

1991

THE PARLIAMENT OF THE COMMONWEALTH OF
AUSTRALIA

SENATE

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH
EMPLOYMENT) BILL 1990

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment to be moved on behalf of the
Government

(Circulated by the authority of the
Minister for Industrial Relations
Senator the Hon. Peter Cook)

NOTES ON PROPOSED AMENDMENT

This amendment is proposed in response to comments made by the Senate Standing Committee for the Scrutiny of Bills in its Eleventh Report of 1990 on clause 70 of the Occupational Health and Safety (Commonwealth Employment) Bill 1990. The clause allows the Commission for the Safety, Rehabilitation and Compensation of Commonwealth Employees to prepare, and the Minister to approve, amend or revoke codes of practice for the purpose of providing practical guidance for employers. The Committee noted that codes of practice may, under clause 71, have an effect similar to that of legislation in court proceedings. It suggested that they should be subject to disallowance by either House of Parliament.

Under sub-clause 70(5) of the Bill, where the Minister approves, amends or revokes a code of practice, the Minister must publish a notice to that effect in the Gazette and table in each House of the Parliament, within 15 sitting days, a document setting out the code as approved, or the amendment or revocation.

Accordingly the amendment proposes the insertion of a new subclause 70(5A). This would provide that a document setting out a code of practice or an amendment or revocation of a code of practice is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

The proposed amendment does not have any direct financial impact.

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