

11 JUL 2025

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 2016 – s 458



**APPLICATION FOR A DECLARATION OF GENERAL RULING
STATE WAGE CASE**

Re: STATE WAGE CASE 2022 – Matter Nos B/2025/49, B/2025/50

**Submissions - Together Queensland, Industrial Union of Employees
11 July 2025**

Introduction

1. **The Claim.** Together Queensland, Industrial Union of Employees (Together Qld), is seeking the Queensland Industrial Relations Commission issue the following decisions:

- a. To make a general ruling amending all state awards by a wage adjustment of 3.5%.
- b. To make a general ruling amending all state awards by increasing existing award allowances which relate to work or conditions which have not changed in service increments by 3.5%.
- c. Increase the Queensland Minimum wage as it applies to all employees to \$948.00 per week or \$24.95 per hour.
- d. Determine that the operative date for these amendments be 1 September 2025.

2. These claims are the same as those made by the Queensland Council of Unions.

Legislative Parameters

3. **General Ruling.** Subdivision 1, Division 4, Part 2 of the *Industrial Relations Act 2016* (the Act), relevantly provides:

458 Power to make general rulings

- (1) The full bench may make general rulings about—
 - (a) an industrial matter for employees bound by an industrial instrument if multiple inquiries into the same matter are likely; or
 - (b) a Queensland minimum wage for all employees.
- (2) The full bench must ensure a general ruling about a Queensland minimum wage for all employees is made at least once each year.
- (3) Before conducting a hearing about the ruling, the full bench must—
 - (a) give reasonable notice, in the way it considers appropriate, of its intention to conduct the hearing; and

- (b) give all interested persons an opportunity to be heard.

459 Requirements for general rulings

- (1) A ruling—
 - (a) must state a date (the *stated date*) on and from which it has effect; and
 - (b) has effect as a decision of the full bench on and from the stated date.
- (2) A ruling may exclude from the operation of any of its provisions—
 - (a) a class of employers or employees; or
 - (b) employers or employees in a particular locality; or
 - (c) an industrial instrument or part of an industrial instrument.
- (3) As soon as practicable after making a ruling, the registrar must publish a notice of the ruling and the stated date on the QIRC website.
- (4) The notice, on and from the stated date, replaces a notice of a ruling on the same subject matter previously published.
- (5) The ruling continues in force until the end of the day immediately before the stated date for a subsequent ruling on the same subject matter.

460 Relationship with industrial instruments

- (1) If a ruling takes effect while an industrial instrument, other than an industrial instrument or part of an industrial instrument excluded under section 459(2), is in force—
 - (a) the industrial instrument is taken to be amended so it is consistent with the ruling on and from the stated date; and
 - (b) the amendment has effect as an industrial instrument on and from the stated date.
- (2) The registrar may amend an industrial instrument taken to be amended under subsection (1) as the registrar considers appropriate—
 - (a) on an application made under the rules; or
 - (b) on the registrar's own initiative.
- (3) This section applies despite chapter 3.

4. Since 1997, the administrative process for awarding wage and allowance increases has been by way of general ruling.¹

5. As set out in s3 of the Act, the main purpose of the Act is to provide for a framework for cooperative industrial relations that:

- (a) is fair and balanced; and
- (b) supports the delivery of high quality services, economic prosperity and social justice for Queenslanders.

6. For the purposes of this matter, s4 relevantly provides that the above purpose is to be achieved by:

¹ See *Workplace Relations Act 1997 (Qld)*, s132

- (d) providing for a fair and equitable framework of employment standards, awards, determinations, orders and agreements, and...
- (f) providing for a guaranteed safety net of fair, relevant and enforceable minimum employment conditions through the Queensland Employment Standards; and...
- (g) ensuring wages and employment conditions provide fair standards in relation to living standards prevailing in the community;

7. Further, the Act requires the Commission to:

- a. ensure modern awards provide for "fair and just" wages and employment conditions that are at least as favourable as the Queensland Employment Standards, which includes the QMW (s 141(1)(a));
- b. ensure that a modern award generally reflects the prevailing employment conditions of employees covered by the award (s 141(1)(b));
- c. establish and maintain minimum wages that are fair and just, having regard to those matters mentioned in s141(2)(a) to (d) and (f); and
- d. ensure a modern award provides fair standards for employees in the context of living standards generally prevailing in the community (s 143(1)(i)).

8. **Operative date.** s459(1) provides that a ruling must state a date on and from which the ruling applies and that the ruling has effect as a decision of the full bench on and from the stated date.

9. s148 applies to an order varying a modern award and provides that the order takes effect of the day stated in the order and that the stated day must not be earlier than the day on which the order is made unless:

- a. the variation removes an ambiguity or uncertainty or corrects an error; and
- b. the Commission is satisfied exceptional circumstances justify stating an earlier day; and
- c. the order does not adversely affect an employee.

10. The operative date for such general rulings has generally been 1 September of that year. Together seeks a continuation of this operative date to ensure employees relying on the State Wage Case outcome receive an annual increase.

