

WORKPLACE HEALTH AND SAFETY AND ANOTHER ACT AMENDMENT BILL 2002

AMENDMENTS AGREED TO IN COMMITTEE

1 Clause 1—

At page 6, lines 4 and 5, ‘*Another Act*’—
omit, insert—
‘Other Acts’.

2 Clause 2—

At page 6, line 7—
omit, insert—

‘(1) Part 2A commences on 1 July 2003.

‘(2) The remaining provisions of this Act commence on a day to be fixed by proclamation.’.

3 After clause 19—

At page 21, after line 5—
insert—

‘19A Amendment of s 79 (Employer to display identity of workplace health and safety representatives)

‘(1) Section 79(1)—
omit, insert—

‘(1) An employer must display, in accordance with this section, a notice advising the identity of each workplace health and safety representative for the workplace.

Maximum penalty—10 penalty units.’.

‘(2) Section 79(2), penalty—

omit’.

4 After clause 21—

At page 21, after line 28—

insert—

‘21A Amendment of s 95 (Employer and principal contractor to display identity of workplace health and safety officer)

‘(1) Section 95(1), after ‘display’—

insert—

‘, in accordance with this section,’.

‘(2) Section 95(2) and (3), penalty—

omit’.

5 Clause 24—

At page 24, after line 7—

insert—

‘(j) must keep anything given to the employer or principal contractor by the workplace health and safety officer under section 96A(4) for 5 years after it is given.’.

6 Clause 34—

At page 29, line 2, ‘*Another Act*’—

omit, insert—

‘*Other Acts*’.

7 Clause 36—

At page 30, line 9, ‘substance, including any’—

omit.

8 Clause 36—

At page 31, after line 32—

insert—

‘(c) any serious bodily injury, if the injury was caused by work, a workplace, a workplace activity or specified high risk plant.’.

9 After clause 36—

At page 32, after line 32—

insert—

**‘PART 2A—AMENDMENT OF WORKCOVER
QUEENSLAND ACT 1996**

‘36A Act amended in pt 2A

‘This part amends the *WorkCover Queensland Act 1996*.

‘36B Amendment of s 32 (Who is an “employer”)

‘(1) Section 32(2), after ‘schedule 2A’—

insert—

‘, part 1’.

‘(2) Section 32—

insert—

‘(2A) However, a person mentioned in schedule 2A, part 2 is not an “employer”.’.

‘36C Insertion of new ch 17

‘After section 592—

insert—

‘CHAPTER 17—TRANSITIONAL PROVISION FOR WORKPLACE HEALTH AND SAFETY AND OTHER ACTS AMENDMENT ACT 2003

‘593 Injury before 1 July 2003

‘The provisions of this Act, as in force immediately before 1 July 2003, continue to apply in relation to an injury sustained by a worker before 1 July 2003 as if the *Workplace Health and Safety and Other Acts Amendment Act 2003*, part 2A had not been enacted.’.

‘36D Amendment of sch 2 (Who is a worker)

‘Schedule 2, part 1—

insert—

‘1A. A person who works for another person under a contract (regardless of whether the contract is a contract of service) unless—

- (a) the person performing the work—
 - (i) is paid to achieve a specified result or outcome; and
 - (ii) has to supply the plant and equipment or tools of trade needed to perform the work; and
 - (iii) is, or would be, liable for the cost of rectifying any defect in the work performed; or
- (b) a personal services business determination is in effect for the person performing the work under the *Income Tax Assessment Act 1997 (Cwlth)*, section 87-60.¹.

‘36E Amendment of sch 2A (Persons who are employers)

‘(1) Schedule 2A, heading—

omit, insert—

‘WHO IS AN EMPLOYER’.

1 *Income Tax Assessment Act 1997 (Cwlth)*, section 87-60 (Personal services business determinations for individuals)

‘(2) Schedule 2A, before section 1—

insert—

‘PART 1—PERSONS WHO ARE EMPLOYERS’.

‘(3) Schedule 2A, after section 7—

insert—

‘PART 2—PERSONS WHO ARE NOT EMPLOYERS

‘1. A person is not the employer of a person who works for the person under a contract (regardless of whether the contract is a contract of service) if—

- (a) the person performing the work—
 - (i) is paid to achieve a specified result or outcome; and
 - (ii) has to supply the plant and equipment or tools of trade needed to perform the work; and
 - (iii) is, or would be, liable for the cost of rectifying any defect in the work performed; or
- (b) a personal services business determination is in effect for the person performing the work under the *Income Tax Assessment Act 1997 (Cwlth)*, section 87-60.^{2’.}.

2 *Income Tax Assessment Act 1997 (Cwlth)*, section 87-60 (Personal services business determinations for individuals)