

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

CITATION: *Re: variation of Queensland Local Government Industry (Stream A) Award – State 2017 [2026] QIRC 067*

PARTIES: **Queensland Services, Industrial Union of Employees**
(Applicant)

v

Local Government Association of Queensland
(First Respondent)

&

Queensland Independent Education Union of Employees
(Second Respondent)

&

The Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees
(Third Respondent)

&

United Workers Union, Industrial Union of Employees
(Fourth Respondent)

CASE NO: MA/2023/24

PROCEEDING: Application

DELIVERED ON: 11 March 2026

HEARD AT: Brisbane

19 March 2024
20 June 2024
18 November 2024
24 February 2025
1 December 2025
15 December 2025

MEMBER: Knight IC

ORDERS:

1. **Variations are made to the *Queensland Local Government Industry (Stream A) Award – State 2017* being those contained in Schedule 1 to these reasons for decision.**
2. **The variations to the *Queensland Local Government Industry (Stream A) Award – State 2017*, referred to in Order 1, will operate on and from 15 December 2025.**

CATCHWORDS: INDUSTRIAL LAW – VARIATION OF A MODERN AWARD – application to vary a modern award – application to vary modern award granted

LEGISLATION: *Industrial Relations Act 2016 (Qld)* s 147

Reasons for Decision

- [1] By general application filed on 15 November 2023, the Queensland Services, Industrial Union of Employees applied, pursuant to s 147 of the *Industrial Relations Act 2016* (Qld) ('the IR Act'), to vary the *Queensland Local Government Industry (Stream A) Award – State 2017* ('the Award').
- [2] The parties to the Application are the Queensland Services, Industrial Union of Employees ('QSU'), Local Government Association of Queensland ('LGAQ'), Queensland Independent Education Union of Employees ('IEU'), the Association of Professional Engineers, Scientists and Managers, Australia, Queensland Branch, Union of Employees ('APESMA') and the United Workers Union, Industrial Union of Employees ('UWU').

- [3] The Award applies to the abovementioned Unions and to employers (other than Brisbane City Council) throughout Queensland in the local government industry, including those employers declared not to be national system employers and which are listed in Schedule 1 of Division 1 of the Award,¹ as represented by LGAQ in this proceeding (collectively 'the parties').

Background

- [4] It is useful to summarise the history of the matter before the Commission.
- [5] This matter was first allocated to my Chambers in late 2023. Throughout 2024 and 2025, the parties attended the Commission and engaged in negotiations concerning the application and proposed variations to the Award.
- [6] The matter was listed periodically throughout 2024 and 2025, during which the Commission was apprised of the status of negotiations and provided guidance to the parties to facilitate the continuation of negotiations.²
- [7] In late 2024, the parties advised that agreement had been reached on several matters. One issue remained in dispute, namely locality allowances.³ At that time it was agreed that the Commission would list the matter for further Conference in 2025 in an attempt to further conciliate and resolve the matter of locality allowances.
- [8] Locality allowances have previously been the subject of consideration before this Commission and the Industrial Court.
- [9] President Martin in *Local Government Association of Queensland Ltd v Queensland Services Industrial Union of Employees and Ors*,⁴ set aside an earlier decision to extend the locality allowance to certain named Councils in the Award.⁵
- [10] Subsequently, in *Local Government Association of Queensland v Queensland Services, Industrial Union of Employees*, a Full Bench of the Commission ordered:⁶

That to give effect to the decision of Martin J and acting on its own motion, pursuant to s 147(1)(b) of the Act, that the *Queensland Local Government Industry Award (Stream A) Award – State 2017* be varied by:

¹ *Queensland Local Government Industry (Stream A) Award – State 2017*, Division 1, Schedule 1.

² T 1-8, ll 16 – 48 (19 March 2024); T 1-4, ll 13 – 46 (20 June 2024).

³ T 1-2, ll 28 – 41 (18 November 2024).

⁴ [2017] ICQ 002.

⁵ [2017] ICQ 002.

