

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1999 – s. 287 – application for general ruling*

**Queensland Council of Unions AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. B584 of 2004)**

**The Australian Workers' Union of Employees, Queensland AND Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. B682 of 2004)**

DEPUTY PRESIDENT BLOOMFIELD  
COMMISSIONER BROWN  
COMMISSIONER THOMPSON

18 June 2004

REPORT ON DECISION (as edited)

In giving their decision from the Bench on 16 June 2004, the Full Bench stated:

“In accordance with s. 287, we have given notice of our intention to conduct this hearing. We have also given all parties an opportunity to be heard.

After considering the submissions by the parties today, the Commission is of the view that this is an appropriate case where a General Ruling should be issued. It seems to us that there are advantages in dealing with the matter in a single hearing rather than dealing with it on a piecemeal basis and we note that has been the traditional practice of the Commission.

We are satisfied that the respective applications are in conformity with the Wage Fixation Principles, most notably Principle 6.

We note that the position generally adopted by the respondents is either one of complete consent or one of non-opposition. In those circumstances, where it has been the traditional practice of the Commission to regard non-opposition as consent, we shall treat the applications as having been granted by consent of all parties. Notwithstanding consent we think that the claim is substantiated on the material provided in support.

We accordingly make the following decision pursuant to s. 287:

*‘That the minimum payment as prescribed in Awards which make provision for the payment of an amount of \$7.50 as a meal allowance to employees required to work overtime be amended by the deletion in the Award of such amount of \$7.50 and by the insertion in lieu into the Award the amount of \$9.60.’.*

The decision will take effect on and from 1 July 2004. We shall arrange for the Registrar to publish notice of the General Ruling, including the operative date, as soon as practicable. We will leave it to the Registrar to make the necessary amendments to Awards which are required to give effect to our decision.

Whilst it is not strictly necessary for us to deal with the issue of the formula used to calculate adjustments to the meal allowance quantum – in the sense that the applications have been granted by consent – we nonetheless think it worthwhile to note that paragraphs 8 and 9 of the amended applications contain the formula that has been adopted in these proceedings to determine the increase in the meal allowance.

That formula has been acknowledged, to different degrees, by the respondents and we think it might be useful in terms of the parties’ dealings with each other in the future for us to note the existence of formula used in these proceedings.

Finally, we congratulate the parties on having been able to achieve agreement on this matter. We think that the position adopted by the respondents has been both pragmatic and sensible. We think the position adopted by the applicants has similarly been pragmatic and sensible and it is pleasing to see, given that this allowance has not been adjusted for so long, that the parties could reach agreement on the quantum and the operative date.”.

Dated 18 June 2004.

By the Commission,  
[L.S.] G.D. SAVILL,  
Acting Industrial Registrar.

Released: 18 June 2004

*Appearances:*

Mr M. Brady, for Queensland Council of Unions.  
Ms Y. D’Ath, for The Australian Workers’ Union of Employees, Queensland.  
Mr S. Pawlowski, for Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Childrens Services Employers Association Queensland Union of Employers.

Mr D. Matley, for Queensland Hotels Association, Union of Employers.

Ms K. O'Brien, for The Registered and Licensed Clubs Association of Queensland, Union of Employers.

Ms J. Oliver, for Hardware Association of Queensland, Union of Employers.

Mr E. De Wet, for The Restaurant and Caterers Employers Association of Queensland Industrial Organisation of Employers.