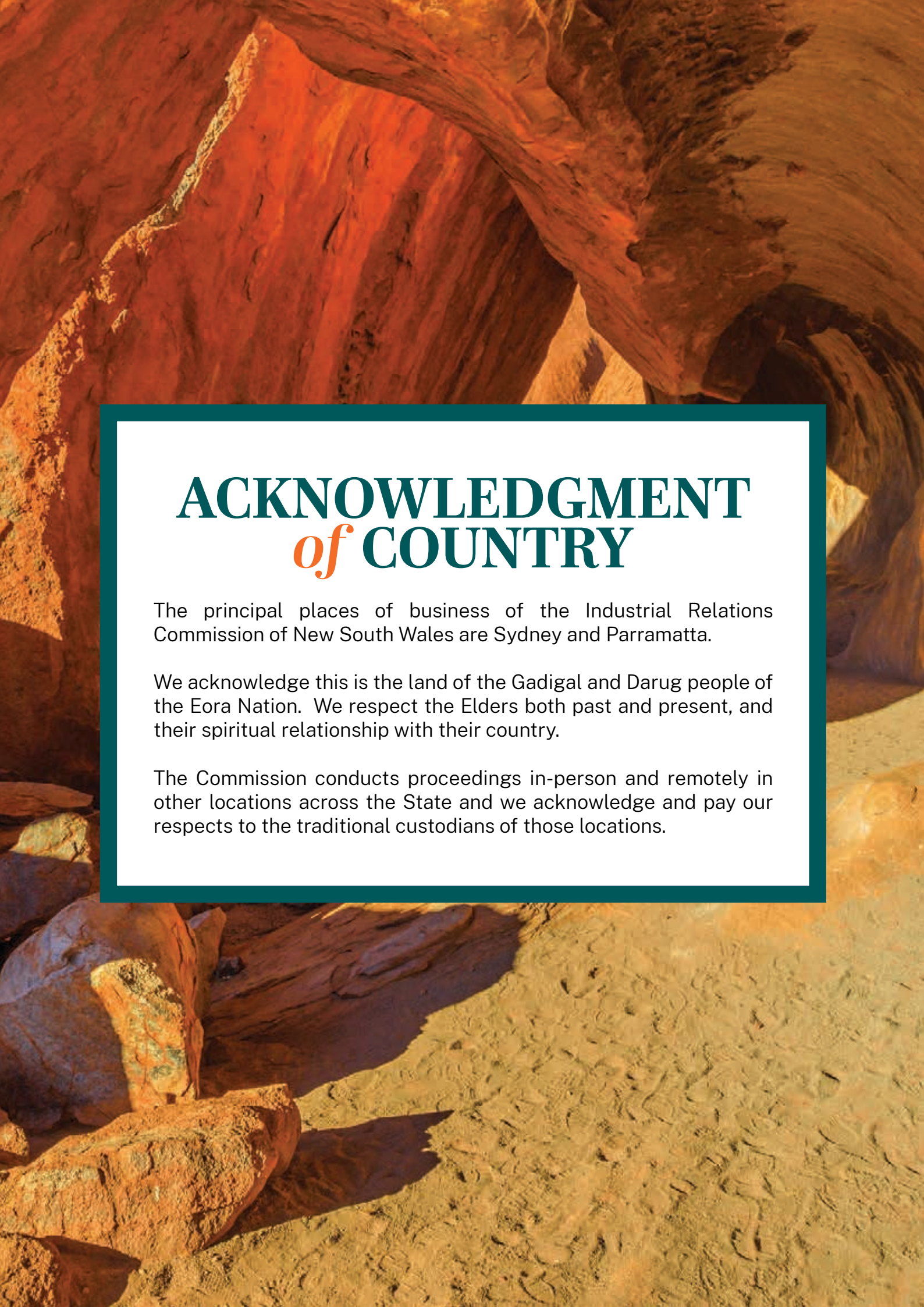
Annual Report



Industrial Relations Commission of New South Wales







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

LETTER *to* *the* MINISTER

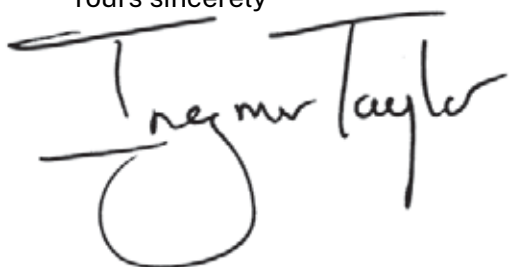
The Hon. Sophie Cotsis MP
Minister for Industrial Relations, and
Minister for Work Health and Safety
52 Martin Place, Sydney 2000
GPO Box 5341, Sydney 2001

30 June 2026

Dear Minister Sophie Cotsis

I am pleased to submit the Annual Review of the operations of the Industrial Relations Commission of New South Wales for the year that ended 31 December 2025 for presentation to each House of Parliament in accordance with s 161 of the *Industrial Relations Act 1996* (NSW).

Yours sincerely

A handwritten signature in black ink, reading "Justice I Taylor". The signature is written in a cursive style with a large, stylized "J" and "T".

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

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INDUSTRIAL RELATIONS COMMISSION *of* NEW SOUTH WALES

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Photography by Murray Harris Photography

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FOREWORD *by* *the* PRESIDENT

This report marks the completion of the first full calendar year since the judicial functions of the Industrial Relations Commission of New South Wales (Commission) were reinstated on 1 July 2024. In that time, recourse to the Commission has grown and its jurisdiction has expanded in important respects.

The data contained in this report tells part of that story. The number of new matters filed in the Commission increased by 18%, from 950 in 2024 to 1,127 in 2025. In that same period the number of listings grew from 2,365 to 4,265, an increase of 80%. Finalisations rose by 36% from 687 in 2024 to 938 in 2025. These outcomes reflect both the growing demand for the Commission's services and the dedication of those responsible for delivering them.

“The number of new matters filed in the Commission increased by 18%, from 950 in 2024 to 1,127 in 2025. In that same period the number of listings grew from 2,365 to 4,265, an increase of 80%. Finalisations rose by 36% from 687 in 2024 to 938 in 2025.”

The Commission was able to achieve these results while improving the timeliness of its outcomes, which is a testament to the hard work of its decision-makers. In 2025, the percentage of decisions



handed down within six weeks of the conclusion of proceedings grew from 73% to 78% over the preceding year, and the proportion of decisions handed down within 12 weeks increased from 81% to 88%. The number of reserved decisions that took longer than six months to hand down reduced from seven to two.

The *Industrial Relations and Other Legislation Amendment (Workplace Protections) Act 2025* (NSW) commenced on 13 October 2025, granting the Commission new powers to hear and determine applications to remedy workplace bullying and sexual harassment. In addition, jurisdiction now lies with the Commission to deal with civil disputes relating to work health and safety (WHS) matters including the determination of work groups and the right to cease unsafe work. The Commission's victimisation jurisdiction has also expanded: an employee or prospective employee can now claim victimisation on the grounds that they suffered a detriment because they made a complaint or inquiry about their employment or to a public authority, for claiming or being entitled to workers'

compensation, or for engaging in, or proposing to engage in, industrial organising activities. Applications arising from these new jurisdictions will in time make up a significant percentage of the work of the Commission.

During 2025, new forms and Practice Notes were issued in consultation with our three user groups to complement the Commission's enhanced jurisdiction. Five new Practice Notes were issued and nine were re-issued in 2025.

New members have been appointed to carry out the Commission's enhanced powers. The Honourable Justice Geoffrey Bellew AM was sworn in as Acting Deputy President and Acting Justice of the Commission in Court Session, otherwise known as the Industrial Court, in October 2025. Commissioners Anthony Howell and Alison McRobert joined the Commission in July 2025. Their appointments have already made a valuable contribution to the Commission's work in the second half of the year. During 2025, we farewelled Director and Industrial Registrar Karen Jones.



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OFFICE OF
INDUSTRIAL
REGISTRAR

INDUSTRIAL RELATIONS COMMISSION
OF NEW SOUTH WALES

INDUSTRIAL COURT
OF NEW SOUTH WALES

“Looking ahead, my focus is on managing increasing demand, including a significant new jurisdiction due to commence in July 2026 arising from changes to workers compensation legislation.”

Domonique Elder was appointed as Executive Officer and Monique Welch as Industrial Registrar, each reporting to Rebel Kenna, Executive Director and Principal Registrar, Superior Courts of NSW. Monique and Domonique have each brought a prodigious work ethic, commitment and sound judgement to their respective roles.

I am deeply grateful for the collegiality and support of my fellow Presidential Members, Justices Chin and Paingakulam, the Acting Justices of the Court, and the seven Commissioners. The administration of a modern court or tribunal is a collective endeavour. Their expertise, hard work and exemplary commitment to public service have been the basis of the Commission's success in the last year.

I am also grateful for the hard work of the members of the Commission's Registry and those employed to assist the Commission members exercise their duties. This small workforce implemented significant change in 2025 effectively and efficiently.

“By the end of 2025 there was sufficient WHS prosecution work to keep six judges busy for a year.”

In one area the Commission faces a very significant challenge. Between 1 July 2024 and 31 December 2025, new WHS prosecutions were commenced

in the Industrial Court at a rate of approximately 200 per year. Those filings were much higher than expected: approximately twice as high as the District Court had in the year preceding the transfer of the jurisdiction to the Industrial Court. The Industrial Court was established with three judges, along with a budget to engage Acting Justices equal to 0.3 of a full-time judge. However, because significant aspects of the Commission's civil jurisdiction can only be exercised by Presidential Members (being the three judges) in practical terms the Industrial Court has only been able to apply the equivalent of 1.5 judges to its criminal jurisdiction. Having twice the work expected led to a significant backlog in the Industrial Court's criminal jurisdiction. By the end of 2025 there was sufficient WHS prosecution work to keep six judges busy for a year. Defended matters were being given hearing dates more than 18 months after a not guilty plea was entered. Noting the regulator has been given expanded funding to bring prosecutions, I expect a further increase in filings. It is critical that additional judicial resources are provided to avoid the backlog continuing to increase at an exponential rate.

Looking ahead, my focus is on managing increasing demand, including a significant new jurisdiction due to commence in July 2026 arising from changes to workers compensation legislation, while maintaining the quality and timeliness of the Commission's work. The year under review demonstrates the Commission's capacity to meet that challenge. It did so in 2025 because of the skill and hard work of its members and staff, and because of their shared commitment to serving the people of New South Wales.

The Honourable Justice Ingmar Taylor
President of the Industrial Relations Commission

PERFORMANCE *snapshot*

2025 HIGHLIGHTS

MARCH The Commission commenced regular sittings at the Newcastle Local Court	JUNE Appointment of Commissioner Anthony Howell and Commissioner Alison McRobert	JULY Completion of the Industrial Court Digitisation Project
OCTOBER Appointment of the Hon Geoff Bellew as Acting Justice of the Commission	OCTOBER Commencement of Workplace Protections Act Amendments including powers to make Stop Bullying and Sexual Harassment Orders	NOVEMBER Appointment of Executive Officer Domonique Elder and Industrial Registrar Monique Welch

KEY STATISTICS IN 2025

12%	increase in the number of civil matters	56%	increase in number of criminal prosecutions
12%	increase in the number of decisions handed down within six weeks	80%	of matters were finalised prior to or through conciliation or compulsory conference
18%	increase in the number of total matters initiated	80%	increase in the number of listings
25%	increase in the number of civil matters finalised	92%	of unfair dismissal matters were finalised within six months
36%	increase in the number of total matters finalised	97%	of police matters were finalised within 12-months
48%	increase in the number of matters filed in the Industrial Court	97%	of matters were finalised at the Commission within 12-months (excluding Industrial Court matters)



COMMISSION *profile*



INDUSTRIAL RELATIONS COMMISSION *of* NSW

The Commission is the longest continuing industrial tribunal in the world.

The Commission is established under s 145 of the *Industrial Relations Act 1996* (NSW) (IR Act) to:

- set remuneration and other conditions of employment by making new awards, varying existing awards and approving enterprise agreements for NSW public sector and local government employees;
- resolve industrial disputes involving NSW public sector or local government employees;
- hear and determine applications from NSW public service and local government employees who seek relief in respect of claims such as

unfair dismissal, victimisation, disciplinary appeals, police appeals and small monetary claims;

- inquire into, and report on, matters referred to it by the Minister; and
- perform any other function conferred on it under any other law.

The Commission can exercise judicial powers as the Industrial Court, and non-judicial powers as the Commission. The Industrial Registrar holds significant administrative and quasi-judicial powers under the IR Act.

INDUSTRIAL COURT

When the Commission sits in Court session it is known as the Industrial Court, a superior court of record under s 152(1) of the IR Act, alongside the Supreme Court of NSW and the Land and Environment Court.

Judicial member(s) can determine:

- prosecutions under the *Work Health and Safety Act 2011* (NSW) (WHS Act) in respect of all workplaces in NSW.
- offences before the Commission, including proceedings for contempt;
- declarations of right under s 154 of the IR Act;
- unfair contracts under Chapter 2, Part 9;
- contraventions of dispute orders under s 139;
- the regulation of industrial organisations under Chapter 5, Parts 3, 4 and 5;
- breach of industrial instruments under Chapter 7, Part 1;
- recovery of remuneration under Chapter 7, Part 2;

- superannuation appeals under s 88 of the *Superannuation Administration Act 1996* (NSW);
- appeals on questions of law relating to public sector promotional and disciplinary matters under s 197B of the IR Act; and
- any other proceedings required to be taken before the Industrial Court under the IR Act or any other Act.

