

51C. Jurisdiction of safety and health magistrate

- (1) A safety and health magistrate has jurisdiction to —
 - (a) hear and determine any matter referred to a safety and health magistrate under this Act; and
 - (b) hear and determine under the *Criminal Procedure Act 2004* proceedings instituted under section 52, subject to section 19(1) of the *Children's Court of Western Australia Act 1988*.
- (2) A decision by a safety and health magistrate on a matter referred under this Act has effect according to its substance.
- (3) Except as otherwise prescribed by or under this Act —
 - (a) the powers of a safety and health magistrate; and
 - (b) the practice and procedure to be observed by a safety and health magistrate,

when exercising jurisdiction under subsection (1)(a) are those provided for by the *Magistrates Court (Civil Proceedings) Act 2004* and when exercising that jurisdiction a safety and health magistrate is taken to be the Magistrates Court.

- (4) If, in relation to a matter referred to a safety and health magistrate under this Act, no provision of the *Magistrates Court (Civil Proceedings) Act 2004* or this Act is applicable the matter shall be dealt with in such manner as the safety and health magistrate may direct.
- (5) When exercising jurisdiction under subsection (1)(b) a safety and health magistrate constitutes a court of summary jurisdiction.
- (6) Sections 15, 16, 35 and 36 and Part 3 Division 2 of the *Magistrates Court Act 2004* apply to and in relation to a safety and health magistrate in the same way as they apply to and in relation to the Magistrates Court and its officers.

[Section 51C inserted by No. 30 of 1995 s.39; amended by No. 59 of 2004 s. 141; No. 84 of 2004 s. 78.]