

## WRMC 83 COMMUNIQUE

25 September 2009

### COMMUNIQUE FROM AUSTRALIAN, STATE, TERRITORY AND NEW ZEALAND WORKPLACE RELATIONS MINISTERS' COUNCIL

Today's 83<sup>rd</sup> meeting of the Workplace Relations Ministers' Council (WRMC) held in Sydney signified a major step towards achievement of a national workplace relations system for the private sector. At the meeting all Ministers, except the Western Australian and NSW Ministers, agreed to the content of the multi-lateral inter-governmental agreement which outlines the roles and responsibilities of participants in the national system. The meeting also moved a step closer to harmonised occupational health and safety (OHS) laws with Ministers agreeing to the release of the endorsed exposure draft of the model OHS Act for public comment.

The Acting Prime Minister reflected on the significance of the Council's work in these critical areas, noting their importance in contributing to the development of a seamless national economy while at the same time bringing enduring benefits to all Australians and in particular employees and employers. The progress achieved to date, especially when compared to the failed efforts of the past, highlights the benefit of the extensive consultation undertaken between Commonwealth and state and territory governments on these matters.

The Commonwealth, Victoria, South Australia, the Northern Territory, the ACT and Tasmania agreed to the multi-lateral intergovernmental agreement (IGA) and have signed the IGA.

Queensland agreed to the text of the multi-lateral IGA and subject to resolving remaining issues would be prepared to sign the IGA. New South Wales is yet to determine whether or not it will refer its workplace relations powers, but indicated were it to do so it would not seek any amendment to the IGA.

Western Australia notes the content of the IGA and the provisions that would apply in the event it elected to sign as a cooperating jurisdiction.

Queensland and New South Wales agreed to work with the Commonwealth to resolve outstanding issues by late October 2009.

The Acting Prime Minister briefed Ministers on progress in relation to Fair Work Australia and the activities of the Fair Work Ombudsman, including the Fair Work Education and Information Program, where the Australian Government is funding a \$12.9m targeted education and information program to provide information and training so that employees, employers and small businesses understand the new workplace relations system.

Under the Fair Work Education and Information program 19 community, employee, employer and small business organisations covering a diverse range of industry sectors such as retail, mining, hospitality, manufacturing, recruitment services, aged care - are undertaking comprehensive education activities including workshops, seminars, targeted consultations, webinars and other online learning formats. The Acting Prime Minister noted that to date, over 420 workshops and seminars have been held free of charge to the

## WRMC 83 COMMUNIQUE

public (including to both employees and employers) across all States and Territories of Australia, with over 1400 sessions in total to be conducted during the life of the program.

Ministers noted with approval that the National Employment Standards and modern awards are on track to commence on 1 January 2010. Ministers noted that the Australian Industrial Relations Commission (the Commission) has met all its milestones and has made 93 modern awards to date, with only Stage 4 modern awards remaining to be made.

Ministers also noted with approval that award modernisation will result in more than 4,000 state and federally based awards and industrial instruments being reduced to approximately 150 easy to find and apply modern awards.

Ministers noted that the task of choosing a national benchmark is challenging where there are a diverse range of provisions operating across awards and Notional Agreements Preserving State Awards and commended the Commission's ongoing work in developing modern awards while having regard to the terms and conditions in relevant awards and existing community standards and for its approach to phasing in arrangements that will ensure an orderly transition to the new system over a five year period.

Ministers noted with approval that no employee will have his or her take-home pay reduced as a result of the making of a modern award given the protections provided by take home pay orders.

Ministers considered a recommendation from the tripartite Safe Work Australia Council, which includes representatives of the Australian Council of Trade Unions, the Australian Chamber of Commerce and Industry, the Australian Industry Group, the Commonwealth and all state and territory governments, that they release for public comment an exposure draft of the model OHS Act and supporting documentation. In endorsing the exposure draft of the model OHS Act, Ministers reaffirmed the policy framework which they determined in May. Ministers agreed to the release of the endorsed exposure draft for public comment for a 6 week period.

Ministers were provided with an update on the implementation of the Commonwealth Government's Paid Parental Leave scheme and the current review being conducted on community based employment advice services.

Ministers agreed to WRMC being responsible for the national licensing of asbestos removal, noting that it will be addressed within the national model OHS regulations by the Safe Work Australia Council. Ministers also noted that a recommendation on ministerial responsibility for demolition licensing will be provided to WRMC once the Safe Work Australia Council has agreed on the topics to be included in the national model OHS regulations.

