EXPLANATORY STATEMENT

Subject - Occupational Health and Safety (Commonwealth Employment) Amendment Act 2006

Proclamation

Subsection 2(1) of the Occupational Health and Safety (Commonwealth Employment) Amendment Act 2006 (the Act) provides that Schedule 1 to the Act commences on a day to be fixed by Proclamation. However, if any of the provisions of Schedule 1 do not commence within six months of the date the Act receives the Royal Assent, then those provisions commence on the first day after the end of that six month period. The Act received Royal Assent on 23 October 2006.

This Proclamation fixes 15 March 2007 as the day on which Schedule 1 to the Act commences.

Schedule 1 contains the main operative provisions of the Act. The Act:

• revises provisions relating to the employer’s duty of care to provide a greater focus on occupational health and safety outcomes;
• requires direct consultation between the employer and the employees in promoting and developing measures to ensure the employees’ health, safety and welfare at work;
• revises annual reporting requirements of Commonwealth agencies under the Occupational Health and Safety (Commonwealth Employment) Act 1991 (the Principal Act);
• enables Comcare to exercise some powers currently conferred on the Safety Rehabilitation and Compensation Commission;
• gives health and safety representatives the power to request an investigation into an alleged contravention of the Principal Act where a provisional improvement notice has been issued;
• makes technical amendments to various provisions of the Principal Act to correct deficiencies or otherwise improve the operation of these provisions; and
• contains transitional provisions relating to designated work groups and health and safety representatives.

The commencement date for the Act was chosen to coincide with the commencement of the OHS and SRC Legislation Amendment Act 2006. Stakeholders have been consulted on the commencement of the Act.

The Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.