

# **Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2003 (No. 2) 2003 No. 314**

## **EXPLANATORY STATEMENT**

Statutory Rules 2003 No. 314

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

*Occupational Health and Safety (Commonwealth Employment) Act 1991*

### ***Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2003 (No. 2)***

The *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the Act) establishes a statutory framework to secure the health and safety of Commonwealth Government employees (including employees of Commonwealth agencies, statutory authorities and Government Business Enterprises) while at work.

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

Subsection 23(1) of the Act provides that the regulations may make provision relating to any matter affecting, or likely to affect, the occupational health and safety of employees or contractors, or other persons at or near a workplace.

The National Occupational Health and Safety Commission (NOHSC), established under section 6 of the *National Occupational Health and Safety Commission Act 1985*, develops National Standards and Codes of Practice to promote uniformity in Australian occupational health and safety schemes. These National Standards and Codes of Practice are given legislative force by relevant State, Territory or Commonwealth occupational health and safety legislation. *The Occupational Health and Safety (Commonwealth Employment) (National Standard Regulations 1994* adopt various National Standards declared by NOHSC, to the extent that they are capable of relating to Commonwealth employment. Regulations have been made implementing National Standards in relation to occupational noise, plant, manual handling, hazardous substances, safe working in confined spaces and certification standards for users and operators of industrial equipment.

These Regulations make minor technical housekeeping amendments to update the OHS (CE) (NE) Regulations.

The Regulations:

- change the reference to measurement of peak noise in subregulation 3.03(3) to make it consistent with the Occupational Noise National Standard;
- amend an incorrect reference to a subregulation in subparagraph 4.51(3)(d)(i);
- replace incorrect references to the *National Food Authority Act 1991* in paragraph 6.02(3)(b) and the *National Occupational Health and Safety Act 1985* in regulation 10.01; and

- amend regulation 10.01 to correct a drafting mistake and make a minor technical wording change consistent with current drafting practice.

Details of the Regulations are set out in the attachment.

The regulations commence upon gazettal.

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## **ATTACHMENT**

### ***OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) (NATIONAL STANDARDS) AMENDMENT REGULATIONS 2003 (No. 2)***

#### **Regulation 1: Name of Regulations**

This is a formal provision providing for the name of the Regulations.

#### **Regulation 2: Commencement**

This regulation provides that the Regulations commence on gazettal.

#### **Regulation 3: Amendment of *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994***

Regulation 3 amends the *Occupational Health and Safety (Commonwealth Employment)(National Standards) Regulations 1994* (the Regulations) as set out in Schedule I.

#### **Schedule 1: Amendments**

##### **Item 1: Subregulation 3.03 (3)**

Part 3 of the Regulations relates to occupational noise. Item 1 replaces the reference to 'L<sub>peak</sub>' in regulation 3.03(3) with a reference to 'L<sub>C,peak</sub>', consistent with a change made in 2000 to the noise measurement terminology used in the Occupational Noise National Standard.

##### **Item 2: Subparagraph 4.51 (3) (d) (i)**

Paragraph 4.51(3)(d)(i) incorrectly refers to subregulation (3). Item 2 replaces this incorrect reference with the correct reference to subregulation (4).

##### **Item 3: Paragraph 6.02 (3) (b)**

Paragraph 6.02(3)(b) refers to the *National Food Authority Act 1991*. The *National Food Authority Act 1991* no longer exists. It was replaced by the *Food Standards Australia New Zealand Act 1991*.

Item 3 replaces this incorrect reference in paragraph 6.02(3)(b) with the correct reference to the *Food Standards Australia New Zealand Act 1991*.

##### **Item 4: Regulation 10.01**

Part 10 of the Regulations contains the definitions for the Regulations. The Part has been divided into two subsections. Due to a drafting mistake, subsection (1) has not been numbered. Item 4 rectifies this mistake.

Consistent with current drafting practice, Item 4 also removes the words 'unless the contrary intention appears' at the start of subregulation (1).

##### **Item 5: Regulation 10.01, definition of NOHSC**

Regulation 10.01 contains a definition for 'NOHSC'. NOHSC is defined as the National Occupational Health and Safety Commission established under section 6 of the *National Occupational Health and Safety Act 1985*. The name of this Act is incorrect. Item 5 replaces this

incorrect reference with a reference to the *National Occupational Health and Safety Commission Act 1985*.