

Occupational Health and Safety Amendment (Sentencing Guidelines) Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

A guideline judgment is a judgment of a court that sets out guidelines for the sentencing of offenders. Such guidelines are intended to be indicative only and are not intended to be applied in every case as if they were rules binding on judges but help to ensure consistency in sentencing decisions. Recently, legislation was enacted to enable the Attorney General to apply to the Court of Criminal Appeal at any time (rather than in the context of a particular case) to ask it to exercise its power and jurisdiction to give a guideline judgment in respect of a specified offence or category of offences. (This legislation was originally enacted in the *Criminal Procedure Amendment (Sentencing Guidelines) Act 1998*. However, it is now found in Division 4 of Part 3 of the *Crimes (Sentencing Procedure) Act 1999*.)

The object of this Bill is to establish a similar procedure in relation to sentencing for occupational health and safety offences. The Bill proposes to amend the *Occupational Health and Safety Act 1983* to enable the Attorney General to apply to the Full Bench of the Industrial Relations Commission in Court Session at any time to ask it to give a guideline judgment in respect of a specified offence or category of offences relating to occupational health and safety.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendment to the *Occupational Health and Safety Act 1983* set out in Schedule 1.

Schedule 1 contains the amendment described in the above overview.