Matters decided by a single judicial member or by the Local Court when exercising jurisdiction under the IR Act or the WHS Act can be appealed to the Full Bench of the Industrial Court.

The Industrial Court is also an eligible State court under the *Fair Work Act 2009* (Cth) (FW Act), which allows applicants to seek orders in relation to contraventions of civil remedy provisions under Chapter 4 of the FW Act.



COMMISSION

The Commission can hear the following applications from NSW public service and local government employees (or their union on their behalf):

- unfair dismissal;
- victimisation;
- public sector disciplinary appeals;
- entertainment industry disputes;
- reinstatement of injured workers;
- bullying and sexual harassment claims;
- review of the Police Commissioner's orders with respect to an officer's misconduct or unsatisfactory performance or decision to remove a police officer; and
- recovery of small monetary claims under s 380 of the IR Act.

Applicants can apply to seek relief from disputes or set conditions that apply to the transport industry. This includes industry wide contract determinations, the approval of contract agreements which set conditions for owner drivers and compensation for the termination of certain contracts of carriage.

The Commission has an appellant jurisdiction, and the Full Bench of the Commission can hear matters that were determined by a single Member of the Commission or the Industrial Registrar.

INDUSTRIAL REGISTRAR

The Industrial Registrar manages administrative matters such as compliance checks, returns of summonses, mentions and report backs. The Industrial Registrar also regulates state registered industrial organisations to ensure they comply with requirements under Chapter 5 of the IR Act.

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

- issue summonses for the purpose of dealing with a matter;
- determine applications and issue certificates for conscientious objection to union membership;
- approve, issue and revoke permits; and
- publish orders, awards and other instruments made by the Commission on the website.



DEVELOPMENTS *at the* COMMISSION *in 2025*

New jurisdiction

Amendments to the IR Act and WHS Act made by *Industrial Relations and Other Legislation Amendment (Workplace Protections) Act 2025* (NSW) came into force in October 2025.

The objects of the IR Act have been expanded to include the elimination of gender-based undervaluation of work.

The Commission has been given the power to make stop bullying orders and to issue orders to stop and remedy sexual harassment in relation to “workers” as defined under s 7(1) of the WHS Act, which includes outworkers, apprentices, volunteers, students on work placement, police officers, contractors and subcontractors. Stop bullying claims may be brought by employees who cannot apply to the Fair Work Commission for a stop bullying order under the FW Act and sexual harassment claims may be made by a worker who is not a national system employee within the meaning of the FW Act.

Changes to the WHS Act were made that allow the Commission to deal with WHS disputes, such as the right to cease unsafe work. This jurisdiction applies

in respect of all workplaces in NSW. WHS entry permit holders have been given expanded powers which include taking measurements, photos, or videos and conducting tests directly relevant to a suspected contravention. Permit holders can also exercise powers under the permit if they reasonably suspect another contravention of the WHS Act at the workplace. Registered industrial organisations that represent affected workers can apply for the Commission to review certain decisions under the WHS Act. A person who obtains confidential information under the WHS Act can also disclose the details to an officer or employee of a union, employer organisation or a WHS representative.

A further change permits a prosecuting authority to initiate criminal proceedings under the WHS Act outside of the limitation period, with the leave of the Industrial Court.

Finally, a person who is affected by the contravention of a civil penalty provision, other than s 136A or s 357 of the IR Act, can make an application for a civil penalty order.

Policies and Practice Notes

Policies

The Commission’s Policy for WHS Act Permits and Right of Entry Permits came into force in September, which outlined the procedures to obtain these permits. The policy included detailed guidance for unions and industrial organisations on eligibility, application requirements, assessment criteria, and the responsibilities of permit holders. Other policies introduced included the protocol regarding the delivery and any delay in decisions, the robing of counsel in court proceedings and the use of interpreters at the Commission.

Practice Notes

The Commission periodically issues or reviews and reissues Practice Notes in accordance with s 185A of the IR Act and s 15 of the *Civil Procedure Act 2005* (NSW).

Practice Note 33, Use of Generative Artificial Intelligence (Gen AI) was issued on 14 February 2025 to address circumstances in which the technology is acceptable in proceedings at the Commission.

Other Practice Notes revised and replaced in 2025 include:

- Approval of Enterprise Agreements;
- Applications for New Awards or Variations to awards by Consent;
- Unfair Dismissal Applications;
- Public Sector Disciplinary Appeals;
- Procedures for Matters Arising under the *Police Act 1990* (NSW);
- Pre-Judgement Interest Rates;
- Industrial Court Criminal Practice Note 1; and
- Filing, Length, Presentation and Formatting of Documents and Courtbooks Practice Note 32.

Industrial Court Digitisation Project

An additional four initiating forms and 13 secondary forms were made available to be filed using the NSW Online Registry (eRegistry) following the completion of the Industrial Court Digitisation Project (ICDP) in July 2025. The digitisation and automation of more processes and procedures have improved accessibility, efficiency, and consistency at the Commission.

Matters initiated online are electronically stamped, which can improve the speed at which those matters are processed. The development will also reduce the risk of human error, improve consistency and data security at the Commission.

Parties who file through the eRegistry will have 24/7 access to case information and can view documents filed in relation to their matter in real-time. The ICDP also integrated online services with the Online Transcript Portal, e-Subpoena, and the Decision Maker Application.

The Commission organised seminars to assist stakeholders to embrace these technological changes in 2025.

Appointments in 2025

The Hon Justice Geoffrey Bellew AM was sworn in as Acting Deputy President of the Commission and Acting Justice of the Industrial Court on

13 October 2025. On 2 June, Commissioner McRobert and Commissioner Howell were both appointed to the Commission.



The Hon Justice Geoffrey Bellew



Commissioner Anthony Howell



Commissioner Alison McRobert

Executive Officer and Industrial Registrar

The Commission farewellled Director and Industrial Registrar, Karen Jones, following a restructure which saw the position divided into two separate roles.

Domonique Elder became the Executive Officer of the Commission, while Monique Welch was appointed Industrial Registrar. Ruwinie Delgoda continued in the role of Deputy Industrial Registrar.



Executive Officer
Domonique Elder



Industrial Registrar
Monique Welch

MEMBERS *of the* COMMISSION

Presidential Members

The Commission had three permanent Judicial Members (Presidential Members) and four Acting Deputy Presidents in 2025. The Presidential Members hold the same rank, title, status and precedence as the Judges of the Supreme Court of NSW.

As at 31 December 2025, the Presidential Members were:

- The Hon Justice Ingmar Taylor, President;
- The Hon Justice David Chin, Vice-President;
- The Hon Justice Jane Paingakulam, Deputy President.

Acting Deputy Presidents

- The Hon Justice RA Hulme, Acting Deputy President;
- The Hon Justice Monika Schmidt AM, Acting Deputy President;
- The Hon Justice Peter Kite, Acting Deputy President;
- The Hon Justice Geoffrey Bellew AM, Acting Deputy President



Commissioners

Commissioners are highly respected and suitably qualified legal practitioners who have been appointed by the Governor due to their extensive experience in industrial and employment law.

As at 31 December 2025, the Commissioners were:

- **Senior Commissioner Nichola Constant;**
- **Commissioner Janine Webster;**
- **Commissioner Christopher Muir;**
- **Commissioner Daniel O'Sullivan;**
- **Commissioner Janet McDonald;**
- **Commissioner Anthony Howell;**
- **Commissioner Alison McRobert.**



Senior Commissioner
Nichola Constant



Commissioner Janine Webster



Commissioner Christopher Muir



Commissioner Daniel O'Sullivan



Commissioner Janet McDonald

Contract of Carriage Tribunal

The Contract of Carriage Tribunal (Tribunal) is established under s 347(1) of the IR Act. For arbitration proceedings, the Tribunal is constituted by a Presidential Member and two part-time members, with one member drawn from each of the two arbitration panels.

As at 31 December 2025, there were five members appointed by the Minister for Industrial Relations to the arbitration panels for three-year terms:

- **Simon O'Hara;**
- **Nigel Ward; and**
- **Lorenzo D'Apice.**

Contract carriers panel:

- **Anthony Matthews; and**
- **Thomas Costa.**

SUPPORTING *the* COMMISSION

The Registry

The Registry provides administrative support to the Commission and serves as the initial point of contact for the public, legal practitioners, unions, and parties to proceedings.

The Registry is responsible for:

- accepting documents filed at the Commission;
- securing the custody of exhibits and documents produced by parties under subpoena;
- allocating and listing matters for hearing;
- preparing hearings and meeting rooms.
- issuing court process;
- providing information and procedural guidance;
- maintaining physical files and computer records; and
- following data security protocols.

Management of the Registry

The President of the Commission (President) directs the priorities to be pursued by the Registry. The overarching priority is to ensure the professional, effective, and efficient delivery of services. The Executive Officer manages the Registry resources to achieve the priorities set by the President.

The Executive Officer also provides support to the Members of the Commission and Industrial Registrar through the development of strategies aimed at improving the delivery of services. These duties are undertaken in close consultation with the President, the Department, key professional bodies, and Commission users.



SIGNIFICANT CASES

New South Wales Nurses and Midwives' Association v Health Secretary

The Commission achieved a significant milestone in 2025 by hearing the first major industrial arbitration in NSW entirely paperless. The hearings were conducted in-person, but all documents were provided to witnesses and to the Full Bench electronically on screens visible to the parties, the witness, the bench and those watching. The proceedings were also broadcast live on the Commission's YouTube channel, attracting more than 14,581 views.

The matter went for 22 hearing days, plus one site visit, with 21,969 pages of evidence tendered from 69 lay and expert witnesses. Hearing books spanned 24,702 pages, which would be the equivalent to

49 arch lever folders per set. By adopting a paperless approach, the Commission estimates that at least 370,530 A4 sheets of paper were saved across the multiple hard copy sets that would otherwise have been required for the Full Bench, parties, legal representatives, witnesses, and for our records.

In addition to significant cost and environmental savings, the paperless process improved efficiency, with the Commission estimating that it reduced hearing time by the equivalent of three to four days by eliminating the need to physically hand documents to witnesses.

State Wage Case 2025

The Fair Work Commission (FWC) increased the National Minimum Wage and Federal Modern Award rates by 3.5%, effective from 1 July 2025, following the Annual Wage Review 2025–2026. The Commission, acting on its own initiative, commenced proceedings of its own motion that led to certain awards containing minimum rates being increased by 3.5% from 1 July 2025.

The Commission also made amendments to the Award Making Principles including a decision to set the 'Paid Rates Adjustment' mechanism at 3% for the 2025 – 2026 period and removing the 'Value of Money Principle' because it was no longer required.

Award Review Principles Case 2025

The Commission initiated proceedings to determine whether it should retain or amend the current Award Review Principles that govern the conduct of award review proceedings under s 19 of the IR Act. This case marked the first review of the Award Review Principles since 1998.

The Commission retained the Award Review Principles and published an amended version, together with a Practice Note and Standard Award Index. The amendments included clarification that the award review process is not a vehicle for parties to pursue substantive improvements in conditions, except by consent or to reflect minimum statutory entitlements and changes arising from test cases.

Superannuation Case 2025

The Commission issued a 'Summons to Show Cause' as to whether a model superannuation clause should be included in State awards and, if so, the appropriate wording and application.

The Commission determined the inclusion of such a clause would constitute a fair and reasonable

term of employment. Accordingly, a model clause regarding minimum superannuation contributions was developed and incorporated into a single award for State public sector and local government employers and employees within the jurisdiction of the Commission, which took effect from 1 September 2025.

Fire and Rescue NSW Award Matters

The Commission arbitrated claims in respect of three awards setting terms and conditions of employment for firefighters. Two awards that contained significant changes for permanent and

retained firefighters were made and backdated with effect from 26 February 2024. The claims in respect of the third award were referred for further conciliation.

Psychiatry Staff Arbitration

In the context of a broader arbitration involving staff specialists, medical superintendents, and medical officers employed in the NSW health service, the Commission made an interim award to address a workforce shortage of specialist psychiatry staff

that included a temporary supplementary allowance of 10% base pay. Arbitration of the claims relating to doctors employed in the NSW health service is ongoing.



ENGAGEMENT *and* EDUCATION

Members of the Commission contribute to the ongoing professional development of legal practitioners, industrial officers, and union representatives through the delivery of high-quality seminars and speeches.

The Commission commenced a program of regular seminars in 2025, which included:

- Sexual Harassment and Bullying Jurisdictions;
- Applying for Awards and Enterprise Agreements by Consent: Filing the Required Documents; and
- Appearing in the Commission: The Basics.

In March, President Taylor launched the sixth edition of *Discrimination Law and Practice* at Frederick Jordan Chambers.

In May, President Taylor delivered a speech at the Industrial Relations Society Annual Conference in Wollongong. Also in May, Commissioner McDonald presented Industrial Relations Commission Update on Trends at Local Government NSW's Employment Law Seminar.

In June, President Taylor presented at the Law Council of Australia's annual Industrial Law Committee Conference.

Also in June, all members attended the Industrial Relations Commission of New South Wales Annual Conference at which various members spoke, including the Hon Acting Justice M Schmidt AM.

In August, President Taylor addressed the Unions NSW Training Conference, speaking on the *Industrial Relations and Other Legislation Amendment (Workplace Protections) Act 2025*.

