

From: s 22(1)
To: [REDACTED]
Cc: [REDACTED]
Subject: For clearance: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Tuesday, 11 January 2022 12:54:57 PM
Attachments: [MC21-047697 \(petition\).pdf](#)

OFFICIAL

Hi Danica, this is the one I emailed you about yesterday afternoon. s 22(1) has pulled together some standard words that go to: what the Government is doing about underpayment; the FWO's prioritisation process; large corporates (incl. Coles and Woolworths).

IR Strategy has indicated they have a bit more time, so if they want anything else we should be able to provide it tomorrow.

The Government has zero tolerance for the exploitation of workers, including the underpayment of wages and entitlements by any employer.

The Fair Work Ombudsman (FWO) is the national workplace relations regulator, responsible for providing education, assistance and advice about the Commonwealth workplace relations system and impartially enforcing compliance with workplace laws. Since 2016, the Government has committed over \$180 million in new funding to the FWO to prevent wage underpayment and improve compliance with workplace laws. The Government has also strengthened the FWO's evidence-gathering powers and increased, by tenfold, the penalties for 'serious contraventions' of the *Fair Work Act 2009*.

The FWO sets annual compliance and enforcement priorities that reflect the industries with the highest risk of non-compliance. In 2021-22, the FWO's priorities include fast food, restaurants and cafes, and large corporate underpayments.

In the 2020-21 Budget, the Government provided \$22.3 million in funding to the FWO to establish a dedicated Corporate Sector Assurance team to identify, investigate and respond to non-compliance by large corporates. As part of the FWO's focus on large corporate non-compliance, the FWO commenced legal proceedings in the Federal Court on 2 December 2021 against Coles Supermarkets Australia Pty Ltd, for the alleged underpayment of salaried employees of \$115 million. The FWO also commenced proceedings in the Federal Court on 17 June 2021 against Woolworths Group Limited and Woolworths (South Australia) for the alleged underpayment of salaried workers.

Any worker with concerns about their workplace entitlements, such as pay and conditions, should contact the FWO for assistance on 13 13 94 or at www.fairwork.gov.au.

Regards,

s
22(1)

OFFICIAL

From: s 22(1)

Sent: Tuesday, 11 January 2022 12:34 PM

To: s 22(1)

Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

Hi s 22(1) – please see some standard words for this request below, grateful for your review.

I note that the corro refers to unpaid overtime but outside of that seems mainly concerned with structural overworking of staff due to budget constraints. However, we can offer the below in relation to the unpaid overtime as well as to show more generally compliance activities directed at McDonalds, Woolworths and Coles, which are named in the corro. The legal actions against Woolworths and Coles are all public via FWO media releases.

Happy to chat!

s 22(1)

From: s 22(1)

Sent: Tuesday, 11 January 2022 9:24 AM

To: s 22(1)

Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Much easier to provide input when you have the corro. Soz!

s 22(1)

OFFICIAL

From: s 22(1)

Sent: Monday, 10 January 2022 4:16 PM

To: s 22(1)

Cc: s 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Good afternoon s 22(1)

During the holiday period the Employment Protections team from the Industrial Relations Strategy Branch received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses breach of workplace conditions (entitlements including wages and unpaid overtime), alongside other matters. We are hoping to include standard words about the law and the government's position on some of the issues that arise on workplace compliance in the petition.

Is your team able to provide some standard words on this as soon as possible? If there is a team in your branch that may deal with another aspect of the correspondence, this advice would also be greatly appreciated.

I apologise for the urgent request. Time available to prepare a response has been reduced as a result of the Christmas shutdown.

Please let me know if a time extension is needed. We are aiming to get the response finalised this week, but we should still be in a good position to receive input at a time later this week if required.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: "AGO DLO" § 22(1)
Sent: 30/11/2021 6:00:45 PM
To: "Ministerial Correspondence Unit"
 <Ministerial.CorrespondenceUnix@xx.xxx.xx>
Cc: "AGO DLO" § 22(1)
Subject: FW: Petition Ministerial Referral (EN3533) [SEC=OFFICIAL]
Categories: Referrals

OFFICIAL

Please refer to PMO as the Petition requests the establishment of a Royal Commission.

AG – RECEIVED			
Priority A		Refer to	PMC
Priority B		Refer to DSU	
Info. Only		Refer to NSH	
App. Action		Invitation	
Reply by AG		Sub required	
Reply by AM		Reply by dept	
Reply by COS		Action area	
Reply by Adviser		Allocated by	PW

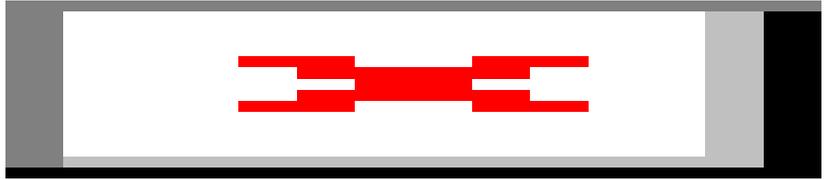
Departmental Liaison Officer

Office of Senator the Hon Michaelia Cash
 Attorney-General
 Minister for Industrial Relations
 Deputy Leader of the Government in the Senate

OFFICIAL

From: webmaster@aph.gov.au [<mailto:webmaster@aph.gov.au>]
Sent: Monday, 29 November 2021 12:36 PM
To: AGO DLO § 22(1)
Subject: Petition Ministerial Referral (EN3533)

CAUTION: This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.



29/11/2021

Senator the Hon Michaelia Cash
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney-General,

A petition on the following terms was recently presented in the House.

Presentation date: 29/11/2021
Petition number: EN3533 (*Please quote in future correspondence*)
Number of signatures: 1213

Terms:

- **Reason:** On the day of writing, 20/10/2021, Woolworths recalled scissors and knives from shelves in response to a customer stabbing. Earlier this week, Woolworths paid a grieving family \$6000 after their son took his life; a result of workplace entrapment. This act alone demonstrates Woolworths will sacrifice tens of thousands in sales to appear like they care for customers, but value their employees at \$6000. Woolworths, Coles, McDonalds and other giants that employ low-skilled workers operate with a systemic culture of managerial abuse seen through budget cuts, gaslighting and coercion. Budget cuts are especially damaging to employees; not only giving the poorest workers unreliable income but forcing salaried managers to work hours of overtime with no extra pay to achieve the work required. Some managers even resort to narcotics to maintain an alert state. Woolworths uses an "O.R.%" to calculate wages; hours needed vs hours budgeted. Departments are expected to operate at above 100%. A department may receive at 28hr work load that day, but only be budgeted 20hrs to complete the work. As a

result, shortcuts are taken and substance abuse begins to frantically meet those hours until the budgets are cut again.

