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*Cittadini v LA Power Pty Ltd*, unreported AIRC (Drake SDP), Print S0271, 19 October 1999

*Coggan and A Marson v JL and ME O'Connell Bulk Haulage*, unreported AIRC (Deegan C), Print Q5090, 20 August 1998

*Coltex Shoes Pty Ltd t/as Anna Fiori Shoes v Goussis*, unreported AIRC (Polites SDP), Print P9427, 17 March 1998

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*Community and Public Sector Union v Telstra Corporation Ltd*, unreported, Print S7197, 20 June 2000 per Giudice P, Polites SDP, Watson SDP, Simmonds C and Gray C

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*Corneille v Composit Buyers Ltd t/as Maxi Foods*, unreported AIRC (Hingley C), Print S6609, 1 June 2000

*Cosco Holdings Pty Ltd v Thu Thi Van Do* (1997) 77 IR 94

*Cox v South Australian Meat Corporation* (1995) 60 IR 293

*Coynes Transport Pty Ltd v Nick Demenna*, unreported AIRC (Foggo C), Print S6322, 25 May 2000

*Craig v Memdale Pty Limited t/as Auto Drive Inn*, unreported AIRC (Duncan DP), Print S3316, 17 February 2000

*Crowe v Bennett; Ex parte Crowe* [1993] 1 Qd.R 57

*Curd v Le Pine Funeral Services*, unreported AIRC (Smith C), Print Q3959, 24 July 1998; Print Q7022, 30 September 1998

*Dames & Moore Pty Ltd v Vincent*, unreported AIRC (Watson SDP), Print P2084, 19 June 1997

*Davidson v Karu Aboriginal and Islander Child Care Agency*, unreported AIRC (Eames C), Print P6494, 5 November 1997

*Dean v Pragomena Pty Ltd t/as Sunshine Chiropractic Health Centre*, unreported AIRC (Tolley C), Print Q3876, 20 July 1998

*Demenna v Coynes Transport Pty Ltd*, unreported AIRC (Simmonds C), Print R4357, 29 April 1999

*Dimell Pty Ltd trading as Little Palace Play Centre v Tsourdakakis*, unreported AIRC (Whelan C), 22 June 2000

*Downes v Albany Printing Machinery Pty Ltd*, unreported AIRC (Whelan C), Print P0862, 12 May 1997; Print P3660, 31 July 1997

*Drouggas v Kay Street Nightclubs Pty Ltd*, unreported AIRC (Blair C), Print Q7298, 7 October 1998

*Edghill v Kellow-Falkiner Motors Pty Ltd*, unreported AIRC (Blair C), Print S7628, 30 June 2000

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*Evans v National Australia Financial Management*, unreported AIRC (Simmonds C), Print Q2662, 1 July 1998

*Felton v Mulligan* 45 ALJR 525

*Ferrito v Department of Human Services*, unreported AIRC (Blair C), Print Q5396, 26 August 1998; Print R2020, 15 February 1999

*Ferry v Minister for Health, WA* (1995) 64 IR 28

*Fletcher v Manyallaluk Aboriginal Corporation*, unreported AIRC (Eames C), Print P5234, 24 September 1997

*Four Trade Only Business Forms v Damman*, unreported AIRC (Watson SDP), Print P4296, 21 August 1997

*Fraser v The Sir Robert Peel Hotel*, unreported AIRC (Blair C), Print R3735, 13 April 1999

*Frews Wholesale Meats v Stagno*, unreported AIRC (Whelan C), Print Q2972, 7 July 1998

*Fryar v Systems Services Pty Ltd* (1995) 130 ALR 168

*Gagliardi v K & S Food Services Pty Limited t/as Crown Café*, unreported AIRC (Smith C), Print R8228, 19 August 1999

*Gibson v Bosmac Pty Ltd* (1995) 60 IR 1

*Godfrey Hirst Pty Ltd v Collari*, unreported AIRC (Blair C), Print P9643, 24 March 1998

*Grassby v The Queen* (1989) 168 CLR 1

*Gray v Zurich Insurance Co.* 65 Cal. 2d 263 (1966)

*Gregory v Phillip Morris Ltd* (1988) 80 ALR 455

*Haitsma v Erindale Hair Centre Pty Ltd*, unreported AIRC (Whelan C), Print S3713, 1 March 2000

*Hamilton v Bezden Pty Ltd t/as Permewans*, unreported AIRC (Cargill C), Print R3236, 19 March 1999

*Henderson v Mainpoint Enterprises Australia Pty Limited* (1998) 83 IR 182

*Hicks v Rosebid Pty Ltd*, unreported AIRC (Cargill C), Print Q4460, 13 August 1998; (Drake DP), Print Q8904, 19 November 1998

*Hospital Employees Federation of Australia v Western Hospital* (1991) 4 VIR 310

*Humash v Conrock Industries Pty Ltd*, unreported AIRC (Holmes C), Print Q4530, 5 August 1998

*Hull v City of Mandurah* (1999) 79 WAIG 1874

*Hyatt Hotel Canberra v E. Whittington*, unreported AIRC (Deegan C), Print P7700, 23 December 1997

*Inder-Smith v Nationwide News Pty Ltd*, unreported AIRC (Larkin C), Print S3312, 17 February 2000; unreported AIRC (Munro J, Duncan DP and Gay C), Print S5511, 3 May 2000

*Izdes v LG Bennett & Co Pty Ltd t/as Alba Industries* (1995) 61 IR 439

*Jacka v Australian Diginet Technology Information Centre*, unreported AIRC (Tolley C), Print S0980, 16 November 1999

*Jackson v King Village Resort Pty Ltd*, unreported AIRC (Whelan C), Print P6308, 28 October 1997

*Jacobson v Simsmetal Ltd*, unreported AIRC (Eames C), Print Q6733, 22 September 1998

*Jaska v North East Trucking Pty Ltd*, unreported AIRC (Gay C), Print S3186, 14 February 2000

*Johns v Gunns Limited* (1995) 60 IR 258

*Jupp v Computer Power Group Ltd* (1994) 54 IR 248

*Keatech Electrical Contractors v A Collier*, unreported AIRC (Simmonds C), Print S2266, 4 January 2000

*Kenefick v Australian Submarine Corporation Pty Ltd* (1996) 65 IR 366

*Kerr v Jaroma Pty Ltd t/as Treasury Motor Lodge* (1996) 70 IR 469

*Khouri v Ward Motor Group Pty Ltd*, unreported AIRC (Holmes C), Print S5863, 8 May 2000

*Konza and B.J. Skelton Booth v Telstra Corporation Limited*, unreported AIRC (Jones C), Print P9362, 11 March 1998

*Koppen v The Commissioner for Community Relations* (1986) EOC 92-173

*Krupp-Geir v Open Family (Australia) Inc*, unreported, IR Court, 6 February 1996 per Moore J

*Kubat v Systime Australia Pty Ltd*, unreported AIRC (Tolley C), Print Q3824, 17 July 1998; Print Q4885, 13 August 1998

*Kumar v Fisher & Paykel Manufacturing Ltd* (1997) 74 IR 212

*Laferla v Birdon Sands Pty Limited*, unreported AIRC (Deegan C), Print P2076, 19 June 1997

*Landers v Fortrend Securities*, unreported AIRC (Whelan C), Print R9475, 24 September 1999

*Lane v Thomas Cook Ltd*, unreported AIRC (Drake DP), Print Q8403, 11 November 1998

*Larcombe v McCarthy Catering Pty Ltd*, unreported AIRC (Simmonds C), Print S2132, 21 December 1999

*Ledger v Alison Jane Vawser*, unreported AIRC (O'Connor C), Print R1950, 10 February 1999

*Leibeck v Base Course Management Pty Limited*, unreported AIRC (Duncan DP), Print P7784, 6 January 1998

*Liang v Leading Textiles Pty Limited*, unreported AIRC (Blair C), Print R9346, 23 September 1999

*Liddell v Lembke (t/as Cheryl's Unisex Salon)* (1994) 127 ALR 342

*Lloyd v International Health & Beauty Aids Pty Ltd t/as Elly Lukas Beauty College* (1998) 83 IR 458

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*Lloyd v R.J. Gilbertson (Qld) Pty Ltd* (1996) 68 IR 277

*MacDonald v Queensland Justices & Community Legal Officers Association (Inc)* (1998) 43 AILR 3-789

*Mainpoint Enterprises (Aust) Pty Limited v E. Henderson*, unreported AIRC (Foggo C), Print P9204, 2 March 1998; quashed on appeal (1998) 83 IR 182

*Malden v Colsan Allsteel Fabrication*, unreported AIRC (Frawley C), Print R5586, 4 June 1999

*Marley Plastics Pty Ltd v Porter*, unreported AIRC (Whelan C), Print S4262, 17 March 2000

*McAdam v Swersky & Velos*, unreported, AIRC (Raffaelli C), Print P8848, 18 February 1998

*Malden v Colsan Allsteel Fabrication*, unreported AIRC (Frawley C), Print R5586, 4 June 1999

*Malden v Colsan (Vic) Pty Ltd*, unreported AIRC (Drake SDP), Print S0256, 19 October 1999

*McDonald v Melbourne Precast Concrete Panels Pty Ltd*, unreported AIRC (Watson SDP), Print P8754, 11 February 1998; (Drake DP) Print Q1255, 16 June 1998

*McDonnell v ALH Group Pty Ltd t/as Village Green*, unreported AIRC (Watson SDP), Print R1613, 5 February 1999

*McIlwaine v Plexicor*, unreported AIRC (Whelan C), Print P8564, 3 February 1998

*McKenzie v Meran Rise Pty Ltd t/as Nu Force Security Services*, unreported AIRC (Giudice P, Watson SDP and Whelan C), Print S4692, 7 April 2000

*Meaney v Master Builders Construction and Housing Association of ACT*, unreported AIRC (Foggo C), Print Q1887, 15 June 1998

*Medigas Pty Ltd v S. Webster*, unreported AIRC (Merriman C), Print P7624, 19 December 1997

*Medson v Greemount Beach Resort*, unreported AIRC (Bacon C), Print P6997, 25 November 1997

*Mercury Printeam v Hartle*, unreported AIRC (Whelan C), Print R4321, 28 April 1999

*Miotti v Mickless Pty Ltd t/as Zempelis*, unreported AIRC (Whelan C), Print P8842, 13 February 1998

*Mollinger v National Jet Systems Pty Ltd*, unreported AIRC (Ross VP), Print Q5911, 8 September 1998

*Moon v Citizen Advocacy Western Incorporated*, unreported AIRC (Deegan C), Print P7724, 23 December 1997

*Moore v Newcastle City Council* (1997) 77 IR 210

*Morgado v Arrowcrest Group Pty Ltd*, unreported AIRC (Jones C), Print S2366, 13 January 2000

*Murdoch University v Mainsbridge*, unreported, IR Court, 12 June 1998 per Ryan, Marshall and North JJ

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*National Union of Workers v Pacific Dunlop Tyres Pty Ltd* (1992) 37 FCR 419

*Nettlefold v Kym Smoker Pty Ltd* (1996) 69 IR 370

*Nicholson v Heaven & Earth Gallery Pty Ltd* (1994) 126 ALR 233

*O'Hara v Normandy Gold Pty Ltd – Tennant Creek Operations*, unreported AIRC (Eames C), Print Q1618, 9 June 1998

*O'Rourke v Pomegranate*, unreported AIRC (Whelan C), Print P2330, 27 June 1997

*Parkinson v Department of Primary Industries and Energy*, unreported AIRC (Deegan C), Print Q2206, 23 June 1998

*Patterson v Newcrest Mining Ltd* (1995) 67 IR 101

*Payne v Rex & Genevieve Porter t/as Collingwood Hotel*, unreported AIRC (Duncan DP), Print Q4741, 10 August 1998; (Drake DP), Print R3114, 16 March 1999

*Pereira v Brochure Flow Pty Ltd*, unreported AIRC (Gay C), Print P8376, 23 January 1998

*Perrin v Des Taylor Pty Ltd* (1995) 58 IR 254

*Porter v Macedon Ranges Insurance Agency* (1996) 66 IR 195

*Potter v Facey Pty Ltd trading as Frank Facey First National*, unreported AIRC (Tolley C), Print R3140, 17 March 1999

*Qantas Airways Ltd v Cornwall* (1998) 83 IR 802

*Queensland Fish Board v Bunney; Ex parte Queensland Fish Board* [1979] Qd.R 301

*R v Gough; Ex parte Cairns Meat Export Co. Pty. Limited* (1962) 108 CLR 343

*R v Hunt; Ex parte Sean Investments Pty Ltd* (1979) 25 ALR 497

*R v Kirby; Ex parte Boilermakers' Society of Australia* (1956) 94 CLR 254; (1957) 95 CLR 529

*R v Mosely* (1992) 28 NSWLR 735

*R v Scott* (1993) 42 FCR 1

*RACV Sales and Marketing Pty Ltd v G Clues*, unreported AIRC (Foggo C), Print S5157, 18 April 2000

*Radojkovic v DMG Industries Pty Ltd*, unreported AIRC (Hingley C), Print S0710, 29 November 1999

*Rabel v Whitehorse City Council* (1999) 89 IR 327

*Ramunno v LA Power Pty Ltd*, unreported AIRC (Simmonds C), Print R6433, 29 June 1999; (Drake DP), Print S0270, 19 October 1999

*Re Federated Storemen and Packers' Union of Australia; Ex parte Wooldumpers (Victoria) Ltd* (1989) 84 ALR 80

*Re Gordonstone Coal Pty Ltd*, unreported AIRC (Hingley C), Print P7786, 2 February 1998

*Re Milk Processing and Cheese Etc Manufacturing Award 1964* (1978) AILR 94

*Re Printing and Kindred Industries Union; Ex parte Vista Paper Products Pty Ltd* (1993) 113 ALR 421

*Re Ranger Uranium Mines Pty Ltd; Ex parte Federated Miscellaneous Workers' Union of Australia* (1987) 163 CLR 656

*Reed v Panalpina World Transport*, unreported AIRC (Holmes C), Print R6654, 1 July 1999

*Reseck v Federal Commissioner of Taxation* (1975) 133 CLR 45

*Ridley and W.N. Ridley v Australia First Party Inc.*, unreported AIRC (Bacon C), Print P9947, 2 April 1998

*Rinaldi v Territory Auto Auctions*, unreported AIRC (Munro J, MacBean SDP and Hoffman C), Print Q2917, 3 July 1998

*Rockhampton City Council v B. Trott*, unreported AIRC (Bacon C), Print P9848, 31 March 1998

*Rose and W.J. Bloxham v Australian Protective Service*, unreported AIRC (Deegan C), Print R5026, 21 May 1999

*Ross v Steelco Office Furniture Pty Ltd*, unreported AIRC (Watson SDP), Print S7042, 19 June 2000.

*Ryan v Furneys Stockfeeds Ltd* (1996) 66 IR 298

*Santana v Optus Communications*, unreported AIRC (Hoffman C), Print S3579, 25 February 2000

*Seib v National Meat Supplies Pty Limited*, unreported AIRC (Raffaelli C), Print R6243, 24 June 1999

*Selvachandran v Peteron Plastics Pty Ltd* (1995) 62 IR 371

*Shapiro v Galatis Amcal Pharmacy*, unreported AIRC (Watson SDP), Print S6792, 6 June 2000

*Shorten v Australian Meat Holdings Pty Ltd* (1996) 70 IR 360

*Slifka v JW Sanders Pty Limited* (1995) 67 IR 316

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*Stark v Houma Holdings Pty Limited t/as Brian Hilton Toyota*, unreported AIRC (Munro J, Drake DP and Jones C), Print Q3708, 16 July 1998

*Stubbs v Austar Entertainment Pty Ltd*, unreported AIRC (Ross VP, Munro J and Harrison C), Print Q0008, 9 April 1998

*Telstra Corporation v Bingham*, unreported AIRC (McIntyre VP, Coleman DP and Laing C), Print Q3987, 27 July 1998

*Telstra-Network Technology Group v Komicki*, unreported AIRC (Ross VP, Watson SDP and Gay C), Print P3168, 22 July 1997

*Termination Change and Redundancy Case* (1984) 294 CAR 175; 295 CAR 673

*Thomas Cook Ltd v Lane*, unreported AIRC (Raffaelli C), Print Q0320, 24 April 1998

*Tip-Top Bakeries v Belz*, unreported AIRC (Whelan C), Print S3641, 29 February 2000 - Supplementary decision, unreported AIRC (Whelan C), Print S4695, 5 April 2000

*Trigg v Bontril Pty Limited*, unreported AIRC (Duncan DP), Print S2240, 30 December 1999

*Trufitt v Cameron Construction*, unreported AIRC (Holmes C), Print Q4551, 6 August 1998

*Vakapuna v Commercial Hotel*, unreported AIRC (Harrison SDP), Print S3445, 22 February 2000

*Van Duc Duong v Crown Limited*, unreported AIRC (Munro J, MacBean SDP and Tolley C), Print R6818, 5 July 1999

*Veith v La Piazza*, unreported AIRC (Merriman C), Print S5032, 14 April 2000

*Victoria v The Commonwealth (1995-1996)* 187 CLR 416

*Victorian Timber Industry Training Centre Ltd v G.E. Hunt*, unreported AIRC (Foggo C), Print Q2293, 23 June 1998

*Vowles v Australia's Wonderland*, unreported AIRC (Lawson C), Print R0617, 11 January 1999

*Waybeth Pty Ltd v J Rozen*, unreported AIRC (Whelan C), Print R2746, 4 March 1999

*Warsame and Athanasiadis v Yarraville Textiles Pty Ltd*, unreported AIRC (Ross VP, Watson SDP and Gay C), Print P4223, 19 August 1997

*Watson v Royal Selangor (Aust) Pty Ltd*, unreported, IR Court, 4 July 1995 per Parkinson JR

*Webb v Bakers Paradise*, unreported AIRC (Blair C), Print S6999, 13 June 2000

*Wells and Webb v Ginza Sauna & Spa Pty Ltd trading as Royal City*, unreported AIRC (Watson SDP), Print R1238, 1 February 1999

*Westen v Union des Assurances de Paris*, unreported, IR Court, 17 December 1996 per Madgwick J

*Westman v Clothing Outlets Pty Ltd*, unreported AIRC (Drake DP), Print P8835, 13 February 1998; (Drake DP), Print P8835, 28 September 1998

*Whitehead v LA Power Pty Ltd*, unreported AIRC (Simmonds C), Print R6433, 29 June 1999; (Drake SDP), Print S0272, 19 October 1999

*Wibrow v Windsor Hotels*, unreported AIRC (Whelan C), Print P8287, 22 January 1998

*Williams and Community and Public Sector Union v Department of Employment, Education, Training and Youth Affairs*, unreported AIRC (Eames C), Print P9071, 25 February 1998

*Wilmott and Louise Frances Halpin v Double Helix Pty Ltd trading as Pearl Street Child Care Centre*, unreported AIRC (Tolley C), Print S0322, 21 October 1999

*Windsor Smith v Liu and others*, unreported AIRC (Giudice P, Polites SDP and Gay C), Print Q3462, 13 July 1998

*Winkler v Steam Mill Cottage*, unreported AIRC (Gay C), Print R7761, 3 August 1999

*Wylie v Carbide International Pty Ltd* (1994) 55 IR 326

*Yipirinya School Council Inc v D Wagner*, unreported AIRC (Gay C), Print R2635, 2 March 1999

*Young v Commercial Systems Australia Pty Ltd*, unreported AIRC (Frawley C), Print P7286, 16 December 1997

# **TABLE OF LEGISLATION**

## **Statutes**

Conciliation and Arbitration Act 1904 (Cth)  
Country Court Act 1958 (VIC)  
Courts (Mediation and Arbitration) Act 1991 (Cth)  
Domestic Building Contracts and Tribunal Act 1995 (VIC)  
Family Law Act 1975 (Cth)  
Farm Debt Mediation Act 1994 (NSW)  
Federal Court of Australia Act 1976 (Cth)  
Industrial Relations Act 1988 (Cth)  
Industrial Relations Reform Act 1993 (Cth)  
Industrial Relations and Other Legislation Amendment Act 1995 (Cth)  
Industrial Relations and Other Legislation Amendment Act 1996 (Cth)  
Land and Environment Court Act 1979 (NSW)  
Law and Justice Legislation Amendment Act 1997 (Cth)  
Local Court Act 1989 (NT)  
Magistrates' Court Act 1991 (SA)  
Native Title Tribunal Act 1993 (Cth)  
Retail Leases Act 1994 (NSW)  
Workplace Relations and Other Legislation Amendment Act 1996 (Cth)  
Workplace Relations Act 1996 (Cth)

## **Bills**

Conciliation Bill 1891 (SA)  
Conciliation and Arbitration Bill 1903 (Cth)  
Councils of Conciliation Bill 1890 (VIC)  
Industrial Unions Bill 1890 (SA)  
Trade Disputes Conciliation and Arbitration Bill (NSW) 1892  
Workplace Relations Amendment (More Jobs, Better Pay) Bill 1999 (Cth)  
Workplace Relations Amendment (Termination of Employment) Bill 2000 (Cth)

<b>SETTLEMENT RATES</b>				
<b>30 March 1994 - 30 June 2000</b>				
<b>Conciliator Codes</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
1.	168	240	408	41%
2.	274	294	568	48%
3.	365	333	698	52%
4.	1679	247	1926	87%
5.	328	192	520	63%
6.	396	211	607	65%
7.	264	284	548	48%
8.	281	170	451	62%
9.	187	238	425	44%
10.	353	228	581	61%
11.	454	397	851	53%
12.	153	192	345	44%
13.	355	368	723	49%
14.	1750	368	2118	83%
15.	357	273	630	57%
16.	305	198	503	61%
17.	293	259	552	53%
18.	102	262	364	28%
19.	127	119	246	52%
20.	362	289	651	56%
21.	164	201	365	45%
22.	310	263	573	54%
23.	208	235	443	47%
24.	263	273	536	49%
25.	305	145	450	68%
26.	256	171	427	60%
27.	240	182	422	57%
28.	252	155	407	62%
29.	248	142	390	64%
30.	387	145	532	73%
31.	183	105	288	64%
32.	183	46	229	80%
33.	1055	327	1382	76%
34.	515	170	685	75%
35.	244	203	447	55%
36.	483	53	536	90%
37.	1047	918	1965	53%
38.	217	260	477	45%
39.	249	199	448	56%
40.	356	144	500	71%
41.	345	157	502	69%
42.	105	97	202	52%

**SETTLEMENT RATES****30 March 1994 - 30 June 2000**

<b>Conciliator Codes</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
43.	217	379	596	36%
44.	347	322	669	52%
45.	290	242	532	55%
46.	394	97	491	80%
47.	916	237	1153	79%
48.	345	237	582	59%
49.	269	308	577	47%
50.	289	341	630	46%
51.	269	137	406	66%
52.	167	185	352	47%
<b>Total</b>	<b>19,671</b>	<b>12,238</b>	<b>31,909</b>	<b>62%</b>

**Note:** The Conciliator Codes in this appendix do not coincide with those in Appendix 13.

**UNLAWFUL TERMINATION CLAIMS – DURATION OF HEARING  
June 1994 – June 1995**

Up to half a day	39
Half a day to a day	29
1-2 days	21
2-3 days	5
3-4 days	2
4-5 days	3
More than 5 days	1

# MEDIATOR ACCUSES YALLOURN ON TALKS

By ADRIAN ROLLINS

Yallourn Energy has been attacked over its conduct in crisis talks.

The Government-appointed mediator, Mr Neil Pope, a former minister in the Cain Government, said the company was guilty of a "most appalling act" in the way it rejected a negotiated settlement after three days of talks.

An angry Mr Pope questioned the company's commitment to achieving a settlement after its chief executive. Mr Mike Johnston, ended 23 hours of talks by issuing a press release informing the media he had rejected a settlement document. Mr Pope was furious that the first he knew of Yallourn Energy's decision was at 7am yesterday when he was told the company had issued a statement, apparently prepared at 6am, refusing a settlement.

"The Premier knew, the media knew, but not the Government-appointed mediator," Mr Pope said. "They did not have the decency to inform me. They made me wait there for one or two hours. It was the most appalling act."

Mr Pope said the company's handling of the decision called into question just how genuine it had been in trying to reach agreement.

The mediator presented Yallourn Energy with a proposed settlement agreement at 5am. At 6.20am, he said, he was told Mr Johnston was in discussions with company shareholders and would be giving a decision soon. "At 7am he came and saw me and handed me a press release saying 'no'. The press release was dated 6am, so you have to question their bona fides on the basis of that," Mr Pope said. But Mr Johnston said the press release issued was one of five prepared during the night for use depending on the outcome of talks.

The company manager said he had been extremely disappointed with the proposed agreement prepared by Mr Pope because key issues were not included.

There also were a number of issues included that were yet to be resolved, but there was no set procedure outlining how they were to be settled, he said.

Late yesterday Mr Pope called the claim "an absolute furphy". Key issues regarding dispute resolution and the union's log of claims had been included, but on the side, for settlement at a later date, he said.

Mr Pope said he was prepared to mediate again if requested.

**LIST OF ACTS AND BILLS PROVIDING FOR 'WAGES BOARDS' AND  
'CONCILIATION AND ARBITRATION'**

1890—1914

COMMONWEALTH OF AUSTRALIA

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*Year introduced*

- 1901 Conciliation and Arbitration Bill (C.C. Kingston, House of Reps. 1st R. 5 June).
- 1903 Conciliation and Arbitration Bill (A. Deakin, House of Reps. 1st R. 28 July).
- 1904 Conciliation and Arbitration Act 1904 (A. Deakin, House of Reps. 1st R. 2 March, Ass. 15 December).

New South Wales

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- 1890 Courts of Conciliation Bill (G.R. Dibbs, Committee 21 November, never resented).
- 1891 Trade Disputes Conciliation and Arbitration Bill (H. Parkes, Leg. Ass. 1st R. 5 August).
- 1892 Trade Disputes Conciliation and Arbitration Act, 1892 (E. Barton, Leg. Ass. 1st R. 24 February, Ass. 31 March; in force for four years).
- Trade Disputes Conciliation and Arbitration Act Amendment Bill (J.H. Cann, Leg. Ass. 1st R. 18 October).
- 1895 Trade Disputes Conciliation and Arbitration Act, 1892, Amendment Bill (J. Garrard, Leg. Ass. 1st R. 26 March).

- 1898 Conciliation and Arbitration Act of 1899 (G.H. Reid, Leg. Ass. 1st R. 8 December, Ass. 22 April 1899).
- 1900 Industrial Arbitration Bill (B.R. Wise, Leg. Ass. 1st R. 28 June).
- 1901 Industrial Arbitration Act, 1901 (J. See, Leg. Ass. 1st R. 8 August, Ass. 10 December; in force until 1908).
- 1903 Industrial Arbitration Act Amendment Bill (B.R. Wise, Leg. Council, 1st R. 9 July).
- Industrial Arbitration (Additional Court) Bill (J.L. Fegan, Leg. Ass. 1st R. 24 November).

#### QUEENSLAND

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- 1891 Conciliation Courts Bill (C. Powers, Leg. Ass. 1st R. 6 November).
- 1892 Courts of Conciliation Act of 1892 (S. Griffith, Leg. Ass. 1st R. 9 August, Ass. 30 September).
- 1894 Industrial Conciliation and Arbitration Bill (C. Powers, Leg. Ass. 1st R. 23 October).

