

1991

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**OCCUPATIONAL HEALTH AND SAFETY REGULATIONS**

**EXPLANATORY MEMORANDUM**

**Circulated by Authority of the Chief Minister**

**Trevor Kaine MLA**

## OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

The Occupational Health and Safety Act 1989 (the Act) is intended to promote and improve standards for occupational health, safety and welfare. One object of the Act is to secure the health, safety and welfare of employees at work. One method of achieving this object is through the selection of health and safety representatives and deputy health and safety representatives to assist in the detection of dangerous and potentially dangerous situations and workpractices.

Representatives are required under the Act to make decisions on occupational health and safety which have significant health, safety and financial implications, but have generally not been provided with the training to allow them to make informed decisions. Employers have not previously been required to allow representatives to attend training.

To address these matter, sections 45, 50 and 97 of the Act have been amended to facilitate the making of the Occupational Health and Safety Regulations (the Regulations). Consequently the Regulations provide a training scheme for health and safety representatives and deputy health and safety representatives. The scheme implemented under the Regulations allows representatives to attend training courses approved by the Occupational Health and Safety Council without loss of remuneration or other entitlements. It also provides that employers pay the fees and costs associated with attendance at the course.

The Regulations are made under paragraph 45(1)(ea), subsection 50(4) and subparagraph 97(2)(u)(iv) of the Act.

The course to be attended and the timing of attendance are matters to be negotiated between the parties involved - the employer, any involved union and the representative - within the framework of the scheme. It is anticipated that a representative will attend a prescribed training program within three to six months of the representative's selection or the commencement of the Regulations. Representatives who have attended a training course which has since been approved under the Regulations will not be required to attend again.

The Regulations will have no effect on income or expenditure.

Details of the Regulations are included in the Attachment.

## OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

Regulation 1 provides that the Regulations may be cited as the Occupational Health and Safety Regulations.

Regulation 2 deals with interpretation. It defines a "training program" to be a training program approved under regulation 3. The Act is defined to be the Occupational Health and Safety Act 1989.

Regulation 3 deals with the approval of training programs.

Subregulation (1) provides that the Occupational Health and Safety Council may approve a training program under paragraph 45(1)(ea) or subsection 50(4) of the Act. Those provisions require an employer to allow health and safety representatives and deputy health and safety representatives to attend approved courses without loss of remuneration.

Subregulation (2) provides that where the Council approves a training program under subregulation (1), it shall publish a notice of its approval in a principal daily newspaper published and circulating in the Territory. The notice shall specify the provision of the Act under which the program has been approved.

Regulation 4 deals with payment of the training course fee. It provides that where a health and safety representative or a deputy health and safety representative attend a training program in accordance with paragraph 45(1)(ea) of the Act and subsection 50(4) of the Act respectively, the employer shall pay the fees for attendance of that course and reimburse the representative for the expenses reasonably incurred by him or her in undertaking the program.