- **Request:** We therefore ask the House to support the establishment of such a Royal Commission into Retail and Fast Food conditions and culture.

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of the matter raised in the petition. Written responses to the referred petition are expected within 90 days of presentation to the House.

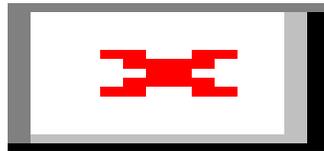
When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at:

<http://www.aph.gov.au/petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at
petitions.committee.reps@aph.gov.au

Yours sincerely



Mr Ken O'Dowd MP
Chair

STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email:
petitions.committee.reps@aph.gov.au

From: s 22(1)
To: [Redacted]
Cc: [Redacted]
Subject: For review by COB today: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Monday, 17 January 2022 2:56:02 PM
Attachments: [MC21-047697 draft \(AF\).docx](#)

OFFICIAL

Hi s 22(1), we provided input for this corro last week. They've mostly used our words as is, however they've inserted a para about general protections/adverse action near the end. I think it's fine. If you're happy I'll confirm and CC Danica.

s 22(1)

OFFICIAL

From: s 22(1)
Sent: Monday, 17 January 2022 2:51 PM
To: s 22(1)
Cc: Yanchenko, Danica s 47E(d); s 22(1)
 s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

Thank you again for providing us with standard words on entitlements.

Could your team please do a final review to see if there is anything in addition you may like to add, noting we have only made minor adjustments?

It would be greatly appreciated if you could get back to us about this by COB today.

Kind regards

s 22(1)
[Employee Protections | Industrial Relations Strategy Branch](#)
 s 22(1)

OFFICIAL

From: s 22(1)
Sent: Tuesday, 11 January 2022 3:33 PM
To: s 22(1)
Cc: s 22(1) Yanchenko, Danica s 47E(d);
 s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

Thank you again for the fast turnaround. Really appreciate your team getting this one back so quickly.

Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

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From: s 22(1)

Sent: Tuesday, 11 January 2022 2:10 PM

To: s 22(1)

Cc: s 22(1); Yanchenko, Danica s 47E(d)

s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

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Hi s 22(1),

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If there's something else you'd like some input on, we should be able to provide it tomorrow, just let us know.

The Government has zero tolerance for the exploitation of workers, including the underpayment of wages and entitlements by any employer.

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respond to non-compliance by large corporates. As part of the FWO's focus on large corporate non-compliance, the FWO commenced legal proceedings in the Federal Court on 2 December 2021 against Coles Supermarkets Australia Pty Ltd, for the alleged underpayment of salaried employees of \$115 million. The FWO also commenced proceedings in the Federal Court on 17 June 2021 against Woolworths Group Limited and Woolworths (South Australia) for the alleged underpayment of salaried workers.

Any worker with concerns about their workplace entitlements, such as pay and conditions, should contact the FWO for assistance on 13 13 94 or at www.fairwork.gov.au.

Regards,

s 22(1)

A/g Director

Workplace Compliance | Workplace Compliance and Enforcement Policy Branch

Attorney-General's Department

s 22(1)

www.ag.gov.au

OFFICIAL

From: s 22(1)

Sent: Monday, 10 January 2022 4:16 PM

To: s 22(1)

Cc: s 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Good afternoon s 22(1)

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Is your team able to provide some standard words on this as soon as possible? If there is a team in your branch that may deal with another aspect of the correspondence, this advice would also be greatly appreciated.

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s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL

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To: s 22(1)
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Subject: RE: For review by COB today: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Thanks, this reads well. I guess the only thing that jumped out at me is that we don't make reference to the extra money etc given to the FWO to assist employers and employees during Covid? Should we add in some standard lines?

OFFICIAL

From: s 22(1)
Sent: Monday, 17 January 2022 1:56 PM
To: s 22(1)
Cc: s 22(1)
Subject: For review by COB today: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

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s 22(1)

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To: s 22(1)
Cc: Yanchenko, Danica s 47E(a) >; s 22(1)
s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

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s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

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Sent: Tuesday, 11 January 2022 3:33 PM

To: s 22(1)

Cc: s 22(1) Yanchenko, Danica s 47E(d);
s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

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Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

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To: s 22(1)

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s 22(1)

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Any worker with concerns about their workplace entitlements, such as pay and conditions, should contact the FWO for assistance on 13 13 94 or at www.fairwork.gov.au.

Regards,

s 22(1) (he/him)

A/g Director

Workplace Compliance | Workplace Compliance and Enforcement Policy Branch

Attorney-General's Department

s 22(1)

www.ag.gov.au

OFFICIAL

From: s 22(1)

Sent: Monday, 10 January 2022 4:16 PM

To: s 22(1)

Cc: s 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Good afternoon s 22(1)

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I apologise for the urgent request. Time available to prepare a response has been reduced as a result of the Christmas shutdown.

Please let me know if a time extension is needed. We are aiming to get the response finalised this week, but we should still be in a good position to receive input at a time later this week if required.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)
To: s 22(1)
Subject: FW: MC21-047697 draft [SEC=OFFICIAL]
Date: Monday, 17 January 2022 2:28:00 PM
Attachments: [MC21-047697 draft \(AF revision\).docx](#)
Importance: High

OFFICIAL

Hi s 22(1)

Thanks for drafting this. I appreciate the effort you put in. In this instance I think the length of the document is fine given it will be published on the APH website. Noting this, I've returned to using most of the words provided by s 22(1). Can you please do one final review of the document for me for typos and to see how it reads etc and then send it to s 22(1) ASAP to see if they have anything to add, and noting that we have only made minor amendments to their sections. Once they're ok with it I'll send on to Sharon for clearance. It would be good to get it to her today if possible.

Cheers,

s 22(1)

s 22(1)

Please note I do not work Fridays.

