Australian Workplace Safety Standards Regulations 2005*

Select Legislative Instrument 2005 No. 285

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Australian Workplace Safety Standards Act 2005.

Dated 1 December 2005

P. M. JEFFERY
Governor-General

By His Excellency’s Command

KEVIN ANDREWS
Minister for Employment and Workplace Relations
1 **Name of Regulations**

These Regulations are the *Australian Workplace Safety Standards Regulations 2005*.

2 **Commencement**

These Regulations commence on the day on which sections 3 to 9 of the *Australian Workplace Safety Standards Act 2005* commence.

3 **Definitions**

In these Regulations:

*Act* means the *Australian Workplace Safety Standards Act 2005*.

Note The *Australian Safety and Compensation Council* is defined in section 3 of the Act.

4 **Notice of declaration of national standard or code of practice**

For subsection 6 (4) of the Act, the Australian Safety and Compensation Council must publish the material mentioned in that subsection in the *Gazette*.

Note When the Australian Safety and Compensation Council declares a national standard or code of practice, it must publish, in accordance with the regulations:

(a) the title and objective of the national standard or code of practice; and
(b) information as to how interested persons may obtain a copy of the national standard or code of practice.
5 Notice preparatory to declaring national standards and codes of practice

(1) For subsection 7(1) of the Act, the Australian Safety and Compensation Council:
(a) must publish a notice in the Gazette allowing interested persons to make representations concerning a proposed standard or code of practice; and
(b) may publish 1 or more notices of that kind in other places.

(2) A notice must:
(a) set out the title and objective of the proposed national standard or code of practice; and
(b) set out information as to how interested persons may obtain a copy of the proposed national standard or code of practice; and
(c) invite interested persons to make representations in connection with the proposed national standard or code of practice by such date as is specified in the notice, but not less than 4 weeks after the date of publication of the notice; and
(d) specify an address or addresses to which representations in connection with the proposed national standard or code of practice may be sent.

(3) However, subregulation (1) does not prevent the Australian Safety and Compensation Council from using means in addition to the publication of a notice in the Gazette to invite a person, or persons generally, to make representations in connection with a proposed national standard or code of practice.

(4) If the Australian Safety and Compensation Council wishes to receive representations for subregulation (3):
(a) it must:
   (i) invite a person, or persons generally, to make the representation within a period of not less than 4 weeks after the date of the invitation; and
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(ii) notify each person who has already made a representation that it has invited persons to make representations within the consultation period mentioned in subparagraph (i); and

(iii) give the person mentioned in subparagraph (ii) the opportunity to review or revise the person’s representation within a period of not less than 4 weeks after the date of the notification; but

(b) it is not required to notify a person under subparagraph (a) (ii) more than once in relation to invitations about a particular proposed national standard or code of practice.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the Legislative Instruments Act 2003. See www.frli.gov.au.