

57. Codes of practice

- (1) For the purpose of providing practical guidance to employers, self-employed persons, employees, and other persons that are subject to a duty under Part III of this Act, the Minister may, upon the recommendation of the Commission, approve any code of practice.
- (2) A code of practice may consist of any code, standard, rule, specification or provision relating to occupational safety or health that is prepared by the Commission or any other body and may incorporate by reference any other such document either as it is in force at the time the code of practice is approved or as it may from time to time thereafter be amended.
- (3) The Minister may, upon the recommendation of the Commission, approve any revision of the whole or any part of a code of practice or revoke the approval of a code of practice.
- (4) The Minister shall cause to be published in the *Government Gazette* notice of every approval or revocation under this section and the approval or revocation comes into force on the day of such publication.
- (5) The Minister shall cause a copy of every code of practice, and any document incorporated in it by reference, and any revision or revocation of a code of practice to be laid before each House of Parliament within 14 sitting days of such House.
- (6) The Minister shall cause a copy of every code of practice, including any revision thereof and any document incorporated in it by reference, to be made available, without charge, for public inspection.
- (7) A person is not liable to any civil or criminal proceedings by reason only that the person has not complied with a provision of a code of practice.
- (8) Where it is alleged in a proceeding under this Act that a person has contravened a provision of this Act or the regulations in relation to which a code of practice was in effect at the time of the alleged contravention —
 - (a) the code of practice is admissible in evidence in that proceeding; and
 - (b) demonstration that the person complied with the provision of the Act or regulations whether or not by observing that provision of the code of practice is a satisfactory defence.

[Section 57 inserted by No. 43 of 1987 s.13; amended by No. 30 of 1995 ss.44 and 47; No. 51 of 2004 s. 100.]