

# QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Application to amend TAFE Queensland Educators Certified Agreement 2023 [2025] QIRC 180*

PARTIES: **State of Queensland (TAFE Queensland)**  
(Applicant)

v

**Queensland Teachers' Union**  
(First Respondent)

AND

**Together Queensland, Industrial Union of Employees**  
(Second Respondent)

CASE NO: CB/2025/47

PROCEEDING: Application to amend certified agreement

DELIVERED ON: 15 July 2025

MEMBER: Caddie IC

HEARD AT: On the papers

ORDER: **1. Appendix 6 of the *Tafe Educators Certified Agreement 2023* is amended (as set out in paragraph 22) to include wage rates for Associate Lecturers calculated in accordance with Clause 12(a)(iii) and payable from 1 July 2025.**

CATCHWORDS: INDUSTRIAL LAW – COLLECTIVE BARGAINING – Agreements – application to amend certified agreement – requirements for amendment – where amendment is sought due to an error in calculation – agreement amended.

LEGISLATION AND  
INSTRUMENTS:

*Industrial Relations Act 2016* (Qld) ss 224, 225

*Industrial Relations (Tribunals) Rules 2011* (Qld)  
r 176

*TAFE Queensland Educators Certified Agreement  
2023*

## Reasons for Decision

### Introduction

- [1] TAFE Queensland has applied, pursuant to s 225(5)(a) of the *Industrial Relations Act 2016* (Qld) ('the Act') to amend the *TAFE Queensland Educators Certified Agreement 2023* ('the Agreement').
- [2] The amendment is sought by TAFE Queensland on the basis that incorrect rates of pay for Associate Lecturers are contained in Appendix A6.2(a) of the Agreement.
- [3] Clause 12(a)(iii) of the Agreement provides for wage increases by three percent from 1 July 2025. Due to a calculation error in the appendix, the Associate Lecturer payrates from 1 July 2025 are higher than the agreed three percent.<sup>1</sup>
- [4] Accordingly, TAFE Queensland asks that the Agreement be amended pursuant to s 225(5)(a) of the Act to remove the ambiguity that arises from the wage rates being inconsistent with the applicable pay rise.<sup>2</sup>
- [5] The Queensland Teachers' Union and Together Queensland, Industrial Union of Employees are named as the First and Second Respondents to this application ('the Respondents') and are named parties to the Agreement.
- [6] The application is made by consent.

### Relevant terms of the Agreement

- [7] Clause 12(a)(iii) provides for agreed wage rises over the life of the Agreement. The clause provides for a three percent wage increase on and from 1 July 2025:

#### New wage rates

- (a) The following per annum wage increases will be available to employees covered by this Agreement:

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<sup>1</sup> Form 49, filed 27 June 2025, 3.

<sup>2</sup> Ibid.

- (i) 4% wage increase on and from 1 July 2023;
  - (ii) 4% wage increase on and from 1 July 2024; and
  - (iii) 3% wage increase on and from 1 July 2025.
- (b) The first wages increase effective 1 July 2023 is to be applied to the legally payable rate (i.e. the higher rate of the Agreement or Award rate as at 1 July 2023). Future wage increases will be applied to the Agreement rates stipulated for the prior year.
- (c) The salary schedules are set out in Appendices 1, 5 and 6.

[8] Appendix A6.2 of the Agreement is as follows:<sup>3</sup>

#### **A6.2 Salaries**

- (a) The minimum salaries payable to Associate Lecturer, Lecturer, Senior Lecturer are prescribed in the table below: (emphasis added)

Classification Level		Rate per fortnight 1 July 2023	Rate per fortnight 1 July 2024	Rate per fortnight 1 July 2025
<b>Associate Lecturer</b>	Step 1	\$3,815.30	\$3,967.90	<b><u>\$4,352.80</u></b>
	Step 2	\$3,964.60	\$4,123.20	<b><u>\$4,459.20</u></b>
<b>Lecturer</b>	Step 1	\$4,063.50	\$4,226.00	\$4,352.80
	Step 2	\$4,162.80	\$4,329.30	\$4,459.20
	Step 3	\$4,261.90	\$4,432.40	\$4,565.40
	Step 4	\$4,364.30	\$4,538.90	\$4,675.10
	Step 5	\$4,519.20	\$4,700.00	\$4,841.00
<b>Senior Lecturer</b>	Step 1	\$4,614.10	\$4,798.70	\$4,942.70
	Step 2	\$4,798.60	\$4,990.50	\$5,140.20

#### **Relevant legislation and principles**

- [9] Section 224 of the Act provides that bargaining instruments may only be amended in certain circumstances.<sup>4</sup>
- [10] Section 225(1)(a) of the Act sets out that if the relevant instrument applies to one or more organisations, then the Employer and the organisations may apply for amendments to the bargaining instrument.
- [11] The Act mandates in s 225(2) that the Commission approve the amendment only if satisfied that:
- (2) The commission must approve the amendment if, and must not approve the amendment unless, satisfied –
    - (a) the amendment has been approved by –

<sup>3</sup> TAFE Queensland Educators Certified Agreement 2023.

