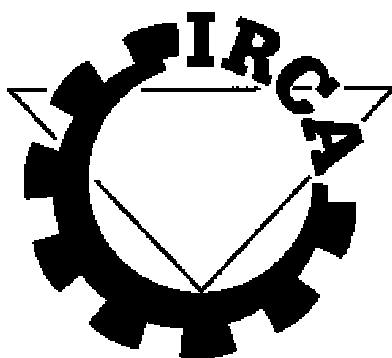




INDUSTRIAL RELATIONS COURT OF AUSTRALIA



ANNUAL REPORT 2002-03

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INDUSTRIAL RELATIONS COURT OF AUSTRALIA

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Chief Justice's Chambers
C/o Federal Court of Australia
Queens Square
Sydney NSW 2000

30 September 2003

The Honourable Daryl Williams, AM, QC, MP
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney-General

I have pleasure in submitting the Annual Report of the Industrial Relations Court of Australia for the financial year of 2002-2003 in accordance with section 405 of the *Workplace Relations Act 1996*.

Yours sincerely

Murray Wilcox
Chief Justice

INTRODUCTION BY THE CHIEF JUSTICE

On 25 May 1997 the jurisdiction of the Industrial Relations Court of Australia (except in relation to part heard cases) was transferred to the Federal Court of Australia, along with the Court's assets and remaining staff. The Court, however, remains in existence and its annual reporting obligations continue whilst it has proceedings awaiting disposal.

Murray Wilcox
Chief Justice

THE JUDGES

During 2002-03 there were no changes in the judges constituting the Court. They are:

The Honourable Chief Justice Murray Rutledge Wilcox
Period in office 30/3/94 –

The Honourable Justice Jeffrey Ernest John Spender
Period in office 30/3/94 –

The Honourable Justice Peter Ross Awdry Gray
Period in office 30/3/94 –

The Honourable Justice Donnell Michael Ryan
Period in office 30/3/94 –

The Honourable Justice Malcolm Cameron Lee
Period in office 30/3/94 –

The Honourable Justice John William von Doussa
Period in office 30/3/94 –

The Honourable Justice Michael Francis Moore
Period in office 30/3/94 –

The Honourable Justice Shane Raymond Marshall
Period in office 17/7/95 –

The Honourable Justice Anthony Max North
Period in office 19/9/95 –

The Honourable Justice Rodney Neville Madgwick
Period in office 20/9/95 –

JUDICIAL REGISTRARS

As at 30 June 2003, no person held office as a Judicial Registrar of the Court.

REGISTRY SUPPORT

As from 25 May 1997 the Court has not had its own Registry. All Registry services have been supplied by the Federal Court of Australia, to whose Chief Justice and personnel the Court extends its appreciation.

MATTERS FINALISED IN 2002-2003

State or Territory	<i>Pending 1 July 2002</i>	Finalised in 2002- 2003	Pending 30 June 2003
ACT	0	0	0
NSW	2	0	2
NT	0	0	0
QLD	0	0	0
SA	0	0	0
TAS	0	0	0
VIC	0	0	0
WA	0	0	0
TOTALS	2	0	2

FREEDOM OF INFORMATION

FUNCTIONAL STATEMENT IN ACCORDANCE WITH SECTION 8 OF THE FREEDOM OF INFORMATION ACT

The Industrial Relations Court of Australia was established by the Industrial Relations Reform Act 1993. The Court became operational on 30 March 1994.

The Reform Act repealed Part 111 of the Industrial Relations Act 1988, and moved the industrial relations jurisdiction from the Federal Court. The Reform Act added a new Part XIV to the Industrial Relations Act and dealt with the constitution, management and jurisdiction of the new Court.

The Court was conferred with original and appellate jurisdiction. It is a superior court of record and a court of law and equity with status equal to that of the Federal Court and Family Court.

The Workplace Relations and Other Legislation Amendment Act 1996 made substantial changes affecting the Court which took effect on 25 May 1997. Specifically it:

- Repealed Divisions 1,2, 3, 4, 5, 7, 9 and 10 of Part XIV and amended Divisions 5 and 8 of that Part which concerned the establishment, management and jurisdiction of the Court.
- Redefined “Court” to refer to the Federal Court instead of the Industrial Relations Court.
- Transferred most of the Court’s pending matters to the Federal Court other than those where a substantive hearing had started.
- Preserved the appointments of the Court’s judges and judicial registrars and conferred on those judicial registrars additional appointments as judicial registrars of the Federal Court. All of the Court’s judges were already active members of the Federal Court.

