

3B. Meaning of “first offence” and “subsequent offence”

- (1) In this section —
“**relevant day**” means the day on which section 15 of the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004*¹ comes into operation.
- (2) For the purposes of this Act —
 - (a) an offence is a first offence committed by a person if, at the time when the offence is committed, the person has not previously been convicted of any offence against this Act committed on or after the relevant day; and
 - (b) an offence is a subsequent offence committed by a person if, at the time when the offence is committed, the person has previously been convicted of one or more offences against this Act committed on or after the relevant day.

[Section 3B inserted by No. 51 of 2004 s. 15.]