

OCCUPATIONAL HEALTH AND SAFETY (WORKERS COMPENSATION) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Workers Compensation Bill 1987.

The object of this Bill is to amend the Occupational Health and Safety Act 1983 so as—

- (a) to increase penalties for offences under that Act;
- (b) to provide that proceedings for such an offence may be taken before the Industrial Commission rather than, as at present, the Supreme Court in its summary jurisdiction;
- (c) to increase the maximum penalty which may be imposed for such an offence by a Local Court or an industrial magistrate;
- (d) to enable the secretary of an industrial union whose members have an interest in the proceedings to institute proceedings for such an offence;
- (e) to empower the imposition of an additional penalty of up to 2 years imprisonment for a second or subsequent offence against that Act comprising wilful repetition of a previous offence;
- (f) to require employers to make available to their employees certain information relating to plant or substances used at a workplace;
- (g) to enable the formulation of industry codes of practice;
- (h) to expand the regulation making powers under that Act; and

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(i) to make other minor or consequential amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that, with minor exceptions, the proposed Act will commence on such day or days as may be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Clause 4 amends section 10 of the Search Warrants Act 1985 as a consequence of the amendments made by Schedule 2 (3).

Clause 5 is a transitional provision.

Schedule 1 (1) defines "Industrial Commission" in the Principal Act to mean the Industrial Commission of New South Wales.

Schedule 1 (2) increases from \$50,000 to \$100,000 in the case of a corporation and from \$5,000 to \$10,000 in any other case the penalty for the following offences under the Principal Act:

section 15—employers to ensure health, safety and welfare of their employees

section 16—employers and self-employed persons to ensure health and safety of persons other than employees at places of work

section 17—persons in control of workplaces etc. used by non-employees to ensure health and safety

section 18—manufacturers, suppliers etc. to ensure health and safety as regards plant and substances for use at work

section 21—employer not to charge employees for things done or provided pursuant to statutory requirement

section 21A—person not to hinder aid to injured worker etc.

Schedule 1 (3) increases from \$1,000 to \$2,000 the penalty for the following offences:

section 19—employees at work to take care of others and to co-operate with employer

section 20—person not to interfere with or misuse things provided for health, safety and welfare

Schedule 1 (4) increases from \$5,000 to \$10,000 the penalty for the following offences:

section 23—failure to establish occupational health and safety committees in workplaces

section 26—unlawful dismissal of employees

section 27—failure to notify accidents and other matters

section 27A—failure to notify particulars of certain places of work