

5 November 2008

COMMUNIQUÉ FROM AUSTRALIAN, STATE, TERRITORY AND NEW ZEALAND WORKPLACE RELATIONS MINISTERS COUNCIL

Today's 78th meeting of the Workplace Relations Ministers' Council (WRMC) saw progress in the development of national workplace relations and occupational health and safety (OHS) arrangements. The meeting again reflected the spirit of cooperative federalism which has been the hallmark of the Council's deliberations throughout 2008.

In respect of workplace relations, Ministers were briefed on the Federal Government's substantive workplace relations legislation, in particular issues arising from the Committee on Industrial Relations Legislation's recent consideration of the draft legislation.

In outlining the current state of play, the Deputy Prime Minister thanked Ministers for the valuable contribution that senior officials from the states and territories had made to the development of the substantive legislation. Ministers expressed their appreciation at the unprecedented opportunity provided to states and territories to examine the draft legislation and the Federal Government's unparalleled commitment to meaningful consultation on the legislation.

Ministers acknowledged the draft legislation as providing the foundation for a national workplace relations system for the private sector based on *Forward with Fairness*. To that end, Ministers agreed that senior officials from all jurisdictions would meet further to discuss matters concerning the transition to a new national workplace relations system for the private sector, in particular issues relating to governance and service delivery including compliance and tribunals.

Ministers noted the Deputy Prime Minister's intention to introduce the substantive workplace relations legislation into the Federal Parliament later this year and to progress governance arrangements in the coming months.

On OHS, Ministers were provided with the first report of the National Review into Model Occupational Health and Safety Laws (a copy of the report is attached). Ministers were briefed on the report by Mr Robin Stewart-Crompton, Chair of the National OHS Review Panel. The Report addresses key issues such as duties of care, offences and defences. The Panel's second report will be provided to Ministers at the end of January 2009.

Ministers noted the first report and agreed to ask senior officials to examine the report and report back to the next meeting of WRMC on areas of agreement and any unresolved matters. Ministers requested that the National OHS Review Panel brief key stakeholders as soon as possible on its first report and noted the Panel's intention to hold further consultations in preparing its second report.

Ministers were also updated on the progress of legislation to establish Safe Work Australia. Ministers highlighted that Senate amendments to the *Safe Work Australia Bill 2008* were inconsistent with the historic commitment of all governments to uniform

national OHS legislation as reflected in the inter-governmental agreement on OHS reforms signed by the Council of Australian Governments (COAG) in July 2008.

The WA Minister noted that the WA Government supports a number of the amendments passed by the Senate.

However, Ministers noted with much concern that the amendments threatened the harmonisation of national OHS legislation, thereby delaying a significant and long overdue economic reform which would enhance OHS outcomes, reduce red tape for business and strengthen Australia's productive capacity.

Ministers endorsed the proposed response to COAG on recommendations from the Productivity Commission Study into Plastics and Chemicals Regulation. Ministers also endorsed the Australian Safety and Compensation Council's *Comparison of Occupational Health and Safety Arrangements in Australia and New Zealand*.

Ministers also noted developments regarding the Federal Government's new Pacific Seasonal Worker Pilot Scheme.

Attendees included:

- Deputy Prime Minister Julia Gillard MP, Minister for Employment and Workplace Relations (Cth)
- The Hon Rob Hulls MP, Minister for Industrial Relations (VIC)
- The Hon John Hatzistergos MLC, Minister for Industrial Relations (NSW)
- The Hon John Mickel MP, Minister for Employment and Industrial Relations (QLD)
- The Hon Paul Caica MP, Minister for Industrial Relations (SA)
- The Hon Troy Buswell MLA, Minister for Commerce (WA)
- The Hon Tim Holding MP, Minister for WorkCover (VIC)
- The Hon Joseph Tripodi MP, Minister for WorkCover (NSW)

Apologies:

- Mr Andrew Barr MLA, Minister for Industrial Relations (ACT)
- The Hon Allison Ritchie MLC, Minister for Planning and Workplace Relations (TAS)
- The Hon Robert Knight MLA, Minister for Public Employment (NT)
- The Hon Trevor Mallard, Minister of Labour (NZ)