In September, Commissioner Muir presented a session titled Personal Perspectives of a Commissioner – Dispelling the Myths of the Commission at the United Services Union Delegates Conference.

Also in September, Commissioner McRobert presented a seminar on the Commission's new jurisdiction at the NSW Health Workforce Forum in October.

President Taylor delivered a workshop titled Diversity and Inclusion: Judicial and Other Species of Bias at the Australian Legal Convention in November 2025.

Commissioner Janet McDonald speaking at the Employment Law Seminar on 8 May 2025
Photo supplied by Local Government NSW





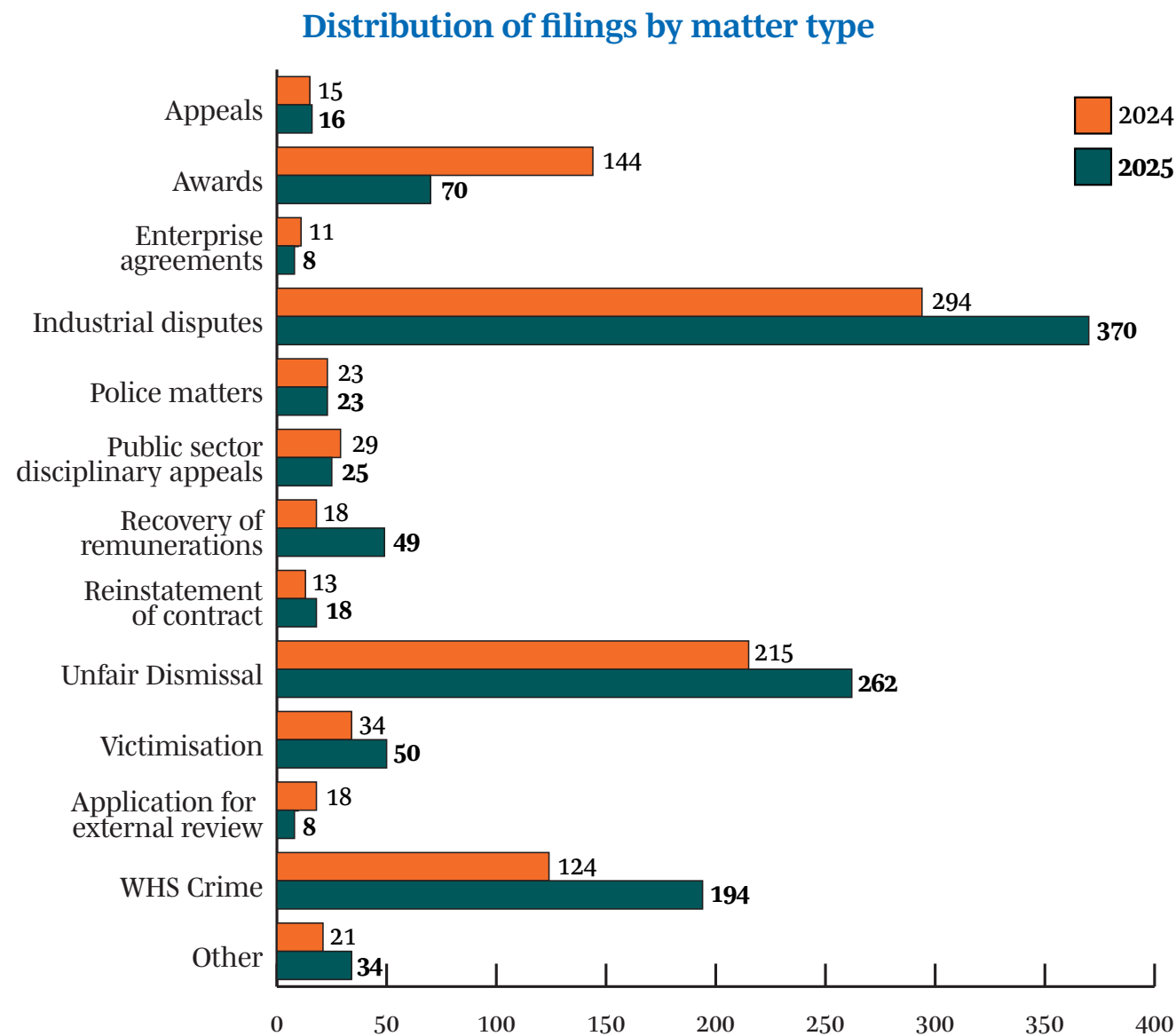
COMMISSION *operations*



FILINGS

In 2025, the Commission received the highest number of applications and initiating forms since 2012. There were 1127 matters commenced, compared to 959 in 2024, an increase of 18%.

The expanded jurisdiction contributed to the increase in filings, and the growth trend is expected to continue in 2026.



Notes Other: Contract agreements, declaration of right, demarcation order, mutual gains bargaining, penalty for breach of industrial instrument, reinstatement of worker, review of Industrial Registrar’s decision, stop bullying application, unfair contract application, transport industry matters, application to deregister an industrial organisation.

Civil matters

The number of recovery of remuneration claims increased by 172% over 2024, noting the jurisdiction did not exist in the first half of 2024.

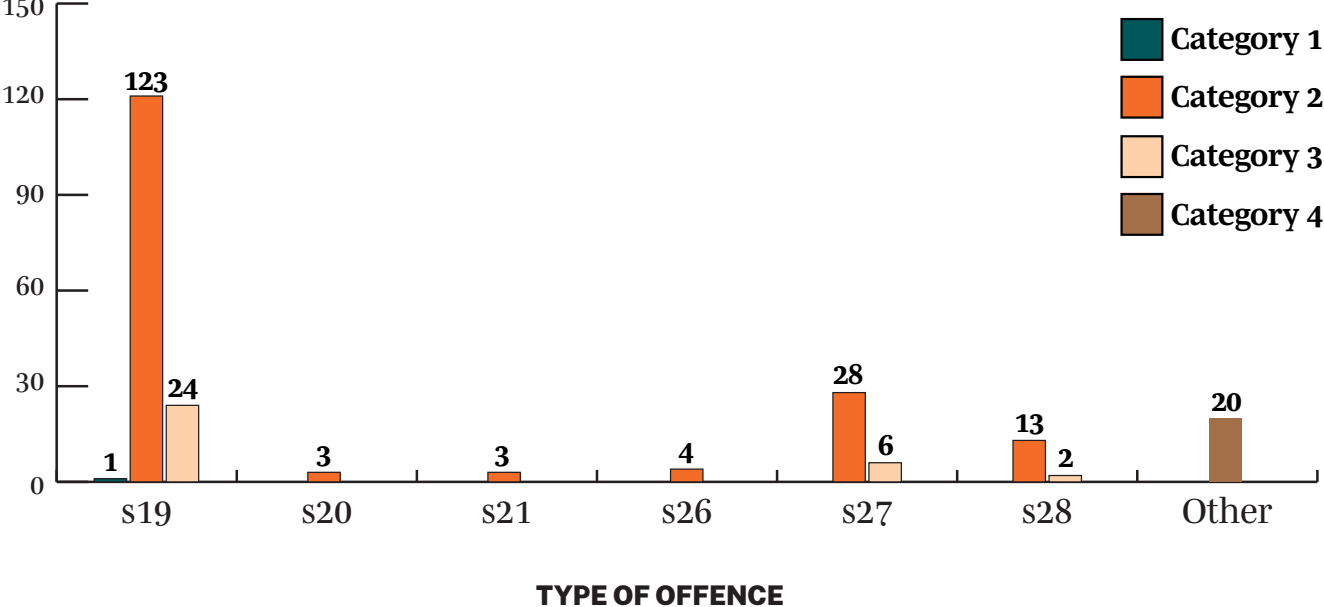
More than half the Commission's total case load consisted of industrial disputes (33%) and unfair dismissal matters (23%). Victimisation applications increased by 47% compared to 2024, while the number of industrial disputes increased by 28%.

Criminal matters

A total of 194 criminal proceedings, comprising 230 criminal charges, were commenced in 2025. The number of criminal proceedings initiated was 56% higher than the 124 proceedings initiated in 2024 because the jurisdiction only commenced operations on 1 July 2024.

When the case load is assessed on an average monthly basis, filings declined by 24%, from 21 proceedings per month in 2024 to 16 proceedings per month in 2025. The following graph illustrates the distribution of criminal charges filed during the reporting period by offence category.

Criminal charges by offence type

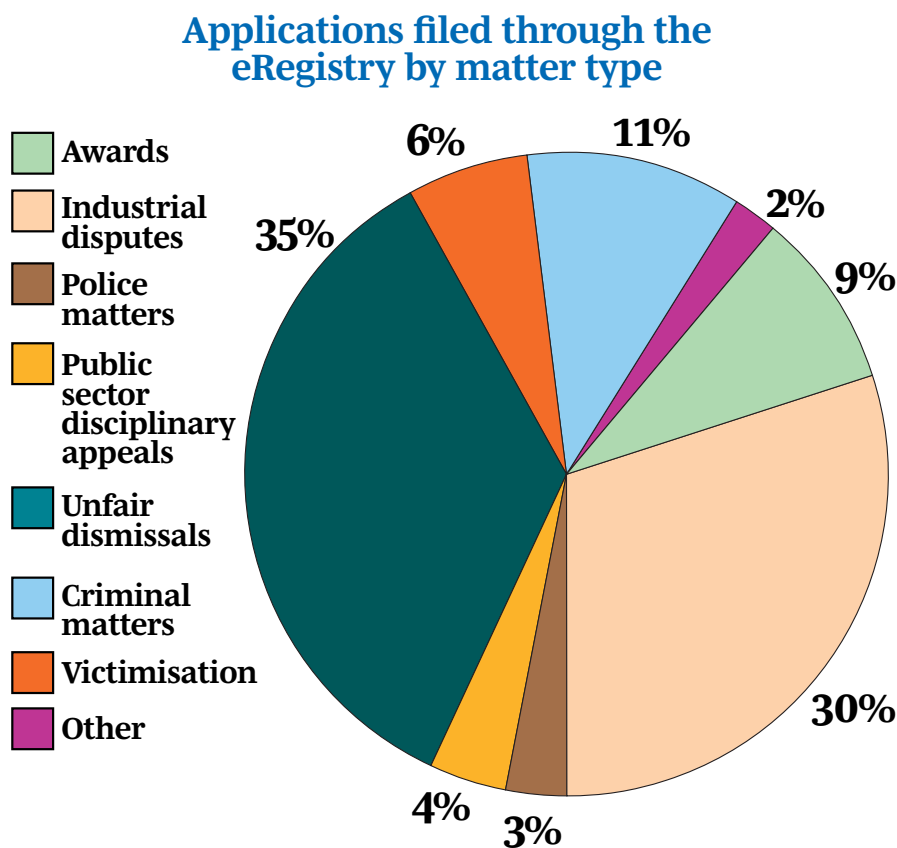


Notes Other: Duty of persons conducting businesses or undertakings that install, construct or commission plant or structures, Fail to immediately notify regulator of notifiable incident, Fail to keep notifiable incident site undisturbed, Not prepare emergency plan with emergency procedures, Not train adequate number of workers to administer first aid, Not consult etc others having duty, Knowingly produce false or misleading document.

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 21	Duty of persons conducting businesses or undertakings involving management or control of fixtures, fittings or plant at workplaces
s 22	Duties of persons conducting businesses or undertakings that design plant, substances or structures
s 27	Duty of Officers
s 28	Duties of Workers

Method of lodgement

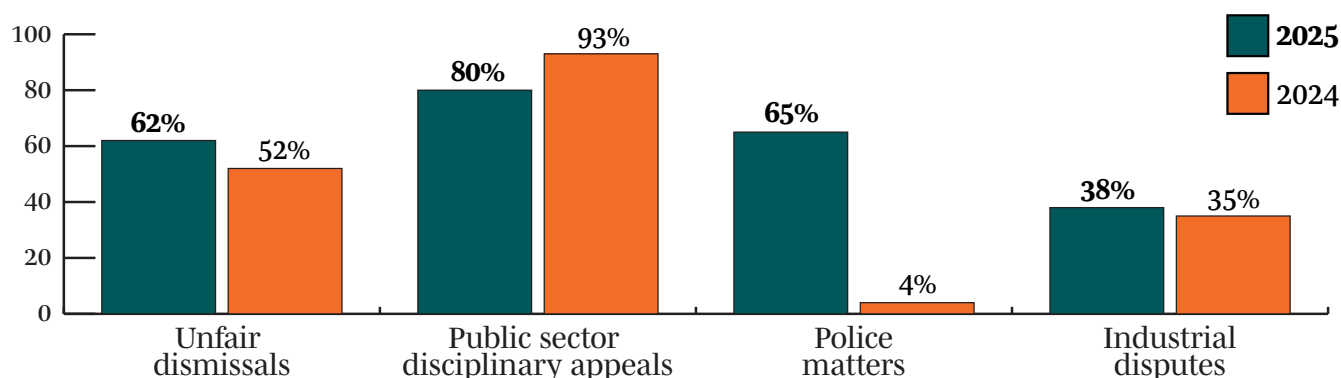
Applicants can commence many types of proceedings online (eRegistry). They can otherwise be commenced in-person in hard copy and in limited circumstances by email (to the Commission's Registry). In 2025, 49% of matters were initiated through the eRegistry, while 51% of applications were filed at the Commission's Registry, most of which were filed by email. The graph (right) shows the applications lodged through the eRegistry by matter type.