#### SOUTH AUSTRALIA

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- 1890 Industrial Unions Bill (C.C. Kingston, Leg. Ass. 1st R. 12 December).
- 1891 Conciliation Bill (C.C. Kingston, Leg. Ass. 1st R. 28 October).
- 1892 Conciliation Bill (J.A. Cockburn, Leg. Ass. 1st R. 21 July). Conciliation and Co-operation Bill (R.C. Baker, Leg. Council 1st R. 27 July).
- 1893 Conciliation Bill (J.H. Gordon, Leg. Council 1st R. 10 October).

- 1894 Conciliation Act, 1894 (J.H. Gordon, Leg. Council 1st R. 12 June, Ass. 21 December).
- 1899 Factories Act Amendment Bill (C.C. Kingston, Leg. Ass. 1st R. 16 November).
- 1900 Factories Amendment Act, 1900 (F.W. Holder, Leg. Ass. 1st R. 3 July, Ass. 5 December).
- 1902 Factories Act Repeal Bill (G. Brookman, Leg. Council 1st R. 27 August).
- 1904 Factories Further Amendment Act, 1904 (B.A. Moulden, Leg. Council 1st R. 23 November, Ass. 24 November).

#### TASMANIA

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- 1900 Industrial Conciliation and Arbitration Bill (D.C. Urquhart, Leg. Ass. 1st R. 17 August).
- 1901 Industrial Conciliation and Arbitration Bill (D.C. Urquhart, Leg. Ass. 1st R. 30 May).
- 1903 Industrial Arbitration Bill (H. Nicholls, Leg. Ass. 1st R. 21 October).
- 1904 Industrial Arbitration Bill (W. Lamerton, Leg. Ass. 1st R. 2 September).

#### VICTORIA

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- 1890 Councils of Conciliation Bill (R. Richardson, Leg. Ass. 1st R. 25 June).
- 1891 Councils of Conciliation Act 1891 (R. Richardson, Leg. Ass. 1st R. 24 June, Ass. 22 December).
- 1895 Factories and Shops Act 1890 Amendment Bill (A.J. Peacock, Leg. Ass. 1st R. 30 May).

- 1896 Factories and Shops Act 1896 (A.J. Peacock, Leg. Ass. 1st R. 30 June, Ass. 28 July; in force until 1900).  
Factories and Shops Act 1896 Amendment Bill (G. Turner for A.J. Peacock, Leg. Ass. 1st R. 30 September).  
Factories and Shops Amendment Act 1896 (A.J. Peacock, Leg. Ass. 1st R. 22 December, Ass. 24 December).
- 1897 Factories and Shops Act 1897 (A.J. Peacock, Leg. Ass. 1st R. 27 August, Ass. 27 September)
- 1898 Factories and Shops Act 1898 (A.J. Peacock, Leg. Ass. 1st R. 24 November, Ass. 20 December)
- 1899 Factories and Shops Act 1900 (A.J. Peacock, Leg. Ass. 1st R. 4 July, Ass. 20 February 1900; in force until 1902).
- 1900 Conciliation and Arbitration Bill (W.A. Trenwith, Leg. Ass. 1st R. 18 July).
- 1901 Conciliation and Arbitration Bill (W.A. Trenwith, Leg. Ass. 1st R. 16 July).  
Factories and Shops Acts Further Amendment Bill (A.J. Peacock, Leg. Ass. 1st R. 17 July).
- 1902 Factories and Shops Acts Continuation Bill (J. Murray, Leg. Ass. 1st R. 16 July).  
Conciliation and Arbitration Bill (W.A. Trenwith, Leg. Ass. 1st R. 13 August).  
Factories and Shops Continuance Act 1902 (J. Murray, Leg. Ass. 1st R. 16 October, Ass. 5 December; in force until 1903).  
Conciliation and Arbitration Bill (W.A. Trenwith, Leg. Ass. 1st R. 16 October).
- 1903 Factories and Shops Act 1903 (J. Murray, Leg. Ass. 1st R. 9 September, Ass. 30 October, in force until 1905).  
Conciliation and Arbitration Bill (W.A. Trenwith, Leg. Ass. 1st R. 9 September).

1904 Conciliation and Arbitration Bill (J. Lemmon, Leg. Ass. 1st R. 5 July). Factories and Shops Act 1904 (S. Gillott, Leg. Ass. 1st R. 10 November, Ass. 30 November).

WESTERN AUSTRALIA

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- 1899 Industrial Conciliation and Arbitration Bill (J. Forrest, Leg. Ass. 1st R. 22 August).
- 1900 Industrial Conciliation and Arbitration Act, 1900 (J. Forrest, Leg. Ass. 1st R. 29 August, Ass. 5 December).
- 1901 Industrial Conciliation and Arbitration Act, 1902 (O. Leake, Leg. Ass. 1st R. 28 June, Ass. 19 February 1902).
- 1904 Industrial Conciliation and Arbitration Act Amendment Bill (No. 1) (J.B. Holman, Leg. Ass. 1st R. 15 September).
- Industrial Conciliation and Arbitration Act Amendment Bill (No. 2) (J.B. Holman, Leg. Ass. 1st R. 29 September).

- 1890      Strikes and Board of Conciliation Bill (W.D. Stewart, House of Reps. 1st R. 4 July).
- 1891      Industrial Conciliation Bill (W.P. Reeves, House of Reps. 1st R. 17 June).
- 1892      Industrial Conciliation Bill (W.P. Reeves, House of Reps. 1st R. 24 June).
- 1893      Industrial Conciliation and Arbitration Bill (W.P. Reeves, House of Reps. 1st R. 27 June).
- 1894      Industrial Conciliation and Arbitration Act, 1894 (W.P. Reeves, House of Reps. 1st R. 26 June, Ass. 31 August).
- 1895      Industrial Conciliation and Arbitration Act Amendment Act, 1895 (W.P. Reeves, House of Reps. 1st R. 31 July, Ass. 18 October).
- 1896      Industrial Conciliation and Arbitration Act Amendment Act, 1896 (R.J. Seddon, House of Reps. 1st R. 17 June, Ass. 17 October).
- 1898      Industrial Conciliation and Arbitration Act Amendment Bill (No. 1) (R.J. Seddon, House of Reps, 1st R. 13 July).
- Industrial Conciliation and Arbitration Act Amendment Act, 1898 (W.C. Walker, Leg. Council 1st R. 22 September, Ass. 5 November).
- 1900      Industrial Conciliation and Arbitration Act, 1900 (R.J. Seddon, House of Reps. 1st R. 28 June, Ass. 20 October).
- 1901      Industrial Conciliation and Arbitration Amendment Act, 1901 (R.J. Seddon, House of Reps. 1st R. 10 July, Ass. 7 November).
- Arbitration Court President Validation Act, 1901 (R.J. Seddon, House of Reps. 1st R. 18 September, Ass. 19 September).
- 1903      Industrial Conciliation and Arbitration Amendment Act, 1903 (R.J. Seddon, House of Reps. 1st R. 1 July, Ass. 20 November).

Arbitration Court Emergency Act, 1903 (R.J. Seddon, House of Reps. 1st R. 14 August, Ass. 4 September).

Arbitration Court Emergency Act, 1903 (No. 2) (R.J. Seddon, House of Reps. 1st R. 22 September, Ass. 24 September).

1904 Industrial Conciliation and Arbitration Amendment Act, 1904 (R.J. Seddon, House of Reps. 1st R. 30 June, Ass. 8 November).

WORKPLACE RELATIONS AMENDMENT (MORE JOBS,  
BETTER PAY) BILL 1999

<b>Voluntary vs Compulsory Conciliation : Powers and Procedures</b>	
<b>Voluntary Conciliation</b>	<b>Compulsory Conciliation</b>
<p><b>general:</b> the Commission must take such action as is appropriate to resolve the matter by conciliation'. (s 88AD(1))</p>	<p><b>General:</b> the Commission must do everything that appears to the member to be right and proper to assist the parties to agree on terms for the prevention and settlement of the dispute'. (s 102(1))</p>
<p><b>specific action:</b> the action that the Commission may take includes:</p> <p>(a) arranging conferences of the parties or their representatives at which the Commission is present; and</p> <p>(b) arranging for the parties or their representatives to confer among themselves at conferences at which the Commission is not present. (s 88AD(2))</p>	<p><b>Specific action:</b> the action that may be taken by a member of the Commission ... includes:</p> <p>(a) arranging conferences of the parties or their representatives presided over by the member; and</p> <p>(b) arranging for the parties or their representatives to confer among themselves at conferences at which the member is not present. (s 102(2))</p>
<p><b>procedure:</b> when conciliating the Commission must, as far as practicable, act:</p> <p>quickly (s 88AD(3)(a));</p> <p>in a way that avoids unnecessary technicalities and legal forms (s 88AD(3)(b));</p>	<p><b>Procedure:</b> no specific procedure specified but general provisions apply as set out below:</p> <p>s 110(1) in similar terms;</p> <p>ss 98A and 110(2)(c) in similar terms;</p>

<p>in accordance with any agreement between the parties about the voluntary conciliation (s 88AD(3)(c))</p> <p>in accordance with any dispute settling procedure in an award or agreement by which the parties who requested the conciliation are bound (s 88AD(3)(d)).</p>		<p>no specific provision;</p> <p>s 92 requires the Commission to have regard to the extent of compliance by the parties with the dispute settlement procedures in a relevant award.</p>
<p><b>limitations on power:</b> the Commission does not have power to compel a person to do anything when undertaking voluntary conciliation.</p>		<p><b>Limitations on power:</b> none specified but conciliation is clearly a separate function from arbitration. (s 104)</p>



## AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION

## APPLICANT QUESTIONNAIRE UNFAIR DISMISSALS

**1** Did you know before you lodged your claim that you would be responsible for paying your own costs?

No

Yes

**2** What were the total costs incurred by you during your claim?

*Tick ONE only*

0 - \$500

\$501 - \$1000

\$1001 - \$5000

\$5001 - \$10000

More than \$10000

**3** Did anyone represent you at the conciliation conference?

No  Go to next question

Yes - my lawyer  Go to **5**

Yes - my union  Go to **5**

Yes - other, give details below  Go to **5**

**4** Do you think you were disadvantaged because you were unrepresented?

No

Yes

**5** Did anyone represent you at the consent arbitration hearing?

No  Go to next question

Yes - my lawyer

Yes - my union

Yes - other, give details below

**6** Do you think you were disadvantaged because you were unrepresented?

No

Yes

**Thank you for taking part in this study.**



**AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

**EMPLOYER QUESTIONNAIRE  
UNFAIR DISMISSALS**

**1** Did you know before you responded to the claim that you would be responsible for paying your own costs?

No   
Yes

**2** Could you estimate what costs were incurred by you (or your organisation) during these proceedings?

*Tick ONE only*

0 - \$500   
\$501 - \$1000   
\$1001 - \$5000   
\$5001 - \$10000   
More than \$10000

**3** How much of the total cost was attributed to legal fees?

*Tick ONE only*

0 - \$500   
\$501 - \$1000   
\$1001 - \$5000   
\$5001 - \$10000

4 How much of the total cost was attributed to business costs?

*Tick ONE only*

- |                  |                          |
|------------------|--------------------------|
| 0 - \$500        | <input type="checkbox"/> |
| \$501 - \$1000   | <input type="checkbox"/> |
| \$1001 - \$5000  | <input type="checkbox"/> |
| \$5001 - \$10000 | <input type="checkbox"/> |

5 How much of the total cost was attributed to 'other' costs?  
Please specify type of cost.

6 Did anyone represent you at the **conciliation conference**?

- |                                 |                          |                     |
|---------------------------------|--------------------------|---------------------|
| No                              | <input type="checkbox"/> | Go to next question |
| Yes - your lawyer               | <input type="checkbox"/> | Go to 8             |
| Yes - employer association      | <input type="checkbox"/> | Go to 8             |
| Yes - other, give details below | <input type="checkbox"/> | Go to 8             |

7 Did you think you were advantaged because you were unrepresented?

- |     |                          |
|-----|--------------------------|
| No  | <input type="checkbox"/> |
| Yes | <input type="checkbox"/> |

**8** Did anyone represent you at the consent arbitration hearing?

- No  Go to next question
- Yes - your lawyer
- Yes - employer association
- Yes - other, give details below

**9** Did you think you were disadvantaged because you were unrepresented?

- No
- Yes

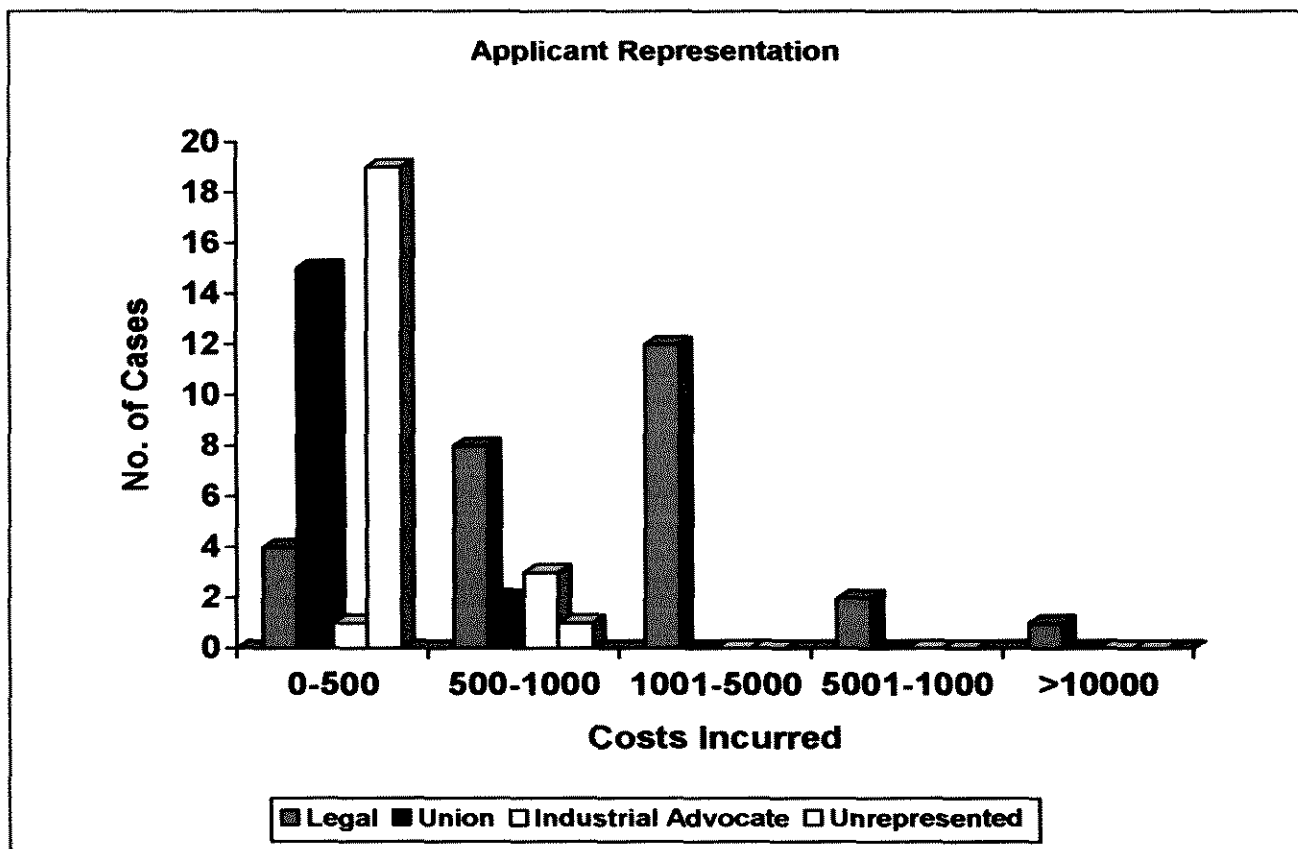
*Thank you for taking part in this study.*

**COSTS SURVEY RESULTS**

**Part 1 – Applicant Questionnaire Responses**

Number surveyed : 223  
 Number of responses : 68  
 Response rate : 30%

Costs Incurred	Type of Representation				Total All Types
	Legal	Union	Industrial Advocate	Unrepresented	
\$ 0-500	4	15	1	19	39
500-1000	8	2	3	1	14
1001-5000	12	-	-	-	12
5001-10 000	2	-	-	-	2
>10 000	1	-	-	-	1
	<b>27</b>	<b>17</b>	<b>4</b>	<b>20</b>	<b>68</b>



Average costs incurred is calculated as follows:

1. Multiply the number of responses in each costs range by the midpoint of that range.
2. Sum the results of step 1.
3. Divide by the total number of responses.

The calculation in this case is set out below.

<b>Costs range (1)</b>	<b>Midpoint (2)</b>	<b>No. of responses (3)</b>	<b>(2) x (3)</b>
0-500	250	39	9750
501-1000	750	14	10 500
1001-5000	3000	12	36 000
5001-10 000	7500	2	15 000
>10 000	10 000 <sup>(a)</sup>	1	10 000
		<b>68</b>	<b>81 250</b>

(a) Assume \$10 000 as there is no ceiling on this range.

The average cost is column 4 (\$81 250) divided by the sum of column 3 (68), that is approximately \$1200.

Using the same methodology for legally represented applicants only, the average cost was \$2500. About 40 per cent of applicants were legally represented:

## Part 2 – Respondent Questionnaire Responses

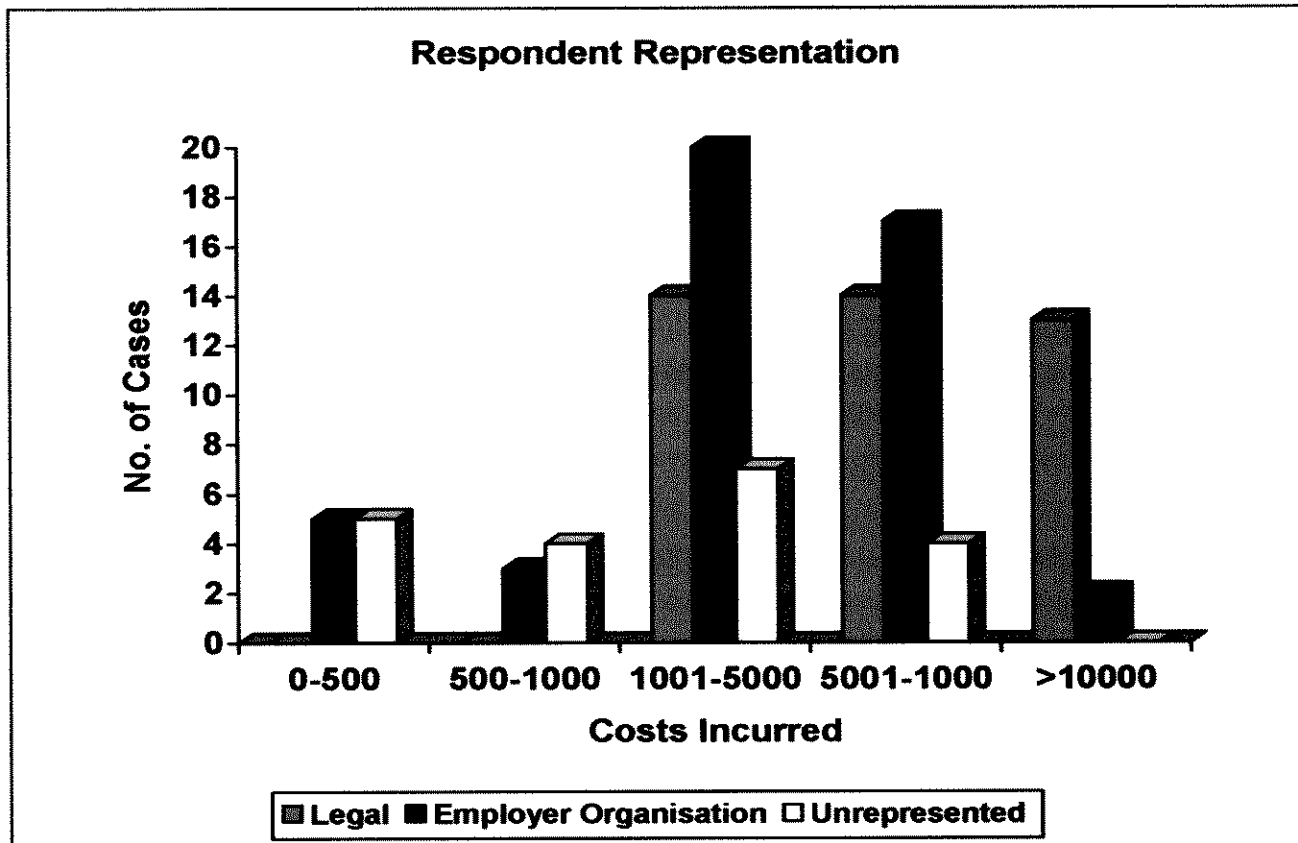
Number surveyed : 223

Number of responses : 109

Response rate : 49%

Costs Incurred	Type of Representation <sup>(a)</sup>			
	Legal	Employer Organisation	Unrepresented	Total All Types
\$				
0-500	-	5	5	10
500-1000	-	3	4	7
1001-5000	15	20	7	42
5001-10 000	14	17	4	35
>10 000	13	2	-	15
	<b>42</b>	<b>47</b>	<b>20</b>	<b>109</b>

(a) .....



Using the same method as that outlined above the average cost incurred by respondents was \$5000.

The average cost incurred by legally represented respondents was approximately \$6500. About 40 per cent of respondents were legally represented.

**ALL UNLAWFUL TERMINATION CONSENT ARBITRATIONS  
15 JAN - 30 AUG 1996**

	<b>U MATTER</b>	<b>PRINT NO. OF DECISION</b>	<b>RESULT</b>	<b>GENDER</b>
1.	U20363/96	M8988	reinstatement	M
2.	U20364/96	M8988	dismissed	M
3.	U20365/96	M8988	dismissed	M
4.	U20436/96	In transcript	compensation \$3461.54	M
5.	U20511/96	In transcript	compensation \$1320	F
6.	U20529/96	In transcript	dismissed	M
7.	U20631/96	N1700	compensation \$2088	F
8.	U20671/96	In transcript	compensation \$2088	*
9.	U20677/96	N2738	compensation \$4000	M
10.	U20679/96	In transcript	dismissed	M
11.	U20742/96	N1702	dismissed	M
12.	U20773/96	N0864	compensation \$2400	M
13.	U20815/96	In transcript	compensation \$6346	F
14.	U20831/96	N2093	dismissed	F
15.	U20875/96	N1654	dismissed	M
16.	U20940/96	In transcript	compensation \$2000	F
17.	U20953/96	In transcript	compensation \$11615	M
18.	U21029/96	N0851	dismissed	M
19.	U21044/96	N1399	dismissed	M
20.	U21162/96	N2030	dismissed	F
21.	U21321/96	N3860	dismissed	F
22.	U21327/96	N2956	compensation \$8398.50	M
23.	U21365/96	N1918	dismissed	F
24.	U21432/96	N2565	dismissed	M
25.	U21473/96	In transcript	compensation \$1600	M
26.	U21493/96	N2794	dismissed	M
27.	U21519/96	In transcript	compensation \$2418	F
28.	U21645/96	N2250	dismissed	M
29.	U21686/96	In transcript	\$3000 and reinstatement	M
30.	U21876/96	N4108	dismissed	M
31.	U21972/96	N4059	compensation \$932.40	F
32.	U22037/96	In transcript	reinstatement	M
33.	U22056/96	N4368	reinstatement	M
34.	U30197/96	N0584	dismissed	M
35.	U30207/96	In transcript	compensation \$650	F
36.	U30271/96	In transcript	compensation \$2000	F
37.	U30440/96	N0306	dismissed	M
38.	U30444/96	N0133	dismissed	M
39.	U30503/96	In transcript	compensation \$6190.86	F

	U MATTER	PRINT NO. OF DECISION	RESULT	GENDER
40.	U30544/96	In transcript	dismissed	M
41.	U30593/96	N0913	dismissed	M
42.	U30658/96	N3070	compensation \$5000	F
43.	U30659/96	N3070	compensation \$800	F
44.	U30660/96	N3070	compensation \$1500	F
45.	U30663/96	In transcript	dismissed	M
46.	U30740/96	M9561	reinstatement	F
47.	U30749/96	N2507	dismissed	M
48.	U30751/96	N1376	dismissed	F
49.	U30778/96	In transcript	compensation \$12260	M
50.	U30843/96	N2094	dismissed	F
51.	U30849/96	In transcript	compensation \$6726	M
52.	U30871/96	N3069	compensation \$3500	F
53.	U31033/96	N2530	dismissed	F
54.	U31085/96	N1765	dismissed	F
55.	U31101/96	In transcript	compensation \$500	M
56.	U31102/96	N2209	dismissed	M
57.	U31150/96	N2855	dismissed	M
58.	U31195/96	In transcript	dismissed	*
59.	U31199/96	N1902	compensation \$2805.50	M
60.	U31247/96	In transcript	compensation \$3312	*
61.	U31416/96	In transcript	compensation \$1500	M
62.	U31505/96	In transcript	compensation \$1100	F
63.	U31506/96	N2652	dismissed	M
64.	U31525/96	In transcript	compensation \$4000	F
65.	U31526/96	In transcript	compensation \$1800	F
66.	U31528/96	N3573	reinstatement	F
67.	U31574/96	N2959	dismissed	*
68.	U31599/96	N2390	reinstatement	M
69.	U31633/96	In transcript	compensation \$3200	F
70.	U31646/96	In transcript	reinstatement	F
71.	U31725/96	In transcript	reinstatement	F
72.	U31729/96	N2614	dismissed	M
73.	U31752/96	N3111	reinstatement	M
74.	U31821/96	In transcript	dismissed	*
75.	U31823/96	In transcript	compensation \$900	*
76.	U31830/96	N3716	compensation \$5540	M
77.	U31838/96	N3480	dismissed	M
78.	U31926/96	N2623	reinstatement	M
79.	U31941/96	In transcript	dismissed	M
80.	U31955/96	N2995	dismissed	M
81.	U31965/96	N3313	dismissed	M
82.	U32072/96	N3625	compensation \$5000	M
83.	U32244/96	N4797	compensation \$8750	F

	U MATTER	PRINT NO. OF DECISION	RESULT	GENDER
84.	U32442/96	N3342	dismissed	M
85.	U32550/96	N4155	dismissed	M
86.	U32558/96	N4253	dismissed	M
87.	U32633/96	N4142	dismissed	M
88.	U32652/96	N4394	compensation \$10208	M
89.	U32798/96	N4361	dismissed	M
90.	U32799/96	N4361	dismissed	M
91.	U32800/96	N4361	dismissed	M
92.	U33173/96	N4406	dismissed	F
93.	U33261/96	In transcript	compensation \$3800	F
94.	U40097/96	N0945	dismissed	F
95.	U40121/96	N4615	compensation \$9036	M
96.	U40124/96	N0945	dismissed	F
97.	U40131/96	N2830	dismissed	M
98.	U40185/96	N1586	reinstatement	M
99.	U40231/96	N2384	reinstatement	M
100.	U40265/96	In transcript	dismissed	F
101.	U40279/96	N4388	reinstatement	M
102.	U50053/96	In transcript	compensation \$200	M
103.	U60042/96	In transcript	compensation \$678.50	F
104.	U60200/96	N1621	compensation \$1248	M
105.	U60201/96	N1621	compensation \$1248	F
106.	U60224/96	In transcript	compensation \$600	M
107.	U60342/96	N1747	dismissed	M
108.	U60343/96	N2670	compensation \$6000	M
109.	U60462/96	N2739	dismissed	M
110.	U60633/96	In transcript	compensation \$1717.60	M
111.	U60646/96	N3393	compensation \$2500	M
112.	U60711/96	In transcript	compensation \$2500	F
113.	U80046/96	In transcript	dismissed	M
114.	U80080/96	N2619	dismissed	M
115.	U80090/96	N0345	dismissed	M
116.	U80120/96	N4420	compensation \$8000	M
117.	U90089/96	N0360	compensation \$3685	M
118.	U90103/96	N1590	compensation \$1488	F
119.	U90131/96	In transcript	compensation \$600	M
120.	U90153/96	In transcript	compensation \$2020	M
121.	U90160/96	N1704	dismissed	M
122.	U90168/96	In transcript	compensation \$549.75	M
123.	U90178/96	N2330	compensation \$2000	M

Average compensation: \$3458.90 (54 paid)  
Gender: Male: 78 (66% of those identified)  
Female: 39 (33% of those identified)

\* Applicant gender could not be ascertained from the available AIRC records.

