

LEGISLATIVE COUNCIL

Work Health and Safety Amendment Bill 2013

First print

Proposed amendments

No. 1 Page 3, Schedule 1. Insert before line 3:

[1] Section 229B Procedure for offences

Insert after section 229B (1):

- (1A) Proceedings for a Category 2 offence are to be dealt with summarily before the Industrial Court.

No. 2 Page 4, Schedule 1 [4]. Insert after line 9:

9D Proceedings for OHS offences after 2013 amendments

- (1) Clause 9C does not apply to proceedings for an OHS offence commenced on or after the date of assent to the *Work Health and Safety Amendment Act 2013* (the **2013 amending Act**).
- (2) Proceedings for an OHS offence that are commenced on or after the date of assent to the 2013 amending Act are to be dealt with as follows:
 - (a) proceedings are to be dealt with summarily before the Local Court or the Industrial Court, except as provided by paragraph (b),
 - (b) proceedings for an offence against section 32A (Reckless conduct causing death at workplace by person with OHS duties) of the OHS Act are to be taken on indictment.
- (3) Proceedings for an OHS offence that are pending in the District Court on the date of assent to the 2013 amending Act where the hearing of evidence in the proceedings had not commenced before that date are transferred by this clause to the Industrial Court and are to be heard and dealt with summarily before the Industrial Court (even if the time for commencing the proceedings has expired).