

17 JUL 2025

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 2016 - s 458



APPLICATION FOR A DECLARATION OF GENERAL RULING

Re: STATE WAGE CASE—2026 B/2026/59, B/2026/60

**OUTLINE OF SUBMISSIONS
TOGETHER QUEENSLAND, INDUSTRIAL UNION OF EMPLOYEES**

Introduction and synopsis

1. **Together** Queensland, Industrial Union of Employees seeks a general ruling that:
 - (a) the wages or salaries for full-time adult employees in all state awards be increased by 4.75%; and
 - (b) monetary allowances (other than expense-related allowances) in all state awards that relate to work or to conditions which have not changed, and service increments, be increased by 4.75%; and
 - (c) the minimum wage rate per week for all full-time employees in Queensland be \$1004.90; and
 - (d) the above increases operate on and from 1 September 2026.
2. Together's coverage is relevantly limited to the Queensland public sector. The submissions below focus on that sector.
3. For the reasons set out below, a forensic analysis of the data leads to the conclusion that there is no cogent reason to depart from the outcome of the *Annual Wage Review 2026* conducted by an expert panel of the Full Bench of the Fair Work Commission.¹ The general increase determined in that review should be applied in full to all state awards.

Legislative framework

The foundation for modern awards

4. The main purpose of the *Industrial Relations 2016* (Qld), set out in s 3, 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.

¹ *Annual Wage Review 2026* [2026] FWCFB 3500.

5. Section 4 of the act provides that the main purpose is to be achieved, which relevantly includes:
- (a) supporting a productive, competitive and inclusive economy, with strong economic growth, high employment, employment security, improved living standards and low inflation; and ...*
 - (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; and*
 - (h) promoting collective bargaining, including by—*
 - (i) providing for good faith bargaining; and*
 - (ii) establishing the primacy of collective agreements over individual agreements; and ...*
 - (o) being responsive to emerging labour market trends and work patterns; and*
 - (p) providing for effective, responsive and accessible mechanisms to support negotiations and resolve industrial disputes; ...*
6. Chapter 3 of the act concerns modern awards. Section 141 sets out the general requirements to be observed in the Commission exercising powers under that chapter:
- (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.*

7. Section 142 then sets out the general requirement about minimum wages:
- (1) *To the extent the commission's powers under this chapter relate to setting, varying or revoking minimum wages in a modern award, the commission must establish and maintain minimum wages that are fair and just.*
 - (2) *For subsection (1), the commission must have regard to the following-*
 - (a) *the prevailing employment conditions of employees covered by the modern award;*
 - (b) *the matters mentioned in section 141(2)(a) to (d) and (f);*
 - (c) *providing a comprehensive range of fair minimum wages to*
 - (i) *young employees; and*
 - (ii) *employees engaged as apprentices and trainees; and*
 - (iii) *employees with a disability.*
8. Under s 143(1), the commission must ensure that, among other things, a modern award provides fair standards for employees in the context of living standards generally prevailing in the community.

General rulings

9. The power of the Commission to make general rulings appears in s 458 of the act:
- (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.*
10. Section 459 then sets out the requirements to be observed 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.*
11. Section 459A is not relevant to the Together's or the QCU's application and can be put to one side for present purposes.
12. Section 460 describes the relationship between general rulings and 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.*

Statutory interpretation

13. The orthodox principles of statutory construction are well settled. In *SZTAL v Minister for Immigration & Border Protection* (2017) 262 CLR 362 at [14], Kiefel CJ, Nettle and Gordon JJ described the proper approach to statutory interpretation:

The starting point for the ascertainment of the meaning of a statutory provision is the text of the statute whilst, at the same time, regard is had to its context and purpose. Context should be regarded at this first stage and not at some later stage and it should be regarded in its widest sense. This is not to deny the importance of the natural and ordinary meaning of a word, namely how it is ordinarily understood in discourse, to the process of construction. Considerations of context and purpose simply recognise that, understood in its statutory, historical or other context, some other meaning of a word may be suggested, and so too, if its ordinary meaning is not consistent with the statutory purpose, that meaning must be rejected.

