

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Employment and Workplace Relations

Safe Work Australia Act 2008

Proclamation

Subsection 2 (1) of the *Safe Work Australia Act 2008* (the Act) provides that sections 1 and 2 will commence on the day on which this Act receives the Royal Assent and sections 3 to 73 of the Act will commence on a day to be fixed by Proclamation. However, if any of the provisions do not commence within the period of 6 months beginning on the day on which the Act receives the Royal Assent, they commence on the first day after the end of that six month period.

The Act received the royal assent on 18 September 2009.

The Proclamation fixes 1 November 2009 as the day on which Sections 3 to 73 of the Act commence.

The Act establishes Safe Work Australia (SWA) as an independent Commonwealth statutory body to improve occupational health and safety (OHS) outcomes and workers' compensation arrangements in Australia. SWA is an inclusive, tripartite body representing the interests of the Commonwealth Government and the states and territories as well as workers and employers in Australia. SWA is a reform-focussed body with the power to make recommendations directly to the Workplace Relations Ministers' Council. The Act will play a pivotal role in realising the Commonwealth's commitment to work cooperatively with State and Territory Governments to improve OHS outcomes and workers' compensation arrangements in Australia.

Consultation between Commonwealth, State and Territory Governments for the determination of operational arrangements of SWA took place in the form of the *Inter-Governmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety*. The Intergovernmental Agreement commits the Commonwealth and all States and Territories to the adoption of approved model OHS legislation.

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

The Proclamation commenced on the day after registration on the Federal Register of Legislative Instruments.