



Australian Government  
Attorney-General's Department

# Minister for Industrial Relations 2022 Incoming Government Brief

## Volume II – Emerging Issues



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## Australia's workplace settings

Workplace settings strongly influence Australia's economic and social progress, development, and stability. Economic and social outcomes can also be influenced by broader policy settings, such as welfare, education, and tax, but a productive national economy needs an effective, balanced, and fair framework. The COVID-19 pandemic tested national employment settings and showed areas where the current framework is able to meet changing needs. It also highlighted areas that need action. **There are opportunities for additional in-depth briefings to cover issues in the employment frameworks.**

While Australia has a strong economy – driven by population growth, increasing workforce participation, and higher productivity – this prosperity hasn't been shared equally, with real wages stagnating for the past decade. **Kickstarting productivity growth and investing in the skills and training of workers** will help those struggling with the cost of living through improved wages and conditions.

### A fair, useable and responsive system

A good regulatory framework supports users and makes compliance easy while driving greater wage outcomes and providing users confidence there are consequences for those who deliberately breach the rules or neglect their duties. The employment framework needs to ensure that different working arrangements, such as platform and hybrid models, provide additional opportunities and flexibilities for workers but not at the expense of decent pay, job security, and a safe workplace. Workers look to government when exploitation occurs and expect their rights to be protected and action to be taken through a strong **compliance and enforcement regime**. Workers can have greater confidence if deliberate and systemic underpayments are criminalised and there are robust laws which protect them. Additionally, the system needs the ability to **identify and rectify underpayments quickly**.

### An outcome driven approach that benefits all

Bargaining is declining, and nearly one quarter of Australia's workforce are now on the award safety net. The outcome intended by the Hawke/Keating government envisaged the vast majority of workers would be on enterprise agreements and the safety net would only be for a small proportion of workers. Workers in low paid and insecure jobs do not feel empowered to ask for improved pay or conditions. A **more useable framework** will allow workers and business to enter into genuine negotiations that lead to **increases in productivity, profitability, and wages**. A cooperative and outcomes-focused approach to negotiations will help stakeholders and users move beyond the power imbalances that have limited progress.

There are mechanisms for addressing the lack of bargaining power found in some industries, but these pathways have rarely been used and low paid workers are continuing to fall behind. There needs to be solutions, not conflict, and **enabling collaborative** conversations and bargains between workers, business, and representatives will help minimise unproductive conflict which limits progress.

### Creating a data-driven and evidence-based future

Government can benefit from using **data-informed approaches** to help communicate with stakeholders, gain a strong basis for policy and legislative reform, and help overcome entrenched stakeholder positions. Data can help make workplace settings simpler, easier, and fairer for users through providing advice tailored to unique circumstances through innovation like **RegTech**. However, robust and credible data around the functioning of the industrial relations system is lacking.

Access to qualitative and quantitative data will allow the department to engage more meaningfully with stakeholder groups. Current work with the Australian Bureau of Statistics is laying the basis for the future of sounder understanding of the **gig-economy**. However, you could go further by considering options for improving data collection to enhance evidence-based policy development. Having robust and representative data on-hand will enable solutions that make the system work better for everybody.

The department has provided more detailed actions and recommendations in the below sections, as well as in **Volume III – Stakeholder Management and Events**.

## Kickstarting wages and productivity

Productivity is a key source of economic growth and competitiveness and can have a positive influence on all Australians. To **improve productivity**, Australia will need to invest more in skills, safe work, innovation, productivity-focused bargaining, and ensuring that those increases are shared with workers through increased real wages. Productivity is impacted by more than work settings. Negative health outcomes are estimated to cost the Australian economy billions of dollars every year. Safe and healthy workers are more productive, and so a greater understanding of health outcomes, in particular improving mental health, is necessary.

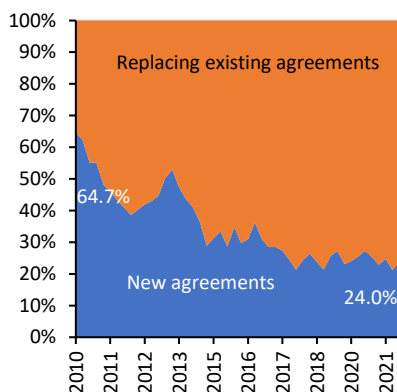
Australia needs to be ready for the **future of work** and ensure workers have essential skills to meet the demands of a changing global economy. **You can lead tripartite discussions between government, unions and business, as discussed in Volume III – Stakeholder Management and Events**, to hear from all users of the system on their experiences in areas in need of reform.

### Providing greater job security and fairer pay

More workers are now earning the minimum legal rate under awards. On average, workers on enterprise agreements earn \$610 per week more than workers on awards. The lack of guaranteed work and hours creates a barrier in looking to negotiate for improved pay or conditions.

Addressing these barriers to increasing wages will provide an opportunity for workers in low-paid industries, such as aged care and disability, to see improvements to their living and working conditions. The pathways that allow for low-paid bargaining are underutilised, but there are ways to strengthen the mechanisms through which people can seek pay increases. You could **consider if majority support determinations are fulfilling their purpose** of empowering workers to bargain. A key component of addressing insecure work is ensuring there is a clear pathway to permanent work for those who want it.

*New agreement making has been declining*



### Reinvigorating bargaining to be easier and more cooperative

Businesses say that bargaining is cumbersome, expensive, and time consuming, leading to a decline in engagement with the **enterprise bargaining system** and resulting in more employees earning the minimum legal rate under awards. Despite strong jobs growth in low-paid industries, workers continue to receive low pay and have low bargaining power. The rising costs of living means those workers on the minimum wage are struggling to meet the rising cost of living.

Conflicts between employer and employee representative bodies are also roadblocks to reaching win-win agreements. You have the opportunity to address these barriers through reinvigorated tripartite consultation to focus on win-win outcomes. This will enable greater productivity at the enterprise level while lifting the skills, wages, and conditions of the workforce, **as discussed in Volume III – Stakeholder Management and Events**.