14. Where multiple interpretations of a provision are available, s 14A of the *Acts Interpretation Act 1954* (Qld) requires that '*the interpretation that would best achieve the purpose or object of the Act ... is to be preferred to each other interpretation.*'² The primary object of statutory construction is to construe the relevant provision consistently with the language and purpose of all the provisions of the statute. The meaning of the provision must be determined by reference to the language of the act viewed as a

² See also *R v A2* (2019) 269 CLR 507 at [37].

whole.³ Lastly, remedial provisions are to be beneficially construed so as to provide the most complete remedy for the situation with which they are intended to deal, provided of course that the construction is within the confines of the actual text and what is fairly open on the words used.⁴

The approach to be taken to a State Wage Case

15. Since 2022, the Full Bench has explained the approach to be taken to the annual State Wage Case.⁵ In *Declaration of General Ruling (State Wage Case 2025)* [2025] QIRC 229, the Full Bench explained (footnotes omitted):

In the Declaration of General Ruling (State Wage Case 2022), it was recognised that whilst the Full Bench will have regard to the Fair Work Commission's ('FWC') conclusions, in exercising its statutory function, it is required to bring an independent mind to the task of determining whether, in all the circumstances, the FWC's determination ought to be properly adopted.

16. The Full Bench went on to explain that, in order to fulfill its statutory obligations, it was necessary to embark upon a forensic process with respect to the presentation, nature, and substance of the evidence to determine the State Wage Case. In doing so, it is necessary to undertake an evaluative function having regard to the matters in ss 141 and 142 of the act by reference to the statutory criteria and with an eye firmly on the requirement to ensure that the Commission establishes and maintains wages that are fair and just.
17. As the Full Bench observed in *Declaration of General Ruling (State Wage Case 2024)* [2024] QIRC 244 at [85]:

Consistent with the legislative framework including the functions required to be undertaken by ss 141 and 142 of the IR Act, the Commission is mindful of its overarching responsibility to ensure, inter alia, that employees are covered by fair and reasonable wages that allow employees to participate in society and to ensure that those who do not benefit from bargaining are not left behind.

18. The forensic assessment contemplated in the State Wage Cases since 2022 commences with a consideration of the Annual Wage Review undertaken by the expert panel of the Full Bench of the Fair Work Commission. It is then necessary to consider the prevailing economic conditions nationally and in Queensland to determine the extent to which the conditions in Queensland differ from the national economy. Coherent economic conditions nationally and in Queensland will almost certainly lead to the conclusion that the Annual Wage Review is to be afforded significant weight by the Full Bench. It is also necessary to consider differences in national-system and state-system employees, and the needs of the low paid.

³ *Project Blue Sky Inc v Australian Broadcasting Authority* (1998) 194 CLR 355 at [69].

⁴ *Legal Services Board v Gillespie-Jones* (2013) 249 CLR 493 at [50]; *Khoury v Government Insurance Office (NSW)* (1984) 165 CLR 622 at 638.

⁵ *Declaration of General Ruling (State Wage Case 2022)* [2022] QIRC 340 at [22] to [33] and [52] to [66]; *Declaration of General Ruling (State Wage Case 2023) (No 3)* [2024] QIRC 111 at [11] to [18] and [154] to [158]; *Declaration of General Ruling (State Wage Case 2024)* [2024] QIRC 244 at [16] to [19]; and *Declaration of General Ruling (State Wage Case 2025)* [2025] QIRC 229 at [20] to [23].

Together's application

19. There are four aspects to Together's application for a general ruling: wages, monetary allowances, the minimum wage, and operative date. Together seeks:
- (a) that the wages or salaries for full-time adult employees in all state awards be increased by 4.75%; and
 - (b) monetary allowances (other than expense-related allowances) in all state awards that relate to work or to conditions which have not changed, and service increments, be increased by 4.75%; and
 - (c) the minimum wage rate per week for all full-time employees in Queensland be \$1004.90; and
 - (d) the above increases operate on and from 1 September 2026.