Context of the 2025 State Wage Case

11. The 2024 State Wage Case ruling identified two bodies of evidence that will be required for the purposes of any annual application for a general ruling. They are:

- a. Evidence that will permit the Full Bench to undertake an evaluative function having regard to the matters in ss 141 and 142 of the IR Act and assess the qualities of the safety net by reference to the statutory criteria.²
- b. Evidence identifying relevant differences between the national workforce and Queensland workers who are not national system employees.³

12. It is submitted that the first body of evidence will always be required in order for the Commission to undertake its task, the second would only need to be provided by a party that where claiming such differences exist to the extent that the QIRC should make a determination that differs from the AWR.

13. The economic evidence considered in the 2023 State Wage Case indicated that the comparative assessment between the national economic data and available data for Queensland did not produce significant differences, that no large differences emerged between the patterns for Queensland and nationally and, accordingly, no basis arose for considering the assessment does not apply to Queensland.⁴

14. The evidence of Professor Peetz, in that matter, included the following statement:

*Inevitably, there are differences between the economic and other data available for Queensland, and nationally. The surprising thing, for this author, is that the difference were not larger. Given the impact of sampling error on the award coverage data - it is impossible to be certain whether in reality there was, or was not, a meaningful difference in trajectories of award coverage in Australia and Queensland - **it would take quite a large difference between a Queensland estimate and the national estimate on any***

² Declaration of General Ruling (State Wage Case 2024) [2024] QIRC 244 [30]

³ Declaration of General Ruling (State Wage Case 2024) [2024] QIRC 244 [31]

⁴ Declaration of General Ruling (State Wage Case 2023) (No 3) [2024] QIRC 111 [58] to [60]

*particular matter for me to conclude that there was potentially something specific about Queensland that raised doubts about the relevance of the FWC's analysis of the economic situation to Queensland. I see no such large differences in the patterns for Queensland and nationally, and therefore conclude that, whatever the rights or wrongs of the FWC's analysis, there is no basis for considering it does not apply to Queensland.*⁵ (emphasis added)

15. Further, the Full Bench stated the following:

*“The evidence before the Full Bench does not suggest that there is a basis for considering that the analysis undertaken by the FWC does not have application to Queensland. We accept that the FWC determination encompasses a consideration of the economic impact of a variety of factors upon the national industrial environment. The assessment of those factors as reflected in the FWC determination will generally be relevant to determination of the Queensland state wage case. It follows therefore, that the FWC will be a significant factor considered by the Full Bench in determining the state wage case.”*⁶ (emphasis added)

16. While it is acknowledged that those observations were made in the context of the 2023 SWC, it is submitted that the bolded passages in the above two paragraphs are general observations that have application in other years unless there is evidence to the contrary.

Fair Work Commission Annual Wage Review 2024-25 Decision

17. **General conclusions.** The FWC’s Expert Panel concluded that the economy can at least be said to have achieved a ‘soft landing’ in that the moderation to inflation achieved by increased interest rates has not resulted in a recession in the officially defined sense (two consecutive quarters of negative GDP growth), although there has been an extended ‘per capita recession’⁷

18. Further, the panel noted that. there had been some recovery in real household disposable income in 2024 both as a result of wages beginning to run ahead of inflation, and because of the Stage 3 income tax cuts. AWOTE increased by 4.6 per cent in 2024, well ahead of both the

⁵ Declaration of General Ruling (State Wage Case 2023) (No 3) [2024] QIRC 111 [59]

⁶ Declaration of General Ruling (State Wage Case 2023) (No 3) [2024] QIRC 111 [157]

⁷ AWR 2025 decision [2025] FWCFB 3500 (the **2025 AWR**) at [30]

CPI and the WPI. Real household disposable income is expected to continue to increase over the course of 2025 and beyond as a result of further increases in real wages and reductions in mortgage interest rates.⁸

19. With respect to the effect on wage increases on employment, the Panel; observed that the last three annual wage reviews have seen nominal increases in the NMW and modern award minimum wage rates that have, because of the rate of inflation, been significantly higher than for the preceding decade, but there has not been any discernible adverse consequence for employment growth or the rate of unemployment⁹.

20. **National minimum wage (NMW) and Award minimum wages.** The National Minimum Wage (NMW) and minimum wage rates in all modern awards were increased by 3.5 percent. Importantly, the Panel made the following observation:

“...we consider that the balance of the mandatory considerations in ss 284(1) and 134(1), as relevant to this Review, favour a real increase to modern award minimum wage rates. Over the last three annual wage reviews, any correction to the ongoing reduction in the real value of modern award minimum wages has repeatedly been deferred out of concern for the inflationary environment. This has adversely affected the living standards of modern award-reliant employees, who are disproportionately low-paid, female and working only part-time hours. We consider that it is necessary for us to take some action now lest this reduction in real wages become permanently embedded in the modern award system. The return of inflation to the RBA’s target range and a concomitant easing in interest rates provide us with the opportunity to do so.”¹⁰

Comparison of Economic Factors

21. It is submitted that the data contained in the statement of agreed facts does not reveal a difference of the magnitude contemplated by Professor Peetz in the 2023 SWC that would raise doubts about the relevance of the FWC's analysis of the economic situation to Queensland.