The Court remains in existence until a day to be fixed by Proclamation after which no person holds office as a judge of the Industrial Relations Court of Australia.

ADDITIONAL INFORMATION ABOUT THE COURT

In line with the Requirements for Departmental Annual Reports approved by the Joint Committee of Public Accounts and Audit on 4 June 2003 the following information is provided.

- Corporate Governance: Not applicable.
- External Scrutiny: None.
- Management of Human Resources: The Court employed no staff in the year under review.
- Purchasing: Not applicable.
- Assets management: No assets were held or managed by the Court in the year under review.
- Consultants and Competitive Tendering and Contracting: No consultancy services were let and no competitive tendering or contracting were undertaken in the year under review.
- Commonwealth Disability Strategy: Not applicable.
- Financial Statements: See the annexed financial statements.
- Occupational Health and Safety: Not applicable.
- Advertising and Market Research: None undertaken.
- Ecologically Sustainable Development and Environmental Matters: Not applicable.
- Discretionary Grants: Not applicable.

CATEGORIES OF DOCUMENTS AVAILABLE

The Industrial Relations Court of Australia holds a range of documents that are now under the control of officers of the Federal Court of Australia.

The Court's rules govern access to certain documents held by the Court in relation to actions filed. Order 15 of the rules relate to discovery and inspection of documents. Rule 17 of Order 15 refers to withholding of any document in the public interest. Rule 18 of Order 15 refers to documents which become part of the public record. Also, transcripts of Court proceedings are available at a cost from Auscript Pty Ltd.

Documents held by the Court:

- Case files comprising all documents filed (formal applications, subpoenas, affidavits, copies of orders)
- A computerised recording system in each Federal Court registry recording all proceedings of the Industrial Relations Court commenced and completed in that registry.
- Statistical information gathered by court personnel about claims filed.
- Documents concerning financial aspects of the operations of the Court and registries.
- Documents concerning administrative procedure of the Court.
- Documents concerning policy of the Court.
- Documents recording matters listed for directions, hearings and mediations for a given date.

FREEDOM OF INFORMATION AND CONTACT OFFICER

Inquiries about matters determined by the Court or pending before it may be referred to the relevant District Registrar of the Federal Court of Australia. Details of those registries are in Appendix A and are also available via the Federal Court's Internet home page at www.fedcourt.gov.au.

Inquiries about this annual report is available by contacting:

Deputy Registrar
Federal Court of Australia
Law Courts Building
Queens Square
Sydney NSW 2000
Telephone: 02 9230 8336
Facsimile: 02 9223 1906

APPENDIX A – DIRECTORY OF FEDERAL COURT DISTRICT REGISTRIES

Australian Capital Territory Registry

Commonwealth Law Courts Building
Childers Street
Canberra City ACT 2601
Phone: (02) 6267 0566
Fax: (02) 6267 0625
TTY: (02) 6267 0537
E-mail: actman@fedcourt.gov.au
Counter Hours: 10am-1pm; 2pm-4pm
Contact Hours: 8.30am-5.00pm

New South Wales Registry

Level 16, Law Courts Building
Queens Square
Sydney NSW 2000
Phone: (02) 9230 8567
Fax: (02) 9230 8535
TTY: (02) 9230 8270
E-mail: nswdr@fedcourt.gov.au
Counter Hours: 9.00am-4.00pm
Contact Hours: 8.30am-5.00pm

Northern Territory Registry

Level 1 TCG Building
80 Mitchell Street
Darwin NT 0800
Phone: (08) 8941 2333
Fax: (08) 8981 6081
TTY: (08) 8982 0838
E-mail: nt@fedcourt.gov.au
Counter Hours: 9.30am-4.00pm
Contact Hours: 8.00am-4.30pm

Queensland Registry

Level 6, Commonwealth Law Courts Building
119 North Quay
Brisbane QLD 4000
Phone: (07) 3248 1100
Fax: (07) 3248 1260
TTY: (07) 3248 1272
E-mail: qldreg@fedcourt.gov.au
Counter Hours: 9.00am-4.00pm
Contact Hours: 8.30am-5.00pm

