



AUSTRALIAN CAPITAL TERRITORY

Occupational Health and Safety (Amendment) Act 1997

No. 44 of 1997

An Act to amend the *Occupational Health and Safety Act 1989* and for related purposes

[Notified in ACT Gazette S264: 19 September 1997]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Occupational Health and Safety (Amendment) Act 1997*.

Commencement

2. (1) Paragraph 4 (a) and section 10 commence on a day fixed by the Minister by notice in the *Gazette*.

(2) The remaining provisions commence on the day on which this Act is notified in the *Gazette*.

Principal Act

3. In this Act, “Principal Act” means the *Occupational Health and Safety Act 1989*.¹

Interpretation

4. Section 5 of the Principal Act is amended—

- (a) by omitting paragraphs (d), (e), (f), (g), (h) and (i) from the definition of “associated law” in subsection (1); and
- (b) by inserting in subsection (1) the following definition:

“ ‘determined fee’ means the fee determined under section 96A for the purposes of the provision in which the expression occurs;”.

Repeal

5. Section 7 of the Principal Act is repealed and the following section substituted:

Exemptions

“7. (1) The Minister may by instrument exempt—

- (a) an employer;
- (b) a class of employers;
- (c) an employee;
- (d) a class of employees;
- (e) a workplace; or
- (f) a class of workplaces;

from the application of all or any of the provisions of this Act or the Regulations.

“(2) An instrument made under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

“(3) Where the Minister—

- (a) receives an application for an exemption; and
- (b) makes a decision refusing to grant the exemption to a person referred to in paragraph (1) (a), (c) or (e);

the Minister shall, within 28 days of making the decision, give written notice of the decision to the applicant.

“(4) Application may be made to the Administrative Appeals Tribunal for review of a decision referred to in paragraph (3) (b).”.

Review of decisions

6. Section 84 of the Principal Act is amended by adding at the end of subsection (1) “and shall be accompanied by the determined fee”.

Repeal

7. Section 84R of the Principal Act is repealed.

Insertion

8. After section 96 of the Principal Act the following section is inserted:

Fees

“96A. (1) The Minister may, by notice in writing, determine fees for the purposes of this Act or the Regulations.

“(2) A determination under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”

Regulations

9. Section 97 of the Principal Act is amended—

(a) by omitting from paragraph (2) (a) “, either absolutely or except in accordance with specified requirements,” and substituting “or regulating”;

(b) by omitting paragraph (2) (b) and substituting the following paragraph:

“(b) prohibiting or regulating—

(i) the manufacture or supply of plant for use; or

(ii) the use of plant;

at a workplace or by employees at work;”;

(c) by omitting from paragraph (2) (c) “, either absolutely or except in accordance with specified requirements,” and substituting “or regulating”;

(d) by omitting paragraph (2) (d) and substituting the following paragraph:

“(d) prohibiting or regulating—

(i) the manufacture or supply of any substance for use; or

- (ii) the transport, storage or use of any substance;
at a workplace or by employees at work;”;
- (e) by inserting in paragraph (2) (f) “or certificates of competency”
after “licences”; and
- (f) by inserting after paragraph (2) (g) the following paragraph:
 - “(ga) providing for the issue, variation, renewal, suspension
and cancellation of certificates of competency, the
conditions to which those certificates may be subject and
the fees payable for the issue or variation of those
certificates;”.

Repeals

- 10.** The Acts specified in the Schedule are repealed.
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SCHEDULE

Section 10

REPEALED ACTS

Machinery Act 1949

Machinery (Amendment) Act 1983

Scaffolding and Lifts Act 1957

Scaffolding and Lifts Act 1968

Scaffolding and Lifts Act 1974

Scaffolding and Lifts Act 1976

Scaffolding and Lifts (Amendment) Act 1977

Scaffolding and Lifts (Amendment) Act 1978

Scaffolding and Lifts (Amendment) Act 1981

Scaffolding and Lifts (Amendment) Act 1982

Scaffolding and Lifts (Amendment) Act (No. 2) 1982

Scaffolding and Lifts (Amendment) Act 1983

NOTE

Principal Act

1. Reprinted as at 30 November 1996.

[Presentation speech made in Assembly on 19 June 1997]

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