(1) Clause 2, page 2 (table item 9), omit “Schedule 2”, substitute “Schedules 2 and 3”.

(2) Schedule 1, item 12, page 7 (after line 26), after paragraph 6(1)(e), insert:

   (ea) while the employee was travelling between the employee’s place of work and a place of education for the purpose of attending that place in accordance with:

   (i) a condition of the employee’s employment by the Commonwealth or a licensee; or

   (ii) a request or direction of the Commonwealth or a licensee; or

   (iii) the approval of the Commonwealth or a licensee; or

(3) Schedule 1, item 12, page 8 (line 7), omit “place.”, substitute “place; or”.

(4) Schedule 1, item 12, page 8 (after line 7), after paragraph 6(1)(f), insert:

   (g) while the employee was travelling between the employee’s place of work and another place for the purpose of:

   (i) obtaining a medical certificate for the purposes of this Act; or

   (ii) receiving medical treatment for an injury; or

   (iii) undergoing a rehabilitation program provided under this Act; or

   (iv) undergoing a medical examination or rehabilitation assessment in accordance with a requirement made under this Act.

(5) Schedule 1, page 14 (after line 9), after item 31, insert:

   31A After paragraph 69(fa)

   Insert:

   (fb) such other functions as are conferred on Comcare by the regulations;

(6) Schedule 1, item 47, page 17 (lines 25 and 26), omit “starting on the day after this Act receives the Royal Assent”, substitute “starting on the day on which item 24 of this Schedule commences”.

1
Schedule 3—Amendments relating to occupational health and safety

Occupational Health and Safety Act 1991

1 After section 23

   Insert:

   23A  Unlicensed operation of major hazard facility

   (1) A person must not operate a major hazard facility if:

       (a) the person is required by the regulations to have a licence to operate the facility; and
           (b) the person does not have such a licence.

       Note: A person who contravenes this provision may be subject to civil action (see Schedule 2).

   (2) For the purposes of subsection (1), a major hazard facility means a facility that is a major hazard facility within the meaning of the regulations.

2 Schedule 2 (heading)

   Repeal the heading, substitute:

   Schedule 2—Civil and criminal proceedings

3 After paragraph 2(1)(f) of Schedule 2

   Insert:

       (fa) section 23A (unlicensed operation of major hazard facilities);

4 At the end of subclause 2(1) of Schedule 2 (before the note)

   Add:

       (o) a provision of the regulations specified in the regulations to be a civil penalty provision.

5 Paragraph 2(3)(c) of Schedule 2

   Repeal the paragraph, substitute:

       (c) any provision that the person who contravened that subclause breached or was involved in breaching;

6 Subclause 4(2) of Schedule 2 (after table item 7)

   Insert:

       7A section 23A (unlicensed operation of major hazard facility)  2,200 penalty units

7 Subclause 4(2) of Schedule 2 (at the end of the table)

   Add:

       16 a provision of the regulations specified in the regulations to be a civil penalty provision
8 Subclause 13(1) of Schedule 2 (paragraph (a) of the definition of *civil penalty proceedings*)

After “subclause 2(1)”, insert “(other than a contravention arising because of a breach of a provision of the regulations to which strict liability applies)”.

HARRY EVANS
Clerk of the Senate

The Senate
27 March 2007