Wages and allowances

The Annual Wage Review

20. The *Annual Wage Review 2026* [2026] FWCFB 3500 was handed down on 2 June 2026 with an operative date of 1 July 2026. A copy of the decision is included in the parties' statement of agreed facts.
21. The decision has two primary elements. The first element is that minimum wage rates in all modern awards are increased by 4.75 per cent. The second element involves a structural adjustment to the lowest-paid classifications, being those paid at the C13 and C14 rates, as the first stage of phasing out the C13 classification so that the C12 rate becomes the lowest rate applicable to ongoing employment. The second element can be put to one side for the purposes of Together's application.
22. In deciding the increase to minimum wage rates it is important to bear in mind that the general increase is not directed only to the low paid. Rather, the increase is made to protect modern award-reliant employees against further erosion in the real value of their wages and to restore their position relative to inflation to that achieved in the 2025 Review.⁶ The Reserve Bank of Australia's forecast Consumer Price Index of 4.8 per cent for the year to June 2026 was the benchmark by which that protective measure was calculated.
23. Such protection was necessary because the expert panel found that the real wage gap (which had narrowed as a consequence of the Annual Wage Review 2025) had reopened due to accelerating inflation and would require a 5.3 per cent increase to close the gap at the benchmark C10 level.⁷
24. The national minimum wage was increased to \$1,004.90 per week or \$26.44 per hour.⁸
25. It is important to highlight the approach to low paid workers and relativities and, in doing so, make clear that the expert panel did not approach the task of taking into account low paid by confining a wage increase to the lowest classifications. Rather, it

⁶ [2026] FWCFB 3500 at [138]

⁷ [2026] FWCFB 3500 at [134]

⁸ [2026] FWCFB 3500 at [139].

awarded the general increase of 4.75 per cent across all classifications and made the additional structural adjustment at the C13 and C14 levels in a manner the Expert Panel considered consistent with the maintenance of relativities above that level.

26. The expert panel observed that, in the period 1993 to 2010, annual adjustments expressed wholly or partly in flat dollar terms had compressed the relativities between classifications and diminished the benefits the classification structure was intended to provide for the acquisition of skills and qualifications.⁹ With respect, that is an important observation about the structure and purpose of classifications in industrial instruments. The treatment of the lowest classifications cannot be considered in isolation from the structure as a whole.

The prevailing economic conditions

27. The Statement of Agreed Facts collects economic data across the national and Queensland economies to permit a comparison between the prevailing economic conditions at the national and state levels. Table 1 of the statement of agreed facts sets out the data available at the time the expert panel handed down the *Annual Wage Review 2026* [2026] FWCFB 3500. The data set out in that table (drawn from the source documents provided with the statement of agreed facts) shows that there were no meaningful differences in the data at the relevant time:¹⁰
- (a) Queensland's annual WPI growth (3.4%, March quarter 2026) was slightly higher than the national figure (3.2%);
 - (b) Queensland's annual CPI (4.2%, March quarter 2026) was marginally higher than the national CPI (4.1%);
 - (c) Queensland's State Final Demand grew by 3.0% (December quarter 2025), outpacing national GDP growth of 2.6% (December quarter 2025);
 - (d) Queensland's GSP grew by 2.2% (2024-2025 FY), consistent with the 5-year Queensland average of 3.0%;
 - (e) Queensland's labour force participation rate (66.8%, April 2026) was marginally higher than the national rate (66.7%);
 - (f) Queensland's unemployment rate (4.2%, April 2026) was lower than the national rate (4.5%); and
 - (g) Underemployment in Queensland (5.7%, April 2026) was marginally lower than the national figure (5.8%).
28. Queensland's annual AWOTE (average weekly ordinary time earnings) is the only indicator with any meaningful difference. The data shows that AWOTE growth in Queensland (2.1%, November 2025) was lower than the national figure (4.6%). This is the first time this has occurred in many years.¹¹ This reflects a single indicator within a broader suite of comparators, the great majority of which continue to disclose no material divergence between the Queensland and national economies. Given that this is

⁹ [2026] FWCFB 3500 at [106].

¹⁰ Statement of Agreed Facts (State Wage Case 2026, B/2026/59 and B/2026/60), Table 1.

¹¹ See, for example, *Declaration of General Ruling (State Wage Case 2025)* [2025] QIRC 229 at [29](a).

the only meaningful difference in circumstances where WPI, CPI, State Final Demand, and labour market indicators remain closely aligned, the Full Bench should find that there was no material difference between the prevailing economic conditions nationally and in Queensland at the time of the *Annual Wage Review 2026*.

