

1995  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Business, Employment and Tourism)

**Occupational Health and Safety  
(Amendment) Bill 1995**

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**A BILL  
FOR  
An Act to amend the *Occupational Health and Safety  
Act 1989***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5     1. This Act may be cited as the *Occupational Health and Safety (Amendment) Act 1995*.

**Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

**Principal Act**

- 10     3. In this Act, "Principal Act" means the *Occupational Health and Safety Act 1989*.<sup>1</sup>

**Functions**

4. Section 10 of the Principal Act is amended—

(a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:

5           “(a) to advise the Minister on matters relating to—

(i) occupational health and safety;

(ii) workers' compensation; or

(iii) occupational rehabilitation;

10           (b) to inquire into and report to the Minister on matters referred to the Council by the Minister in relation to—

(i) occupational health and safety;

(ii) workers' compensation; or

(iii) occupational rehabilitation;” and

(b) by adding at the end of subsection (2) the following paragraphs:

15           “(e) the operation of the *Workers' Compensation Act 1951* and regulations under that Act;

(f) the approval of a protocol or an amendment to a protocol under section 15F of the *Workers' Compensation Act 1951*;

20           (g) the provision of education or training in relation to workers' compensation or occupational rehabilitation;

(h) the promotion of occupational rehabilitation.”.

**Membership**

25           5. Section 13 of the Principal Act is amended by omitting from paragraph (1) (c) “3” and substituting “4”.

**Repeal**

6. Section 15 of the Principal Act is repealed.

**Procedure at meetings**

7. Section 24 of the Principal Act is amended—

30           (a) by omitting from subsection (5) “At a meeting of the Council, 5” and substituting “Subject to subsection (5A), at a meeting of the Council, 7”;

(b) by omitting from paragraphs (5) (a), (b) and (c) "1" and substituting "2"; and

(c) by inserting after subsection (5) the following subsection:

5           “(5A) A paragraph of subsection (5) shall only be taken to be satisfied if at least 1 of the members required to be present by that paragraph is not an acting member.”.

**Insertion**

8. After section 24 of the Principal Act the following section is inserted in Division 2 of Part II:

10   **Immunity from suit**

“24A. (1) No action, suit or proceeding lies against a person who is or has been a member of the Council in relation to an act done or omitted to be done in good faith in the performance or purported performance of a function under this Act.

15       “(2) Subsection (1) does not affect any liability that the Territory would, but for that subsection, have in respect of an act or omission referred to in that subsection.”.

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**NOTE**

**Principal Act**

1   Reprinted as at 28 February 1995. See also Act No. 25, 1995.