## Integrity fosters trust in the industrial relations system

### Regulation and its role in increasing trust in the system

Underpayment remains one of the biggest issues in workplaces of all sizes. In the case of large employers that have the resources and capability to comply with their obligations, non-compliance should not be treated as minor, or a mistake. There needs to be processes to ensure that where mistakes have been made, they do not recur, and priority should be given to ensuring workers receive any unpaid wages as quickly as possible.

While there has been a significant increase in compliance activities undertaken by the Fair Work Ombudsman (the FWO), particularly against large corporate entities, now is **a good time for you to examine whether the FWO will require further tools**. For example, the FWO's Employer Advisory Service – which was initially opposed by employer groups and unions – has been a very successful initiative giving confidence to small businesses through tailored written advice. The misclassification of employees as independent contractors is a significant issue in some sectors, resulting in increased job and wage insecurity. **The sham contracting test in the Fair Work Act could be amended** to reduce the current high threshold allowing increased enforcement against this practice.

### Australia's workplace tribunal should operate fairly and with integrity

Criticism has been levelled at the Fair Work Commission (FWC) – which is responsible for maintaining a safety net of minimum wages and employment conditions, as well as a range of other workplace functions and regulations—on the impartiality and backgrounds of appointees. Appointments are made by the government of the day, and there is concern that recent appointments have been predominantly from a business background and that some candidates are not suited to the role. The additional work for the FWC arising from your commitments will **provide you with an opportunity to appoint additional FWC members**. Rebalancing the FWC should be undertaken transparently in order to restore trust in this critical workplace institution.

### Instilling confidence in government programs

The Fair Entitlements Guarantee (FEG) program is an important safety net for Australian employees where an employer becomes insolvent. FEG is a scheme of last resort underpinned by the principle that employers are legally responsible for meeting employee entitlements. The availability of FEG should not relieve employers of this obligation. **You could address the issue where some employers structure their affairs to avoid paying employee entitlements** when businesses are wound up, resulting in inappropriate reliance on the FEG program to fund outstanding entitlements.

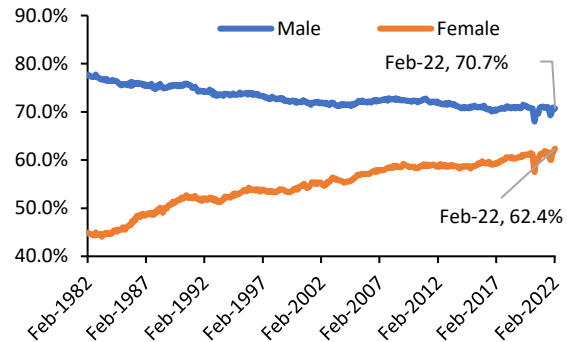
## Establishing a better Australia for women

The employment landscape for women is improving too slowly and our position on employment outcomes is deteriorating relative to international comparisons. A number of pervasive factors hinder progress towards gender equality, including inflexible and unsafe work environments, lower pay and conditions in female-dominated industries, over-representation of women in insecure work, and childcare accessibility and affordability.

### Addressing participation

One of Australia’s greatest untapped resources to address labour shortages and lift productivity is the full participation of women. Technology innovation, highlighted by the COVID-19 pandemic, has demonstrated that work no longer needs to be 9 to 5 at the office. Provided the right protections are in place, this additional flexibility presents a significant opportunity for women to engage in high-value jobs in a way that suits them.

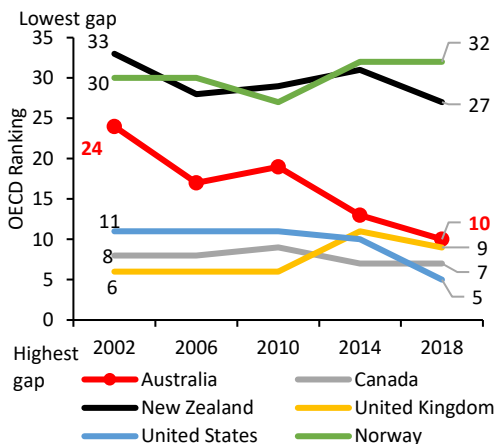
Female workforce participation is at an all-time high



### A secure future for women

Women are over-represented in low-paid industries and are more likely to be in part-time or casual employment, leading to lower economic security for women in Australia. Pay inequity is persistent and evident, while gender segregation across industries and occupations exacerbates the pay gap. The FWC’s decisions demonstrate it has limited power to make equal remuneration orders under the current legislative framework.

Australia’s gender pay gap has deteriorated relative to other OECD economies



Seeking pay increases through the award variation process of the FWC has been attempted previously due to the low bargaining power women have in low-paid and insecure sectors, such as the care sector. But improving the safety net for women in caring roles should only be the beginning. The lack of paid leave and other entitlements means women in insecure work are forced out of the workforce to meet their other obligations, such as caring. Bargaining has the capacity to provide higher wage outcomes than increases to the statutory award minimums, and encouraging reinvigoration of the bargaining framework, particularly for low-paid sectors, has the potential to drive better outcomes in the long-term. To address this, you could **amend the low-paid bargaining**

**provisions in the Fair Work Act** to increase the number of successful applications and enterprise agreements negotiated in order to lift both productivity and wages, in particular women’s wages.

## Creating respectful workplaces

The failure of workplaces to treat sexual harassment as a serious issue has significant implications for the health of individuals, and acts as a barrier for women in work, sometimes forcing them to leave the workforce. Australia needs to do better to create positive and respectful workplaces and **implementing the remaining Respect@Work recommendations** is one way to prevent women dropping out of the workforce. **Introducing paid family and domestic violence leave** will minimise women having to choose between their job and their safety. Sexual harassment at work can have significant impact on workers' mental health. There is **a key opportunity in relation to psychosocial regulations and codes of practice** and you can play a leadership role in leading this work across jurisdictions. It will be vital to ensure that business and workers are supported and understand their roles and responsibilities throughout the roll out. These critical work health and safety (WHS) matters are discussed further below, in the healthy and safe workplaces section.