29. Data published after the AWR demonstrates:¹²
 - (a) Queensland's State Final Demand grew 3.3% in the March 2026 quarter, against national GDP growth of 2.6% for the same quarter;
 - (b) Queensland's unemployment rate (3.7%, May 2026) moved to be even lower than the national rate (4.4%); and
 - (c) Queensland's underemployment rate (5.4%, April 2026) remained lower than the national rate (5.9%).
30. Those data are consistent with the prevailing economic conditions at the time of the *Annual Wage Review 2026* and support the conclusion that substantial weight should be given to the exercise undertaken by the expert panel.

Workforce characteristics

31. Table 4 of the statement of agreed facts sets out data comparing national-system and state-system employees. That table shows that:¹³
 - (a) national-system employees include approximately 2,800,000 award-reliant workers, of whom approximately 23,900 are National minimum wage reliant, with agreement coverage of 34.0 per cent and award reliance of between 21.1 and 22.7 per cent; and
 - (b) state-system employees in Queensland are estimated to comprise 383,000 workers, with agreement coverage of 97.4 per cent, within which:
 - (i) the Queensland public sector comprises 333,329 workers, with agreement coverage of 99 per cent and only 1,898 award-reliant employees; and
 - (ii) the Queensland local government sector comprises 45,870 workers, with 44,231 covered by agreements and less than 2,000 award reliant.
32. Only a small number of state-system workers in the Queensland are directly affected by changes to Award rates: 14 award-reliant employees of the Darling Downs-Moreton Rabbit Board, and approximately 3,000 award-reliant workers of Parents and Citizens Associations, including at least 1,061 employees in the outside school hours care and vacation care stream. And there are very high levels of collective bargaining coverage in the Queensland public service. That is consistent with national public service employees—table 4 records that 178,195 of employees in December 2024 were covered by agreements, compared to the 198,529 total number of employees in December 2025 (noting the different point in time).

¹² Statement of Agreed Facts (State Wage Case 2026, B/2026/59 and B/2026/60), Table 2.

¹³ Statement of Agreed Facts (State Wage Case 2026, B/2026/59 and B/2026/60), Table 4.

33. The consistency between the two cohorts also supports the conclusion that substantial weight should be given to the exercise undertaken by the expert panel in the *Annual Wage Review 2026*.

The needs of the low paid and the lowest state award classifications

34. The fact that state awards extend to classifications on substantial salaries does not alter the position of the lowest classifications within that same award. The benchmark adopted by the expert panel is applied classification by classification. The relevant consideration is whether any classification falls below the benchmark, not whether some classifications sit above it.
35. The benchmark of 'low paid' adopted by the expert panel in successive Reviews is two-thirds of the median adult weekly earnings of a full-time employee. Full-time employees who earn below this benchmark are characterised as being 'low paid'.¹⁴
36. The lowest classifications applicable to ongoing employment in the principal Queensland public sector awards do fall below the benchmark. Under the *Queensland Public Service Officers and Other Employees Award - State 2015*, the minimum salary for each of the Administrative Officer Level 2 pay point 1 (AO2.1) and Operational Officer Level 2 pay point 1 (OO2.1) is \$2,335.00 per fortnight, being \$1,167.50 per week or \$60,918 per annum.¹⁵ These are not junior or training rates. Each is the 100% relativity rate of its stream, being the base adult rate against which every other classification in the award is set. Because level AO1 and OO1 pay points are no longer used, each is the lowest rate applicable to ongoing adult employment under the award.
37. Measured against this benchmark, the weekly rate of \$1,167.50 for each of AO2.1 and OO2.1 is:
- (a) only \$2.83 per week above the Characteristics of Employment measure of \$1,164.67; and
 - (b) \$67.19 per week below the Employee Earnings and Hours measure of \$1,234.67.
38. The full-time ordinary weekly hours for AO2.1 and OO2.1 translate to an hourly rate exceeding the threshold as expressed in this methodology.
39. The expert panel referred to an alternate methodology which expresses the low paid threshold as an hourly rate of \$28.27, rather than a weekly rate, at [86]. But the weekly rate the better comparator for two reasons. *First*, the two-thirds of median benchmark is the primary measure adopted in successive annual wage reviews, and it is a weekly measure properly compared with a weekly award rate. In that way it provides a better comparator to the weekly earnings of employees at the AO2.1 and OO2.1 levels when considering whether such employees should be characterised as low paid.
40. *Second*, the expert panel itself that a potential reason a majority of award-reliant employees exceed the hourly threshold is that they supplement their ordinary earnings with penalty rates for working at unsociable times.¹⁶

¹⁴ [2026] FWCFB 3500 at [84].