**LIST OF DECISIONS RE COSTS**  
**31 December 1996 - 30 June 2000**

1. *Steve Allen v Catherine Ellen Cutri*, unreported AIRC (Laing C), Print P0441, 28 April 1997.
2. *Downes v Albany Printing Machinery Pty Ltd*, unreported AIRC (Whelan C), Print P0862, 12 May 1997.
3. *James Laferla v Birdon Sands Pty Limited*, unreported AIRC (Deegan C), Print P2076, 19 June 1997.
4. *Dames & Moore Pty Ltd v G. Vincent*, unreported AIRC (Watson SDP), Print P2084, 19 June 1997.
5. *O'Rourke v Pomegranate*, unreported AIRC (Whelan C), Print P2330, 27 June 1997.
6. *P. Cooms v Australian Meat Holdings Pty Ltd*, unreported AIRC (Bacon C), Print P2337, 26 June 1997; Print P6341, 29 October 1997 per Bacon C.
7. *Four Trade Only Business Forms v Damman*, unreported AIRC (Watson SDP), Print P4296, 21 August 1997.
8. *B.C. Fletcher v Manyallaluk Aboriginal Corporation*, unreported AIRC (Eames C), Print P5234, 24 September 1997.
9. *Jackson v King Village Resort Pty Ltd*, unreported AIRC (Whelan C), Print P6308, 28 October 1997.
10. *C. Davidson v Karu Aboriginal and Islander Child Care Agency*, unreported AIRC (Eames C), Print P6494, 5 November 1997.
11. *J.F. Medson v Greemount Beach Resort*, unreported AIRC (Bacon C), Print P6997, 25 November 1997.
12. *D. Young v Commercial Systems Australia Pty Ltd*, unreported AIRC (Frawley C), Print P7286, 16 December 1997.
13. *B & S Akras Engineering Pty Ltd v G. Hionis*, unreported AIRC (Acton DP), Print P7360, 10 December 1997.
14. *Medigas Pty Ltd v S. Webster*, unreported AIRC (Merriman C), Print P7624, 19 December 1997.
15. *Hyatt Hotel Canberra v E. Whittington*, unreported AIRC (Deegan C), Print P7700, 23 December 1997.

16. *WG Moon v Citizen Advocacy Western Incorporated*, unreported AIRC (Deegan C), Print P7724, 23 December 1997.
17. *R.E. Leibeck v Base Course Management Pty Limited*, unreported AIRC (Duncan DP), Print P7784, 6 January 1998.
18. *Gordon Douglas Ainslie v Ericsson Australia Pty Ltd*, unreported AIRC (Williams SDP), Print P8061, 15 January 1998.
19. *Wibrow v Windsor Hotels*, unreported AIRC (Whelan C), Print P8287, 22 January 1998.
20. *V.C. Pereira v Brochure Flow Pty Ltd*, unreported AIRC (Gay C), Print P8376, 23 January 1998.
21. *Barnes v Barden Chemical Australia Pty Ltd*, unreported AIRC (Whelan C), Print P8552, 3 February 1998.
22. *McIlwaine v Plexicor*, unreported AIRC (Whelan C), Print P8564, 3 February 1998.
23. *L. McDonald v Melbourne Precast Concrete Panels Pty Ltd*, unreported AIRC (Watson SDP), Print P8754, 11 February 1998.
24. *Miotti v Mickless Pty Ltd t/as Zempelis*, unreported AIRC (Whelan C), Print P8842, 13 February 1998.
25. *D. McAdam v Swersky & Velos*, unreported, AIRC (Raffaelli C), Print P8848, 18 February 1998.
26. *P.C. Williams and Community and Public Sector Union v Department of Employment, Education, Training and Youth Affairs*, unreported AIRC (Eames C), Print P9071, 25 February 1998.
27. *Mainpoint Enterprises (Aust) Pty Limited v E. Henderson*, unreported AIRC (Foggo C), Print P9204, 2 March 1998; quashed on appeal (1998) 83 IR 182.
28. *P.J. Bingham v Telstra Corporation*, unreported AIRC (Bryant DP), Print P9997, 7 April 1998; Print Q3987, 27 July 1998 per McIntyre VP, Coleman DP and Laing C.
29. *S.P. Konza and B.J. Skelton Booth v Telstra Corporation Limited*, unreported AIRC (Jones C), Print P9362, 11 March 1998.
30. *Coltex Shoes Pty Ltd t/as Anna Fiori Shoes v D. Goussis*, unreported AIRC (Polites SDP), Print P9427, 17 March 1998.
31. *Godfrey Hirst Pty Ltd v F Collari*, unreported AIRC (Blair C), Print P9643, 24 March 1998.

32. *Rockhampton City Council v B. Trott*, unreported AIRC (Bacon C), Print P9848, 31 March 1998.
33. *Andrew Betts v Madafferi Haulage Pty Ltd*, unreported AIRC (Smith C), Print P9940, 9 April 1998.
34. *G. Ridley and W.N. Ridley v Australia First Party Inc.*, unreported AIRC (Bacon C), Print P9947, 2 April 1998.
35. *Thomas Cook v K Lane*, unreported AIRC (Raffaelli C), Print Q0320, 24 April 1998; Print Q8403, 11 November 1998 per Drake DP.
36. *C. Albert v Parcelle Pty Ltd t/as Hi-tech Mufflers*, unreported AIRC (Ross VP, Harrison SDP and Jones C), Print Q0598, 5 May 1998.
37. *K.M. Lloyd v Elly Lukas Beauty School*, unreported AIRC (Smith C), Print Q0557, 1 May 1998; (1998) 83 IR 458.
38. *G.F. Bull v Milstern Sales Pty. Ltd. t/as Castle Group Canberra*, unreported AIRC (Lawson C), Print Q0948, 18 May 1998.
39. *A.M. Bardell v A.P. Ford Pty Ltd t/as Southside Ford*, unreported AIRC (Hodder C), Print Q1592, 15 June 1998.
40. *J.H. O'Hara v Normandy Gold Pty Ltd – Tennant Creek Operations*, unreported AIRC (Eames C), Print Q1618, 9 June 1998.
41. *B.J. Meaney v Master Builders Construction and Housing Association of ACT*, unreported AIRC (Foggo C), Print Q1887, 15 June 1998.
42. *A. Parkinson v Department of Primary Industries and Energy*, unreported AIRC (Deegan C), Print Q2206, 23 June 1998.
43. *Victorian Timber Industry Training Centre Ltd v G.E. Hunt*, unreported AIRC (Foggo C), Print Q2293, 23 June 1998.
44. *T Evans v National Australia Financial Management*, unreported AIRC (Simmonds C), Print Q2662, 1 July 1998.
45. *D Brabyn v P & H Morgan Investments Pty Ltd*, unreported AIRC, Print Q2838, 2 July 1998.
46. *D.H. Rinaldi v Territory Auto Auctions*, unreported AIRC (Munro J, MacBean SDP and Hoffman C), Print Q2917, 3 July 1998.
47. *Frews Wholesale Meats v Stagno*, unreported AIRC (Whelan C), Print Q2972, 7 July 1998; (1998) 84 IR 270.
48. *Andrew James Stark v Houma Holdings Pty Limited t/as Brian Hilton Toyota*, unreported AIRC (Munro J, Drake DP and Jones C), Print Q3708, 16 July 1998.

49. *Paul Kubat v Systime Australia Pty Ltd and others*, unreported AIRC (Tolley C), Print Q3824, 17 July 1998.
50. *Glynis Dean v Pragomena Pty Ltd trading as Sunshine Chiropractic Health Centre*, unreported AIRC (Tolley C), Print Q3876, 20 July 1998.
51. *DR Curd v Le Pine Funeral Services*, unreported AIRC (Smith C), Print Q3959, 24 July 1998; Print Q7022, 30 September 1998 per Smith C.
52. *Pauline Jane Bingham v Telstra Corporation Limited*, unreported AIRC (McIntyre VP, Coleman DP and Laing C), Print Q3987, 27 July 1998.
53. *R.E. Hicks v Rosebid Pty Ltd*, unreported AIRC (Cargill C), Print Q4460, 13 August 1998.
54. *R Humash v Conrock Industries Pty Ltd*, unreported AIRC (Holmes C), Print Q4530, 5 August 1998.
55. *L. Trufitt v Cameron Cosntruction*, unreported AIRC (Holmes C), Print Q4551, 6 August 1998.
56. *J.F. Payne v Rex and Genevieve Porter t/as Collingwood Hotel*, unreported AIRC (Duncan DP), Print Q4741, 10 August 1998.
57. *G Coggan and A Marson v JL and ME O'Connell Bulk Haulage*, unreported AIRC (Deegan C), Print Q5090, 20 August 1998.
58. *M Ferrito v Department of Human Services*, unreported AIRC (Blair C), Print Q5396, 26 August 1998.
59. *D.W.J. Jacobson v Simsmetal Ltd*, unreported AIRC (Eames C), Print Q6733, 22 September 1998.
60. *A Drouggas v Kay Street Nightclubs Pty Ltd*, unreported AIRC (Blair C), Print Q7298, 7 October 1998.
61. *Maria Cassar v Jarklin Holdings t/as Colonial Bakery*, unreported AIRC (Harrison C), Print Q7824, 21 October 1998.
62. *M Blagojevch v Kaplan Services Pty Limited*, unreported AIRC (Watson SDP), Print Q8524, 9 November 1998; Print R1274, 9 February 1999 per Giudice P, Acton DP and Whelan C.
63. *M.J. Cann v Richards Maurah Pty Ltd*, unreported AIRC (Eames C), Print Q9254, 1 December 1998.
64. *M. Vowles v Australia's Wonderland*, unreported AIRC (Lawson C), Print R0617, 11 January 1999.
65. *K.T. Bethune and the CFMEU v Allbuilt Constructions Pty Ltd*, unreported AIRC (Eames C), Print R1065, 25 January 1999.

66. *K. Wells and K. Webb v Ginza Sauna & Spa Pty Ltd trading as Royal City*, unreported AIRC (Watson SDP), Print R1238, 1 February 1999.
67. *J McDonnell v ALH Group Pty Ltd t/as Village Green*, unreported AIRC (Watson SDP), Print R1613, 5 February 1999.
68. *Phillip John Ledger v Alison Jane Vawser*, unreported AIRC (O'Connor C), Print R1950, 10 February 1999.
69. *Yipirinya School Council Inc v D Wagner*, unreported AIRC (Gay C), Print R2635, 2 March 1999.
70. *Waybeth Pty Ltd v J Rozen*, unreported AIRC (Whelan C), Print R2746, 4 March 1999.
71. *Alan Potter v Facey Pty Ltd trading as Frank Facey First National*, unreported AIRC (Tolley C), Print R3140, 17 March 1999.
72. *M Hamilton v Bezden Pty Ltd t/as Permewans*, unreported AIRC (Cargill C), Print R3236, 19 March 1999.
73. *Rachel Mary Barnes v Silver Partners Pty Ltd trading as Academic and Commerce Immigration Referral Centre*, unreported AIRC (Tolley C), Print R3600, 7 April 1999.
74. *J Fraser v The Sir Robert Peel Hotel*, unreported AIRC (Blair C), Print R3735, 13 April 1999.
75. *Mercury Printeam v Hartle*, unreported AIRC (Whelan C), Print R4321, 28 April 1999.
76. *N Demenna v Coynes Transport Pty Ltd*, unreported AIRC (Simmonds C), Print R4357, 29 April 1999.
77. *A.D. Rose and W.J. Bloxham v Australian Protective Service*, unreported AIRC (Deegan C), Print R5026, 21 May 1999.
78. *Timothy Malden v Colsan Allsteel Fabrication*, unreported AIRC (Frawley C), Print R5586, 4 June 1999.
79. *Stuart Seib v National Meat Supplies Pty Limited*, unreported AIRC (Raffaelli C), Print R6243, 24 June 1999.
80. *J Cittadini, J W Whitehead and R Ramunno v LA Power Pty Ltd*, unreported AIRC (Simmonds C), Print R6433, 29 June 1999.
81. *A Calvert v ADI Limited*, unreported AIRC (Cargill C), Print R6377, 29 June 1999.
82. *S. Reed v Panalpina World Transport*, unreported AIRC (Holmes C), Print R6654, 1 July 1999.

83. *Van Duc Duong v Crown Limited*, unreported AIRC (Munro J, MacBean SDP and Tolley C), Print R6818, 5 July 1999.
84. *D Barton v T.G.A.R. t/as P.J. and C.A. O'Hallorin*, unreported AIRC (Holmes C), Print R7029, 8 July 1999.
85. *S A Andrews v Crawleigh Investments*, unreported AIRC (Smith C), Print R7520, 30 July 1999.
86. *D Winkler v Steam Mill Cottage*, unreported AIRC (Gay C), Print R7761, 3 August 1999.
87. *A Gagliardi v K & S Food Services Pty Limited t/as Crown Café*, unreported AIRC (Smith C), Print R8228, 19 August 1999.
88. *H Liang v Leading Textiles Pty Limited*, unreported AIRC (Blair C), Print R9346, 23 September 1999.
89. *Landers v Fortrend Securities*, unreported AIRC (Whelan C), Print R9475, 24 September 1999.
90. *Narelle May Wilmott and Louise Frances Halpin v Double Helix Pty Ltd trading as Pearl Street Child Care Centre*, unreported AIRC (Tolley C), Print S0322, 21 October 1999.
91. *D R Jacka v Australian Diginet Technology Information Centre*, unreported AIRC (Tolley C), Print S0980, 16 November 1999.
92. *S Radojkovic v DMG Industries Pty Ltd*, unreported AIRC (Hingley C), Print S0710, 29 November 1999.
93. *L McKenzie v Meran Rise Pty Ltd t/as Nu Force Security Services*, unreported AIRC (Foggo C), Print S1668, 8 December 1999.
94. *C Larcombe v McCarthy Catering Pty Ltd*, unreported AIRC (Simmonds C), Print S2132, 21 December 1999.
95. *KM Trigg v Bontril Pty Limited*, unreported AIRC (Duncan DP), Print S2240, 30 December 1999.
96. *Keatech Electrical Contractors v A Collier*, unreported AIRC (Simmonds C), Print S2266, 4 January 2000.
97. *Erico Morgado v Arrowcrest Group Pty Ltd*, unreported AIRC (Jones C), Print S2366, 13 January 2000.
98. *J Brendon v Lasorob Pty Ltd trustees for GK Hunter Unit Trust Trading as Hunter Industries*, unreported AIRC (Raffaelli C), Print S2779, 2 February 2000; unreported AIRC (Giudice J, Harrison SDP and Larkin C), Print S4163, 23 March 2000; unreported AIRC (Raffaelli C), Print S5704, 11 May 2000.

99. *M J Jaska v North East Trucking Pty Ltd*, unreported AIRC (Gay C), Print S3186, 14 February 2000.
100. *Robert P Inder-Smith v Nationwide News Pty Ltd*, unreported AIRC (Larkin C), Print S3312, 17 February 2000; unreported AIRC (Munro J, Duncan DP and Gay C), Print S5511, 3 May 2000.
101. *J. Craig v Memdale Pty Limited t/as Auto Drive Inn*, unreported AIRC (Duncan DP), Print S3316, 17 February 2000.
102. *Villiami (Bill) Vakapuna v Commercial Hotel*, unreported AIRC (Harrison SDP), Print S3445, 22 February 2000.
103. *Chubb Security Australia Pty Ltd v L T Ahmed*, unreported AIRC (Lawson C), Print S3580, 24 February 2000.
104. *M Santana v Optus Communications*, unreported AIRC (Hoffman C), Print S3579, 25 February 2000.
105. *Tip-Top Bakeries v Belz*, unreported AIRC (Whelan C), Print S3641, 29 February 2000 - Supplementary decision, unreported AIRC (Whelan C), Print S4695, 5 April 2000.
106. *Haitsma v Erindale Hair Centre Pty Ltd*, unreported AIRC (Whelan C), Print S3713, 1 March 2000.
107. *Elizabeth Baker v Original Sin*, unreported AIRC (Tolley C), Print S3947, 7 March 2000.
108. *Marley Plastics Pty Ltd v Porter*, unreported AIRC (Whelan C), Print S4262, 17 March 2000.
109. *M Veith v La Piazza*, unreported AIRC (Merriman C), Print S5032, 14 April 2000.
110. *RACV Sales and Marketing Pty Ltd v G Clues*, unreported AIRC (Foggo C), Print S5157, 18 April 2000.
111. *Khouri v Ward Motor Group Pty Ltd*, unreported AIRC (Holmes C), Print S5863, 8 May 2000.
112. *Coynes Transport Pty Ltd v Nick Demenna*, unreported AIRC (Foggo C), Print S6322, 25 May 2000.
113. *J Anderton v DConnection Pty Ltd*, unreported AIRC (Blair C), Print S6543, 30 May 2000.
114. *S Cornelle v Composit Buyers Ltd t/as Maxi Foods*, unreported AIRC (Hingley C), Print S6609, 1 June 2000.

115. *R Shapiro v Galatis Amcal Pharmacy*, unreported AIRC (Watson SDP), Print S6792, 6 June 2000.
116. *J Webb v Bakers Paradise*, unreported AIRC (Blair C), Print S6999, 13 June 2000.
117. *B Ross v Steelco Office Furniture Pty Ltd*, unreported AIRC (Watson SDP), Print S7042, 19 June 2000.
118. *Dirnell Pty Ltd trading as Little Palace Play Centre v Tsourdakakis*, unreported AIRC (Whelan C), 22 June 2000.
119. *P Edghill v Kellow-Falkiner Motors Pty Ltd*, unreported AIRC (Blair C), Print S7628, 30 June 2000.

**ANALYSIS OF COSTS DECISIONS**  
**31 December 1996 - 30 June 2000**

1. Applications Granted (56)
  - 1.1 Against Applicant (30)

4, 6, 7, 18, 21, 28, 31, 34, 35, 44, 53, 56, 58, 59, 64, 65<sup>(a)</sup>, 69, 75, 80, 84, 90, 93, 96, 97, 99, 105, 108, 111, 113, 118
  - 1.2 Against Respondent (26)

2, 19, 23, 24, 33, 38, 39, 45, 49, 50, 61, 63, 66, 73, 76, 78, 79, 86, 89, 91, 94, 98, 107, 116, 119
2. Applications Refused (63)

1, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 22, 25, 26, 27, 29, 30, 32, 36, 37, 40, 41, 42, 43, 46, 47, 48, 51, 52, 54, 55, 57, 60, 62, 67, 68, 70, 71, 72, 74, 77, 81, 82, 83, 85, 87, 88, 92, 95, 100, 101, 102, 103, 104, 106, 109, 110, 112, 114, 115, 117
3. Factors Relevant in Ordering Costs
  - 3.1 s.170CF(2)(b) certificate

6, 8, 12, 23, 26, 30, 31, 38, 41, 47, 50, 54, 55, 77, 93
  - 3.2 Unreasonably failing to agree

23, 33, 38, 39, 49, 50, 66, 79, 86, 93, 94, 98\*, 119
  - 3.3 Unreasonably failing to discontinue

2, 6, 19, 24, 76, 80, 89, 108, 113
  - 3.4 Unreasonably failing to discontinue earlier

7, 29, 53, 63, 68, 99
  - 3.5 Instituting without reasonable cause

4, 18, 21, 34, 35, 44, 47, 56, 58, 65, 75, 84, 90, 96, 105, 111, 118
  - 3.6 Vexatious application

58
  - 3.7 Failure to attend conciliation

61, 78

Notes: (a) Costs order subsequently set aside by consent

<b>Costs: Amount Specified in Commission Order</b>	
31 December 1996 – 30 June 2000	
Against Applicant	Against Respondent
\$	\$
1300 <sup>1</sup>	1650 <sup>16</sup>
1619 <sup>2</sup>	2000 <sup>17</sup>
2083 <sup>3</sup>	2032 <sup>18</sup>
2083 <sup>4</sup>	2194 <sup>19</sup>
2084 <sup>5</sup>	2750 <sup>20</sup>
2200 <sup>6</sup>	2800 <sup>21</sup>
3375 <sup>7</sup>	3459 <sup>22</sup>
3481 <sup>8</sup>	3599 <sup>23</sup>
3695 <sup>9</sup>	4715 <sup>24</sup>
3930 <sup>10</sup>	6390 <sup>25</sup>
4200 <sup>11</sup>	<u>12,903<sup>26</sup></u>
5827 <sup>12</sup>	
6536 <sup>13</sup>	
7000 <sup>14</sup>	
13,500 <sup>15</sup>	
Average: \$4195	Average: \$4045
Average All Parties : \$4130	

- <sup>1</sup> *Hicks v Rosebid Pty Ltd*, unreported AIRC (Cargill C), Print Q4460, 13 August 1998; unreported AIRC (Drake DP), Print Q8904, 19 November 1998.
- <sup>2</sup> *Dimell Pty Ltd trading as Little Palace Play Centre v Tsourdakakis*, unreported AIRC (Whelan C), 22 June 2000; unreported AIRC (Drake SDP), Print T1610, 6 October 2000.
- <sup>3</sup> *Ramunno v LA Power Pty Ltd*, unreported AIRC (Simmonds C), Print R6433, 29 June 1999; unreported AIRC (Drake SDP), Print S0270, 19 October 1999.
- <sup>4</sup> *Cittadini v LA Power Pty Ltd*, unreported AIRC (Simmonds C), Print R6433, 29 June 1999; unreported AIRC (Drake SDP), Print S0271, 19 October 1999.
- <sup>5</sup> *Whitehead v LA Power Pty Ltd*, unreported AIRC (Simmonds C), Print R6433, 29 June 1999; unreported AIRC (Drake SDP), Print S0272, 19 October 1999.
- <sup>6</sup> *Erico Morgado v Arrowcrest Group Pty Ltd*, unreported AIRC (Jones C), Print S2366, 13 January 2000; unreported AIRC (Jones C), Print S6660, 1 June 2000.
- <sup>7</sup> *Payne v Rex & Genevieve Porter t/as Collingwood Hotel*, unreported AIRC (Duncan DP), Print Q4741, 10 August 1998; unreported AIRC (Drake DP), Print R3114, 16 March 1999.
- <sup>8</sup> *Tip-Top Bakeries v Belz*, unreported AIRC (Whelan C), Print S3641, 29 February 2000; unreported AIRC (Whelan C), Print S4695, 5 April 2000; unreported AIRC (Drake SDP), Print S6830, 7 June 2000.
- <sup>9</sup> *Keatech Electrical Contractors v A Collier*, unreported AIRC (Simmonds C), Print S2266, 4 January 2000; unreported AIRC (Drake SDP), Print S6410, 29 May 2000.
- <sup>10</sup> *Mainpoint Enterprises (Aust) Pty Ltd v E. Henderson*, unreported AIRC (Foggo C), Print P9204; 2 March 1998; unreported AIRC (Drake DP), Print Q1901, 16 June 1998; subsequently overturned on appeal (1998) 83 IR 182.
- <sup>11</sup> *Marley Plastics Pty Ltd v Porter*, unreported AIRC (Whelan C), Print S4262, 17 March 2000; unreported AIRC (Drake SDP), Print S6831, 7 June 2000 and unreported AIRC (Whelan C), Print S8105, 13 July 2000.
- <sup>12</sup> *Khoury v Ward Motor Group Pty Ltd*, unreported AIRC (Holmes C), Print S5863, 8 May 2000; unreported AIRC (Drake SDP), Print T2916, 1 November 2000.
- <sup>13</sup> *Thomas Cook Ltd v Lane*, unreported, AIRC (Raffaelli C), Print Q0320, 24 April 1998; unreported AIRC (Drake DP), Print Q8403, 11 November 1998.
- <sup>14</sup> *Ferrito v Department of Human Services*, unreported AIRC (Blair C), Print Q5396, 26 August 1998 and Print R2020, 15 February 1999.
- <sup>15</sup> *D Barton v T.G.A.R. t/as P.J. and C.A. O'Hallorin*, unreported AIRC (Holmes C), Print R7029, 8 July 1999; unreported AIRC (Drake SDP), Print S1413, 1 December 1999.
- <sup>16</sup> *Landers v Fortrend Securities*, unreported AIRC (Whelan C), Print R9475, 24 September 1999; unreported AIRC (Drake SDP), Print S4615, 5 April 2000.
- <sup>17</sup> *Barnes v Silver Partners Pty Ltd trading as Academic and Commerce Immigration Referral Centre*, unreported AIRC (Tolley C), Print R3600, 7 April 1999.
- <sup>18</sup> *Malden v Colsan Allsteel Fabrication*, unreported AIRC (Frawley C), Print R5586, 4 June 1999; *Malden v Colsan (Vic) Pty Ltd*, unreported AIRC (Drake SDP), Print S0256, 19 October 1999.
- <sup>19</sup> *D Winkler v Steam Mill Cottage*, unreported AIRC (Gay C), Print R7761, 3 August 1999; unreported AIRC (Drake SDP), Print S2907, 3 February 2000.
- <sup>20</sup> *Seib v National Meat Supplies Pty Limited*, unreported AIRC (Raffaelli C), Print R6243, 24 June 1999.
- <sup>21</sup> *Downes v Albany Printing Machinery Pty Ltd*, unreported AIRC (Whelan C), Print P0862, 12 May 1997 and Print P3660, 31 July 1997.

- <sup>22</sup> *McDonald v Melbourne Precast Concrete Panels Pty Ltd*, unreported AIRC (Watson SDP), Print P8754, 11 February 1998; unreported AIRC (Drake DP), Print Q1255, 16 June 1998.
- <sup>23</sup> *Dean v Pragomena Pty Ltd trading as Sunshine Chiropractic Health Centre*, unreported AIRC (Tolley C), Print Q3876, 20 July 1998.
- <sup>24</sup> *Westman v Clothing Outlets Pty Ltd*, unreported AIRC (Drake DP), Print P8835, 13 February 1998 and Print Q6946, 29 September 1998.
- <sup>25</sup> *Kubat v Systime Australia Pty Ltd*, unreported AIRC (Tolley C), Print Q3824, 17 July 1998 and Print Q4885, 13 August 1998.
- <sup>26</sup> *J Brendon v Lasorob Pty Ltd trustees for GK Hunter Unit Trust Trading as Hunter Industries*, unreported AIRC (Raffaelli C), Print S2779, 2 February 2000; unreported AIRC (Giudice J, Harrison SDP and Larkin C), Print S4163, 23 March 2000; unreported AIRC (Raffaelli C), Print S5704, 11 May 2000; unreported AIRC (Drake SDP), Print T2926, 1 November 2000

**MATTERS LODGED UNDER THE WR ACT : REMEDIES**  
**31 December 1996 - 30 June 2000**

**Part A : Compensation**

**NOTE**

- \* Denotes a case where reinstatement and compensation were awarded.
- In a number of cases the amount of compensation had to be estimated because the relevant order expressed the amount to be paid as a multiple of the applicant's usual weekly wage. These cases are highlighted in the table.  
 For decisions prior to 30 October 1998 a calculation of \$568.52 per week was used.  
 For decisions issued after 30 October 1998, the ABS statistic for average weekly wage for November 1998 (\$605.50) has been used.  
 For decisions issued in 1999, the ABS statistic for average weekly wage for November 1999 (\$614.60) has been used.
- Cases determined prior to June 1997 fell under the IR Act.