OFFICIAL

From: s 22(1)
Sent: Friday, 14 January 2022 4:46 PM
To: s 22(1)
Subject: RE: MC21-047697 draft

s 22(1)

I've had a go at shortening the document. Attached is an updated version that touches on all key issues.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

From: s 22(1)
Sent: Friday, 14 January 2022 4:04 PM
To: s 22(1)
Subject: MC21-047697 draft

Hi s 22(1)

I've finished a first draft of the MC21-047697 ministerial correspondence. It covers off everything that appears to be necessary: WHS, entitlements, and general workplace protections. I have noted that the document is a first draft as I do think it needs to be shortened.

Could you please take a look at this and advise where it could be shortened? It may need to be balanced with addressing the Minister/Chair's concerns at an appropriate level.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

From: s 22(1)
To: s 22(1)
Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Wednesday, 12 January 2022 12:22:08 PM
Attachments: [image001.png](#)
[RE Ministerial correspondence - urgent request for standard words SECOFFICIAL.msg](#)

OFFICIAL

Hi s 22(1)

As discussed yesterday, here are the standard words provided by WH&S policy. I've also attached an email containing standard words from the policy team that heads entitlements compliance.

I'm putting something together now for the petition response.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)
Sent: Wednesday, 12 January 2022 9:53 AM
To: s 22(1)
Cc: s 22(1)
s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

Sorry for the delay in getting back to you. Please see below a couple of paragraphs of standard words regarding the model WHS laws and the duties of a PCBU:

All Australians, regardless of their occupation or how they are engaged, have the right to healthy, safe and well-designed work. WHS regulation in Australia is a shared responsibility, with each jurisdiction responsible for implementing, regulating and enforcing their own WHS laws.

Australia has model WHS laws that have been adopted in all jurisdictions except Victoria. Western Australia has passed a new WHS Act, based on the model WHS Act, which is expected to commence in 2022. The model WHS Act provides a framework to protect the health and safety of all workers at work and of other people who might be affected by that work. While WHS is a shared responsibility with the states and territories, the Government takes a leadership role to achieve best practice protections for all Australian

workers.

The model WHS Act includes a primary duty of care imposed on a person conducting a business or undertaking (PCBU) to ensure that all persons in the workplace, including workers and visitors, are not exposed to health and safety risks. This duty requires risks to health and safety to be eliminated or minimised so far as is reasonably practicable. WHS Ministers recently agreed to amend the model WHS Regulations to also deal with psychological health.

Officers of a PCBU must exercise due diligence to ensure compliance by the PCBU with its health and safety obligations. This duty relates to strategic, structural, policy and key resourcing decisions. The model Act also imposes WHS duties on workers, including that they must take reasonable care for their own health and safety and others in the workplace, and that they must comply with reasonable instructions of the PCBU and co-operate with any reasonable policy or procedure of the PCBU. Other persons at a workplace must also take reasonable care for their own health and safety, and ensure their acts and omissions do not adversely affect the health and safety of other persons while at work.

The model WHS laws currently contain criminal offences that hold companies and individuals accountable for any breaches of their duties of care to workers, regardless of whether an accident occurs. There are criminal sanctions under the model WHS laws for those who breach their duties, with terms of imprisonment of up to five years for individuals, and fines of up to \$3 million for companies and \$600,000 for individuals.

We hope the above is of assistance, please do not hesitate to contact me if you require anything further.

Thanks

s 22(1)

s 22(1)

Policy Officer

WHS Framework | Safety and Compensation Policy Branch

Safety and Industry Division

Attorney-General's Department

s 22(1)

| www.ag.gov.au

Indigenous signature block NEW



From: s 22(1)

Sent: Monday, 10 January 2022 3:44 PM

To: s 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

During the holiday period the Employment Protections team received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses WHS and workplace culture, alongside other matters. We are hoping to include standard words about the law and the government's position on some of the WHS and workplace culture issues that arise in the petition.

Is your team able to provide some standard words on this as soon as possible? If there is a team in your branch that may deal with another aspect of the correspondence, this advice would also be greatly appreciated.

I apologise for the urgent request. Time available to prepare a response has been reduced as a result of the Christmas shutdown.

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s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

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OFFICIAL
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From: s 22(1)
To: s 22(1)
Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Monday, 10 January 2022 4:17:53 PM
Attachments: [MC21-047697 \(petition\).pdf](#)

OFFICIAL

Hi s 22(1)

Just forwarding this one onto you to let you know that the WH&S request has gone out.

s 22(1)

OFFICIAL

From: s 22(1)
Sent: Monday, 10 January 2022 3:41 PM
To: s 22(1)
Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

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Employee Protections | Industrial Relations Strategy Branch

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From: s 22(1)
To: s 22(1)
Cc: s 22(1)
Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Monday, 17 January 2022 3:16:26 PM
Attachments: [MC21-047697 draft \(AF\).docx](#)
[image001.png](#)

OFFICIAL

Hi s 22(1)

I have reviewed this correspondence and it is broadly consistent with the wording we provided.

In terms of changes, they have said that the model WHS laws have been adopted by 'almost all' jurisdictions rather than our usual words noting the status of Vic and WA. They have also slightly edited what we sent regarding the duties of officers of a PCBU.

I am of the view that the changes are not major and would not propose to suggest any further amendments.

s 22(1)

OFFICIAL

From: s 22(1)
Sent: Monday, 17 January 2022 2:49 PM
To: s 22(1)
Cc: s 22(1)
s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

H s 22(1)

Thank you again for providing us with standard words on model WHS laws.

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It would be greatly appreciated if you could get back to us about this by COB today.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)

Sent: Wednesday, 12 January 2022 12:18 PM

To: s 22(1)

Cc: s 22(1)

s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

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Hi s 22(1)

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[Employee Protections | Industrial Relations Strategy Branch](#)

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OFFICIAL

Hi s 22(1)

Sorry for the delay in getting back to you. Please see below a couple of paragraphs of standard words regarding the model WHS laws and the duties of a PCBU:

All Australians, regardless of their occupation or how they are engaged, have the right to healthy, safe and well-designed work. WHS regulation in Australia is a shared responsibility, with each jurisdiction responsible for implementing, regulating and enforcing their own WHS laws.

Australia has model WHS laws that have been adopted in all jurisdictions except Victoria. Western Australia has passed a new WHS Act, based on the model WHS Act, which is expected to commence in 2022. The model WHS Act provides a framework to protect the health and safety of all workers at work and of other people who might be affected by that work. While WHS is a shared responsibility with the states and territories, the Government takes a leadership role to achieve best practice protections for all Australian workers.

