

Minister for Industrial Relations and Workplace Safety
Question Time Briefs
22-24 June 2021

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Portfolio/s: Employment and Workplace Safety

**ISSUE: ACT Public Sector Workers' Compensation Self-Insurance
Performance and Psychological Injury Experience**

Key Information:

- The ACT Public Sector work health, safety and wellbeing framework including approaches to reduce the incidence and impact of occupational violence in workplaces and promote mentally healthy workplaces, including:
 - demonstrating leadership commitment;
 - building the capability of the ACT workforce;
 - designing work to prevent harm and promote health; and
 - embedding systems to ensure a structured and consistent approach.
- Whole of government policies and programs in place to support early intervention and suitable employment include:
 - Early intervention physiotherapy, including a virtual physiotherapy service developed to provide support to employees while working from home as part of the COVID-19 response
 - Facilitated discussion program to support employees and managers with early intervention to promote positive workplace relationships and provide assistance early when workplace issues occur
 - The Reasonable Adjustments service provides assistance to employees and managers to identify and implement complex reasonable adjustments early
 - Manager training for psychological injury or illness
 - Employee supports to reduce stigma and promote early help seeking behaviour such as the Mental Health Guru program.
- Whole of Government policies have been developed for work rehabilitation (including suitable employment and early intervention) and mental wellbeing. These policies focus on an integrated approach through prevention, promotion of health and supporting when illness or injury occur.

Cleared as complete and accurate:	21/06/2021	
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- A consistent and streamlined approach to identifying and addressing reasonable adjustments for employees moving into the activity based work environments has been implemented.

ACT Public Sector Workers' Compensation Self-Insurance Performance:

- The ACT Government became a licensed self-insurer as of 1 March 2019.
- Self-insurance's support streamlines workers' compensation and better support ACT Government employees that become ill or are injured while at work.
- Being a self-insurer means the Government is responsible for the entire workers' compensation claim management process. This enables greater investment in and better integration of workers' compensation, rehabilitation, and health and safety services.
- The following table illustrates the ACTPS Workers' Compensation profile over the last 5 financial years:

ACTPS Workers' Compensation Profile		Financial Year				
		2016-17	2017-18	2018-19	2019-20	2020-21
Workforce	FTE	22,432	22,432	23,279	24,775	25,172
	Wages (\$ billion)	2.1	2.2	2.4	2.6	2.5
Number of claims (Accepted to date)*	% of workforce (annualised)**	2.0%	2.1%	1.8%	1.8%	1.7%
	Physical injury	398	396	354	371	356
	Psychological Injury	61	77	61	68	43
Average cost* (paid to date)	All claim (\$)	47,961	44,912	30,822	27,473	15,280
	Physical injury (\$)	36,449	29,969	25,743	21,170	14,074
	Psychological Injury (\$)	123,075	121,758	60,291	61,862	25,269
Premium	Total cost (\$ million)	88.0	69.6	70.5	56.0	56.2
	Per insured worker (\$)	3,921	3,101	3,028	2,261	2,231

* The 'Number of Claims' and 'Average cost' figures are based on information as at 31 May 2021. The figures may change in the future with the emergence of experience.

** FTE assumed to be uniform throughout the year. The incidence of accepted claims rate to date is annualised based on the assumed FTE to date i.e. for the latest incomplete financial year.

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Psychological Injury Experience:

- The following details in relation to psychological injuries are based on:
 - ACTPS WC Fund (WhoG including Canberra Health Services plus Calvary Health Care and University of Canberra) claims data as at 31 May 2021.
 - WhoG including Canberra Health Services RiskMan work health and safety incidents reported by 31 May 2021 as at 17 June 2021.
- Occupational violence in the ACT public sector:
 - Fifty-nine percent of incidents reported to date in 2020-21 were caused by occupational violence. This reflects 8,105 of the 3,678 reported incidents, which is an increase of three percent from the 2019-20 year.
 - Eighty percent of all occupational violence incidents reported to date in 2020-21 occurred in the Education Directorate, an increase from seventy-five percent in 2019-20.
 - Occupational violence was the cause of twelve percent of all accepted workers' compensation claims reported to date in 2020-21, a decrease from fourteen percent in 2019-20.
- Bullying and harassment in the ACT public sector:
 - The percentage of bullying and harassment incidents reported to date in 2020-21 has remained steady, having decreased in comparison to previous years.
 - Bullying and harassment was the cause of two percent of all accepted workers compensation claims reported to date in 2020-21. This is a decrease from four percent in 2019-20 and seven percent in 2018-19.
- Mental stress (excluding occupational violence and bullying) in the ACT public sector:
 - Four percent of incidents reported to date in 2020-21 were caused by mental stress (excluding occupational violence and bullying). This was an increase from 2 percent in 2019-20 in 2018-19.
 - Mental stress (excluding occupational violence and bullying) was the cause of thirteen percent of all accepted workers' compensation claims reported to date in 2020-21. This was a decrease from fifteen percent in 2019-20 in 2018-19.

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Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: PORTABLE LONG SERVICE LEAVE SCHEME – LEGISLATIVE REVIEW

Talking points:

- Portable long service leave entitlements are set out in the *Long Service Leave (Portable Schemes) Act 2009* (Portable Schemes Act).
- Entitlements to portable long service leave apply to registered workers of employers in four covered industries, namely the building and construction industry, the community sector, security and contract cleaning industries.
- On 30 July 2020 a motion was passed in the ACT Legislative Assembly committing the then Government to:
 - work with Hair Stylists Australia, the ACT hairdressing industry, employers, employees, employee bodies and registered training organisations to determine how to include hairdressing in the *Long Service Leave (Portable Schemes) Act 2009*; and
 - investigate extending the *Long Service Leave (Portable Schemes) Act 2009* to other non-public sector industries.
- In response to the motion, the then Minister for Employment and Workplace Safety announced that consultation would commence on the expansion of the portable long service leave scheme to hairdressers.

Cleared as complete and accurate:	21/06/2021	
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- Since then, the new Government has committed under the *Parliamentary Agreement & Governing Agreement for the 10th Legislative Assembly of the ACT* to “amend the portable long service scheme to ensure more workers receive fair entitlements as they move jobs in their profession”.

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CM21/36373

3

Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: ACT PRIVATE SECTOR WORKERS' COMPENSATION SCHEME
PERFORMANCE****Talking points:**

- The ACT private sector workers' compensation scheme is privately underwritten.
- As a result it is up to individual insurers to determine the premiums they charge to employers.
- Where an employer is unhappy with the premium offered by an insurer the competitive nature of the industry in the ACT means they have the option of pursuing coverage with another insurer.
- To assist employers in deciding whether the cost of their premium is reasonable, the Government publishes an annual schedule of reasonable workers' compensation premium rates for each industry class.
- The reasonable rates for the 2021-22 financial year are now available on the CMTEDD website.

ACT private sector workplace injury data:

- The actuarial review of the Territory's workers' compensation scheme, published in May 2021, found that in 2019-20:
 - around 18,000 policies were written, at an average premium rate of 1.99 per cent of wages;
 - new work injury and workers' compensation claims remained at historic low levels, with 0.28 lost time claims expected for each \$million in wages paid;
 - around \$152 million in compensation was paid, covering medical, allied health and rehabilitation services and financial compensation payments for injured workers.

Cleared as complete and accurate:	21/06/2021	
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TRIM Ref:	CM21/32822	

ACT return to work rates

- The ACT participated for the first time in the 2018 Safe Work Australia return to work survey.¹
- The ACT recorded the highest current return to work rate of all jurisdictions at 86.3%.

¹ <https://www.safeworkaustralia.gov.au/collection/national-return-work-survey-2018>

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Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: LABOUR HIRE LICENSING SCHEME

Talking points:

- The *Labour Hire Licensing Act 2020* commenced on 27 May 2021, with a six-month transition period to allow labour hire providers operating in the ACT to obtain a licence.
- This means the scheme will fully commence on 27 November 2021.
- The purpose of the labour hire licensing scheme is to:
 - protect labour hire workers from exploitation;
 - ensure labour hire service providers meet their workplace obligations and responsibilities to the workers they supply;
 - promote the integrity of the labour hire services industry; and
 - promote responsible practices in the labour hire services industry.
- The licensing scheme requires all ACT labour hire providers to hold a licence and demonstrate ongoing compliance with industry standards and workplace laws.
- Labour hire providers that have a labour hire licence from another state or territory will need to apply for a licence in the ACT.
- Having a licence in another state or territory will in most cases streamline their application.