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
1.	U24335/96	Callow v Eastern Sand and Gravel t/as Harris Bros S and Co	Print P1633 Peterson C 5/6/97	\$4,560.00
2.	U30444/97	Simpson v B Gibson	Print P1739 Watson SDP 12/6/97	\$2,867.80
3.	U60032/97*	Uink v Department of Social Security	Print P1965 Dight C 17/6/97	n/a
4.	U30642/97	Martini v Flairinvest P/L	Print Q1915 Smith C 24/6/97	\$2,274.08
5.	U30337/97	McAdam v Swersky & Velos	Print P2151 Raffaelli C 26/6/97	\$9,835.39
6.	U50023/97	Oestmann v ADI Ltd	Print P2695 Palmer C 4/7/97	\$2,274.08
7.	U50008/97	Anderson v Top Transport Group Pty Ltd	Print P2735 Palmer C 4/7/97	\$3,200.00
8.	U50075/97	Asker v Woolworths (SA) Pty Ltd	Print P2196 Lewin C 7/7/97	\$7,390.76
9.	U20232/97	Teggins v Ipec Road Express Linehaul	Print P2897 Peterson C 9/7/97	\$7,390.76

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
10.	U50623/96	Hoang v Email Woodville Division t/a Kelvinator Australia P/L	Print P2980 Palmer C 17/7/97	\$3,411.12
11.	U30680/97	Masling v Molonglo Traders	Print P3115 Raffaelli C 21/7/97	\$3,200.00
12.	U30706/97	Murdoch v K's By Keiz P/L	Print P3357 Watson SDP 21/7/97	\$9,622.80
13.	U24352/96	May v Sidgreaves Shopfitters P/L	Print P3098 Lawson C 23/7/97	\$4,130.00
14.	U30465/97	Downes v Albany Printing Machinery P/L	Print P3527 Watson SDP 25/7/97	\$30,000.00
15.	U20338/97*	Pather v Greencorp Magnetics P/L	Print P3583 Marsh SDP 29/7/97	n/a
16.	U31042/97	Rush v East West Freightliners	Print P3707 Watson SDP 7/8/97	\$800.00
17.	U30464/97	Morrell v Jim Mock Ford	Print P3991 Whelan C 13/8/97	\$7,360.00
18.	U31891/97*	Baxter v Cobbler Plus Australia P/L	Print P4294 Eames C 21/8/97	n/a
19.	U31086/97	Elliott v Restaurant Relief Catering Consultants P/L	Print P4477 Williams SDP 28/8/97	\$7,281.00
20.	U90076/97	Houghton v Canberra Southern Cross Club Ltd	Print P4555 Lawson C 28/8/97	\$2,274.08
21.	U30954/97	Naylor v Filigree Textiles P/L	Print P4678 Whelan C 1/9/97	\$11,370.40
22.	U31384/97*	Billingham v Glenroy RSL	Print P4694 Blair C 2/9/97	n/a
23.	U80034/97	Fletcher v Manyallaluk Aboriginal Corporation	Print P4718 Eames C 3/9/97	\$13,634.27
24.	U30746/97	McComiskie v Essex Oaks Pty Limited	Print P4723 Whelan C 3/9/97	\$7,390.76
25.	U30223/97	Cody-Law v Barry Cavigan t/as San Remo Hotel	Print P4817 Deegan C 5/9/97	\$11,385.00
26.	U60114/97	Clark v Knowles Transport P/L	Print P4744 O'Connor C 9/9/97	\$2,304.00
27.	U31680/97*	Dillon v Arnotts Biscuits	Print P4843 Tolley C 10/9/97	n/a
28.	U30990/97	McInnes v McElligot Partners P/L	Print P4945 Deegan C 10/9/97	\$13,000.00
29.	U31012/97	Meddings v Sargeant's Transport P/L	Print P4947 Hingley C 12/9/97	\$11,000.00
30.	U30752/97	Linder v North Eastern Travel Stop	Print P5041 Redmond C 15/9/97	\$17,503.20
31.	U90107/97	Blazeska v Rose Cleaning Service	Print P5144 Petersen C 17/9/97	\$1,137.04

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
32.	U31546/97	Panas v Morrison Bianchi Solicitors	Print P5247 Whelan C 19/9/97	\$3,461.52
33.	U30472/97	Reid v Carbone Lorraine Australia P/L	Print P5299 Williams SDP 24/9/97	\$2,000.00
34.	U20111/97	Doble v Vanbrev P/L t/as St Clair Sawmills	Print P5443 Raffaelli C 26/9/97	\$12,883.00
35.	U31735/97	Vine v National Computer Systems and Services	Print P5503 Smith C 30/9/97	\$8,184.63
36.	U20583/97	Yannatos v Foreign Language Publications P/L	Print P5644 Duncan DP 3/10/97	\$2,000.00
37.	U31431/97	Patel v Citipower P/L	Print P5672 Whelan C 6/10/97	\$2,842.60
38.	U20323/97	Fuller v Haldilka P/L	Print 5736 Redmond C 8/10/97	\$2,842.60
39.	U90094/97	McEvoy v Broadlex Cleaning Australia	Print P5799 Raffaelli C 9/10/97	\$4,500.00
40.	U80056/97	Morrow v Murray Pest Control NT	Print P4442 Gay C 13/10/97	\$1,000.00
41.	U31292/97	Sahari v Richmond Super Finish Smash Repairs	Print P5929 Foggo C 15/10/97	\$2,274.08
42.	U31421/97	Nichols v Lakes Entrance Golf Club	Print P5967 Frawley C 20/10/97	\$12,000.00
43.	U31530/97	Stankovic v Electronic Resources Australia	Print P5987 Whelan C 20/10/97	\$6,822.24
44.	U30996/97	Bourke v Ferguson Security P/L	Print P6025 Simmonds C 24/10/97	\$3,300.00
45.	U32599/97	Jobson v Gerrard Strapping Systems	Print P6151 Whelan C 24/10/97	\$5,685.20
46.	U30402/97	Hanley v Molomby & Molomby, Solicitors	Print P5958 Deegan C 30/10/97	\$12,692.00
47.	U40144/97	Wimberley v Langfield Industries	Print P6385 Bacon C 30/10/97	\$4,000.00
48.	U31464/97	Bakis v Ulrich Australia Pty Ltd	Print P6437 Frawley C 3/11/97	\$2,400.00
49.	U31408/97	Brincat v Ulrich Australia P/L	Print P6437 Frawley C 3/11/97	\$6,160.00
50.	U31666/97	Su v Rainbow (Australia) P/L	Print P6491 Smith C 10/11/97	\$6,822.24
51.	U60155/97	Collins v Chubb Protective Services	Print P6862 O'Connor C 12/11/97	\$7,390.76
52.	U20573/97	Cross v Otis Building Technologies P/L	Print P6665 Deegan C 14/11/97	\$2,304.64
53.	U20574/97	MacIntosh v Otis Building Technologies P/L	Print P6665 Duncan DP 14/11/97	\$3,456.96

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
54.	U50096/97	Badman v CSR Timber Products Mt Gambier	Print P6834 Palmer 20/11/97	\$6,822.24
55.	U50097/97	Frew v CSR Timber Products Mt Gambier	Print P6834 Palmer C 20/11/97	\$6,822.24
56.	U50056/97	Hogan v Department of Social Security	Print P6858 Palmer C 21/11/97	\$6,822.24
57.	U31244/97* U31245/97*	Kearney and Bender v Qantas Airways Ltd	Print P6999 Cribb C 26/11/97	\$10,801.88
58.	U80075/97	Linton v Murrinhpatha Nimmipa Store	Print P7027 Jones C 27/11/97	\$2,359.44
59.	U80076/97	Linton v Murrinhpatha Nimmipa Store	Print P7027 Jones C 27/11/97	\$5,598.27
60.	U50146/97	Chung v SA Toyo Paper Products P/L	Print P7054 Lewin C 1/12/97	\$10,879.69
61.	U20629/97	Andrevska v Landsdowne Motor Inn	Print P7333 Duncan DP 10/12/97	\$566.48
62.	U20630/97	Naumovska v Landsdowne Motor Inn	Print P7333 Duncan DP 10/12/97	\$566.48
63.	U31246/97	Moore v Highpace P/L	Print P7328 Leary C 11/12/97	\$5,000.00
64.	U40221/97*	Bromley v JJ Richards and Sons P/L	Print P8127 Hodder C 15/1/98	\$9,320.42
65.	U80113/97*	Bennett v Maningrida Council	Print P7536 Redmond C 17/12/97	\$7,390.76
66.	U40134/97	Bardell v A P Ford P/L t/as Southside Ford	Print P7564 Hodder C 18/12/97	\$7,333.30
67.	U31842/97	Debatistta v Jeff Wignall Ford Pty Ltd	Print P7715 Williams SDP 24/12/97	\$15,827.35
68.	U33209/97	Fleet v Jorela P/L	Print P7783 Tolley C 5/1/98	\$4,500.00
69.	U90162/97	Guttridge v A C & R P/L	Print P7971 Cargill C 9/1/98	\$568.52
70.	U60109/97	Orso v Silver Chain Nursing Association (Inc)	Print P7973 Laing C 9/1/98	\$2,274.08
71.	U30019/97	Wolstenholme v Franklins Ltd	Print P7998 McDonald C 13/1/98	\$18,421.00
72.	U40207/97*	Atkins v Telstra Corporation Ltd	Print P8125 Hodder C 15/1/98	\$3,094.80
73.	U31291/97	Stevens v Meerkin & Apel, Solicitors	Print P8094 Polites SDP 16/1/98	\$5,685.20
74.	U20256/96	Atiq v Japengines P/L	Print P8179 Jones C 18/1/98	\$2,166.00
75.	U33307/97	Viney v M&V Brown P/L	Print R0816 Holmes C 18/1/98	\$5,449.50
76.	U31476/97	Bartlett v Ray White (Ballarat) Pty Ltd	Print P7338 Holmes C 21/1/98	\$4,718.71

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
77.	U90090/97	Bull v Milstern Sales P/L t/as Castle Group Canberra	Print P8285 Lawson C 23/1/98	\$19,848.20
78.	U33549/97	Ives v Secon Carriers P/L	Print P8352 Tolley C 23/1/98	\$10,106.00
79.	U32085/97	Pereira v Brochure Flow Pty Ltd	Print P8376 Gay C 23/1/98	<del>\$3,411.12</del>
80.	U32158/97*	Erbil v Sportscraft Manufacturing	Print P8154 Williams SDP 27/1/98	n/a
81.	U60141/98	Laursen v Sedco Forex	Print R1178 Connor C 28/1/98	<del>\$15,743.00</del>
82.	U20217/97	Cronin v Woolworths	Print P8458 Jones C 30/1/98	<del>\$1,137.04</del>
83.	U32583/97	Wingfield v Watters Electrical Melbourne	Print P8475 McDonald C 30/1/98	\$5,000.00
84.	U40237/97	Allen and others v Gordonstone Coal Management Pty Ltd and others	Print P7786 Hingley C 2/2/98	n/a
85.	U31429/97	Curd v Le Pine Funeral Services	Print P8505 Smith C 6/2/98	n/a
86.	U30293/97*	Young v Kangan Institute of TAFE	Print P8615 Smith C 6/2/98	n/a
87.	U32764/97*	Warlock v Adriatic Stone Masons	Print P8701 Tolley C 10/2/98	<del>\$2,274.08</del>
88.	U33238/97	McDonald v Melbourne Precast Concrete Panels Pty Ltd	Print P8754 Watson SDP 11/2/98	\$4,500.00
89.	U31503/97	Casey v John Weir & Associates	Print P8808 Williams C 13/2/98	<del>\$568.52</del>
90.	U33184/97	McKie v PFD Food Service P/L	Print P8853 Raffaelli C 18/2/98	\$5,000.00
91.	U31838/97	Jawed v Stone Container Ltd	Print P8928 Whelan C 18/2/98	<del>\$14,781.52</del>
92.	U60058/97	Cole v National Australia Bank Limited	Print P8938 Lewin C 19/2/98	\$37,000.00
93.	U33018/97 U33019/97 U33020/97 U33021/97 U33023/97 U33029/97	Liu, Fung, Trimble, Trimble, Kocovsca & Cordell v Windsor Smith	Print P8981 Watson SDP 19/2/98	\$2,800.00 \$2,800.00 \$3,000.00 \$3,000.00 \$2,800.00 \$2,600.00
94.	U33996/98*	Austrin v Hannaprint Victoria	Print P8882 Tolley C 23/2/98	\$1,716.78
95.	U33148/97	Dean v Pragomena P/L t/a Sunshine Chiropractic Health Centre	Print P9028 Tolley C 23/2/98	\$6750.00

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
96.	U33279/97* U33290/97*	Anderson and Watt v DR Henderson Pty Ltd	Print P9040 Whelan C 24/2/98	<del>\$6,253.72</del>
97.	U90239/97	Murton v Lemmon Investments Group P/L	Print P9226 Duncan DP 1/3/98	<del>\$4,548.16</del>
98.	U33464/97	Gorgioska v Marcel Marketing Pty Ltd	Print P9356 Tolley C 1/3/98	\$10,000.00
99.	U32984/97	Carrello v Complete Windscreens	Print P9277 Whelan C 6/3/98	\$500.00
100	U31916/97	Hagen v Heartsway P/L	Print P9313 Simmonds C 10/3/98	\$5038.00
101	U32921/97	Paddick v Siddons Ramset Ltd	Print P9338 Whelan C 10/3/98	\$4,961.53
102	U31918/97	Betts v Madafferi Haulage P/L	Print P9303 Smith C 11/3/98	<del>\$341.11</del>
103	U20382/97	Chladil v Bonville International Golf and Country Club Limited	Print P9315 Jones C 11/3/98	<del>\$7,788.46</del>
104	U40218/97	Black v Dalgety Limited	Print P9499 Bacon C 18/3/98	\$2,000.00
105	U31514/97	Finnigan v GM (Melbourne) Holdings P/L	Print P8695 Redmond C 20/3/98	\$10,000.00
106	U20654/97	Henderson v Mt Thorley Operations Pty Ltd	Print P9550 Redmond C 20/3/98	<del>\$7390.76</del>
107	U33832/97	Wakeling v Megara (Australia) P/L	Print P9577 Blair C 23/3/98	<del>\$9,530.24</del>
108	U31387/97	Kubat v Systime Australia Pty Ltd	Print Q0324 Tolley C 23/3/98	\$10,000.00
109	U40587/97*	McLauchlan v Australia Holdings P/L	Print P9625 Bacon C24/3/98	n/a
110	U32497/97	Kirkwood v Oaksbury Pty Ltd	Print P9638 Simmonds C 24/3/98	\$10,380.00
111	U33158/97	Robertson v Draught Force P/L	Print P9637 Tolley C 25/3/98	\$8,000.00
112	U30377/97	Clark v Ringwood Private Hospital	Print P9767 Whelan C 26/3/98	<del>\$2,274.08</del>
113	U90235/97	Meaney v Master Builders Construction and Housing Association of ACT	Print P9929 Foggo C 1/4/98	<del>\$7,390.76</del>
114	U33611/97*	Manduic v South Pacific Tyres	Print P9990 Whelan C 6/4/98	<del>\$8,527.80</del>
115	U32993/97	Humash v Conrock Industries P/L	Print P9729 Holmes C 15/4/98	\$5,500.00
116	U33397/97	Alexander v Hullah Haulage	Print Q0156 Whelan C 16/4/98	\$5,000.00
117	U32950/97	Pollock v Ink-A-Print	Print P9465 Holmes C 22/4/98	\$4,540.00

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
118	U33898/98	Taylor v The Canterbury Centre	Print Q0364 Whelan C 23/4/98	<del>\$11,938.92</del>
119	U50242/97*	Young v Lear Corporation	Print Q0398 Tolley C 23/4/98	n/a
120	U50249/97*	Sander v David Jones (Australia) P/L	Print Q0448 Tolley C 29/4/98	n/a
121	U50210/97	Carter v Australian Quarantine and Inspection Service	Print Q0466 Palmer C 30/4/98	<del>\$11,370.40</del>
122	U20840/98	Koch v Panania Hotel	Print Q0624 Harrison C 5/5/98	<del>\$9,096.32</del>
123	U50145/97	Laucirica v Kimberley-Clark Australia P/L	Print Q0623 Foggo C 5/5/98	<del>\$2,274.08</del>
124	U33307/97	Viney v M&V Brown P/L	Print P9930 Holmes C 6/5/98	\$1,137.04
125	U32771/97	Georgiou v Portatron Computers P/L	Print Q0582 Smith C 6/5/98	\$600
126	U33054/97	Ng v Concept Systems International P/L	Print Q0673 Holmes C 7/5/98	<del>\$1,705.56</del>
127	U50239/97*	Banh and anor v Bridgestone TG Australia P/L	Print Q0872 Tolley C 19/5/98	n/a
128	U20961/97	Fares v Nuance Australia P/L t/a Downtown Duty Free Pty Ltd	Print Q1007 Harrison C 19/5/98	<del>\$2,274.08</del>
129	U40204/97*	Applicant and Respondent	Print P9973 Drake DP 20/5/98	n/a
130	U34514/97*	Edwards v Telstra Corporation Ltd	Print Q0195 Tolley C 20/5/98	n/a
131	U34156/97	Nguyen v Microcare P/L	Print Q1174 Whelan C 25/5/98	\$4,008.00
132	U20942/97*	Cosic v Nuance Australia Pty Ltd t/as Downtown Duty Free	Print Q1346 Raffaelli C 29/5/98	n/a
133	U20942/97	Diakanastasis v Nuance Australia Pty Ltd t/as Downtown Duty Free	Print Q1346 Raffaelli C 29/5/98	\$2,000.00
134	U33390/97	Hill v Moonee Valley Bus Lines P/L	Print Q1375 Frawley C 29/5/98	\$8,950.00
135	U21040/97	Murcott v Bellingen Valley Motor Inn	Print Q3409 Harrison C 10/6/98	\$4,312.00
136	U32631/97	Ray v Fitness Holidays	Print Q1800 Foggo C 11/6/98	<del>\$1,137.04</del>
137	U60202/97	Atwood v W.P. Crowhurst Pty Ltd	Print Q1797 Laing C 12/6/98	<del>\$3,411.12</del>

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
138	U33895/97	Kirwood v R & D Murphy P/L	Print Q1912 Leary C 15/6/98	\$1705.56
139	U34009/97	Truffitt v Cameron Construction	Print Q2420 Holmes C 26/6/98	\$5,135.00
140	U32592/97	Vurlow v Minus One Refrigerated Transport P/L	Print Q2557 Acton DP 29/6/98	\$15,837.00
141	U20067/98 U20068/98 U20069/98 U20070/98	Orden, Patterson, Turner and Chen v Myer / Grace Bros & Ors	Print Q2645 Cargill C 30/6/98	\$1,137.04 \$1,137.04 \$1,137.04 \$1,137.04
142	U33638/97	Gatt v Rayrob P/L	Print Q2769 Acton DP 1/7/98	\$1,500.00
143	U33991/97	Wikaira v Egusto Restaurant	Print Q2777 Whelan C 1/7/98	\$2,800
144	U34088/97	Sprigg v Vrondis Nominees P/L	Print Q3468 Watson SDP 10/7/98	\$3,500.00
145	U80072/98	Evans v Colleen's Lasting impressions	Print Q3481 Hoffman C 10/7/98	\$568.52
146	U50132/98	Renaglia and anor v McConnell Dowell Constructors (Aust) P/L	Print Q3827 Tolley C 17/7/98	\$12,800.00
147	U34390/97	Cadogan v Salvation Army (Westcare)	Print Q3946 Whelan C 21/7/98	\$2,842.60
148	U20177/98	Vernon v Qantas Airways Ltd	Print Q3981 Cargill C 22/7/98	\$5,685.20
149	U30251/97	McManus v Allgo P/L	PRINT Q4016 Cribb C 23/7/98	\$6,000.00
150	U32830/97	Robinson v Wavesea P/L t/a I.C.S. Security Group 111	Print Q3735 Smith C 24/7/98	\$2,274.08
151	U31597/98	Brown v SBA Foods P/L	Print Q6011 Whelan C 13/8/98	\$7,553.86
152	U20480/98*	Rosedale v Telstra Corporation Ltd	Print Q2968 Drake DP 20/8/98	n/a
153	U30681/98	Styles v Roladuct Spiral Tubing (Vic) P/L	Print Q5345 Duncan DP 25/8/98	\$2,000.00
154	U34527/97	Kelly v Australian Dried Fruit Sales P/L (t/a Sunbeam Foods) & ors	Print Q5140 Simmonds C 3/9/98	\$4,086.90
155	U80012/97	Ng v Beaufort Hotel Darwin	Print P4776 Deegan C 4/9/98	\$5,384.61
156	U60031/98*	Mollinger v National Jet Systems P/L	Print Q5911 Ross VP 8/9/98	\$7,390.76
157	U40612/98	Lake v Murrays Charter Coaches and Travel Services P/L	Print Q5592 Bacon C 11/9/98	\$10,233.36

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
158	U90055/98*	Kerry v Ansett Australia Ltd	Print Q6686 Duncan DP 21/9/98	\$7,390.76
159	U32029/98	Kennedy v Australian Coach Travel	Print Q6704 Whelan C 22/9/98	\$1,137.04
160	U33219/97	Coggan and Marson v JL & ME O'Connell Bulk Haulage	Print Q6782 Deegan 23/9/98	\$5,049.06
161	U31701/98	Lever v Sands & McDougal Printing	Print Q8042 Gay C 27/10/98	n/a
162	U33143/98	Blagojevch v Kaplan Services P/L	Print Q7555 Watson SDP 13/10/98	\$10,500.00
163	U30125/98	Cassar v Jarklin Holdings t/as Colonial Bakery	Print Q7824 Holmes C 21/10/98	\$5,000.00
164	U20397/97*	Bedford v Drayton Coal P/L	Print Q6837 Drake DP 25/9/98	n/a
165	U40154/98	Grissinger v Pontil P/L	Print Q7960 Hoffmann C 27/10/98	\$3,411.12
166	U80126/98	Chilcott v Travel North	Print Q8130 Eames C 28/10/98	\$7,390.76
167	U90042/98	Trajkovska v Endoxos P/L	Print Q8164 Deegan C 29/10/98	\$3,411.12
168	U31347/97	Pinner v Ipec Road Express	Print P6309 Smith C 30/10/98	\$8,382.00
169	U50239/97*	Banh v Bridgestone TG Australia P/L	Print Q8261 Drake DP 2/11/98	n/a
170	U30345/98	Rogers v Retirement Services Catering P/L	Print Q8356 Smith C 6/11/98	\$3027.50
171	U34248/97 U34249/97	Wells and Webb v Ginza Sauna & Spa P/L t/as Royal City & Ors	Print Q8567 Watson SDP 10/11/98	\$4,500 \$3,500
172	U21084/97*	Sharp v Dowell Australia Ltd t/as Boral Window Systems	Print Q8638 Cargill C 12/11/98	\$15,743.00
173	U40149/98	Connelly v Capricorn Coal Management	Print Q8692 Hodder C 13/11/98	n/a
174	U60195/98	Nguyen v Woodroffe Industries P/L	Print Q8777 Laing C 23/11/98	\$1815.50
175	U20283/98	Gordon v Roberts Car Company Pty Ltd t/a McLeod Ford	Print Q9074 Harrison C 24/11/98	\$1,819.50
176	U20841/98	Andrews v Fun & Games (Greater Union)	Print Q9176 Harrison SDP 27/11/98	\$4,500.00

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
177	U32915/97	Adam v Valentine Grace P/L (t/a Bouverie Car Laundry)	Print Q8098 Williams SDP30/11/98	\$14,781.52
178	U32439/98	Poulier v Pearl Group International P/L	Print Q9206 Wilks C 30/11/98	\$5,581.45
179	U32227/98*	Topalovic v Big J Doors & Windows	Print Q9222 Wilks C 30/11/98	\$19,025.04
180	U34477/97	Wark v Melbourne City Toyota	Print Q9707 Lawson C 14/12/98	\$1,710.00
181	U30784/98	Maluk v Sutton Tools P/L	Print R0426 Ross VP 6/1/99	\$3,728.00
182	U20549/98	Taylor v Port of Bourke Hotel	Print R0427 Redmond C 6/1/99	\$10,032.00
183	U31720/99	Truscott v Royal Brighton Yacht Club Inc	Print S2323 Whelan C 6/01/99	\$15,000
184	U90077/98	Joyce v Kitcombe P/L t/as Weston Creek Veterinary Hospital	Print R0533 Redmond C 8/1/99	\$4,800.00
185	U20791/98	Garnsey v Power Credit Union Ltd	Print R0675 Cargill C 14/1/99	\$10,495.33
186	U60184/98	Robins v Sir Charles Gairdner Hospital	Print R0725 O'Connor C 14/1/99	n/a
187	U34344/97 U34158/97 U34159/97 U34160/97	Alkemade, Vardey, Tranquille & Barrett v SERCO Gas Services & Ors	Print R0909 Holmes C 21/1/99	\$15,743.00 \$15,743.00 \$12,715.50 \$5,449.50
188	U34372/97	Alampi v Rapid Express	Print R0826 Holmes C 22/1/99	\$4,238.50
189	U33294/97*	Vogt v Telstra Corporation Ltd	Print R1053 Williams SDP 27/1/99	n/a
190	U90127/98	Wood v Crofta Pty Ltd t/as My Secretary	Print R1687 Redmond C 8/2/99	\$3,420.00
191	U32642/97	Horvath v Barlin Scott Air Conditioning P/L	Print P9468 Whelan C 10/2/99	\$13,927.00
192	U20757/98*	Tagamalitsky v Commonwealth Bank of Australia	Print R1709 Cargill C 10/2/99	\$15,743.0
193	U30424/98	Hamilton v Bezden P/L t/as Permewans	Print R2256 Cargill C 16/2/99	\$4,840.00
194	U33474/98	Gilbert v Taranto's Ice Cream Pty Ltd	Print R2275 Watson SDP 17/2/99	\$2,4200.00
195	U20722/98*	Watson v Tamworth Radio Development Co.	Print R2297 Jones C 18/2/99	\$15,580.00
196	U50184/98*	Hunt v Telstra Corporation Ltd	Print R2393 Redmond C 19/2/99	n/a