22. Consideration of the Agreed Statement of Facts demonstrate the following comparators of key economic indicators at the time of the AWR:

⁸ Ibid [37]

⁹ Ibid [41]

¹⁰ Ibid [145]

- a. Queensland's annual AWOTE growth (5.9%) exceeded the national figure (4.6%), continuing a trend where Queensland's average weekly earnings have outpaced the national rate for the past five years.
 - b. Queensland's WPI grew by 3.6%, slightly higher than the national figure of 3.4%.
 - c. Queensland's annual CPI (2.7%) was marginally higher than the national CPI (2.4%).
 - d. State Final Demand in Queensland grew by 2.2%, outpacing national GDP growth of 1.2%.
 - e. Queensland's GSP grew by 2.1%, while national GDP grew by just 1.2%.
 - f. Queensland's labour force participation rate (67.6%) was higher than the national rate (67.1%).
 - g. Underemployment in Queensland (5.8%) was lower than the national figure (6.0%).
23. Data post the AWR demonstrates:
- a. Queensland's State Final Demand grew 2.0% in the March 2025 quarter, over one and a half times the national GDP growth of 1.3%.
 - b. Queensland's unemployment rate (4.2%) remains close to the national rate (4.1%), indicating stable labour market conditions.
24. The economic data revealed in the statement of agreed facts and the consideration of that data in 2025 AWR are apposite to the evaluative exercise required by ss. 141 and 142. Having regard to that data and the analysis in the 2025 AWR, the Full Bench should have no difficulty concluding that the answer to that exercise should be that a general ruling increasing awards by 3.5% should be made.

Workforce Characteristics

25. The second body of evidence identified by the 2024 SWC concerned differences between the federal workforce and the workforce covered by the SWC.
26. The FairWork Commission published a report in February 2025¹¹ profiling the characteristics of such employees based upon an analysis of microdata obtained from the May 2023 EEH survey (2025 Profile).

¹¹ Justin Strong, David Rozenbes and Josh Tomlinson, A Profile of Employee Characteristics across Modern Awards – 2023 (Fair Work Commission Research Report No 1/2025, February 2025) ('2025 Profile').

27. It can be accepted that approximately only 20% of the national workforce has the items and conditions set by a modern award under the FW Act.¹² It can also be accepted that the Federal workforce who has their terms and conditions directly set by modern awards are broader and cover a more diverse range of callings than the Queensland system. According to the FairWork Commission research, around two-thirds of all modern award-reliant employees work in 4 industries: Accommodation and food services; Health care and social assistance; Retail trade; and Administrative support services.¹³

28. Submissions by the Queensland Government in previous State Wage Cases provide some information on the make-up of the workforce under the Queensland jurisdiction.¹⁴ It can be accepted that only a small number of workers in the Queensland jurisdiction are directly affected by changes to Award rates i.e. workers in First Nations and smaller local councils, as well as auxiliary firefighters and employees of Parents and Citizens Committees that have their terms and conditions set by Awards made by the Commission.

29. However, it is also the case that there is a significant number of workers where the rate of pay prescribed in the agreement may be subject to adjustment by the State Wage Case outcome, or where the relevant award rate of pay may exceed the agreement rate and the award rate is to apply. This applies to certified agreements in the Queensland public sector and also in a small number of local governments, either by operation of the certified agreement or by administrative arrangement.¹⁵

30. It can also be accepted that so far as the Queensland public service is concerned, there are high levels of collective bargaining instruments. However, that is no different than the Federal jurisdiction so far as it concerns public service employees.

31. The evidence of Professor Peetz in the 2023 SWC indicated high rates of collective agreement coverage is a feature of the public sector in both the federal and state jurisdictions¹⁶. As Professor Peetz noted, while collective agreement coverage in Queensland is extremely high at 98%, national agreement coverage (including both federal and state jurisdiction agreements) in the public sector in 2021 remained above 90 per cent in every mainland state except New South Wales (where several public sector agreements are classed by the ABS as ‘awards’).

32. There is no reason to conclude that position has changed.

¹² See [16] of the 2025 AWR.

¹³ Justin Strong, David Rozenbes and Josh Tomlinson. Op Cit at page 4.

¹⁴ See 2024 State Wage Case, Submissions of the Queensland Government [12] – [15]

¹⁵ Ibid. at [13]

¹⁶ Peetz, D. Op Cit at [126]

Conclusion

33. While noting the statements by the Commission in the 2023 SWC decision set out above at [15], it is submitted that, nevertheless, there is no evidence that would suggest that the considerable weight that the Queensland Industrial Relations Commission has given to the AWR historically should not continue to be applied this year, having regard to the particular economic circumstances of Queensland.

34. Together Qld submits:

- a. The evidence before the Commission discloses there are no particular factors which would indicate the Queensland economic and social are manifestly different from those experienced by equivalent workers in the Federal system.
- b. A general ruling in the terms requested is fair and appropriate.

Together Queensland, Industrial Union of Employees