

### “VISION IN THE WORKPLACE”

Issue Thirty-two, May 2008

In this edition of “Vision in the Workplace” we look at the Award modernisation process which the Australian Industrial Relations Commission has now commenced, the ‘pipe dream’ which has almost become a reality with State and Federal Industrial Relations Ministers reaching agreement on a set of principles for a National Industrial Relations regime and the Former Federal Court Judge who will report to the Rudd Government on the scope of the specialist division in Fair Work Australia which will replace the Australian Building and Construction Commissioner in 2010. We also note that it your last chance attend our free breakfast seminar on Thursday 12 June 2008 at the Grace Hotel.

#### Let the modernising begin!

The Award Modernisation process, as foreshadowed in the Rudd Government’s pre-election industrial relations policy has now commenced and is “full steam ahead” (**‘the Process’**). The Process formally commenced following the request by the Minister for Employment and Workplace Relations to the President of the Australian Industrial Relations Commission. Accordingly, the Australian Industrial Relations Commission has commenced the mammoth task of modernising Awards.

Ms. Julia Gillard, MP, Deputy Prime Minister and Minister for Education, Employment and Workplace Relations and Social Inclusion, who made the request for the Process stated that Awards *“continued to be lengthy prescriptive and unwieldy documents that had been amended and reviewed over and over again... Our goal would be to create new, up-to-date awards, not simplify old awards around the edges”*. Ms. Gillard continued to state that the Process *“will be about starting from scratch and re-thinking a new, modern, relevant and decent minimum safety net for the industries or occupations covered by the award”*.

The Australian Industrial Relations Commission has already commenced receiving submissions from affected parties on the Process and to select priority Awards for modernisation. Moreover, these prioritised awards are to be modernised and made by the end of 2008.

We will keep you up to date with news and information of the Process as it becomes available.

STEVENS & ASSOCIATES  
LAWYERS

invites you to a special breakfast seminar at The Grace Hotel, Sydney on 12 June 2008.

### “The First Wave of changes in Federal IR & an OH&S update”

**Free Breakfast Seminar**  
for our clients to discuss and review Industrial Relations Policy following the Federal Election.

**Where:** The Wilarra Room  
The Grace Hotel  
77 York Street, Sydney

**When:** Thursday, 12 June 2008

**Time:** 7:00am for 7:30am – 9:00am  
Breakfast included

**Please contact David Wells on (02) 9222 1691 or email [dww@salaw.com.au](mailto:dww@salaw.com.au) by Friday, 6 June 2008 to book your seat.**

**Hurry, time is running out!**

## Agreement on the principles for a National Industrial Relations System

In what may have been described as a “pipe dream” twelve (12) months ago, has now almost become a reality. Both State and Federal Industrial Relations Ministers, as a collective being the Workplace Relations Ministers’ Council (‘WRMC’) have reached agreement on a set of principles for National Industrial Relations (**‘the Agreement’**). The Agreement will be the basis upon which an inter-governmental agreement will be based to create the National system.

The Agreement essentially provides for five (5) principles:

1. All Governments endorse Forward with Fairness;
2. All Governments commit to a uniform and stable national workplace relations system for the private sector built upon various pillars such as:
  - a. Genuine rights and responsibilities including freedom of association;
  - b. Collective bargaining at the enterprise level with no individual agreements;
  - c. Seamless service delivery arrangements; and
  - d. Cooperation between all governments in the development and implementation of a national workplace relations system.
3. States being able to elect if and how they opt into the national system (e.g full referral or mirror legislation) with the ability to include public sector employees;
4. The WRMC will oversee the operation of a national workplace relations system; and
5. Commitment to developing governance arrangements to deal with any proposal to amend legislation after 1 January 2010.

Watch this space for further details on the Inter-Governmental Agreement!

## Former Federal Court Judge to investigate and report on ABCC within Fair Work Australia

Former Federal Court Judge Murray Wilcox QC has been appointed by the Government to investigate and report on the scope of the specialist division of Fair Work Australia which is set to replace the Australian Building and Construction Commissioner (**‘ABCC’**) after 31 January 2010. The specialist building and construction division will be part of the inspectorate of Fair Work Australia with a strong role in investigations and compliance (**‘the Division’**).

Specifically, the Government has asked Mr. Wilcox QC to consult with all industry stakeholders on their view on the specialist division, including views on his terms of reference. At present those terms of reference require Mr. Wilcox QC to consult and report on various matters, such as:

- The operational structure and relationship of the Division;
- The Division’s accountability and independence;
- Scope of the Divisions investigations, compliance activities and powers required by inspectors;
- Rights of those being investigated and use of the information collected during such investigations;
- Resolution of disputes and complaints about the Division and its activities; and
- The Divisions interaction with other federal enforcement agencies such as ASIC and the ATO.

Meanwhile, the National Secretary of the CFMEU, Mr. John Sutton, stated that unions would continue to campaign against Labor’s decisions to retain the ABCC and create the Division. Mr. Sutton continued that *“we’ve been on the receiving end of many disappointments from the Government and want to look at this carefully.”*

For more information on how the Division may impact your business please contact Nick Stevens or Alicia Mataere.

*If you would prefer not to receive further newsletters from us, please either email [dww@salaw.com.au](mailto:dww@salaw.com.au) with “unsubscribe” in the heading, or telephone the number below and speak to Dave Wells and we will remove you from our mailing list. This publication is intended only as a general overview of legal issues currently of interest to clients and practitioners. It is not intended as legal advice and should only be used for information purposes only. Please seek legal advice from Stevens & Associates Lawyers before taking any action based on material published in this Newsletter.*

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