

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

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

**Queensland Council of Unions AND Queensland Chamber of Commerce and Industry Limited,
Industrial Organisation of Employers and Others (B/2009/41)**

**The Australian Workers' Union of Employees, Queensland AND Queensland Chamber of Commerce
and Industry Limited, Industrial Organisation of Employers and Others (B/2009/42)**

DEPUTY PRESIDENT SWAN
COMMISSIONER ASBURY
COMMISSIONER THOMPSON

21 August 2009

STATE WAGE CASE 2009

DECLARATION OF GENERAL RULING

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

1. Arbitrated Wage Adjustment

- (a) Except as otherwise provided herein the wages or salaries prescribed by all awards for full-time adult employees shall be increased from 1 September 2009 by an additional sum of \$16.20 per week in all award rates of pay.
- (b) The rates for junior employees shall be increased by applying the percentage in the junior wage rates clause applicable to the employee concerned to the relevant minimum classification rate for a full-time adult employee.
- (c) All part-time employees shall receive, on a *pro rata* basis, the additional sum appropriate to the minimum classification rate they are employed under.
- (d) The rates for adult pieceworkers shall be adjusted by the Registrar in accordance with the practice previously followed in relation to General Rulings declared by this Commission.
- (e) In the case of rates of wages or salaries for adult employees expressed as a wage or salary for a period other than a week, the increase consequent upon this Declaration shall be calculated as follows:

For:

Annual Salaries	weekly adjustment multiplied by 52
Fortnightly Wage/Salary	weekly adjustment multiplied by 2
Daily Wage	weekly adjustment divided by 5
Hourly Wage (40 hour week)	weekly adjustment divided by 40
Hourly Wage (38 hour week)	weekly adjustment divided by 38
Casual Rates* (hourly)	hourly wage (as calculated above) plus 25%
Casual Rates* (daily)	daily wage (as calculated above) plus 25%

(*This would apply when the casual rate is stated as a money amount)

- (f) Each award amended to include the rates of pay arising from this Declaration of General Ruling shall include a notation that:

"The rates of pay in this Award are intended to include the arbitrated wage adjustment payable under the 1 September 2009 Declaration of General Ruling and earlier Safety Net Adjustments and arbitrated wage adjustments. This arbitrated wage adjustment may be offset against any equivalent amount in rates of pay received by employees whose wages and conditions of employment are regulated by this Award which are above the wage rates prescribed in the Award. Such payments include wages payable pursuant to certified agreements, currently operating enterprise flexibility agreements, Queensland workplace agreements, award amendments to give effect to enterprise agreements and overaward arrangements. Absorption which is contrary to the terms of an agreement is not required.

Increases made under previous State Wage Cases or under the current Statement of Principles, excepting those resulting from enterprise agreements, are not to be used to offset arbitrated wage adjustments."

- (g) Existing allowances in all awards that relate to work or to conditions which have not changed and service increments are to be increased as from 1 September 2009 by 2.5%. This is the percentage increase that the

\$16.20 per week arbitrated wage adjustment bears to the C10 tradesperson's rate in the *Engineering Award - State 2002*.

(h) Increases to wages or salaries and allowances shall be expressed as follows:

- (i) on annual salaries to the nearest \$1 (with 50 cents and above being taken upwards);
- (ii) on fortnightly and weekly wage rates to the nearest 10 cents (with 5 cents and above being taken upwards);
- (iii) on daily wage rates (including casual) to the nearest 1 cent (with 0.5 cents and above being taken upwards); and
- (iv) on hourly wage rates (including casual) to the nearest 0.05 of a cent (with 0.025 cents and above being taken upwards).

(i) In giving affect to this General Ruling, the Registrar shall have recourse to a Member of this Full Bench, as may be necessary, on the Registrar's own initiative or an application by a party to an award.

(j) Awards which prescribe or require alternative methods of adjustment shall be adjusted as follows:

Where a Member of the Commission has approved a method of calculation of wage rates as agreed to by the parties to an award other than as expressed herein the Registrar may amend the Award concerned in the agreed manner which will be regarded as satisfying the requirements of this General Ruling.

This method shall also be applied to adjust the rates of wages or salaries for junior employees (other than juniors whose rates are expressed as a percentage or fraction of the rate prescribed for an adult employee or for an employee who is a senior).

2. Queensland Minimum Wage

(a) The minimum rate per week for all full-time employees in Queensland is \$568.20 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 *Vocational Education, 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%	\$312.50
18 years or 2nd year of experience (whichever yields the greater rate)	65%	\$369.30
19 years or 3rd year of experience	75%	\$426.20
3rd year of experience	85%	\$483.00
20 years and over	100%	\$568.20

(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 2009.

By the Commission,
[L.S.] G.D. SAVILL,
Industrial Registrar.

Operative Date: 1 September 2009
Order - Declaration of General Ruling
Released: 21 August 2009