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
197	U80184/98 U80185/98	Hall and Hall v Raine & Horne (NT) P/L	Print R2660 Gay C 3/3/99	\$605.50 <del>\$9,082.50</del>
198	U20850/98*	Yousif v MM Cables Energy Products	Print R2805 Cargill C 9/3/99	n/a
199	U32870/98	Hurst v Riley Constructions	Print R2924 Tolley C 12/3/99	\$4,500.00
200	U30136/99*	Cole and Bloomer v M. E. Mack Valves P/L	Print R2973 Williams SDP 17/3/99	<del>\$7,000.00</del> reinstatement
201	U30494/98	Le Good v Stork Electrical P/L	Print R3294 Whelan C 24/3/99	\$8,000.00
202	U32279/98	Clarkson v Vanda Holdings Pty Limited t/as Carols Fuels	Print R4279 Foggo C 26/4/99	\$1,816.50
203	U40200/98	Kite v Containers Packaging	Print R4147 Hoffman C 29/4/99	\$12,464.64
204	U20902/98	French v Commonwealth Bank of Australia	Print R2574 Harrison C 30/4/99	<del>\$15,743.00</del>
205	U33080/98	Curcio v Alsafe Premix Concrete	Print R4596 Foggo C 11/5/99	<del>\$3027.50</del>
206	U33323/98	Kirwan v Keenfame P/L	Print R4788 Foggo C 14/5/99	\$4,000.00
207	U21266/98*	Bonnici v Telstra Corporation Ltd	Print R4903 Redmond C 19/5/99	n/a
208	U33881/98	Stone v Melbourne Special Vehicles P/L	Print R4973 Simmonds C 21/5/99	<del>\$15,000.00</del>
209	U40045/99*	Hobbs v Capricorn Coal Management P/L	Print R4988 Bacon C 21/5/99	n/a
210	U60217/98	Prince v N K Contractors (1977) P/L	Print R5304 Laing C 28/5/99	\$820.40
211	U50261/98	Sparrow v Mobil Seaford	Print R5005 Raffaelli C 31/5/99	<del>\$7054.67</del>
212	U60212/98	Woods v Southern Aboriginal Corporation	Print R5046 O'Connor C 31/5/99	\$12,312.00
213	U33101/98	Maynard v Relax Max Tactile Therapies	Print R7515 Foggo C 26/7/99	<del>\$605.50</del>
214	U30301/99	Hoogland v Colonel Clints Crazy Bargain Stores P/L	Print R7860 Tolley C 3/8/99	\$15,750
215	U34711/98	Gellard v VACC Insurance/Fortis Australia Limited	Print R7961 Redmond C 6/8/99	<del>\$10,750</del>
216	U21065/98	Wadley v Furniture Australia P/L	Print R8017 Duncan DP 9/8/99	<del>\$9,688</del>
217	U60290/98	Fitzpatrick v Boulderstone Clough Joint Venture	Print R7749 O'Connor C 11/8/99	<del>\$7,266</del>

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
218	U30267/99	Varmalis v Australian Commercial Catering	Print R8209 Hingley C 19/8/99	\$5,670
219	U30567/99	Duncanson v Pamsim P/L t/as Nunawading Toyota	Print R8244 Blair C 19/8/99	\$10,921
220	U40008/99	May v Boyne Smelters Ltd	Print R7793 Hoffman C 20/8/99	\$2,632
221	U34501/98	Connock v Ferae Naturae P/L	Print R8503 Lewin C 26/8/99	\$956
222	U20066/99	Thomas v Chubb Security Australia P/L	Print R8455 Duncan DP 31/8/99	\$9,688
223	U30290/99*	Callow v Pioneer Concrete	Print R8732 Whelan C 2/9/99	\$2,712
224	U33711/98	Dagli v Creative Fitness Marketing	Print R8802 Holmes C 6/9/99	\$11,000
225	U50251/98	Debono v TransAdelaide	Print R 8699 Raffaelli C 7/9/99	\$15,000
226	U35069/98	Mawer and Genesis Polymers	Print R8922 Whelan C 7/9/99	\$7,241
227	U33895/98	Cassar v D.R.C. Intergrated Services	Print R8910 Holmes C 8/9/99	\$1,200 less tax
228	U20056/99	James v Triple 8 Hotel P/L	Print R9006 Drake SDP 9/9/99	\$5,000
229	U20278/99*	Radford v Rail Services Australia	Print R9007 Drake SDP 9/9/99	n/a
230	U32067/98	Ward and Kyabram and District Memorial Community Hospital	Print R8937 Smith C 10/9/99	\$3,027
231	U80055/99	Ware v Carpentaria Disability Services Inc.	Print R8496 Hoffman C 10/9/99	\$1,629
232	U30501/99	Sankovich v Rydges Hotels and Resorts/Bobby McGees Entertainment Lounge	Print R9055 Tolley C 10/9/99	\$8,060
233	U30339/99*	Smith v Department of Education	Print S0099 Simmonds C 12/9/99	n/a
234	U20982/98	Accaputo v Alitalia Airlines	Print S0185 Harrison SDP 15/10/99	\$4,844
235	U80124/99	Worden v Diamond Offshore General Company	Print S0242 Eames C 18/10/99	\$9,085
236	U90058/99	Lowe v DMA Australia P/L	Print S0306 Cargill C 21/10/99	\$1,816
237	U00500/98*	Lee v Walker Australia P/L	Print S0402 Cribb C 25/10/99	n/a
238	U20099/99	Anastassiadis v Louis Vuitton	Print S0506 Jones C 27/10/99	\$3,027

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
239	U31648/97	Treloar v Bearings Incorporated (Australia) P/L	Print S0474 Smith C 28/10/99	\$7,871
240	U40166/99*	Waghorn v South Blackwater Coal Limited	Print S0607 Bacon C 29/10/99	n/a
241	U20130/99	McKenzie v Imperamada Printing P/L	Print S0628 Jones C 3/11/99	\$5,760
242	U33494/97	Knevitt v CPM-Australia P/L	Print S0644 Cribb C 5/11/99	\$66
243	U31182/98	Ellawala v Australian Postal Corporation	Print S0691 Foggo C 5/11/99	\$4,844
244	U35018/98	Thompson v Kingston Kids Pre-School and Child Care Centre	Print S0811 Deegan C 9/11/99	\$2,422
245	U34628/98	Torcasio v Tonga Foods P/L	Print S0824 Tolley C 9/11/99	\$10,000
246	U34171/98	McIntosh v Harness Racing Victoria	Print S0712 Smith C 10/11/99	\$16,250
247	U30435/98	Murray v Allied Express P/L	Print S0883 Foggo C 10/11/99	\$2,422
248	U34759/98	Jackav Australian Diginet Technology Information Centre	Print S0980 Tolley C 16/11/99	\$2,105
249	U34611/98*	Woods v SBA Foods P/L	Print S0979 Hingley C 17/11/99	n/a
250	U33467/98	Smith v Capral Aluminium	Print S1054 Whelan C 19/11/99	\$15,750
251	U35174/98	Salvatore v Serivces Corporation International Australia	Print S1433 Simmonds C 30/11/99	\$5,449
252	U90158/98	Haitsma v Erindale Hair Centre P/L	Print S1512 Whelan C 2/12/99	\$4,870
253	U31311/99	Karagournis v Furst Fashions	Print S1587 Watson SDP 6/12/99	\$3,000
254	U30515/99	Nunes v Castricum Brothers P/L	Print S1935 Watson SDP 15/12/99	\$6,108
255	U80208/99	O'Malley v Nighthawk Courier P/L	Print S1985 Eames C 17/12/99	\$7,266
256	U60143/99*	Howell v Henry Walker Contracting Ltd	Print S1876 O'Connor C 13/12/99	n/a
257	U30348/99	Frazer v Lawreks Foodworks Express	Print S2036 Watson SDP 20/12/99	\$5,584.50
258	U80202/99	Cooper-Smith v Darwin Turf Club	Print S2104 Eames C 22/12/99	\$2,247

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
259	U20462/99	Proebstel v Tech Pacific P/L	Print S2148 Redmond C 22/12/99	\$15,699
260	U35120/98*	West v Steggles Ltd	Print S1671 Hingley C 23/12/99	n/a
261	U20400/99	Swain v Ramsey Food Packaging P/L	Print S2209 Jones C 24/12/99	<del>\$9,824</del>
262	U20750/99	Sharma v Chubb Security Australia P/L	Print S2277 Wilks C 4/1/00	<del>\$2,458.40</del>
263	U34872/98	Bharucha v 101 Collins Street P/L	Print S2257 Holmes C 5/1/00	<del>\$7,375.20</del>
264	U31720/99	Truscott v Royal Brighton Yacht Club Inc	Print S2323 Whelan C 6/1/00	\$15,000
265	U60020/99*	Kezich v P&O Catering and Services P/L	Print S2507 O'Connor C 17/1/00	n/a
266	U30700/99 and others	Dahlstrom and others v Wagstaff Cranbourne P/L	Print S2632 Merriman C 24/1/00	<del>\$3,073</del>
267	U50279/98	Henderson v Department of Defence	Print S2682 Jones C 25/1/00	<del>\$11,297</del>
268	U31311/99	Bianchi v Outboard Marine Corporation t/a Stacer Alloy Craft	Print S2492 Whelan C 27/1/00	\$21,582
269	U80119/98 U80120/98	Garling and Panaretos v Northern Land Council	Print S2503 Gay C 28/1/00	\$20,145 \$2,001
270	U34273/99	Baker v Original Sin	Print S2915 Tolley C 3/2/00	\$3,683.03
271	U31503/99	Bremner v Lababidi P/L t/a The Grande Special Accommodation	Print S3309 Foggo C 16/2/00	<del>\$7,375.20</del>
272	U20106/99	Cayirylys v Sawtell Hotel P/L	Print S3324 Jones C 21/2/00	<del>\$2,800</del>
273	U20360/99	Owers v Springvale Coal P/L	Print S3446 Wilks C 21/2/00	\$2,458.40
274	U32022/99	Bourke v Bshari Holdings P/L	Print S3507 Whelan C 23/2/00	\$6,400
275	U31733/00	Chiron v Quasars	Print S3617 Merriman C 28/2/00	\$5,522.30
276	U32092/00	Williams v Tisbercon P/L	Print S3782 Merriman C 3/3/00	\$2,600
277	U20776/99	Heward v Woolworths Ltd	Print S3866 Duncan DP 6/3/00	<del>\$4,916.80</del>
278	U30525/99	Palmer v Nestle Confectionery	Print S3844 Watson SDP 7/3/00	\$28,745
279	U31075/99	Veith v La Piazza	Print S3942 Merriman C 7/3/00	\$295.05

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
280	U40053/99	Pauga v Email Meters	PRINT S4284 HODDER C 21/3/00	\$15,979.60
281	U31360/99	Hynes-Ronchi v ABC Developmental Learning Centres Ltd	Print S4338 Simmonds C 21/3/00	\$13,066
282	U31028/99*	Solecki v Department of Employment, Workplace Relations and Small Business	Print S4169 Watson SDP 23/3/00	n/a
283	U31373/99	Brown v Bookworks P/L	Print S4484 Whelan C 27/3/00	\$12,600
284	U34184/99	Andrew v Lindsay F Nelson Manufacturing	PRINT S4332 SMITH C 4/4/00	\$5,602.90
285	U80265/99	Gibson v Hook Industries P/L	Print S4804 Eames C 10/4/00	\$7,375.20
286	U30750/99	Nicolazzo v PanUniverse Investments P/L	Print S4630 Drake SDP 14/4/00	\$19,500
287	U60209/99 U60211/99 U60216/99	Lilly, Jozwicki and Diver v Theiss Contractors P/L	Print S4704 Jones C 14/4/00	\$5,868.32 \$1206.80 \$1085.00
288	U20655/99*	Karydis v Star Casino P/L	Print S5024 Drake SDP 14/4/00	n/a
289	U32968/99	Webb v Bakers Paradise	Print S5036 BLAIR C 14/4/00	\$6,440.85
290	U40232/99	Belser v Boyne Smelters Limited	Print S5093 Hoffman C 20/4/00	\$2,540.00
291	U31245/99 U31314/99	Lang and Kay v Tenix Defence Systems P/L	Print S5182 Williams SDP 20/4/00	\$8,569 \$8,833.27
292	U32842/99	Zhang v Leading Spinning Mills P/L	Print S5186 Williams SDP 20/4/00	\$14,750.40
293	U31347/99	Daicon v Tenix Defence Systems P/L	Williams SDP 20/4/00 Print S5192	\$4,277.05
294	U31871/99	Bertram v Wattyl - A Division of Wattyl Australia	Print S5351 Simmonds C 1/5/00	\$3,687.60
295	U30262/99	Kovacevic v DMG Industries P/L	Print S5478 Whelan C 2/5/00	\$6,760.60
296	U33754/99	Winkler v Quality Assurance Services	Print S5857 Merriman C 9/5/00	\$7,615.38
297	U33293/99	McLeod v People's Truth P/L	Print S5871 Lewin C 10/5/00	\$18,200.00
298	U90193/97 U90194/97 U90195/97	Walker, Barlow and Renfree v Southside Supported Accommodation for Youth Inc	Print S2891 Cargill C 12/5/00	n/a

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>	<b>AMOUNT AWARDED</b>
299	U30272/99	Goodwin v Fastidia P/L	Print S4581 Acton SDP 12/5/00	\$8,200.44
300	U32583/99	Elgersma v Taskmasters Inc	Print S6109 Blair C 17/5/00	n/a
301	U50208/99	Nankervis v Travelex Global Payments	Print S5240 Cargill C 18/5/00	n/a
302	U20460/99	Sevagian v Valiso P/L	Print S6172 Duncan SDP 18/5/00	\$4,096.00
303	U32434/99	Gultekin v Foster Plastic	Print S5124 Hoffman C 24/5/00	<del>\$14,750.40</del>
304	U33303/99	Paterson v Going Going Grand P/L	Print S6367 Smith C 25/5/00	\$8,909.48
305	U31626/99	Hecker v Herald and Weekly Times Ltd	Print S6627 Gay C 31/5/00	n/a
306	U33983/99	Imbriano v Hollywood Motors P/L t/a Camberwell Honda	PRINT S6623 BLAIR C 5/6/00	\$1,771.00
307	U90176/99	Thompson v Project Blue Moon P/L t/a the Gypsy Bar and Ruby Lounge	Print S6945 Wilks C 9/6/00	\$4,672.00
308	U80009/00	Keogh v Stake-Out Restaurant Palmerston	Print S7011 Eames C 13/6/00	\$1,303.68
309	U60386/99	Van Berkel v Minesite Catering P/L	Print S6859 O'Connor C 14/6/00	\$21,062.60
310	U40054/00 U40060/00	Hingston and Verrall v Henry Walker Eltin Contracting	Print S7070 Bacon C 15/6/00	<del>\$2,458.40</del> <del>\$2,458.40</del>
311	U40061/00	Pacey v Henry Walker Eltin Contracting	Print S7072 Bacon C 15/6/00	\$2,458.40
312	U33841/98	Abrahams v Cyan Press P/L	Print S7143 Holmes C 21/6/00	\$9,554.00
313	U21233/99	Gates v Hajuku P/L t/a Sydney Huntley Inn Gladesville	Print S7239 Larkin C 22/6/00	n/a
314	U20834/99	BOGDANEK V TELSTRA CORPORATION	Print S7353 Jones C 23/6/00	<del>\$2,458.40</del>

Total Amount Awarded

\$48,196.88

Average Award of Compensation

\$143.44

**Part B : Reinstatement**

**NOTE**

- \* Denotes a case where reinstatement and compensation were awarded.

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>
1.	U60231/97	Carter v EG Green and Sons Pty Ltd	Print P9619 O'Connor C 23/3/97
2.	U60032/97*	Uink v Department of Social Security	Print P1965 Dight C 17/6/97
3.	U50010/97	Niven v Woolworths (SA) P/L	Print P2475 Palmer C 2/7/97
4.	U40053/97	Scott v McCafferty's Management P/L	Print P3523 Bacon C 28/7/97
5.	U20338/97*	Pather v Greencorp Magnetics P/L	Print P3583 Marsh SDP 29/7/97
6.	U31891/97*	Baxter v Cobbler Plus Australia P/L	Print P4294 Eames C 21/8/97
7.	U31384/97*	Billingham v Glenroy RSL	Print P4694 Blair C 2/9/97
8.	U31680/97*	Dillon v Arnotts Biscuits	Print P4843 Tolley C 10/9/97
9.	U31746/97	Rouse v Minit Australia P/L	Print P5080 Frawley C 15/9/97
10.	U20444-6/97	Fetz, Duhigg, Hennessy v Qantas Airways Ltd	Print P6706 Ross VP 17/11/97
11.	U/31244/97* U31245/97*	Kearney and Bender v Qantas Airways Ltd	Print P6999 Cribb C 26/11/97
12.	U80113/97*	Bennett v Maningrida Council	Print P7536 Redmond C 17/12/97
13.	U40207/97*	Atkins v Telstra Corporation Limited	Print P8125 Hodder C 15/1/98
14.	U40221/97*	BROMLEY V J.J. RICHARDS AND SONS PTY LTD	Print P8127 Hodder C 15/1/98
15.	U32158/97*	Erbil v Sportscraft Manufacturing	Print P8154 Williams SDP 27/1/98
16.	U30293/97	Young v Kangan Institute of TAFE	Print P8615 Smith C 6/2/98
17.	U32764/97	Warlock v Adriatic Stone Masons	Print P8701 Tolley C 10/2/98
18.	U33996/98*	Austrin v Hannaprint Victoria	\$1,716.78 Print P8882 Tolley C 23/2/98

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>
19.	U33148/97*	Dean v Pragomena P/L t/a Sunshine Chiropractic Health Centre	Print P9028 Tolley C 23/2/98
20.	U33279/97* U33280/97*	Anderson and Watt v DR Henderson Pty Ltd & Others	Print P9040 Whelan C 24/2/98
21.	U40587/97*	McLauchlan v Australia Meat Holdings P/L	Print P9625 Bacon C 24/3/98
22.	U33611/97*	Manduic v South Pacific Tyres	Print P9990 Whelan C 6/4/98
23.	U50249/97*	Sander v David Jones (Australia) P/L	Print Q0448 Tolley C 29/4/98
24.	U33841/97	Peluso v Cadbury Schweppes P/L	Print Q0665 Foggo C 8/5/98
25.	U50239/97*	Banh and anor v Bridgestone TG Australia P/L	Print Q0872 Tolley C 19/5/98
26.	U40204/97*	Applicant and Respondent	Print P9973 Drake DP 20/5/98
27.	U34514/97*	Edwards v Telstra Corporation Ltd	Print Q1095 Tolley C 20/5/98
28.	U20260/98	Johnstone v Ampol Refineries (NSW) P/L	Print Q1352 Duncan DP 28/5/98
29.	U20941/97*	Cosic v Nuance Australia Pty Ltd t/as Downtown Duty Free	Print Q1346 Rafaelli C 29/5/98
30.	U33784/97	O'Connor v Bekart-BHP Steel Cord P/L	Print Q1667 Williams SDP 10/6/98
31.	U20803/97	Hall v Ulan Coal Mines Ltd	Print Q2174 Cargill C 22/6/98
32.	U21004/97 U21005/97	Randall & Kimmorley v Casino Hide Traders	Print Q4482 Harrison C 5/8/98
33.	U20480/98*	Rosedale v Telstra Corporation Ltd	Print Q2968 Drake DP 20/8/98
34.	U34387/97 U34522/97 U34526/97	Brooks, Veit and Pascale v Australian Dried Fruit Sales P/L (t/a Sunbeam Foods) & ors	Print Q5140 Simmonds C 3/9/98
35.	U60031/98*	Mollinger v National Jet Systems P/L	Print Q5911 Ross VP 8/9/98
36.	U90055/98*	Kerry v Ansett Australia Ltd	Print Q6686 Duncan DP 21/9/98
37.	U20397/97*	Bedford v Drayton Coal P/L	Print Q6837 Drake DP 25/9/98
38.	U31701/98*	Lever v Sands & McDougal Printing	Print Q8042 Gay C 27/10/98
39.	U50239/97	Banh v Bridgestone TG Australia Pty Ltd	Print Q8261 Drake DP 2/11/98
40.	U21084/97*	Sharp v Dowell Australia Ltd t/as Boral Window Systems	Print Q8638 Cargill C 12/11/98
41.	U32227/98*	Topalovic v Big J Doors & Windows	Print Q9222 Wilks C 30/11/98

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>
42.	U33294/97*	Vogt v Telstra Corporation Ltd	Print R1053 Williams SDP 27/1/99
43.	U20757/98*	Tagamalitsky v Commonwealth Bank of Australia	Print R1709 Cargill C 10/2/99
44.	U20722/98*	Watson v Tamworth Radio Development Co.	Print R2297 Jones C 18/2/99
45.	U50184/98*	Hunt v Telstra Corporation Limited	Print R2393 Redmond C 19/2/1999
46.	U20850/98*	Yousif v MM Cables Energy Products	Print R2805 Cargill C 9/3/99
47.	U30136/99*	Cole and Bloomer v M. E. Mack Valves	Print R2973 Williams SDP 17/3/99
48.	U20900/98*	Rees v Telstra Corporation Ltd	Print R4149 Drake DP 4/5/99
49.	U34580/98	Young v Closter & Sons P/L	Print R4624 Watson SDP 12/5/99
50.	U21266/98*	Bonnici v Telstra Corporation Ltd	Print R4903 Redmond C 19/5/99
51.	U40045/99*	Hobbs v Capricorn Coal Management P/L	Print R4988 Bacon C 21/5/99
52.	U30290/99*	Callow v Pioneer Concrete	Print R8732 Whelan C 2/9/99
53.	U20278/99*	Radford v Rail Services Australia	Print R9007 Drake SDP 9/9/99
54.	U30339/99*	Smith v Dept of Education	Print S0099 Simmonds C 12/9/99
55.	U50000/98*	Lee v Walker Australia P/L	Print S0402 Cribb C 25/10/99
56.	U40166/99*	Waghorn v South Blackwater Coal Limited	Print S0607 Bacon C 29/10/99
57.	U34611/98*	Woods v SBA Foods P/L	Print S0979 Hingley C 17/11/99
58.	U30141/99	Larcombe v McCarthy Catering P/L	Print S1167 Simmonds C 26/11/99
59.	U20277/99	Bishop v BTR Engineering (Aust) Ltd	Print S1303 Drake SDP 3/12/99
60.	U20409/99	Nguyen v Sarlon P/L	Print S1083 Harrison SDP 13/12/99
61.	U60143/99*	Howell v Henry Walker Contracting Ltd and others	Print S1876 O'Connor C 20/12/99
62.	U35120/98*	West v Steggles Ltd	Print S1671 Hingley C 23/12/99
63.	U60020/99*	Kezich v P&O Catering and Services P/L	Print S2507 O'Connor C 17/1/00

	<b>MATTER NO.</b>	<b>PARTIES</b>	<b>REFERENCE</b>
64.	U50143/99	Weatherall v Adelaide Civic P/L t/a ADCIV Civil Engineering Construction	Print S2801 Raffaelli C 1/2/00
65.	U20397/99	Zamit v MM Cables	Print S3119 Wilks C 10/2/00
66.	U20626/99	Hambly v Ramsey Butchering Services P/L	Print S3208 Wilks C 14/2/00
67.	U50173/99	Hale v Australia and New Zealand Banking Group Ltd	Print S4068 Larkin C 14/3/00
68.	U30393/99 U30396/99	Black and Santoro v Ansett Australia Ltd	Print S3905 Drake SDP 20/3/00
69.	U31028/99*	Solecki v Department of Employment, Workplace Relations and Small Business	Print S4169 Watson SDP 23/3/00
70.	U20951/99	Blackadder v Ramsey Butchering Services P/L	Print S4537 Redmond C 29/3/00
71.	U/20115/99 U20116/99 U20117/99 U20118/99 U20197/99	Reyn, Wilson, Griffiths, Colson and Seno v Qantas Airways Ltd	Print S4850 Drake SDP 14/4/00
72.	U20655/99*	Karydis v Star City Casino P/L	Print S5024 Drake SDP 14/4/00
73.	U20925/99	Toby v Container Terminals Australia Limited	Print S6471 Duncan SDP 26/5/00
74.	U32686/99	Moolenaar v Martogg and Company	Print S7089 Merriman C 15/6/00
75.	U32960/99 U32986/9	Tolsma and Sell v Latrobe Regional Hospital	Print S7079 Smith C 16/6/00

## PART 1

## SETTLEMENT RATES UNDER THE INDUSTRIAL RELATIONS ACT 1988

Period 1 : 30 March 1994 - 14 January 1996

Conciliator	Number Settled	Number Not Settled	Total cases conciliated	Settlement rate %
1.	26	43	69	38%
2.	37	12	49	76%
3.	13	3	16	81%
4.	68	82	150	45%
5.	219	210	429	51%
6.	109	78	187	58%
7.	75	81	156	48%
8.	231	82	313	74%
9.	175	68	243	72%
10.	64	15	79	81%
11.	29	27	56	52%
12.	151	65	216	70%
13.	33	62	95	35%
14.	192	182	374	51%
15.	76	116	192	40%
16.	295	90	385	77%
17.	33	47	80	41%
18.	29	43	72	40%
19.	52	39	91	57%
20.	172	189	361	48%
21.	12	4	16	75%
22.	15	15	30	50%
23.	65	71	136	48%
24.	136	146	282	48%
25.	23	42	65	35%
26.	91	106	197	46%
27.	82	105	187	44%
28.	206	134	340	61%
29.	3	5	8	38%
30.	0	8	8	0%
31.	108	84	192	56%
32.	93	72	165	56%
33.	41	108	149	28%
34.	98	79	177	55%
35.	2	1	3	67%
36.	45	36	81	56%
37.	22	43	65	34%
38.	40	32	72	56%
39.	68	72	140	49%

<b>Conciliator</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
40.	5	6	11	45%
41.	130	92	222	59%
42.	37	69	106	35%
43.	124	70	194	64%
44.	82	72	154	53%
45.	86	93	179	48%
46.	97	41	138	70%
47.	79	64	143	55%
48.	96	83	179	54%
49.	165	145	310	53%
50.	96	55	151	64%
51.	133	60	193	69%
52.	6	5	11	55%
53.	27	25	52	52%
54.	102	67	169	60%
55.	114	59	173	66%
56.	59	37	96	61%
57.	1	1	2	50%
58.	6	6	12	50%
59.	92	23	115	80%
60.	47	101	148	32%
61.	353	112	465	76%
62.	166	77	243	68%
63.	96	63	159	60%
64.	43	53	96	45%
65.	78	42	120	65%
66.	292	454	746	39%
67.	67	62	129	52%
68.	59	63	122	48%
69.	28	21	49	57%
70.	84	75	159	53%
71.	68	59	127	54%
72.	95	62	157	61%
73.	0	1	1	0%
74.	61	73	134	46%
75.	41	29	70	59%
76.	67	110	177	38%
77.	2	1	3	67%
78.	79	49	128	62%
79.	3	1	4	76%
80.	132	67	199	75%
81.	70	63	133	53%
82.	137	54	191	72%
83.	27	26	53	51%
84.	1	3	4	25%
85.	89	72	161	55%
86.	46	35	81	57%

<b>Conciliator</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
87.	4	2	6	67%
88.	128	87	215	60%
89.	69	55	124	56%
90.	32	38	70	46%
91.	49	29	78	63%
92.	47	54	101	47%
93.	26	27	53	49%
<b>Total</b>	<b>7,352</b>	<b>5,890</b>	<b>13,242</b>	<b>55.5%</b>

**PART 2**

**SETTLEMENT RATES UNDER THE INDUSTRIAL RELATIONS ACT 1988**

**Period 2 : 15 January - 30 December 1996**

<b>Conciliator Code</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
1.	41	71	112	37%
2.	19	4	23	83%
4.	82	101	183	45%
5.	31	32	63	49%
6.	106	50	156	68%
7.	103	120	223	46%
8.	360	92	452	80%
9.	5	1	6	83%
10.	95	21	116	82%
11.	50	29	79	63%
12.	132	110	242	55%
13.	22	38	60	37%
14.	48	23	71	68%
15.	102	90	192	53%
15A.	16	4	20	80%
15B.	3	2	5	60%
16.	13	9	22	59%
17.	27	31	58	47%
19.	120	67	187	64%
20.	38	40	78	49%
20.	0	3	3	0%
22.	125	92	217	58%
23.	97	51	148	66%
24.	59	175	234	25%
25.	86	98	184	47%
26.	71	112	183	39%
27.	39	49	88	44%
28.	361	219	580	62%
29.	30	5	35	86%
31.	100	80	180	56%
32.	95	66	161	59%
34.	81	76	157	52%
33.	13	8	21	62%
34A.	12	12	24	50%
36.	69	37	106	65%
37.	34	69	103	33%
38.	72	49	121	60%
39.	12	9	21	57%
41.	120	125	245	49%
42.	40	61	101	40%
43.	82	65	147	56%

