

23 May 2008

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

Today's meeting of the Workplace Relations Ministers' Council (WRMC) in Brisbane represents an historic watershed in cooperative federalism in the workplace relations area.

In an important step towards a national workplace relations system for the private sector, Ministers unanimously endorsed a set of principles that will guide the development of governance arrangements for a stable uniform national system.

The principles (copy at [Attachment A](#)) reaffirm Ministers' February 2008 endorsement of Forward with Fairness as providing the basis of a modern, fair and flexible workplace relations system. Through the principles all governments commit to a national workplace relations system built on several key pillars, including a strong safety net of minimum standards, collective bargaining at the workplace level, protection from unfair dismissal and fair and effective remedies through an independent umpire.

Ministers further agreed that the High Level Officials Group established at their last meeting to discuss the substantive reforms should now commence work on developing a draft inter-governmental agreement for the new national workplace relations system for consideration by Ministers at their next meeting.

Ministers also noted a progress report provided by the Deputy Prime Minister on the development of the Government's substantive workplace relations reforms. Ministers noted the continuing extensive consultation occurring on the Government's substantive workplace relations reforms and unanimously welcomed the Government's commitment to continue to work with states and territories in the development of those reforms, including consideration of the draft substantive legislation.

Ministers also welcomed the Commonwealth Government's recent announcement of a process of extensive consultation with industry stakeholders to deliver on its election commitment to replace the Australian Building and Construction Commission with a specialist building and construction division of the inspectorate of Fair Work Australia after 31 January 2010. These consultations will be undertaken by a former judge of the Australian Federal Court, the Honourable Murray Wilcox QC.

Today's meeting also marked an historic commitment by Ministers to occupational health and safety (OHS) reform with Ministers agreeing in-principle to the *Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety* (IGA).

Ministers noted that this will be the first time that cooperation between the Commonwealth, state and territory governments on the harmonisation of OHS legislation has been formalised.

Ministers also noted COAG's decision to bring forward by 12 months the implementation timetable for the harmonisation of OHS legislation, one year earlier than the Commonwealth Government's original election commitment.

Ministers also noted that the panel reviewing national model OHS laws would be publishing an issues paper in the next few weeks following their initial extensive consultations. Ministers encouraged stakeholders to make submissions.

Ministers agreed to replace the Australian Safety and Compensation Council (ASCC) with a body which will have tripartite representation and will be jointly funded by the Commonwealth, states and territories. Ministers noted that legislation to establish the body will be introduced into the Federal Parliament in June to enable it to commence operations in the last quarter of 2008.

Ministers also endorsed a number of national standards and codes declared by the ASCC including the *National Standard for Manual Tasks*; the *National Code of Practice for the Prevention of Musculoskeletal Disorders from Performing Manual Tasks at Work*; the *National Code of Practice for Precast, Tilt-up and Concrete Elements in Building Construction*; and the Amendment to Schedule 2 of the National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)].

The Annual Report on the ASCC Business Plan 2006-2007 and the National OHS Strategy and the ASCC Business Plan for 2008-09 were endorsed by Ministers. Ministers noted a progress report on the Australian Forum of Explosives Regulators.

Ministers noted the progress on the review of the Comcare self-insurance workers' compensation scheme.

Ministers agreed to convene another meeting of the WRMC by August.

Attendees included:

- Deputy Prime Minister Julia Gillard MP, Minister for Employment and Workplace Relations (Cth)
- The Hon John Mickel MP, Minister for Employment and Industrial Relations (QLD)
- The Hon John Della Bosca MLC, Minister for Industrial Relations (NSW)
- The Hon Rob Hulls MP, Minister for Industrial Relations (VIC)
- The Hon Michael Wright MP, Minister for Industrial Relations (SA)
- The Hon David Bartlett MHA, Minister for Workplace Relations (TAS)
- The Hon Jon Ford JP MLC, Minister for Industrial Relations (WA)
- Mr Andrew Barr MLA, Minister for Industrial Relations (ACT)
- The Hon Delia Lawrie MLA, Minister for Public Employment (NT)

*Apologies:*

- The Hon Tim Holding MP, Minister for WorkCover (VIC)
- The Hon Trevor Mallard, Minister of Labour (NZ)

Governance framework for a uniform national workplace relations system – proposed principles

1. All governments endorse Forward with Fairness as providing the basis of a modern, fair and flexible workplace relations system.
2. All governments commit to a uniform and stable national workplace relations system for the private sector built on the following pillars:
  - a) a strong, simple and enforceable safety net of minimum employment standards;
  - b) genuine rights and responsibilities to ensure fairness, choice and representation at work, including the freedom to choose whether or not to join and be represented by a union or participate in collective activities;
  - c) collective bargaining at the enterprise level with no provision for individual statutory agreements;
  - d) fair and effective remedies available through an independent umpire;
  - e) protection from unfair dismissal;
  - f) seamless service delivery arrangements; and
  - g) cooperation between all governments in the development and implementation of a national workplace relations system.
3. States will be able to elect if and how they opt into the national system, for example by full referral of powers, text based referral, mirror legislation or harmonisation. It will be open to States to include specific issues and/or particular areas in the national system beyond those currently covered, e.g. public sector employees.
4. The Workplace Relations Ministers' Council (WRMC) will oversee the operation of a national workplace relations system.
5. Consistent with the commitment to a uniform and stable national workplace relations system, all governments commit to developing a governance arrangement to deal with any proposal to amend legislation after 1 January 2010 when the new workplace relations system commences operation. Elements of the governance system may include the requirement to submit amendment proposals to WRMC at an early stage, i.e. prior to drafting instructions being issued. Were such a requirement to be included, amendment proposals would be submitted to WRMC for consideration and assessment as to consistency with the pillars described in 2, noting proposals inconsistent with those pillars will jeopardise the continuation of the uniform national workplace relations system for the private sector and may lead to costs that require compensation.