<sup>4</sup> Either under the relevant division of the Act (Part 7, Division 2) or under s 223.

- (i) for an amendment mentioned in subsection (1)(b) – the approving parties; or
- (ii) for any other amendment - a valid majority of the relevant employees at the time; and
- (b) the commission would be required to certify or make the instrument as amended if it were an instrument for which an application for certification or making were made under part 5.

[12] Section 225 provides that the amendment takes effect when the Commission's approval takes effect,<sup>5</sup> and establishes a mechanism for amendments:

- (5) The commission may, on application by a person to whom a bargaining instrument applies, amend the instrument –
  - (a) to remove ambiguity; or
  - (b) to include, omit or amend a term, however described, allowing an employer to stand down an employee; or
  - (c) in another way, if –
    - (i) the approving parties have agreed to the amendment; and
    - (ii) the commission is satisfied the amendment does not disadvantage the relevant employees; and
    - (iii) the commission is satisfied exceptional circumstances have arisen in the workplace that necessitate the amendment.

...

[13] TAFE Queensland relies upon s 225(5)(a) to ground their request for amendment.<sup>6</sup>

[14] Rule 176 of the *Industrial Relations (Tribunals) Rules 2011* ('the Rules') relates to the procedural requirements of the application:

**176 Application to amend bargaining instrument**

- (1) An application under section 225 of the Act to amend a bargaining instrument must be in the approved form.
- (2) The application must be accompanied by an affidavit stating—
  - (a) the name of the relevant award or designated award; and
  - (b) the nominal expiry date of the amended bargaining instrument; and
  - (c) the steps taken to ensure—
    - (i) the commission is satisfied as required under section 225(2)(a) of the Act; and
    - (ii) section 244 of the Act has not been contravened; and
  - (d) details of the procedures for preventing and settling disputes in the bargaining instrument; and
  - (e) the names of the persons who negotiated the amendment and the persons for whom they acted.
- (3) The applicant must file the original application, amendment and affidavit.

<sup>5</sup> *Industrial Relations Act 2016* (Qld) s 225(4).

<sup>6</sup> Submissions of the Applicant, filed 9 July 2025, 2.

## Submissions

### *Submissions of Tafe Queensland*

- [15] TAFE Queensland submit that their application is made in compliance with the relevant rules of the Industrial Tribunal.<sup>7</sup>
- [16] They further submit that Appendix 6 of the Agreement provides the conditions of employment for Higher Educators employed by TAFE Queensland, which encompasses Associate Lecturers. Three Associate Lecturers are currently employed by TAFE Queensland.<sup>8</sup>
- [17] The amendment to A6.2(a) is necessary to 'remove an ambiguity by rectifying incorrect rates of pay.'<sup>9</sup>
- [18] The fortnightly rates of pay set out in A6.2(a) and applicable from 1 July 2023 and 1 July 2024 for an Associate Lecturer (Step 1 and Step 2) are both correct.<sup>10</sup>
- [19] However, the fortnightly rate of pay currently displayed at Step 1 and Step 2 (relevant to Associate Lecturers) from 1 July 2025 is incorrect, applying a wage adjustment higher than three percent.<sup>11</sup>
- [20] TAFE Queensland submits that, pursuant to cl 12(a)(iii), the correct fortnightly rates of pay for an Associate Lecturer (Step 1 and Step 2) are:
- Associate Lecturer – Step 1 - \$4,086.90; and
  - Associate Lecturer – Step 2 - \$4,246.90.
- [21] The proposed amendment consists of removing the incorrect figures in 'Rate per fortnight 1 July 2025' of \$4,352.80 and \$4,459.20 and replacing them with the correct figures of \$4,086.90 and \$4,246.90 by way of deleting the current Appendix and re-inserting the correct version.
- [22] The proposed replacement clause is set out as follows:

### **A6.2 Salaries**

- (a) The minimum salaries payable to Associate Lecturer, Lecturer, Senior Lecturer are prescribed in the table below:

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<sup>7</sup> Submissions of the Applicant, filed 9 July 2025, [13].

