

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

(a) to ensure that any person who is an authorised industrial officer within the meaning of Part 7 (Entry and inspection by officers of industrial organisations) of Chapter 5 of the Industrial Relations Act 1996 in respect of an industrial organisation of employees is also an authorised representative of that industrial organisation of employees for the purposes of Division 3 (Entry and inspection powers of authorised employees' representatives) of Part 5 of the Occupational Health and Safety Act 2000, and

(b) to provide that a person who was an authorised industrial officer but not an authorised representative before the commencement of the proposed Act is taken to have been an authorised representative and to validate certain acts or omissions of such a person.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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Occupational Health and Safety Amendment (Authorised Representatives) Bill 2009

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Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Occupational Health and Safety Act 2000 No 40

Schedule 1 [1] substitutes the definition of authorised representative in section 76 of the Occupational Health and Safety Act 2000 (the Principal Act) to provide that, for the purposes of Division 3 (Entry and inspection powers of authorised employees' representatives) of Part 5 of the Principal Act, an authorised representative of an industrial organisation of employees means a person who is an authorised industrial officer within the meaning of Part 7 (Entry and inspection by officers of industrial organisations) of Chapter 5 of the Industrial Relations Act 1996 in respect of that industrial organisation of employees. This means that a person who is an employee of an industrial organisation of employees and who is an authorised industrial officer is now also an authorised representative who is able to carry out entry and inspection functions under the Principal Act.

Schedule 1 [2] permits regulations under the Principal Act to contain provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [3] validates any previous entry and inspection carried out under the Principal Act by a person who, at the time of the entry or inspection, was an employee of an industrial organisation of employees and an authorised industrial officer. This is done by providing that any such person is taken to have been an authorised representative and that any act or omission of such a person is validated if it would have been valid had Schedule 1 [1] commenced before the act or omission.

The validation applies for the purposes of the Principal Act or for any other Act or law and will therefore flow through to other Acts that rely on the definition in the Principal Act (for example, section 173 of the Coal Mine Health and Safety Act 2002).