

**11 December 2009**

**COMMUNIQUE**

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

Today's 84<sup>th</sup> meeting of the Workplace Relations Ministers' Council (WRMC) held in Melbourne saw Ministers finalise two major reforms – the harmonisation of model work health and safety laws and a national workplace relations system for the private sector. The Deputy Prime Minister welcomed these significant reforms, adding that they will support a productive, streamlined national economy and ensure Australia's future economic prosperity.

In an historic decision, Ministers endorsed model work health and safety provisions which now become the agreed model Act. In doing so, Ministers noted the views expressed by Ministers on their jurisdictions' perspectives on the content of the model laws. Importantly, Western Australia has agreed to continue to aim for national harmonisation of work health and safety and continue to participate in Safe Work Australia.

The decision is a significant step forward which will enhance productivity through improvements in workplace health and safety and deliver improved safety for workers. The Deputy Prime Minister welcomed the decision and acknowledged that, in endorsing the model Act Ministers were very mindful of the national interest and the significant benefits that would flow from harmonised laws in this important area.

The model Act endorsed by Ministers was submitted by Safe Work Australia and incorporated a number of amendments proposed as a result of consideration by Safe Work Australia, input from the Parliamentary Counsel's Committee (PCC) and a public consultation process. Safe Work Australia received 480 submissions from individuals, unions, business, industry associations, governments, academics and community organisations on the exposure draft of the model Act released in late September 2009.

In endorsing the model Act, Ministers also agreed that Safe Work Australia and the PCC may make further technical and drafting amendments prior to the implementation of the model Act, including a mechanism for maintaining the real value of penalty levels. This is to enhance the legal effectiveness and workability of the policy framework previously endorsed by WRMC.

In noting the transitional arrangements for the implementation of the harmonised regime and the timetable for the development of the model work health and safety regulations, Ministers were pleased that there would be a four month public comment period for the model regulations commencing in late 2010.

The Deputy Prime Minister highlighted the decision as an indication of the benefits of cooperative federalism, adding that despite their best efforts successive governments of all political persuasions had for decades been unable to secure agreement to model laws in this important area. Ministers thanked Safe Work Australia members and officials for

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their tireless work in progressing the harmonised regime and for achieving the timeframe set by COAG.

The Deputy Prime Minister also congratulated Ministers on the achievement of a national workplace relations system for the private sector. Prior to the meeting the NSW and Queensland Ministers signed the intergovernmental agreement (IGA) which will enable the full participation in the national workplace relations system from 1 January 2010. All states and territories other than Western Australia had signed the IGA at a previous WRMC meeting.

The Deputy Prime Minister paid tribute to the hard work and cooperation of Ministers and officials in establishing the national workplace relations system for the private sector.

The Deputy Prime Minister provided Ministers with a brief overview of the proposed communication activities for 'Fair Work Week' which will run in the first week of January 2010. Fair Work Week will highlight elements of the new Fair Work system and raise public awareness of the full commencement of the new workplace relations system on 1 January 2010.

Ministers were provided with an update on the progress of the Fair Work Education and Information program, with over 1,600 workshops and seminars conducted to date free of charge to the public (including to both employees and employers) – across all states and territories of Australia. The Deputy Prime Minister reported that around 2,300 sessions in total will be conducted during the life of the program, which will continue to be delivered until April 2010. In response to queries from Ministers, the Deputy Prime Minister indicated the Commonwealth was still considering the need for further rounds of the Program.

The Deputy Prime Minister welcomed the recent completion of the award modernisation and simplification process by the Australian Industrial Relations Commission, advising this vital reform is on track for the new safety net to commence from 1 January 2010. The 29 final modern awards were released on time on 4 December 2009. Through the award modernisation process, the Australian Industrial Relations Commission has reduced the total number of awards from 3,715 awards to 122 modern awards. The Deputy Prime Minister thanked the Australian Industrial Relations Commission and all who had participated in the process, for their considerable efforts in achieving this significant reform.

Ministers were provided with updates on the progress made through the senior officials' group on a number of matters including the transferability of public service employees' terms and conditions between jurisdictions; the potential development of nationally consistent procurement policies based on the Fair Work Principles; and the harmonisation of child employment laws. Officials will continue to consider these issues and report back to Ministers in 2010, with Ministers agreeing to prioritise further work on child employment laws.

The majority of Ministers gave in-principle support for ratification of the Maritime Labour Convention (MLC) which is expected to come into force at international law in late 2011. The Deputy Prime Minister undertook to follow up with those Ministers who have yet to settle a position. The Deputy Prime Minister thanked Ministers who have

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provided in-principle support for ratification of the MLC and confirmed that amendments to legislation will need to be progressed in each jurisdiction in 2010 to ensure Australia's compliance with the MLC.

Ministers noted the opportunity in 2010 to progress ratification of a number of other priority ILO Conventions, including those on occupational safety and health, asbestos and part-time work. Ministers agreed to request that Safe Work Australia consider consistency with, and Australia's ability to ratify, the Asbestos Convention (No. 162) when developing asbestos safety regulations. Ministers agreed to provide all outstanding reports and advice on ratification on each of the priority Conventions as early as possible in 2010.

Ministers noted developments in relation to the proposed transfer of OHS coverage of Comcare self-insurers to state and territory jurisdictions, which will take place in 2012 following the implementation of harmonised work health and safety laws. The Deputy Prime Minister advised Commonwealth officials will consult with licensees and other stakeholders, and continue to consult with state and territory officials to progress this matter.

Ministers endorsed for publication the *Comparative Performance Monitoring Report, 11th edition* submitted by Safe Work Australia.

### Attendees included:

- The Deputy Prime Minister the Hon Julia Gillard MP, Minister for Employment and Workplace Relations (Cth)
- The Hon John Robertson MLC, Minister for Industrial Relations (NSW)
- The Hon Michael Daley MP, Minister for Finance (NSW)
- 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)
- Ms Katy Gallagher MLA, Minister for Industrial Relations (ACT)
- Ms Laurene Hull, Executive Director, NT WorkSafe (NT proxy)
  
- Mr Simon Finn MP, Parliamentary Secretary for Industrial Relations (QLD)

### Apologies:

- The Hon Martin Pakula MP, Minister for Industrial Relations (VIC)
- Dr Christopher Burns MLA, Minister for Public Employment (NT)
- The Hon Kate Wilkinson MP, Minister of Labour (NZ)