Cleared as complete and accurate:	17/06/2021	
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Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Amanda Grey	
TRIM Ref:		

- Anyone who employs staff through a labour hire operator, will need to make sure the labour hire provider is licensed.
- WorkSafe ACT is responsible for administering the scheme and has implemented an online application process accessible via the WorkSafe ACT Website.
- To assist businesses operating as labour hire providers in the ACT, Q&A sessions have been scheduled for stakeholders throughout June.
- A public register of all licensed labour hire providers is now available on the WorkSafe ACT Website.
- Licence holders must apply annually. The current application fee is \$2,900.

Background Information

- Labour hire providers who are found to be operating a labour hire business, and do not have a licence on or after 27 November 2021, face fines of up to \$128,000 for individuals, and \$2,430,000 for a corporation

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TRIM Ref:		

Portfolio/s: Industrial Relations and Workplace Safety

**ISSUE: SNAPSHOT OF WORKERS COMPENSATION AND WORK HEALTH
AND SAFETY DATA**

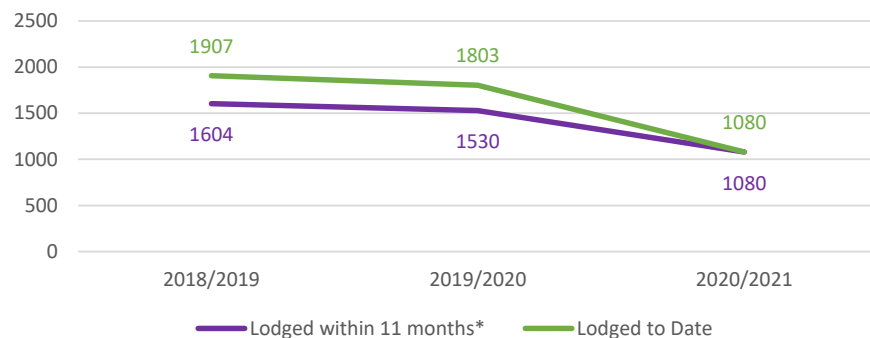
Talking points:

- WorkSafe ACT was established as an independent regulator from 30 April 2020. Key governing documents for the regulator are available on the ACT Legislation Register, including:
 - the Ministerial Statement of Expectations for WorkSafe ACT;
 - WorkSafe ACT's four-year Strategic Plan;
 - WorkSafe ACT's Statement of Operational Intent; and
 - WorkSafe ACT's Compliance and Enforcement Policy.
- Attachment A: provides quarterly private sector workers' compensation statistics as provided to the WHS Council.

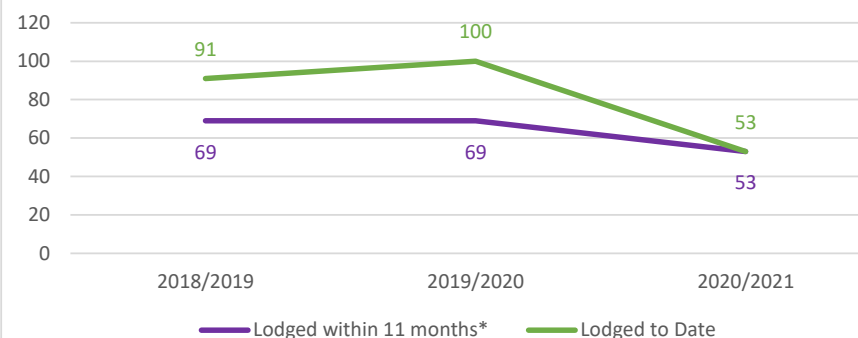
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TRIM Ref:	CM21/36559	

ALL INDUSTRIES

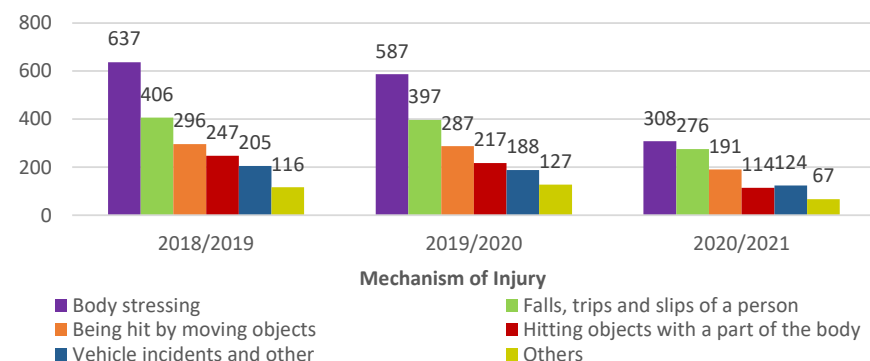
Lost time injuries



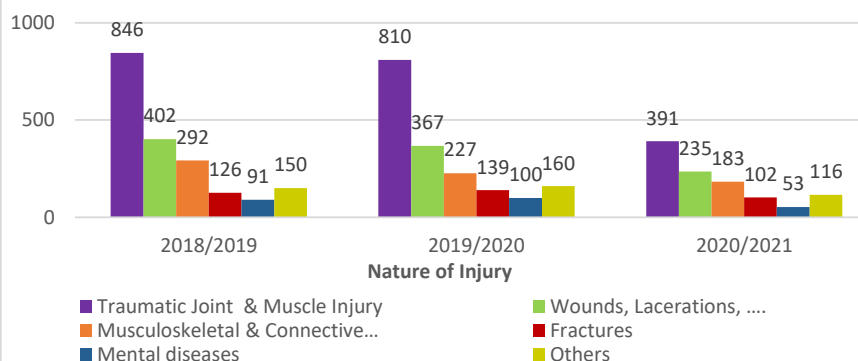
Lost time psychological** injuries



Lost time injuries by mechanism



Lost time injuries by nature



* Lodged within 11 months from the start of the financial year.

** Injuries with nature coded as 'Mental disease'

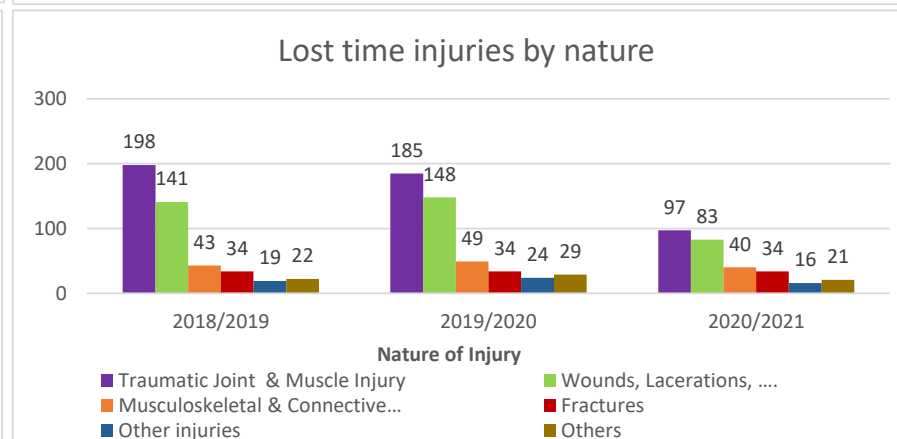
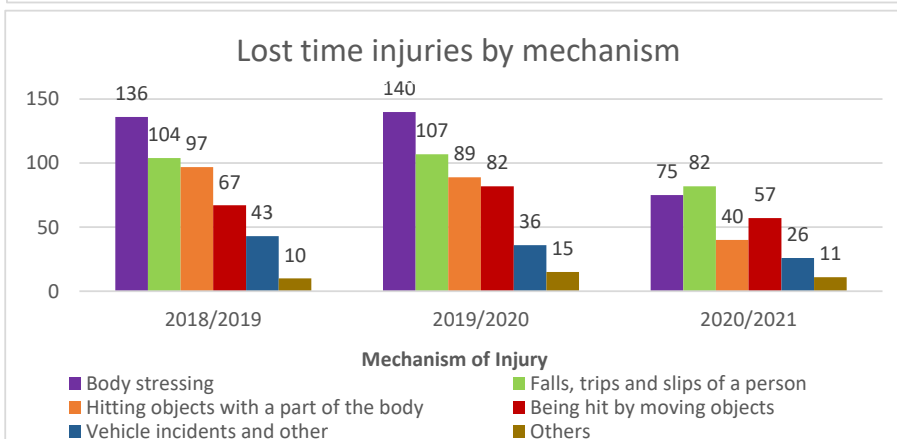
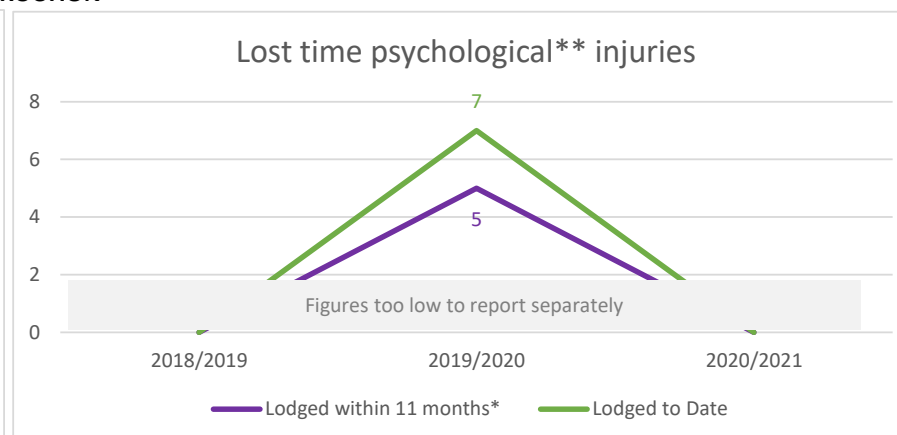
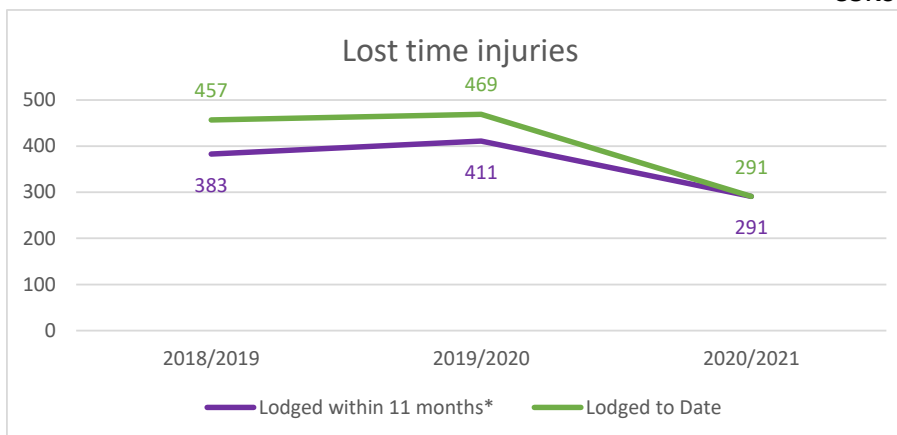
*** This report includes only claims where liability has been accepted or is pending determination.

