

Occupational Health and Safety (Commonwealth Employment) Regulations (Amendment) 1994 No. 22

EXPLANATORY STATEMENT

Statutory Rules 1994 No. 22

Issued by the Authority of the Assistant Minister for Industrial Relations

Occupational Health and Safety (Commonwealth Employment) Act 1991

Occupational Health and Safety (Commonwealth Employment) Regulations (Amendment)

Section 82 of the Occupational Health and Safety (Commonwealth Employment) Act 1991 (the Act) provides that the Governor-General may make regulations for the purposes of the Act.

Section 15 of the Act provides:

"Where an employee ordinarily performs his or her work at a particular place but that place is not Commonwealth premises, this Act, other than Parts 1 and 2 and section 82, applies in relation to that employee or to that place of work:

(a) only if the regulations so provide; and

(b) subject to such modifications and adaptations (if any) as are set out in the regulations."

The regulations are the Occupational Health and Safety (Commonwealth Employment) Regulations (the Regulations).

The effect of section 15 is that other Parts of the Act, including Part 5, did not apply in relation to non-Commonwealth premises at which Commonwealth employees are working. Part 5 of the Act includes provision for the notification to Comcare of accidents and reporting of work-related accidents. It was important that Comcare is notified of all such accidents and that details of an accident are also reported to Comcare, including those occurring in non-Commonwealth premises.

To do this it has been necessary to prescribe that Part 5 of the Act applies to Commonwealth employees working at non-Commonwealth premises.

Amending regulation 2 inserts regulation 36AA into the Regulations to provide that, for the purposes of section 15 of the Act, Part 5 of the Act (other than section 82) applies to an employee who ordinarily performs work other than in a place which is Commonwealth premises.