South Australia Registry

8th Floor, Grenfell Centre
25 Grenfell Street
Adelaide SA 5000
Phone: (08) 8205 4436
Fax: (08) 8205 4439
TTY: (08) 8205 4416
E-mail: sareg@fedcourt.gov.au
Counter Hours: 9.00am-4.00pm
Contact Hours: 8.30am-5.00pm

Tasmania Registry

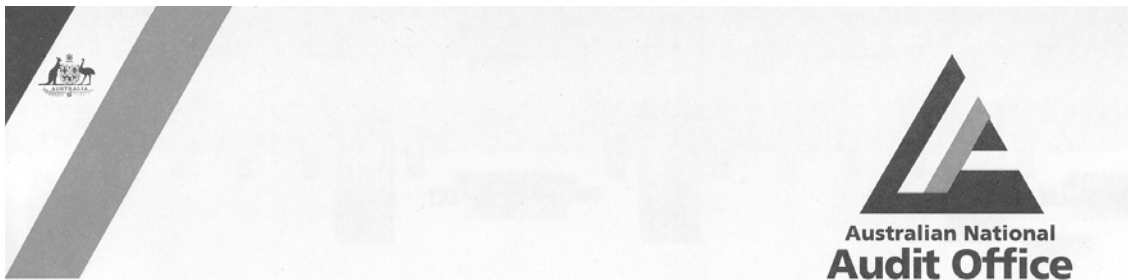
Commonwealth Law Courts Building
39-41 Davey St
Hobart TAS 7000
Phone: (03) 6232 1715
Fax: (03) 6232 1701
TTY: (03) 6232 1865
E-mail: tasreg@fedcourt.gov.au
Counter Hours: 9.00am-4.00pm
Contact Hours: 8.30am-5.00pm

Victoria Registry

Level 17, Commonwealth Law Courts Building
305 William Street
Melbourne VIC 3000
Phone: (03) 8600 3333
Fax: (03) 8600 3281
TTY: (03) 9670 0320
E-mail: vicreg@fedcourt.gov.au
Counter Hours: 9.00am-4.30pm
Contact Hours: 8.30am-5.00pm

Western Australia Registry

Level 6, Commonwealth Law Courts Building
1 Victoria Avenue
Perth WA 6000
Phone: (08) 9268 7100
Fax: (08) 9221 3261
TTY: (08) 9325 7053
E-mail: waregistry@fedcourt.gov.au
Counter Hours: 8.30am-4.00pm
Contact Hours: 8.30am-5.15pm



INDEPENDENT AUDIT REPORT

To the Attorney-General

Scope

I have audited the financial statements of the Industrial Relations Court of Australia for the year ended 30 June 2003. The financial statements comprise:

- Statement by the Deputy Registrar, Federal Court of Australia;
- Statement of Financial Performance; and
- Notes to and forming part of the Financial Statements.

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

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

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

PO Box A456 Sydney South NSW 1235
130 Elizabeth Street
SYDNEY NSW
Phone (02) 9367 7100 Fax (02) 9367 7102

Audit Opinion

In my opinion the financial statements:

- (i) have been prepared in accordance with Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*; and
- (ii) give a true and fair view, in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Finance Minister's Orders, of the operations of the Industrial Relations Court of Australia for the year ended 30 June 2003.

Australian National Audit Office




P Hinchey
Senior Director

Delegate of the Auditor-General
Sydney
3 October 2003

INDUSTRIAL RELATIONS COURT OF AUSTRALIA
Statement by the Deputy Registrar, Federal Court

In my opinion, the attached financial statements for the year ended 30 June 2003 give a true and fair view of the matters required by the Finance Minister's Orders made under the *Financial Management and Accountability Act 1997*.

Signed.....

Philip Kellow
Deputy Registrar, Federal Court

29 September 2003

**INDUSTRIAL RELATIONS COURT OF AUSTRALIA
STATEMENT OF FINANCIAL PERFORMANCE**

for the year ended 30 June 2003

	Notes	2003 \$	2002 \$
Revenues from ordinary activities			
Revenues from government	2	1,269	15,824
<i>Revenues from ordinary activities</i>		1,269	15,824
Expenses from ordinary activities			
Judges and employees	3A	199	8,040
Suppliers	3B	1,070	6,848
Depreciation and amortisation	3C	-	453
Write down of assets	3D	-	483
<i>Expenses from ordinary activities</i>		1,269	15,824
Net Surplus/(deficit)		-	-
Total revenues, expenses and valuation adjustments attributable to the Commonwealth Government and recognised directly in equity		-	-
Total changes in equity other than those resulting from transactions with owners as owners		-	-