## Healthy and safe workplaces

### The Commonwealth’s role in maintaining and enhancing harmonisation

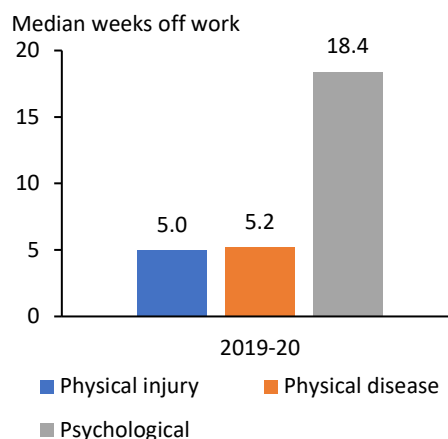
Users experience uncertainty when navigating the WHS system, especially those operating across state lines. Driving collaboration with jurisdictions could result in consistent, stronger WHS and workers’ compensation frameworks. This includes considering the consistency of laws across Australia that deal with deaths in industrial settings.

A 2008 Inter-Governmental Agreement sets out the basis for cooperation between the Commonwealth, states, and territories around the harmonised laws and regulatory frameworks. This agreement is overdue for review and WHS Ministers have agreed it should be progressed as a priority. After the 2018 Boland Review, WHS Ministers across Australia agreed to introduce regulations and codes of practice to strengthen harmonisation and optimise WHS outcomes. The national policy body, Safe Work Australia (SWA), and WHS Ministers also have an important role to play in supporting improvements to WHS and workers’ compensation issues, including safe return to work.

### Making sure individuals are protected from psychosocial harm at work

Australian workplaces have become physically safer under the harmonised WHS laws, but psychosocial claims are on the rise. Work-related psychosocial injuries and illnesses often involve more time off work and higher costs than physical injuries and have a significant impact on individuals, their families, and businesses. SWA is close to finalising draft regulations on preventing psychosocial injuries, as well as the associated codes of practice. There is an opportunity to take a **lead role in driving these regulations and supporting business and workers** to implement them quickly, consistently, and effectively.

*Psychological injury requires more time off work to recover than physical harm*



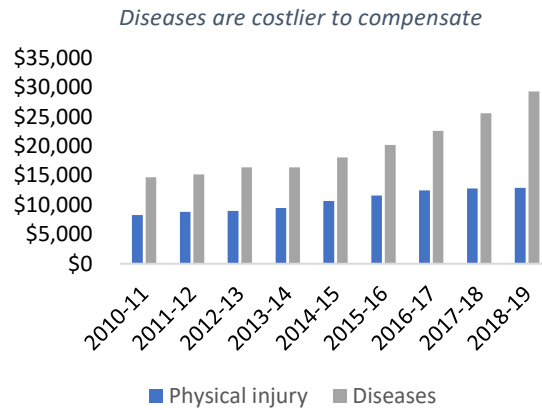
### Rehabilitation and return to work

Each jurisdiction is responsible for its own workers’ compensation arrangements, while the Commonwealth is responsible for several national schemes. Engagement with states and territories on improving rehabilitation and return to work for injured workers will improve outcomes for all workers in Australia. In addition to fair and appropriate compensation, early intervention in rehabilitation, and return to work is critical for good worker health and wellbeing.

The Commonwealth’s Comcare scheme (and supporting legislation) no longer reflects best practice and has not been substantially updated since it commenced over 30 years ago. **Revisiting the efficacy and coverage of the scheme could be part of a broader conversation with the states and territories** about what more can be done to rehabilitate and return injured employees to work. The viability of the Seacare scheme is also in question and will need to be addressed, with newer state schemes being the preferred option for most employers in the sector.

## The hidden cost of occupational diseases

The emergence of silicosis in recent years is a warning about the need for ongoing cooperation and coordination across jurisdictions to prevent occupational disease and support affected workers. For many occupational diseases, such as respiratory diseases and cancer, it can take many years for the disease to manifest and for symptoms to show after a worker is exposed to a contaminant. This is being addressed through SWA's engagement with the National Dust Diseases Taskforce, by undertaking a regulatory impact analysis to determine whether additional WHS measures are needed to ensure workers are protected from silica-dust. These issues remain of significant interest to both unions and employers, and **it will be important to engage with stakeholders to ensure this work progresses as quickly as possible.** You could commission additional work to ascertain if there are other emerging occupational diseases where early intervention would better protect workers.



## Contemporary work settings are blurring the lines of responsibility

The emergence of user-centric social services, such as the National Disability Insurance Scheme and in-home aged care services, has in some instances shifted the responsibility of WHS obligations from businesses to users with the introduction of direct service contracting. This means the user has the primary responsibility to ensure the **health and safety of workers supporting them.** There are inherent issues here, particularly for users who are inexperienced with WHS duties or have intellectual or cognitive impairments. This is not a burden that users should bear and needs to be addressed as a matter of priority, however workers also need to be protected. You can work across government to have **data, evidence, and the experience of both users and workers gathered to find an appropriate solution.**

Similar issues are arising in the gig-economy with obligations being shifted to workers, with platform providers claiming very little responsibility, despite having significant control over the workers' jobs or tasks. There are significant risks for workers in these industries, who are often not knowledgeable on WHS obligations, or neglect their requirements in order to complete tasks quickly to gain better ratings and more jobs. While states and territories have primary responsibility, significant work can be led by the Commonwealth to help steer the jurisdictions and address these emerging risks.



