

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2013-2014**

**Outcome 4 - Workplace Relations and Economic Strategy**

**DEEWR Question No.** EW0079\_14

**Senator Xenophon provided in writing.**

**Question**

**Contract clauses for workplace safety and asbestos**

Are there standard clauses in Government contracts relating to workplace safety and asbestos?

What are these clauses?

Does Comcare offer information or advice to government departments or agencies entering into these types of contracts?

**Answer**

**Are there standard clauses in Government contracts relating to workplace safety and asbestos? What are these clauses?**

The Department of Employment has policy responsibility for the Fair Work Principles (FWP) which apply to Commonwealth agencies subject to the *Financial Management and Accountability Act 1997*.

For procurements covered by the FWP, agencies must include standard clauses in contracts that require suppliers to comply with all applicable occupational health and safety laws (eg. state and territory laws which include clauses relating to asbestos and workplace safety). The relevant extract from the FWP is at [Attachment A](#).

**Does Comcare offer information or advice to government departments or agencies entering into these types of contracts?**

Comcare, the Federal work, health and safety regulator, has provided the following response: No.

**Extract from Fair Work Principles User Guide (Jan 2010 Revised July 2012)**

**“6.1 Contract Clauses: Contracts with Suppliers**

Australian Government agencies are required to include the following clauses, or clauses which have the same effect as the following clauses, in all contracts with suppliers where the Fair Work Principles apply:

1. The Supplier must comply, and as far as practicable must ensure its subcontractors comply, with all relevant requirements of the Fair Work Principles as set out in the Fair Work Principles User Guide (available at [www.deewr.gov.au/fair-work-principles](http://www.deewr.gov.au/fair-work-principles)) including by:
  - (a) complying with all applicable workplace relations, occupational health and safety, and workers’ compensation laws;
  - (b) informing [Agency] of any adverse court or tribunal decision for a breach of workplace relations law, occupational health and safety laws, or workers’ compensation laws made against it during the term of the Contract and any remedial action it has taken, or proposes to take, as a result of the decision;
  - (c) ...”

A full copy of the User Guide to the Fair Work Principles is available at [www.employment.gov.au/fair-work-principles](http://www.employment.gov.au/fair-work-principles).