

COMMUNIQUÉ

COMMUNIQUÉ FROM THE COAG SELECT COUNCIL ON WORKPLACE RELATIONS

The first meeting of the COAG Select Council on Workplace Relations (the Council) was held in Melbourne on 6 July 2012. The Council considered a range of workplace relations and work, health and safety issues.

The Council noted that the Post Implementation Review of the *Fair Work Act 2009* has been completed and that the Panel has presented its report to the Commonwealth Government. The Government is currently considering the report and will release the report in the coming weeks. The Commonwealth reaffirmed its intention to consult with stakeholders, including state and territory governments, before finalising its response to the report. A further meeting of the Council will be convened following the release of the Review report in late July or early August, and before the Commonwealth finalises its response.

The Council agreed, without committing states to further referral of powers, to further discussions exploring coverage of the *Road Safety Remuneration Act 2012*. This will improve safety outcomes on the roads by ensuring all Australian truck drivers are paid reasonably for the work they do and removing the economic incentive for them to take unacceptable risks.

Ministers also noted a report from officials setting out the developments in creating a long service leave national employment standard and the Australian Government's intention to further progress this matter this year.

The Council agreed to consider two additional International Labour Organisation (ILO) conventions during 2012, subject to resources and other tasks, the *Safety and Health in Mining Convention, 1995* (No. 176) and the *Occupational Safety and Health (Dock Work) Convention, 1979* (No. 152), demonstrating Australia's strong commitment to, and international reputation for, ensuring safe and healthy workplaces and OHS best practices. As previously agreed by the former Workplace Relations Ministers' Council, consideration is already being given to ratification of several other ILO conventions including the *ILO Minimum Age Convention, 1973* (No. 138).

Ministers were provided with updates on developments on a range of workplace relations issues, including progress on implementation of the building industry regulatory changes, the pay equity test case for social and community service workers; the Australian Apprenticeships Reform package to support competency-based wage progression; the review of Modern Awards and recently enacted amendments to the *Fair Work (Registered Organisations) Act 2009*.

Ministers reiterated the need for ongoing consultation between jurisdictions on workplace relations issues. On occasion urgent matters will arise making lengthy consultation difficult.

The Council noted recent developments regarding the harmonisation of Work Health and Safety (WHS) legislation, specifically that New South Wales, Queensland, Tasmania, the Australian Capital Territory, the Northern Territory and the Commonwealth have enacted WHS laws. The Council also noted South Australia remains strongly committed to implementing harmonised laws with legislation currently before the South Australian Parliament.

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The majority of the Council (except NSW and Victoria) endorsed the *Australian Work Health and Safety Strategy 2012-22*, developed by Safe Work Australia following an extensive 18 month consultation process and will consider endorsement out of session. The Strategy provides a framework to help achieve the vision 'Healthy, Safe and Productive Working Lives'.

The Council agreed in principle to make arrangements within their own jurisdictions to ensure comprehensive and timely reporting of work related injury fatalities to Safe Work Australia. Western Australia indicated its support for the principle of timely reporting and already has mechanisms in place to achieve this.

The Council noted the national inquiry into workplace bullying being conducted by the House of Representatives Standing Committee on Education and Employment and several Ministers advised that they had made or would make submissions. Ministers noted that the inquiry provides an opportunity for all jurisdictions to look at the way workplace bullying is addressed and whether improvements can be made to the current system of laws that operate nationally and at the jurisdictional level. Some jurisdictions reported on the use of stalking laws to include bullying.

The Council also noted the *COAG Select Council on Workplace Relations 2012-13 Work Plan* which outlines the Council's key milestones and deliverables for the financial year. The Work Plan has a strong focus on the COAG reform agenda tasks that fall within the Council's terms of reference.

The Council agreed the next general meeting would be held in New Zealand and would focus on occupational health and safety and flexible work practices in light of recent events such as the Pike River mining disaster and Christchurch earthquake.

Attendees included:

- The Hon Bill Shorten MP, Minister for Employment and Workplace Relations (Cth)
- The Hon Jacinta Collins, Parliamentary Secretary for School Education and Workplace Relations (Cth)
- The Hon Gregory Pearce MLC, Minister for Finance and Services (NSW)
- The Hon Richard Dalla-Riva MLC, Minister for Employment and Industrial Relations (VIC)
- The Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice (QLD)
- The Hon Russell Wortley MLC, Minister for Industrial Relations (SA)
- The Hon Simon O'Brien MLC, Minister for Commerce (WA)
- Dr Chris Bourke, MLA, Minister for Industrial Relations (ACT)
- The Hon Kate Wilkinson MP, Minister of Labour (NZ)
- Brendan Flynn – Deputy Secretary, Department of Treasury and Finance – proxy for Minister Rich-Phillips (VIC)
- Michael Stevens, Secretary, Department of Justice – proxy for Minister O'Byrne (TAS)
- Laurene Hull, Executive Director, NT Worksafe – proxy for Minister Knight and Minister Burns(NT)

Apologies:

- The Hon Gordon Rich-Phillips MLC, Assistant Treasurer (VIC)
- The Hon David O'Byrne MP, Minister for Workplace Relations (TAS)
- Dr Chris Burns MLA, Minister for Public Employment (NT)
- The Hon Daniel Robert Knight MLA, Minister for Justice and Attorney-General (NT)