

Notes

- ¹ This is a compilation of the *Occupational Safety and Health Act 1984* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Occupational Health, Safety and Welfare Act 1984</i> ⁴	101 of 1984	19 Dec 1984	4 Apr 1985 (see s. 2 and <i>Gazette</i> 4 Apr 1985 p. 1241)
<i>Occupational Health, Safety and Welfare Amendment Act 1987</i>	43 of 1987	6 Jul 1987	16 Sep 1988 (see s. 2 and <i>Gazette</i> 16 Sep 1988 p. 3757)
<i>Occupational Health, Safety and Welfare Amendment Act (No. 2) 1987</i>	55 of 1987	3 Nov 1987	3 Nov 1987 (see s. 2)
Reprint of the <i>Occupational Health, Safety and Welfare Act 1984</i> as at 23 Jan 1989 (includes amendments listed above)			
<i>Occupational Health, Safety and Welfare Amendment Act 1990</i>	84 of 1990	17 Dec 1990	14 Jan 1991
<i>Acts Amendment (Public Sector Management) Act 1994</i> s. 19	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Mines Safety and Inspection Act 1994</i> s. 109	62 of 1994	7 Nov 1994	9 Dec 1995 (see s. 2 and <i>Gazette</i> 8 Dec 1995 p. 5935)
<i>Occupational Safety and Health Legislation Amendment Act 1995</i> Pt. 2 ^{5, 6}	30 of 1995	11 Sep 1995	1 Oct 1995 (see s. 2 and <i>Gazette</i> 15 Sep 1995 p. 4301)
Reprint of the <i>Occupational Safety and Health Act 1984</i> as at 16 Nov 1995 (includes amendments listed above)			
<i>Sentencing (Consequential Provisions) Act 1995</i> Pt. 55	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Industrial Relations Legislation Amendment and Repeal Act 1995</i> s. 67(5)	79 of 1995	16 Jan 1996	16 Jan 1996 (see s. 3(1))
Reprint of the <i>Occupational Safety and Health Act 1984</i> as at 15 May 1996 (includes amendments listed above except those in the <i>Sentencing (Consequential Provisions) Act 1995</i>)			
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 56	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))

Short title	Number and year	Assent	Commencement
<i>Occupational Safety and Health (Validation) Act 1998</i> ^{7, 8}	63 of 1998	12 Jan 1999	12 Jan 1999 (see s. 2)
Reprint of the Occupational Safety and Health Act 1984 as at 22 Mar 1999 (includes amendments listed above)			
<i>Occupational Safety and Health Amendment Act 2002</i> ⁹	54 of 2002	3 Jan 2003	s. 8: 3 Jan 2003 (see s. 2(2)); balance: 3 Jan 2004 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 87 ¹⁰	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Occupational Safety and Health Legislation Amendment and Repeal Act 2004</i> Pt. 1-6 (other than s. 65, 66 and 68), Pt. 7 and s. 104-114 ^{11, 12, 13}	51 of 2004	12 Nov 2004	Act other than Pt. 4 and 6 and s. 105 and 106: 1 Jan 2005 (see s. 2 and <i>Gazette</i> 14 Dec 2004 p. 5999-6000); Pt. 4 and 6 (other than s. 65, 66 and 68), s. 105 and 106: 4 Apr 2005 (see s. 2 and <i>Gazette</i> 14 Dec 2004 p. 5999-6000)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Mines Safety and Inspection Amendment Act 2004</i> s. 94	68 of 2004	8 Dec 2004	4 Apr 2005 (see s. 2(1) and <i>Gazette</i> 11 Feb 2005 p. 695)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 78 and 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
Reprint 5: The Occupational Safety and Health Act 1984 as at 24 Jun 2005 (includes amendments listed above)			

1a On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in compiling the reprint. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Petroleum Safety Act 1999</i> s. 92 ¹⁴	19 of 1999	21 Jun 1999	To be proclaimed (see s. 2)
<i>Occupational Safety and Health Legislation Amendment and Repeal Act 2004</i> s. 65, 66 and	51 of 2004	12 Nov 2004	To be proclaimed (see s. 2)

Petroleum Legislation Amendment and Repeal Act 2005 s. 50¹⁶ 13 of 2005 1 Sep 2005 To be proclaimed (see s. 2)

