

Australian Capital Territory

Work Health and Safety (Work Safety Council Acting Employee Representative) Appointment 2016 (No 2)

Disallowable instrument DI2016–231

made under the

Work Health and Safety Act 2011, sch 2, s 2.3 (Membership) and Legislation Act 2001, s 209 (Power of appointment includes power to make acting appointment)

EXPLANATORY STATEMENT

This instrument appoints Mr Thomas Cullen as an acting member of the ACT Work Safety Council (the Council) to represent the interest of employees for a period of 3 years, commencing on the day after notification.

The appointment is made under section 2.3 (a) of schedule 2 of the *Work Health and Safety Act 2011* (WHS Act) and section 209 of the *Legislation Act 2001* (Legislation Act). Section 2.2 (1) (a) of the WHS Act gives the Council the function of advising the Minister on matters relating to work safety, workers' compensation and bullying in the workplace and other workplace psychosocial issues.

The appointee is not a public servant and this instrument makes an appointment to which the Legislation Act, division 19.3.3 applies. Accordingly, under section 229 of the Legislation Act, the instrument is a disallowable instrument.

This appointment has been approved by the Minister and the Standing Committee on Justice and Community Safety has been consulted in accordance with section 228 of the Legislation Act.

Acting members of the Council can fulfil the role of the member for whom they are appointed as an acting member. This would only occur when the member cannot exercise the functions of their position as provided for in section 209 of the Legislation Act. This might include short absences of that member due to illness or other unavailability or if a permanent vacancy arises, for no longer than 12 months.