<b>Conciliator Code</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
44.	63	96	159	40%
44A.	13	9	22	59%
45.	102	90	192	53%
45A.	21	11	32	66%
46.	120	40	160	75%
47.	121	63	184	66%
58.	62	38	100	62%
50.	14	10	24	58%
51.	33	48	81	41%
53.	17	20	37	46%
54.	97	54	151	64%
55.	150	55	205	73%
56.	51	60	111	46%
58.	44	11	55	80%
59.	79	54	133	59%
59A.	15	31	46	33%
60.	32	48	80	40%
61.	32	23	55	58%
62.	222	90	312	71%
63.	83	81	164	51%
64.	82	58	140	59%
65.	19	7	26	73%
66.	54	113	167	32%
67.	66	65	131	50%
68.	52	115	167	31%
69.	40	17	57	70%
70.	71	40	111	64%
71.	99	98	197	50%
72.	115	57	172	67%
73.	38	14	52	73%
74.	89	56	145	61%
75.	39	56	95	41%
75A.	98	132	230	43%
76.	81	135	216	38%
78.	44	33	77	57%
80.	104	84	188	55%
81.	83	55	138	60%
82.	122	30	152	80%
83.	8	9	17	47%
84.	15	6	21	71%
85.	1	0	1	100%
86.	175	84	259	68%
88.	136	78	214	64%
89.	51	55	106	48%
90.	89	107	196	45%
91.	153	75	228	67%

<b>Conciliator Code</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
92.	20	28	48	42%
93.	61	104	165	37%
<b>Total</b>	<b>6,387</b>	<b>5,039</b>	<b>11,426</b>	<b>55.9%</b>

**PART 3**

**SETTLEMENT RATES UNDER THE WORKPLACE RELATIONS ACT 1996**

**Period 3 : 31 December 1996 - 30 June 2000**

<b>Conciliator Code</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
1.	101	126	227	44%
3.	169	42	211	80%
4.	124	111	235	53%
6.	9	0	9	100%
6A.	0	1	1	0%
7.	187	132	319	59%
8.	1088	73	1161	94%
8A.	739	138	877	84%
8B.	178	6	184	97%
9.	21	1	22	95%
10.	2	2	4	50%
11.	1	0	1	100%
12.	45	17	62	73%
13.	5	0	5	100%
13A.	77	16	93	83%
14.	156	6	162	96%
15.	86	78	164	52%
15A.	5	0	5	100%
19.	109	64	173	63%
20.	22	9	31	71%
22.	213	121	334	64%
24.	259	76	335	77%
25.	44	52	96	46%
26.	193	150	343	56%
28.	1183	15	1198	99%
29.	31	26	57	54%
31.	149	109	258	58%
32.	117	60	177	66%
32A.	33	1	34	97%
32B.	292	139	431	68%
34.	114	104	218	52%
34A.	1	2	3	33%
34B.	32	13	45	71%
37.	46	150	196	23%
38.	15	38	53	28%
38A.	194	92	286	68%
39.	158	10	168	94%

<b>Conciliator Code</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
41.	112	72	184	61%
42.	87	71	158	55%
43.	104	128	232	45%
44.	63	67	130	48%
44A.	15	53	68	22%
45.	75	90	165	45%
46.	88	64	152	58%
47.	56	44	100	56%
48.	82	61	143	57%
50.	84	298	382	22%
50A.	47	10	57	82%
51.	86	47	133	65%
54.	49	21	70	70%
55.	123	31	154	80%
56.	18	8	26	69%
58.	33	34	67	49%
59.	47	12	59	80%
59A.	189	20	209	90%
60.	2	1	3	67%
61.	670	192	862	78%
62.	127	3	130	98%
63.	65	59	124	52%
64.	16	5	21	76%
65.	386	4	390	99%
66.	701	351	1052	67%
68.	106	82	188	56%
71.	82	42	124	66%
72.	146	25	171	85%
72A.	1	0	1	100%
73.	24	5	29	83%
74.	195	28	223	87%
74A.	387	110	497	78%
75.	25	12	37	68%
75A.	58	87	145	40%
76.	69	134	203	34%
78.	16	4	20	80%
80.	111	171	282	39%
81.	137	124	261	52%
82.	135	13	148	91%
82A.	21	0	21	100%
84.	30	20	50	60%
86.	695	118	813	85%
87.	14	4	18	78%

<b>Conciliator Code</b>	<b>Number Settled</b>	<b>Number Not Settled</b>	<b>Total cases conciliated</b>	<b>Settlement rate %</b>
88.	81	72	153	53%
88A.	1021	163	1184	86%
89.	149	198	347	43%
90.	168	196	364	46%
91.	67	33	100	67%
92.	533	169	702	76%
93	80	54	134	60%
<b>Total</b>	<b>13,874</b>	<b>5,590</b>	<b>19,464</b>	<b>71.3%</b>

APPENDIX 14

A COMPARISON OF SETTLEMENT RATES PRE-WR ACT AND WR ACT						
SELECTED CONCILIATORS <sup>(1)</sup>						
Conciliator Code	Pre-WR Act 30 March 1994 - 30 December 1996			WR Act 31 December 1996 - 30 June 2000		
	Total Cases Conciliated	Number Settled	Settlement Rate %	Total Cases Conciliated	Number Settled	Settlement Rate %
37. <sup>(2)</sup>	168	56	33%	196	46	23%
1.	181	67	37%	227	101	44%
42.	207	77	37%	158	87	55%
68.	289	111	38%	188	106	56%
76.	393	148	38%	203	69	34%
24.	516	195	38%	335	259	77%
66.	913	346	38%	1052	701	67%
93.	218	87	40%	134	80	60%
26.	380	162	43%	343	193	56%
25.	249	109	44%	96	44	46%
90.	266	121	45%	364	168	46%
44.	313	145	46%	130	63	48%
4.	333	150	45%	235	124	53%
15.	384	178	46%	164	86	52%
7.	379	178	47%	319	187	59%
15.	165	80	48%	37	25	68%
7.	439	210	48%	31	22	71%
45.	371	188	51%	165	75	45%
89.	230	120	52%	347	149	43%
71.	324	167	52%	124	82	66%
56.	207	110	53%	26	18	69%
74.	279	150	54%	223	195	87%
34.	334	179	54%	218	114	52%
14.	445	240	54%	162	156	96%
41.	467	250	54%	184	112	61%
63.	323	179	55%	124	65	52%
81.	271	153	56%	261	137	52%
31.	372	208	56%	258	149	58%
22.	247	140	57%	334	213	64%
48.	279	158	57%	143	82	57%
38.	193	112	58%	53	15	28%
32.	326	188	58%	177	117	66%
43.	341	206	60%	232	104	45%
51.	274	166	61%	133	86	65%
47.	337	200	61%	100	56	56%
80. <sup>(2)</sup>	387	236	61%	282	111	39%
19.	278	172	62%	173	109	63%
54.	320	199	62%	70	49	70%

Conciliator	Pre-WR Act			WR Act		
	Total Cases Conciliated	Number Settled	Settlement Rate %	Total Cases Conciliated	Number Settled	Settlement Rate %
88.	429	264	62%	153	81	53%
12.	458	283	62%	62	45	73%
28.	920	567	62%	1198	1183	99%
72.	329	210	64%	171	146	85%
86.	340	221	65%	813	695	85%
65.	146	97	66%	390	386	99%
91.	306	202	66%	100	67	67%
59.	248	171	69%	59	47	80%
55.	378	264	70%	154	123	80%
62.	555	388	70%	130	127	98%
46.	298	217	73%	152	88	58%
61.	520	385	74%	862	670	78%
82.	343	259	76%	148	135	91%
8.	765	591	77%	1161	1088	94%
<b>Total</b>	<b>18,423</b>	<b>10,260</b>	<b>55.7%</b>	<b>13,554</b>	<b>9,436</b>	<b>69.6%</b>

**Notes:**

(1) The comparison only includes conciliators who conducted at least 25 conciliations during each of the two periods.

(2) The settlement figures for conciliators 37 and 80 are distorted because they both include a large number of applications in respect of the same employer and the same substratum of facts. If these matters are removed then the *WR Act* settlement rate for conciliation 37 is 52 per cent and 56 per cent for conciliation 80.

COMPARISON OF CURRENT AND PROPOSED SECTION 170CFA

WR ACT	1999 BILL
<p><b>170CFA Elections to proceed to arbitration or to begin court proceedings</b></p> <p>(1) If the certificate given by the Commission under subsection 170CF(2) identifies only the ground referred to in paragraph 170CE(1)(a) as a ground where conciliation is, or is likely to be, unsuccessful, the applicant must elect either to proceed to arbitration to determine whether the termination was harsh, unjust or unreasonable or not to proceed.</p>	<p><b>170CFA Elections to proceed to arbitration or to begin court proceedings</b></p> <p>(1) If the certificate given by the Commissioner under subsection 170CF(2):</p> <p>(a) identifies only the ground referred to in paragraph 170CE(1)(a) as a ground where conciliation is, or is likely to be, unsuccessful; but</p> <p>(b) also indicates that the Commission considers, on the balance of probabilities, that the applicant's claim in respect of the ground is likely to succeed;</p> <p>the applicant must elect either to proceed to arbitration to determine whether the termination was harsh, unjust or unreasonable or not to proceed.</p> <p>(1A) If the certificate given by the Commissioner under subsection 170CF(2):</p> <p>(a) identifies only the ground referred to in paragraph 170CE(1)(a) as a ground where conciliation is, or is likely to be,</p>

WR ACT		1999 BILL
		<p>unsuccessful; and</p> <p>(b) also indicates that the Commission considers, on the balance of probabilities, that the applicant's claim in respect of the ground is not likely to succeed;</p> <p>the applicant is not entitled to elect to proceed to arbitration and the application is taken, with effect from the date of the certificate, to have been dismissed.</p>
<p>(2) If the certificate given by the Commission under subsection 170CF(2) identifies only:</p> <p>(a) the ground referred to in paragraph 170CF(1)(a); and</p>		<p>(2) If the certificate given by the Commission under subsection 170CF(2):</p> <p>(a) identifies only:</p> <p>(i) the ground referred to in paragraph 170CE(1)(a); and</p> <p>(ii) the ground of an alleged contravention of section 170CM;</p> <p>as grounds where conciliation is, or is likely to be, unsuccessful; but</p>

WR ACT		1999 BILL
<p>(b) the ground of an alleged contravention of section 170CM;</p> <p>as grounds where conciliation is, or is likely to be, unsuccessful, the applicant must elect to do either, both or neither of the following:</p>		<p>(b) also indicates, in respect of the former ground, that the Commission considers, on the balance of probabilities, that the applicant's claim in respect of the ground is likely to succeed;</p> <p>the applicant must elect to do either, both, or neither of the following:</p> <p>(2A) If the certificate given by the Commission under subsection 170CF(2):</p> <p>(a) identifies only:</p> <p>(i) the ground referred to in paragraph 170CE(1)(a); and</p> <p>(ii) the ground referred to in paragraph 170CM;</p> <p>as grounds where conciliation is, or is likely to be, unsuccessful; and</p> <p>(b) also indicates, in respect of the former ground, that the Commission considers, on the balance of probabilities, that the applicant's claim in respect of the ground is not likely to succeed;</p> <p>the applicant:</p>

WR ACT		1999 BILL
<p>(c) to proceed to arbitration to determine whether the termination was harsh, unjust or unreasonable;</p> <p>(d) to begin proceedings in a court of competent jurisdiction for an order under section 170CR in respect of the alleged contravention of section 170CM.</p>		<p>(c) is not entitled to elect to proceed to arbitration to determine whether the termination was harsh, unjust or unreasonable;</p> <p>(d) must elect either to begin proceedings in a court of competent jurisdiction for an order under section 170CR in respect of the alleged contravention of section 170CM or not to begin such proceedings.</p>
<p>(3) If the certificate given by the Commission under subsection 170CF(2) identifies:</p> <p>(a) the ground referred to in paragraph 170CE(1)(a); and</p>		<p>(3) If the certificate given by the Commission under subsection 170CF(2):</p> <p>(a) identifies only:</p> <p>(i) the ground referred to in paragraph 170CE(1)(a); and</p> <p>(ii) the ground of an alleged contravention of one or more of sections 170CK, 170CL and 170CN;</p> <p>as grounds where conciliation is, or is likely to be unsuccessful; but</p>
<p>(b) a ground or grounds of an alleged contravention of one or more of sections 170CK, 170CL and 170CN;</p>		<p>(b) also indicates, in respect of the former ground, that the Commission considers, on the balance of probabilities, that the</p>

WR ACT		1999 BILL
<p>as grounds where conciliation is, or is likely to be, unsuccessful, the applicant must elect to do either or neither of the following:</p> <p>(c) to proceed to arbitration to determine</p>		<p>applicant's claim in respect of the ground is likely to succeed;</p> <p>the applicant must elect to do either or neither of the following:</p> <p>(3A) If the certificate given by the Commission under subsection 170CF(2):</p> <p>(a) identifies only:</p> <p>(i) the ground referred to in paragraph 170CE(1)(a); and</p> <p>(ii) the ground of an alleged contravention of one or more of sections 170CK, 170CL and 170CN;</p> <p>as grounds where conciliation is, or is likely to be, unsuccessful; and</p> <p>(b) also indicates, in respect of the former ground, that the Commission considers, on the balance of probabilities, that the applicant's claim in respect of the ground is not likely to succeed;</p> <p>the applicant:</p> <p>(c) is not entitled to elect to proceed to</p>

WR ACT		1999 BILL
<p>whether the termination was harsh, unjust or unreasonable;</p> <p>(d) to begin proceedings in the Court for an order under section 170R in respect of the alleged contravention, or of any one or more of the alleged contraventions.</p>		<p>arbitration to determine whether the termination was harsh, unjust or unreasonable; but</p> <p>(d) must elect either to begin proceedings in the Court for an order under section 170CR in respect of the alleged contravention, or any of one or more of the alleged contraventions, or not to begin such proceedings.</p>
<p>(4) If the certificate given by the Commission under subsection 170CF(2) identifies only a ground or grounds of an alleged contravention of one or more of sections 170CK, 170CL, 170CM and 170CN as the ground or grounds where conciliation is, or is likely to be, unsuccessful, the applicant must elect to do either, both or neither of the following:</p>		<p>(4) If the certificate given by the Commission under subsection 170CF(2) identifies only a ground or grounds of an alleged contravention of one or more of sections 170CK, 170CL, 170CM and 170CN as the ground or grounds where conciliation is, or is likely to be, unsuccessful, the applicant must elect to do either, both or neither of the following:</p>
<p>(a) so far as concerns an alleged contravention of a section or sections other than section 170CM—to begin proceedings in the Court for an order under section 170CR in respect of the alleged contravention, or of any one or more of the alleged contraventions;</p>		<p>(a) so far as concerns an alleged contravention of a section or sections other than section 170CM—to begin proceedings in the Court for an order under section 170CR in respect of the alleged contravention, or of any one or more of the alleged contraventions;</p>

WR ACT		1999 BILL
<p>(b) so far as concerns an alleged contravention of section 170CM—to begin proceedings in a court of competent jurisdiction for an order under section 170CR in respect of the alleged contravention.</p>		<p>(b) so far as concerns an alleged contravention of section 170CM—to begin proceedings in a court of competent jurisdiction for an order under section 170CR in respect of the alleged contravention.</p>
<p>(5) If the certificate given by the Commission under subsection 170CF(2) identifies:</p> <p>(a) the ground referred to in paragraph 170CE(1)(a); and</p> <p>(b) the ground of an alleged contravention of section 170CM; and</p> <p>(c) a ground or grounds of an alleged contravention of one or more of alleged sections 170CK, 170CL and 170CN;</p> <p>as grounds where conciliation is, or is likely to be, unsuccessful; the applicant must elect:</p>		<p>(5) If a certificate given by the Commission under subsection 170CF(2):</p> <p>(a) identifies:</p> <p>(i) the ground referred to in paragraph 170CE(1)(a); and</p> <p>(ii) the ground of an alleged contravention of section 170CM; and</p> <p>(iii) a ground or grounds of an alleged contravention of one or more of sections 170CK, 170CL and 170CN;</p> <p>as grounds where conciliation is, or is likely to be, unsuccessful; but</p> <p>(b) also indicates, in respect of the former ground, that the Commission considers, on the balance of probabilities, that the applicant's claim in respect of the ground is not likely to succeed;</p>

WR ACT		1999 BILL
<p>(d) to do either or both of the things permitted in subsection (2); or</p> <p>(e) to do either or both of the things permitted in subsection (4); or</p> <p>(f) to do none of those things.</p>		<p>the applicant:</p> <p>(c) is not entitled to proceed to arbitration to determine whether the termination was harsh, unjust or unreasonable; but</p> <p>(d) must elect either to do either or both of the things permitted in subsection (4) or to do none of those things.</p>
<p>(6) An election under subsection (1), (2), (3), (4) or (5) must:</p> <p>(a) be made in writing; and</p> <p>(b) be lodged with the Commission not later than 7 days after the day of issue of the certificate by the Commission under subsection 170CF(2) in relation to the application.</p>		<p>(6) An election under subsection (1), (2), (2A), (3), (3A), (4), (5) or (5A) must:</p> <p>(a) be made in writing; and</p> <p>(b) be lodged with the Commission not later than 7 days after the day of issue of the certificate by the Commission under subsection 170CF(2) in relation to the application.</p>

WR ACT		1999 BILL
<p>(7) If an applicant fails to lodge with the Commission an election under subsection (1), (2), (3), (4) or (5) within the period required under subsection (6), the application concerned is taken to have been discontinued by the applicant at the end of that period for all purposes other than the making of an election out of time in accordance with subsection (8).</p> <p>(8) The Commission may accept an election that is lodged out of time if the Commission considers that it would be unfair not to do so, and, if the Commission accepts such an election, the original application is taken not to have been discontinued in spite of subsection (7).</p>		<p>(7) If an applicant fails to lodge with the Commission an election under subsection (1), (2), (2A), (3), (3A), (4), (5) or (5A) within the period required under subsection (6), the application concerned is taken to have been discontinued by the applicant at the end of that period other than the making of an election out of time in accordance with subsection (8).</p> <p>Repealed</p>

## COMPARISON OF CURRENT AND PROPOSED SECTION 170CJ

WR ACT	1999 BILL
<p><b>170CJ Commission may order payment of costs</b></p> <p>(1) If the Commission is satisfied that a person or organisation made an application under section 170CE vexatiously or without reasonable cause, the Commission may, on an application by the employer under this section, make an order for costs against the person or organisation.</p> <p>(2) If:</p> <p>(a) the Commission has begun arbitrating a matter the subject of an application under section 170CE; and</p> <p>(b) the Commission is satisfied that a party to the proceeding has acted unreasonably in failing to discontinue the matter before the Commission or to agree to terms of settlement that could lead to the discontinuance of the matter before the</p>	<p><b>170CJ Commission may order payment of costs</b></p> <p>(1) If the Commission is satisfied that a person or organisation made an application under section 170CE vexatiously or without reasonable cause, the Commission may, on an application by the employer under this section, make an order for costs against the person or organisation.</p> <p>(2) If the Commission is satisfied:</p> <p>(a) that a person (<i>first party</i>):</p> <p>(i) made an application under section 170CE; or</p> <p>(ii) began a proceeding relating to such an application; and</p> <p>(b) the first party did so in circumstances where it should have been reasonably apparent to the first party that there was not a substantial prospect of success in relation to the application or proceeding; the Commission may, on an application</p>

WR ACT		1999 BILL
<p>conclusion of the arbitration;</p> <p>the Commission may, on an application under this section by the other party to the proceeding, make an order for costs against the first-mentioned party.</p> <p>(3) If:</p> <p>(a) a person or organisation has made an application under section 170CE; and</p> <p>(b) the person or organisation elects, under subsection 170CFA(1), (2), (3) or (5) to proceed to arbitration; and</p> <p>(c) after the making of that election the person or organisation discontinues the matter before the Commission;</p> <p>the Commission may, on an application made under this section by the employer, make an order for costs against the person or organisation if the Commission is satisfied that the person or organisation has acted unreasonably in failing to discontinue the application at an earlier time.</p>		<p>under this section by the other party to the application or proceeding, make an order for costs against the first party.</p> <p>(3) If the Commission is satisfied that a party (<i>first party</i>) to a proceeding relating to an application under section 170CE has acted unreasonably in failing:</p> <p>(a) to discontinue the proceeding; or</p> <p>(b) to agree to terms of settlement that could lead to the discontinuance of the application;</p> <p>the Commission may, on an application under this section by the other party to the proceeding, make an order for costs against the first party.</p>

WR ACT	1999 BILL
<p>(4) An application for an order for costs under this section must be made within 14 days after the determination or discontinuance of the proceedings before the Commission arising under an application under section 170CE.</p> <p>(5) A schedule of costs may be prescribed in relation to items of expenditure likely to be incurred in respect of an application to the Commission under section 170CE.</p>	<p>(4) If the Commission is satisfied:</p> <p>(a) that a party (<i>first party</i>) to a proceeding relating to an application made under section 170CE caused costs to be incurred by the other party to the proceeding; and</p> <p>(b) that the first party caused the costs to be incurred because of the first party's unreasonable act or omission in connection with the conduct of the proceeding;</p> <p>the Commission may, on an application by the other party under this section, make an order for costs against the first party.</p> <p>(5) An application for an order for costs under this section must be made within 14 days after the determination, discontinuance, settlement or dismissal of the application under section 170CE or proceeding relating to an application under section 170CE (as the case may be).</p> <p>(5A) A schedule of costs may be prescribed in relation to items of expenditure likely to be incurred in respect of:</p>

<b>WR ACT</b>		<b>1999 BILL</b>
<p>(6) Without limiting, by implication, the generality of the items of expenditure for which the schedule may provide, those items may include:</p> <p>(a) legal and professional costs and disbursements; and</p> <p>(b) expenses arising from the representation of a party by a person or organisation other than on a legal professional basis; and</p> <p>(c) expenses of witnesses.</p> <p>(7) If a schedule of costs is prescribed for the purposes of subsection (5), then, in awarding costs under this section, the Commission:</p> <p>(a) is not limited to the items of expenditure appearing in the schedule; but</p>		<p>(a) an application to the Commission under section 170CE; and</p> <p>(b) a proceeding in respect of an application under section 170CE.</p> <p>(6) Without limiting, by implication, the generality of the items of expenditure for which the schedule may provide, those items may include:</p> <p>(a) legal and professional costs and disbursements; and</p> <p>(b) expenses arising from the representation of a party by a person or organisation other than on a legal professional basis; and</p> <p>(c) expenses of witnesses.</p> <p>(7) If a schedule of costs is prescribed for the purposes of subsection (5A), then, in awarding costs under this section, the Commission:</p> <p>(a) is not limited to the items of expenditure appearing in the schedule; but</p>

WR ACT	1999 BILL
<p>(b) if an item does appear in the schedule—  must not award costs in respect of that item  at a rate or of an amount in excess of the  rate or amount appearing in the schedule.</p>	<p>(b) if an item does appear in the schedule—  must not award costs in respect of that  item at a rate or of an amount in excess of  the rate or amount appearing in the  schedule</p> <p>(8) For the purposes of this section, the  following proceedings are examples of  <i>proceedings relating to an application  under section 170CE</i> in respect of which the  Commission may make an order for costs:</p> <p>(a) a "pre-conciliation" conference that parties  are directed to attend by the Commission  under paragraph 111(1)(t);</p> <p>(b) a proceeding for dismissal of an  application under section 170CE on the  ground that the application is outside  jurisdiction;</p> <p>(c) conciliation proceedings under section  170CF;</p> <p>(d) arbitration proceedings under section  170CG;</p> <p>(e) an appeal to the Full Bench from an order  of the Commission under section 170CH or</p>

<b>WR ACT</b>		<b>1999 BILL</b>
		<p>a costs order under section 170CJ;</p> <p>(f) a proceeding concerning an application for costs by one party in respect of another party's application for costs.</p> <p>This list is not an exhaustive list.</p>

**DISPOSITION OF FEDERAL TERMINATION OF EMPLOYMENT CLAIMS  
28 MARCH 1994 - 30 DECEMBER 1996**

	Percentage of Cases Finalised	No. of Cases	
Applications lodged			17,547
1. Dismissed at preliminary stage		NIL	↓
			17,547
2. Withdrawn/discontinued before conciliation	8.6%	1,509	↓
			16,038
3. Settled by conciliation	57.3%	10,056	↓
			5,982
4. Lapsed/withdrawn/discontinued prior to orders	24.8%	4,355	↓
			1,627
5. Total number of arbitral/judicial determinations on the merits	9.3%	1,627	↓
Claims finalised			17,547
Cases not yet finalised			

<b>CONCILIATOR SETTLEMENT RATES</b> 15 January to 30 December 1996	
<b>Settlement Range</b> %	<b>No of conciliators<sup>(a)</sup></b>
<25	1
>25<30	0
>30<35	4
>35<40	8
>40<45	7
>45<50	12
>50<55	6
>55<60	9
>60<65	9
>65<70	9
>70<75	5
>75<80	3
>80<85	3
>85	1

<sup>(a)</sup> Only includes conciliators who conducted at least 25 conciliations during the period 15 January to 30 December 1996

# STATISTICAL INFORMATION SHEET

U Matter No.

Date Heard

Duration of Conference

**1. Applicant Details****1.1 Age**

- <20 yrs
- >20<30 yrs
- >30<40 yrs
- >40<50 yrs
- >50 yrs

**1.2 Occupational Group**

- Managers and administrators
- Professionals
- Para-professionals
- Tradespersons
- Clerks
- Salespersons & personal service workers
- Plant and machine operators
- Labourers and related workers

**1.3 Gross Weekly Wage**

- \$/week
- <500
- >500 <600
- >600 <700
- >700 <800
- >800 <900
- >900 <1000
- >1000

**1.4 Period of Service**

- <1 month
- >1 <3 months
- >3 <6 months
- >6 <12 months
- >1 yr <2 yrs
- >2 yrs <5 yrs
- >5 yrs <10 yrs
- >10 yrs

**1.5 Gender**

- Male
- Female

**1.6 Is English the applicant's first language?**

- Yes
- No

**1.7 Has the applicant found another job?**

- Yes
- No

**2. Employer Details**

- 2.1 Business Size
- < 10 employees
  - 10-20 employees
  - 20-50 employees
  - >50 employees

- 2.2 Sector
- Private
  - Public
  - Other

- 2.3 Is English the respondent's first language? Yes   
No
- 

**3. Representation**

- 3.1 Applicant
- Self represented
  - Solicitor
  - Union
  - Other (specify)

- 3.2 Employer
- Self represented
  - Solicitor
  - Employer organisation
  - Other (specify)

IR experience  /  No IR experience    IR experience  /  No IR experience

---

**4. Miscellaneous**

- 4.1 Have the parties discussed the matter prior to the conciliation conference?
- Yes
  - No

- 4.2 Reason given for the dismissal
- Performance
  - Attitude
  - Fighting/abusive language
  - Other
- 

**5. Settlement Details**

- 5.1 Was the matter settled?
- Yes
  - No

- 5.2 If the matter was settled what was the basis of the settlement?
- Reinstatement
  - Compensation
  - Withdrawal of termination and resignation in lieu  (specify amount \$ )
  - Reference
  - Statement of service
  - Other (specify)
-

**Crosstabulation Results**

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1. The Applicant - Economic Factors

1.1 Gross Weekly Wage

**TABLE A1**

<b>GROSS WEEKLY WAGE \$ / WEEK AND SETTLEMENT</b>										
		Gross Weekly Wage \$ / week						Total		
		<500	>500 <600	>600 <700	>700 <800	>800 <900	>900 <1000		>1000	
Was the matter settled?	No	Count	151	89	21	32	8	10	33	344
		Expected Count	179.3	74.5	14.6	25.7	14.6	10.7	24.6	344.0
		% within Gross Weekly Wage \$/week	30.0%	42.6%	51.2%	44.4%	19.5%	33.3%	47.8%	35.6%
		Std. Residual	-2.1	1.7	1.7	1.3	-1.7	-.2	1.7	
Yes	Count	352	120	20	40	33	20	36	621	
	Expected Count	323.7	134.5	26.4	46.3	26.4	19.3	44.4	621.0	
	% within Gross Weekly Wage \$/week	70.0%	57.4%	48.8%	55.6%	80.5%	66.7%	52.2%	64.4%	
	Std. Residual	1.6	-1.2	-1.2	-.9	1.3	.2	-1.3		
Total	Count	503	209	41	72	41	30	69	965	
	Expected Count	503.0	209.0	41.0	72.0	41.0	30.0	69.0	965.0	
	% within Gross Weekly Wage \$/week	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	27.275 <sup>a</sup>	6	.000
Likelihood Ratio	27.390	6	.000
Linear-by-Linear Association	5.826	1	.016
N of Valid Cases	965		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 10.69.