The model WHS Act includes a primary duty of care imposed on a person conducting a

business or undertaking (PCBU) to ensure that all persons in the workplace, including workers and visitors, are not exposed to health and safety risks. This duty requires risks to health and safety to be eliminated or minimised so far as is reasonably practicable. WHS Ministers recently agreed to amend the model WHS Regulations to also deal with psychological health.

Officers of a PCBU must exercise due diligence to ensure compliance by the PCBU with its health and safety obligations. This duty relates to strategic, structural, policy and key resourcing decisions. The model Act also imposes WHS duties on workers, including that they must take reasonable care for their own health and safety and others in the workplace, and that they must comply with reasonable instructions of the PCBU and co-operate with any reasonable policy or procedure of the PCBU. Other persons at a workplace must also take reasonable care for their own health and safety, and ensure their acts and omissions do not adversely affect the health and safety of other persons while at work.

The model WHS laws currently contain criminal offences that hold companies and individuals accountable for any breaches of their duties of care to workers, regardless of whether an accident occurs. There are criminal sanctions under the model WHS laws for those who breach their duties, with terms of imprisonment of up to five years for individuals, and fines of up to \$3 million for companies and \$600,000 for individuals.

We hope the above is of assistance, please do not hesitate to contact me if you require anything further.

Thanks

s 22(1)

s 22(1)

Policy Officer

WHS Framework | Safety and Compensation Policy Branch
Safety and Industry Division
Attorney-General's Department

s 22(1)

www.ag.gov.au

Indigenous signature block NEW



From: s 22(1)

Sent: Monday, 10 January 2022 3:44 PM

To: s 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi ^s 22(1)

During the holiday period the Employment Protections team received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses WHS and workplace culture, alongside other matters. We are hoping to include standard words about the law and the government's position on some of the WHS and workplace culture issues that arise in the petition.

Is your team able to provide some standard words on this as soon as possible? If there is a team in your branch that may deal with another aspect of the correspondence, this advice would also be greatly appreciated.

I apologise for the urgent request. Time available to prepare a response has been reduced as a result of the Christmas shutdown.

Please let me know if a time extension is needed. We are aiming to get the response finalised this week, but we should still be in a good position to receive input at a time later this week if required.

Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL
OFFICIAL

From: s 22(1)
To: s 22(1)
Cc: s 22(1)
Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Wednesday, 12 January 2022 9:41:00 AM
Attachments: [image001.png](#)

OFFICIAL

Thanks s 22(1) one extra paragraph included, please package up and send on to s 22(1)

OFFICIAL

From: s 22(1)
Sent: Tuesday, 11 January 2022 2:05 PM
To: s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Thanks s 22(1) – please see below in paragraph format:

All Australians, regardless of their occupation or how they are engaged, have the right to healthy, safe and well-designed work. WHS regulation in Australia is a shared responsibility, with each jurisdiction responsible for implementing, regulating and enforcing their own WHS laws.

Australia has model WHS laws that have been adopted in all jurisdictions except Victoria. Western Australia has passed a new WHS Act, based on the model WHS Act, which is expected to commence in 2022. The model WHS Act provides a framework to protect the health and safety of all workers at work and of other people who might be affected by that work. While WHS is a shared responsibility with the states and territories, the Government takes a leadership role to achieve best practice protections for all Australian workers.

The model WHS Act includes a primary duty of care imposed on a person conducting a business or undertaking (PCBU) to ensure that all persons in the workplace, including workers and visitors, are not exposed to health and safety risks. This duty requires risks to health and safety to be eliminated or minimised so far as is reasonably practicable. WHS Ministers recently agreed to amend the model WHS Regulations to also deal with psychological health.

Officers of a PCBU must exercise due diligence to ensure compliance by the PCBU with its health and safety obligations. This duty relates to strategic, structural, policy and key resourcing decisions. The model Act also imposes WHS duties on workers, including that they must take reasonable care for their own health and safety and others in the workplace, and that they must comply with reasonable instructions of the PCBU and co-operate with any reasonable policy or procedure of the PCBU. Other persons at a workplace must also take reasonable care for their own health and safety, and ensure their acts and omissions do not adversely affect the health and safety of other persons while at work.

The model WHS laws currently contain criminal offences that hold companies and individuals accountable for any breaches of their duties of care to workers, regardless of whether an accident occurs. There are criminal sanctions under the model WHS laws for those who breach

their duties, with terms of imprisonment of up to five years for individuals, and fines of up to \$3 million for companies and \$600,000 for individuals.

s 22(1)

OFFICIAL

From: s 22(1)

Sent: Tuesday, 11 January 2022 12:23 PM

To: s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Thanks s 22(1)

This will be part of a corro, so could you turn it into paragraphs rather than dot points?

OFFICIAL

From: s 22(1)

Sent: Tuesday, 11 January 2022 11:27 AM

To: s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

Hi s 22(1)

Below are some standard words which I think cover the issues outlined in the correspondence:

- All Australians, regardless of their occupation or how they are engaged, have the right to healthy, safe and well-designed work.
- WHS regulation in Australia is a shared responsibility, with each jurisdiction responsible for implementing, regulating and enforcing their own WHS laws.
- Australia has model WHS laws that have been adopted in all jurisdictions except Victoria. Western Australia has passed a new WHS Act, based on the model WHS Act, which is expected to commence in 2022.
- The model WHS Act provides a framework to protect the health and safety of all workers at work and of other people who might be affected by that work.
- While WHS is a shared responsibility with the states and territories, the Government takes a leadership role to achieve best practice protections for all Australian workers.
- The model WHS Act includes a primary duty of care imposed on a person conducting a business or undertaking (PCBU) to ensure that all persons in the workplace, including workers and visitors, are not exposed to health and safety risks. This duty requires risks to health and safety to be eliminated or minimised so far as is reasonably practicable.
- WHS Ministers recently agreed to amend the model WHS Regulations to also deal with psychological health.
- Officers of a PCBU must exercise due diligence to ensure compliance by the PCBU with its health and safety obligations. This duty relates to strategic, structural, policy and key resourcing decisions.
- The model Act also imposes WHS duties on workers, including that they must take reasonable care for their own health and safety and others in the workplace, and that they must comply with reasonable instructions of the PCBU and co-operate with any reasonable policy or procedure of the PCBU. Other persons at a workplace must also take reasonable care for their own health and safety, and ensure their acts and omissions do not adversely affect the health

and safety of other persons while at work.

