

Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 2001 (No. 2) 2001 No. 90

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 90

Issued by the authority of the Minister for Employment, Workplace Relations and Small Business

Occupational Health and Safety (Commonwealth Employment) Act 1991

Safety, Rehabilitation and Compensation Act 1988

Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 2001 (No. 2)

Safety, Rehabilitation and Compensation Amendment Regulations 2001 (No. 1)

Subsection 82(1) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (OHS(CE) Act) and section 122 of the *Safety, Rehabilitation and Compensation Act 1988* (the SRC Act) provide that the Governor-General may make regulations in relation to matters required or permitted to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to the respective Acts.

The OHS(CE) Act and the SRC Act impose obligations in respect of occupational health and safety and workers' compensation on specified employers. Employers covered by the legislation include Entities, Commonwealth authorities, and, in the case of the SRC Act, licensed authorities and licensed corporations.

The purpose of the Regulations is to prescribe a number of organisations as Entities for the purposes of the OHS(CE) Act and the SRC Act. An Entity is defined in subsection 5(1) of the OHS(CE) Act and subsection 4(1) of the SRC Act as: an Agency within the meaning of the *Public Service Act 1999*; a Parliamentary Department within the meaning of the *Parliamentary Service Act 1999*; or a person, body, organisation or group of persons prescribed as such. The Regulations also prescribe principal officers in relation to the prescribed Entities.

The prescribed organisations currently pay separate contributions and premiums under the OHS(CE) Act and the SRC Act. Contributions are estimated by the Safety, Rehabilitation and Compensation Commission (SRCC) and are payable to Comcare under Part 4A Division 2 of the OHS(CE) Act. These contributions go toward covering the cost of administering that Act. In addition premiums are estimated by the SRCC and payable to the Consolidated Revenue Fund under Part VII Division 4A of the SRC Act. These premiums are calculated on an actuarial basis to cover current and future expenses arising from claims for workers' compensation under the SRC Act. The Regulations ensure that these organisations continue to be able to pay contributions and premiums separately from their portfolio agencies.

More details of the Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 2001 are at Attachment 1.

More details of the Safety, Rehabilitation and Compensation Amendment Regulations 2001 are at Attachment 2.

The Regulations commenced on gazettal.

ATTACHMENT 1

DETAILS OF OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) AMENDMENT REGULATIONS 2001

Regulation 1 - Name of Regulations

This is a formal provision that provides the name for the Regulations.

Regulation 2 - Commencement

This regulation provides that the Regulations commence on gazettal.

Regulation 3 - Amendment of Occupational Health and Safety (Commonwealth Employment) Regulations 1991

Regulation 3 is a formal provision which states that the Occupational Health and Safety (Commonwealth Employment) Regulations 1991 are amended by Schedule 1.

SCHEDULE 1 Amendments

1. After regulation 4

Subregulation 4A(1) provides that each person, body, organisation or group of persons, mentioned in an item in Schedule 1A, is prescribed for the purpose of the paragraph (c) of the definition of 'Entity' in subsection 5(1) of the OHS(CE) Act. (New Schedule 1A is inserted by item 2.)

Subregulation 4A(2) provides the prescription of a principal officer in relation to each prescribed Entity. The principal officers are set out in Column 3 of Schedule 1A. The principal officer includes a person acting in the office mentioned in Column 3.

2. After Schedule 1

This item inserts new Schedule 1A into the Regulations. The Schedule is in the form of a table and sets out ten organisations that are prescribed as Entities for the OHS(CE) Act. The table also sets out the principal officers in relation to these Entities.

ATTACHMENT 2

DETAILS OF SAFETY, REHABILITATION AND COMPENSATION AMENDMENT REGULATIONS 2001

Regulation 1 - Name of Regulations

This is a formal provision that provides the name for the Regulations.

Regulation 2 - Commencement

This regulation provides that the Regulations commence on gazettal.

Regulation 3 - Amendment of Safety, Rehabilitation and Compensation Regulations

Regulation 3 is a formal provision stating that the Safety, Rehabilitation and Compensation Regulations are amended by Schedule 1.

SCHEDULE 1 Amendments

1. Regulation 1

This Regulation substitutes a new name for the Safety, Rehabilitation and Compensation Regulations. The new name includes a reference to the year in which the Regulations were first made.

2. After regulation 2

Subregulation 2A(1) provides that each person, body, organisation or group of persons, mentioned in an item in Schedule 1, is prescribed for the purpose of the paragraph (c) definition of 'Entity' in subsection 4(1) of the SRC Act. (New Schedule 1 is inserted by item 3.)

Subregulation 4A(2) provides the prescription of a principal officer in relation to each prescribed Entity. The principal officers are set out in Column 3 of Schedule 1. The principal officer includes a person acting in the office mentioned in Column 3.

3. After Regulation 4

This Regulation inserts a new Schedule 1 into the Regulations. The Schedule is in the form of a table and sets out eleven organisations that are prescribed as Entities for the SRC Act. The table also sets out the principal officers in relation to these Entities.