Planning and Development (Consequential and Transitional Provisions) Act 2005 s. 15¹⁷ 38 of 2005 12 Dec 2005 To be proclaimed (see s. 2)

2 Now see the *Workplace Relations Act 1996* of the Commonwealth.

3 Under the *Public Sector Management Act 1994* s. 112(2), a reference in a written law to the Public Service Commissioner is, unless the contrary intention appears or it is otherwise provided under the *Acts Amendment (Public Sector Management) Act 1994*, to be construed as if it had been amended to be a reference to the Minister for Public Sector Management (as defined in the *Interpretation Act 1984*). This reference was amended under the *Reprints Act 1984* s. 7(5)(a).

4 Now known as the *Occupational Safety and Health Act 1984*; short title changed (see note under s. 1).

5 The *Occupational Safety and Health Legislation Amendment Act 1995* s. 49 is a transitional provision that is of no further effect.

6 The *Occupational Safety and Health Legislation Amendment Act 1995* s. 50 is a transitional provision that is of no further effect.

7 The *Occupational Safety and Health (Validation) Act 1998* s. 4 reads as follows:

“

4. Validation

(1) In this section —

“**Commissioner**” means —

- (a) the Commissioner for Occupational Health, Safety and Welfare within the meaning of the *Occupational Health, Safety and Welfare Act 1984* as in force before 1 October 1995; or
- (b) the WorkSafe Western Australia Commissioner within the meaning of the *Occupational Safety and Health Act 1984* as in force on and from 1 October 1995.

(2) No act, matter or thing done before 8 October 1996 —

- (a) by or in respect of William Neil Bartholomaeus; or
- (b) under the direction, authority or control or purported direction, authority or control of, or pursuant to a delegation or purported delegation made by, William Neil Bartholomaeus,

in his capacity or purported capacity as Commissioner is, or ever has been, invalid by reason that there was a defect in his appointment as Commissioner, or that he had not been appointed at all.

- (3) Each act, matter or thing referred to in subsection (2) is, and always has been, as valid, and effective and authorised by the principal Act as it would have been if William Neil Bartholomaeus had been duly appointed as Commissioner at the time the act, matter or thing was done, the direction, authority or control exercised or the delegation made.

”.

8

The *Occupational Safety and Health (Validation) Act 1998* s. 5(2) reads as follows:

“

- (2) Section 52(3) of the *Occupational Safety and Health Act 1984*, as inserted by subsection (1), applies in respect of an offence committed against that Act before the commencement of subsection (1) despite the fact that the time for commencing proceedings for that offence expired before the commencement of subsection (1).

”.

9

The *Occupational Safety and Health Amendment Act 2002* s. 8 reads as follows:

“

8. Election of safety and health representatives by police officers before the commencement of this Act

- (1) In this section —
“**commencement day**” means the day on which this Act comes into operation;
“**police officer**” has the same meaning as it has in section 3(1) of the *Occupational Safety and Health Act 1984* on and after the commencement day;
“**transition period**” means the period of 9 months ending immediately before the commencement day.
- (2) The provisions listed in the Table to this subsection are to be treated as being in operation during the transition period for the purposes of allowing police officers to elect safety and health representatives for a workplace and for the training of those representatives during that period.

Table

1. This Act	
s. 4	
s. 5	
2. Occupational Safety and Health Act 1984	
s. 3(1)	s. 32(2)(b) and (c)
s. 29	s. 35(1)(e)
s. 30	s. 35(3)(b)
s. 31	s. 56(1)
s. 32(1)	
3. Occupational Safety and Health Regulations 1996	
r. 2.2	

- (3) The term of a safety and health representative elected before the commencement day begins, for the purpose of section 32(1) of the *Occupational Safety and Health Act 1984*, on the commencement day.
- (4) Despite subsection (3), regulation 2.2(3) of the *Occupational Safety and Health Regulations 1996* applies to a safety and health representative elected before the commencement day in relation to the first 12 months of being so elected.

”

10 The *Statutes (Repeals and Minor Amendments) Act 2003* s. 87(6) reads as follows:

“

- (6) The amendment made by subsection (5) to the name of the Commission referred to in that subsection does not affect the appointment of a member of that Commission who holds office immediately before the commencement of this section.