Notes Calculation based on the number of forms available through the eRegistry at any given time i.e. only unfair dismissals, public sector disciplinary appeals, police matters and industrial disputes from Jan to Jun 2025; and all matters July to Dec 2025.

The number of public sector disciplinary appeals lodged through the eRegistry decreased by 13% last year, however, the remaining key jurisdictions saw an increase in applications filed online.

Applications in key jurisdictions filed through the eRegistry



Notes There is no comparative data for awards, victimisation claims, criminal prosecutions and other matters only because they became available through the eRegistry from July 2025 following the completion on the ICDP.

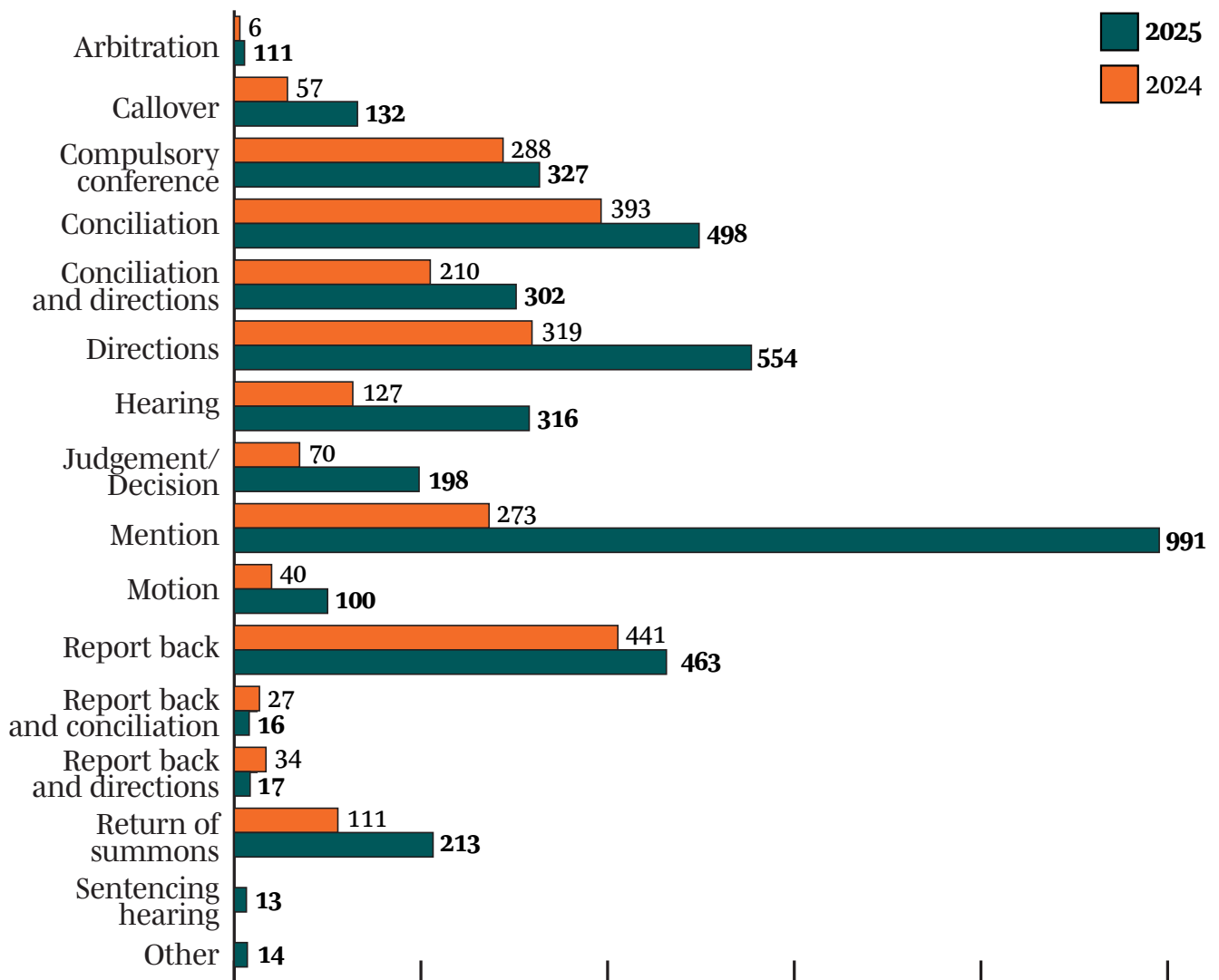
LISTINGS

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 conciliation on one day that proceeds to a five-day hearing it is counted once for conciliation and five times as a hearing.

The number of decision-makers at the Commission increased in the second half of 2024 and again

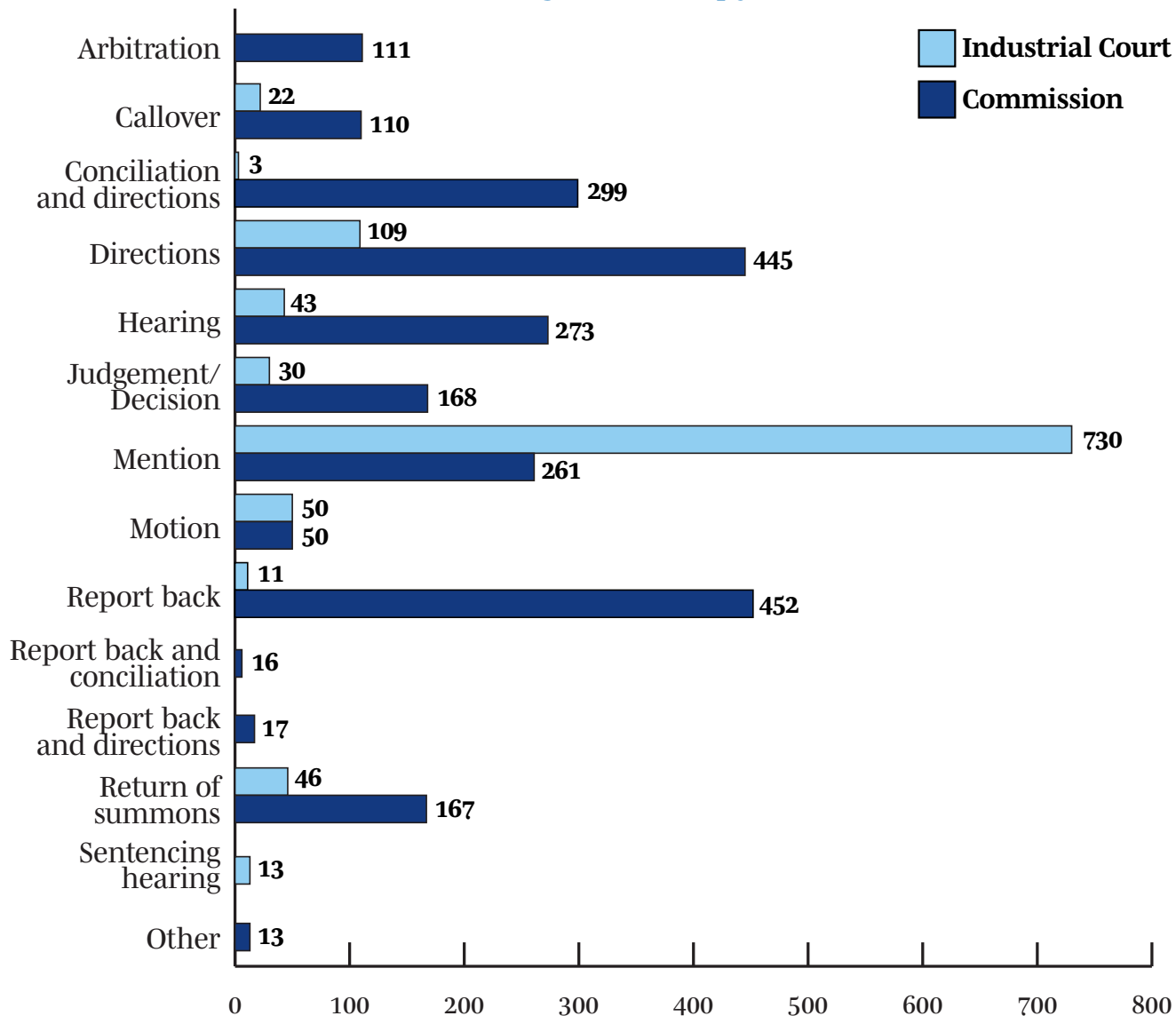
in 2025, but so did their workload. There was an 80% increase in the number of listings, with 4265 listings in 2025 compared to 2366 in 2024. The increase can be attributed to the expanded jurisdiction at the Commission. The following graph shows the number of listings at the Commission in 2025 compared to 2024 by listing type.

2025 listings compared to 2024



Notes Other: Contract agreements, declaration of right, demarcation order, mutual gains bargaining, penalty for breach of industrial instrument, reinstatement of worker, review of Industrial Registrar's decision, stop bullying application, unfair contract application, transport industry matters, application to deregister an industrial organisation.

Number of listings in 2025 by jurisdiction



Time standards for first listing

Under the IR Act, the Commission must ensure the effective and efficient delivery of services. One way the Commission determines whether this objective has been achieved is by measuring the time between

an application being filed with the Registry and the matter being listed before a decision-maker for the first time against parameters that it sets for each type of matter.

Civil matters

The Commission aims to have disputes and urgent applications listed before a decision-maker within five days of lodgement, unless the parties request otherwise. In 2025:

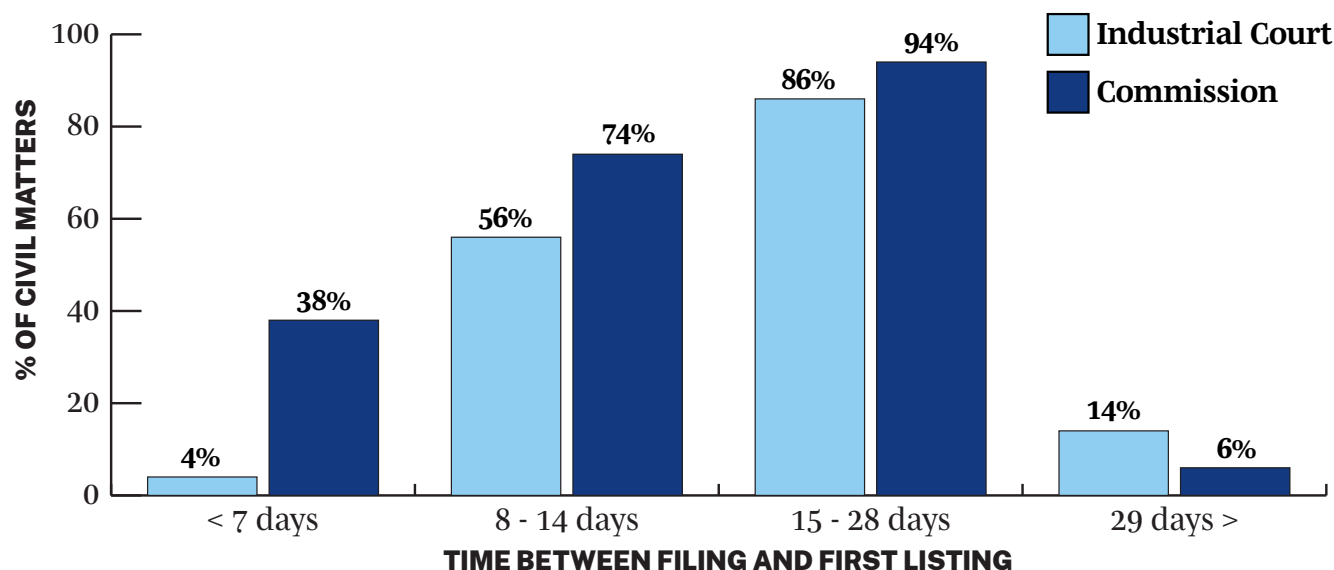
- 26% of industrial disputes were listed within 72 hours; and 44% listed within five days;
- The remaining 56% of industrial disputes were listed within an average of 17 days from filing;
- A delay in listing industrial disputes usually arises at the request of the parties.