⁶ [2020] QIRC 068.

removing the Locality Allowance provision of Stream A Award insofar as those provisions relate to Cherbourg Aboriginal Shire Council, Mapoon Aboriginal Shire Council, Northern Peninsula Area Regional Council, Napranum Aboriginal Shire Council and Torres Strait Island Regional Council;

[11] The Award was varied accordingly to exclude those named Councils from the locality allowance provisions. Division 2, Section 1, Schedule 2(a)(iii) provided:

(iii) The allowance provide under this Schedule shall not be paid to employees of the following employers:

- Cherbourg Aboriginal Shire Council;
- Mapoon Aboriginal Shire Council;
- Northern Peninsula Area Regional Council;
- Napranum Aboriginal Shire Council; and
- Torres Strait Island Regional Council

[12] Against that background, the parties have, since the filing of this Application, regularly met with each other and sought to reach agreement as to how those councils might be included within the locality allowance provisions of the Award.

[13] Following a further Conciliation Conference in early 2025, and subsequent discussions outside the Commission, the Applicant advised in late 2025 that the parties had reached agreement on draft wording for a proposed variation to the locality allowance Schedule.⁷

[14] A Mention was held on 1 December 2025 and at that time the Commission sought further particulars in relation to all proposed variations. At that time, the parties advised they would require additional time to finalise the proposed wording of the agreed variations.

[15] I indicated that a further proceeding would be listed to hear submissions on the variations and confirm the parties' consent to the changes to the Award.⁸

[16] I directed the Applicant to prepare an updated draft Award incorporating tracked changes and to file the proposed variations in the Commission before 15 December 2025. I indicated that subject to the Commission's review and consideration of the final proposed variations, I would issue an order to give it effect on the date of the further Mention on 15 December 2025.

[17] On 11 December 2025, the Applicant provided an updated draft variation for the Commission's consideration. The proposed variations are set out in Schedule 1 to these reasons.

⁷ Email correspondence from Mr Jack Donaghy on behalf of QSU to the Industrial Registry dated 1 October 2025.

⁸ T 1-8, ll 3-30 (1 December 2025).

[18] On 15 December 2025, the parties attended the Commission to make further submissions in respect of the proposed variations. During the proceedings the Applicant made brief submissions, namely:

- The clauses relating to union encouragement and union delegates in Division 1, Part 7, clauses 26 and 27 are to be updated and expanded to be brought up to date;⁹
- Amendments to Division 2, Part 3, clause 8(b) and (c) provide that, upon engagement, an employee covered by this section will be issued with a letter of appointment setting out the particulars of their employment at the commencement of employment;¹⁰
- Division 2, Part 5, clause 18.4(a) previously referred to salary level 17, which became obsolete when the Award was modernised in 2014. The proposed amendment replaces this reference with level 6.1;¹¹
- Clause 28 of Division 2, Part 7 pertaining to trade union training leave is to be amended to clarify who is entitled to this type of leave and who is permitted to approve that leave;¹² and
- Division 2, Section 1, Schedule 2 pertaining to Locality Allowances is to be amended to include a number of Councils within the locality allowance provisions, assign an allowance value to each location, and insert a footnote identifying the locations comprising the Torres Strait Island Outer Islands.

[19] With respect to locality allowances, the variation provides that Division 2, Section 1, Schedule 2(a)(iii) will now state:

(iii) The allowance provided under this Schedule shall also be paid to employees of the following employers from 1 July 2026:

- Cherbourg Aboriginal Shire Council;
- Mapoon Aboriginal Shire Council;
- Northern Peninsula Area Regional Council; and
- Napranum Aboriginal Shire Council;

(iv) The allowance provided under this Schedule shall be paid to employees of the following employer, at 50% of the entitlement from 1 July 2026, with the remaining 50% of the entitlement from 1 July 2027:

- Torres Strait Island Regional Council.

⁹ T 1-3, ll 47-49 (15 December 2025).

¹⁰ T-4, ll 3-24 (15 December 2025).

¹¹ T-4, ll 24-31 (15 December 2025).

¹² T-4, ll 31-32 (15 December 2025).

- [20] The effect of this variation is to include several Councils previously excluded from the locality allowance provisions.
- [21] During the proceedings on 15 December 2025, each Union party and the LGAQ confirmed their consent to the variations as proposed by the Applicant.

