

4. Application of this Act

- (1) This Act binds the Crown in right of the State and also, so far as the legislative power of the State extends, in all its other capacities.
- (1a) The functions that the Crown has under this Act because a police officer is to be treated as an employee of the Crown are, so far as they concern a police officer, to be performed by the Commissioner of Police.
- (1b) This Act has effect subject to any instrument for the time being in force under section 6A of the *Mines Safety and Inspection Act 1994*.
- (2) Subject to this section and except as may be otherwise expressly provided by Parliament, this Act does not apply to or in relation to any workplace that is, or at which work is carried out on, a mine, petroleum well or petroleum pipeline to which the *Mining Act 1978*, the *Mines Safety and Inspection Act 1994*, the *Petroleum Act 1967*, the *Petroleum (Submerged Lands) Act 1982* or the *Petroleum Pipelines Act 1969*, applies.
- (2a) Subsection (2) does not prevent a provision of Part II from applying in relation to a workplace that is, or at which work is carried out on, a mine to which the *Mining Act 1978*, or the *Mines Safety and Inspection Act 1994*, applies.
- (3) The Minister and the Minister for the time being administering the Act referred to in subsection (2) that is concerned may, by instrument in writing, jointly declare that this Act, or such provision of or under this Act as is specified in the instrument shall, for such period as is described in the instrument, apply to or in relation to a workplace referred to in subsection (2), or any part of such workplace that is specified in the instrument.
- (4) On the service of a copy of the instrument mentioned in subsection (3) on an employer that would be subject to a duty under this Act if this Act applied in accordance with the instrument, this Act shall so apply in relation to the workplace or part of a workplace concerned to the exclusion of any inconsistent provision of or under the Act referred to in subsection (2) that is concerned.
- (5) A copy of each instrument under subsection (3) shall be published in the *Gazette* as soon as practicable after the instrument is made and before it is so published a person, other than the employer served with the instrument under subsection (4), that is subject to a provision of or under this Act by reason of that subsection is not guilty of an offence against a provision of or under this Act if the person proves that the person did not know, and could not reasonably be expected to have known, that the provision so applied.

[Section 4 inserted by No. 43 of 1987 s. 7; amended by No. 84 of 1990 s. 2; No. 62 of 1994 s. 109; No. 54 of 2002 s. 5; No. 51 of 2004 s. 74; No. 68 of 2004 s. 94.]