The remaining civil matters should be listed for conciliation or compulsory conference within 14

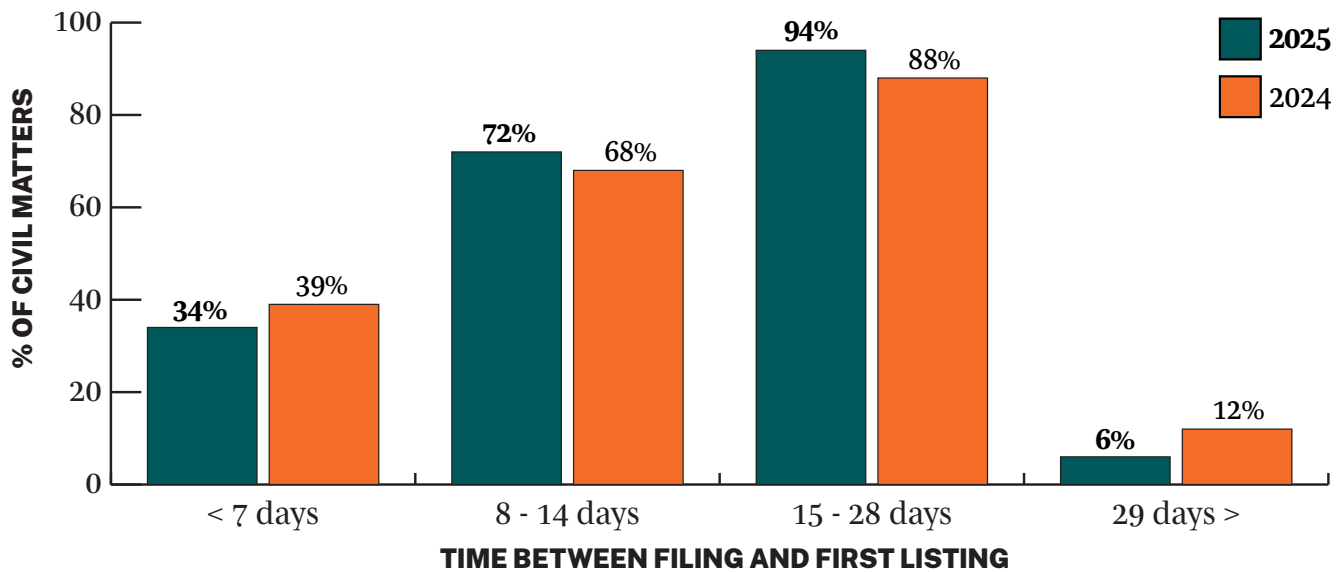
to 28 days. Registry staff listed 94% of all civil matters within 28 days from filing. The remaining 6% civil matters were listed within an average of 43 days from the application being lodged. A listing can be delayed or vacated for a number of reasons including at the request of the parties or for administrative purposes, which occurred in 18% of civil matters in 2025.

The graph below shows the time taken for Registry staff to list all civil matters in the Commission and Industrial Court.

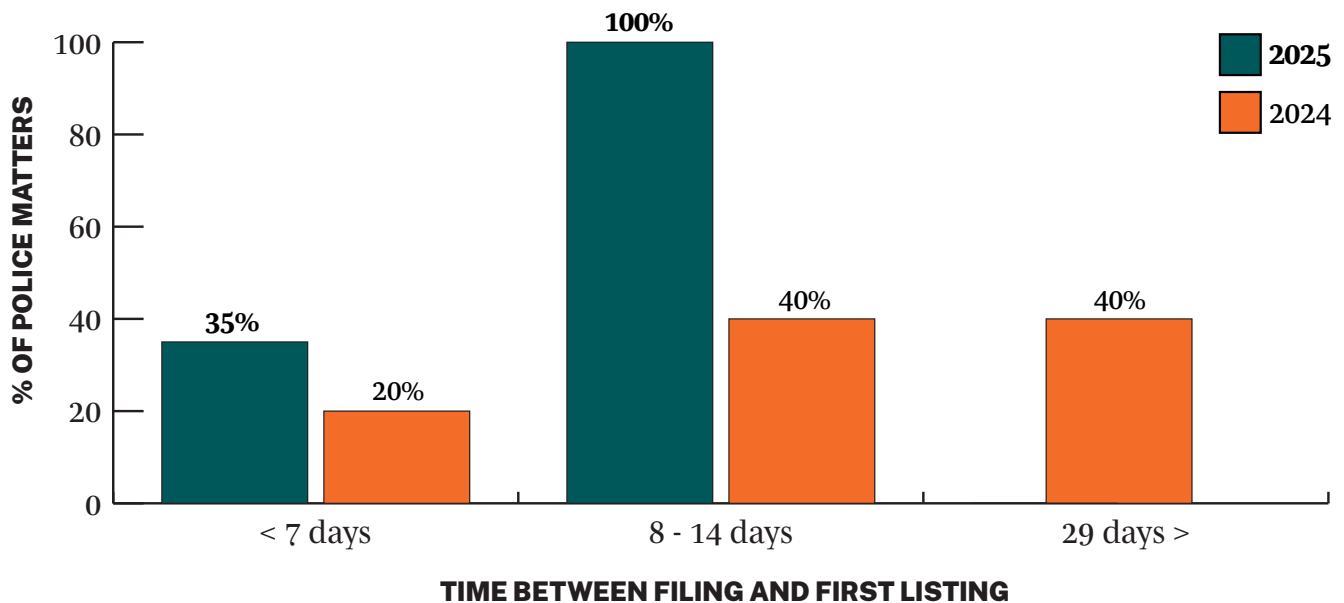
Time taken to list all civil matters in 2025



Time taken to list civil matters

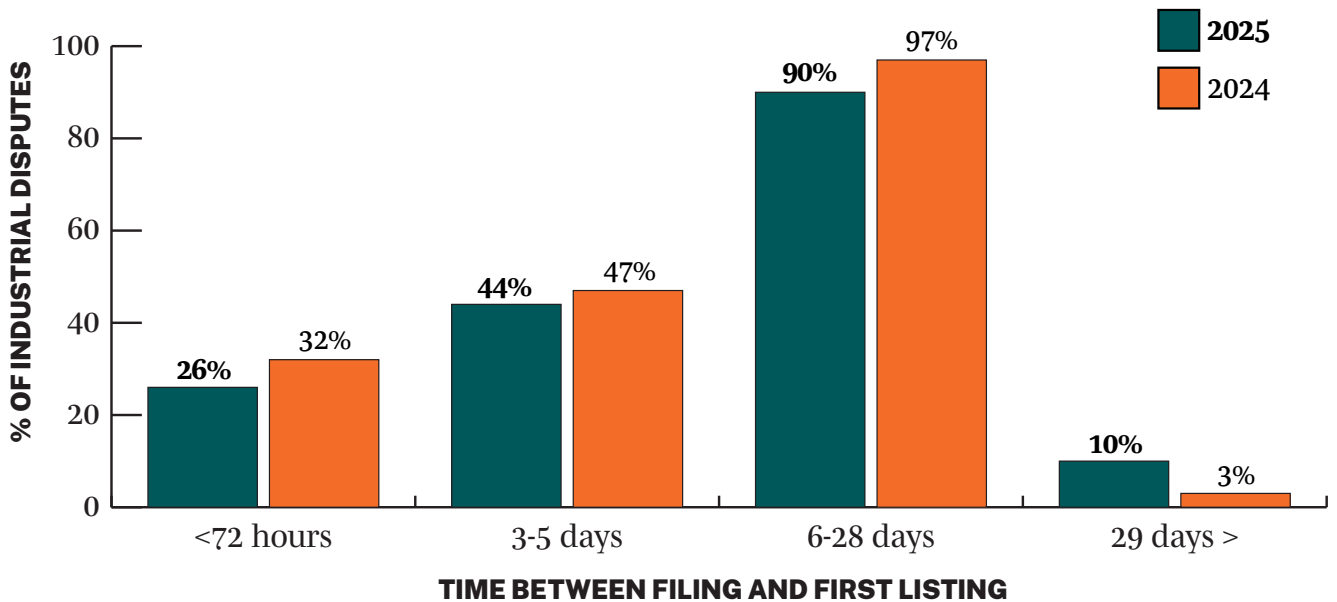


Time taken to list police matters



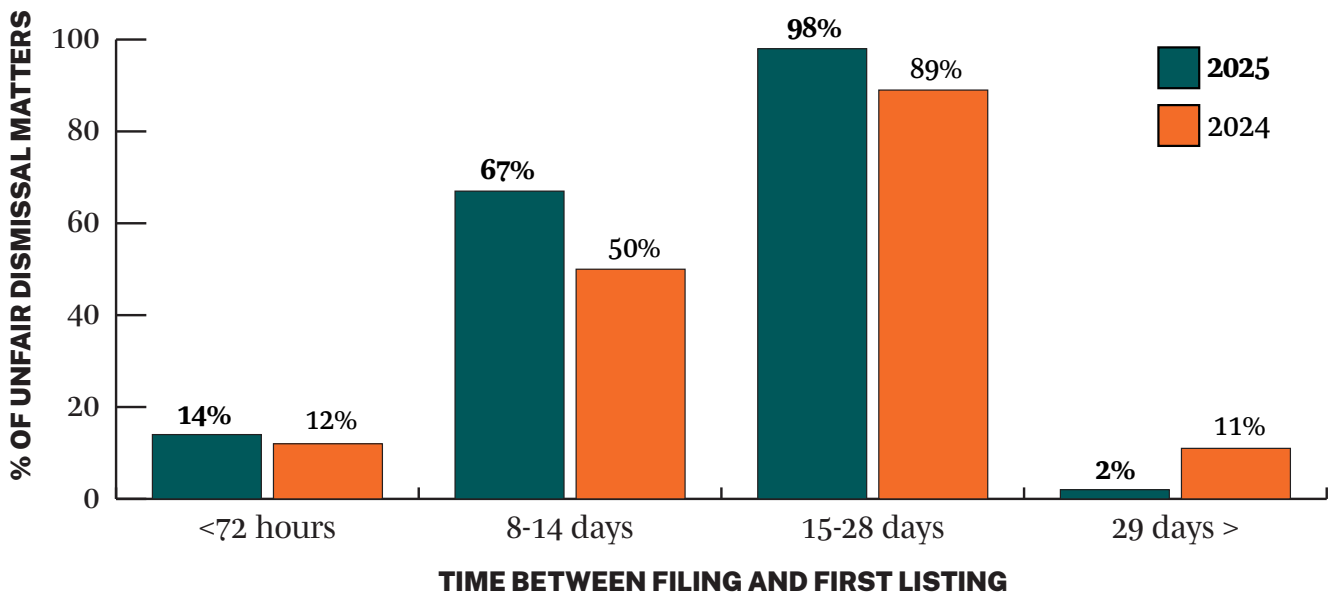
Notes 9% of police matters were vacated and relisted to a later date.

Time taken to list industrial disputes



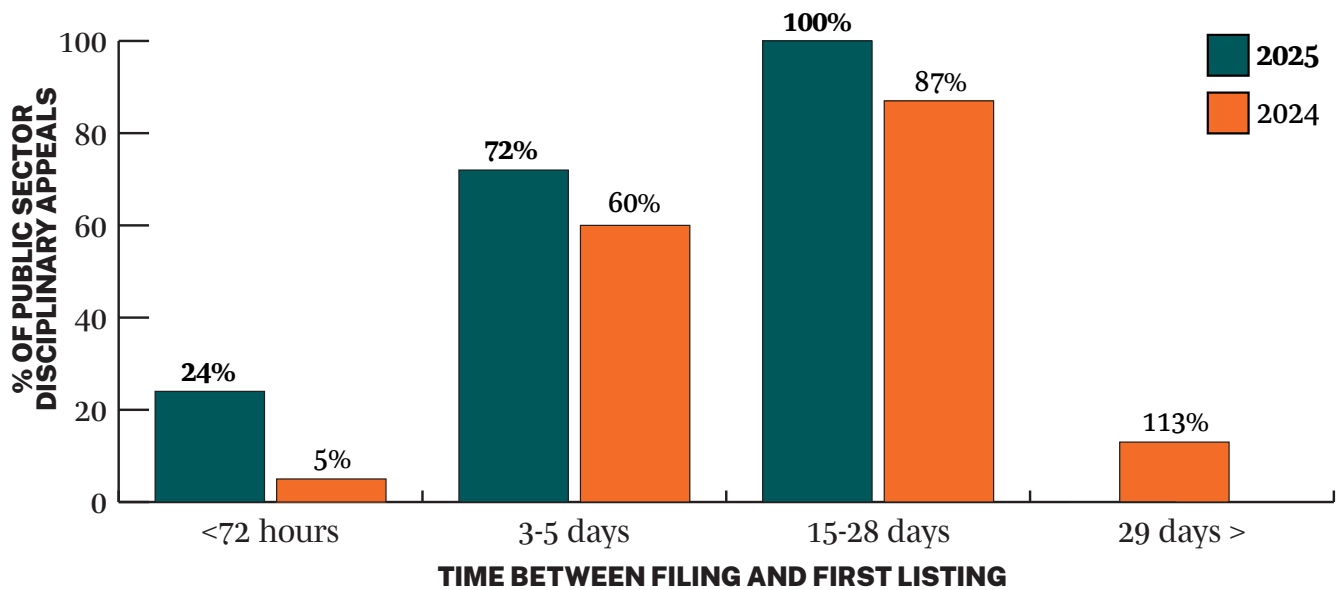
Notes 14% of industrial disputes were vacated and relisted to a later date.

Time taken to list unfair dismissal claims



Notes 22% of unfair dismissal matters were vacated and relisted to a later date.

Time taken to list public sector disciplinary appeals



Notes 17% of public sector disciplinary appeals were vacated and relisted to a later date.