Relevant Legislative Framework

- [22] Chapter 3 of the IR Act provides for the exercise of powers with respect to modern awards.
- [23] Section 141 of the Act provides:

141 General Requirements for commission exercising powers

- (1) In exercising its powers under this chapter, the commission must ensure a modern award –
- (a) provides for fair and just wages and employment conditions that are at least as favourable as the Queensland Employment Standards; and
 - (b) generally reflects the prevailing employment conditions of employees covered, or to be covered, by the award.
- (2) For subsection (1), the commission must have regard to the following –
- (a) relative living standards and the needs of low-paid employees;
 - (b) the need to promote social inclusion through increased workforce participation;
 - (c) the need to promote flexible modern work practices and the efficient and productive performance of work;
 - (d) the need to ensure equal remuneration for work of equal or comparable value;
 - (e) the need to provide penalty rates for employees who –
 - (i) work overtime; or
 - (ii) work unsocial, irregular or unpredictable hours; or
 - (iii) work on weekends or public holidays; or
 - (iv) perform shift work;
 - (f) the efficiency and effectiveness of the economy, including productivity, inflation and the desirability of achieving a high level of employment.

- [24] Section 147 sets out the power of the Commission to make or vary modern awards, providing that:

147 Commission's power to make or vary modern awards

- (1) The commission may do either of the following to provide for fair and just employment conditions –
- (a) make a modern award;
 - (b) make an order varying a modern award.
- (2) The commission may exercise a power under this section –
- (a) on its own initiative; or
 - (b) on the application of any of the following persons –

- (i) the Minister;
- (ii) an organisation;
- (iii) an Employer;
- (iv) an employee; or

(c) on a review of a modern award under part 5.

- [25] Section 147 of the IR Act provides that the Commission may make or vary a modern award on its own initiative or by application to provide for "fair and just employment conditions".¹³
- [26] I am satisfied the variation ensures the Award continues to provide fair and just wages and employment conditions for the impacted cohort of employees and relevant Councils.
- [27] The variations to the locality allowances are particularly significant. Extending locality allowances to employees of the named Councils will help offset the higher cost of living and assist with retention and recruitment challenges that can be associated with residing in remote areas.
- [28] These reasons give effect to my decision made at the Mention on 15 December 2025 that the application be granted.
- [29] Having considered the proposed variations and the consent position of the parties, the application is granted. The Order to vary the award took effect on and from 15 December 2025.

Orders

- 1. Variations are made to the *Queensland Local Government Industry (Stream A) Award – State 2017* being those contained in Schedule 1 to these reasons for decision.**
- 2. The variations contained in Schedule 1 will operate on and from 15 December 2025.**

¹³ *Industrial Relations Act 2016* (Qld) s 147.

SCHEDULE 1

1. By deleting clause 26 of Division 1, Part 7 and inserting the following in lieu thereof:

26. Union encouragement

- (a) The parties recognise the right of individuals to join a union and will encourage that membership. However, it is also recognised that union membership remains at the discretion of individuals.
- (b) Information on the relevant union/s supplied to the employer by the relevant union/s will either be included in induction materials or made available at the workplace in a readily accessible location.
- (c) Union representative/s will be provided with the opportunity to discuss union membership with new and existing employees.

2. By deleting clause 27 of Division 1, Part 7 and inserting the following in lieu thereof:

27. Union delegates

- (a) The parties acknowledge the constructive role democratically elected union delegates undertake in the workplace in relation to union activities that support and assist members. That role will be formally recognised, accepted and supported.
- (b) Employees are able to access union delegates/officials during working hours to discuss any employment matter or seek union advice, provided that service delivery is not disrupted and work requirements are not unduly affected.
- (c) Provided that service delivery and work requirements are not unduly affected, delegates will be provided convenient access to facilities for the purpose of undertaking union activities. Such facilities include: telephones, computers, e-mail, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards. It is expected that management and delegates will take a reasonable approach to the responsible use of such facilities for information and communication purposes.
- (d) Where the employee authorises, delegates may request access to documents and policies related specifically to that employee's employment.

3. By deleting clause 8(b) and (c) of Division 2, Part 3 and inserting the following in lieu thereof:

...

- (b) Upon engagement, an employee covered by this Section will be provided with a letter of appointment which will specify:
 - (i) Job title and the nature of the work required of the position.
 - (ii) Category of employment (full-time, part-time, casual or maximum term);
 - (iii) Classification level;
 - (iv) Classification Type (Administrative, or Community and Environmental Services, or Technical); and
 - (v) The name of this Award, Division and Section.
- (c) An existing employee who is promoted, transferred, or otherwise offered a different position within the employing Council will be provided with a variation of the letter of appointment specifying the information listed at clause 8 (b) (i-v).