Let me know if there is anything else you think we need to add to this. Also, do we need to check with § 22(1) before responding to § 22(1)

Thanks
§ 22(1)

§ 22(1)

Policy Officer

WHS Framework | Safety and Compensation Policy Branch
Safety and Industry Division
Attorney-General's Department

§ 22(1)

www.ag.gov.au

Indigenous signature block NEW



From: § 22(1)

Sent: Tuesday, 11 January 2022 11:00 AM

To: § 22(1)

Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

And the attachment...

OFFICIAL

From: § 22(1)

Sent: Tuesday, 11 January 2022 10:53 AM

To: § 22(1)

Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi § 22(1) – is this one your team could take on?

OFFICIAL

From: § 22(1)

Sent: Monday, 10 January 2022 3:44 PM

To: § 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi § 22(1)

During the holiday period the Employment Protections team received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses WHS and workplace culture, alongside other matters. We are hoping to include standard words about the law and the government's position on some of the WHS and workplace culture issues that arise in the petition.

Is your team able to provide some standard words on this as soon as possible? If there is a team in your branch that may deal with another aspect of the correspondence, this advice would also be greatly appreciated.

I apologise for the urgent request. Time available to prepare a response has been reduced as a result of the Christmas shutdown.

Please let me know if a time extension is needed. We are aiming to get the response finalised this week, but we should still be in a good position to receive input at a time later this week if required.

Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL

From: s 22(1)
To: s 22(1)
Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Tuesday, 11 January 2022 10:52:33 AM
Attachments: [MC21-047697 \(petition\).pdf](#)

OFFICIAL

Hi s 22(1) – is this one your team could take on?

OFFICIAL

From: s 22(1)
Sent: Monday, 10 January 2022 3:44 PM
To: s 22(1)
Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

During the holiday period the Employment Protections team received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses WHS and workplace culture, alongside other matters. We are hoping to include standard words about the law and the government's position on some of the WHS and workplace culture issues that arise in the petition.

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Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL

From: s 22(1)
To: s 22(1)
Subject: RE: MC21-047697 draft
Date: Friday, 14 January 2022 4:46:26 PM
Attachments: [MC21-047697 draft \(AF revision\).docx](#)

Hi s 22(1)

I've had a go at shortening the document. Attached is an updated version that touches on all key issues.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

From: s 22(1)
Sent: Friday, 14 January 2022 4:04 PM
To: s 22(1)
Subject: MC21-047697 draft

Hi s 22(1)

I've finished a first draft of the MC21-047697 ministerial correspondence. It covers off everything that appears to be necessary: WHS, entitlements, and general workplace protections. I have noted that the document is a first draft as I do think it needs to be shortened.

Could you please take a look at this and advise where it could be shortened? It may need to be balanced with addressing the Minister/Chair's concerns at an appropriate level.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

From: s 22(1)
To: s 22(1)
Cc: s 22(1), s 47E(d)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Tuesday, 11 January 2022 3:32:47 PM

OFFICIAL

Hi s 22(1)

Thank you again for the fast turnaround. Really appreciate your team getting this one back so quickly.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)
Sent: Tuesday, 11 January 2022 2:10 PM
To: s 22(1)
Cc: s 22(1) Yanchenko, Danica s 47E(d)
s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1),

We've pulled together the below standard words on: what the Government is doing about underpayment; the FWO's prioritisation process; large corporates (incl. Coles and Woolworths).

If there's something else you'd like some input on, we should be able to provide it tomorrow, just let us know.

The Government has zero tolerance for the exploitation of workers, including the underpayment of wages and entitlements by any employer.

The Fair Work Ombudsman (FWO) is the national workplace relations regulator, responsible for providing education, assistance and advice about the Commonwealth workplace relations system and impartially enforcing compliance with workplace laws. Since 2016, the Government has committed over \$180 million in new funding to the FWO to prevent wage underpayment and improve compliance with workplace laws. The Government has also strengthened the FWO's evidence-gathering powers and increased, by tenfold, the penalties for 'serious contraventions' of the *Fair Work Act 2009*.

The FWO sets annual compliance and enforcement priorities that reflect the industries with the highest risk of non-compliance. In 2021-22, the FWO's priorities include fast food, restaurants and cafes, and large corporate underpayments.

In the 2020-21 Budget, the Government provided \$22.3 million in funding to the FWO to establish a dedicated Corporate Sector Assurance team to identify, investigate and respond to non-compliance by large corporates. As part of the FWO's focus on large corporate non-compliance, the FWO commenced legal proceedings in the Federal Court on 2 December 2021 against Coles Supermarkets Australia Pty Ltd, for the alleged underpayment of salaried employees of \$115 million. The FWO also commenced proceedings in the Federal Court on 17 June 2021 against Woolworths Group Limited and Woolworths (South Australia) for the alleged underpayment of salaried workers.

Any worker with concerns about their workplace entitlements, such as pay and conditions, should contact the FWO for assistance on 13 13 94 or at www.fairwork.gov.au.

Regards,

s 22(1)

A/g Director

Workplace Compliance | Workplace Compliance and Enforcement Policy Branch

Attorney-General's Department

s 22(1)

www.ag.gov.au

OFFICIAL

From: s 22(1)

Sent: Monday, 10 January 2022 4:16 PM

To: s 22(1)

Cc: s 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Good afternoon s 22(1)

During the holiday period the Employment Protections team from the Industrial Relations Strategy Branch received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses breach of workplace conditions (entitlements including wages and unpaid overtime), alongside other matters. We are hoping to include standard words about the law and the government's position on some of the issues that arise on workplace compliance in the petition.

Is your team able to provide some standard words on this as soon as possible? If there is a team in your branch that may deal with another aspect of the correspondence, this advice would also

be greatly appreciated.

I apologise for the urgent request. Time available to prepare a response has been reduced as a result of the Christmas shutdown.

Please let me know if a time extension is needed. We are aiming to get the response finalised this week, but we should still be in a good position to receive input at a time later this week if required.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)
To: s 22(1)
Cc: s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Monday, 10 January 2022 4:25:25 PM

OFFICIAL

Hi s 22(1) if we aim for COB tomorrow will that be too late? I'll need to clear through my AS.