Criminal matters

Criminal prosecutions have different time standards compared to civil matters given their nature. The Industrial Court aims to list all criminal matters for a first mention eight weeks after lodgement, where the parties may:

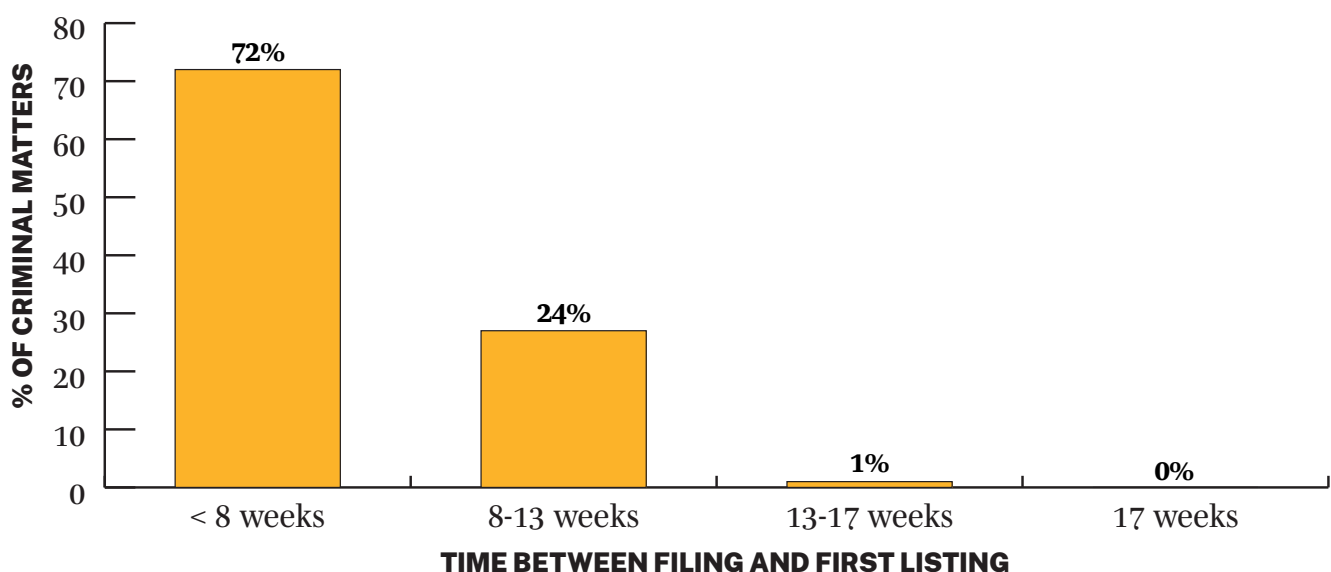
- enter a plea of guilty or not guilty;
- ask for more time;
- apply for an 'enforceable undertaking' where the defendant will be ordered to correct non-compliance, prevent the recurrence

of an infringement, or implement any other appropriate resolution; or

- indicate that a guilty plea will likely be entered.

More than 70% of criminal matters were listed for first mention within eight weeks and 99% within 13 weeks after the prosecuting authority commenced proceedings. Almost 60% of first listings in criminal matters were delayed or vacated at the request of the parties or for administrative purposes last year.

Time taken for criminal matters to be listed in the Industrial Court



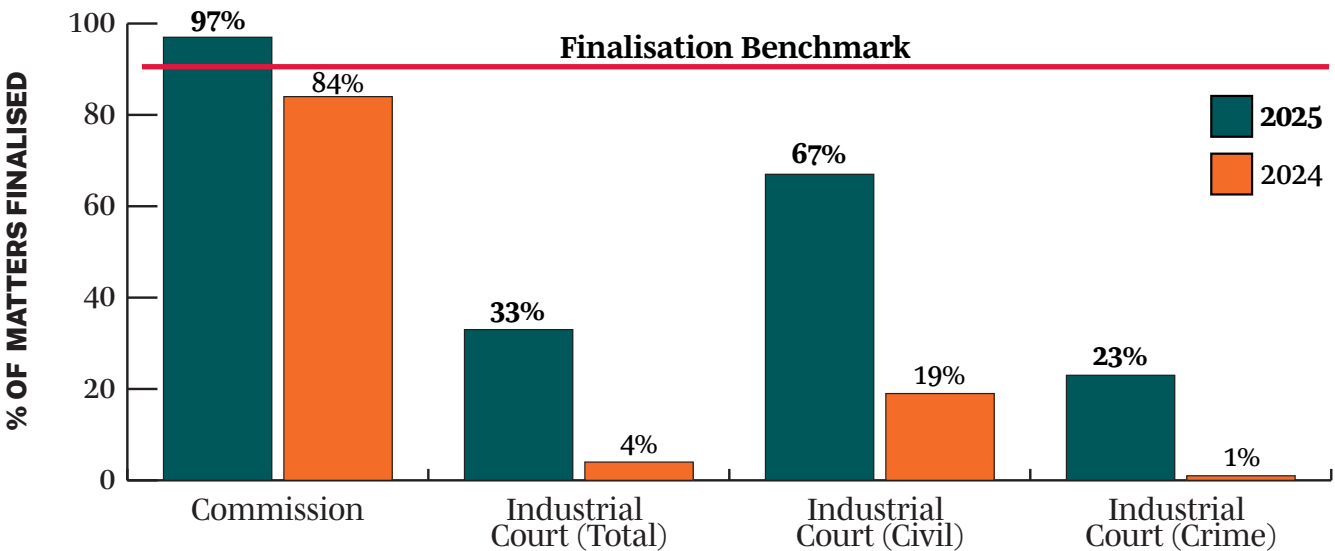
FINALISATIONS

The Commission finalised 936 matters in 2025 compared to 687 in 2024. The number of award matters finalised at the Commission doubled in 2025, recovery of remuneration claims resolved increased by 89%, while the finalisation rate for unfair dismissal claims improved by 22%. An increase in the number of decision-makers contributed to the improvement.

A breakdown by jurisdiction shows the Commission finalised 97% of civil matters within 12 months and

exceeded the national benchmark of 90%. The Industrial Court finalisation rate improved in 2025 but remained below the national benchmark. This may be attributed to the fact that most of the filings in the Industrial Court are criminal proceedings. Such matters usually take three to nine months to be ready to be set down for hearing and given the volume of matters and the limited number of judges, a backlog has developed causing a delay before they can be heard.

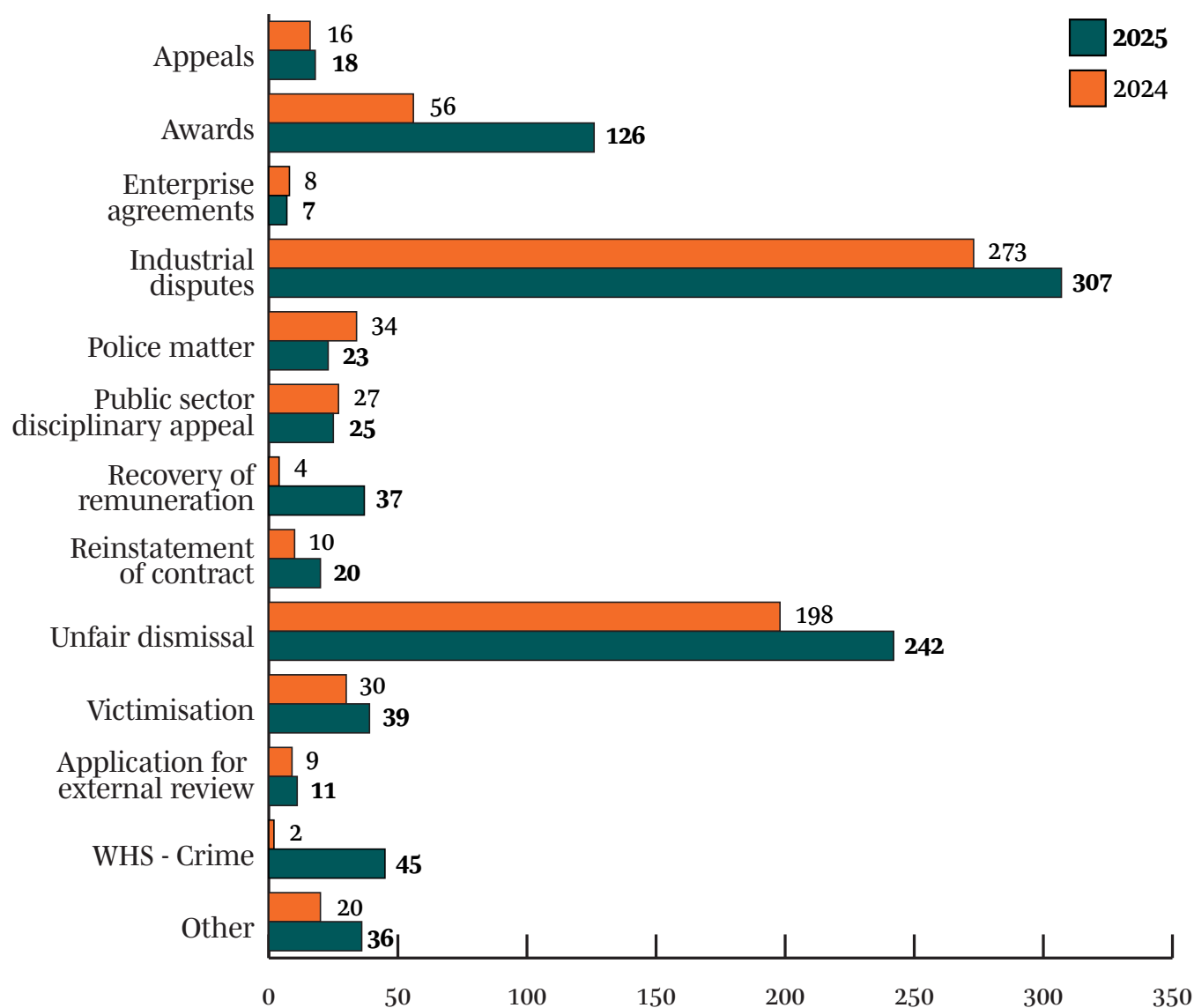
Matters finalised within 12-months by jurisdiction



Notes National standards are derived from the 'backlog' performance indicator within the Report on Government Services (published annually by the Productivity Commission).



Distribution of finalisations by matter type



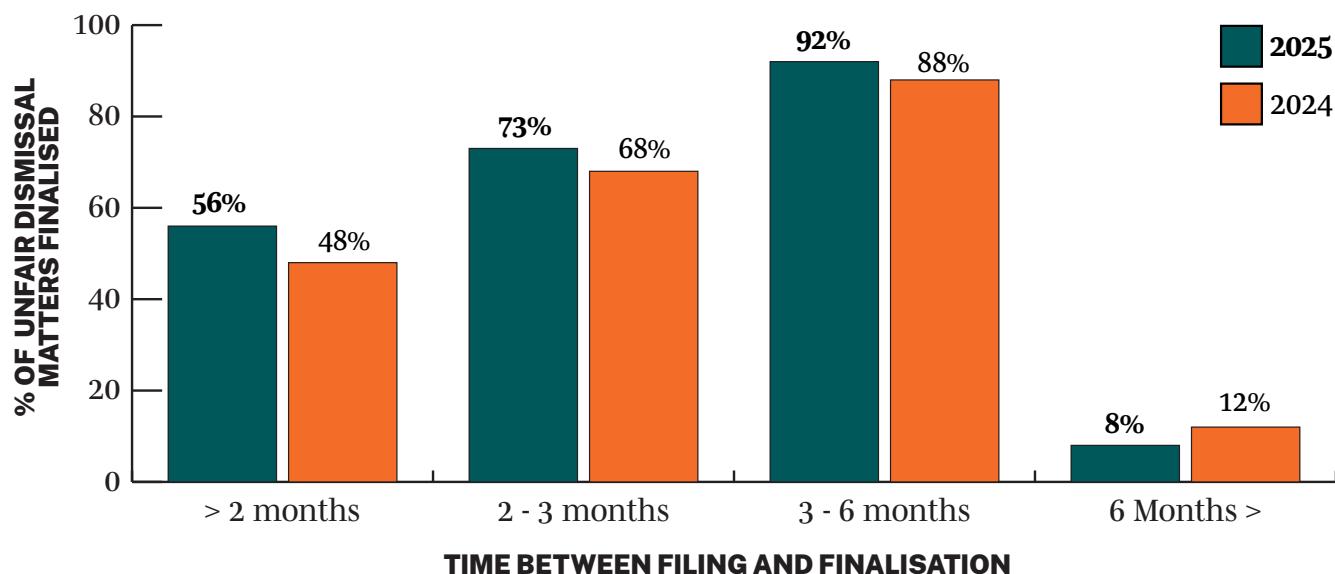
Notes National standards are derived from the 'backlog' performance indicator within the Report on Government Services (published annually by the Productivity Commission).

Time standards for the finalisation of matters

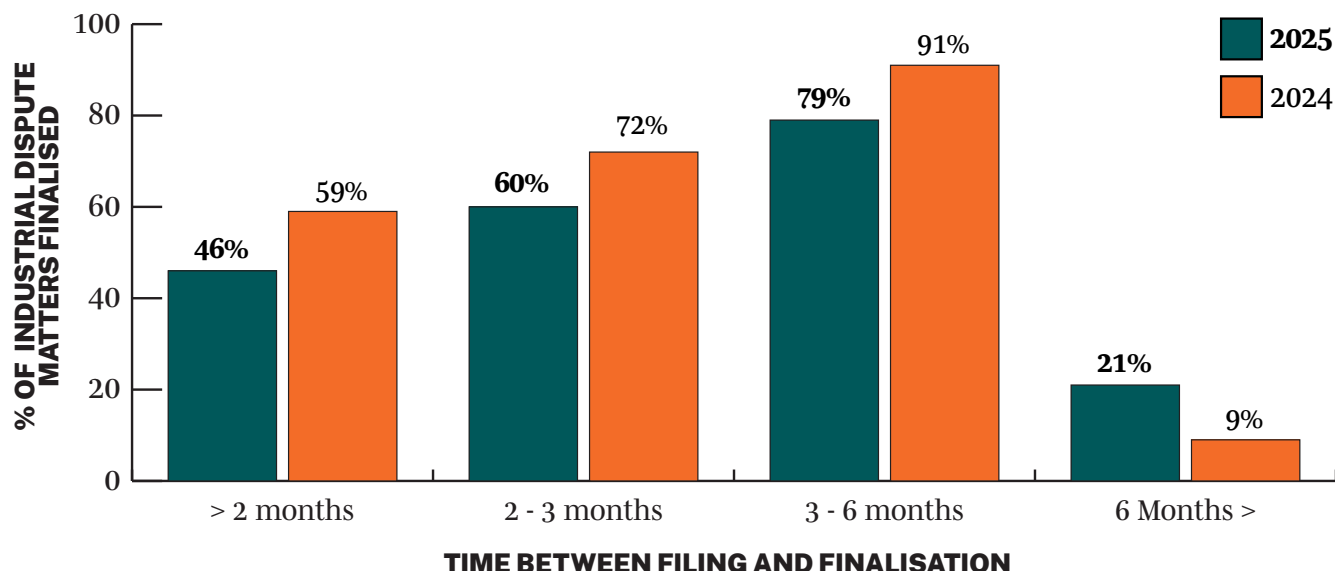
The Commission measures the days between lodgement and finalisation against standards that it sets. The Commission aims to finalise unfair dismissal claims and disputes within six months, public sector disciplinary appeals within three months, and police matters in 12 months. The graphs below show an improvement in the

finalisation rates other than for industrial disputes. Almost one quarter of disputes were finalised outside of the time standard largely due to report backs during which the Commission monitored the progress of the dispute and provided continued assistance to resolve the real issues in dispute.

