2011

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Industrial Relations)

Work Health and Safety (Consequential Amendments) Bill 2011

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A Bill for

An Act to amend legislation because of the enactment of the Work Health and Safety Act 2011

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

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1	1	Name of Act
2 3		This Act is the Work Health and Safety (Consequential Amendments) Act 2011.
4	2	Commencement
5 6		This Act commences on the commencement of the Work Health and Safety Act 2011.
7 8		<i>Note</i> The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).
9	3	Legislation amended—sch 1
10		This Act amends the legislation mentioned in schedule 1.
11	4	Legislation repealed
12 13 14 15 16		 The following legislation is repealed: Work Safety Act 2008 (A2008-51); Work Safety Regulation 2009 (SL2009-45); Magistrates Court (Work Safety Infringement Notices) Regulation 2009 (SL2009-47).
17 18		 (2) All other legislative instruments under the Work Safety Act 2008 (A2008-51) are repealed.

Schedule 1 Legislation amended

2 (see s 3)

Part 1.1 Children and Young People Act 2008

5	[1.1]	Part 21.3, note
6		substitute
7 8		Note Work safety matters are dealt with in the Work Health and Safety Act 2011.
9	[1.2]	Part 21.4, note
10		substitute
11 12		<i>Note</i> Work safety matters are dealt with in the <i>Work Health and Safety Act 2011.</i>

Part 1.2 Part 1.2 (Licensing) Act 2004

[1.3] Section 123AA, definition of public safety agency, 15 paragraphs (g) to (i) 16 substitute 17 (g) the director-general responsible for the Work Health and Safety 18 Act 2011; 19 (h) the commissioner appointed under the Work Health and Safety 20 Act 2011; 21 (i) an inspector appointed under the Work Health and Safety 22 Act 2011; 23

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Schedule 1
Part 1.3Legislation amended
Corrections Management Act 2007Amendment [1.4]

Part 1.3 Corrections Management Act 2007

3	[1.4]	Section 219 heading
4		substitute
5	219	Detainee's work—work health and safety
6	[1.5]	Section 219 (1) and (3)
7		omit
8		Work Safety Act 2008
9		substitute
10		Work Health and Safety Act 2011

11 Part 1.4 Crimes Act 1900

12	[1.6]	Section 49E (7)
13		omit
14		director-general for the Work Safety Act 2008
15		substitute
16		regulator under the Work Health and Safety Act 2011

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Part 1.5 Crimes (Sentence Administration) Act 2005

3	[1.7]	Section 320 heading
4		substitute
5	320	Community service work—work health and safety
6	[1.8]	Section 320 (1) and (3)
7		omit
8		Work Safety Act 2008
9		substitute
10		Work Health and Safety Act 2011

Part 1.6 Dangerous Substances Act 2004

12	[1.9]	Section 8	(1), note 2
13		omit	
14		•	Work Safety Act 2008.
15		substitute	
16		•	Work Health and Safety Act 2011.

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Part 1.7 Dangerous Substances (Explosives) Regulation 2004

3	[1.10]	Schedule 2, section 2.1 (3)
4		omit
5		any work safety representative under the Work Safety Act 2008
6		substitute
7		a health and safety representative under the Work Health and Safety
8		Act 2011

Part 1.8 Dangerous Substances (General) Regulation 2004

11 12	[1.11]	Section 203, new definition of <i>health and safety</i> representative
13		insert
14 15		<i>health and safety representative</i> —see the <i>Work Health and Safety Act 2011</i> , dictionary.
16	[1.12]	Section 203, definition of work safety representative
17		omit
18 19	[1.13]	Section 219 (7), definition of <i>responsible person</i> , paragraph (b)
20		substitute
21 22		(b) a health and safety representative of the employees at the premises where the exposed person works; or

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1	[1.14]	Section 226 (1) (b)
2		substitute
3		(b) any health and safety representative of the employees.
4	[1.15]	Section 245 (3), notes 2 and 3
5		omit
6		work safety representatives
7		substitute
8		health and safety representatives
9	[1.16]	Section 275 (2) (b)
10		substitute
11 12		(b) given to any health and safety representative of employees who handle dangerous substances at the controlled premises; and
13	[1.17]	Section 276 (2)
14		omit
15		work safety representative
16		substitute
17		health and safety representative
18	[1.18]	Section 277 (3) (b)
19		substitute
20 21		(b) given to any health and safety representative of employees who handle dangerous substances at the premises; and

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Schedule 1
Part 1.9Legislation amended
Legislation Act 2001Amendment [1.19]

[1.19]	Section 278 (3) (b)
	substitute
	(b) given to any health and safety representative of employees who handle dangerous substances at the premises; and
[1.20]	Section 279 (2) (b)
	substitute
	(b) any health and safety representative of those employees;
[1.21]	Dictionary, new definition of <i>health and safety</i> representative
	insert
	<i>health and safety representative</i> , for chapter 2 (Certain dangerou substances)—see the <i>Work Health and Safety Act 2011</i> , dictionary.
[1.22]	Dictionary, definition of work safety representative
	omit
Part 1	.9 Legislation Act 2001

16	[1.23]	Dictionary, part 1, definition of work safety commissioner
17		substitute
18		work safety commissioner means the work safety commissioner
19		under the Work Health and Safety Act 2011.

Part 1.10 Radiation Protection Act 2006

[1.24] Section 115 (4) (f) 2 substitute 3 (f) to the director-general of the administrative unit responsible for 4 the Work Health and Safety Act 2011; or 5 Utilities Act 2000 Part 1.11 6 [1.25] Section 20 (2) (I) 7 substitute 8 (1) the Work Health and Safety Act 2011. 9 **Workers Compensation Act 1951** Part 1.12 10 Section 206 (2) (a), note [1.26] 11 substitute 12 Note This function is given to the work safety council under the Work 13 *Health and Safety Act 2011*, sch 2, s 2.2 (1) (a). 14 [1.27] Section 206 (2) (b), note 1 15 substitute 16 Note 1 The power to set up an advisory committee if necessary to assist 17 in the exercise of a function is given to the work safety council 18 under the Work Health and Safety Act 2011, sch 2, s 2.16. 19 Section 206 (3), definition of work safety council [1.28] 20 substitute 21 work safety council means the work safety council established 22 under the Work Health and Safety Act 2011, schedule 2, section 2.1. 23

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Part 1.13 Workers Compensation Regulation 2002

3	[1.29]	Section 87 (2) (b) (iii)	
4		substitute	
5		(iii) be able to comply with the employer's health and safety	
6		duties under the Work Health and Safety Act 2011; and	
7	[1.30]	Dictionary, definition of work safety council	
8		substitute	
9		work safety council means the work safety council established	
10		under the Work Health and Safety Act 2011, schedule 2, section 2.1.	

Endnotes

1	Presentation speech Presentation speech made in the Legislative Assembly on 6 December 2011.		
2	Notification Notified under the Legislation Act on	2011.	
3	Republications of amended laws		
	For the latest republication of amended laws, see www.legislation.act.gov.au.		

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