Regards,

s 22(1)

A/g Director

Workplace Compliance | Workplace Compliance and Enforcement Policy Branch

Attorney-General's Department

s 22(1)

www.ag.gov.au

OFFICIAL

From: s 22(1)
Sent: Monday, 10 January 2022 4:16 PM
To: s 22(1)
Cc: s 22(1)
Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

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Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL

From: s 22(1)
To: s 22(1)
Cc: s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Tuesday, 11 January 2022 11:05:00 AM
Attachments: [MC21-047697 \(petition\).pdf](#)
[image001.png](#)

Hi s 22(1)

We are looking at this for you now and will provide some standard words shortly.

Thanks

s 22(1)

s 22(1)

Policy Officer

WHS Framework | Safety and Compensation Policy Branch
Safety and Industry Division
Attorney-General's Department

s 22(1)

www.ag.gov.au

Indigenous signature block NEW



OFFICIAL

From: s 22(1)
Sent: Monday, 10 January 2022 3:44 PM
To: s 22(1)
Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

During the holiday period the Employment Protections team received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses WHS and workplace culture, alongside other matters. We are hoping to include standard words about the law and the government's position on some of the WHS and workplace culture issues that arise in the petition.

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Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)
To: s 22(1)
Cc: s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Monday, 17 January 2022 3:18:00 PM
Attachments: [image001.png](#)

OFFICIAL

Thanks s 22(1)

Agreed, happy for you to go back to Angela to let her know no further changes.

Kind regards

s 22(1)

OFFICIAL

From: s 22(1)
Sent: Monday, 17 January 2022 3:16 PM
To: s 22(1)
Cc: s 22(1)
Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

I have reviewed this correspondence and it is broadly consistent with the wording we provided.

In terms of changes, they have said that the model WHS laws have been adopted by 'almost all' jurisdictions rather than our usual words noting the status of Vic and WA. They have also slightly edited what we sent regarding the duties of officers of a PCBU.

I am of the view that the changes are not major and would not propose to suggest any further amendments.

s 22(1)

OFFICIAL

From: s 22(1)
Sent: Monday, 17 January 2022 2:49 PM
To: s 22(1)
Cc: s 22(1)
s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

Thank you again for providing us with standard words on model WHS laws.

Could your team please do a final review to see if there is anything in addition you may like to add, noting we have only made minor adjustments?

It would be greatly appreciated if you could get back to us about this by COB today.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)

Sent: Wednesday, 12 January 2022 12:18 PM

To: s 22(1)

Cc: s 22(1)

s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

Thank you again for the fast turnaround! I appreciate your team getting this one back so quickly.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL

From: s 22(1)

Sent: Wednesday, 12 January 2022 9:53 AM

To: s 22(1)

Cc: s 22(1)

s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

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We hope the above is of assistance, please do not hesitate to contact me if you require anything further.

Thanks
s 22(1)

s 22(1)

Policy Officer

WHS Framework | Safety and Compensation Policy Branch

Safety and Industry Division

Attorney-General's Department

s 22(1)

www.ag.gov.au

Indigenous signature block NEW



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Sent: Monday, 10 January 2022 3:44 PM

To: s 22(1)

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s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL
OFFICIAL

From: s 22(1)
To: s 22(1)
Cc: s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Monday, 17 January 2022 3:23:56 PM
Attachments: [image001.png](#)

OFFICIAL

Hi s 22(1)

No worries at all. We have done a final review of the correspondence and propose no further changes or additions for our end.

Kind regards

s 22(1)

s 22(1)

Policy Officer

WHS Framework | Safety and Compensation Policy Branch
Safety and Industry Division
Attorney-General's Department

s 22(1) www.ag.gov.au

Indigenous signature block NEW



OFFICIAL

From: s 22(1)
Sent: Monday, 17 January 2022 2:49 PM
To: s 22(1)
Cc: s 22(1)
s 22(1)
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

s 22(1)
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Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL

From: s 22(1)

Sent: Wednesday, 12 January 2022 12:18 PM

To: s 22(1)

Cc: s 22(1)

s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

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Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL

From: s 22(1)

Sent: Wednesday, 12 January 2022 9:53 AM

To: s 22(1)

Cc: s 22(1)

s 22(1)

Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

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The model WHS laws currently contain criminal offences that hold companies and individuals accountable for any breaches of their duties of care to workers, regardless of whether an accident occurs. There are criminal sanctions under the model WHS laws for those who breach their duties, with terms of imprisonment of up to five years for individuals, and fines of up to \$3 million for companies and \$600,000 for individuals.

We hope the above is of assistance, please do not hesitate to contact me if you require anything further.

Thanks

s 22(1)

s 22(1)

Policy Officer

WHS Framework | Safety and Compensation Policy Branch

Safety and Industry Division

Attorney-General's Department

s 22(1)

www.ag.gov.au

Indigenous signature block NEW



From: s 22(1)

Sent: Monday, 10 January 2022 3:44 PM

To: s 22(1)

Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1)

During the holiday period the Employment Protections team received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses WHS and workplace culture, alongside other matters. We are hoping to include standard words about the law and the government's position on some of the WHS and workplace culture issues that arise in the petition.

Is your team able to provide some standard words on this as soon as possible? If there is a team in your branch that may deal with another aspect of the correspondence, this advice would also be greatly appreciated.

I apologise for the urgent request. Time available to prepare a response has been reduced as a result of the Christmas shutdown.

Please let me know if a time extension is needed. We are aiming to get the response finalised this week, but we should still be in a good position to receive input at a time later this week if required.

Kind regards

s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

s 22(1)

OFFICIAL
OFFICIAL

From: s 22(1) [redacted]
To: s 22(1) [redacted]
Cc: s 22(1) [redacted]
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]
Date: Tuesday, 11 January 2022 11:02:22 AM

OFFICIAL

Yes happy to look at this and will let s 22(1) know

OFFICIAL

From: s 22(1) [redacted]
Sent: Tuesday, 11 January 2022 11:01 AM
To: s 22(1) [redacted]
Cc: s 22(1) [redacted]
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Thanks all - s 22(1) would you mind also letting s 22(1) know you're looking at it?

