

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Employment and Workplace Relations
Building and Construction Industry Improvement Amendment (OHS) Act 2007

Proclamation

Subsection 2(1) of the *Building and Construction Industry Improvement Amendment (OHS) Act 2007* (the Act) provides that item 2 of Schedule 1 commences on a day to be fixed by Proclamation. However, if any of the provisions did not commence within the period of six months beginning on the day on which the Act receives Royal Assent, they would commence on the first day after the end of that period. The Act recently received Royal Assent.

The Proclamation fixes 1 October 2007 as the day on which item 2 of Schedule 1 to the Act commences.

Item 2 of Schedule 1 to the Act amends section 35 of the *Building and Construction Industry Improvement Act 2005* which provides for the establishment of the Australian Government Building and Construction Occupational Health and Safety Accreditation Scheme (the Scheme). The amendments:

- extend the application of the Scheme to cover situations where building work is indirectly funded by the Commonwealth;
- ensure that persons are accredited under the Scheme at the time of entering into a contract and that appropriate steps are taken to ensure that they are also accredited while the building work is carried out; and
- extend the accreditation requirement to Commonwealth funding arrangements beyond those currently contemplated by the legislation.

The commencement date for Item 2 of Schedule 1 of the Act is the earliest available date after the Act received Royal Assent. The commencement date was chosen in consultation with the Federal Safety Commissioner and other stakeholders.

The Proclamation would be a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.