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# Minister for Industrial Relations 2022 Incoming Government Brief

## Volume III – Stakeholder Engagement and Events

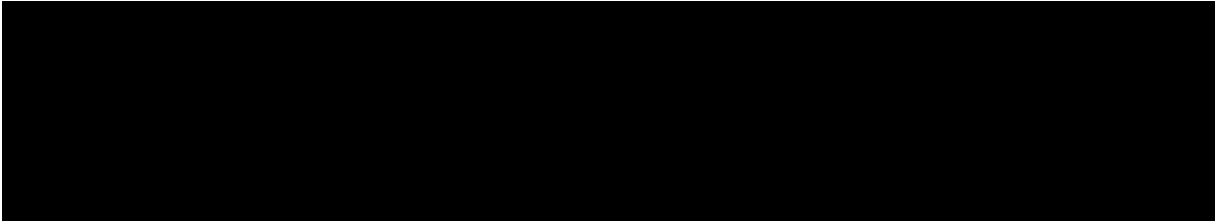
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## Introduction

There is an opportunity to reinvigorate the national discussion on industrial relations, through enabling genuine tripartite consultation, meaningful engagement with states and territories, and connecting with a broad range of stakeholders, including hearing from everyday Australians.

[REDACTED]

[REDACTED] Recent attempts to develop new forums for consultation, such as the 2020 Working Groups on industrial relations reform, demonstrate how innovative approaches to consultation can be positive for engagement with key stakeholders. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Engaging meaningfully in tripartite discussions and with a broad range of stakeholders will be key to landing workplace reforms that genuinely contribute to economic and social improvements in Australia. Through your commitment to hold an Australian Jobs Summit, you have taken a leadership role in promoting genuine consultation on workplace issues and committed to bringing non-traditional stakeholder groups to the table.

## Key opportunities

### Formal stakeholder forums

The Commonwealth traditionally engages with stakeholders using established mechanisms including the National Workplace Relations Consultative Committee (NWRCC), and Meetings of Industrial Relations and Work Health and Safety Ministers. [REDACTED]

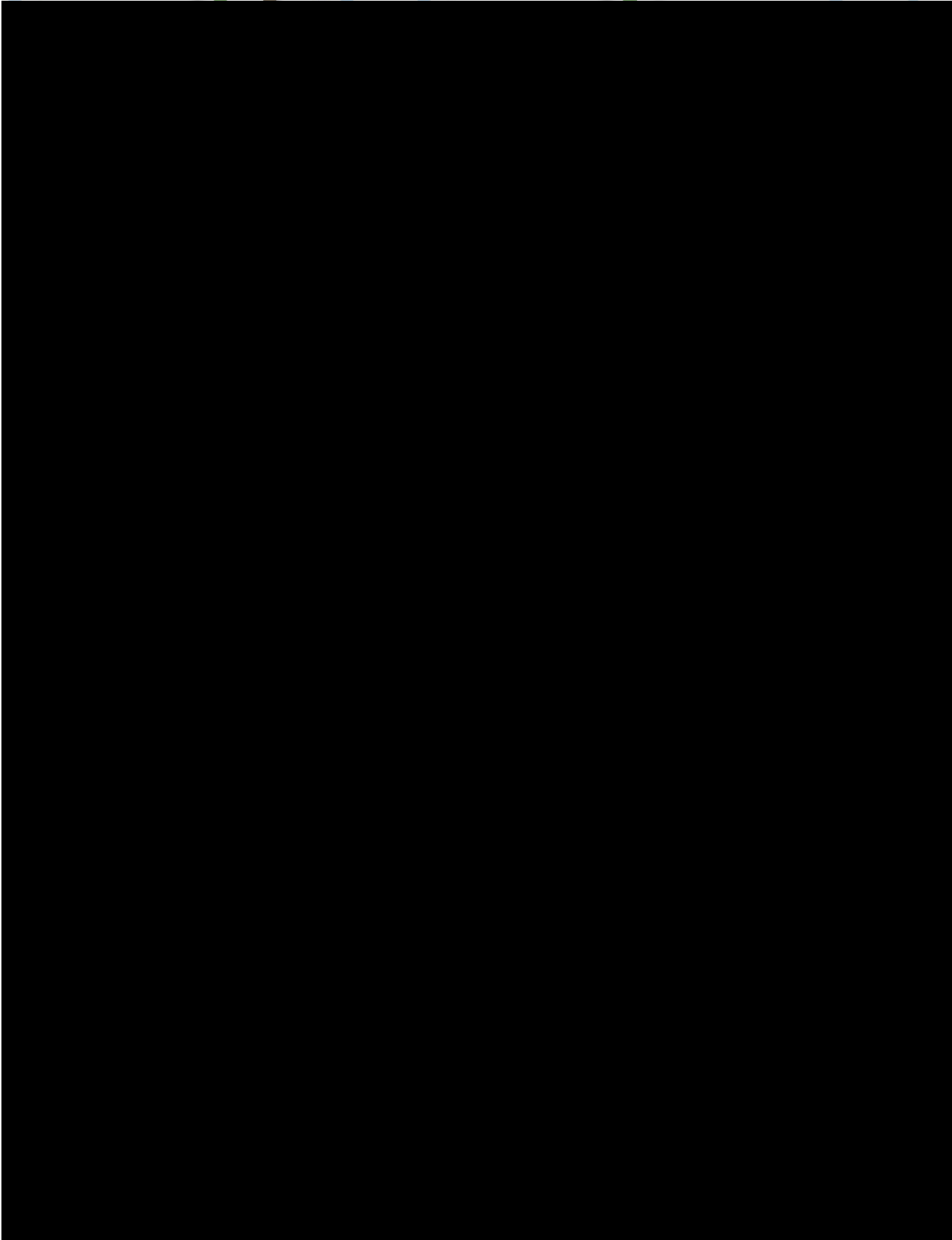
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As a tripartite body, Safe Work Australia (SWA) is also an effective forum for engaging directly with employers, unions, and state and territory governments on work health and safety matters.