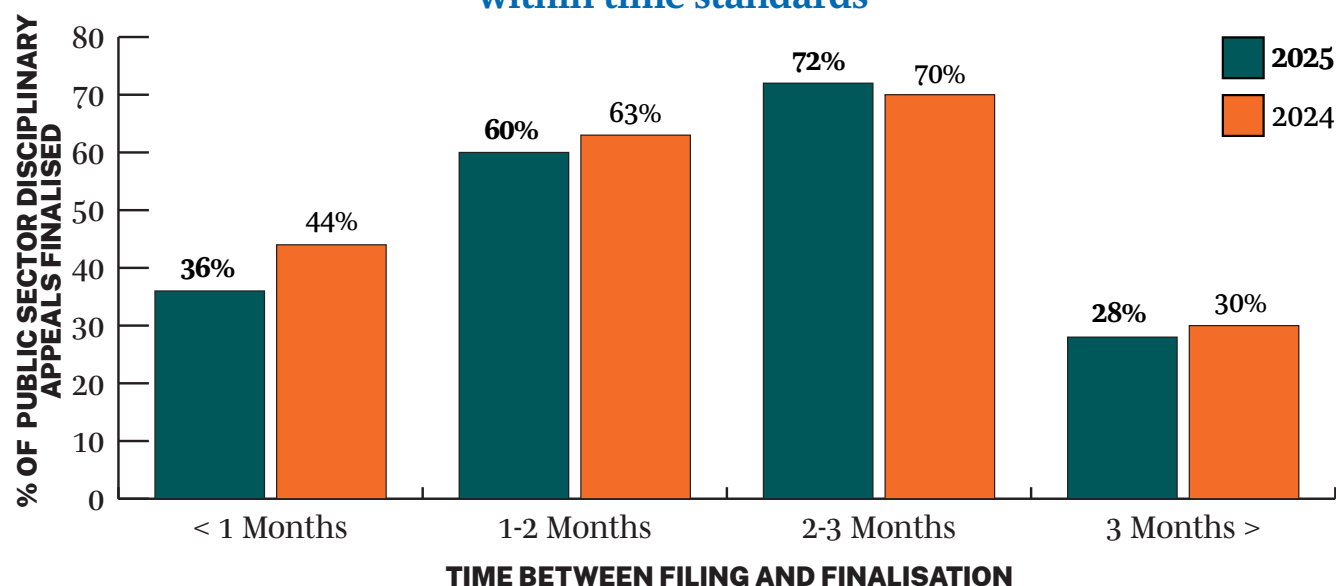
Unfair dismissal claims finalised within time standards



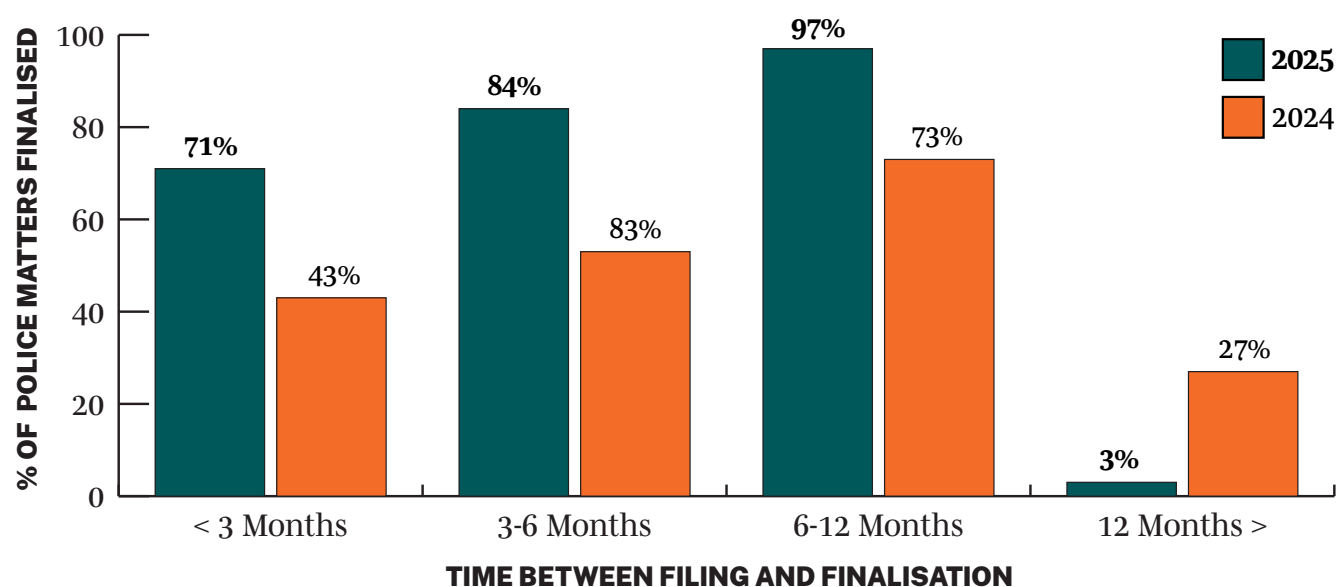
Disputes finalised within the time standards



Public sector disciplinary appeals finalised within time standards



Police matters finalised within time standards



Notes 'Other' includes matters that were administratively closed.

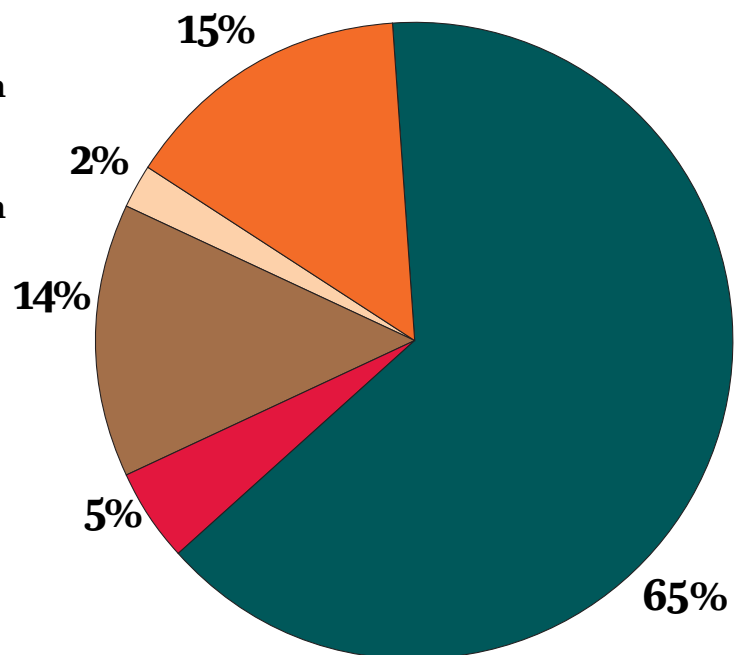
Method of disposal

Civil matters

The Commission has a statutory obligation to facilitate the resolution of civil matters by conciliation and proceed to arbitration only if necessary. In 2025, 80% of civil matters were finalised before, at or after conciliation. The remaining matters were finalised at or after arbitration through settlement or a decision maker's order.

- Finalised prior to Conciliation
- Finalised at or after Conciliation
- Finalised at or after arbitration
- Judgement or order
- Other

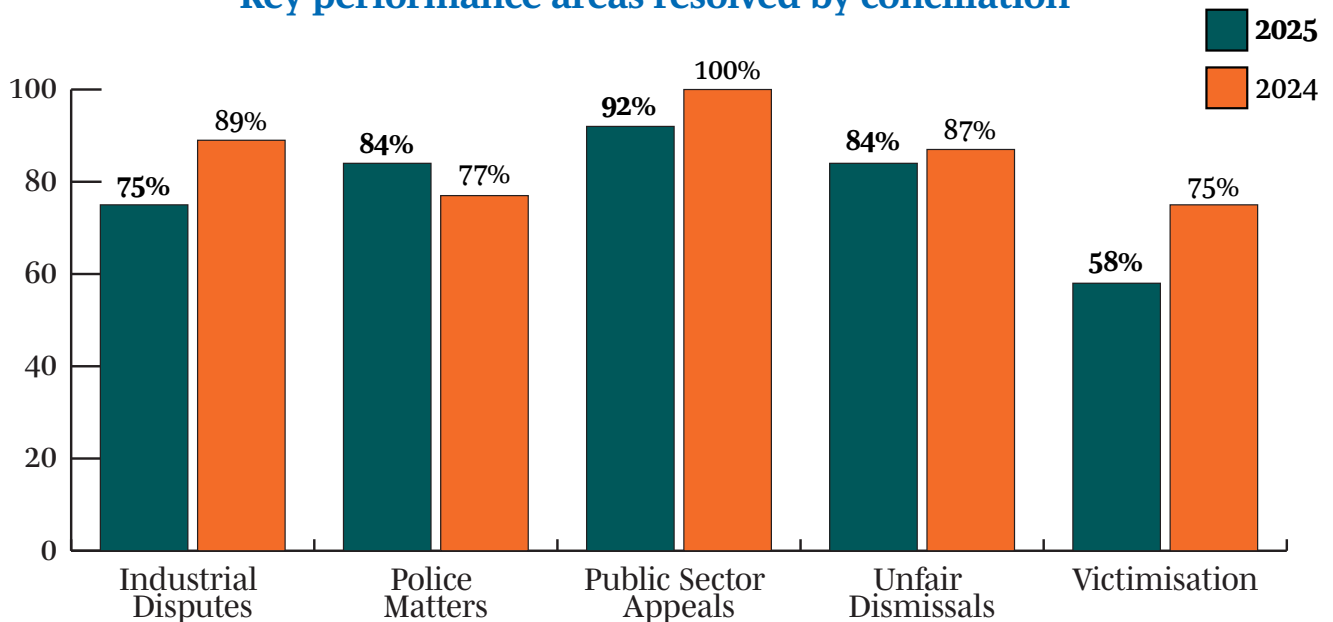
Method of disposal for civil matters



Conciliation

The Commission measures the success rate of conciliation in the Commission's key jurisdictions. The number of police matters resolved by conciliation improved, while the remaining matter types show a slight decrease.

Key performance areas resolved by conciliation



Arbitration

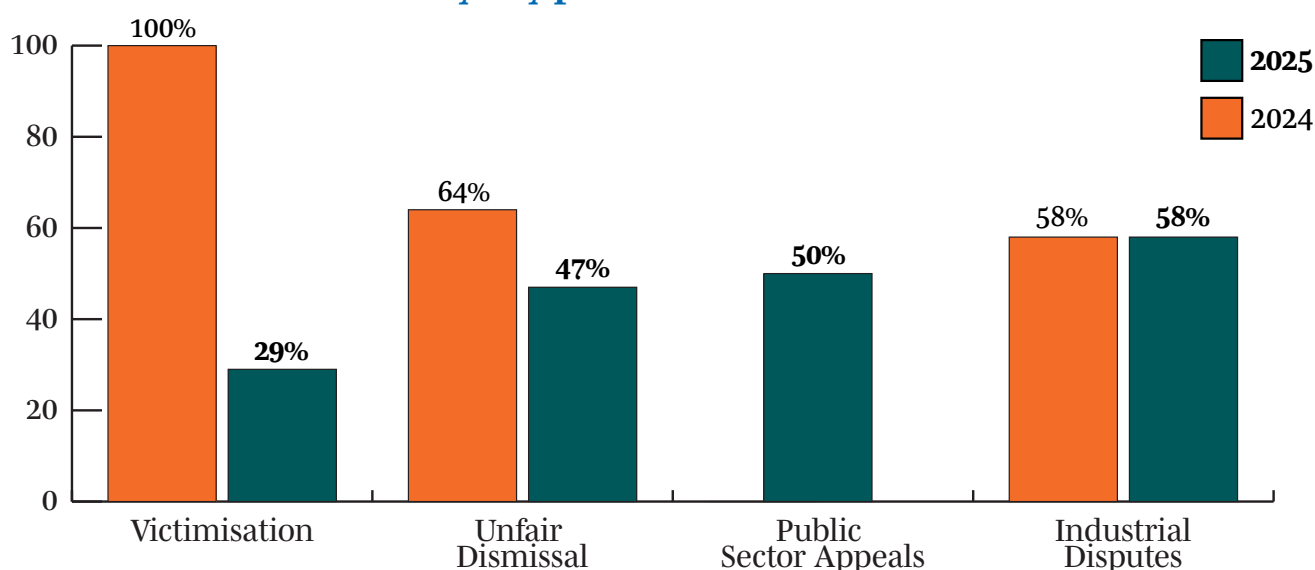
Matters that are not finalised prior to, at or after conciliation will proceed to arbitration, where a decision-maker will hear the arguments and evidence from the parties before making a decision. Other than for major or complex matters, the Commission aims to commence arbitration within 12 weeks from conciliation to ensure matters are finalised in a timely manner.