**** An injury is considered a "lost time injury" if the worker received any incapacity payment under the claim

ACT PRIVATE SECTOR WORKERS' COMPENSATION 2020/2021 - TREND REPORT As of 31 May 2021

Workplace Safety
and Industrial
Relations

CONSTRUCTION



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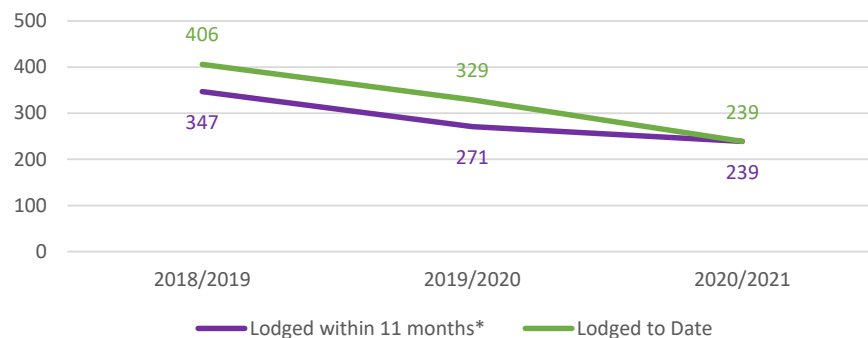
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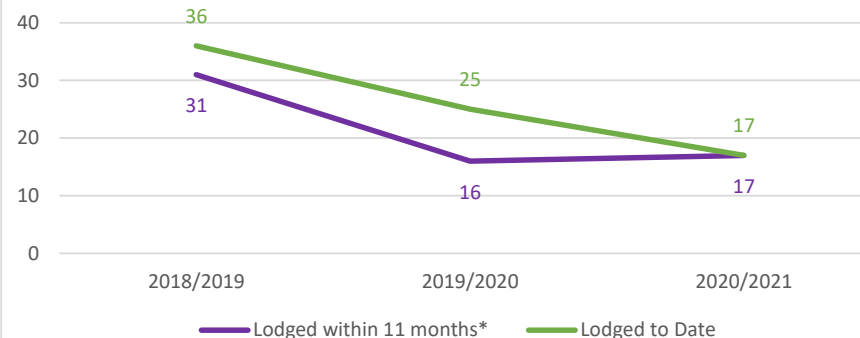
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HEALTH CARE AND SOCIAL ASSISTANCE