<sup>8</sup> Submissions of the Applicant, filed 9 July 2025, [15].

<sup>9</sup> Ibid [17].

<sup>10</sup> Ibid [18].

<sup>11</sup> Ibid [19].

Classification Level		Rate per fortnight 1 July 2023	Rate per fortnight 1 July 2024	Rate per fortnight 1 July 2025
Associate Lecturer	Step 1	\$3,815.30	\$3,967.90	\$4,086.90
	Step 2	\$3,964.60	\$4,123.20	\$4,246.90
Lecturer	Step 1	\$4,063.50	\$4,226.00	\$4,352.80
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	Step 2	\$4,798.60	\$4,990.50	\$5,140.20

- [23] TAFE Queensland submits that it was not the intention of the parties at the time the Agreement was made to increase wages from 1 July 2025 by more than what was agreed in cl 12(a)(iii).<sup>12</sup>
- [24] The error is characterised as typographical by TAFE Queensland, who also point out that the font and font size of the incorrect rates also differs from other rates outlined, being Trebuchet Size 10 rather than Times New Roman Size 11.<sup>13</sup>
- [25] TAFE Queensland further submits that the incorrect rates 'match' the fortnightly pay afforded to Lecturers, which does not reflect the differences in classification.<sup>14</sup>
- [26] Overall, TAFE Queensland submit that the amendment will remove the ambiguity arising from the current inclusion of incorrect figures and asks the Commission to exercise its power pursuant to s 225(5)(a) of the Act to amend the agreement.<sup>15</sup>

#### *Submissions of the Respondents*

- [27] The Respondents consent to the application for amendment.<sup>16</sup>

#### *Submissions of the Queensland Teachers' Union*

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<sup>12</sup> Ibid [26].

<sup>13</sup> Ibid [27]-[28].

<sup>14</sup> Ibid [29].

<sup>15</sup> Ibid [31]-[32].

<sup>16</sup> Submissions of Queensland Teachers' Union, 10 July 2025, [9]; Submissions of Together Queensland, Industrial Union of Employees, filed 10 July 2025, [3].

- [28] Queensland Teachers' Union were formally notified of the error on 17 June 2025. Following consideration and agreement with the description and explanation of the error the Union Executive endorsed the Union consenting to the proposed variation.<sup>17</sup>

*Submissions of Together Queensland*

- [29] Together Queensland agrees that, at the time the Agreement was made, the intention of the parties was not to increase wages for Associate Lecturers by a higher percentage than what was expressed in the Agreement. Together Queensland concur the error is one of calculation.<sup>18</sup> This constitutes an ambiguity and is not consistent with the wage adjustments previously approved by a relevant majority of the relevant employees.<sup>19</sup>
- [30] While Together Queensland support TAFE Queensland's reliance on s 225(5)(a) of the Act as the mechanism to amend the agreement, they propose, in the alternative, that s 225(5)(c) of the Act is also applicable.

**Consideration**

- [31] Considering the terms of clause 12(a)(iii) that wage rates were to increase by three percent on and from 1 July 2025 the Appendix reflecting application of that clause must contain rates of pay adjusted by three percent. This is not currently the case. Looking at the impugned rates in the existing Appendix it seems obvious there is an error given they are identical to the first two adjusted rates for Lecturers from 1 July 2025. The parties agree the appropriate way to address the ambiguity created by this error is for the Commission to approve the proposed variation.
- [32] I agree. The proposed amendment reflects the intention of the parties and, importantly, the terms agreed by a valid majority of relevant employees. Removal of the ambiguity by approving the amendment as sought will result in an actual reflection of the agreed wages from 1 July 2025. The amendment is necessary to remove the ambiguity currently created by the incorrect wage rates contained for Associate Lecturers in the Appendix.
- [33] I am satisfied that the Agreement may be amended pursuant to s 225(5)(a) of the Act. It is therefore unnecessary for me to consider the alternative application made in reliance on s 225(5)(c) of the Act.
- [34] The application to amend the Agreement is granted.
- [35] I order accordingly.

**Order**

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<sup>17</sup> Submissions of Queensland Teachers' Union, filed 10 July 2025, [6].

<sup>18</sup> Submissions of Together Queensland, Industrial Union of Employees, filed 10 July 2025, [4].

<sup>19</sup> Ibid [5].

- 1. Appendix 6 of the *TAFE Queensland Educators Certified Agreement 2023* is amended (as set out in paragraph 22) to include wage rates for Associate Lecturers calculated in accordance with Clause 12(a)(iii) and payable from 1 July 2025.**