[REDACTED]

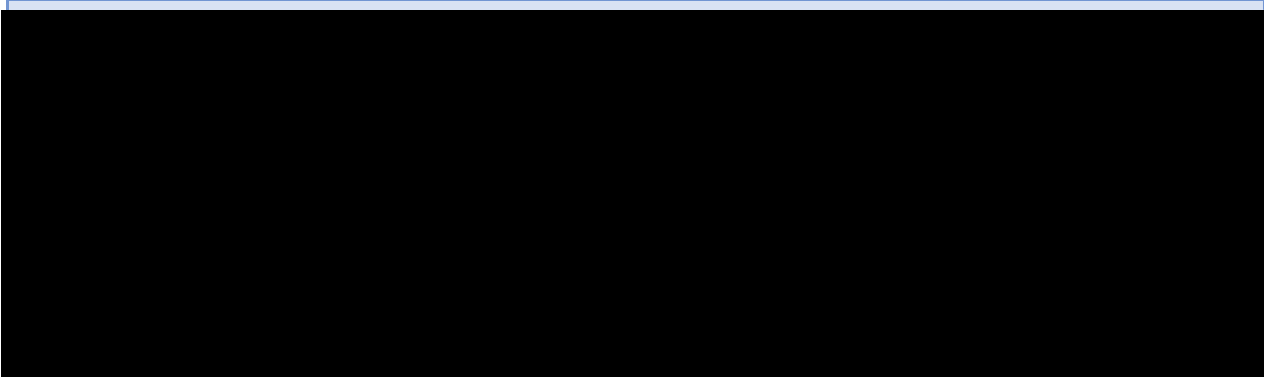


| National Workplace Relations Consultative Council   |   |
|---|---|
| <b>MINISTER'S ROLE</b>  | Chair   |
| <b>BASIS FOR EXISTENCE</b>  | <i>National Workplace Relations Consultative Council Act 2002 (NWRCC Act)</i> |
| <b>PURPOSE OF MEETING</b>   |   |
| <p>The National Workplace Relations Consultative Council (NWRCC) is a tripartite forum, allowing the Commonwealth Government, unions, and employers to consult on national industrial relations and WHS issues. NWRCC also consults on international labour matters such as progress on ratifying International Labour Organization (ILO) conventions. The NWRCC contains committees, such as the International Labour Affairs Committee (ILAC). ILAC fulfils Australia's obligation under Article 5 of ILO Convention 144 to hold tripartite consultation with unions and employers on international labour matters. ILAC is a departmental-officer level meeting.</p> |   |
| <b>MEMBERSHIP</b>   |   |
| <p>There are 15 members on the NWRCC:</p> <ul style="list-style-type: none"> <li>• the Minister for Industrial Relations as Chair</li> <li>• seven members from the Australian Council of Trade Unions</li> <li>• three Members from the Australian Chamber of Commerce and Industry, and</li> <li>• one member each from the Australian Industry Group, Business Council of Australia, Master Builders Australia, and the National Farmers' Federation.</li> </ul>   |   |
| <b>FREQUENCY OF MEETINGS (INCLUDING NEXT REQUIRED MEETING)</b>  |   |
| <p>The NWRCC Act requires at least two meetings a year – one in the first half, one in the second half. The last meeting was held on 9 December 2021. A meeting was not held in the first half of 2022 due to the election.</p> <p>NWRCC members expect at least one meeting to take place in the second half of 2022.</p>  |   |



**Meeting of Industrial Relations and Work Health and Safety Ministers**

|  |   |
|--|---|
| <b>MINISTER'S ROLE</b>   | Chair   |
| <b>BASIS FOR EXISTENCE</b>   | Meetings are held on an ad hoc basis and support the <i>Inter-Governmental Agreement for a National Workplace Relations System for the Private Sector 2009 (IR-IGA)</i> and the <i>Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety 2008 (WHS-IGA)</i> |
| <b>PURPOSE OF MEETING</b>  |   |
| <p>Meetings of Industrial Relations (IR) and Work Health and Safety (WHS) Ministers enable the Commonwealth, states and territories to:</p> <ul style="list-style-type: none"> <li>• discuss one-off issues that cannot be addressed out-of-session or delegated to officials</li> <li>• build relationships across the federation, and</li> <li>• jointly consider amendments to the model WHS laws (through the WHS-IGA).</li> </ul>   |   |
| <b>MEMBERSHIP</b>  |   |
| <p>Each state and territory Minister for IR and WHS is a member.</p> <p>In jurisdictions that have separate Ministers for IR and WHS (New South Wales, Victoria and the Northern Territory), both Ministers are members.</p>   |   |
| <b>FREQUENCY OF MEETINGS (INCLUDING NEXT REQUIRED MEETING)</b>   |   |
| <p>The Commonwealth convenes meetings as-needed. Recently, meetings of IR Ministers have been held separately to WHS Ministers, focusing on their respective portfolio issues.</p> <p>The last meeting of IR Ministers was held on 3 September 2021, focusing on national labour hire regulation. The last meeting of WHS Ministers was held on 13 January 2022, focusing on WHS guidance on rapid antigen testing.</p> <p>There is no requirement for when the next meeting should be held.</p> |   |



**International Labour Organization (International Labour Conference; Asia and the Pacific Regional Meeting)**

**MINISTER’S ROLE** Ministers can attend/present at the International Labour Conference (ILC) and the ILO’s Asia Pacific Regional Meeting (APRM). The Minister is otherwise briefed on significant and sensitive issues that may arise during these meetings.

**BASIS FOR EXISTENCE** ILO Constitution

**PURPOSE OF MEETING**

The ILC sets the international labour standards and broad policies of the ILO and considers countries’ compliance with international labour standards. Often called an international parliament of labour, it is a forum for discussion of key social and labour questions.

