



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)
- payment for commission (s 99(2)(b))

- 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)

Trading (Allowable Hours) Act 1990

- for an order under s21 (s 23)
- for a special event declaration (s 31A)
- for injunction to enforce observance of trading hours (s 36C)

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

Applicant:	Queensland Council of Unions

v

Respondent:	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.

Application
This is an application to the Queensland Industrial Relations Commission, pursuant to Section 458(1)(a) of the Industrial Relations Act 2016.

1. Applicant			
Title: (please select)	<input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Miss <input type="radio"/> Mx <input type="radio"/> Other:		
Name of applicant:	Queensland Council of Unions		
Name of contact person:	Nate Tosh		
Postal address:	Level 5, 16 Peel Street		
	Suburb/Town	South Brisbane	Postcode 4101
Phone number:	07 3010 2555	Fax number:	
Mobile number:	0456 192 627		
Email address:	natet@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.			
<input type="radio"/> Yes - provide representative's details below and file a Form 33 or 34 <input checked="" type="radio"/> No			

2. Applicant's representative			
Organisation:			
Name of contact person:			
Postal address:			
	Suburb/Town		Postcode
Phone number:		Fax number:	
Mobile number:			
Email address:			

3. Respondent

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

Name of respondent:	State of Queensland		
Name of contact person:	Shane Donovan		
Postal address:	GPO Box 69		
	Suburb/Town	Brisbane	Postcode 4001
Phone number:	07 3406 9832	Fax number:	
Mobile number:	0414 861 157		
Email address:	shane.donovan@oir.qld.gov.au		

4. Details of decision sought

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

That the Commission declare by way of General Ruling that:

- a) the casual loading for employees covered by the Industrial Relations Act 2016 shall be no less than 25%; and
- b) industrial instruments with a casual loading in excess of 25% are not affected by the decision; and
- c) the operative date of the decision is 1 July 2024, or the date any relevant order is made by the Commission (whichever is later).

5. Grounds of Application

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

1. The casual loading for employees covered by the Industrial Relations Act 2016 (the Act) is currently 23%. This is less than the casual loading for national system employees.
2. The casual loading for employees covered by the Act has not been reviewed since 2001 (Queensland Council of Unions v Crown & Ors; The Australian Workers' Union of Employees, Queensland v Crown & Ors; The Restaurant and Caterers Employers Association of Queensland Industrial Organisation of Employers v Crown & Ors [2001] QIRC 42 (2001) 166 QGIG 389).
3. This matter was addressed in the most recent 'Five-year Review of Queensland's Industrial Relations Act 2016' with the reviewers recommending that the casual loading for employees covered by the Act be increased from the present rate of 23% to 25% to align with the casual loading rate applicable to national system employees (see recommendation 27 of the review).
4. Therefore, by way of a General Ruling, the Queensland Council of Unions is seeking an increase to the casual loading from 23% to 25% for employees covered by the Act.
5. This will ensure casual employees in the Queensland jurisdiction receive wages and employment conditions that provide fair standards in relation to living standards prevailing in the community (s 4(g) of the Act) and equal remuneration for work of equal or comparable value (s 4(j) of the Act) - i.e., it will ensure that casual employees in the Queensland jurisdiction are entitled to the same loading as applies to casual employees performing the same work in the national system.

6. Signature of applicant or representative

Signature:	
Name in full (please print):	Jacqueline King
	General Secretary
Date:	20 / 05 / 2024