

28 March 2003

**JOINT COMMUNIQUÉ FROM COMMONWEALTH, STATE, TERRITORY
AND NEW ZEALAND WORKPLACE RELATIONS MINISTERS**

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

The Council discussed a range of important developments in workplace relations, including the report of the Royal Commission into the Building and Construction Industry that was tabled in Parliament this week and Federal, State and New Zealand legislative developments.

The Council agreed to support the ratification of ILO Convention 155, *Occupational Health and Safety, 1981*, subject to the International Labour Conference in June 2003 re-confirming the Convention in substantially the same terms.

Ministers renewed their commitments to ratification of ILO Convention 182, *Worst Forms of Child Labour, 1999* and agreed to do whatever they could to fast-track this.

Minister Abbott reported on the passage by the Commonwealth Parliament of the Workplace Relations Amendment (Prohibition of Compulsory Union Fees) Bill 2002, on 26 March 2002.

Minister Abbott confirmed his commitment to consult the Territories and Victoria prior to introduction of federal industrial legislation.

Minister Hulls reported on the passage by the Victorian lower house on 27 March 2003 of the Federal Awards (Uniform System) Bill 2003 and the Outworkers (Improved Protection Bill) 2003.

Ministers also noted recent developments regarding other workplace relations legislation of the States and New Zealand.

Minister Wilson delivered a paper on paid parental leave legislation in New Zealand.

The Council noted continuing progress in harmonising the workplace relations framework across States and Territories.

Ministers discussed the Commonwealth's Workplace Relations Amendment (Termination of Employment) Bill 2002, which was introduced into Federal Parliament on 13 November 2002. The Bill proposes to extend the operation of the Commonwealth unfair dismissal system using existing constitutional powers so that a single unfair dismissal system will operate for the greater majority of Australian employers and employees.

States and Territories present indicated their strong opposition to this Bill, on the grounds that they consider it is unnecessary and would reduce protections for employees, there was no consultation prior to its introduction, and they questioned whether the Commonwealth had breached its commitment not to use newly referred powers in relation to corporations for workplace relations purposes.

Minister Abbott noted the views of State and Territory Ministers and assured them the Commonwealth had not breached this commitment.

Minister Abbott noted that the Productivity Commission Inquiry into Workers' Compensation and OHS has been asked to commence its work and thanked Ministers for the comments and suggestions he received on the draft terms of reference for the Inquiry.

Ministers discussed the DWRAC working party progress report on the scope for a nationally consistent approach to compliance and enforcement and agreed that, following provision of an interim working party report, expected by June 2003, further work by the working party should be deferred until receipt of the report of the Productivity Commission Inquiry.

Ministers discussed arguments in favour of uniformity in long service leave standards applying across Australia. Minister Hulls undertook to bring forward an agenda paper in consultation with other States for consideration at the Council's next meeting.

Minister Hulls tabled a report commissioned by the Victorian Government on a sample of Australian Workplace Agreements (AWAs). He indicated that Victoria believes the research points to deficiencies in relation to AWAs, and that Victoria is of the view that further work ought to be done. Victoria's view is that AWAs are not currently promoting high performance and cooperative workplace cultures, and should not be used to undermine community standards. South Australia, the ACT, Tasmania, Western Australia and Queensland supported this view.

Ministers discussed the application of the Commonwealth's General Employee Entitlements and Redundancy Scheme in relation to Tasmanian employees terminated without redundancy entitlements. Minister Jackson requested that the Commonwealth use its discretion to make payments in respect of the Watts employees. Minister Abbott undertook to respond formally on this issue.

Ministers discussed the Final Report of the Royal Commission into the Building and Construction Industry. There was unanimous agreement that unlawful behaviour in the building and construction industry is not acceptable. Minister Abbott proposed that State and Territory Ministers agree to consider the recommendations of the Royal Commission. State and Territory Ministers present agreed to establish a working party to consider implementation of changes to the *Workplace Relations Act 1996* as set out in the '10 Point Plan' tabled by Minister Hulls. State and Territory Ministers present agreed to consider the Commonwealth's response to the Royal Commission recommendations, when available.

Ministers discussed a number of issues relating to the operating arrangements and chairing of the Council and agreed to consider a paper on this at the Council's next meeting, as the first item.

Ministers agreed to meet again on 20 November 2003 in Melbourne.

Attendees included: Federal Minister for Employment and Workplace Relations, Tony Abbott; Queensland Minister for Industrial Relations, Gordon Nuttall; Western Australian Minister for Consumer and Employment Protection and Training,

John Kobelke; ACT Minister for Education, Youth and Family Services, Minister for Industrial Relations and Minister for Women, Katy Gallagher; Victorian Attorney-General, Minister for Industrial Relations and Minister for WorkCover, Rob Hulls; South Australian Minister for Industrial Relations, Michael Wright; Tasmania Attorney-General and Minister for Justice and Industrial Relations, Judy Jackson; Tasmanian Minister for Infrastructure, Jim Cox; New Zealand Attorney-General and Minister for Labour, Margaret Wilson.

The Northern Territory Minister for Employment and Training, Syd Stirling, was represented by John Kirwan, Commissioner for Public Employment. The NSW Minister for Industrial Relations, John Della Bosca, was represented by Kate McKenzie, Director-General, Department of Industrial Relations.