Ministers were advised that the International Labour Organisation (ILO) has indicated the Maritime Labour Convention (MLC) will likely come into force at international law in late 2011, and that a progress report will be provided at WRMC 84 on priority ILO Conventions, with particular attention given to the MLC, in accordance with the strategy agreed at WRMC 80. Victoria, Tasmania, the ACT and South Australia indicated that they supported ratification of the convention. Ministers agreed to the High Level

## WRMC 83 COMMUNIQUE

Officials' Group progressing this issue and for final positions on ratification to be provided by Ministers at the next WRMC meeting.

The Acting Prime Minister briefed Ministers on a number of improvements to the Comcare scheme of workers' compensation and OHS, arising out of the Government's review of the scheme.

Given the significant progress that has been made towards nationally harmonised OHS arrangements, and the Commonwealth's intent, as outlined at WRMC 82, to support OHS coverage of Comcare self-insured licensees being transferred to state and territory jurisdictions following the implementation of uniform OHS laws, the Acting Prime Minister indicated that the Government will maintain the moratorium on companies seeking to join the Comcare scheme until 2011 when uniform OHS laws have been implemented in all jurisdictions. The Government will introduce legislation to give effect to the moratorium for this further period.

In considering improvements to the Comcare scheme, the Government had regard to the Report of the Review of Self Insurance Arrangements under the Comcare Scheme, prepared by the Department of Education, Employment and Workplace Relations for the Minister. The Department's report is available at [www.deewr.gov.au/comcarereview](http://www.deewr.gov.au/comcarereview).

The Acting Prime Minister provided Ministers with analysis on the OHS performance of the Comcare scheme and an update on recent amendments to the Customs (Prohibited Imports) Regulations, noting the Australian control on in-situ asbestos imports has been modified to permit entry of ships and offshore resources installations in certain limited circumstances.

Against the background of COAG's agreement to establish a number of national bodies such as the Australian Health Practitioners Regulation Agency, Ministers agreed that senior officials further investigate the transferability of public service employees' terms and conditions between jurisdictions with a view to providing a paper for consideration at the next meeting of WRMC.

The Victorian Minister raised the issue of child employment laws and suggested exploring the establishment of a national regulatory framework for child employment. Ministers agreed to the referral of the issue of child employment regulation to a committee of senior officials for further consideration.

Ministers agreed to ask senior officials to consider the issue of sham contracting and the implications for workers' compensation and occupational health and safety arrangements and report back to the next meeting.

Ministers noted that the proposed Australian Government's Procurement Statement and associated Fair Work Principles which will apply solely to direct procurement entered into by the Commonwealth on or after 1 January 2010. Ministers also noted that implementation of the new procurement arrangements will be overseen by the Commonwealth Procurement Coordinator with input from a procurement consultation committee comprising industry, union and community stakeholders. Ministers agreed that senior officials meet to discuss the potential for the development of nationally consistent procurement policies and report back to the next meeting of WRMC.

## WRMC 83 COMMUNIQUE

### Attendees included:

- The Acting Prime Minister the Hon Julia Gillard MP, Minister for Employment and Workplace Relations (Cth)
- The Hon John Hatzistergos MLC, Minister for Industrial Relations (NSW)
- The Hon Joseph Tripodi MP, Minister for Finance (NSW)
- The Hon Martin Pakula MP, Minister for Industrial Relations (VIC)
- The Hon Tim Holding MP, Minister for WorkCover (VIC)
- The Hon Cameron Dick MP, Minister for Industrial Relations (QLD)
- The Hon Paul Caica MP, Minister for Industrial Relations (SA)
- The Hon Troy Buswell MLA, Minister for Commerce (WA)
- The Hon Lisa Singh MP, Minister for Workplace Relations (TAS)
- Mr Robert Gotts, Acting Director, ACT Office of Industrial Relations (ACT proxy)
- Ms Laurene Hull, Executive Director, NT WorkSafe (NT proxy)
  
- Mr Simon Finn MP, Parliamentary Secretary for Industrial Relations (QLD)

### *Apologies:*

- Mr John Hargreaves MLA, Minister for Industrial Relations (ACT)
- The Hon Robert Knight MLA, Minister for Public Employment (NT)
- The Hon Kate Wilkinson MP, Minister of Labour (NZ)