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1998B00372



# Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 1998 (No. 2)

Statutory Rules 1998 No. /

355

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

Dated 17 DEC 1998 1998.

**WILLIAM DEANE**

Governor-General

By His Excellency's Command,

PETER REITH

Minister for Employment, Workplace Relations  
and Small Business



# Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 1998 (No. 2)<sup>1</sup>

Statutory Rules 1998 No. 2<sup>2</sup>

made under the

*Occupational Health and Safety (Commonwealth  
Employment) Act 1991*

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**1 Name of regulations**

These regulations are the *Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 1998 (No. 1)*.

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**2 Commencement**

These regulations commence on 1 January 1999.

**3 Amendment of Occupational Health and Safety (Commonwealth Employment) Regulations**

Schedule 1 amends the Occupational Health and Safety (Commonwealth Employment) Regulations.

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*Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 1998 (No. 1)*

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**Schedule 1      Amendment of Occupational  
Health and Safety  
(Commonwealth  
Employment) Regulations**

(regulation 3)

**[1]      Regulation 1**

*substitute*

**1      Name of regulations**

These regulations are the *Occupational Health and Safety (Commonwealth Employment) Regulations 1991*.

**[2]      Paragraph 2 (1) (b), definition of *serious personal injury***

*omit*

(b) for which the person is:

*insert*

(b) for which the person needs to be:

**[3]      Regulation 3, heading**

*substitute*

**3      Dangerous occurrences (Act, s 5 (1))**

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Employment) Amendment Regulations 1998 (No. )*  
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**[4] Subparagraph 3 (1) (b) (ii)***omit*

a duration of 5

*insert*

the duration of 30

**[5] Subregulation 3 (1)***omit*

referred to in paragraph (b)

**[6] Subregulation 3 (2)***omit***[7] Subparagraph 4 (b) (i)***omit*

Department of Primary Industries and Energy

*insert*

Department of Agriculture, Fisheries and Forestry

**[8] Sub-subparagraph 4 (b) (i) (B)***omit***[9] After subparagraph 4 (b) (i)***insert*

(ii) the Department of Industry, Science and  
Resources — the Executive Director of the  
Australian Geological Survey Organisation;

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**[10] Subparagraph 4 (b) (iii)**

*omit*

Department of Social Security

*insert*

Department of Family and Community Services

**[11] Paragraphs 36A (a) and (b)**

*omit*

5

*insert*

30

**[12] Subregulation 37 (1)**

*substitute*

(1) For the purposes of the Act or these regulations, a notice or report that is to be given to Comcare may be delivered in business hours to the relevant State or Territory Occupational Health and Safety Manager.

**[13] Paragraph 37B (1) (f)**

*omit*

**[14] Paragraph 37B (2) (a)**

*omit*

paragraphs (1) (a), (b), (c), (d) and (f)

*insert*

paragraphs (1) (a), (b), (c) and (d)

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**[15] Paragraphs 37D (1) (a), (b) and (c)***substitute*

- (a) if an accident that causes the death of a person — within 2 hours of the employer becoming aware of the death; and
- (b) if an accident causes serious personal injury to a person — within 24 hours of the employer becoming aware that the person has, or is likely to have, suffered the injury; and
- (c) if an accident causes an employee who performs work in connection with an undertaking conducted by his or her employer to be incapacitated from performing work for a prescribed period — within 24 hours of the employer becoming aware of the incapacity; and
- (d) in the case of a dangerous occurrence — within 24 hours of the employer becoming aware of the occurrence.

**[16] Paragraphs 37E (e) to (u)***substitute*

- (e) action that the employer has taken, or proposes to take, to prevent recurrence of an accident of the same kind.

**[17] Regulation 37F***substitute***37F Form of reports about dangerous occurrences  
(Act, s 68)**

For section 68 of the Act, a report about a dangerous occurrence must include the information mentioned in paragraphs 37E (a), (b), (c), (d) and (e), as if any reference in those paragraphs to an accident were a reference to a dangerous occurrence.

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**Notes**

1. These regulations amend Statutory Rules 1991 No. 266, as amended by 1992 No. 244; 1993 Nos. 5 and 112; 1994 No. 22; 1998 No. 115.
2. Made by the Governor-General on 4 1998, and notified in the *Commonwealth of Australia Gazette* on 4 1998. Administered by the Minister for Employment, Workplace Relations and Small Business.

17 December  
22 December