4. By amending clause 18.4(a) of Division 2, Part 5 and inserting the following:

18.4 Time off in lieu of overtime

- (a) Where an employee classified at a level corresponding to level 6.1 or higher is directed to work overtime, such employee shall be given time off equivalent to the time worked either outside the spread of ordinary hours on any day or in excess of the ordinary weekly hours

5. By deleting clause 28 of Division 2, Part 7 and inserting the following in lieu thereof:

28. Trade union training leave

- (a) Industrial relations education leave is paid time off to acquire knowledge and competencies in industrial relations. Such knowledge and competencies can allow employees to effectively participate in consultative structures, perform a representative role and further the effective operation of grievance and dispute settlement procedures.
- (b) Employees may be granted up to 5 working days (or the equivalent hours) paid time off (noncumulative) per calendar year, approved by the chief executive '*or delegate,*' to attend industrial relations education sessions.
- (c) Upon request and subject to approval by the chief executive, employees may be granted paid or unpaid time off in special circumstances to attend management committee meetings, union conferences, and Australian Council of Trade Unions (ACTU) Congress.
- (d) The granting of industrial relations education leave or any additional special leave should not impact adversely on service delivery, work requirements or the effectiveness and efficiency of the work unit concerned.

6. By amending Division 2, Section 1, Schedule 2 (Locality allowances) and inserting the following:

(a) **Entitlement**

An employee referred to in clause 13.2 (Locality Allowance, Division 2, Section 1) appointed to work at a centre listed in the Table at clause (g) shall be paid:

- (i) the full rate of locality allowance for the centre if the employee satisfies the chief executive that he or she has a dependent spouse, dependent de facto spouse or dependent child; or
- (ii) one-half the full rate of locality allowance for the centre if the employee does not have a dependent spouse, dependent de facto spouse or dependent child.
- (iii) The allowance provided under this Schedule shall also be paid to employees of the following employers from 1 July 2026:
 - Cherbourg Aboriginal Shire Council;
 - Mapoon Aboriginal Shire Council;
 - Northern Peninsula Area Regional Council; and
 - Napranum Aboriginal Shire Council.
- (iv) The allowance provided under this Schedule shall be paid to employees of the following employer, at 50% of the entitlement from 1 July 2026, with the remaining 50% of the entitlement from 1 July 2027:
 - Torres Strait Island Regional Council.

(b) **Dependents**

The chief executive of an employer shall be responsible for establishing the criteria to determine whether an employee is eligible for the full rate of locality allowance. As a guide, a person in receipt of remuneration less than the Queensland Minimum Wage set by the Commission through State Wage Case decisions from time to time could be regarded as a dependent.

- (c) An employee referred to in clause 13.2 of this Section who lives with their spouse or de facto spouse who is also eligible to receive a locality allowance under this Section shall be entitled to one-half of the rate for the relevant centre as stated in the Table at clause (g) irrespective of whether such employee has a dependent.

(d) **Changed circumstances**

An employee in receipt of the full or one-half of the locality allowance prescribed in the Table at clause (g) shall notify the chief executive immediately of any changes in the employee's circumstances that would affect the amount of locality allowance payable.

(e) Qualifications

Locality allowance is payable during periods of annual, sick, long service leave, or any other leave on full pay but is not payable to an employee absent without pay.

- (f) The locality allowances contained in the Table at clause (g) have been inserted at the Direction of the Minister for Industrial Relations pursuant to an Award Modernisation Request, dated 6 June 2016, under section 140C of the Industrial Relations Act 1999 and shall not be adjusted in accordance with future State Wage Case Decisions of this Commission, or by reference to any other adjustment criteria contained in this Award.

(g) Table:

...

CENTRE	FULL RATE/ FORTNIGHT	CENTRE	FULL RATE/ FORTNIGHT	CENTRE	FULL RATE/ FORTNIGHT
Cherbourg	44.60	Mapoon	199.40	Napranum	184.50
Northern Peninsula Area	312.30	Torres Strait Island, Outer Islands*	334.00	Thursday & Hammond Islands	271.30

*Outer Islands relate to Torres Strait Island Regional Council, and specifically include Badu, Boigu, Coconut Island (Poruma), Dauan, Erub, Iama, Kubin, Mabuiag, Murray Island (Mer), Saibai, Stephens Island (Ugar), St Pauls, Warraber and Yorke (Masig).