

## Occupational Health and Safety (Miscellaneous Amendments) Bill

### EXPLANATORY MEMORANDUM

*Clause 1* describes the purposes of the Bill.

*Clause 2* notes that the commencement of the Bill is to occur by proclamation of sections 5 and 6 and the remaining provisions on the day the Bill receives Royal Assent. The specified sections are to come into operation by proclamation to allow associated procedural matters to be dealt with in anticipation of the provisions coming into effect.

*Clause 3* remedies some anomalies caused by amendments made to the **Occupational Health and Safety Act** by the **Accident Compensation (WorkCover) Act 1992**.

*Clause 4* alters the employee duties under this Act.

*Clause 5* substitutes the section in the Act dealing with the establishment of Designated Work Groups and the settling of disputes arising from the process.

*Clause 6* substitutes sub-sections in section 30 of the Act dealing with the election of health and safety representatives.

*Clause 7* ensures that a health and safety representative may only inspect those areas of a workplace where the members of the representatives's Designated Work Group works. In addition, the clause alters the extent of the employer's obligation to consult on changes to the workplace.

*Clause 8* adds a requirement for health and safety representatives to consult prior to issuing a provisional improvement notice.

*Clause 9* rationalises and clarifies some of the grounds for proving discrimination against an employee.

*Clause 10* Broadens the capacity of codes of practice to provide practical guidance.

*Clause 11* deletes an anomaly caused by an amendment to the Act made by the **Accident Compensation (WorkCover) Act 1992**.