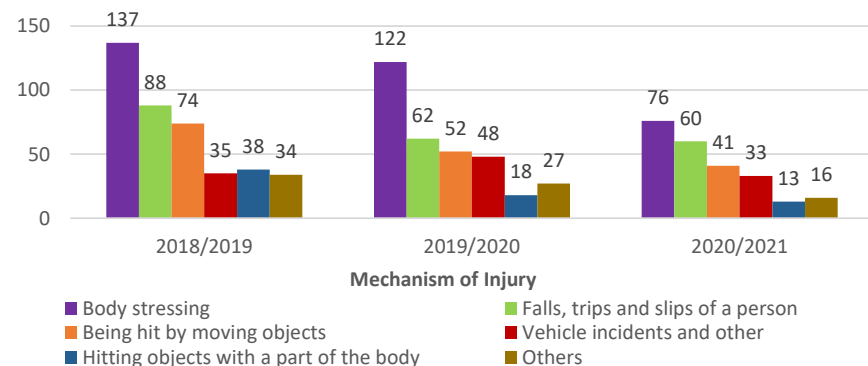
Lost time injuries



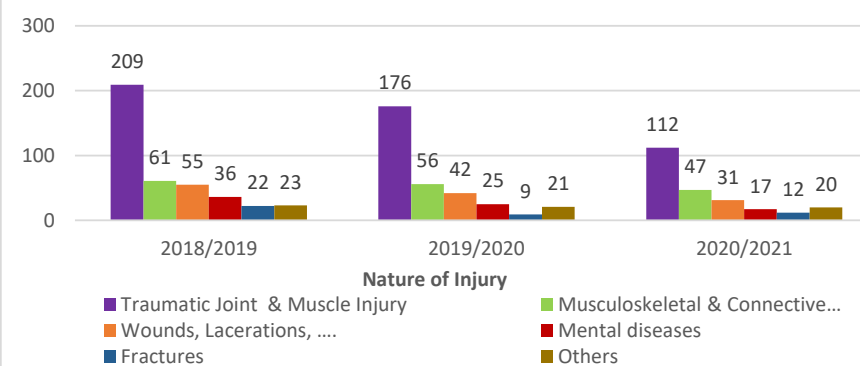
Lost time psychological** injuries



Lost time injuries by mechanism



Lost time injuries by nature



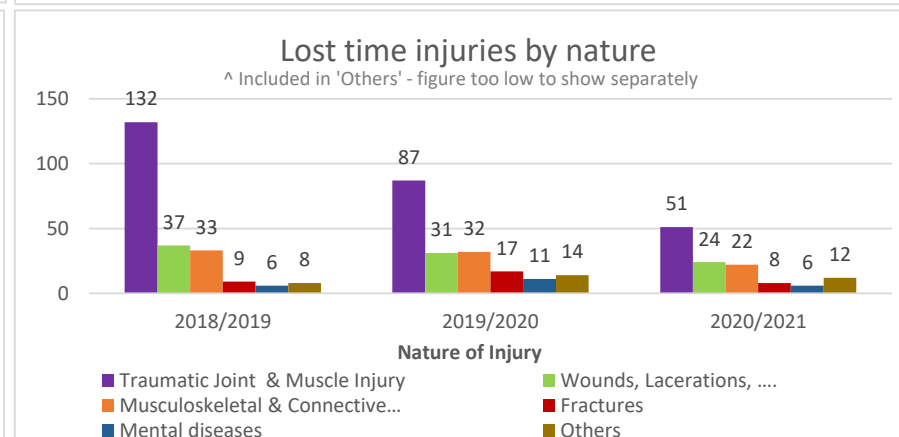
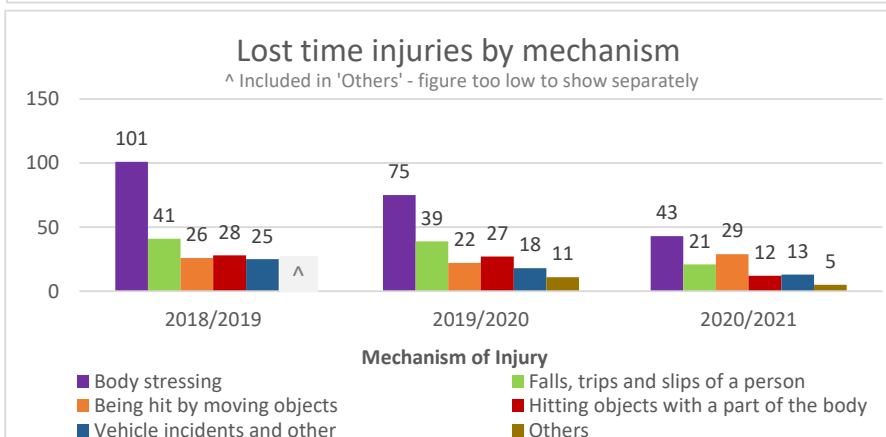
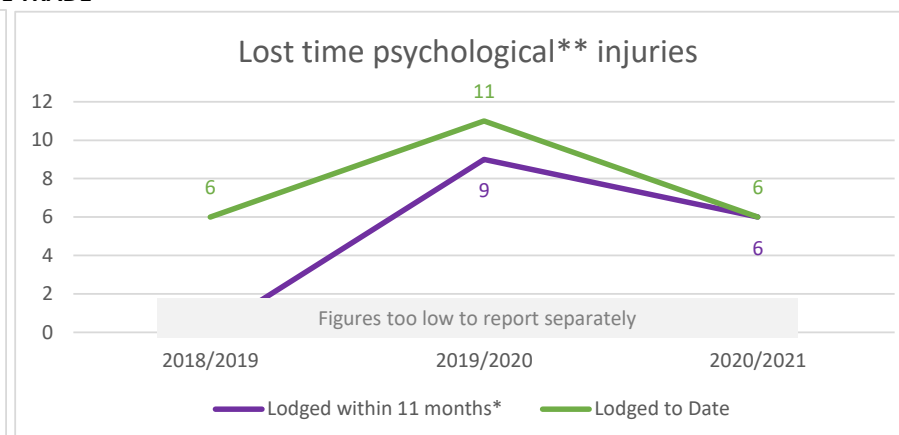
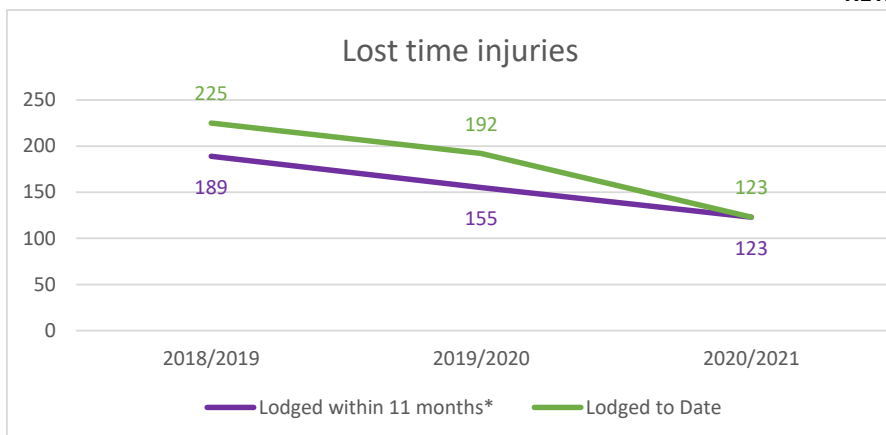
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RETAIL TRADE



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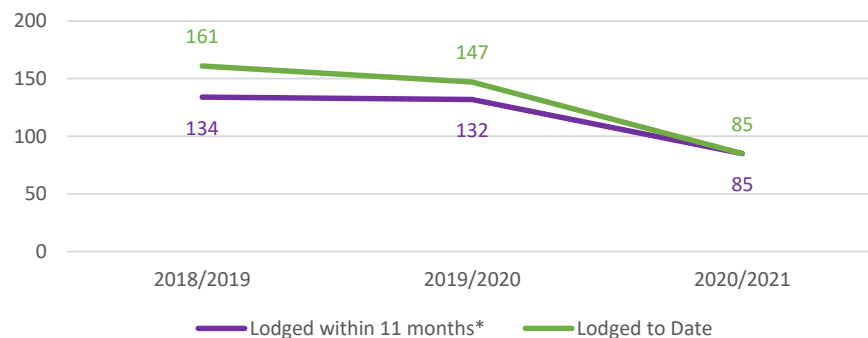
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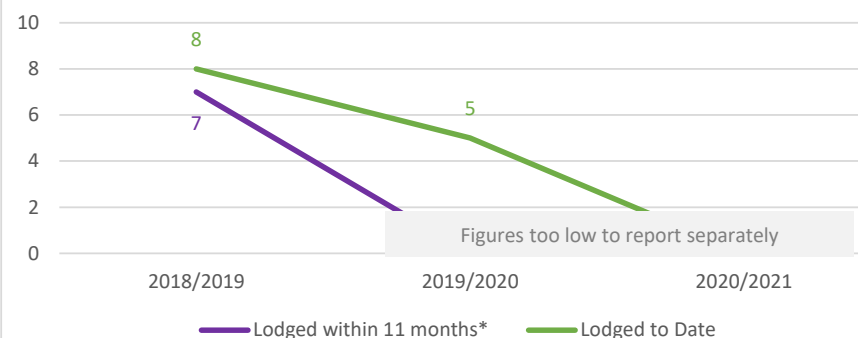
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ACCOMMODATION AND FOOD SERVICES

