

WESTERN AUSTRALIA



LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 35
Issue No. 1

WEDNESDAY, 22 AUGUST 2018

OCCUPATIONAL SAFETY AND HEALTH AMENDMENT BILL 2017 [35-1]

When in committee on the *Occupational Safety and Health Amendment Bill 2017*:

New Clause 5

Hon Aaron Stonehouse: To move –

1/NC5 Page 4, after line 1 — To insert:

5. Section 18AA inserted

After section 18A insert:

18AA. Commissioner may accept undertakings for alleged offences

- (1) The Commissioner may accept (by written notice) a written undertaking given by a person in connection with a matter relating to an alleged contravention by the person of this Act or the regulations.
- (2) Subsection (1) does not apply if the person giving the undertaking is liable to a level 4 penalty for an offence against this Act.
- (3) The person may withdraw or vary the undertaking at any time but only with the Commissioner's written consent.
- (4) Neither the Commissioner nor a person authorised by the Commissioner under section 52 may bring a proceeding for an offence against this Act or the regulations constituted by the alleged contravention to which the undertaking relates.

New Clause 6**Hon Aaron Stonehouse:** To move –

2/NC6 Page 4, after line 1 — To insert:

6. Section 18AB inserted

After section 18A insert:

18AB. Enforcement of undertakings for alleged offences

- (1) A safety and health magistrate has jurisdiction to hear and determine an application under this section.
- (2) If the Commissioner considers that a person has contravened an undertaking accepted by the Commissioner, the Commissioner may apply to a safety and health magistrate for enforcement of the undertaking.
- (3) If the safety and health magistrate is satisfied that the person has contravened the undertaking, it may make —
 - (a) an order that the person must comply with the undertaking or take specified action to comply with the undertaking; or
 - (b) any other order that it considers appropriate.

