

# COAG Select Council on Workplace Relations

## Terms of Reference

COAG Select Councils are established by COAG, following proposal by a First Minister, to:

- a) pursue a reform task/s of critical national importance, within a specific time period, which requires sustained, collaborative effort;
- b) address key areas of shared Commonwealth, State and Territory responsibility and funding; and
- c) undertake work that cannot be performed by another body, such as a taskforce, working group or group of officials.

The Select Council on Workplace Relations will pursue the following COAG strategic theme as its major focus:

1. A National Economy driven by our Competitive Advantages

<b>Chair</b>	Senator the Hon Eric Abetz, Minister for Employment (Commonwealth).
<b>Membership</b>	Commonwealth, State and Territory Ministers with responsibility for workplace relations, occupational health and safety and workers' compensation matters.  Each member will be required to represent the interests of the relevant portfolios for their respective jurisdictions. The full membership list is attached.
<b>Scope of Reform Task/s and Timeframe</b>	The COAG Select Council on Workplace Relations (the Council) is established to: <ol style="list-style-type: none"> <li>1) Oversee the implementation of outstanding commitments and perform roles and functions in relation to the: <ol style="list-style-type: none"> <li>a. Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety (the OHS IGA), including: <ul style="list-style-type: none"> <li>• developing and implementing nationally-uniform OHS laws (comprising a model OHS Act, supported by model OHS regulations and model codes of practice) complemented by a nationally consistent approach to compliance policy and enforcement policy, by December 2011;</li> <li>• by 1 January 2013, harmonising any remaining jurisdictional codes of practice that have not been superseded by a model code of practice at the commencement of the model laws on 1 January 2013;</li> <li>• maintaining nationally uniform OHS legislation;</li> <li>• overseeing reviews of the model OHS legislation;</li> <li>• progressing national consistency in other OHS laws that are within the responsibility of Council Ministers, or for which COAG had allocated responsibility to previous Workplace Relations Ministerial Council (WRMC);</li> <li>• ensuring compliance with the terms of the OHS IGA; and</li> <li>• defining the terms of reference and establishing a process for a review of Safe Work Australia (SWA) and the OHS IGA (including its ongoing necessity) by June 2013, to ensure the review of the OHS IGA and SWA</li> </ul> </li> </ol> </li> </ol>

# COAG Select Council on Workplace Relations

## Terms of Reference

	<p>can be completed by 1 November 2015.</p> <p>b. The <i>Safe Work Australia Act 2008</i>, in addition to the matters in the <i>Safe Work Australia Act 2008</i> that are also covered by the OHS IGA, including:</p> <ul style="list-style-type: none"><li>• making decisions on Safe Work Australia’s strategic and operational plans and budgets;</li><li>• providing direction to Safe Work Australia on policy development;</li><li>• considering and making decisions on policies and proposals on OHS or workers’ compensation submitted to it by Safe Work Australia; and</li><li>• reviewing and further developing the National Work Health and Safety and Workers’ Compensation Strategies.</li></ul> <p>2) Administer all obligations of the Inter-Governmental Agreement for a National Workplace Relations System for the Private Sector (WR IGA) including:</p> <ul style="list-style-type: none"><li>• management of any amendments to the Fair Work legislation, noting the requirements of the WR IGA that the Commonwealth consult with States and Territories on any such amendments; and</li><li>• perform relevant roles and functions under the WR IGA, including forming and operating the Referring States and Territories Subcommittee and Senior Officers’ Group – Referring States and the Territories Subcommittee.</li></ul> <p>3) Consider and approve unratified International Labour Organisation (ILO) Conventions as priority targets for ratification by the Commonwealth Government as outlined in the 1998 Labour Ministers’ Council Resolution for a Framework Concerning Cooperation on ILO Matters including:</p> <ul style="list-style-type: none"><li>• the endorsement of a list of priority Conventions for ratification by the Government for the period 2011-2012, based on the completion by all jurisdictions of law and practice reports that demonstrate full compliance with the Conventions and agreement of all jurisdictions to move towards ratification.</li></ul> <p>Unless COAG agrees otherwise, the Council will cease operation by 1 November 2015.</p>
<b>Operations and Resourcing</b>	<p>In relation to OHS reform work, the Council will oversee the work of SWA, including matters referred by SWA.</p> <p>The Council will be preceded by Senior Officials Meetings (SOM) providing an opportunity for the exchange of information between jurisdictions. SOMs will be chaired by the Deputy Secretary for Workplace Relations, Department of Employment and will be attended by senior officials from the State and Territory jurisdictions.</p> <p>The Council will meet as necessary to fulfil its role.</p> <p>Secretariat support will be provided by the Department of Employment.</p>

# COAG Select Council on Workplace Relations

## Terms of Reference

	Meetings of Councils and officials will utilise the TelePresence network where possible to minimise environmental impacts, meeting and travel costs.
<b>Decision-Making</b>	The Council's decision making will be in accordance with the arrangements under the OHS and WR IGAs as relevant. All other decisions will be made in accordance with governance arrangements established by the Council.
<b>Reporting</b>	<p>For OHS reform matters, the Council will provide progress reports to COAG through the Business Regulation and Competition Working Group as per established milestones in the COAG implementation plan or at least annually, as per clause 2.3.1 of the OHS IGA.</p> <p>For all other matters, the Council will provide progress reports to COAG in accordance with governance arrangements established by the Council.</p> <p>Approximately six months before its current expiry date the Select Council will put forward to COAG a proposal for how any further priorities, ongoing work, specific projects or reforms should be handled, and in what timeframe. This will include advice on whether a COAG Council or Forum is needed beyond the current Select Council expiry date to undertake this work.</p> <p>The Council will provide a final report to COAG by 1 November 2015. This final report will articulate the extent of Council's achievement against its intended reform tasks and objectives and identify any decisions required following the conclusion of the Select Council.</p>

# COAG Select Council on Workplace Relations

## Terms of Reference

### Membership

Jurisdiction	Minister/s	Role
Commonwealth	Senator the Hon Eric Abetz, Minister for Employment	Chair
New South Wales	The Hon Andrew Constance MP, Minister for Finance and Services	Member
	The Hon Mike Baird MP, Minister for Industrial Relations	Member
Victoria	The Hon Robert Clark MLA, Minister for Industrial Relations	Member
	The Hon Gordon Rich-Phillips MLC, Assistant Treasurer	Member
Queensland	The Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice	Member
Western Australia	The Hon Michael Mischin MLC, Attorney-General and Minister for Commerce	Member
South Australia	The Hon John Rau MP, Minister for Industrial Relations	Member
Tasmania	The Hon David O'Byrne MP, Minister for Workplace Relations	Member
Australian Capital Territory	Mr Simon Corbell MLA, Minister for Workplace, Safety and Industrial Relations	Member
Northern Territory	The Hon Johan Elferink MLA, Minister for Public Employment	Member
	The Hon David Tollner MLA, Minister for Business	Member
New Zealand	The Hon Simon Bridges MP, Minister of Labour	Member

\* Where more than one member has been nominated, there will be one vote per jurisdiction.