Lost time injuries

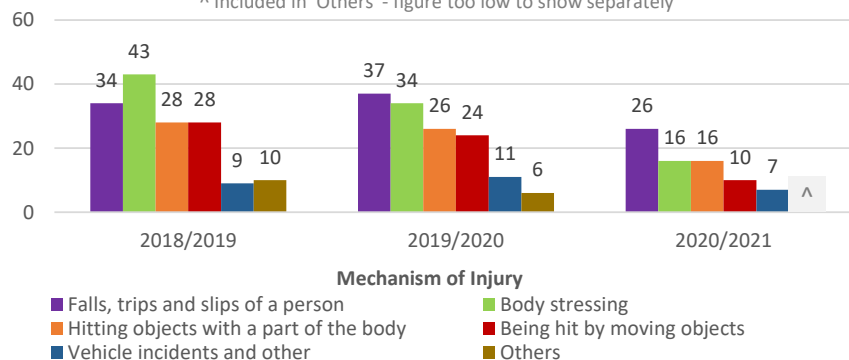


Lost time psychological** injuries



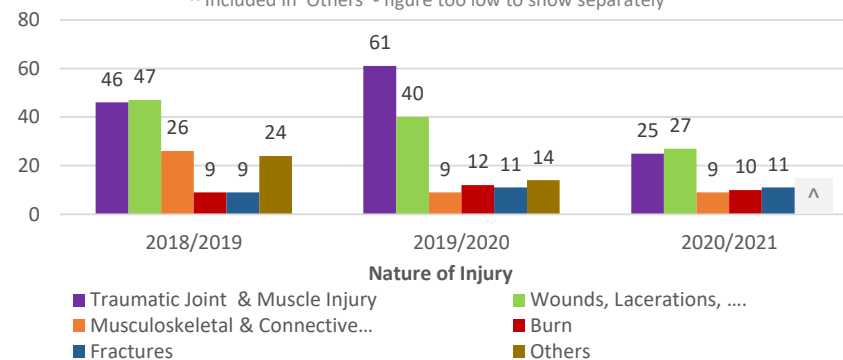
Lost time injuries by mechanism

^ Included in 'Others' - figure too low to show separately



Lost time injuries by nature

^ Included in 'Others' - figure too low to show separately



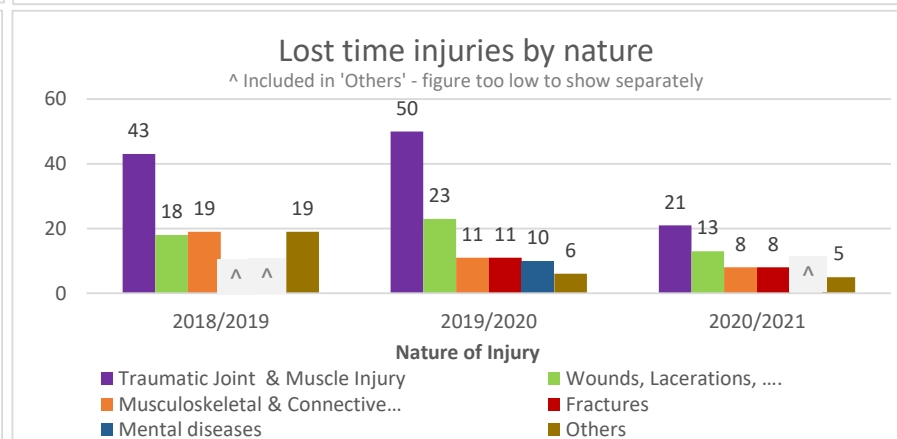
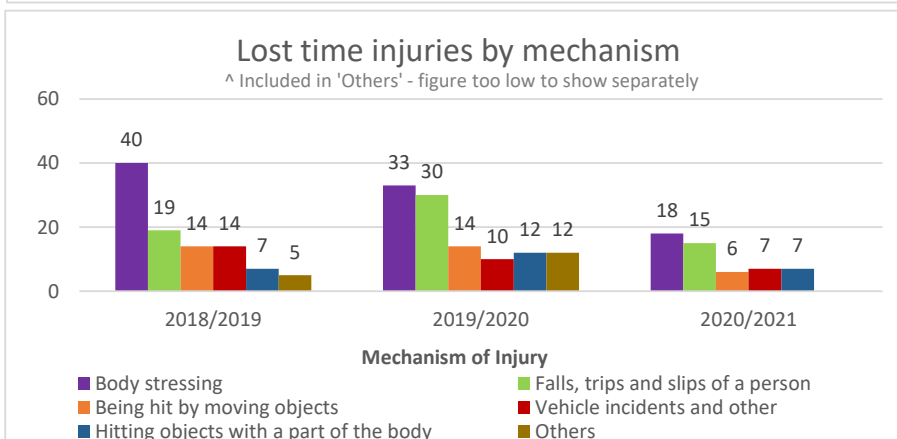
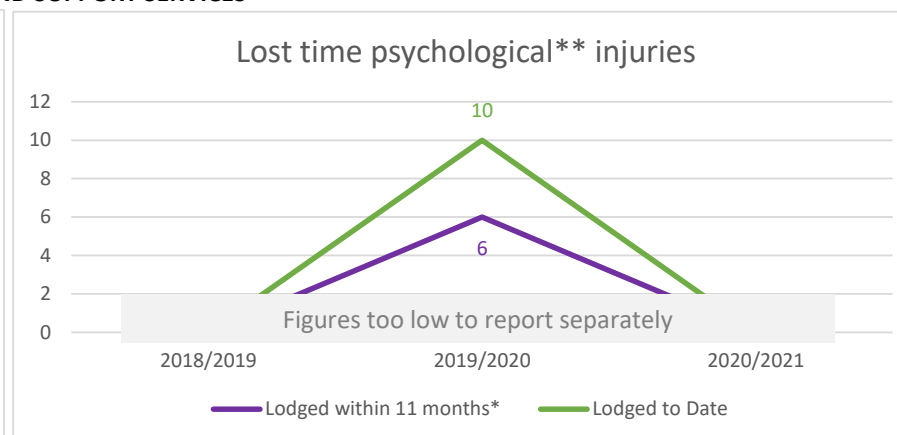
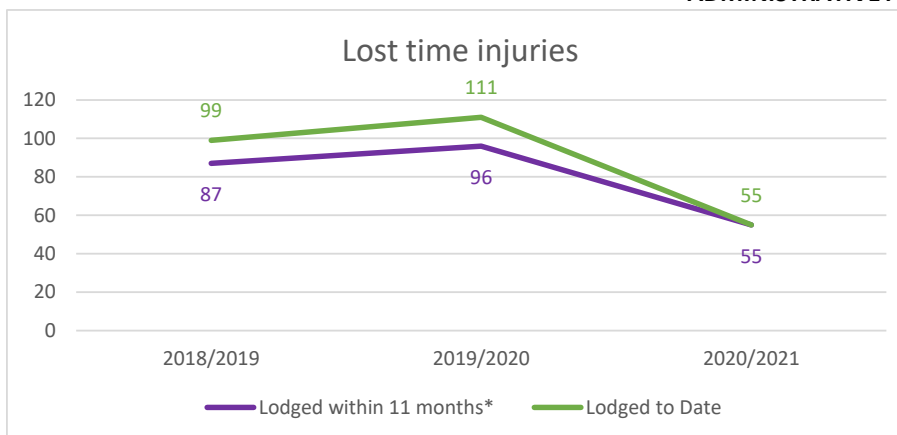
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ADMINISTRATIVE AND SUPPORT SERVICES



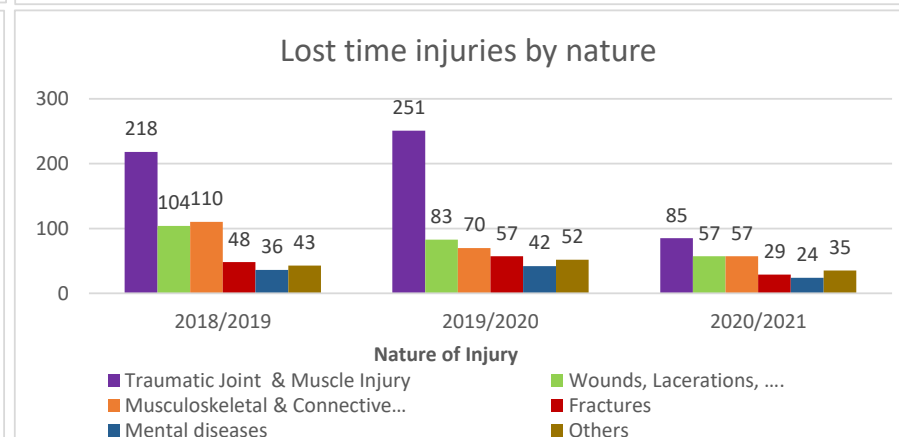
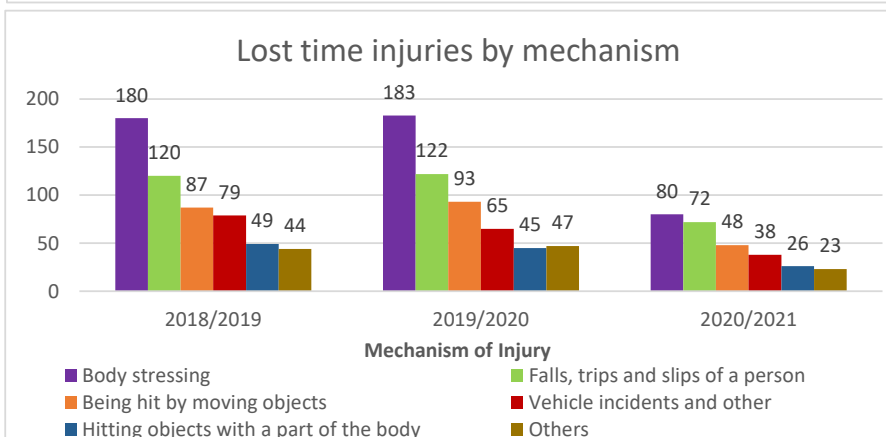
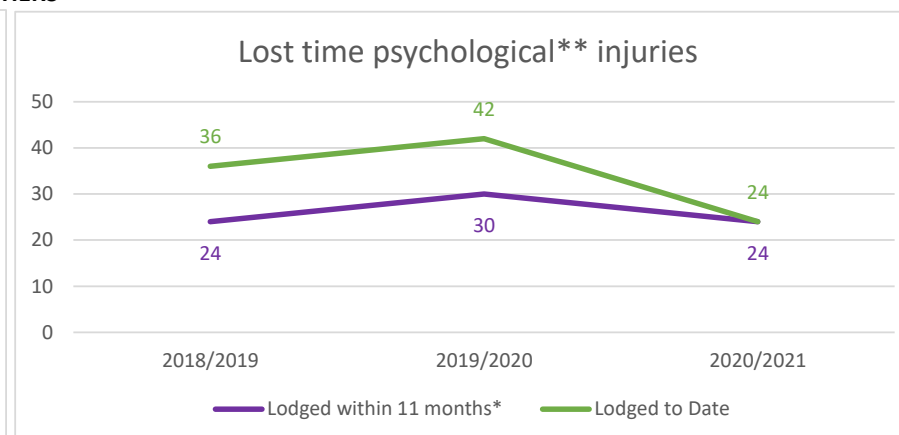
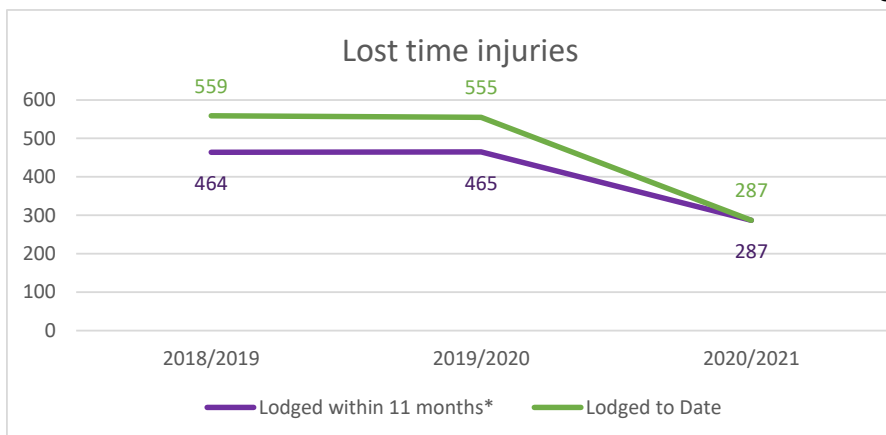
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OTHERS



