

1992

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1992**

**EXPLANATORY MEMORANDUM**

Circulated by the authority of the Deputy Chief Minister

Wayne Berry MLA

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## **Occupational Health and Safety (Amendment) Bill 1992**

### **Explanatory Memorandum**

#### **Outline**

The Occupational Health and Safety (Amendment) Bill 1992 ("the Bill") amends the *Occupational Health and Safety Act 1989* ("the Principal Act"). The Principal Act provides for the protection of persons in the workplace from risks to health and safety arising from workplace activities. The objects of the Principal Act include the promotion of an occupational health and safety environment which meets the needs of employees and the fostering of a co-operative consultative relationship between employers and employees on health, safety and welfare of employees.

Part IV of the Principal Act, deals with workplace arrangements. Division 1 of Part IV requires the establishment of designated work groups and the selection by such work groups of occupational health and safety representatives. Part IV, Division 1 also sets out the obligations of employers in respect of work groups and occupational health and safety representatives.

Section 36 of the Principal Act provides that Part IV, Division 1 only applies in respect of employers who employ more than 20 employees.

The Bill amends Section 36 of the Principal Act to provide that Part IV, Division 1 of the Principal Act applies to employers who employ 10 or more employees, thereby extending the application of the Principal Act to more workplaces, and a greater number of employees, than was previously the case.

#### **Financial Implications**

The ACT Occupational Health and Safety Office will need to conduct an awareness raising campaign among the employers to whom the workplace arrangements will now apply and provide additional servicing.

**Details of the Bill are provided in the Attachment.**

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**Formal clauses**

Clauses 1,2 and 3 are formal clauses dealing with citation, commencement and references to the "Principal Act".

The commencement clause provides that, apart from clauses 1 and 2, the Bill will commence on a day fixed by the Minister by notice in the *Gazette*. Where a provision of the Bill has not commenced within six months of the day upon which the Act is notified in the *Gazette*, that provision will come into effect upon the first day after the expiration of that six month period.

**Small employers not affected**

Clause 4 amends section 36 of the Act by omitting "more than 20" and substituting "10 or more" to provide that Part IV, Division 1 of the Act, requiring the establishment of designated work groups and the selection of health and safety representatives, applies in respect of employers who employ 10 or more employees.