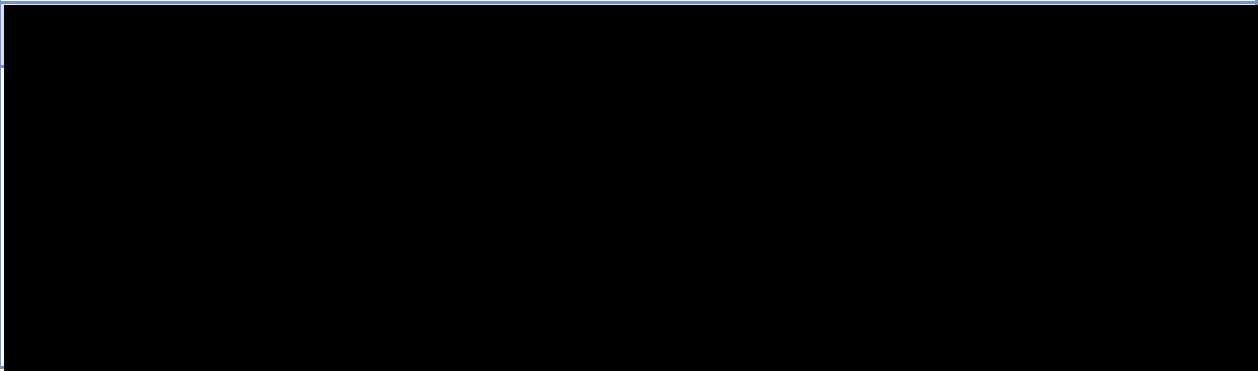
The APRM is a regional conference focused on relevant labour issues in the Asia Pacific.

**MEMBERSHIP**

The ILO is a tripartite United Nations (UN) agency comprising of representatives of governments, unions, and employer associations from its 187 member nations.

**FREQUENCY OF MEETINGS (INCLUDING NEXT REQUIRED MEETING)**

The ILC is held every year in June, in Geneva. This year the ILC will run from 27 May to 11 June 2022. APRMs are held every 4 years, with the next APRM scheduled for 6-9 December 2022 in Singapore.





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# Minister for Industrial Relations 2022 Incoming Government Brief

## Volume IV – Departmental Information



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## Introduction

The purpose of this brief is to provide you with a high-level overview of key information about the Industrial Relations Group and the industrial relations portfolio, relevant to your ministerial responsibilities.

Between 2019 and 2022, the industrial relations portfolio has been in the Attorney-General's Department (see the next page for the structure of the Industrial Relations Group). Historically, it has generally sat alongside skills, employment, and education in various forms. The portfolio currently includes ten agencies, including a tribunal, a corporation, regulators and national policy bodies (see page 5 for the portfolio agencies).

### Ministerial support

The Attorney-General's Department's Strategy and Governance Branch (SGB) will coordinate a range of ministerial, parliamentary, and support services for you, pending any machinery of government changes. SGB will coordinate all administrative, financial, security, and logistical support arrangements for you and your office, including relief/interim staffing and Departmental Liaison Officers. Detailed information, including relevant contacts and an overview of the support services provided by the department, can be found in the Ministerial Support Handbook provided separately to this brief.

## Industrial Relations Group

The Industrial Relations Group, currently situated in the Attorney-General's Department, contributes to facilitating jobs growth through policies and programs that promote fair, productive, and safe workplaces. The Industrial Relations Group delivers policy advice and administers programs relating to the workplace relations system, workers compensation, the Fair Entitlements Guarantee scheme, and work health and safety. The structure of the Industrial Relations Group is below:

### Attorney-General's Department



**Katherine Jones PSM**  
Secretary

### INDUSTRIAL RELATIONS GROUP



**Martin Hehir**  
Deputy Secretary



**Greg Manning**  
First Assistant Secretary  
Employee Entitlement  
Safeguards and Policy

The Employee Entitlement Safeguards and Policy Division administers the Fair Entitlements Guarantee scheme, including early intervention and recovery, and is responsible for the compliance and enforcement framework in the *Fair Work Act 2009*.



**Sharon Huender**  
First Assistant Secretary (A/g)  
Employment Conditions

The Employment Conditions Division leads Australia's engagement with the International Labour Organization (ILO), including ratification and implementation of ILO standards, and is responsible for policy and policy advice associated with the *Fair Work Act 2009*.



**Anne Sheehan**  
First Assistant Secretary  
Industrial Relations Legal

The Industrial Relations Legal Division provides legal advice, develops legislation and manages interventions in Court proceedings relating to industrial relations, work health and safety, and workers compensation legal frameworks.



**Jody Anderson**  
First Assistant Secretary  
Safety and Industry Policy

The Safety and Industry Policy Division delivers policy advice and administers work health and safety laws, the *Safety, Rehabilitation and Compensation Act 1988* and relevant compensation schemes, and matters relating to industrial relations and enterprise bargaining.

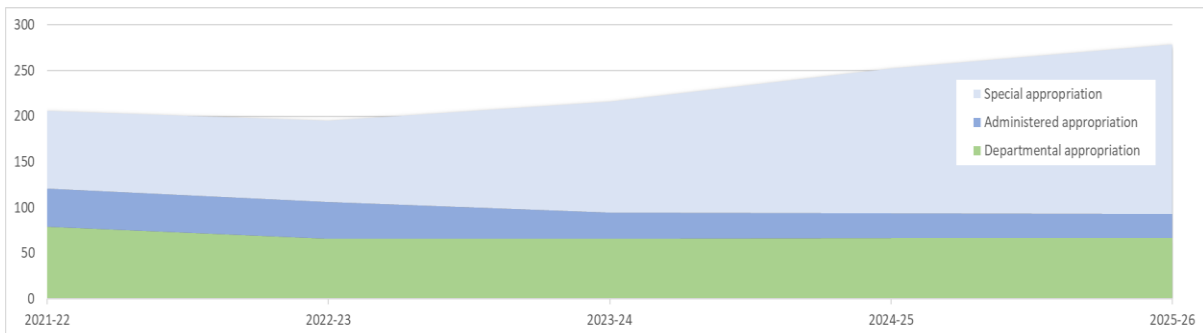
## Industrial Relations budget and staffing

The Industrial Relations Group’s functions to facilitate jobs growth through policies and programs that promote fair, productive, and safe workplaces are represented in one outcome (Outcome 2) and three programs. The Group receives annual departmental and administered appropriations, and manages special appropriations for various workplace related compensation schemes.