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Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: WORKSAFE ENFORCEMENT ACTIVITY****Key points**

- The safety of workers, the community and staff is the highest priority for the independent regulator, WorkSafe ACT.
- The Work Health and Safety (WHS) Commissioner's role is to protect workers through regulatory compliance and enforcement activities. These activities, together with providing advice and information about the obligations that Persons Conducting a Business or Undertaking (PCBUs) must comply with under the legislation, assist in the development of a strong safety culture.
- On 1 July 2020, the then Minister for Employment and Workplace Safety delivered the Statement of Expectations (SOE) to the WHS Commissioner. The SOE highlighted current and emerging issues which required priority action.
- WorkSafe ACT responded with its Statement of Operational Intent which it has systematically been implementing to address the priority matters identified in the SOE.

Cleared as complete and accurate:	21/06/2021	
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Operation Safe Prospect

- The SOE refers to the two deaths on construction sites in early 2020, and the need to improve the safety culture in the construction sector in the ACT with an ongoing compliance program.
- As a result, Operation Safe Prospect was launched in August 2020 and is WorkSafe ACT's ongoing campaign to improve safety standards in the residential construction industry.
- Under Operation Safe Prospect, WorkSafe ACT inspectors visit greenfield sites across the Territory to ensure WHS obligations are being met.
- On site, inspectors check to make sure sites are compliant, with six key risk categories being identified as priorities:
 - Fall from heights – including unsafe scaffolding
 - Site security
 - Site signage
 - Housekeeping
 - Electrical hazards, and
 - Amenities.
- In April 2021, inspectors conducted 25 workplace visits at 19 residential construction sites in Throsby. Only one site was compliant and did not receive any notices. In total, 31 improvement notices, 8 prohibition notices, and 4 infringement notices were issued.

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- Further, one site was shut down due to multiple safety breaches, including an unsupervised electrical apprentice, a lack of housekeeping, and risk of falls.
- Additionally, WorkSafe ACT is engaging regularly with stakeholders and the media about Operation Safe Prospect as a way to further improve compliance and raise awareness of obligations.
- WorkSafe ACT is holding a residential construction forum on 24 June 2021 with participants from academia, government, industry and employee groups, as well as representatives from other WHS regulators and Safe Work Australia.

Early Education and Child Care

- Between 2 November 2020 and 31 March 2021, WorkSafe ACT visited 45 childcare centres, issuing 179 improvement notices and 2 prohibition notices for WHS breaches.
- The prohibition notices were issued due to safety risks from exposed wires on an electrical power board and a damaged lead on a vacuum.

Education and Training

- WorkSafe ACT has commenced a compliance program across the vocational education training (VET) industry, with 6 sites visited to date.
- This program will see over 30 sites inspected to ensure PCBU's have appropriate systems in place to protect workers in this industry. This

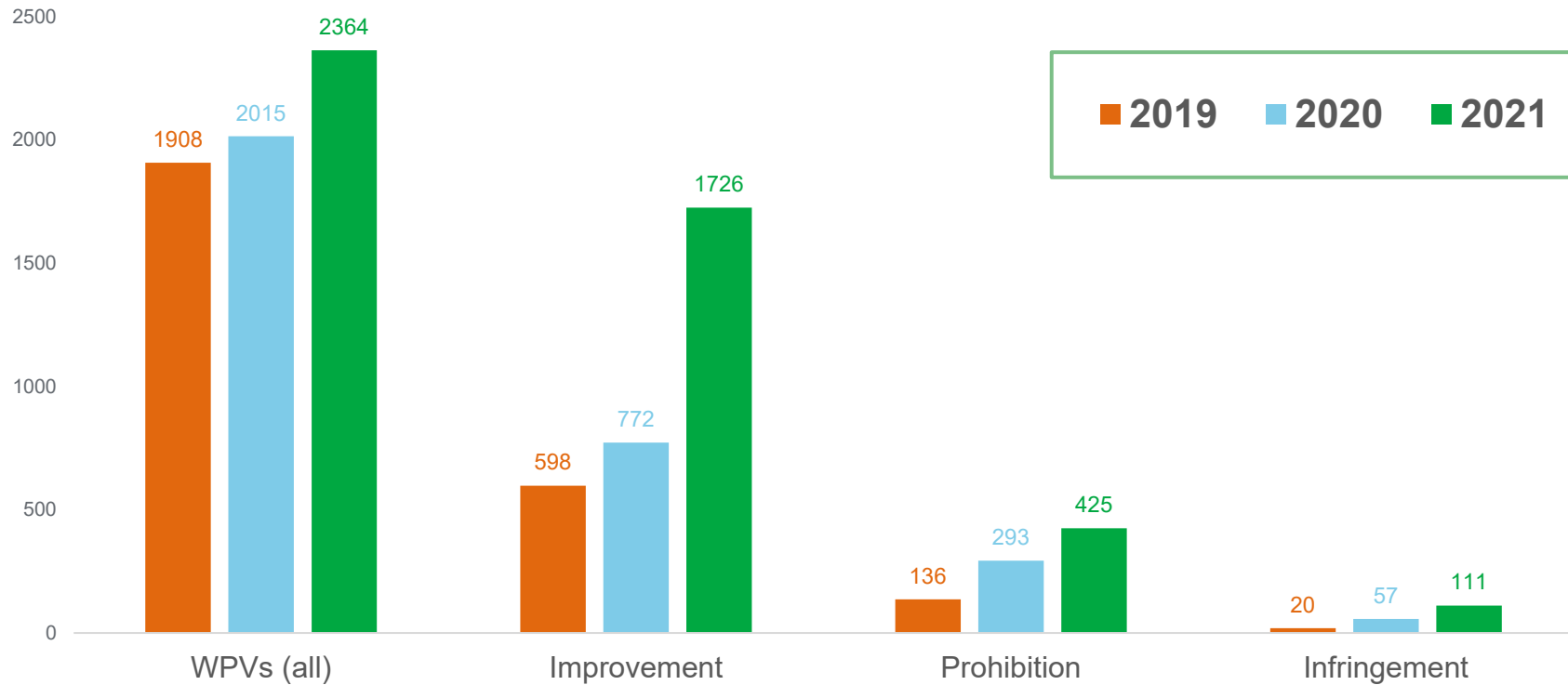
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includes compliance with the *WHS (Preventing & Responding to Bullying) Code of Practice 2012*.

- In addition, WorkSafe ACT is undertaking a compliance program in the private schools sector, including Territory universities, to improve WHS practices and culture. The program will also gather insights into how the sector has managed psychological hazards associated with the COVID-19 pandemic and will also increase awareness of the People at Work (PAW) tool.

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Information Officer name:	Amanda Grey	Ext: 6207 2718

YTD yearly comparison



Financial YTD	WPVs (all)	Improvement	Prohibition	Infringement
2021	2364	1726	425	111
2020	2015	772	293	57
2019	1908	598	136	20

Data accurate as at 10/06/2021

CM21/36640

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Portfolio/s: Industrial Relations and Workplace Safety**ISSUE: WHS LICENCE REGISTER – INFRINGEMENT NOTICE INFORMATION****Talking points:**

- The *Work Health and Safety Regulation 2011* requires WorkSafe ACT to publish a public licence register for WHS licences issued under our work health and safety laws.
- The following WHS licenses are included on the public register:
 - asbestos assessor and removal licences;
 - high-risk work licences; and
 - major hazard facility licences.
- The purpose of the register is to encourage compliance with our WHS laws by licence holders, to better protect the health and safety of our workers and the community.
- Consistent with the purpose of the register, should licensees be issued with an infringement notice, information about the notice may be published in accordance with guidelines made for the register.
- The licence register is available on WorkSafe ACT's website.

