Safe Work Australia
(Consequential and Transitional Provisions) Regulations 2010

Select Legislative Instrument 2010 No. 63

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Safe Work Australia (Consequential and Transitional Provisions) Act 2008.

Dated 14 April 2010

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

JULIA GILLARD
Minister for Employment and Workplace Relations
1 Name of Regulations

These Regulations are the Safe Work Australia (Consequential and Transitional Provisions) Regulations 2010.

2 Commencement

These Regulations commence on the day after they are registered.

3 Definitions

In these Regulations:


commencement day means 1 November 2009.

Note Schedules 1 to 3 to the Act commenced on 1 November 2009.

4 Transitional provisions — actions taken by Australian Safety and Compensation Council before commencement day

(1) For subitem 7 (1) of Schedule 3 to the Act, this regulation applies if:

(a) before the commencement day, the Australian Safety and Compensation Council undertook any action under the Australian Workplace Safety Standards Act 2005 in relation to the declaration of a national standard or code of practice for the purposes of that Act; and

(b) the Australian Safety and Compensation Council did not declare the national standard or code of practice before the commencement day; and

(c) Safe Work Australia wishes to consider the declaration of a national standard or code of practice that is:

   (i) the same as the proposed national standard or code of practice mentioned in paragraph (a); or

   (ii) substantially the same as the proposed national standard or code of practice mentioned in paragraph (a) in all material aspects.
(2) For items 2 and 3 of Schedule 3 to the Act, in their application to the proposed national standard or code of practice mentioned in paragraph (1) (c), Safe Work Australia is taken:

(a) to have undertaken each action that was undertaken by the Australian Safety and Compensation Council in relation to the proposed national standard or code of practice mentioned in paragraph (1) (a); and

(b) to have complied with its obligations under those items to the extent to which the Australian Safety and Compensation Council undertook the action.

Note Items 2 and 3 of Schedule 3 deal with actions such as:

(a) publishing information about the proposed national standard or code of practice; and

(b) inviting persons to make comments on the proposed national standard or code of practice; and

(c) consulting about the proposed national standard or code of practice.

Note