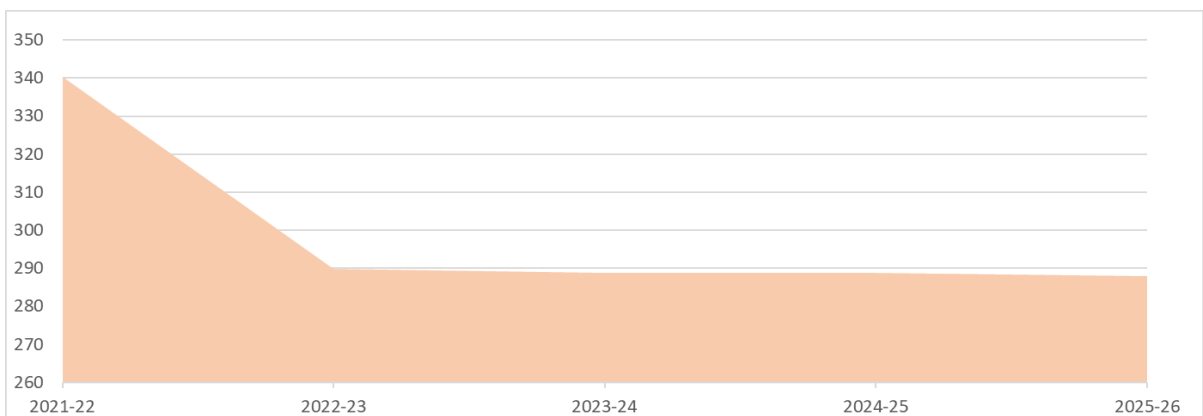
The Group’s total funding for Outcome 2 in 2022-23 is \$394.1 million, comprising appropriation funding of \$65.6 million, departmental capital budget of \$3.4 million, and administered funding of \$40.5 million. In addition, the group will receive special appropriations totalling \$284.7 million, comprising funding for the *Coal Mining Industry (Long Service Leave) Administrative Act 1992* (\$145.1 million), the *Fair Entitlements Guarantee Act 2012* (\$88.7 million), the *Asbestos-related Claims Act 2005* (\$26.5 million) and the *Safety, Rehabilitation and Compensation Act 1998* (\$24.2 million). Departmental and administered funding reduces over the forward estimates due to terminating measures.

The Group’s total average staffing level (ASL) cap for Outcome 2 in 2022-23 is 290. The Group’s ASL cap for Outcome 2 across the forward estimates reduces due to terminating measures, particularly the end of COVID-19 surge funding for the Fair Entitlements Guarantee program.

**Table 1: Departmental, administered and special appropriations over the forward estimates (\$ millions)**



**Table 2: ASL across the forward estimates for Outcome 2**



## Previous Industrial Relations Group structures and resourcing (2007-2013)

Between 2007 and 2013, the industrial relations functions sat in the Department of Education, Employment and Workplace Relations. The department was formed in December 2007 and absorbed the former departments of Education, Science and Training, and Employment and Workplace Relations. Following the 2013 election, the Department of Education and the Department of Employment were formed as separate departments.

### **Industrial Relations ASL 2007-2013 and 2021-22 – 2022-23**

| Financial Year | ASL   |
|----------------|---|
| 2007-08        | 628<br><i>(please note this was due to the development of the Fair Work Act among other things)</i> |
| 2008-09        | 603   |
| 2009-10        | 483   |
| 2010-11        | 436   |
| 2011-12        | 378   |
| 2012-13        | 360   |
| 2021-22        | 340   |
| 2022-23        | 290   |

The functions within the Industrial Relations Group between 2007 and 2013 have significantly changed, with some gains and losses. Some key functions that moved under the then Labor Government include:

- Safe Work Australia and the Australian Asbestos Eradication Agency became independent statutory bodies, and
- Australian Public Service bargaining moved to the Australian Public Service Commission and the Remuneration Tribunal Secretariat to Department of Finance.

When Industrial Relations moved from the Department of Employment to the Attorney-General's Department in 2019, functions that remained with the Department of Employment included labour market economic analysis, research and evaluation, and migration employment policy (including seasonal and migrant worker policy). Returning these functions to sit with industrial relations policy, or ensuring good access to them, will assist in creating a solid foundation of evidence to support the development of policy and navigate stakeholder views, where views have been formed by anecdotal evidence and experience, rather than robust empirical data.

The current level of departmental resourcing is based on a relatively small legislative and policy agenda. Any expansion of functions or a significant increase in policy and legislation development will need increased resourcing.



## Industrial Relations portfolio

The Industrial Relations portfolio currently comprises the below listed agencies, entities and statutory office holders. Portfolio agencies work independently but collaboratively under the leadership of the Secretary of the department. The portfolio budget process is coordinated centrally by the department.



### Portfolio Engagement

The Attorney-General's Department has implemented a portfolio engagement architecture to foster close coordination and collaboration across the portfolio. Increased engagement supports the strategic direction of the portfolio and its ability to influence outcomes across government.

To date, the department has successfully run several whole-of-portfolio meetings, as well as meetings of the Industrial Relations and Productivity sub-group, and created productive forward agendas for the department and portfolio agencies to problem-solve and innovate.

The department also organises cross-portfolio corporate officer meetings, involving Chief Financial Officers, Chief Information Officers, and Human Resources executives to build stronger relationships between key officers.

Increased engagement supports the strategic direction of the portfolio and its ability to influence outcomes across government.

