

11 June 2009

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

Today's 82nd meeting of the Workplace Relations Ministers' Council (WRMC) held in Sydney marked a significant milestone towards the realisation of a national workplace relations system for the private sector, with three States having committed to refer their workplace relations powers in respect of the private sector. The meeting built on the historic commitment at WRMC 81 regarding the harmonisation of OHS laws.

At today's meeting the Victorian Minister for Industrial Relations, the Hon Martin Pakula MP and the Deputy Prime Minister, the Hon Julia Gillard MP, signed an interim bilateral inter-governmental agreement to govern the Victorian referral until a multilateral inter-governmental agreement outlining the roles and responsibilities of participants in the national system, is operational. Victoria has enacted legislation to refer its powers from 1 July 2009.

The South Australian Minister for Industrial Relations, the Hon Paul Caica MP, and the Tasmanian Minister for Workplace Relations, the Hon Lisa Singh MP, expressed their Governments' intentions to join Victoria in making a text-based referral of powers on workplace relations matters to the Commonwealth, noting a number of issues still needed to be worked through to finalisation. The Queensland Minister for Industrial Relations, the Hon Cameron Dick MP, indicated his Government's in-principle support for joining a national workplace relations system for the private sector, subject to a number of key issues being resolved.

The NSW Minister for Industrial Relations, the Hon John Hatzistergos MLC, indicated that NSW would not determine its position on referral until the remaining elements of the Fair Work legislative reforms were enacted.

The ACT Minister for Industrial Relations, Mr John Hargreaves MLA, expressed his support for a national system. An official from the Northern Territory advised that the NT Government supported a national system in-principle and that the NT Government would formally consider its position shortly.

The Deputy Prime Minister noted the Western Australian Government's decision not to refer its powers on workplace relations matters but to conduct an independent review of the State's industrial relations system which will consider opportunities for harmonisation with the new national workplace relations system.

Ministers committed to working to finalise a multilateral inter-governmental agreement regarding a national system for the private sector by August 2009. The agreement will set out the key principles that will underpin the new system into the future, building on principles endorsed by WRMC on 23 May 2008.

The Deputy Prime Minister welcomed the significant progress to date, stating that a national workplace relations system for the private sector was a crucial part of creating a seamless national economy.

The Deputy Prime Minister updated Ministers on the progress of the remaining Fair Work legislation currently before the Federal Parliament. Ministers noted that the Australian Government is focussed on delivering the new system to commence on 1 July.

Ministers noted the importance of the Senate passing the Fair Work (Transitional Provisions and Consequential Amendments) Bill 2009 and the Fair Work (State Referral and Consequential and Other Amendments) Bill 2009 to ensure an orderly and effective transition to the new system.

Ministers also noted that both Fair Work Australia and the Office of the Fair Work Ombudsman are on track to open for business on 1 July 2009. Consistent with election policy commitments, the National Employment Standards and modern awards will commence on 1 January 2010.

Ministers discussed the Wilcox report, *Transition to Fair Work Australia for the Building and Construction Industry*. Ministers noted the report, the consultations with key stakeholders and the States and Territories on the report and the Commonwealth's intention to respond to the report shortly. States and Territories other than WA reaffirmed previously stated concerns about Mr Wilcox's recommendation in relation to the retention of coercive powers.

Ministers were also briefed on similar consultation regarding Mr Wilcox's suggestions in relation to the Australian Government Implementation Guidelines for the National Code of Practice for the Construction Industry (the Guidelines). Ministers noted a number of issues with the Guidelines and welcomed the Government's intent to release a revised version of the Guidelines which will have effect from 1 July 2009.

Ministers were updated on the establishment of Safe Work Australia and the Safe Work Australia Council, and progress on developing model OHS legislation and regulations. Ministers welcomed Mr Tom Phillips AM, the recently appointed Chair of the Safe Work Australia Council, and acknowledged his very important role in the OHS harmonisation process.

Ministers approved the Safe Work Australia Council 2009-2012 Strategic Plan and its 2008-2009 and 2009-2010 Operational Plans. Ministers also noted the National OHS Strategy 2002-2012 Triennial Review report.

The Deputy Prime Minister briefed Ministers on the Commonwealth's intent, following the implementation of uniform OHS laws, to support OHS coverage of Comcare self-insured licensees being transferred to state and territory jurisdiction. Ministers agreed to Commonwealth officials working with state and territory officials in giving further consideration to the issues raised by this proposal, including whether all or only some licensees would be transferred to state/territory coverage.

The New South Wales Minister briefed the Council on two upcoming international conferences that will be hosted by New South Wales in August and September 2009 - the 15th World Congress of the International Industrial Relations Association and the XIX World Congress of the International Society for Labour and Social Security Law.

Attendees included:

- The Deputy 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 Paul Caica MP, Minister for Industrial Relations (SA)
- The Hon Cameron Dick MP, Minister for Industrial Relations (QLD)
- The Hon Lisa Singh MP, Minister for Workplace Relations (TAS)
- Mr John Hargreaves MLA, Minister for Industrial Relations (ACT)
- Mr Simon Finn MP, Parliamentary Secretary for Industrial Relations (QLD)

Apologies:

- The Hon Tim Holding MP, Minister for WorkCover (VIC)
- The Hon Troy Buswell MLA, Minister for Commerce (WA)
- The Hon Robert Knight MLA, Minister for Public Employment (NT)
- The Hon Kate Wilkinson MP, Minister of Labour (NZ)