**Table A2**

**GROSS WEEKLY WAGE \$/WEEK BY HAS THE APPLICANT FOUND ANOTHER JOB?**

			Has the applicant found another job?		Total
			Yes	No	
Gross Weekly Wage \$/week	<500	Count	118	376	494
		% within Gross Weekly Wage \$/week	23.9%	76.1%	100.0%
>500 <600	Count	46	156	202	
	% within Gross Weekly Wage \$/week	22.8%	77.2%	100.0%	
>600 <700	Count	6	35	41	
	% within Gross Weekly Wage \$/week	14.6%	85.4%	100.0%	
>700 <800	Count	18	51	69	
	% within Gross Weekly Wage \$/week	26.1%	73.9%	100.0%	
>800 <900	Count	13	28	41	
	% within Gross Weekly Wage \$/week	31.7%	68.3%	100.0%	
>900 <1000	Count	8	22	30	
	% within Gross Weekly Wage \$/week	26.7%	73.3%	100.0%	
>1000	Count	16	49	65	
	% within Gross Weekly Wage \$/week	24.6%	75.4%	100.0%	
Total	Count	225	717	942	
	% within Gross Weekly Wage \$/week	23.9%	76.1%	100.0%	

1.2 Occupational Group

**TABLE A3**

**OCCUPATION GROUP AND SETTLEMENT**

		Occupation Group								Total	
		Managers and Administrators	Professionals	Para-Professionals	Tradespersons	Clerks	Salespersons and Personal Service	Plant and Machine Operators	Labourers and Related Workers		
Was the matter settled?	No	Count	53	28	25	31	38	82	53	67	377
		Expected Count	47.4	20.7	21.5	36.3	44.0	90.3	45.9	71.0	377.0
		% within Occupation Group	41.4%	50.0%	43.1%	31.6%	31.9%	33.6%	42.7%	34.9%	37.0%
		Std. Residual	0.8	1.6	0.8	-0.9	-0.9	-0.9	1.1	-0.5	
	Yes	Count	75	28	33	67	81	162	71	125	642
		Expected Count	80.6	35.3	36.5	61.7	75.0	163.7	78.1	121.0	642.0
		% within Occupation Group	58.6%	50.0%	56.9%	68.4%	68.1%	66.4%	57.3%	65.1%	63.0%
		Std. Residual	-0.6	-1.2	-0.6	0.7	0.7	0.7	-0.8	0.4	
Total	Count	128.0	67.0	58.0	98.0	110.0	244.0	124.0	192.0	1019.0	
	Expected Count	128	66	68	98	119	244	124	192	1019	
	% within Occupation Group	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	11.899 <sup>a</sup>	7	.104
Likelihood Ratio	11.768	7	.108
Linear-by-Linear Association	2.210	1	.137
N of Valid Cases	1019		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 20.72.

**Table A4**

**OCCUPATION GROUP BY GROSS WEEKLY WAGE \$/WEEK**

Occupation Group		Gross Weekly Wage \$/week								Total
		<500	>500 <600	>600 <700	>700 <800	>800 <900	>900 <1000	>1000		
Managers and Administrators	Count	5	15	5	22	17	11	39	115	
	Expected Count	60.0	24.8	4.9	8.4	4.9	3.6	8.3	115.0	
	% within Occupation Group	4.3%	13.0%	5.2%	19.1%	14.8%	9.6%	33.9%	100.0%	
	% within Gross Weekly Wage	1.0%	7.2%	14.6%	31.4%	41.5%	36.7%	56.5%	12.0%	
	Std. Residual	-7.1	-2.0	0.5	4.7	5.5	3.9	10.7		
Professionals	Count	4	11	2	9	7	4	12	49	
	Expected Count	26.8	10.8	2.1	3.8	2.1	1.5	3.5	49.0	
	% within Occupation Group	8.2%	22.4%	4.1%	18.4%	14.3%	8.2%	24.5%	100.0%	
	% within Gross Weekly Wage	0.8%	5.3%	4.9%	12.9%	17.1%	13.3%	17.4%	5.1%	
	Std. Residual	-4.3	0.1	-0.1	2.9	3.4	2.0	4.5		
Para-Professionals	Count	7	20	4	11	7	2	5	56	
	Expected Count	29.2	12.1	2.4	4.1	2.4	1.8	4	66.0	
	% within Occupation Group	12.5%	35.7%	7.1%	19.6%	12.6%	3.6%	8.9%	100.0%	
	% within Gross Weekly Wage	1.4%	9.6%	9.8%	15.7%	17.1%	6.7%	7.2%	5.8%	
	Std. Residual	-4.1	2.3	1.0	3.4	3.0	0.2	0.5		
Tradespersons	Count	44	31	6	6	0	1	4	92	
	Expected Count	48.0	19.8	3.8	6.7	3.9	2.8	6.6	92.0	
	% within Occupation Group	47.8%	33.7%	6.5%	6.5%	0.0%	1.1%	4.3%	100.0%	
	% within Gross Weekly Wage	8.8%	14.9%	14.6%	8.8%	0.0%	3.3%	5.8%	9.6%	
	Std. Residual	-0.6	2.5	1.0	-0.3	-2.0	-1.1	-1.0		
Clerks	Count	73	28	4	4	2	1	0	112	
	Expected Count	68.5	24.3	4.8	8.2	4.8	3.6	8.1	112.0	
	% within Occupation Group	65.2%	25.0%	3.6%	3.6%	1.8%	90.0%	0.0%	100.0%	
	% within Gross Weekly Wage	14.6%	13.5%	9.8%	5.7%	4.9%	3.3%	0.0%	11.7%	
	Std. Residual	1.9	0.8	-0.4	-1.5	-1.3	-1.3	-2.8		
Salespersons and Personal Service	Count	160	40	10	12	8	4	5	237	
	Expected Count	123.7	51.4	10.1	17.3	10.1	7.4	17.0	237.0	
	% within Occupation Group	67.5%	16.9%	4.2%	5.1%	2.5%	1.7%	2.1%	100.0%	
	% within Gross Weekly Wage	31.9%	19.2%	24.4%	17.1%	14.6%	13.3%	7.2%	24.7%	
	Std. Residual	3.3	-1.6	0.0	-1.3	-1.3	-1.3	-2.9		
Plant and Machine Operators	Count	64	30	4	2	1	7	4	112	
	Expected Count	68.5	24.3	4.8	8.2	4.8	3.6	8.1	112.0	
	% within Occupation Group	57.1%	26.8%	3.6%	1.8%	90.0%	6.3%	3.6%	100.0%	
	% within Gross Weekly Wage	12.8%	14.4%	9.8%	2.9%	2.4%	23.3%	5.8%	11.7%	
	Std. Residual	0.7	1.2	-0.4	-2.2	-1.7	1.9	-1.4		
Labourers and Related Workers	Count	144	33	5	4	1	0	0	137	
	Expected Count	87.8	40.6	8.0	13.8	8.0	6.9	13.4	137.0	
	% within Occupation Group	77.0%	17.6%	2.7%	2.1%	50.0%	0.0%	0.0%	100.0%	
	% within Gross Weekly Wage	28.7%	15.9%	12.2%	5.7%	2.4%	0.0%	0.0%	19.5%	
	Std. Residual	4.7	-1.2	-1.1	-2.6	-2.5	-2.4	-3.7		
Total	Count	501	208	41	70	41	30	69	960	
	Expected Count	501.0	208.0	41.0	70.0	41.0	30.0	69.0	960.0	
	% within Occupation Group	52.2%	21.7%	4.3%	7.3%	4.3%	3.1%	7.2%	100.0%	
	% within Gross Weekly Wage	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	472.581 <sup>a</sup>	42	.000
Likelihood Ratio	465.325	42	.000
Linear-by-Linear Association	322.249	1	.000
N of Valid Cases	960		

a. 22 cells (39.3%) have expected count less than 5. The minimum expected count is 1.53.

**Table A5**

**OCCUPATION GROUP BY HAS THE APPLICANT FOUND ANOTHER JOB?**

			Has the applicant found another job?		Total
			Yes	No	
Occupation Group	Managers and Administrators	Count	30	86	116
		% within Occupation Group	25.9%	74.1%	100.0%
	Professionals	Count	18	34	52
		% within Occupation Group	34.6%	65.4%	100.0%
	Para-Professionals	Count	14	42	56
		% within Occupation Group	25.9%	74.1%	100.0%
	Tradespersons	Count	31	61	92
		% within Occupation Group	33.7%	66.3%	100.0%
	Clerks	Count	25	88	113
		% within Occupation Group	22.1%	77.9%	100.0%
	Salespersons and Personal Service	Count	61	177	238
		% within Occupation Group	25.6%	74.1%	100.0%
	Plant and Machine Operators	Count	18	95	113
		% within Occupation Group	15.9%	84.1%	100.0%
	Labourers and Related Workers	Count	34	153	187
		% within Occupation Group	18.2%	81.8%	100.0%
Total		Count	231	736	967
		% within Occupation Group	23.9%	76.1%	100.0%

1.3 Period of Service

**TABLE A6**

**PERIOD OF SERVICE AND SETTLEMENT**

		Period of Service							Total		
		<1 month	>1 <3 months	≥3 <6 months	≥6 <12 months	≥1 <2 yrs	≥2 <5 yrs	≥5 <10 yrs		≥10 yrs	
Was the matter settled?	No	Count	24	42	54	48	56	75	53	23	375
		Expected Count	24.9	40.9	48.0	53.6	63.2	74.0	45.8	24.6	375.0
		% within Period of Service	35.8%	38.2%	41.9%	33.3%	32.9%	37.7%	43.1%	34.8%	37.2%
		Std. Residual	-0.2	0.2	0.9	-0.8	-0.9	0.1	1.1	-0.3	
Yes		Count	43	68	75	96	114	124	70	43	633
		Expected Count	42.1	69.1	81.0	90.4	106.8	125.0	77.2	41.4	633.0
		% within Period of Service	64.2%	61.8%	58.1%	66.7%	67.1%	62.3%	56.9%	65.2%	62.8%
		Std. Residual	0.1	-0.1	-0.7	0.6	0.7	-0.1	-0.8	0.2	
Total		Count	67	110	129	144	170	199	123	66	1008
		Expected Count	67.0	110.0	129.0	144.0	170.0	199.0	123.0	66.0	1008.0
		% within Period of Service	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	5.543 <sup>a</sup>	7	.594
Likelihood Ratio	5.530	7	.596
Linear-by-Linear Association	.026	1	.873
N of Valid Cases	1008		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 24.55.

1.4 Has the Applicant Found Another Job?

**Table A7**

**HAS THE APPLICANT FOUND ANOTHER JOB? AND SETTLEMENT**

			Has the applicant found another job?		
			Yes	No	Total
Was the matter settled?	No	Count	53	305	358
		Expected Count	85.5	272.5	358.0
		% within Applicant's gender	22.8%	41.3%	36.9%
		St. Residual	-0.35	2	
Female		Count	179	434	613
		Expected Count	146.5	466.5	613.0
		% within Applicant's gender	77.2%	58.7%	63.1%
		St. Residual	2.7	-1.5	
Total		Count	232	739	971
		Expected Count	232.0	739.0	971.0
		% within Applicant's gender	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	25.759 <sup>b</sup>	1	.000		
Continuity Correction <sup>a</sup>	24.973	1	.000		
Likelihood Ratio	27.144	1	.000		
Fisher's Exact Test				.000	.000
Linear-by-Linear Association	25.732	1	.000		
N of Valid Cases	971				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 85.54.

## 2. The Applicant - Other Factors

### 2.1 Age

**Table A8**

**AGE OF APPLICANT AND SETTLEMENT**

			Age of Applicant					Total
			<20 yrs	>20 <30 yrs	>30 <40 yrs	>40 <50 yrs	>50 yrs	
Was the matter settled	No	Count	7	111	118	96	43	375
		Expected Count	17.0	117.7	105.6	93.0	41.7	375.0
		% within Age of Applicant	15.2%	34.8%	41.3%	38.1%	38.1%	36.9%
		Std. Residual	-2.4	-0.6	1.2	0.3	0.2	
	Yes	Count	39	208	168	156	70	641
		Expected Count	29.0	201.3	180.4	159.0	71.3	641.0
		% within Age of Applicant	84.8%	65.2%	58.7%	61.9%	61.9%	63.1%
		Std. Residual	1.9	0.5	-0.9	-0.2	-0.2	
Total		Count	46	319	286	252	113	1016
		Expected Count	46.0	319.0	286.0	252.0	113.0	1016.0
		% within Age of Applicant	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	12.446 <sup>a</sup>	4	.014
Likelihood Ratio	13.767	4	.008
Linear-by-Linear Association	3.715	1	.054
N of Valid Cases	1016		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 16.98.

**Table A9**

**AGE OF APPLICANT AND WHETHER THE APPLICANT HAS FOUND ANOTHER JOB?**

			Has the Applicant Found Another Job?		Total
			Yes	No	
Age of Applicant	<20 yrs	Count	16	30	46
		<b>Expected Count</b>	<b>11.0</b>	<b>35.0</b>	<b>46.0</b>
		% within Age of Applicant	34.8%	65.2%	100.0%
		% within Has the applicant found another job?	7.0%	4.1%	4.8%
		Std. Residual	1.5	-0.8	
	>20 yrs	Count	94	212	306
	<30 yrs	<b>Expected Count</b>	<b>73.0</b>	<b>233.0</b>	<b>306.0</b>
		% within Age of Applicant	30.7%	69.3%	100.0%
		% within Has the applicant found another job?	40.9%	28.9%	31.7%
		Std. Residual	2.5	-1.4	
	>30 yrs	Count	65	205	270
	<40 yrs	<b>Expected Count</b>	<b>64.4</b>	<b>205.6</b>	<b>270.0</b>
		% within Age of Applicant	24.1%	75.9%	100.0%
		% within Has the applicant found another job?	28.3%	27.9%	28.0%
		Std. Residual	0.1	0	
	>40 yrs	Count	41	194	235
	>50 yrs	<b>Expected Count</b>	<b>56.1</b>	<b>178.9</b>	<b>235.0</b>
		% within Age of Applicant	17.4%	82.6%	100.0%
		% within Has the applicant found another job?	17.8%	26.4%	24.4%
		Std. Residual	-2.0	1.1	
	>50 yrs	Count	14	93	107
		<b>Expected Count</b>	<b>25.5</b>	<b>81.5</b>	<b>107.0</b>
		% within Age of Applicant	13.1%	86.9%	100.0%
		% within Has the applicant found another job?	6.1%	12.7%	11.1%
		Std. Residual	-2.3	1.3	
Total		Count	230	734	964
		<b>Expected Count</b>	<b>230.0</b>	<b>734.0</b>	<b>964.0</b>
		% within Age of Applicant	23.9%	76.1%	100.0%
		% within Has the applicant found another job?	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	23.112 <sup>a</sup>	4	.000
Likelihood Ratio	23.759	4	.000
Linear-by-Linear Association	22.871	1	.000
N of Valid Cases	964		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 10.98.

**Table A10**

**AGE OF APPLICANT AND APPLICANT'S REPRESENTATION**

		Applicant's Representation				Total	
		Solicitor	Self Represented	Union	Other		
Age of Applicant	<20 yrs	Count	17	23	5	1	46
		Expected Count	21.1	14.2	8.4	2.4	46.0
		% within Age of Applicant	37.0%	50.0%	10.9%	2.2%	100.0%
		% within Applicant's Representation	3.7%	7.4%	2.7%	1.9%	4.6%
		Std. Residual	1.5	-0.8			
>20 yrs	Count	134	108	54	19	315	
<30 yrs	Expected Count	144.2	97.0	57.2	16.6	315.0	
	% within Age of Applicant	42.5%	34.3%	17.1%	6.0%	100.0%	
	% within Applicant's Representation	29.1%	34.8%	29.5%	35.8%	31.3%	
	Std. Residual	-0.8	1.1	-0.4	0.6		
>30 yrs	Count	141	80	53	12	286	
<40 yrs	Expected Count	130.9	88.0	52.0	15.1	286.0	
	% within Age of Applicant	49.3%	28.0%	18.5%	4.2%	100.0%	
	% within Applicant's Representation	30.6%	25.8%	29.0%	22.6%	28.4%	
	Std. Residual	0.9	-0.9	0.1	-0.8		
>40 yrs	Count	112	63	56	17	248	
>50 yrs	Expected Count	113.5	76.3	45.1	13.1	248.0	
	% within Age of Applicant	45.2%	25.4%	22.6%	6.9%	100.0%	
	% within Applicant's Representation	24.3%	20.3%	30.6%	32.1%	24.6%	
	Std. Residual	-0.1	-1.5	1.6	1.1		
>50 yrs	Count	57	36	15	4	112	
	Expected Count	51.3	34.5	20.4	5.9	112.0	
	% within Age of Applicant	50.9%	32.1%	13.4%	13.6%	100.0%	
	% within Applicant's Representation	12.4%	11.6%	8.2%	7.5%	11.2%	
	Std. Residual	0.8	0.3	-1.2	-0.8		
Total	Count	461	310	183	53	1007	
	Expected Count	461.0	310.0	183.0	53.0	1007.0	
	% within Age of Applicant	45.8%	30.8%	18.2%	5.3%	100.0%	
	% within Applicant's Representation	100.0%	100.0%	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	22.069 <sup>a</sup>	12	.037
Likelihood Ratio	21.770	12	.040
Linear-by-Linear Association	.292	1	.589
N of Valid Cases	1007		

a. 1 cells (5.0%) have expected count less than 5. The minimum expected count is 2.42.

2.2 Gender

Table A11

APPLICANT'S GENDER AND SETTLEMENT

			Applicant's Gender		Total
			Male	Female	
Was the matter settled?	No	Count	238	143	379
		Expected Count	240.7	138.3	379.0
		% within Was the matter settled?	62.3%	37.6%	100.0%
	Yes	Count	415	231	646
		Expected Count	410.3	235.7	646.0
		% within Was the matter settled?	64.2%	35.8%	100.0%
Total	Count	651	374	1025	
	Expected Count	651.0	374.0	1025.0	
	% within Was the matter settled?	100.0%	100.0%	100.0%	
	Std. Residual	0.2	-0.3		

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.401 <sup>b</sup>	1	.527		
Continuity Correction <sup>a</sup>	.320	1	.571		
Likelihood Ratio	.400	1	.527		
Fisher's Exact Test				.546	.285
Linear-by-Linear Association	.401	1	.527		
N of Valid Cases	1025				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 138.29.

**Table A12**

**APPLICANT'S GENDER AND GROSS WEEKLY WAGE**

			Gross Weekly Wage \$ / week						Total	
			<500	>500 <600	>600 <700	>700 <800	>800 <900	>900 <1000		>1000
Applicant's gender	Male	Count	272	154	31	41	34	21	54	607
		Expected Count	316.8	131.7	26.8	46.4	25.8	18.9	43.5	607.0
		% within Applicant's Gender	44.8%	25.4%	5.1%	6.8%	5.6%	3.5%	8.9%	100.0%
		Std. Residual	-2.5	1.9	1.0	-0.7	1.6	0.5	1.6	
	Female	Count	229	55	10	31	7	9	15	356
		Expected Count	186.2	77.3	15.2	26.6	15.2	11.1	25.5	356.0
		% within Applicant's Gender	64.3%	15.4%	2.8%	8.7%	2.0%	2.5%	4.2%	100.0%
		Std. Residual	3.2	-2.25	-1.3	0.8	-2.1	-0.6	-2.1	
Total	Count	501	209	41	72	41	30	69	963	
	Expected Count	501.0	209.0	41.0	72.0	41.0	30.0	69.0	963.0	
	% within Applicant's Gender	52.0%	21.7%	4.3%	7.5%	4.3%	3.1%	7.2%	100.0%	

Gender *Gross Weekly Wage			
	Value	Df	P Significance Value
Pearson Chi-Square	44.989	6	.000
Likelihood Ratio	46.714	6	.000
Linear-by-Linear Association	20.311	1	.000
N of Valid Cases	965		

**Table A13**

**APPLICANT'S GENDER AND WHETHER APPLICANT HAS FOUND ANOTHER JOB**

			Has the applicant found another job?		Total
			Yes	No	
Applicant's gender	Male	Count	130	478	608
		Expected Count	144.3	463.7	608
		% within Applicant's gender	21.4%	78.6%	100
		St. Residual	-1.2	0.7	
Female	Count	100	261	361	
	Expected Count	85.7	275.3	361	
	% within Applicant's gender	27.7%	72.3%	100	
	St. Residual	1.5	-0.9		
Total	Count	230	739	969	
	Expected Count	230	739	969	
	% within Applicant's gender	23.7%	76.3%	100	

Was the matter settled? *Applicant's Gender				
	Value	Df	P Significance Value	Exact Sig. (2-sided)
Pearson Chi-Square	4.997	1	.025	
Continuity Correction	4.654	1	.031	
Likelihood Ratio	4.932	1	.026	
Fisher's Exact Test				.029
Linear-by-Linear Association	4.992	1	.025	
N of Valid Cases	969			

**Table A14**

**APPLICANT'S GENDER AND REPRESENTATION**

			Applicant's Representation				Total
			Solicitor	Self Represented	Union	Other	
Applicant's Gender	Male	Count	287	202	128	28	645
		Expected Count	293.3	198.1	118.7	34.9	645.0
		% within Applicant's Gender	44.5%	31.3%	19.8%	4.3%	100.0%
		% within Applicant's Representation	62.1%	64.7%	68.4%	60.9%	63.5%
		Std. Residual	-0.4	0.3	0.9	-1.2	
	Female	Count	175	110	59	27	371
		Expected Count	175.0	110.0	59.0	27.0	371.0
		% within Applicant's Gender	168.7%	113.9%	68.3%	20.1%	371.0%
		% within Applicant's Representation	37.9%	35.3%	31.6%	49.1%	36.5%
		Std. Residual	0.5	-0.4	-1.1	1.5	
Total	Count	462	312	187	55	1016	
	Expected Count	462.0	312.0	187.0	55.0	1016.0	
	% within Applicant's Gender	45.5%	30.7%	18.4%	5.4%	100.0%	
	% within Applicant's Representation	100.0%	100.0%	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	6.324 <sup>a</sup>	3	.097
Likelihood Ratio	6.233	3	.101
Linear-by-Linear Association	.016	1	.900
N of Valid Cases	1016		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 20.08.

**Table A15**

			Applicant's Gender		Total
			Male	Female	
Age of Applicant	>20 yrs <30 yrs	Count	11	5	16
		% within Applicant's Gender	37.9%	20.8%	30.2%
	>30 yrs <40 yrs	Count	7	10	17
		% within Applicant's Gender	24.1%	41.7%	32.1%
	>40 yrs <50 yrs	Count	8	7	15
		% within Applicant's Gender	27.6%	29.2%	28.3%
	>50 yrs	Count	3	2	5
		% within Applicant's Gender	10.3%	8.3%	9.4%
Total	Count	29	24	53	
	% within Applicant's Gender	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	2.597 <sup>a</sup>	3	.458
Likelihood Ratio	2.634	3	.452
Linear-by-Linear Association	.296	1	.586
N of Valid Cases	53		

a. 2 cells (25.0%) have expected count less than 5. The minimum expected count is 2.26.

**Table A16**

**BUSINESS SIZE \*APPLICANT'S GENDER**

			Applicant's Gender		Total
			Male	Female	
Business Size	<10 employees	Count	2	2	4
		% within Applicant's Gender	6.9%	8.7%	7.7%
	10-20 employees	Count	2	2	4
		% within Applicant's Gender	6.9%	8.7%	7.7%
	20-50 employees	Count	5	3	8
		% within Applicant's Gender	17.2%	13.0%	15.4%
	>50 employees	Count	20	16	36
		% within Applicant's Gender	69.0%	69.6%	69.2%
Total	Count	29	23	52	
	% within Applicant's Gender	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	.256 <sup>a</sup>	3	.968
Likelihood Ratio	.257	3	.968
Linear-by-Linear Association	.034	1	.855
N of Valid Cases	52		

a. 6 cells (75.0%) have expected count less than 5. The minimum expected count is 1.77.

**Table A17**

**EMPLOYMENT SECTOR AND APPLICANT'S GENDER**

			Applicant's Gender		Total
			Male	Female	
Employment Sector	Private	Count	21	16	37
		% within Applicant's Gender	72.4%	66.7%	69.8%
	Public	Count	7	6	13
		% within Applicant's Gender	24.1%	25.0%	24.5%
	Other	Count	1	2	3
		% within Applicant's Gender	3.4%	8.3%	5.7%
Total		Count	29	24	53
		% within Applicant's Gender	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	.620 <sup>a</sup>	2	.734
Likelihood Ratio	.622	2	.733
Linear-by-Linear Association	.424	1	.515
N of Valid Cases	53		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 1.36.

## 2.3 Ethnicity

**Table A18**

			Is English the Applicant's First Language		Total
			Yes	No	
Was the matter	No	Count	327	53	380
		Expected Count	338.0	42.0	380.0
		% within Is English the Applicant's First Language	35.9%	46.9%	37.1%
	Yes	Count	538	60	643
		Expected Count	572.0	71.0	643.0
		% within Is English the Applicant's First Language	64.1%	53.1%	62.9%
Total	Count	910	113	1023	
	Expected Count	910.0	113.0	1023.0	
	% within Is English the Applicant's First Language	100.0%	100.0%	100.0%	

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	5.180 <sup>b</sup>	1	.023		
Continuity Correction <sup>a</sup>	4.721	1	.030		
Likelihood Ratio	5.054	1	.025		
Fisher's Exact Test				.030	.016
Linear-by-Linear Association	5.175	1	.023		
N of Valid Cases	1023				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 41.97.

### 3. The Respondent

#### 3.1 Size

Table A19

**BUSINESS SIZE AND SETTLEMENT**

		Business Size				Total	
		<10 employees	10-20 employees	20-50 employees	>50 employees		
Was the matter settled?	No	Count	74	76	76	139	365
		Expected Count	101.4	83.7	70.0	109.9	365.0
		% within Business Size	27.0%	33.6%	40.2%	46.8%	37.0%
		Std. Residual	-2.7	-0.8	0.7	2.8	
Yes		Count	200	150	113	158	621
		Expected Count	172.6	142.3	119.0	187.1	621.0
		% within Business Size	73.0%	66.4%	59.8%	53.2%	63.0%
		Std. Residual	2.1	0.6	-0.6	-2.1	
Total		Count	274	226	189	297	986
		Expected Count	274.0	226.0	189.0	297.0	986.0
		% within Business Size	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	25.911 <sup>a</sup>	3	.000
Likelihood Ratio	26.134	3	.000
Linear-by-Linear Association	25.884	1	.000
N of Valid Cases	986		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 69.96.

