



July 3, 2026

Qube Members

Underpayment case update: FWC decision on the 2019 Agreement

Today the Fair Work Commission handed down its decision on Qube's application to vary the Qube Logistics (Rail) Train Crew NSW Enterprise Agreement 2019 ([2026] FWCA 1722).

As members know, in June 2023 the RTBU commenced underpayment proceedings in the Federal Court of Australia. The Union's claim is that under both the 2015 and 2019 Agreements, Award shift and weekend penalties and allowances were payable in addition to the agreement rates of pay, and that train crew were underpaid as a result.

Qube responded by applying to the Commission to vary the 2015 and 2019 Agreements, arguing that their terms were ambiguous. The RTBU opposed the application. The variation of the 2015 EA had already been thrown out by the Federal Court.

The Decision

The Commission has found the 2019 Agreement to be ambiguous and has decided to vary it so that its rates of pay operate as loaded rates, that is, inclusive of Award shift and weekend penalties and allowances. The variation will operate retrospectively, back to 18 September 2020 when the 2019 Agreement commenced.

What this means for the underpayment case

The variation affects only the part of the Federal Court claim that concerns the 2019 Agreement.

The claim under the 2015 Agreement is not affected by this decision. That part of the case continues and remains listed for hearing in the Federal Court in December.

Next steps

The Union is carefully reviewing the decision and considering all available options in response, including appeal. Members will be kept informed as the matter progresses.

If you have any questions, speak to your local delegate or contact Kevin Pryor.