Almost half the cases that proceeded to arbitration were listed within 12-weeks. Reasons why arbitration may take longer than 12 weeks includes:

because there were multiple conciliation attempts; the parties required a longer period to prepare their evidence and submissions; the Commission had no available dates for arbitration in the relevant period; the parties sought a later hearing date to suit their representatives; or the matters were large and complex and required substantially more time to prepare for hearing.

The graph below is a breakdown of the matters in key jurisdictions and the time between conciliation and arbitration.

Matters listed for arbitration within 12 weeks or less, by key performance area

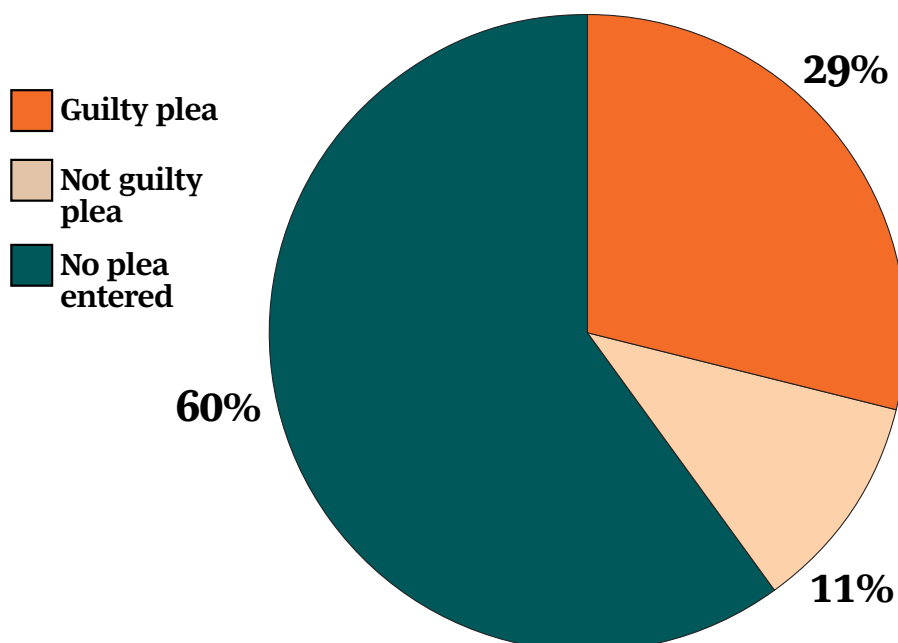


Notes Police matters resolved before arbitration in 2025.
All public sector disciplinary appeals resolved at conciliation in 2024.

Criminal matters

Criminal prosecutions are finalised when a defendant has either been sentenced, acquitted, or the prosecuting authority has withdrawn the charges. In 2025, the Industrial Court issued almost \$2.5 million in monetary orders across 10 matters, with the largest fine being \$640,000 in *NSW Resources Regulator v Endeavour Coal* [2025] NSWIC 16 after the company pleaded guilty to contravening ss 19(1) and 32 of the WHS Act. In criminal matters, ordinarily 50% of the funds are awarded to the prosecuting authority as a moiety and the remaining money goes into the NSW Consolidated Fund.

Pleas in criminal matters



Pending matters

Despite an improvement in finalisations, the number of pending cases in 2025 compared to 2024 increased by 38%. This is due to the increase in criminal matters which due to their nature usually take more than 12 months to finalise and only started to be filed on 1 July 2024.

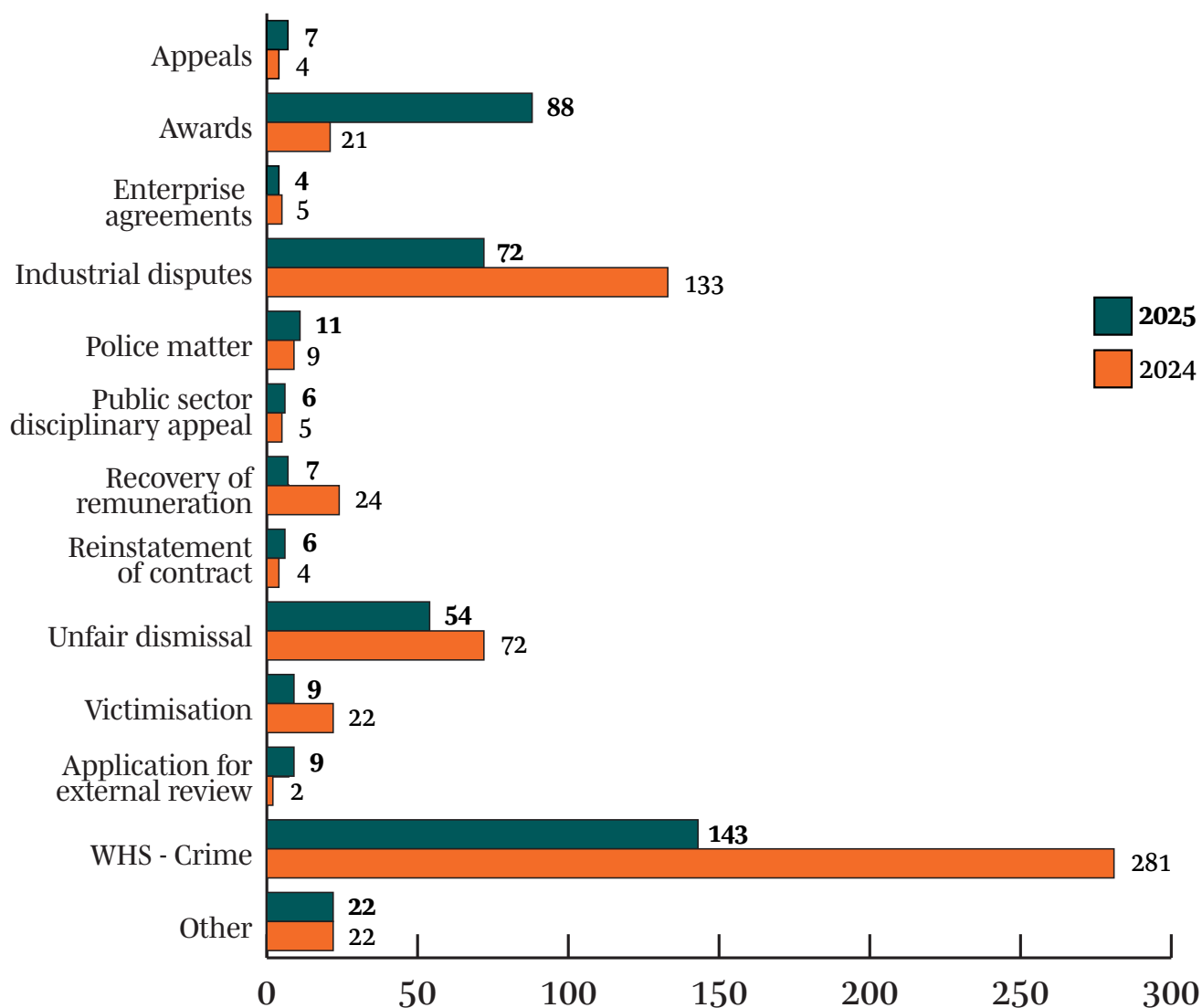
When the Industrial Court was established, three Judges were appointed and funding provided to sit 0.3 acting Judges. Of those 3.3 FTE, approximately 2.0 FTE are engaged in the non-criminal work of the Commission, such as major industrial cases.

In the Industrial Court's initial 18 months, from 1 July 2024 to 31 December 2025, new matters were commenced at a rate of about 200 per year, double

the rate of the filings made in the District Court in its last year of operation, which had access to three judges.

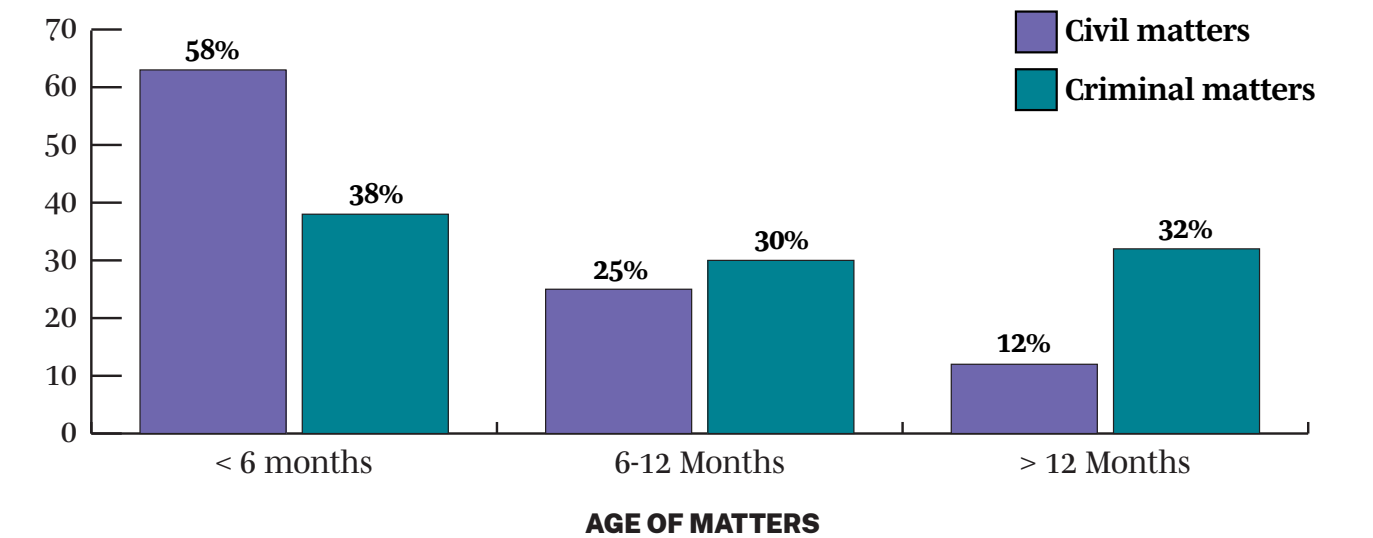
The combination of a reduction in the number of judges available to do the work, and a doubling of the filings, led to a backlog in the Industrial Court, such by the end of 2025 there were 313 matters pending in the jurisdiction. Almost 90% of the pending caseload are criminal matters to be dealt with. Based on experience of the percentage of matters that require a defended hearing, and the usual length of hearing, that meant that as at 31 December 2025 the volume of pending matters represented work that would occupy a single judge for about six years.

Distribution of pending cases by matter type



Age of pending matters

The age of cases can be influenced by factors over which the Commission has limited control, such as the conduct of the parties, and the time taken by prosecuting authorities or individuals to prepare essential reports.



Notes Police matters resolved before arbitration.



RESERVED JUDGMENTS

At the end of a hearing most decisions are “reserved”, meaning they are finalised on a later date and published on NSW Caselaw, which is the NSW Department of Communities and Justice’s database of judgments.

In February 2025, the Commission introduced a policy to hand down reserved decisions within three months of the final hearing day or receipt of final written submissions (whichever is the later). The policy acknowledges that more complex matters, such as appeals and full bench hearings,

may take up to six months for the decision to be handed down. The policy states that any decisions that take longer than six months to hand down will be recorded in the annual report.

The table below shows number of decisions published in Caselaw in 2025 compared to 2024. The percentage of decisions handed down within six weeks increased from 73% in 2024 to 78% in 2025, while the percentage for decisions handed down within 12 weeks increased from 81% to 88%.

Time taken for decisions to be published as recorded on NSW Caselaw in 2025

	2025	2024
0 days	47 (27%)	36 (34%)
1 day to 6 weeks	91 (51%)	42 (39%)
6 and 12 weeks	17 (10%)	9 (8%)
> 12 weeks	22 (12%)	20 (19%)
> 6 months (24 weeks)	2 (2%)	6 (10%)
TOTAL	177	107

The two decisions that took longer than six months to hand down were:

- *Secretary, Ministry of Health v New South Wales Nurses and Midwives’ Association* [2025] NSWIC 20
- *Catholic Healthcare Limited v SafeWork NSW* [2025] NSWIRComm 1046

APPENDIX

Registered 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	EE32
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
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 Professional Engineers, Scientists and Managers, Australia (NSW Branch)	Employees	State	EE58
The Australasian Meat Industry Employees' Union, New South Wales Branch	Employees	State	EE39

List of Registered Industrial Organisations (*continued*)

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

Registered 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
Newcastle Master Builders' Association	Employers	State	ER59

Employer organisations and peak councils (continued)

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
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



WISDOM



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