

COMMUNIQUE FROM AUSTRALIAN, STATE, TERRITORY AND NEW ZEALAND WORKPLACE RELATIONS MINISTERS' COUNCIL

Today's 81st meeting of the Workplace Relations Ministers' Council (WRMC) held by teleconference marks an historic moment in the history of occupational health and safety (OHS) legislation in Australia.

Eighteen months after WRMC commenced this process, the Council has today agreed to a framework for uniform OHS laws which will address the disparate and inconsistent OHS laws across jurisdictions.

Overall, the provisions that will be included in the model OHS Act will lead to enhanced safety protections for Australian employees and greater certainty for employers.

WRMC considered and responded to the recommendations of the National Review into Model OHS Laws (the Review) and in so doing, decided on the optimal structure and content of a model OHS Act to be adopted by the Commonwealth, state and territory governments.

The model OHS Act will include enhanced duty of care provisions so that all persons who conduct a business or undertaking will owe a duty of care to all workers and other persons. This will ensure that OHS legislation applies to all hazards and risks arising from the conduct of work.

The model OHS Act will maintain that breaches of duties of care are criminal offences to reflect the seriousness of non-compliance with a duty of care and will provide for significant penalties in OHS legislation.

The model OHS Act will recognise the importance of consultation in securing safe workplaces and provide for consultation obligations on the person conducting the business or undertaking.

The model OHS Act will provide protections from discrimination, victimisation and coercion over OHS matters which will go beyond what is currently available through anti-discrimination and other laws.

Decisions were made in accordance with the historic Inter-Governmental Agreement for OHS Reform. The Inter-Governmental Agreement expresses the commitment of all governments to work together to harmonise OHS legislation, including through agreed procedural and voting arrangements for WRMC. These provide that decisions on the Review recommendations can be carried by a two thirds majority of members. All jurisdictions participated in the voting process where this was necessary.

WRMC agreed that the focus of OHS harmonisation is on achieving the best possible approach to health and safety for all Australian workers. WRMC agreed to a balanced and inter-related package of measures that will lead to enhanced safety protections for all Australian workers and greater certainty and protections for all workplace parties. WRMC acknowledged that each jurisdiction will face changes in current OHS arrangements in order to achieve the goal of uniform OHS laws.

WRMC has provided detailed instructions to the Safe Work Australia Council to enable commencement of drafting of the model OHS laws in accordance with the decisions made today.

The WRMC's response to the Review recommendations are released with this communiqué and will also be placed on the Safe Work Australia website at www.safeworkaustralia.gov.au.

Today the Commonwealth agreed with the WRMC that the issue of OHS coverage of self insurers under the Comcare scheme needs to be addressed as part of OHS harmonisation and further agreed this would be a matter for consideration at the next meeting.

WRMC agreed to convene the next meeting of the Council in June.

Attendees included:

- Deputy Prime Minister the Hon Julia Gillard MP, Minister for Employment and Workplace Relations (Cth)
- The Hon Joseph Tripodi MP, Minister for Finance (NSW)
- The Hon Tim Holding MP, Minister for WorkCover (VIC)
- The Hon Cameron Dick MP, Minister for Industrial Relations (QLD)
- The Hon Paul Caica MP, Minister for Industrial Relations (SA)
- The Hon Troy Buswell MLA, Minister for Commerce (WA)
- The Hon Lisa Singh MP, Minister for Workplace Relations (TAS)
- Ms Liesl Centenera, proxy for Mr John Hargreaves MLA, Minister for Industrial Relations (ACT)
- Ms Laurene Hull, proxy for the Hon Robert Knight MLA, Minister for Public Employment (NT)

Apologies:

- Mr John Hargreaves MLA, Minister for Industrial Relations (ACT)
- The Hon Robert Knight MLA, Minister for Public Employment (NT)
- The Hon John Hatzistergos MLC, Minister for Industrial Relations (NSW)
- The Hon Martin Pakula MP, Minister for Industrial Relations (VIC)
- The Hon Kate Wilkinson MP, Minister of Labour (NZ)