OFFICIAL

From: s 22(1) [redacted]
Sent: Tuesday, 11 January 2022 10:59 AM
To: s 22(1) [redacted]
Cc: s 22(1) [redacted]
Subject: RE: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Sure thing.

s 22(1) would you dig up some words? By the looks of it, standard words should mostly cover it, I think general stuff on the PCBU duty and the split responsibility of the jurisdictions would be the place to start.

Thanks s 22(1)

OFFICIAL

From: s 22(1) [redacted]
Sent: Tuesday, 11 January 2022 10:53 AM
To: s 22(1) [redacted]
Subject: FW: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi s 22(1) is this one your team could take on?

OFFICIAL

From: s 22(1) [redacted]
Sent: Monday, 10 January 2022 3:44 PM
To: s 22(1) [redacted]
Subject: Ministerial correspondence - urgent request for standard words [SEC=OFFICIAL]

OFFICIAL

Hi ^s [redacted]
22(1)

During the holiday period the Employment Protections team received ministerial correspondence (attached) from Minister Ken O'Dowd, the Chair of the Petitions Committee. The correspondence relates to a petition, which discusses WHS and workplace culture, alongside other matters. We are hoping to include standard words about the law and the government's position on some of the WHS and workplace culture issues that arise in the petition.

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Kind regards

[redacted]
s 22(1)

[Employee Protections | Industrial Relations Strategy Branch](#)

[redacted]
s 22(1)

OFFICIAL

From: s 22(1)
To: s 22(1)
Subject: WHS standard words [SEC=OFFICIAL]
Date: Monday, 17 January 2022 10:32:00 AM
Attachments: [RE Ministerial correspondence - urgent request for standard words SECOFFICIAL.msg](#)

OFFICIAL

Hi s 22(1)

Below are the words on WHS contributed by s 22(1) team. s 22(1) was the primary contact.

All Australians, regardless of their occupation or how they are engaged, have the right to healthy, safe and well-designed work. WHS regulation in Australia is a shared responsibility, with each jurisdiction responsible for implementing, regulating and enforcing their own WHS laws.

Australia has model WHS laws that have been adopted in all jurisdictions except Victoria. Western Australia has passed a new WHS Act, based on the model WHS Act, which is expected to commence in 2022. The model WHS Act provides a framework to protect the health and safety of all workers at work and of other people who might be affected by that work. While WHS is a shared responsibility with the states and territories, the Government takes a leadership role to achieve best practice protections for all Australian workers.

The model WHS Act includes a primary duty of care imposed on a person conducting a business or undertaking (PCBU) to ensure that all persons in the workplace, including workers and visitors, are not exposed to health and safety risks. This duty requires risks to health and safety to be eliminated or minimised so far as is reasonably practicable. WHS Ministers recently agreed to amend the model WHS Regulations to also deal with psychological health.

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Kind regards

s 22(1)

Employee Protections | Industrial Relations Strategy Branch

s 22(1)

OFFICIAL

From: § 22(1)
To: § 22(1)
Cc: § 22(1)
Subject: RE: Petition Ministerial Referral (EN3533) [SEC=OFFICIAL]
Date: Friday, 28 January 2022 10:47:47 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)
[ATT00003.tif](#)
[MC21-047697 - Petition.pdf](#)

OFFICIAL

Good morning

Please find attached letter from the Attorney-General regarding Petition EN3533.

Kind regards

§ 22(1)

§ 22(1) **Departmental Liaison Officer**

Office of Senator the Hon Michaelia Cash
 Attorney-General
 Minister for Industrial Relations
 Deputy Leader of the Government in the Senate

§ 22(1)

OFFICIAL

From: xxxxxxx@xxx.xxx.xx [mailto:webmaster@aph.gov.au]
Sent: Monday, 29 November 2021 12:36 PM
To: AGO DLO § 22(1)
Subject: Petition Ministerial Referral (EN3533)

CAUTION: This email originated from outside of the organisation. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.



PARLIAMENT OF AUSTRALIA
 HOUSE OF REPRESENTATIVES

29/11/2021

Senator the Hon Michaelia Cash
 Attorney-General
 Parliament House
 Canberra ACT 2600

Dear Attorney-General,

A petition on the following terms was recently presented in the House.

Presentation date: 29/11/2021
Petition number: EN3533 (*Please quote in future correspondence*)
Number of signatures: 1213

Terms:

- Reason:** On the day of writing, 20/10/2021, Woolworths recalled scissors and knives from shelves in response to a customer stabbing. Earlier this week, Woolworths paid a grieving family \$6000 after their son took his life; a result of workplace entrapment. This act alone demonstrates Woolworths will sacrifice tens of thousands in sales to appear like they care for customers, but value their employees at \$6000. Woolworths, Coles, McDonalds and other giants that employ low-skilled workers operate with a systemic culture of managerial abuse seen through budget cuts, gaslighting and coercion. Budget cuts are especially damaging to employees; not only giving the poorest workers unreliable income but forcing salaried managers to work hours of overtime with no extra pay to achieve the work required. Some managers even resort to narcotics to maintain an alert state. Woolworths uses an "O,R %" to calculate wages; hours needed vs hours budgeted. Departments are expected to operate at above 100%. A department may receive at 28hr work load that day, but only be budgeted 20hrs to complete the work. As a result, shortcuts are taken and substance abuse begins to frantically meet those hours until the budgets are cut again.

- **Request:** We therefore ask the House to support the establishment of such a Royal Commission into Retail and Fast Food conditions and culture.

As you may be aware, under Standing Order 209(a) and (b) the Petitions Committee may refer a copy of a petition to the Minister responsible for the administration of the matter raised in the petition. Written responses to the referred petition are expected within 90 days of presentation to the House.

When the response has been considered by the Committee it will be presented in the House, recorded in Hansard and posted on the Committee's website at: <http://www.aph.gov.au/petitions>.

I look forward to receiving your response in due course.

Please email your response to the Petitions Committee at ..@..

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ken O'Dowd', is written over a light blue horizontal line.