Background Information

- The licence register is published on WorkSafe ACT's website and will be incrementally populated in phases.
- Guidelines have been made that set out the information that will be published on the licence register, including:
 - Licence number and type;
 - licensee business details; and
 - information about safety related infringement notices issued on the licensee.
- Details of infringement notices will remain on the register for two years from the date of the offence, or for five years, if the licence holder receives more than two infringement notices within 24 months.

Cleared as complete and accurate:	21/06/2021	
Cleared by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/32830	

- Once fully populated the register will list the relevant details of all WHS licensees for asbestos assessor and removal licenses; high-risk work licenses; and major hazard facility licences. There are currently no licences issued for a Major Hazard Facility in the ACT.
- Details of the licensee available on the register will not include personal information or employer information.

Cleared as complete and accurate:	21/06/2021	
Cleared by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM21/32830	

CM21/36641

Portfolio/s: Workplace Safety & Industrial Relations**ISSUE:** **Secure Local Jobs Code****Key Information**

- Commencing on 15 January 2019, the Secure Local Jobs Code is designed to ensure government contracts are only awarded to businesses with the highest ethical and labour standards.
- The Code ensures that the government's purchasing power is used to reward businesses who do the right thing by their workers can compete for government work on a level playing field.
- Businesses tendering for construction, cleaning, security or traffic management work are required to hold a Secure Local Jobs Code Certificate and meet specific workplace standards on:
 - pay and employment conditions;
 - insurance, tax and superannuation;
 - health and safety, including training and inductions; and
 - collective bargaining, freedom of association and representation rights.
- Businesses that want to provide services worth more than \$200,000 to the ACT Government also need a Code Certificate.
- To receive a Secure Local Jobs Code Certificate, businesses need to apply through the Secure Local Jobs Code Registrar.
- Businesses must engage an independent Secure Local Jobs Code Approved Auditor to conduct an audit and assess whether they meet Secure Local Jobs requirements and can apply for a Secure Local Jobs Code Certificate. Approved Auditors facilitate lodgement of the application with the Registrar once their audit of the applicants business operations is complete.
- Approved Auditor costs are met by businesses applying for a Secure Local Jobs Code Certificate. Pricing for audits vary for each Auditor and by business size.
- The Government does not charge to issue a Secure Local Jobs Code Certificate to businesses.
- The Secure Local Jobs Code Advisory Council is a ministerially appointed council with members drawn from both employee and employer representative groups.
- Advisory Council's role is to advise the Minister about the operation of the Code and matters in relation to local jobs and procurement.

Cleared as complete and accurate:	21/06/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	David Robertson	Ext: 54534
Lead Directorate:	Chief Minister, Treasury and Economic Development	

- In late 2020, the Advisory Council undertook a review of the operation of the Code in accordance with their obligations under s22ZD the the *Government Procurement Act 2001*.
- The Advisory Council delivered their endorsed review report to the Minister for Industrial Relations and Workplace Safety on 24 December 2020.
- The review report delivered 10 recommendations to government, centred around three main themes, to support and enhance the successful operation of the Code:
 - *Legislative amendments* to enhance the efficacy of the Code (including enhancing the Registrar's powers to promote compliance with Code obligations).
 - *Governance arrangements* (including the introduction of a two-stage procurement evaluation process and support for information management enhancements to improve Code operations).
 - *Resourcing requirements* (including additional resources to support the operation of the Code and enhance compliance though increased investigation, educational and engagement activities).
- The Advisory Council's review report and recommendations have been considered by Government and have been accepted.
- At of Tuesday, 16 June 2021:
 - There are 1924 Code Certified entities.
 - There are 29 Approved Auditors.
 - There are 5 active investigations based on complaints received.
 - There is currently 133 investigations pending which have been initiated by the Registrar. Of the 133 pending investigations, 17 have commenced with a Notice of Investigation being sent. There are two audits underway which have been initiated at the request of the Registrar.
 - 12 Code Certified Entities have received sanctions for non-compliance with Code obligations.
 - There has been 1 sanction issued in 2021 from 61 completed investigations. 7 sanctions were issued in 2020 and 4 sanctions were issued in 2019.

Background Information

- Information about the Secure Local Jobs Code and how to apply for a Secure Local Jobs Code Certificate can be found at www.procurement.act.gov.au/securelocaljobs.

Cleared as complete and accurate:	21/06/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	David Robertson	Ext: 54534
Lead Directorate:	Chief Minister, Treasury and Economic Development	

CM21/36642

Portfolio/s: Workplace Safety & Industrial Relations**ISSUE:** **ACTPS Secure Work****Talking points:**

- The ACT Government is committed to providing secure and where possible, ongoing employment and recognises the adverse social and financial effects insecure work has on workers
- As part of this commitment, the ACT Government established the ACTPS Insecure Work and Outsourcing Taskforce ('the Taskforce') - a joint Union and Government Taskforce to examine the use of insecure work and outsourcing in the ACTPS.
- The Taskforce was established as part of the 2017-2021 Enterprise Agreement round. Provisions were included in the new enterprise agreements to facilitate the conversion of jobs to more secure forms of employment. These provisions complemented pre-existing provisions dealing with the minimisation of casual and temporary employment, privatisation and outsourcing.
- The Taskforce Conversion Policy was finalised in 2019 and sets out the process and criteria for assessing positions for conversion.
- In accordance with the Conversion Policy, the Taskforce is systematically reviewing temporary and casual employment to assess if there are jobs that should be made permanent. Where jobs are identified for conversion, the enterprise agreement provisions allow for the Head of Service to appoint existing employees without further merit processes, providing certain criteria are met.
- To date, three rounds of conversions have taken place, with a fourth round currently underway.
- The Government has agreed to introduce further initiatives to ensure that work is not contracted out when public servants could do the work. The Government is working through the policy and stakeholder engagement aspects of the ACTPS Secure Employment Framework.

Background Information

Cleared as complete and accurate:	21/06/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Russell Noud	Ext: 76019
Lead Directorate:	Chief Minister, Treasury and Economic Development	

- A total of 988 casual and temporary employees have been assessed against the Conversion Policy and 183 employees have been converted to permanent employment. For those that did not meet the criteria, the reasons included:
 - the roles were for a specific project that would not continue past the project end date;
 - the employee was backfilling another role;
 - the employee was already appointed or going through an alternate appointment process e.g. streamlining or via merit selection;
 - the employee did not meet the duration requirement of 2 or more years within the position; or
 - the employee declined the offer of conversion.
- Overall, in the time period the Taskforce has been running the current workforce statistics show that there has been a decrease in temporary and casual employment and an increase in permanent employment from the 2018/2019 financial year to the 2019/2020 financial year as follows:

2018/2019

Employment Type	Percentage
Permanent	76.0%
Temporary	17.2%
Casual	6.8%

2019/2020

Employment Type	Percentage
Permanent	78.1%
Temporary	16.5%
Casual	5.4%

- In the same period there has been an increase in workforce by 1216.8 FTE between the 2018/2019 and 2019/2020 financial year periods, which means the above figures understate the effect.

CM21/36643

Portfolio/s: Chief Minister**ISSUE: ACTPS ENTERPRISE BARGAINING AGREEMENTS****Talking points:**

- Enterprise bargaining is an opportunity to support change and strengthen ACTPS employment arrangements.
- The Government remains committed to a consultative and inclusive approach to industrial relations.
- In previous bargaining rounds the Government has provided increases to pay and superannuation, and also improved the terms and conditions of employment enjoyed by the Government's workforce.
- This has supported our ability to attract and retain workers which ensures that we have the right people on board to provide services to the ACT community.
- With the exception of the Fire Fighters', Nursing and Midwifery and Teachers' agreements, all ACTPS enterprise agreements expire on 31 October 2021. The *Fair Work Act 2009* provides that an expired agreement continues in force until replaced.
- Bargaining has formally commenced and regular meetings with the unions, are scheduled on a fortnightly basis. The first bargaining meeting involving the unions was held on 12 April 2021. Out of session discussions are also being scheduled where specific technical matters require further discussion.
- The Government looks forward to working with workers and their unions to achieve good outcomes for the community.

Background Information

- The current enterprise agreements require bargaining commence by the end of February 2021. It has commenced slightly later than that, but that time will be made up.
- The aim is to have bargaining complete by the expiration of the current agreements (31 October 2021), but that will depend on the complexity of the claims made.