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

INDUSTRIAL RELATIONS COURT OF AUSTRALIA
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

for the year ended 30 June 2003

Note 1:	Summary of Significant Accounting Policies
Note 2:	Operating Revenues
Note 3:	Operating Expenses
Note 4:	Remuneration of Auditors
Note 5:	Act of Grace Payments and Waivers

Note 1: Summary of Significant Accounting Policies

1.1 Objectives of the Industrial Relations Court of Australia

The Industrial Relations Court of Australia (the Court) was established on 30 March 1994 to serve the interests of the Australian community by providing for the just and equitable administration of justice in all matters within the Court's jurisdiction. Legislation passed by Federal Parliament in late November 1996, specifically Schedule 16 of the Workplace Relations and Other Legislation Amendment Act 1996 (WROLA), provided for the jurisdiction previously exercised by the Court to be transferred to the Federal Court of Australia (FCA) on 25 May 1997. Despite the transfer of the jurisdiction to the Federal Court of Australia the Court continues to have jurisdiction over certain proceedings already commenced in the Court at transfer date.

1.2 Basis of Accounting

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

The statements have been prepared in accordance with:

- Finance Minister's Orders (being the *Financial Management and Accountability (Financial Statements for reporting periods on or after 30 June 2003) Orders*);
- Australian Accounting Standards and Accounting Interpretations issued by the Australian Accounting Standards Board; and
- the Consensus Views of the Urgent Issues Group.

The financial statements have been prepared on an accrual basis and are in accordance with historical cost convention.

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

As a result of the transfer of jurisdiction, the Court's assets and liabilities were also transferred to the Federal Court of Australia. Consequently, the Court applied for and received an exemption pursuant to clause 4.1 of Schedule 1 to the *Financial Management and Accountability (Financial Statements 2001-02) Orders* from the requirement to prepare the following statements:

- Statement of Financial Position;
- Statement of Cash Flows;
- Schedule of Commitments; and
- Schedule of Contingencies.

1.3 Appropriations

The Court does not receive any appropriations from Government. Under the *Workplace Relations and Other Legislation Amendment Act 1996* the Federal Court of Australia provides resources to the Court to complete ongoing cases. (Refer to note 3 – Resources received free of charge).

1.4 Comparative Figures

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

1.5 Resources Received Free of Charge

The Court's revenue and expenses are those items that are required by the Court for the completion of its outstanding case work (see note 1). Revenue (Resources Received Free of Charge) and expenses have been derived in accordance with the methodology set out below.

The methodology used to derive the resources received free of charge was changed from the 2001-02 financial year. There are two matters that are outstanding as at 30 June 2003. No matters were finalised during the 2002-03 financial year. Due to the small number of uncompleted matters remaining, Federal Court expenditure was calculated based on direct costs incurred.

1.6 Administered items

Following the transfer of jurisdiction to the Federal Court of Australia, the Court is no longer responsible for any administered items.

Note 2: Operating Revenues

Note 2A: Revenues From Government

	2003	2002
	\$	\$
Resources received free of charge	1,269	15,824
Total revenues from government	1,269	15,824

All resources received free of charge were provided by the Federal Court of Australia and have been recognised in the Operating Statement (see Note 1.5)

Note 3: Operating Expenses

Operating expenses are calculated in accordance with the methodology set out in Note 1.5.

Note 3A: Judges and Employees Expenses

Remuneration	199	8,040
Total Judges and employees expenses	199	8,040

Note 3B: Supplier Expenses

Goods from external entities	1,070	3,709
Operating lease rentals		3,139
	-	
Total supplier expenses	1,070	6,848

Note 3C: Depreciation and Amortisation

Depreciation		
Plant and equipment	-	276
Amortisation		
Leasehold improvements	-	125
Computer Software	-	52
Total depreciation and amortisation	-	453

Note 3D: Write down of Assets

	2003 \$	2002 \$
Non-financial assets:		
Plant and equipment	-	483
<i>Total write-down of assets</i>	<u>-</u>	<u>483</u>

Note 4: Remuneration of Auditors

The 2001-02 and the 2002-03 audit fees for services provided by the Australian National Audit Office were borne by the Federal Court of Australia.

Note 5: Act of Grace Payments and Waivers

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

No payments were waived during the financial year 2002-03 under sub-section 34(1) of the *Financial Management and Accountability Act 1997*.