Mr Ken O'Dowd MP
Chair

STANDING COMMITTEE ON PETITIONS

PO Box 6021, Parliament House, Canberra ACT 2600 | Phone: (02) 6277 2152 | Email: petitions.committee.reps@aph.gov.au

PDR Number MC21-047697**Date of Letter** 29 November 2021**ATTORNEY REPLY****CORRESPONDENT**

Mr Ken O'Dowd MP
 Chair
 Standing Committee on Petitions

SUBJECT: PRIORITY B - Petition requesting the establishment of a Royal Commission**DEADLINE FOR RESPONSE:** 27 February 2022**HISTORY:**

Date received by MO:	30 November 2021
Date received by Dept:	30 November 2021
Date due in MO:	17 January 2022
Date sent to MO:	20 January 2022
Date returned for redraft:	N/A
Date redrafted and returned to MO:	N/A
Reason if overdue:	No reason provided to MCU



Australian Government
Attorney-General's Department

MINISTERIAL CORRESPONDENCE AUTHORISATION SHEET

Ministerial Correspondence Details	
Min Rep No:	MC21-047697
Subject:	PRIORITY B - Petition requesting the establishment of a Royal Commission
Deadline for response:	Response due by 27 February 2022 : Written responses to a petition that has been referred to the House of Reps are expected within 90 days of presentation. The petition was presented on 29 November 2021.
Correspondent:	Mr Ken O'Dowd MP, Chair - Standing Committee on Petitions
Summary/Overview:	A petition was lodged with the House of Representatives on 29 November 2021 seeking the establishment of a Royal Commission into conditions and culture in the Retail and Fast Food sectors. The petition cited concerns over work health and safety and employment conditions as the reasons for the request.
Special Points for Attention:	The response notes that the current work health and safety (WHS) and workplace relations legal frameworks provide robust protections for all Australian workers. The response highlights relevant aspects of these frameworks that address the concerns raised, as well as action taken by the Government and regulators to improve and enforce the available protections, and in particular in the Retail and Fast Food sectors.
Previous Relevant Corro:	N/A
Authorised By:	<p>Name: Sharon Huender</p> <p>Position: Assistant Secretary, Industrial Relations Strategy Branch</p> <p>Division: Employment Conditions Division</p> <p>Phone: s 47E(d) [REDACTED]</p>

Minister's Office Use *(Relevant information to be inserted by DLO/Adviser as required)*



Senator the Hon Michaelia Cash
Attorney-General
Minister for Industrial Relations
Deputy Leader of the Government in the Senate

Reference: MC21-047697

Mr Ken O'Dowd MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

By email: petitions.committee.reps@aph.gov.au

Dear Chair

Thank you for your email of 29 November 2021 regarding petition EN3533, which requests the establishment of a Royal Commission into conditions and culture in the Retail and Fast Food sectors. I welcome the opportunity to respond to the petition.

The petition raises concerns in relation to work health and safety (WHS). The Government is a firm believer that all Australians, regardless of their occupation or how they are engaged, have the right to healthy, safe and well-designed work. While WHS is a shared responsibility with the states and territories, the Government takes a leadership role in developing model WHS laws which have been adopted by almost all jurisdictions.

The model WHS Act provides a framework to protect the health and safety of all workers at work and of other people who might be affected by that work. The model WHS Act imposes a primary duty of care on a person conducting a business or undertaking (PCBU) to ensure that all persons in the workplace, including workers and visitors, are not exposed to health and safety risks. This duty requires risks to health and safety to be eliminated or minimised so far as is reasonably practicable. WHS Ministers also recently agreed to amend the model WHS Regulations to deal with psychological health.

Officers of a PCBU must also exercise due diligence to ensure compliance by a PCBU with its health and safety obligations. This duty applies to key strategic, structural, policy and resourcing decisions. Workers also have a duty to take reasonable care for their own health and safety and not adversely affect the safety of others, including through workplace drug abuse.

Companies and individuals who breach their duties of care can be subject to criminal offences and sanctions, regardless of whether an incident occurs. This includes imprisonment of up to five years for individuals, and fines of up to \$3 million for companies and \$600,000 for individuals.

The petition also raises concerns in relation to working conditions. The Australian Government has zero tolerance for the exploitation of workers, including the underpayment of wages and entitlements by any employer.

The Fair Work Ombudsman (FWO) is the national workplace relations regulator, responsible for providing education, assistance and advice about the Commonwealth workplace relations system and impartially enforcing compliance with the *Fair Work Act 2009* (FW Act). Since 2016, the Government has committed over \$180 million in new funding to the FWO to prevent wage underpayment and improve compliance with workplace laws. The Government has also strengthened the FWO's evidence-gathering powers and increased, by tenfold, the penalties for 'serious contraventions' of the FW Act.

The FWO sets annual compliance and enforcement priorities that reflect the industries with the highest risk of non-compliance. In 2021-22, the FWO's priorities include fast food, restaurants and cafes, and large corporate underpayments.

In the 2020-21 Budget, the Government provided \$22.3 million in funding to the FWO to establish a dedicated Corporate Sector Assurance team to identify, investigate and respond to non-compliance by large corporates. As part of the FWO's focus on large corporate non-compliance, the FWO commenced legal proceedings in the Federal Court on 2 December 2021 against Coles Supermarkets Australia Pty Ltd, for the alleged underpayment of salaried employees of \$115 million. The FWO also commenced proceedings in the Federal Court on 17 June 2021 against Woolworths Group Limited and Woolworths (South Australia) for the alleged underpayment of salaried workers.

The FW Act also includes strong general protections provisions which make it unlawful for an employer to take adverse action or engage in coercive conduct against an employee because they have a workplace right, exercise a workplace right or propose to exercise a workplace right. This includes making a complaint or raising a question in relation to their employment.

Workers who have concerns about their employment can contact the FWO for free advice and support.

The Government is of the view that the current legal frameworks outlined above provide robust protections for all Australian workers while balancing the rights and responsibilities of employers and employees.

Thank you again for bringing this petition to my attention.

Yours sincerely

Senator the Hon Michaelia Cash

/ / 2022



Senator the Hon Michaelia Cash
Attorney-General
Minister for Industrial Relations
Deputy Leader of the Government in the Senate

Reference: MC21-047697

Mr Ken O'Dowd MP
Chair
Standing Committee on Petitions
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By email: petitions.committee.reps@aph.gov.au

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The Government is of the view that the current legal frameworks outlined above provide robust protections for all Australian workers while balancing the rights and responsibilities of employers and employees.

Thank you again for bringing this petition to my attention.

Yours sincerely



Senator the Hon Michaelia Cash

27/01/2022