Cleared as complete and accurate:	21/06/2021	
Cleared for public release by:	Deputy Director-General	Ext: 75397
Contact Officer name:	Dr Damian West	Ext: 75397
Lead Directorate:	Chief Minister, Treasury and Economic Development	

TRIM Ref: CM21/30523

QUESTION TIME BRIEF

CM2021/1270

Portfolio: Arts**ISSUE: What is being done to rectify the lead dust found at Former Transport Depot, Kingston?****Communications, media and engagement**

- The Canberra Times published an article on 2 June 2021 following your statement to the Legislative Assembly on the same day. The article noted provision of reimbursements to stallholders, and completion of remediation tracking for July 2021. <https://www.canberratimes.com.au/story/7279929/old-bus-depot-stallholders-to-be-reimbursed-for-lost-equipment/?cs=14264>

An additional story was published by the City News on 3 June 2021: https://the-riotact.com/kingston-old-bus-depot-markets-to-remain-shut-until-at-least-july/466102?utm_source=newsletter&utm_medium=daily&utm_campaign=2021-06-03

- A media enquiry was received on 21 May 2021 from The Canberra Times. The enquiry was in response to a Freedom of Information release on 13 May about lead dust at the Former Transport Depot, Kingston. The questions related to the project program, blood test levels of workers and the project cost. The resulting article is here: <https://www.canberratimes.com.au/story/7263165/high-levels-of-lead-dust-found-across-kingston-bus-depot/>

Additional stories were aired on WIN news on 26 May and in City News - <https://citynews.com.au/2021/high-levels-of-lead-dust-found-at-kingstons-old-bus-depot/>

- Old Bus Depot Market (OBDM) communicates with its stallholders via a digital newsletter sent by email. Written updates to stallholders have been distributed by OBDM to stallholders on 11 and 25 February, and 19 April 2021. It is understood OBDM has not communicated a date for reopening the markets to stallholders since a date for completion of remediation works has not been available.

Talking points:

- Lead dust at the Former Transport Depot was disturbed during construction works as part of a \$6.5 million project including for roof replacement works, electrical system upgrade, toilet facility and accessibility upgrades.
- Expert advice is that when left undisturbed and good personal hygiene practiced, the dust would not have posed a significant risk to building users including market operators and visitors. The dust at the Former Transport Depot was undisturbed prior to the construction activities.

Cleared as complete and accurate:	15/06/2021	
Cleared by:	Executive Branch Manager	
Contact Officer name:	Sam Tyler	Ext: 54365
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Choose an item	
Information Officer name:		
TRIM Ref: CM2021/1270		

QUESTION TIME BRIEF

- As a precautionary measure voluntary blood tests have been offered to people who have been on-site during the construction period. Today a total of twenty-eight people have had tests, and all have returned results within a normal range.
- The results of three individuals were initially reported as being elevated, and were subsequently found not to be indicative of high levels of exposure to lead.
- A specialist cleaning contractor started in early April 2021 and cleaning of the building is underway. Progressive clearance testing is being undertaken during each stage of work and will inform the need for additional remediation activities which may be required in order to meet the adopted clearance thresholds.
- The original completion date for building remediation was anticipated to be May 2021. However, an exact completion date is not known as the extent of work required in each area depends on the test results that are returned after cleaning. At this stage, it is anticipated that the remediation will be completed in July 2021.
- We acknowledge that the uncertainty in timeframes has been difficult for the market operators and stallholders especially given that stallholder stock and/or equipment stored in the building has also been impacted by lead dust.
- artsACT is working with the market operators and stallholders to confirm privately owned property in the building for cleaning or disposal. The stallholders and the market operators will be reimbursed for property that has to be disposed.
- The Old Bus Depot Markets will reopen as soon as possible following the completion of the building remediation and will be the first community event to be held in the newly refurbished building.

Key Information

- In the 2019-20 Budget, \$6.5 million (GST incl) was allocated over three years for roof replacement works, electrical system upgrade, toilet facility and accessibility upgrades at the Former Transport Depot, home of the Old Bus Depot Markets.
- The Markets have been closed since March 2020 due to the COVID-19 pandemic. The construction works were scheduled prior to the pandemic.
- Works were on track for completion in March 2021. However, in late January 2021 dust containing lead particulates was found in the building. The lead dust must be remediated before the building reopens to the public.
- artsACT is the building custodian, ACT Property Group provides building management (repairs and maintenance) and Major Projects Canberra (MPC), Infrastructure Delivery Partners is the contract manager and delivery agency for the capital works project.

Cleared as complete and accurate: 15/06/2021
Cleared by: Executive Branch Manager
Contact Officer name: Sam Tyler Ext: 54365
Lead Directorate: Chief Minister, Treasury and Economic Development
Cleared for release: Choose an item
Information Officer name:
TRIM Ref: CM2021/1270

QUESTION TIME BRIEF

- Worksafe were notified of the situation on 20 January 2021 and have provided advice to Major Projects Canberra.
- The contractor, Monarch Building Solutions, is coordinating an appropriate response to this in accordance with the construction contract and the relevant legislation.
- **Lead work under WHS laws:** Exposure to lead can cause severe adverse health effects. WHS duties and obligations for ensuring the health and safety of workers when working with lead, or other hazardous chemicals, are found in our Work Health and Safety laws.
- Under WHS laws, lead risk work is work that is likely to expose workers to blood lead levels of 0.97 micromoles per litre, or if the worker is a female of reproductive capacity 0.24 micromoles per litre.
- Specifically, WHS duties for lead risk work include:
 - health monitoring and blood lead level monitoring requirements for workers carrying out lead risk work;
 - giving information about the health risks of lead risk work; and
 - the removal of workers if their blood lead levels exceed the legislated maximum levels.
- Airborne contaminant levels are also regulated under the workplace exposure standards that set limits on the presence of certain airborne contaminants, which includes a time weighted limit for inorganic lead of 0.05mg/m³.
- WorkSafe ACT, the ACT's WHS regulator, must also be notified of all lead risk work.

Cleared as complete and accurate: 15/06/2021
Cleared by: Executive Branch Manager
Contact Officer name: Sam Tyler Ext: 54365
Lead Directorate: Chief Minister, Treasury and Economic Development
Cleared for release: Choose an item
Information Officer name:
TRIM Ref: CM2021/1270

Portfolio/s: Industrial Relations and Workplace Safety

ISSUE: BLUE GUM COMMUNITY SCHOOL – LSLA COMPLIANCE

Talking points:

- Portable long service leave is provided for under the *Long Service Leave (Portable Schemes) Act 2009* (Portable Schemes Act) for workers in covered industries.
- Covered industries are building and construction, the community sector, security and contract cleaning industries.
- Employers with employees engaged to work in a covered industry must register under the portable schemes for long service leave.
- The independent Long Service Leave Authority is responsible for administering the Portable Schemes Act. This includes compliance activities to ensure that employers comply with their obligation to register.
- Education and care services employers are covered under the community sector industry.
- In early 2019, the Long Service Leave Authority commenced compliance activities in relation to the education and care services industry, which was formerly described as childcare services.
- While employers in covered industries may seek a Ministerial declaration to exclude them from coverage under the Portable Schemes Act, no such exemptions have been granted to date. A precursor to seeking an exemption is however that the entity is an employer for the covered industry.
- The definition of the community sector was amended in late 2019 to clarify the Act's coverage in relation to child care services - to the updated terminology applied to the sector under the *Education and Care*

Cleared as complete and accurate:	21/06/2021	
Cleared by:	Executive Group Manager	Ext: 53095
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM2021/2702	

Services National Law. This amendment did not change the meaning of the industry being covered.

- Government is excluded as an employer under the Portable Schemes Act and is similarly excluded in Victoria and Queensland's portable long service leave schemes that also cover community services.

Background:

- Blue Gum Community School is a covered employer in the community sector industry, providing education and care services (preschool, after school and school holiday programs) in the ACT.
- Blue Gum Community School was identified as part of the Long Service Leave Authority's compliance activities in early 2019 as being a covered employer under the Portable Schemes Act that was not currently registered with the Authority.
- Blue Gum Community School had sought an exemption from coverage under the Portable Schemes Act from the Minister, which was not granted.
- Following compliance action by the Long Service Leave Authority, Blue Gum Community School is now commencing the registration process under the Portable Schemes Act. The Long Service Leave Authority has been in regular contact with the Blue Gum Community School to support their registration.

Cleared as complete and accurate:	21/06/2021	
Cleared by:	Executive Group Manager	Ext: 53095
Contact Officer name:	Ellen Lukins	Ext: 53874
Lead Directorate:	Chief Minister, Treasury and Economic Development	
Cleared for release	Yes	
Information Officer name:	Michael Young	
TRIM Ref:	CM2021/2702	