

Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 2001 (No. 3) 2001 No. 270

EXPLANATORY STATEMENT

Statutory Rules 2001 No. 270

Issued by the authority of the Minister for Employment, Workplace Relations and Small Business

Occupational Health and Safety (Commonwealth Employment) Act 1991

Occupational Health and Safety (Commonwealth Employment) Amendment Regulations 2001 (No. 3)

Subsection 82(1) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 15 of the Act provides that where employees ordinarily perform their work at places which are not Commonwealth premises, then the relevant provisions [Parts 3, 4, 4A and 5 (except section 82)] of the Act only apply if the Regulations so provide, subject to modifications (if any) as are set out in the Regulations. The remaining provisions of the Act apply where employees ordinarily perform their work at places which are not Commonwealth premises.

In June 1993 the *Occupational Health and Safety (Commonwealth Employment) Regulations 1991* (the principal Regulations) were amended by the insertion of Regulation 38A and Schedule 5. Regulation 38A applies Parts 3, 4, 4A and 5 of the Act to employees of the Australian Quarantine Inspection Service (AQIS) who are appointed as authorised officers under section 20 of the *Export Control Act 1982* or under section 32 of the *Meat Inspection Act 1983*, and who work in non-Commonwealth workplaces.

The amendment Regulations also apply Parts 3, 4, 4A and 5 of the Act, as modified by Schedule 5, which makes miscellaneous amendments to give effect to an extended coverage of the Act, to specified AQIS employees. The specified AQIS employees are those appointed as officers under section 40 of the *Imported Food Control Act 1992* and officers appointed under subsection 9AA(3) or authorised under section 9A of the *Quarantine Act 1908*. The specified AQIS employees in the regulations are in addition to those AQIS employees already covered by all parts of the Act since 1993.

The Regulations ensure that all AQIS employees working in non-Commonwealth premises are provided with the full coverage of the Act to secure their health, safety and welfare at work.

More details of the Regulations are attached.

The Regulations commenced on gazettal.

ATTACHMENT

PROPOSED OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT)
AMENDMENT REGULATIONS 2001 (NO. 3)

Regulation 1

This is a formal provision that sets out the name of the Regulations.

Regulation 2

This Regulation provides that the Regulations commenced on gazettal.

Regulation 3

Regulation 3 is a formal provision, stating that the *Occupational Health and Safety (Commonwealth Employment) Regulations 1991* (the principal Regulations) are amended as provided for in Schedule 1.

Schedule 1 - Amendments

Item 1

Item 1 replaces the existing subparagraph 38A(1)(a)(ii) with new subparagraphs 38A(1)(a)(ii) - (v). The effect of these new subparagraphs is to extend the application of Parts 3, 4, 4A and 5 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*, as modified by Schedule 5 to the principal Regulations, to an employee who ordinarily works as an authorised officer at a place that is not Commonwealth premises and who is:

- an authorised officer under section 40 of the *Imported Food Control Act 1992*;
- an authorised officer under section 32 of the *Meat Inspection Act 1983*;
- appointed as a quarantine officer under subsection 9AA(3) of the *Quarantine Act 1908*; or
- appointed or authorised as a temporary quarantine officer under section 9A of the *Quarantine Act 1908*.

Item 2

Item 2 amends the heading to Schedule 5 of the principal Regulations to reflect the amendments made by item 1.