



July 7, 2025

## Qube Members Update

### 1. Workplace Inductions (NSW and Acacia Ridge)

Inductions are a form of training, and we have been advised that Members are being told to perform Inductions and other workplace courses in their own time. This comes from feedback received during the EA tours, other tours along with individual member inquiries. We are now investigating just how widespread this issue is across all NSW and Acacia Ridge Depots.

#### **NSW Train Crew Enterprise Agreement Clause 30.5**

All employees will undertake training on the following basis:

- (a) All training shifts must be rostered by QUBE Logistics.
- (b) All training, including shifts, shall be at the company's expense
- (c) Training Shift lengths will be in accordance with Clause 33

#### **South East Queensland Workplace Agreement Clause 31.5**

All Employees will undertake training on the following basis:

- (i) All training shifts must be rostered by Qube.
- (ii) All training, including shifts, shall be at Qube's expense.
- (iii) Training Shift lengths will be in accordance with Clause 35

To fully understand the extent of this issue, we are seeking the following information from Members.

1. Have you been advised and completed any Inductions, Training, or other Work-Related Courses in your own time?
2. Can you supply the dates and times when you completed any Training in your own time?
3. Can you supply what type of training/induction you completed?
4. Can you confirm that you were not paid? (supply corresponding pay slip and roster)

Please forward all correspondence to [kpryor@rtbu-nsw.asn.au](mailto:kpryor@rtbu-nsw.asn.au) by 25 July 2025. We will then collate responses and send it to Qube Management as one Notice of Dispute. Remember this dispute is only for RTBU members.



## 2. Intractable Bargaining (NSW)

On Wednesday 28 May 2025, Qube and the RTBU submitted the finalised Workplace Determination to the Fair Work Commission for approval. On Thursday 3 July 2025 the Commission asked the parties to file a joint submission by 7 July 2025 addressing some procedural aspects of the Workplace Determination, including how it passes the Better Off Overall Test. The Commission indicated the Determination would be made shortly after receiving those submissions.

As soon as it's approved, you will be notified.

## 3. Federal Court Underpayment

The RTBU's litigation against Qube for widespread underpayments under the 2015 Enterprise Agreement remains ongoing, with the next case listing in the Federal Court scheduled for September 2025.

Despite Qube's earlier positions to the contrary, the conclusion of enterprise bargaining has **not affected** the Federal Court case. That is because the RTBU **rejected Qube's proposed "global settlement"** which would have required members to give up their legal rights to backpay. As a result, the litigation has continued independently of bargaining and remains fully on foot.

Members will recall that Qube had sought to challenge our legal standing to pursue these underpayments, arguing that the 2015 Agreement could not be relied upon because it had ceased to apply by the time we filed the claim (having been replaced by the 2019 Agreement). Their argument relied on a narrow reading of section 539 of the Fair Work Act 2009.

However, in a major development, the Federal Court has rejected this line of argument.

On 4 July 2025, the Court handed down its decision in *NTEU v Monash University* [2025] FCA 728. The case dealt with the exact same question: whether a union could bring an underpayment claim under an expired enterprise agreement. The Court found in favour of the NTEU, upholding the union's right to proceed and dismissing the employer's technical objections.

This is a very encouraging outcome for RTBU members. Qube's legal defence is now significantly weakened. To recap:

1. Qube cannot vary the 2015 Agreement
2. Qube cannot stop us suing under it
3. The 2015 EA underpayments are now closer than ever to being recovered



We will continue fighting in the courts to hold Qube accountable and recover every cent owed to RTBU members.

**Not a Member, Join Today**

