

**QUEENSLAND INDUSTRIAL RELATIONS COMMISSION**

*Industrial Relations Act 2016 – s 458*

Queensland Council of Unions

Together Queensland, Industrial Union of Employees

The Australian Workers' Union of Employees, Queensland  
*Applicants*

v

State of Queensland  
*Respondent*

*Matter No. B/2019/32, B2019/34 and B/2019/34*

**APPLICATION FOR A DECLARATION OF GENERAL RULING**

**STATE WAGE CASE**

**SUBMISSIONS IN REPLY OF THE AUSTRALIAN WORKERS' UNION OF  
EMPLOYEES, QUEENSLAND**

1. The AWU has read both the submissions of the State of Queensland and the Local Government Association of Queensland ("LGAQ").
2. The State of Queensland supports the AWU application, save for a three percent increase to wages in all State awards, while the LGAQ supports a 2.5 percent increase to wages in State awards, a 2.5 percent increase to allowances in State awards, a 2.5 percent increase to the QMW, and an operative date of the first Monday of the month following the release of the 2019 State Wage Case decision.

### **State of Queensland Submissions**

3. It is the submission of the AWU that the claim sought should be applied to all awards that fall within the Queensland jurisdiction.
4. Section 459(2) of the *Industrial Relations Act 2016* (“the IR Act”) does allow for the exclusion of certain industrial instruments from the operation of a general ruling.
5. The AWU is seeking for the general ruling to be applied to all awards made pursuant to the Act. As such, the AWU is not seeking for any class of employers or employees, or for any industrial instruments to be excluded from the operation of the general ruling.
6. The State of Queensland has advanced submissions which relate to distinct instances of bargaining in the Queensland jurisdiction.
7. The instances described by the State of Queensland are distinct, and on the whole, are not reflective of other instances of industrial relations in the Queensland jurisdiction.
8. For the Full Bench to accept to the State of Queensland submission would be a significant departure from the well-established convention in State Wage Case decisions of increasing award wages by the same quantum as the QMW.
9. Section 145 of the IR Act deals with the “flow-on” of provisions from certified agreements to awards, and outlines that “on the application of a party” the commission may/must include in the award provisions that are based on a certified agreement.
10. The AWU submits that the matters raised by the State of Queensland would be better dealt with when (and if) parties make applications under s 145 of the IR Act.

## **LGAQ Submissions**

11. The AWU submits that there is no reason why the quantum of the increase to award wages, allowances and the QMW should depart or deviate from the decision of the Fair Work Commission in the Annual Wage Review (“AWR”). The reasoning is contained in our submission of 26 August 2019 from paragraphs 55 to 58.
12. The LGAQ has not advanced any arguments which should persuade the Full Bench to depart from the practice in previous years of awarding the same increase as has been awarded in the AWR of that year.
13. With respect to the submission related to the operative date, the AWU submits that the operative date should be 1 September 2019.
14. The LGAQ puts forward an argument that there will be “administrative costs and distractions” due to the decision of this year’s State Wage Case post-dating the usual operative date. The AWU submits that this argument should be given limited weight.
15. The AWU submits that a continuation of the 1 September 2019 is more desirable than the “floating” operative date suggested by the LGAQ, given that there will employees (the lowest paid employees in the Queensland jurisdiction) who in effect miss out on a wage increase from 1 September 2019 until the date of the Full Bench’s decision, and given the uncertainty created for operative dates of future State Wage Case decisions.

**The Australian Workers’ Union of Employees, Queensland**

**30 September 2019**