¹⁵ Queensland Public Service Officers and Other Employees Award - State 2015, cl 12.3(h).

¹⁶ [2026] FWCFB 3500 at [86].

41. In that second regard, the expert panel also noted that ‘*it becomes increasingly unlikely that [employees] will be able to enhance their earnings by working hours attracting penalty rates to a sufficient degree to surmount the low-paid threshold.*’¹⁷ The same is self-evidently true for day workers under the *Queensland Public Service Officers and Other Employees Award – State 2015* and the *General Employees (Queensland Government Departments) and Other Employees Award – State 2015*, who are generally unable to supplement their earnings. The weekly measure is therefore the appropriate indicator of low-paid status for employees engaged on ordinary daytime hours.
42. Even though Queensland public sector awards extend to high classifications, they contain classifications are properly characterised as low paid. The needs of the low paid are therefore directly engaged and the considerations that informed the *Annual Wage Review 2026* apply with equal force to the lowest classifications in the state awards.
43. There is another matter. Women are over-represented in the AO2 and equivalent classification levels, with over 63.36% of these roles occupied by women on 14 October 2025.¹⁸ According to the Public Sector Commission, women are also over-represented in every classification level between AO2 and AO8 (being those covered by the Award).
44. An increase in the state award rates is thus consistent with Parliament’s imprimatur in s 24 of the *Public Sector Act 2022* (Qld) to actively progress gender pay equity.
45. Consideration of the needs of the low paid also supports the conclusion that substantial weight should be given to the exercise undertaken by the expert panel in the *Annual Wage Review 2026*.

Relativities

46. As noted above, the expert panel’s approach to relativities is important. The same approach should apply here. To the extent that the Commission accepts that AO2.1 and OO2.1 fall within the low-paid band and warrant treatment consistently with the *Annual Wage Review 2026*, any adjustment directed at those pay points must not be quarantined to the bottom of the structure because to do so compresses the relativities between classifications across the relevant awards. It is important to maintain internal classification relativities and relativities between awards. An outcome which adjusts the lowest pay points alone distorts the structure and over time will erode the integrity of the safety net from which collective bargaining proceeds.

There is no reason to depart from the Annual Wage Review 2026

47. When the forensic exercise required to be conducted into the economic data is applied to the matters set out in ss 141, 142, and 143 of the act, the Full Bench should reach the same conclusion as the expert panel in the *Annual Wage Review 2026*.
48. For that reason, the Full Bench should find that it is fair and just for the wages or salaries for full-time adult employees in all state awards be increased by 4.75%. Such an increase reflects the prevailing employment conditions of the employees covered, or to be covered, by state awards.

¹⁷ [2026] FWCFB 3500 at [85].

¹⁸ Queensland Public Sector Commission, ‘Gender Pay Equity Dashboard’ (14 October 2025).

49. Consistently with the *Annual Wage Review 2026* and with the practice in previous State Wage Cases, existing award allowances which relate to work or conditions, and which have not changed in service increments, should be increased by the same percentage as award wages, viz., 4.75%. The Full Bench should find that such an increase is fair and just.

The Queensland minimum wage

50. The Queensland minimum wage has been aligned with the National minimum wage. In the *Annual Wage Review 2026*, the expert panel increased the National minimum wage to \$1,004.90 per week, or \$26.44 per hour.
51. There is no reason to depart from the usual convention and, in any event, no reason to depart from the *Annual Wage Review 2026*, given the matters canvassed above. The Queensland Minimum Wage should be aligned to the National Minimum Wage.

Operative date

52. The operative date for general rulings has by convention been 1 September for many years. There is no reason for the Full Bench to depart from that convention this year.

Conclusion

53. The relief sought by Together should be granted by way of a general ruling.

Hamish Clift

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17 July 2026