

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
AMENDMENTS AND SCHEDULES
Supplementary Notice Paper No. 155
Issue No. 2
TUESDAY, 8 SEPTEMBER 2020

WORK HEALTH AND SAFETY BILL 2019 [155-2]

When in committee on the *Work Health and Safety Bill 2019*:

Clause 2

Hon Nick Goiran: To move –

12/2 Page 2, line 8 — To delete “Royal Assent;” and insert:

Royal Assent (*assent day*);

Hon Nick Goiran: To move –

13/2 Page 2, after line 8 — To insert:

(aa) Part 14, other than Divisions 1 to 3 — on the day after assent day;

Hon Nick Goiran: To move –

14/2 Page 2, after line 9 — To insert:

(2) However, if no day is fixed under subsection (1)(b) before the end of the period of 10 years beginning on assent day, this Act is repealed on the day after that period ends.

Clause 4

Hon Nick Goiran: To move –

1/4 Page 7, line 12 — To delete “or an offence under section 30B”.

Clause 7

Hon Nick Goiran: To move –

15/7 Page 13, lines 29 and 30 — To delete the lines and insert:

(h) a volunteer.

Clause 12A

Hon Nick Goiran: To move –

16/12A Page 15, line 6 — To delete “has effect only if the regulations provide that it”.

Clause 26A

Hon Nick Goiran:

17/26A Page 30, line 1 to page 31, line 32 — To oppose the clause.

Clause 30A

Hon Nick Goiran: To move –

2/30A Page 35, line 19 — To delete “an offence under section 30B(1).” and insert:

a Category 1 offence, a Category 2 offence or a Category 3 offence.

Hon Nick Goiran: To move –

3/30A Page 36, line 12 — To delete “an offence under section 30B(3).” and insert:

a Category 1 offence, a Category 2 offence or a Category 3 offence.

Clause 30B

Hon Nick Goiran:

4/30B Page 36, line 13 to page 37, line 10 — To oppose the clause.

Clause 31

Hon Nick Goiran: To move –

5/31 Page 37, line 17 — To delete “serious harm to” and insert:

the death of, or serious harm to,

Clause 72

Hon Nick Goiran: To move –

18/72 Page 71, line 11 — To delete the line and insert:

(c) subject to subsection (5), chosen by the health and safety representative, in consultation with the person conducting the business or undertaking.

Hon Nick Goiran: To move –

19/72 Page 72, line 6 — To delete “that subsection,” and insert:

subsections (1)(c) and (2),

Hon Nick Goiran: To move –

20/72 Page 72, lines 10 to 14 — To delete the lines and insert:

- (7) A person conducting a business or undertaking must allow a health and safety representative to attend a course decided by the inspector and pay the costs decided by the inspector under subsection (6).

Clause 230

Hon Nick Goiran: To move –

6/230 Page 159, lines 11 and 12 — To delete “under section 30A”.

Clause 232

Hon Nick Goiran: To move –

7/232 Page 161, line 16 — To delete “under section 30A”.

Hon Nick Goiran: To move –

8/232 Page 161, lines 31 and 32 — To delete “an industrial manslaughter offence under section 30B, or for a Category 1 offence,” and insert:

a Category 1 offence

Hon Nick Goiran: To move –

9/232 Page 162, lines 8 to 10 — To delete the lines and insert:

- (a) a Category 1 offence;
- (b) a Category 2 offence;
- (c) a Category 3 offence.

Hon Nick Goiran: To move –

10/232 Page 162, line 14 — To delete “under section 30A”.

Hon Nick Goiran: To move –

11/232 Page 162, lines 22 to 26 — To delete the lines and insert:

- (5) A person charged with an industrial manslaughter offence may, as provided for by section 30A(2) or (4), be convicted of a Category 1 offence, a Category 2 offence or a Category 3 offence despite subsection (1) and section 10A(2) of *The Criminal Code*.

Clause 274**Hon Nick Goiran:** To move –**21/274** Page 179, lines 1 to 5 — To delete the lines.**Hon Nick Goiran:** To move –**22/274** Page 179, lines 15 to 21 — To delete the lines and insert:

- (6) The regulator must ensure that a copy of each code of practice that is currently approved is available for inspection by members of the public without charge at the office of the regulator during normal business hours.

Clause 276**Hon Nick Goiran:** To move –**23/276** Page 180, lines 13 to 17 — To delete the lines and insert:

- (1) The Governor may make regulations in relation to any matter or thing that —
 - (a) is required or permitted by this Act to be prescribed; or
 - (b) is necessary or convenient to be prescribed to give effect to this Act.

Hon Nick Goiran: To move –**24/276** Page 180, lines 24 to 27 — To delete the lines.**Hon Nick Goiran:** To move –**25/276** Page 180, line 28 to page 181, line 3 — To delete the lines.**Clause 277****Hon Nick Goiran:** To move –**26/277** Page 181, line 24 — To delete the line and insert:

on which this section comes into operation; and

Hon Nick Goiran: To move –**27/277** Page 181, after line 32 — To insert:

- (3) If, in the Minister's opinion, a House of Parliament will not sit during the period of 21 days after finalisation of the report, the Minister must send the report to the Clerk of the House.
- (4) When the report is sent to the Clerk of a House it is taken to have been laid before the House.
- (5) The laying of the report that is taken to have occurred under subsection (4) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the report.

Clause 376

Hon Nick Goiran: To move –

28/376 Page 222, lines 1 to 6 — To delete the lines and insert:

- (3) Transitional regulations may provide that specified provisions of this Act, or any other enactment, do not apply to, or in relation to, a specified matter or thing.

Clause 420

Hon Nick Goiran: To move –

29/420 Page 250, after line 23 — To insert:

- (2) Subsection (3) applies if a code of practice referred to in subsection (1) incorporates by reference, as provided for by section 93(2) of MSIA or section 57(2) of OSHA, a document as the document may from time to time be amended.
- (3) The code of practice continues in effect under subsection (1) as if the document were incorporated as the document is in force immediately before commencement day.
- (4) Accordingly, if the document is amended on or after commencement day, the amendment has no effect for the purposes of the code of practice unless the code of practice is subsequently varied under section 274 to apply, adopt or incorporate the amendment.

Schedule 1

Hon Nick Goiran: To move –

30/S1 Page 253, lines 27 and 28 — To delete “or modifications”.

