

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Declaration of General Ruling (State Wage Case 2019)* [2019] QIRC 170

PARTIES: **Queensland Council of Unions**

and

Together Queensland, Industrial Union of Employees

and

The Australian Workers' Union of Employees, Queensland
(Applicants)

v

State of Queensland (Office of Industrial Relations)
(First Respondent)

and

Local Government Association of Queensland
(Second Respondent)

CASE NO: B/2019/32; B/2019/33; B/2019/34

PROCEEDING: Application for Declaration of General Ruling

DELIVERED ON: 7 November 2019

HEARING DATE: 9 October 2019

HEART AT: Brisbane

MEMBERS: O'Connor VP
Thompson IC
Hartigan IC

STATE WAGE CASE 2019

DECLARATION OF GENERAL RULING

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

[1] **Arbitrated Wage Adjustment**

- (a) The wage or salaries for full-time adult employees in all modern awards shall be increased by 3.0 per cent from 1 September 2019.
- (b) The wage rates of full-time junior employees shall be increased by applying the percentage in the wage rates clause applicable to the junior employee concerned to the wage rate payable to an equivalent full-time adult employee under the applicable award.
- (c) The wage rates of part-time and casual employees shall be increased in the manner prescribed in each award or, if no manner is prescribed, on a *pro rata* basis appropriate to the increase in the wage rate payable to an equivalent full-time adult employee under the applicable award.
- (d) The wage rates in the *Training Wage Award – State 2012* and Schedule 8 of the *Parents and Citizens Associations Award – State 2016* shall be increased by the Registrar in accordance with past practice based on a 3.0 per cent increase at the C10 level in the *Building, Engineering and Maintenance Services Employees (Queensland Government) Award – State 2016*.
- (e) The unit or per piece rate for a pieceworker shall be increased by 3.0 per cent.
- (f) Monetary allowances (other than expense related allowances) in all modern awards that relate to work or to conditions, which have not changed, are to be increased by 3.0 per cent.
- (g) Expense related allowances in all modern awards are to be adjusted in the manner prescribed in applicable awards, with rounding to be in accordance with subparagraph (i).
- (h) The new wages or salaries in modern awards consequent upon this General Ruling shall be expressed as follows:
 - annual wage/salary – to the nearest \$1.00 (with \$0.50 and above being taken upwards);

- fortnightly wage/salary – to the nearest \$1.00 (with \$0.50 and above being taken upwards);
 - weekly wage/salary – to the nearest \$0.50 (with \$0.25 and above being taken upwards);
 - hourly wage/ salary (including for casuals) – to the nearest \$0.01 (with \$0.005 and above being taken upwards); and
 - daily, weekly or fortnightly additional payments included in a wages or salaries clause (e.g. extra payment per tonne for operating a mobile crane; Aboriginal and Islander community schools allowance) – to the nearest \$0.05 (with \$0.025 and above being taken upwards).
- (i) The new piece work rates and monetary allowances consequent upon this General Ruling, as well as expense related allowances, shall be expressed as follows:
- annual amount – to the nearest \$1.00 (with \$0.50 and above being taken upwards);
 - fortnightly amount – to the nearest \$0.10 (with \$0.05 and above being taken upwards);
 - weekly amount – to the nearest \$0.05 (with \$0.025 and above being taken upwards);
 - daily amount – to the nearest \$0.01 (with \$0.005 and above being taken upwards);
 - hourly amount – to the nearest \$0.01 (with \$0.005 and above being taken upwards);
 - per unit/piece, occurrence or event (e.g. per kilometre travelled; launder an item; mark an exam paper; undertake an Air Ambulance flight; deliver a lecture) – to the nearest \$0.01 (with \$0.005 and above being taken upwards) unless otherwise specified in an award;
 - meal allowance – to the nearest \$0.05 (with \$0.025 and above being taken upwards); and
 - a specified amount which is not a per day/ hour/ weekly/ fortnightly or annual amount (e.g. maximum reimbursable amount for loss of tools; maximum deposit on uniforms) – to the nearest \$1.00 (with \$0.50 and above being taken upwards).

- (j) An award which prescribes or requires an alternative method of adjustment to wages, salaries or allowances than that recorded above shall be adjusted as follows:
- in the manner prescribed in the award concerned; or
 - where a Member of the Commission has approved a method of calculation of wage rates as agreed to by the parties to an award - the Registrar may amend the award concerned in the agreed manner, which will be regarded as satisfying the requirements of this General Ruling.
- (k) In giving effect 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.

[2] **Queensland Minimum Wage**

- (a) The minimum wage rate per week for all full-time employees in Queensland, the Queensland Minimum Wage, is \$775.50 per week. (Note: The term "employee" is defined in section 8 of the *Industrial Relations Act 2016*).
- (b) An award free employee who is engaged on a part-time or casual basis shall be entitled to a minimum rate for each hour or part thereof worked (including hours worked in excess of 38 per week) calculated by dividing the Queensland Minimum Wage by 38.
- (c) An award free pieceworker who is entitled to a rate derived from the weekly award rate for a full-time employee shall be entitled to derive that rate from the minimum rate per week for a full-time employee as stated in paragraph [2](a), above, if that minimum rate exceeds the otherwise nominated full-time weekly award rate.
- (d) An award free employee under the age of 21 shall be entitled to a minimum rate of pay calculated as a percentage of the Queensland Minimum Wage, as follows:

Age	Percentage	Minimum Rate Per Week¹
17 Years and under or 1 st year of experience	55%	\$426.50
18 years or 2 nd year of experience	65%	\$504.00
19 years but less than 3 years of experience	75%	\$581.50
3 rd year of experience	85%	\$659.00
20 years and over	100%	\$775.50

Notes:

¹ Rounded to the nearest \$0.50.

[3] **Supported Wage**

- (a) The minimum amount payable to an employee in receipt of a supported wage under the supported wage system shall be \$87.00 per week.

[4] **Exceptions and Exclusions**

- (a) This General Ruling shall have no application to employees whose engagement is governed by an industrial instrument, other than a modern award, unless the terms of the industrial instrument provide otherwise.
- (b) Divisional and District parties and locality allowances prescribed in modern awards shall not be increased by this General Ruling.

[5] **Date of Operation**

- (a) This General Ruling shall apply on and from 1 September 2019.