



National Occupational Health and Safety Commission Amendment Act 1989

No. 4 of 1989

An Act to amend the *National Occupational Health and Safety Commission Act 1985*

[Assented to 7 March 1989]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title etc.

1. (1) This Act may be cited as the *National Occupational Health and Safety Commission Amendment Act 1989*.

(2) In this Act, "Principal Act" means the *National Occupational Health and Safety Commission Act 1985*¹.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

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Interpretation

3. Section 3 of the Principal Act is amended:

- (a) by inserting “Chief Executive Officer and the” before “Chairperson” in the definition of “member” in subsection (1);
- (b) by omitting “Chairperson” from the definition of “part-time member” in subsection (1) and substituting “Chief Executive Officer”;
- (c) by inserting in subsection (1) the following definitions:
 - “ ‘Chief Executive Officer’ means the Chief Executive Officer of the Commission;
 - ‘occupational hazard’ means any matter, thing, process or practice that may cause work-related death or work-related trauma;”.

Functions of Commission

4. Section 8 of the Principal Act is amended by inserting after paragraph (1) (t) the following paragraph:

- “(ta) by arrangement with particular employers, to carry out, arrange for, or assist in the evaluation of occupational hazards in places of work;”.

Membership of Commission

5. Section 10 of the Principal Act is amended:

- (a) by omitting from subsection (1) “17” and substituting “18”;
- (b) by inserting after paragraph (1) (a) the following paragraph:
 - “(aa) the Chief Executive Officer;”;
- (c) by omitting from subsection (3) “Chairperson” and substituting “Chief Executive Officer”;
- (d) by omitting subsection (5) and substituting the following subsection:
 - “(5) The Chief Executive Officer is responsible for the efficient conduct of the affairs of the Commission in accordance with the policy determined by the Commission.”;
- (e) by omitting from subsection (6) “Chairperson” (wherever occurring) and substituting “Chief Executive Officer”;
- (f) by omitting from subsection (7) “Chairperson” and substituting “Chief Executive Officer”;
- (g) by inserting in subsection (8) “, other than the Chairperson,” after “a part-time member”.

Alternate members of the Commission

6. Section 11 of the Principal Act is amended by adding at the end of subsection (1) “, other than the Chairperson”.

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Leave of absence

7. Section 12 of the Principal Act is amended by omitting from subsection (1) "Chairperson" and substituting "Chief Executive Officer".

Termination of appointments

8. Section 14 of the Principal Act is amended by omitting from subsection (4) "Chairperson" (wherever occurring) and substituting "Chief Executive Officer".

Disclosure of interests of members

9. Section 15 of the Principal Act is amended by adding at the end the following subsection:

"(5) The Chief Executive Officer shall give written notice to the Minister of all direct and indirect pecuniary interests that the Chief Executive Officer has or may have in any business or in any body corporate carrying on a business."

10. After section 16 of the Principal Act the following section is inserted:

Acting Chief Executive Officer

"16A. (1) The Minister may appoint a person to act in the office of Chief Executive Officer:

- (a) during a vacancy in that office, whether or not an appointment has previously been made to that office; or
- (b) during any period when the person holding that office is absent from duty or from Australia or is, for any other reason, unable to perform the functions of that office.

"(2) The validity of anything done by or in relation to a person purporting to act in the office of Chief Executive Officer shall not be called in question on the ground that the occasion for the appointment had not arisen, that there was a defect or irregularity in or in connection with the appointment, that the appointment had ceased to have effect or that the occasion for the person to act had not arisen or had ceased."

Remuneration

11. Section 17 of the Principal Act is amended:

- (a) by inserting in subsection (1) "and the Chief Executive Officer" after "Chairperson" (wherever occurring);
- (b) by inserting in subsection (2) "and the Chief Executive Officer" after "Chairperson".

Expenses of part-time members of Commission

12. Section 18 of the Principal Act is amended by adding at the end of subsection (4) "but does not include a reference to the Chairperson".

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The Executive

13. Section 20 of the Principal Act is amended by inserting after paragraph (2) (a) the following paragraph:

“(aa) the Chief Executive Officer;”.

Alternate member of the Executive

14. Section 21 of the Principal Act is amended by adding at the end of subsection (1) “or the Chief Executive Officer”.

Term of office etc.

15. Section 22 of the Principal Act is amended by omitting from subsection (3) “other than the Chairperson” and substituting “(other than the Chairperson or the Chief Executive Officer)”.

Resignation of members of the Executive

16. Section 23 of the Principal Act is amended by inserting “or the Chief Executive Officer” after “Chairperson” (first occurring).

Committees of Commission

17. Section 25 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) A committee may be constituted:

- (a) wholly by members of the Commission;
- (b) wholly by persons other than members of the Commission; or
- (c) partly by members of the Commission and partly by other persons.”.

Expenses of members of the Executive, committees and working parties

18. Section 28 of the Principal Act is amended by inserting in subsection (1) “or the Chief Executive Officer” after “Commission” (second occurring).

Director of the Institute

19. Section 30 of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

“(2) The Governor-General may appoint the Chief Executive Officer as the Director of the Institute.

“(3) The Director of the Institute shall manage the day-to-day administration of the Institute and, where the Director of the Institute is not also the Chief Executive Officer, shall do so under the direction of the Chief Executive Officer.”.

Remuneration of Director

20. Section 37 of the Principal Act is amended by adding at the end the following subsection:

“(4) This section does not apply in relation to a person who holds the offices of Director of the Institute and Chief Executive Officer.”.

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Staff

21. Section 53 of the Principal Act is amended:

- (a) by omitting from subsection (2) "Chairperson" and substituting "Chief Executive Officer";
- (b) by omitting from subsection (2) "as if that branch were a separate Department of the Australian Public Service".

Arrangements relating to staff

22. Section 54 of the Principal Act is amended by omitting from subsection (4) "Chairperson" and substituting "Chief Executive Officer".

NOTE

1. No. 35, 1985.

[*Minister's second reading speech made in—
House of Representatives on 31 August 1988
Senate on 24 November 1988*]