

24 May 2002

JOINT COMMUNIQUÉ FROM COMMONWEALTH, STATE AND TERRITORY WORKPLACE RELATIONS MINISTERS

The Workplace Relations Ministers' Council (WRMC) met in Sydney today.

The Council discussed a range of important developments in workplace relations, including the Safety Net Review decision and the implementation of three federal employee entitlements safety net schemes.

The Council also discussed continuing progress in harmonising the workplace relations framework across States and Territories, and legislative developments at the federal and State levels, as well as in New Zealand.

The Council considered significant developments in occupational health and safety (OHS) and workers' compensation. Of most significance is the decision by Ministers to endorse a new National Occupational Health and Safety Strategy. The OHS Strategy is significant in that, for the first time, Australia will have all jurisdictions, and the peak employer and employee organisations (ACCI and ACTU) committed to minimum national targets and national priorities for improving OHS. Ministers agreed that the OHS Strategy operate for 10 years and be monitored by the Council.

Ministers considered progress towards the phase-out of the use and importation of asbestos by 31 December 2003, agreed to the release of the fourth National Comparative Performance Monitoring report in June 2002, and considered a review of the Major Hazard Facilities National Standard. The Council also discussed progress aimed at improving State and Territory workers' compensation cross-border arrangements.

National Workplace Relations Policy Developments

Ministers noted the Australian Industrial Relations Commission's Safety Net Review decision of 9 May 2002 and protection of employee entitlements.

Legislative Developments

Ministers noted developments with legislation at the federal level and in South Australia, Western Australia and New South Wales.

Minister Abbott reported on a number of Bills that have been introduced into the federal Parliament since the last WRMC meeting:

- Workplace Relations Amendment (Fair Dismissal) Bill 2002;
- Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002;

- Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002;
- Workplace Relations Amendment (Genuine Bargaining) Bill 2002;
- Workplace Relations Amendment (Fair Termination) Bill 2002;
- Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002;
- Workplace Relations Amendment (Transmission of Business) Bill 2002;
- Workplace Relations (Registration and Accountability of Organisations) Bill 2002 (the Principal Bill) and Workplace Relations (Registration and Accountability of Organisations)(Consequential Provision) Bill 2002 (the Consequential Provisions Bill).

The need for improved consultation between the federal government and Victoria on legislation was also discussed.

Ministers noted four sets of federal amending regulations which were also recently gazetted:

- The Occupational Health Safety (Commonwealth Employment) Amendment Regulations 2001 (No. 3);
- The Employment and Workplace Relations Legislation Amendment (Application of Criminal Code) Regulations 2001 (No. 1);
- The Workplace Relations Amendment Regulations 2001 (No. 2); and
- The Safety, Rehabilitation and Compensation Regulations 2002.

Ministers also noted:

- The *Industrial Relations (Ethical Clothing Trades) Act 2001* was passed by the NSW parliament on 11 December 2001 and assented to on 19 December 2001. The Act commenced 1 February 2002;
- The Industrial Relations Amendments (Unfair Contracts) Bill 2002 was introduced into the NSW Parliament on 11 April 2002;
- The *Industrial Relations Amendment (Public Vehicles and Carriers) Act 2001* was passed by the NSW Parliament and assented to on 14 December 2001;
- The *Coal Industry ACT 2001* was passed by the NSW Parliament on 11 December 2001 and assented to on 14 December 2001;
- The NSW Government has tabled an exposure draft of the Industrial Relations (Leave) Bill 2001 (No. 2). Comments were sought by 1 March 2002;
- The Workplace Relations Amendment (Improved Protection for Victorian Workers) Bill 2002 was introduced into the Federal Parliament on 21 March 2002;
- The Crimes (Workplace Deaths and Serious Injuries) Bill 2001 was introduced into the Victorian Parliament on 21 November 2001 and has now passed the second reading stage in the Legislative Assembly;

- The *Industrial Relations Amendment Act 2001* was passed by the Queensland Parliament on 29 November 2001 and assented to on 3 December 2001;
- The Labour Relations Reform Bill (WA) was passed by the Western Australian Legislative Assembly on 28 March 2002;
- There has been change of government in South Australia since the last WRMC meeting. The new Minister for Industrial Relations, the Hon. Michael Wright MP, has initiated a review of industrial relations legislation in South Australia.

New Zealand

- The *Parental Leave and Employment Protection (Paid parental Leave) Amendment Act 2002* which comes into effect on 1 July 2002, will amend the *Parental Leave and Employment Protection Act 1987*, to provide a government funded entitlement of up to twelve weeks' paid parental leave for employees entitled to parental leave under the principal Act.