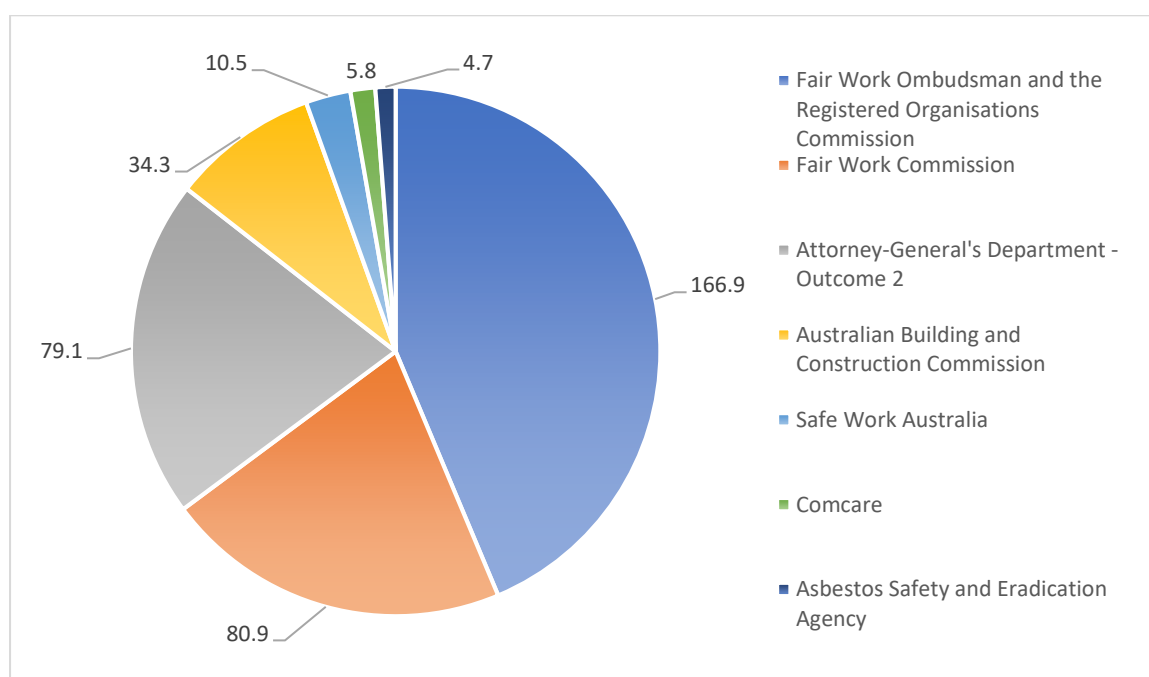
## Portfolio budget and staffing

The Industrial Relations portfolio comprises seven entities that receive funding or partial funding through the annual Appropriation Bills, and the Coal Mining (Long Service Leave Funding) Corporation (Coal LSL), which is a public financial corporation and does not receive a departmental appropriation.

The Industrial Relations portfolio's total resourcing for 2021-22, including Outcome 2 for the department and excluding Coal LSL, comprises:

- \$393.5 million in departmental operating and capital funding, with Comcare receiving additional funding of approximately \$50 million towards its operations from premiums
- \$59.7 million in independent revenue (primarily Comcare)
- \$42.0 million in administered funding (all for the department)
- \$283.2 million in special appropriations.

**Table 3: 2021-22 departmental operating appropriation (\$ millions)**



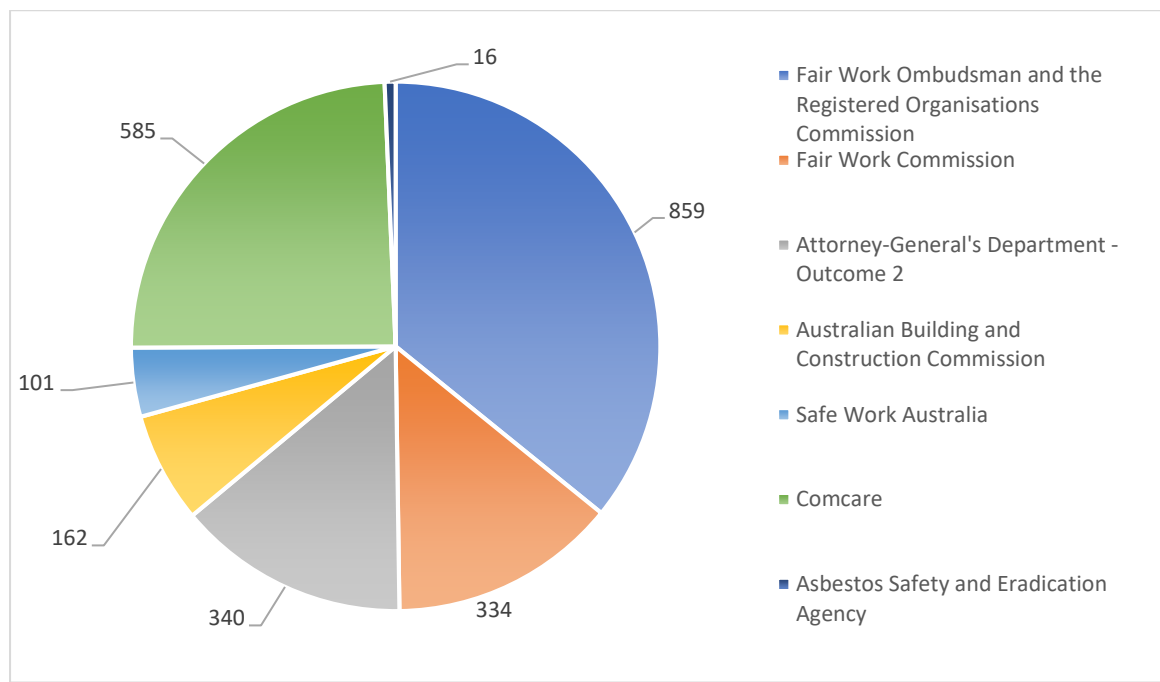
Funding for the Fair Work Ombudsman and Registered Organisations Commission, the Fair Work Commission, Outcome 2 of the Attorney-General's Department, and the Australian Building and Construction Commission represents 94.5 per cent of the industrial relations portfolio's total departmental appropriation funding.



The department has undertaken a high-level review of portfolio agencies' financial sustainability. While most Industrial Relations portfolio agencies are currently operating at a financially sustainable level, the Fair Work Commission and Seacare have some financial pressures.

The portfolio's ASL cap for 2021-22 is 2,397 ASL.

**Table 4: 2021-22 industrial relations portfolio ASL cap**





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