

# Form 2 – General Application to Queensland Industrial Relations Commission



*Industrial Relations Act 2016*, sections 527 and 989

*Industrial Relations (Tribunals) Rules 2011*, rule 8

## Information

Use this form for making any of the following applications to the Queensland Industrial Relations Commission:

### *Industrial Relations Act 2016 and Industrial Relations (Tribunals) Rules 2011*

- for the commission to deal with a general protections dispute (s 309)
- for a declaration (ss 463, 465, rr 72, and 73)
- to amend or declare void a contract (s 471, r 74)
- for an Injunction (s 473, r 75)
- for an order about a demarcation dispute (s 479, r 77)
- to reopen proceedings (s 484, r 78)
- to refer a matter to the full bench (s 486(4), r 79)
- for the Interpretation of an Industrial Instrument (s 467, r 80)
- for an order fixing minimum wages and employment conditions for apprentices and trainees (s 136(4)(b), r 149A)
- for an order about tools (s 137(3)(b), r 149B)
- for an order for employees in labour market program (s 140(3)(b), r 149C)
- for an order ensuring equal remuneration for work of equal or comparable value (s 253, r 151)
- for a compensation order (s 122(1)(b), r 154)
- for an order about severance allowance and other separation benefits (s 326, r 155)

- for order for contravention of the Industrial Relations Act 2016 (ss 269, 329, and 330, rr 185, 156, and 157)
- to make, vary, or revoke a modern award (ss 147(2)(b), and 150(3)(b), rr 160, 161, and 162)
- for a consent arbitration (s 178(1), r 169)
- to revoke or suspend authorised officer's authority (s 338(1), r 187)
- to cancel an aged or infirm person's permit (s 979(7), r 223)
- application for scope order (s 184)
- suspension or termination of protected industrial action (ss 240 and 241)

### *Public Interest Disclosure Act 2010 and Industrial Relations (Tribunals) Rules 2011*

- for Injunction (s 48, r 81)

### *Work Health and Safety Act 2011 and Industrial Relations (Tribunals) Rules 2011*

- to disqualify a health and safety representative (s 65, r 84)

### *Workers' Compensation and Rehabilitation Act 2003 and Industrial Relations (Tribunals) Rules 2011*

- for an order that an employer reinstate an injured worker (s 232E, r 83)

Once your form has been processed the Industrial Registry will contact you and provide you with a sealed copy of your application.

**Note:** The applicant may file a **Form 20 - Affidavit** in support of the application

Practice Direction 3 of 2021 - ELECTRONIC FILING AND HARD COPIES OF DOCUMENTS. Documents which are longer than 30 pages in length must be supplied to the Industrial Registry in hard copy before it will be accepted for filing.

For further information please contact the Industrial Registry on 1300 592 987 or via email at [qirc.registry@qirc.qld.gov.au](mailto:qirc.registry@qirc.qld.gov.au)

<b>Applicant:</b>	Queensland Council of Unions

v

<b>Respondent:</b>	The State of Queensland (Office of Industrial Relations)

**PLEASE NOTE:** If there are more than two parties to this application, please complete a **Form 1 – Parties list** and file it with this form.

<b>Application</b>	
This is an application to the Queensland Industrial Relations Commission, pursuant to sections 458, 459 and 460 of the Industrial Relations Act 2016.	

**1. Applicant**

<b>Title: (please select)</b>	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Miss <input type="radio"/> Mx <input checked="" type="radio"/> Other:		
<b>Name of applicant:</b>	Queensland Council of Unions		
<b>Name of contact person:</b>	Ash Borg		
<b>Postal address:</b>	Level 5, 16 Peel Street		
	Suburb/Town	South Brisbane	Postcode 4101
<b>Phone number:</b>	(07) 3010 2555	<b>Fax number:</b>	
<b>Mobile number:</b>	0400 608 100		
<b>Email address:</b>	ashb@qcu.asn.au; info@qcu.asn.au		

**Does the applicant have a representative?**

A representative might be a lawyer, a union, an agent or a family member or friend who will speak on behalf of the applicant. There is no requirement to have a representative.

- Yes - provide representative's details below and file a Form 33 or 34  
 No

**2. Applicant's representative**

<b>Organisation:</b>			
<b>Name of contact person:</b>			
<b>Postal address:</b>			
	Suburb/Town		Postcode
<b>Phone number:</b>		<b>Fax number:</b>	
<b>Mobile number:</b>			
<b>Email address:</b>			

### 3. Respondent

The applicant must serve a copy of this application on the respondent

<b>Name of respondent:</b>	State of Queensland (Office of Industrial Relations)		
<b>Name of contact person:</b>	Tony James		
<b>Postal address:</b>	PO Box 69		
	Suburb/Town	Brisbane	Postcode 4001
<b>Phone number:</b>	(07) 3406 9873	<b>Fax number:</b>	
<b>Mobile number:</b>	0427 147 323		
<b>Email address:</b>	tony.james@oir.qld.gov.au		

### 4. Details of decision sought

1000 character limit. (Note: If more than 1000 characters are required please attach a schedule)

- (1) To make a general ruling amending all state awards by a wage adjustment of \$40 per week or 4.6 per cent, whichever is higher for full time adult employees.
- (2) To make a general ruling amending all state awards by increasing monetary allowances (other than expense related allowances) that relate to work or conditions which have not changed, and service increments, by 4.6 per cent.
- (3) To increase the Queensland minimum wage by 5.2%.
- (4) That the above increases are operative from 1 September 2022.

## 5. Grounds of Application

*(set out the reasons for the application in consecutively numbered paragraphs. (Note: if more than 5000 characters required please attach a schedule)*

1. On 15 June 2022, an Expert Panel of the Fair Work Commission (FWC) handed down its decision in the Annual Wage Review (AWR) for 2021-22 providing:

- (a) an increase to the National minimum wage (NMW) of 5.2%;
- (b) increases of 4.6 per cent to modern award rates at or above the trades rate (or \$869.60 per week); and
- (c) increases of \$40 per week to modern award rates below the trades rate (or \$869.60 per week).

2. It has been a consistent approach of the Queensland Industrial Relations Commission (QIRC) to have regard to the FWC AWR decision and the matters the FWC considered in its reasons and for the outcomes of the AWR to flow on to state awards, the Queensland minimum wage and relevant allowances [Application for Declaration of General Ruling (State Wage Case 2014) [2014] QIRC 129].

3. Section 458(2) of the Industrial Relations Act 2016 requires a full bench of the QIRC to make general rulings about a Queensland minimum wage at least once per year.

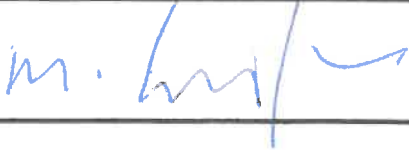
4. The previous general ruling, Declaration of General Ruling (State Wage Case 2021) [2021] QIRC 294 was issued by the QIRC on the 30th August 2021.

5. The Queensland Council of Unions therefore seeks a general ruling and consequent orders to increase the Queensland minimum wage, modern award rates of pay, and work related allowances and service increments which have not changed, consistent with the outcomes of the FWC AWR decision of 2022.

6. The application seeks an operative date for all Queensland modern awards of 1 September 2022 in line with previous practices of the QIRC in State Wage Case matters.

7. In previous cases, written submissions have been required to be filed and served.

8. The applicant seeks directions that would enable maintenance of the operative date mentioned in paragraph 6 above.

6. Signature of applicant or representative	
Signature:	
Name in full (please print):	Michael Shayne Clifford
Date:	6 / 07 / 2022