

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 287(2) - application for a General Ruling with regard to the establishment of a Queensland Minimum Wage

Minister for Industrial Relations AND Queensland Council of Unions; The Australian Workers' Union of Employees, Queensland AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers; Retailers' Association of Queensland Limited, Union of Employers; The Restaurant and Caterers Employers Association of Queensland Industrial Organisation of Employers (No. B1106 of 2002)

AMENDED GENERAL RULING IN RELATION TO A QUEENSLAND MINIMUM WAGE FOR ALL EMPLOYEES

PRESIDENT HALL
VICE PRESIDENT LINNANE
COMMISSIONER EDWARDS

21 March 2003

ORDER

This matter, coming on for hearing before the Full Bench of the Queensland Industrial Relations Commission at Brisbane on 5 December 2002, the Commission orders that a General Ruling about a Queensland Minimum Wage for all employees including award free employees be issued as follows:

QUEENSLAND MINIMUM WAGE - GENERAL RULING

1. (a) The minimum rate per week for all full-time employees in Queensland is \$431.40 per week.
(b) An employee is an employee as defined in s. 5 of the *Industrial Relations Act 1999* who is not -
 - (i) a disabled person or a person working in supported employment service;
 - (ii) a person whose services are paid wholly by commission or percentage rewards;
 - (iii) a piece rate worker;
 - (iv) a volunteer; or
 - (v) an apprentice or trainee under the *Training and Employment Act 2000*.
2. (a) Award free employees who are engaged on a permanent part-time or casual basis shall be entitled to a minimum rate of the Queensland Minimum Wage divided by 40 for each hour or part thereof (including hours worked in excess of 40 per week).
(b) Notwithstanding 1.(b)(iii) piece rate workers entitled to a rate derived from a weekly rate for full-time employees shall be entitled to derive that rate from the minimum rate per week for full-time employees as stated in 1.(a), if that minimum rate exceeds the otherwise nominated full-time weekly rate.
(c) Award free employees under the age of 21 shall be entitled to a minimum rate of pay calculated as a percentage of the Queensland Minimum Wage, or the equivalent hourly rate determined in accordance with (a) above. The junior percentage rates are as follows:

Age	Percentage	Wages per week
		\$
17 years and under or 1st year of experience - (whichever yields the greater rate)	55%	237.27
18 years or 2nd year of experience - (whichever yields the greater rate)	65%	280.41
19 years but less than 3rd year of experience	75%	323.55
3rd year of experience -	85%	366.69
20 years and over -	100%	431.40

3. This general ruling shall have no application to employees whose engagement is governed by an industrial instrument other than an award on 20 December 2002, during the currency of that industrial instrument.

4. The date of operation of this general ruling is the beginning of the first pay period commencing after 1 April 2003.

Dated 21 March 2003.

D.R. HALL, President.

D.M. LINNANE, Vice President.

K.L. EDWARDS, Commissioner.

Released: 18 March 2003

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 287 - application for declaration of a general ruling
s. 288 - application for declaration of policy

Queensland Council of Unions AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. B777 of 2003)

AND

The Australian Workers' Union of Employees, Queensland AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. B784 of 2003)

VICE PRESIDENT LINNANE
DEPUTY PRESIDENT BLOOMFIELD
COMMISSIONER FISHER

1 August 2003

DECLARATION OF GENERAL RULING

This Commission declares by way of a General Ruling that all awards be amended to include the following provisions:

1. Arbitrated Wage Adjustment (see full declaration for details)

2. Queensland Minimum Wage

- (a) The minimum rate per week for all full-time employees in Queensland is \$448.40 per week.
- (b) An employee is an employee as defined in s. 5 of the *Industrial Relations Act 1999* who is not -
- (i) a disabled person or a person working in supported employment services;
 - (ii) a person whose services are paid wholly by commission or percentage rewards;
 - (iii) a piece rate worker;
 - (iv) a volunteer; or
 - (v) an apprentice or trainee under the *Training and Employment Act 2000*.
- (c) Award free employees who are engaged on a permanent part-time or casual basis shall be entitled to a minimum rate of the Queensland Minimum Wage divided by 40 for each hour or part thereof (including hours worked in excess of 40 per week).
- (d) Notwithstanding clause 2(b)(iii), piece rate workers entitled to a rate derived from a weekly rate for full-time employees shall be entitled to derive that rate from the minimum rate per week for full-time employees as stated in clause 2(a), if that minimum rate exceeds the otherwise nominated full-time weekly rate.
- (e) Award free employees under the age of 21 shall be entitled to a minimum rate of pay calculated as a percentage of the Queensland Minimum Wage, or the equivalent hourly rate determined in accordance with clause 2(c). The junior percentage rates are as follows:

Age	Percentage	Wages Per Week
17 years and under or 1st year of experience (whichever yields the greater rate)	55%	\$246.62
18 years or 2nd year of experience (whichever yields the greater rate)	65%	\$291.46
19 years or 3rd year of experience	75%	\$336.30
3rd year of experience	85%	\$381.14
20 years and over	100%	\$448.40

- (f) This General Ruling shall have no application to employees whose engagement is governed by an industrial instrument other than an award on 20 December 2002, during the currency of that industrial instrument.

3. Date of Operation

This Declaration shall apply from 1 September 2003.

Dated 1 August 2003.

By the Commission,
[L.S.] E. EWALD,
Industrial Registrar.

Operative date: 1 September 2003
Order - Safety Net Adjustment - Declaration of General Ruling
Released: 1 August 2003