

COMMUNIQUÉ

COMMUNIQUÉ FROM THE COAG SELECT COUNCIL ON WORKPLACE RELATIONS – 3 APRIL 2013

The third meeting of the COAG Select Council on Workplace Relations (the Council) was held in Melbourne on 3 April 2013. The Council considered a range of workplace relations and work health and safety issues.

The Council was provided with an update by the Minister for Employment and Workplace Relations, the Hon Bill Shorten MP, on the introduction of the Fair Work Amendment Bill 2013 (the Bill) into the Australian Parliament on 21 March 2013.

The Fair Work Amendment Bill proposes a number of amendments to the Fair Work Act including a range of new family friendly measures, improved protections for pregnant workers, reforms to address workplace bullying and changes to right of entry provisions. A number of the amendments are in response to the recommendations arising from the post implementation review of the FW Act.

Minister Shorten offered to further consult Members on any proposed amendments to improve greenfields agreement making and resolving intractable bargaining alongside additional consultations with workplace relations stakeholders. Members endorsed the importance of addressing workplace bullying. Members highlighted the importance of the practical implementation of the amendments regarding workplace bullying and agreed that officials would meet shortly to discuss these issues.

Minister Shorten confirmed his intention to continue to consult on the remaining recommendations from the FW Act Review and to ensure that Members were provided with suitable opportunity to participate in those consultations.

The Council also noted:

- The passage of the *Fair Work Amendment Act 2012* by the Parliament in November 2012 to implement the Government's first tranche response to the FW Act Review, with changes relating to unfair dismissals and the Fair Work Commission now in effect and changes to select default superannuation funds in modern awards to come into effect from 1 January 2014.
- The passage of the *Fair Work Amendment (Transfer of Business) Act 2012* by the Parliament in November 2012 to extend the transfer of business provisions to cover a transfer of business that occurs from a non-national system State public sector employer to a national system employer.

The Council noted that on 20 March 2013, Minister Shorten introduced into the Australian Parliament legislation to establish the Asbestos Safety and Eradication Agency and the Asbestos Safety and Eradication Council. Members confirmed their views that the Council should comprise appropriate levels of representation from the Commonwealth, state, territory and local governments, and those with knowledge and experience in asbestos safety, public health, financial management and those representing people with asbestos related diseases and their families. The Agency will coordinate, monitor and report on the implementation of a national strategic plan for asbestos eradication, handling and awareness. It is intended that the Agency would be operational from 1 July 2013.

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Members noted Australia was one of the highest per capita users of asbestos in the world, with around one-third of all homes in Australia built between 1945 and 1987 containing asbestos products. Due to this high usage, Australia has one of the highest per capita incidences of asbestos-related disease in the world. In 2010, 642 Australians died from mesothelioma. For every death attributed to mesothelioma, an estimated two further people will die from lung cancer caused by exposure to asbestos. Over the next 20 years, an estimated 30,000 to 40,000 Australians will be diagnosed with an asbestos-related disease.

The Council discussed the development of the draft national strategic plan in response to the *Asbestos Management Review* report. Consultations about the plan are currently underway with governments, industry, unions and the community, with a view to the plan commencing from 1 July 2013. Members of the Council outlined steps already being taken within their jurisdictions to limit asbestos exposure and identified there would be costs and challenges in meeting the 2030 deadline. Minister Shorten emphasised that the involvement of all levels of government in a nationally coordinated approach is important to prevent a third wave of asbestos deaths and noted that the Commonwealth's preferred position was to reach consensus with Council Members on the national strategic plan. Minister Shorten indicated a cost benefit analysis of prioritised removal would be undertaken and further consultation on other costs and challenges would continue. Minister Shorten further noted that the Commonwealth is determined to proceed with the national strategic plan and the Council agreed to active consultation on the development of the plan.

The Council noted that the formal ratification process of the ILO Minimum Age Convention, 1973 (No. 138) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129) commenced on 12 March 2013 following advice from all jurisdictions that they already comply with the requirements of each Convention. The Agriculture Convention requires countries to maintain a system of labour inspection in the agricultural industry and the Minimum Age Convention requires countries to pursue a national policy designed to ensure the effective abolition of child labour and outlines appropriate minimum ages for admission to employment. The conventions have been referred to the Joint Standing Committee on Treaties.

The Council also noted progress to date on the Home Work Convention, 1996 (No. 177), the Safety and Health in Mining Convention, 1995 (No. 176), the Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Council acknowledged the significant role Members play in the ratification process for ILO Conventions. All Members except Queensland reaffirmed their commitment to consider the ratification of priority ILO Conventions by Australia consistent with the 1996 COAG treaty-making principles.

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Attendees included:

- The Hon Bill Shorten MP, Minister for Employment and Workplace Relations (Cth)
- The Hon Robert Clark MLA, Minister for Industrial Relations (VIC)
- The Hon Johan Elferink MLA, Attorney-General and Minister for Public Employment (NT)*
- The Hon David O'Byrne MP, Minister for Workplace Relations (TAS)
- The Hon John Rau MP, Deputy Premier, Attorney-General and Minister for Industrial Relations (SA)*
- The Hon Gordon Rich-Phillips MLC, Assistant Treasurer (VIC)
- Mr Simon Blackwood, Acting Deputy Director General, Office of Fair and Safe Work Queensland – proxy for Minister Jarrod Bleijie (QLD)*
- Mr Brian Bradley, Director General, Department of Commerce – proxy for Minister Mischin (WA)
- Mr Peter Dunphy, Director of Operations, Work Health and Safety Division, WorkCover NSW – proxy for Minister Pearce (NSW)
- Mr Michael Hobby, Acting Manager, Trade and International Environment Branch, Ministry of Business, Innovation and Employment – proxy for Minister Bridges (NZ)*
- Mr Andrew Kefford, Deputy Director-General, Chief Minister and Treasury Directorate, Workforce Capability and Governance Division – proxy for Minister Corbell (ACT)*
- Ms Vicki Telfer, Executive Director, NSW Industrial Relations – proxy for Minister Baird (NSW)

Apologies:

- The Hon Jacinta Collins, Parliamentary Secretary for School Education and Workplace Relations (Cth)
- The Hon Michael Baird MP, Minister for Industrial Relations (NSW)
- The Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice (QLD)
- The Hon Simon Bridges MP, Minister of Labour (NZ)
- Mr Simon Corbell MLA, Minister for Workplace Safety and Industrial Relations (ACT)
- The Hon Michael Mischin MLC, Attorney General and Minister for Commerce (WA)
- The Hon Gregory Pearce MLC, Minister for Finance and Services (NSW)
- The Hon Johan Tollner MLA, Minister for Business (NT)

* Participating via teleconference