

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION
Industrial Relations Act 2016

Queensland Council of Unions
Applicant – B/ 2026/59
Together Queensland, Industrial Union of Employees
Applicant – B/2026/60

V

State of Queensland
Respondent

**STATE OF QUEENSLAND SUPPLEMENTARY SUBMISSIONS REGARDING
ADJUSTMENT TO THE QUEENSLAND MINIMUM WAGE**

The applicants' proposed approach to the Queensland Minimum Wage

1. The State of Queensland ('**the State**') has been provided with the opportunity to make supplementary submissions in respect of the Queensland Council of Unions ('**QCU**') proposal ('**the proposal**') that if the Full Bench were to grant the increases sought by the applicants, an additional subsection could be included in section 2 of the General Ruling to clarify that employees under the age of 21 years covered by a modern award would be entitled to the junior rates prescribed in the relevant modern award rather than the Queensland Minimum Wage ('**QMW**').
2. The applicants have sought increases from 1 September 2026 as follows:
 - a. An increase to the QMW from \$948 per week to \$1004.90 per week, equivalent to a 6 percent increase; and
 - b. An increase to wages or salaries for full-time adult employees in all state awards of 4.75 percent; and
 - c. An increase to monetary allowances (other than expense related allowances) in all state awards that relate to work or to conditions which have not changed, and service increases, of 4.75 percent.
3. The State notes that the combined effect of the proposal coupled with the increases sought by the applicants would provide:

- a. An increase of 4.75 percent to full-time adult employees, and employees under 21 years of age, in all state awards;
 - b. An increase to the QMW for full-time adult employees, and for award-free employees under the age of 21 of 6 percent.
4. In support of the proposal, the QCU identified that the proposed amendment would reduce the likelihood of confusion for employees under 21 years of age who are covered by awards who may misapprehend the wording at section (2)(a) of the proposed General Ruling as providing an entitlement to the QMW. The QCU identified that this misapprehension may arise given the definition of an employee for the purposes of the QMW is not limited to a person 21 years of age or older.¹

Statutory framework

5. Section 458(1) of the *Industrial Relations Act 2016* (**‘the Act’**) provides that the Commission 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.*
6. Section 142 of the Act provides as follows:
 - 142 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;*

¹ *Industrial Relations Act 2016* (Qld) s 8(1) defines an employee as “an individual who is employed, or usually employed, by an employer”.

- (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.*

7. Section 143(2) of the Act provides that “*a modern award does not discriminate against an employee only because it provides for minimum wages for any of the following –*

- a) All young employees;*
- b) All employees with a disability;*
- c) All employees engaged as apprentice or trainees;*
- d) A class of employees mentioned in paragraph (a), (b) or (c). ”*

8. Section 458 of the Act provides that:

- (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...*

The Respondent’s position in respect of the proposal

9. The State considers that it would be appropriate for the Full Bench to make the amendment proposed by the QCU to section 2 of the proposed General Ruling, to clarify that employees under the age of 21 years covered by a modern award would be entitled to the junior rates prescribed in the relevant modern award, rather than the Queensland Minimum Wage.

10. In determining its position, the State has reviewed the *Declaration of General Ruling (State Wage Case 2025) (No 2)* [2025] QIRC 230 and acknowledges that at present there is some ambiguity in respect of section 2 which may give rise to a misapprehension that where an employee under the age of 21 does not have a minimum rate of pay prescribed in the sections pertaining to award free employees under the age of 21, they may therefore be eligible to the QMW rate. The State notes that similar arrangements have appeared in previous General Rulings.²
11. The State supports the proposal on the basis that it provides clarity for employees and in doing so broadly aligns with the intentions of a General Ruling as described at section 458(1) of the Act, given multiple inquiries may be made regarding rates of pay for employees under 21 years of age. The State acknowledges that this year in particular such inquiries are more likely following the decision made by a Full Bench of the Fair Work Commission to ‘phase out’ junior rates of pay for employees age 18 years and older covered by three particular Federal Modern Awards.³ No such decision has been made in this jurisdiction, and is not currently proposed to be made, however the State considers that the proposal of the QCU will ensure clarity regarding entitlements for workers under 21 years of age.
12. The State also acknowledges the exercise of the Commission’s powers to provide this clarification within the General Ruling will broadly align with the Commission’s function to promote “*cooperative and productive workplace relations*” by supporting the arrangement proposed by the QCU and supported by the State to reduce ambiguity in respect of entitlements.⁴ The State further considers the proposal aligns with the Commission’s function to take “*measures to prevent disputes*”⁵ by ensuring clarity regarding the entitlements of employees under 21 years of age covered by modern awards.

² See for instance: *Declaration of General Ruling (State Wage Case 2024) (No 2)* [2024] QIRC 245 and *Declaration of General Ruling (State Wage Case 2023) (No 2)* [2024] QIRC 070.

³ [2026] FWCFB 75.

⁴ *Industrial Relations Act 2016* s 447(1)(f).

⁵ *Industrial Relations Act 2016* s 447(1)(g).

Disposition

13. For the reasons outlined above, the State supports the proposal that the proposed General Ruling to be made as part of the State Wage Case clarify that employees under the age of 21 years covered by a modern award would be entitled to the junior rates prescribed in the relevant modern award rather than the QMW.

M J Brooks

Counsel for the State of Queensland

24 August 2026