

# SELECT COMMITTEE ON ESTIMATES 2010-2011

## Questions on Notice

### Minister for Industrial Relations

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*ACT Govt contractors and sub-contractors*

Amanda Bresnan MLA: To ask the Minister for Industrial Relations

Ref: Chief Minister's Department, Budget paper 4, page 33, output class 1.6

In relation to: Compliance of ACT Government contractors and sub-contractors with Industrial Relations legislation and policy

1. What work does the Industrial Relations policy section of the Chief Minister's Department do to ensure contractors and sub-contractors employed by the ACT Government on ACT Government worksites comply with ACT and Commonwealth Industrial Relations legislation and ACT Government Industrial Relations policy?
2. How does ACT Government contracting relate to the requirements under Division 6.8 of the *Work Safety Act 2008*, which states that a person in control of a public sector workplace must provide reports in certain circumstances? And do the requirements of Division 6.8 of the *Work Safety Act 2008* apply to the ACT Government where it has handed over a workplace wholly or in part to a contractor?
3. Where there is an ACT Government worksite, that is controlled by contractors, does the ACT Government monitor the reports made (under Division 6.8 of the *Work Safety Act 2008*) by the contractors? And how many such reports have been made?

**Andrew Barr MLA : The answer to the Member's question is as follows:-**

1. The Fair Work Ombudsman is responsible for ensuring compliance with the Fair Work Act. With regard to ACT Government industrial relations policy, the Territory's standard conditions of contract, managed by Procurement Solutions, outline the requirements of contractors and sub-contractors employed by the ACT Government. The Office of Industrial Relations (OIR) liaises as appropriate with Procurement Solutions. The Office of Industrial Relations (OIR) is participating in discussions, through the High-Level Officers Group (HLOG) of the Workplace Relations Ministers' Council (WRMC), on the potential for the development of nationally consistent procurement policies.
2. The provisions of Division 6.8 of the *Work Safety Act 2008* apply to workplaces under the control of the Territory or a Territory instrumentality. Where control of the workplace is deemed to be held by the contractor, the provisions of Division 6.8 do not apply. Where control of that workplace is shared between a contractor and the Territory, the Chief Executive would be required to make a decision, depending on the circumstances, as to whether it was a workplace under the control of the Territory for the purposes of Division 6.8.

3. If the workplace is controlled by a contractor, the provisions of Division 6.8 of the *Work Safety Act 2008* will not apply. As no reports are able to be made under Division 6.8 of the *Work Safety Act 2008* in respect of workplaces controlled by contractors, I am unable to answer the remainder of this question.

*QTON - Community sector funding*

Asked by Mr Smyth on 19 May 2010: Ms Gallagher took on notice the following question:

[Ref: Hansard Transcript 19 May 2010, pages 63-64]

In relation to :

**Mr Smyth:** So we currently put approximately 80 million dollars into it (the Community Sector)?

**Ms Gallagher:** I think it is about 80 million.

**Mr Smyth:** Could we take that on notice?

**Mr Andrew Barr:** The answer to the Member's question is as follows:–

\$136,151,000.

*QTON - Work Safety Legislation*

Asked by Mrs Dunne on 19 May 2010 : Mr Gotts took on notice the following question:

[Ref: Hansard Transcript 19 May 2010, page 69]

In relation to :

**Mrs Dunne:** Can you give specific examples of how the harmonisation process has picked up ACT laws?

**Mr Barr:** The answer to the Member's question is as follows:—

The following are examples of concepts contained in the Model Work Health & Safety Bill that, although using different wording in some instances, are drawn from the same concept in the ACT's *Work Safety Act 2008*.

- The duty framework in the Model Bill is based on a hierarchy of control measures that has the same Person in Control of a Business or Undertaking (PCBU) concept and the extent of each duty is so far as is “reasonably practicable”;
- The Model Bill applies the same, multiple, overlapping duties to ensure compliance;
- There is the same range of duties applied to ‘upstream’ duty holders, including designers and manufacturers;
- As in the *Work Safety Act 2008*, there can be designated work groups that are formed over multiple businesses.