



# Occupational Health and Safety Amendment (Sentencing Guidelines) Regulation 2003

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

JOHN DELLA BOSCA, M.L.C.,

Special Minister of State

## **Explanatory note**

The object of this Regulation is to make a transitional provision making it clear that offences under the former *Occupational Health and Safety Act 1983* may be taken into account by the Full Bench of the Industrial Relations Commission in Court Session in issuing sentencing guidelines for offences under the *Occupational Health and Safety Act 2000*.

This Regulation is made under the *Occupational Health and Safety Act 2000*, including section 33 (the general regulation-making power) and clause 1 of Schedule 3.

**2003 No 205**

Clause 1 Occupational Health and Safety Amendment (Sentencing Guidelines)  
Regulation 2003

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**Occupational Health and Safety Amendment  
(Sentencing Guidelines) Regulation 2003**

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Occupational Health and Safety Act 2000

**1 Name of Regulation**

This Regulation is the *Occupational Health and Safety Amendment (Sentencing Guidelines) Regulation 2003*.

**2 Amendment of Occupational Health and Safety Regulation 2001**

The *Occupational Health and Safety Regulation 2001* is amended as set out in Schedule 1.

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## Schedule 1 Amendment

(Clause 2)

### Clause 361

Insert after clause 360:

#### **361 Transitional application of sentencing guideline provisions**

- (1) This clause applies to guideline proceedings under Division 4 of Part 7 of the Act relating to offences under the Act.
- (2) Nothing in this clause limits any jurisdiction or discretion of the Full Bench under Division 4 of Part 7 of the Act.
- (3) In exercising its powers and jurisdiction to give a guideline judgment relating to an offence under the Act, the Full Bench may, if the provision creating the offence substantially re-enacts a provision of the former Act creating an offence (the *corresponding offence*), consider matters relating to the corresponding offence.