**Table A20**

**BUSINESS SECTOR AND SETTLEMENT**

			Business Sector			Total
			Private	Public	Other	
Was the matter settled?	No	Count	333	33	9	375
		Expected Count	345.8	23.3	5.9	375.0
		% within Employment Sector	35.6%	52.4%	56.3%	36.9%
	Yes	Count	603	30	7	640
		Expected Count	590.2	29.7	10.1	640.0
		% within Employment Sector	64.4%	47.6%	43.8%	63.1%
	Total	Count	936	63	16	1015
		Expected Count	936.0	63.0	16.0	1015.0
		% within Employment Sector	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.755 <sup>a</sup>	2	.008
Likelihood Ratio	9.400	2	.009
Linear-by-Linear Association	9.181	1	.002
N of Valid Cases	1015		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 5.91.

### 3.3 Ethnicity

**Table A21**

**IS ENGLISH THE RESPONDENT'S FIRST LANGUAGE AND SETTLEMENT**

			Is English the Respondent's First Language		Total
			Yes	No	
Was the matter	No	Count Expected Count % within Is English the Resondent's First Language Std. Residual	345 347.6 37.3% -0.1	21 18.4 42.9% 0.6	366 36.0 37.5%
	Yes	Count % within Is English the Resondent's First Language % within Is English the Resondent's First Language Std. Residual	581 578.4 62.7% 0.1	28 30.6 57.1% -0.5	609 609.0 62.5%
Total		Count Expected Count % within Is English the Resondent's First Language	926 926.0 100.0%	49 49.0 100.0%	975 975.0 100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.622 <sup>b</sup>	1	.430		
Continuity Correction <sup>a</sup>	.407	1	.524		
Likelihood Ratio	.613	1	.434		
Fisher's Exact Test				.451	.260
Linear-by-Linear Association	.622	1	.430		
N of Valid Cases	975				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 18.39.

4. The Parties - Miscellaneous

4.1 Reason for Termination

**Table A22**

			Reason Given for Dismissal				Total
			Performance	Attitude	Fighting/ Abusive Language	Other	
Was the matter settled?	No	Count	110	25	8	228	371
		Expected Count	132.1	28.2	11.1	199.6	371.0
		% within Business Size	30.9%	32.9%	26.7%	42.4%	37.1%
		Std. Residual	-1.9	-0.6	-0.9	2	
	Yes	Count	246	51	22	310	629
		Expected Count	223.9	47.8	18.9	338.4	629.0
		% within Business Size	69.1%	67.1%	73.3%	57.6%	62.9%
Std. Residual		1.5	0.5	0.7	-1.5		
Total	Count	356	76	30	538	1000	
	Expected Count	356.0	76.0	30.0	538.0	1000.0	
	% within Business Size	100.0%	100.0%	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	14.267 <sup>a</sup>	3	.003
Likelihood Ratio	14.394	3	.002
Linear-by-Linear Association	12.435	1	.000
N of Valid Cases	1000		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 11.13.

## 4.2 Representation

**Table A23**

<b>APPLICANT'S REPRESENTATION AND SETTLEMENT</b>							
		<b>Applicant's Representation</b>				<b>Total</b>	
		<b>Solicitor</b>	<b>Self Represented</b>	<b>Union</b>	<b>Other</b>		
<b>Was the matter settled</b>	<b>No</b>	<b>Count</b>	188	90	80	18	376
		<b>Expected Count</b>	171.7	116.2	68.7	20.3	376.0
		<b>% within Applicant's Representation</b>	40.4%	28.8%	43.0%	32.7%	36.9%
		<b>Std. Residual</b>	1.2	-2.4	1.4	-0.5	
<b>Yes</b>		<b>Count</b>	277	222	108	37	642
		<b>Expected Count</b>	293.3	196.8	117.3	34.7	642.0
		<b>% within Applicant's Representation</b>	59.6%	71.2%	57.0%	67.3%	63.1%
		<b>Std. Residual</b>	-0.9	1.8	-1	0.4	
<b>Total</b>		<b>Count</b>	465	312	186	55	1018
		<b>Expected Count</b>	465.0	312.0	186.0	55.0	1018.0
		<b>% within Applicant's Representation</b>	100.0%	100.0%	100.0%	100.0%	100.0%

### Chi-Square Tests

	<b>Value</b>	<b>df</b>	<b>Asymp. Sig. (2-sided)</b>
<b>Pearson Chi-Square</b>	14.568 <sup>a</sup>	3	.002
<b>Likelihood Ratio</b>	14.813	3	.002
<b>Linear-by-Linear Association</b>	.467	1	.494
<b>N of Valid Cases</b>	1018		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 20.31.

**Table A24**

**RESPONDENT'S REPRESENTATION AND SETTLEMENT**

		Respondent's Representation				Total	
		Self Represented	Solicitor	Employer Organisation	Other		
Was the matter settled	No	Count	124	126	120	8	378
		Expected Count	126.7	127.9	114.8	8.5	378.0
		% within Respondent's Representation	36.4%	36.6%	38.8%	34.8%	37.2%
		Std. Residual	-0.2	-0.2	0.5	-0.2	
Yes		Count	217	218	189	15	639
		Expected Count	214.3	216.1	194.2	14.5	639.0
		% within Respondent's Representation	63.6%	63.4%	61.2%	65.2%	62.8%
		Std. Residual	0.2	0.1	-0.4	0.1	
Total		Count	341	344	309	23	1017
		Expected Count	341.0	344.0	309.0	23.0	1017.0
		% within Respondent's Representation	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	.561 <sup>a</sup>	3	.905
Likelihood Ratio	.560	3	.906
Linear-by-Linear Association	.266	1	.606
N of Valid Cases	1017		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 8.55.

**Table A25**

**COMBINATION OF REPRESENTATION AND SETTLEMENT**

		Combination of Representation									Total	
		Applicant-Self/ Employer-Self	Applicant-Self/ Employer-Solicitor	Applicant-Self/ Employer- Employer Org	Applicant- Solicitor/ Employer-Self	Applicant- Solicitor/ Employer-Solicitor	Applicant-Union/ Employer- Employer Org	Applicant-Union/ Employer-Self	Applicant-Union/ Employer-Solicitor	Applicant-Union/ Employer- Employer Org		
Was the matter settled?	Yes	Count	109	50	56	66	132	72	23	27	50	585
		Expected Count	89.0	48.2	53.7	76.2	128.0	80.5	32.5	28.7	49.3	585.0
		% within Combination of Representation	75.7%	68.0%	65.1%	54.0%	64.4%	55.8%	44.0%	59.0%	63.3%	62.4%
	No	Std. Residual	2	0.6	0.3	-1.2	0.4	-1	-1.7	-0.3	0.1	
		Count	35	24	30	56	73	57	29	19	29	352
		Expected Count	54.1	27.8	32.3	45.8	77.0	48.5	18.5	17.3	28.7	352.0
		% within Combination of Representation	24.3%	32.0%	34.9%	48.0%	35.6%	44.2%	56.0%	41.0%	36.7%	37.6%
		Std. Residual	-2.6	-0.7	-0.4	1.5	-0.5	1.2	2.1	0.4	-0.1	
Total		Count	144	74	86	122	205	129	52	46	79	937
		Expected Count	144.0	74.0	86.0	122.0	205.0	129.0	52.0	45.0	79.0	937.0
		% within Combination of Representation	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	
Pearson Chi-Square	25.896 <sup>a</sup>	8	.001
Likelihood Ratio	26.209	8	.001
Linear-by-Linear Association	7.962	1	.005
N of Valid Cases	937		

a. 0 cells (.0%) have expected count less than 5.  
The minimum expected count is 17.28.

**Table A26****BUSINESS SIZE AND COMBINATION OF REPRESENTATION**

		Combination of Representation	Total
		Applicant-Union/ Employer-Self	
Business Size <10 employees	Count	4	4
	% within Combination of Representation	7.7%	7.7%
10-20 employees	Count	4	4
	% within Combination of Representation	7.7%	7.7%
20-50 employees	Count	8	8
	% within Combination of Representation	15.4%	15.4%
>50 employees	Count	36	36
	% within Combination of Representation	69.2%	69.2%
Total	Count	52	52
	% within Combination of Representation	100.0%	100.0%

5. The Conciliation Process

5.1 Preconciliation Discussions

**Table A27**

**HAVE THE PARTIES DISCUSSED THE MATTER PRIOR TO THE CONCILIATION CONFERENCE? AND SETTLEMENT**

			Have the Parties Discussed the Matter Prior to the Conciliation Conference?		Total
			Yes	No	
Was the matter settled?	No	Count Expected Count % within Have the parties discussed the matter prior to the conciliation conference? Std. Residual	131 128.5 37.9% 0.2	241 243.5 36.7% -0.2	372 372.0 37.1%
	Yes	Count Expected Count % within Have the parties discussed the matter prior to the conciliation conference? Std. Residual	215 217.5 62.1% -0.2	415 412.5 63.3% 0.1	630 630.0 62.9%
Total		Count Expected Count % within Have the parties discussed the matter prior to the conciliation conference?	346 346.0 100.0%	656 656.0 100.0%	1002 1002.0 100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	.122 <sup>b</sup>	1	.726		
Continuity Correction <sup>a</sup>	.079	1	.779		
Likelihood Ratio	.122	1	.727		
Fisher's Exact Test				.731	.389
Linear-by-Linear Association	.122	1	.726		
N of Valid Cases	1002				

a. Computed only for a 2x2 table

b. 0 cells (.0%) have expected count less than 5. The minimum expected count is 128.46.

5.2 Duration of the Conciliation Conference

**Table A28**

**LENGTH OF CONFERENCE AND SETTLEMENT**

			Length of Conference					Total	
			<30 minutes	>30 minutes <45 minutes	>45 minutes <1 hour	>1 hour <1 hour 15 minutes	>1 hour 15 minutes <1 hour 30 minutes		>1 hour 30 minutes
Was the matter settled?	No	Count	29	89	111	34	58	47	368
		Expected Count	21.0	68.1	110.1	37.8	69.6	71.6	368.0
		% within Length of Conference	51.8%	48.9%	37.8%	33.7%	36.5%	24.6%	37.4%
		Std. Residual	1.8	2.5	0.1	-0.6	-0.2	-2.9	
	Yes	Count	27	93	183	67	101	144	615
		Expected Count	35.0	113.9	183.9	63.2	99.5	119.5	615.0
		% within Length of Conference	48.2%	51.1%	62.2%	66.3%	63.5%	75.4%	62.6%
		Std. Residual	-1.4	-2	-0.1	0.5	0.2	2.2	
Total		Count	56	182	294	101	159	191	983
		Expected Count	56.0	182.0	294.0	101.0	159.0	191.0	983.0
		% within Length of Conference	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	29.247 <sup>a</sup>	5	.000
Likelihood Ratio	29.630	5	.000
Linear-by-Linear Association	24.803	1	.000
N of Valid Cases	983		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 20.96.

**Table A29**

**LENGTH OF CONFERENCE AND COMBINATIONS OF FACILITATOR/INTERVENTIONIST SCORES**

		Combinations of Facilitator / Interventionist Scores									Total
		Int 1 / Fac 5	Int 2 / Fac 4	Int 2 / Fac 3	Int 3 / Fac 2	Int 3 / Fac 3	Int 4 / Fac 2	Int 4 / Fac 3	Int 4 / Fac 4	Int 5 / Fac 4	
<b>&lt;30 minutes</b>	Count	0	5	1	10	18	14	6	1	1	55
	Expected Count	1.4	8.2	8.4	3.1	8.3	8.9	7.9	8.9	8.8	58.9
	% within Length of Conference	0.0%	8.9%	1.8%	17.8%	32.1%	25.0%	10.7%	1.8%	1.8%	100.0%
	% within Combinations of Facilitator/Interventionist scores	0.0%	3.5%	0.9%	18.2%	12.4%	13.3%	4.9%	0.9%	0.8%	5.7%
	Std. Residual	-1.2	-1.1	-2.1	3.9	3.4	3.3	-0.4	-2.1	-2.8	
<b>&gt;30 minutes &lt;45 minutes</b>	Count	0	48	19	19	19	21	15	13	29	182
	Expected Count	4.8	28.5	28.8	16.2	28.8	18.9	22.8	18.8	31.3	182.8
	% within Length of Conference	0.0%	28.4%	9.9%	10.4%	10.4%	11.9%	8.2%	7.1%	16.9%	100.0%
	% within Combinations of Facilitator/Interventionist scores	0.0%	33.6%	16.1%	34.6%	13.1%	20.0%	12.3%	12.3%	17.2%	18.6%
	Std. Residual	-2.2	4.2	-0.8	2.8	-1.5	0.3	-1.6	-1.5	-0.4	
<b>&gt;45 minutes &lt;1 hour</b>	Count	2	53	42	23	35	38	29	13	59	294
	Expected Count	7.5	42.8	33.5	16.5	43.4	31.4	36.5	31.7	58.8	294.8
	% within Length of Conference	5.0%	18.0%	14.3%	7.8%	11.8%	12.9%	9.8%	4.4%	20.1%	100.0%
	% within Combinations of Facilitator/Interventionist scores	8.0%	37.1%	37.5%	41.8%	24.1%	36.2%	23.8%	12.3%	34.9%	29.8%
	Std. Residual	-2	1.8	1.6	1.8	-1.3	1.2	-1.2	-3.3	1.2	
<b>&gt;1 hour &gt;1 hour 15 minutes</b>	Count	6	8	7	3	24	13	11	7	28	101
	Expected Count	2.8	14.7	11.9	5.7	14.8	18.8	12.3	18.9	17.4	98.9
	% within Length of Conference	5.0%	7.9%	6.9%	1.0%	23.8%	12.6%	10.8%	6.9%	24.8%	100.0%
	% within Combinations of Facilitator/Interventionist scores	20.0%	5.8%	8.3%	1.8%	18.8%	12.4%	9.0%	6.6%	14.8%	10.3%
	Std. Residual	1.5	-1.7	-1.3	-2	2.4	0.7	-0.4	-1.2	1.8	
<b>&gt;1 hour 15 minutes &lt;1 hour 30 minutes</b>	Count	5	19	27	0	30	11	13	26	27	158
	Expected Count	4.8	23.8	18.8	8.8	23.3	18.8	18.8	17.1	27.2	158.8
	% within Length of Conference	3.2%	12.0%	17.1%	0.0%	19.0%	7.0%	8.2%	16.5%	17.1%	100.0%
	% within Combinations of Facilitator/Interventionist scores	20.0%	13.3%	24.1%	80.0%	20.7%	10.8%	10.7%	24.5%	16.0%	18.1%
	Std. Residual	0.5	-0.8	2.1	-3	1.4	-1.4	-1.5	2.2	0	
<b>&gt;1 hour 30 minutes</b>	Count	13	10	17	2	19	8	48	48	28	191
	Expected Count	4.8	27.8	21.8	18.7	28.2	28.4	23.7	28.8	32.8	191.8
	% within Length of Conference	6.8%	5.2%	8.8%	1.0%	9.6%	4.2%	25.1%	24.1%	14.7%	100.0%
	% within Combinations of Facilitator/Interventionist scores	82.0%	7.0%	16.2%	3.8%	13.1%	7.6%	38.3%	43.4%	16.8%	19.5%
	Std. Residual	3.7	-3.4	-1	-2.7	-1.7	-2.7	5.0	5.8	-0.8	
<b>Total</b>	Count	28	143	112	56	148	108	122	108	189	982
	Expected Count	25.8	143.8	112.8	55.8	145.8	105.8	122.8	106.8	188.8	982.8
	% within Length of Conference	2.5%	14.8%	11.4%	5.6%	14.8%	10.7%	12.4%	10.8%	17.2%	100.0%
	% within Combinations of Facilitator/Interventionist scores	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	269.634 <sup>a</sup>	40	.000
Likelihood Ratio	275.908	40	.000
Linear-by-Linear Association	13.596	1	.000
N of Valid Cases	982		

a. 6 cells (11.1%) have expected count less than 5. The minimum expected count is 1.43.

### 5.3 Conciliator Experience

**Table A30**

**NO OF YEARS AS CONCILIATOR AND SETTLEMENT**

			No. of Years as Conciliator				Total
			<2 years	>2<5 years	>5<10 years	>10 years	
Was the matter settled	No	Count	235	109	22	15	381
		Expected Count	189.8	104.7	23.4	63.1	381.0
		% within No of Years as Conciliator	46.0%	38.7%	34.9%	8.8%	37.1%
		Std. Residual	3.3	0.4	-0.3	-6.1	
	Yes	Count	276	173	41	155	645
		Expected Count	321.2	177.3	39.6	106.9	645.0
		% within No of Years as Conciliator	54.0%	61.3%	65.1%	91.2%	62.9%
		Std. Residual	-2.5	-0.3	0.2	4.7	
Total	Count	511	282	63	170	1026	
	Expected Count	511.0	282.0	63.0	170.0	1026.0	
	% within No of Years as Conciliator	100.0%	100.0%	100.0%	100.0%	100.0%	

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	75.937 <sup>a</sup>	3	.000
Likelihood Ratio	89.268	3	.000
Linear-by-Linear Association	70.320	1	.000
N of Valid Cases	1026		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 23.39.

5.4 Facilitative

**Table A31**

**CONCILIATOR RANKING - FACILITATIVE AND SETTLEMENT**

			Conciliator Ranking - Facilitative				Total
			2	3	4	5	
Was the matter settled	No	Count	169	162	36	14	381
		Expected Count	116.6	152.3	102.9	9.3	381.0
		% within Conciliator Ranking - Facilitative	53.8%	39.5%	13.0%	56.0%	37.1%
		Std. Residual	4.9	0.8	-6.6	1.5	
	Yes	Count	145	248	241	11	645
		Expected Count	197.4	257.7	174.1	15.7	645.0
		% within Conciliator Ranking - Facilitative	46.2%	60.5%	87.0%	44.0%	62.9%
		Std. Residual	-3.7	-0.6	5.1	-1.2	
Total		Count	314	410	277	25	1026
		Expected Count	314.0	410.0	277.0	25.0	1026.0
		% within Conciliator Ranking - Facilitative	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	111.394 <sup>a</sup>	3	.000
Likelihood Ratio	121.654	3	.000
Linear-by-Linear Association	74.720	1	.000
N of Valid Cases	1026		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 9.28.

5.5 Interventionist

**Table A32**

		Conciliator ranking - Interventionist					Total	
		1	2	3	4	5		
Was the matter settled?	No	Count	14	155	94	103	15	381
		Expected Count	9.3	99.5	77.2	131.8	63.1	381.0
		% within Conciliator Ranking - Interventionist	56.0%	57.8%	45.2%	29.0%	8.8%	37.1%
		Std. Residual	1.5	5.6	1.9	-0.25	-6.1	
	Yes	Count	11	113	114	252	155	645
	Expected Count	15.7	168.5	130.8	223.2	106.9	645.0	
	% within Conciliator Rating - Interventionist	44.0%	42.2%	54.8%	71.0%	91.2%	62.9%	
Total		Count	25	268	208	355	170	1026
		Expected Count	25.0	268.0	208.0	355.0	170.0	1026.0
		% within Conciliator Ranking - Interventionist	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	127.188 <sup>a</sup>	4	.000
Likelihood Ratio	138.915	4	.000
Linear-by-Linear Association	122.172	1	.000
N of Valid Cases	1026		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 9.28.

5.6 Conciliator Style

**Table A33**

**STYLE OF CONCILIATOR AND SETTLEMENT**

		Style of Conciliator						Total	
		4	5	6	7	8	9		
Was the matter settled?	No	Count	92	95	121	37	21	15	381
		Expected Count	84.2	66.5	108.6	50.9	39.7	63.1	381.0
		% within Style of Conciliator	63.0%	53.1%	42.2%	27.0%	19.6%	8.8%	37.1%
		Std. Residual	5.1	3.5	1.4	-1.9	-3.9	-6.1	
	Yes	Count	54	84	166	100	86	155	645
		Expected Count	91.8	112.6	180.4	86.1	67.3	106.9	645.0
		% within Style of Conciliator	37.0%	46.9%	57.8%	73.0%	80.5%	91.2%	62.9%
Total		Count	146	179	287	137	107	170	1026
		Expected Count	146.0	179.0	287.0	137.0	107.0	170.0	1026.0
		% within Style of Conciliator	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	142.905 <sup>a</sup>	5	.000
Likelihood Ratio	155.724	5	.000
Linear-by-Linear Association	141.968	1	.000
N of Valid Cases	1026		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 39.73.

**Table A34**

**MEDIATOR RANKING - FACILITATIVE AND LENGTH OF CONFERENCE**

		Length of Conference						Total	
		<30 minutes	>30 minutes <45 minutes	>45 minutes <1 hour	>1 hour <1 hour 15 minutes	>1 hour 15 minutes <1 hour 30 minutes	>1 hour 30 minutes		
Mediator Ranking - Facilitative	2	Count	29	88	114	22	30	20	303
		% within Mediator Ranking - Facilitative	9.6%	29.0%	37.6%	7.3%	9.9%	6.6%	100.0%
	3	Count	51.8%	48.4%	38.8%	21.8%	19.0%	10.5%	30.9%
		% within Length of Conference	6.6%	13.7%	28.0%	11.1%	18.5%	22.2%	100.0%
	4	Count	44.6%	28.6%	36.1%	41.6%	44.3%	44.0%	38.6%
		% within Mediator Ranking - Facilitative	2.0%	42.0%	72.0%	32.0%	53.0%	74.0%	275.0%
	5	Count	3.6%	23.1%	24.5%	31.7%	33.5%	38.7%	28.0%
		% within Mediator Ranking - Facilitative			2	5	5	13	25
		% within Length of Conference			8.0%	20.0%	20.0%	52.0%	100.0%
Total		Count	56	182	294	101	158	191	982
		% within Mediator Ranking - Facilitative	5.7%	18.5%	29.9%	10.3%	16.1%	19.5%	100.0%
		% within Length of Conference	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Case Processing Summary**

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Conciliator Ranking - Facilitative * LENGTH OF CONFERENCE	982	95.4%	47	4.6%	1029	100.0%

**Table A35**

**COMBINATIONS OF FACILITATOR/INTERVENTIONIST RANKINGS AND SETTLEMENT**

			Combinations of Facilitator / Interventionist Rankings								Total	
			Int 1 / Fac 5	Int 2 / Fac 4	Int 2 / Fac 3	Int 3 / Fac 2	Int 3 / Fac 3	Int 4 / Fac 2	Int 4 / Fac 3	Int 4 / Fac 4		Int 5 / Fac 4
Was the matter settled?	No	Count	14	92	63	32	62	45	37	21	15	381
		Expected Count	9.3	54.2	45.3	21.2	58.1	41.2	50.9	39.7	63.1	381.0
		% within Combinations of Facilitator/Interventionist scores	56.0%	63.0%	41.5%	56.1%	41.1%	40.5%	27.0%	19.6%	8.8%	37.1%
		Std. Residual	1.5	5.1	2.6	2.4	0.8	0.6	-1.9	-3	-6.1	
	Yes	Count	11	54	59	25	89	66	100	86	155	645
		Expected Count	15.7	91.8	76.7	35.8	94.9	69.8	86.1	67.3	106.9	645.0
		% within Combinations of Facilitator/Interventionist scores	44.0%	37.0%	48.4%	43.9%	58.9%	59.5%	73.0%	80.4%	91.2%	62.9%
		Std. Residual	-1.2	-3.9	-2	-1.8	-0.6	-0.5	1.5	2.3	4.7	
Total	Count	25	146	122	57	151	111	137	107	170	1026	
	Expected Count	25.0	146.0	122.0	57.0	151.0	111.0	137.0	107.0	170.0	1026.0	
	% within Combinations of Facilitator/Interventionist scores	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	

Was the matter settled? *Combinations of Facilitator/Interventionist Score			
	Value	Df	P Significance Value
Pearson Chi-Square	145.496	8	.000
Likelihood Ratio	158.167	8	.000
Linear-by-Linear Association	134.622	1	.000
N of Valid Cases	1026	1	.000

6. Case Processing Summary

Table A36

CASE PROCESSING SUMMARY

	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Was the matter settled?						
*Age of Applicant	1016	98.7%	13	1.3%	1029	100.0%
Was the matter settled?						
*Occupation Group	1019	99.0%	10	1.0%	1029	100.0%
Was the matter settled?						
*Gross Weekly Wage \$/week	965	93.8%	64	6.2%	1029	100.0%
Was the matter settled?						
*Period of Service	1008	98.0%	21	2.0%	1029	100.0%
Was the matter settled?						
*Applicant's Gender	1025	99.6%	4	0.4%	1029	100.0%
Was the matter settled?						
*Is English the Applicant's First Language	1023	99.4%	6	0.6%	1029	100.0%
Was the matter settled?						
*Has the Applicant Found Another Job	971	94.4%	58	5.6%	1029	100.0%
Was the matter settled?						
*Business Size	986	95.8%	43	4.2%	1029	100.0%
Was the matter settled?						
*Employment Sector	1015	98.6%	14	1.4%	1029	100.0%
Was the matter settled?						
*Is English the Respondent's First Language	975	94.8%	54	5.2%	1029	100.0%
Was the matter settled?						
*Applicant's Representation	1018	98.9%	11	1.1%	1029	100.0%
Was the matter settled?						
*Employer's Representation	1017	98.8%	12	1.2%	1029	100.0%
Was the matter settled?						
*Have the parties discussed the matter prior to the conciliation conference	1002	97.4%	27	2.6%	1029	100.0%
Was the matter settled?						
*Reason Given for Dismissal	1000	97.2%	29	2.8%	1029	100.0%
Was the matter settled?						
*Length of Conference	983	95.5%	46	4.5%	1029	100.0%
Was the matter settled?						
*Conciliator Ranking - Facilitative	1026	99.7%	3	0.3%	1029	100.0%
Was the matter settled?						
*Conciliator Ranking - Interventionist	1026	99.7%	3	0.3%	1029	100.0%
Was the matter settled?						
*Style of Conciliator	1026	99.7%	3	0.3%	1029	100.0%

CONCILIATOR SCORING SHEET

CONCILIATOR..... DATE..... POINTS

A. Facilitation

1. Venue
  - conference room format (1 pt)
  - hearing room/conciliator distant (-1 pt)
2. Opening
  - explanation of the purpose of the conference (1-3 pts)
3. Empathy
  - maintained eye contact (1 pt)
  - body language (leant forward; engaged speaker) (1 pt)
  - other expressions of concern and perspective taking (1 pt)
  - abrupt/interrupted speakers (-1 pt)
4. Active listening and rephrasing (1-3 pts)
5. Provided an opportunity for parties to have a say (1-3 pts)
6. Identified issues and set agenda (1-3 pts)
7. Controlled hostility and reduced emotional tension (1-3 pts)
8. Use of caucuses (1 pt)

Total Facilitation:

B. Intervention

1. Identified the weaknesses of each parties case (1-3 pts)
2. Raise other settlements in similar cases (1 pt)
3. Discussed the costs of continued disagreement relative to the likely outcome at arbitration (1-3 pts)
4. Suggestions for settlement (1-3 pts)
5. Strategic suggestions - advice on concession strategy or timing of responses (1-3 pts)
6. Recommendation for resolution (1-3 pts)
7. Threaten to quit if no progress made (1-3 pts)

Total Intervention:

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