

# LEGISLATION UPDATE

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## OCCUPATIONAL HEALTH AND SAFETY ACT 2000

This Act received Royal assent on 26 June 2000 having passed both Houses of Parliament on 21 June 2000. The 2000 Act is substantially a re-structure and plain English re-write of the 1983 Act. It also implements a number of the recommendations from the Legislative Council Standing Committee on Law & Justice report of November 1998.

Some of the changes are:

- The duty of care provisions have been simplified and clarified, and other relevant provisions such as the liability of managers of corporations and the defences available in a prosecution have been located more conveniently.
- A new duty to consult has been included in the legislation. In future, employers will be required to consult with their employees to enable those employees to contribute to decisions that effect their health, safety and welfare. The consultation provisions are intentionally flexible and will be supported by a regulation, developed through public consultation.
- Non-monetary penalties, such as publicity and occupational health and safety project orders, will be available to the Courts.
- Provisions binding the Crown have been clarified and strengthened.

When commenced the 2000 Act will apply to mines similarly to the 1983 Act (provisions relating to inspectors continuing to be an exception).

At this stage the date (or dates) for commencement of the legislation is not available.

When this is available it will be the subject of a future Legislation Update.

**FURTHER INFORMATION CAN BE OBTAINED FROM MR CHRIS ELLICOTT - (02) 9901 8412  
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