Harmonisation of the Workplace Relations Framework

Ministers noted new contracts with Queensland and WA to extend their delivery of federal industrial registry functions for another two years, and that Tasmania will be reviewing progress towards the integration of the Tasmanian and Australian Industrial Registry services. Ministers also noted that discussions are continuing between officials in New South Wales.

Ministers considered the revised report *Benchmarking of Commonwealth and State Workplace Relations Inquiry and Compliance Services 1 July 2000–30 June 2001*.

Ministers noted the outcomes of the bi-annual Commonwealth/State benchmarking meeting of 18 April 2002.

Ministers noted developments with concurrent appointment of members of state and federal industrial tribunals.

Ministers considered the report of the Departments of Workplace Relations Advisory Committee Working Party on harmonisation of time and wages records and payslips details. Ministers supported the alternative approach to legislation identified by the working party, that is the development of a template for use by employers which would meet current requirements.

Occupational Health and Safety and Workers' Compensation

Ministers agreed to endorse a new National Occupational Health and Safety Strategy. The OHS Strategy is significant in that, for the first time, Australia will have all jurisdictions, and the peak employer and employee organisations (ACCI and ACTU) committed to minimum national targets and national priorities for improving OHS. Ministers noted that the national OHS strategy represents a significant step towards uniting the national effort to reduce injury, disease and fatalities in Australian workplaces. The OHS Strategy contains a

national vision for OHS, namely, *Australian workplaces free from death, injury and disease*. It also establishes:

- national targets for reducing the incidence of work-related fatalities (at least a reduction of 20% by 30 June 2012, with a reduction of 10% by 30 June 2007) and workplace injuries (at least a reduction of 40% by 30 June 2012, with a reduction of 20% by 30 June 2007);
- five initial national priorities, which are designed to achieve a balanced mix of short term and long term improvements; and
- overall indicators of success for the Strategy.

Ministers agreed that the OHS Strategy operate for 10 years and be monitored by the Council.

Ministers agreed to publication of the fourth national Comparative Performance Monitoring report on occupational health and safety (OHS) and workers' compensation performance across Australian schemes, including NZ. The report is expected to be finalised for release in June 2002.

Ministers also agreed to publish, upon finalisation, the Comparative Performance Monitoring Cross-Jurisdictional Case Study of the OHS in the Health Services Industry.

Ministers endorsed the review of national manual handling regulatory materials and noted progress with implementation of WRMC's strategies for achieving consistent national regulation of major hazard facilities. Ministers agreed to NOHSC proceeding with technical changes to Schedule 1 of the Major Hazard Facilities National Standard. Ministers agreed that NOHSC report back to Ministers in 2003 on progress with the review of the hazardous substances regulatory framework and on preferred arrangements and directions for coordinating implementation of the globally harmonised system (GHS) for the classification and labelling of chemicals.

Ministers' noted that arrangements for implementing a prohibition on the use and importation of chrysotile asbestos from 31 December 2002 are progressing satisfactorily. Ministers endorsed a NOHSC proposal that it undertake a public consultation process during June to August 2002 to finalise a list of exemptions from the prohibition, where there are no known safe alternatives to chrysotile. Ministers remain committed to keeping the exemption list to a minimum.

Ministers discussed resolution to an impasse that had slowed the implementation of a consistent State and Territory cross-border arrangement for workers' compensation coverage, aimed at improving certainty for employers and employees. Ministers noted that New South Wales, Victoria and Queensland are pursuing complementary legislation and that South Australia is proposing legislation. Ministers agreed to review progress at the next meeting.

Ministers discussed the progressing of the ratification of ILO Convention 155, Occupational Safety and Health 1981. Ministers noted that the ILO is currently reviewing this convention and agreed to consider progressing ratification when this review is completed.

Ministers also discussed regulation of importation of fireworks and agreed to provide further information to the Commonwealth to support enhanced regulation.

Ministers also discussed the issue of industrial law enforcement.

Federal funding of the Commonwealth Games facility at the MCG and the issue of funding to meet wage costs for New South Wales welfare workers were also discussed.

Ministers agreed to meet again in November 2002.

Attendees included: Federal Minister for Employment and Workplace Relations, Tony Abbott; Victorian Minister for Local Government, Minister for Workcover, Bob Cameron; Victorian Minister for Finance and Industrial Relations John Lenders; Queensland Minister for Industrial Relations, Gordon Nuttall; New South Wales Minister for Industrial Relations, John Della Bosca; Western Australian Minister for Consumer and Employment Protection and Training, John Kobelke; SA Minister for Industrial Relations, Michael Wright.

Apologies were received from: Tasmanian Minister for Infrastructure, Energy and Resources, Paul Lennon; Northern Territory Minister for Employment and Training, Syd Stirling; ACT Minister for Education, Youth and Family Services, Planning and Industrial Relations, Simon Corbell; and New Zealand Minister for Labour, Margaret Wilson.