

EXPLANATORY STATEMENT

INSTRUMENT NO. 221 OF 2000

APPOINTMENT OF JOCELYN PLOVITS AS ACT OCCUPATIONAL HEALTH AND SAFETY COMMISSIONER

In December 1999 the new position of ACT Occupational Health and Safety (OHS) Commissioner was created as a result of amendments to the *Occupational Health and Safety Act 1989* (the Act). The amendment must take effect no later than 24 June 2000.

The Act provides in Section 25A that the Commissioner is appointed by the Executive. The *Statutory Appointments Act 1994* requires consultation with the relevant Assembly Committee only where a statutory appointment is made by a Minister. While this appointment is exempt from the consultation requirement of the *Statutory Appointments Act 1994*, the Standing Committee on Planning and Urban Services Committee was consulted and endorsed the appointment of Ms Plovits.

On 5 June 2000, pursuant to section 25H of the Act, the Minister for Urban Services appointed Ms Plovits as Acting Commissioner for the period 23 June 2000 to 23 October 2000, pending the permanent appointment being made by the Executive. This appointment was also exempt from the consultation requirement of the *Statutory Appointments Act 1994* as the period of appointment was less than 6 months.

This instrument appoints Jocelyn Plovits as the ACT Occupational Health and Safety Commissioner for a period of 3 years.

Section 7 of the *Subordinate Laws Act 1989* prevents a subordinate law from having effect if it would prejudice the rights of a person existing at the date of notification, or if liabilities would be imposed on a person in respect of any act or omission before the date of notification. Neither circumstance will arise from the act of appointing the person named herein to the specified position.