”

11 The *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* s. 44 reads as follows:

“

44. Saving provision for existing safety and health representatives

The amendments made by section 43 do not affect the continuation in office of any safety and health representative who held office under Part IV of the *Occupational Safety and Health Act 1984* immediately before the commencement of that section.

”

12 The *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* s. 51 reads as follows:

“

51. Savings and transitional provisions for existing safety and health committees

- (1) The repeal of section 37 of the *Occupational Safety and Health Act 1984* (the “**OSH Act**”) by section 50 does not affect the status of a safety and health committee that is in existence under the OSH Act immediately before that repeal.
- (2) Any such committee is to be taken, after the commencement of section 50, to have been established under section 38 or 39B of the OSH Act inserted by section 50, as the case may be.
- (3) If before the commencement of section 50 —
 - (a) a request was made in respect of a workplace under section 36(1) of the OSH Act repealed by section 50; but
 - (b) a safety and health committee had not been established for the workplace under section 37 of the OSH Act so repealed,

the duty of the employer under section 37 of the OSH Act to establish a safety and health committee for the workplace lapses on that commencement.

The *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* Pt. 6 Div. 3 reads as follows:

“

Division 3 — Transitional provisions

71. Existing referrals to safety and health magistrate

- (1) A matter referred to a safety and health magistrate under the *Occupational Safety and Health Act 1984* and not finally determined before the commencement of section 65 —
 - (a) may continue to be dealt with; and
 - (b) any order made in such a proceeding may be appealed against or enforced,
 as if that section and section 68 had not been enacted.
- (2) A determination or decision of a safety and health magistrate made before the commencement of section 65 may be the subject of —
 - (a) an application for leave to appeal under section 54B(2) of the *Occupational Safety and Health Act 1984* repealed by section 68; and
 - (b) an appeal for which leave is granted under section 54B(2),

as if section 68 had not been enacted.

72. Appeal proceedings in progress

- (1) An application for leave to appeal made under section 54B(2) of the *Occupational Safety and Health Act 1984* but not finally determined before the commencement of section 68, and an appeal for which leave is granted on such an application, may be dealt with and determined as if that section had not been enacted.
- (2) An appeal brought under section 54B(2) of the *Occupational Safety and Health Act 1984* but not finally determined before the commencement of section 68, may be dealt with and determined as if that section had not been enacted.

”

On the date as at which this compilation was prepared, the *Petroleum Safety Act 1999* s. 92, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

92. Consequential amendments

The Acts referred to in the first column of Schedule 2 are amended as set out in the second column of that Schedule.

”

Schedule 2 reads as follows:

“

Schedule 2 — Consequential amendments

[Section 92]

Short title of Act

Amendment

Short title of Act	Amendment
<i>Occupational Safety and Health Act 1984</i>	<p>In section 4(2) delete “, petroleum well or petroleum pipeline” and substitute the following —</p> <p>“ or petroleum site ”.</p> <p>In section 4(2) delete “, the <i>Petroleum Act 1967</i>, the <i>Petroleum (Submerged Lands) Act 1982</i> or the <i>Petroleum Pipelines Act 1969</i>,” and substitute the following —</p> <p>“ or the <i>Petroleum Safety Act 1999</i>, ”.</p>

15 On the date as at which this compilation was prepared, the *Occupational Safety and Health Legislation Amendment and Repeal Act 2004* s. 65, 66 and 68 had not come into operation. They read as follows:

- “
- 65. Section 51C amended**
- (1) Section 51C(1) is amended by deleting paragraph (a) and “and” after that paragraph.
- (2) Section 51C(2), (3) and (4) are repealed.
- 66. Section 51D repealed**
- Section 51D is repealed.
- 68. Section 54B amended**
- Section 54B(2), (3) and (4) are repealed.
- ”.

16 On the date as at which this compilation was prepared, the *Petroleum Legislation Amendment and Repeal Act 2005* s. 50 had not come into operation. It reads as follows:

- “
- 50. Occupational Safety and Health Act 1984 amended**
- (1) The amendments in this section are to the *Occupational Safety and Health Act 1984*.
- (2) Section 4(2) is repealed and the following section is inserted instead —
- “
- (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 a workplace —
- (a) 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;
- (b) at which a petroleum operation, as defined in section 5(1) of the *Petroleum Act 1967*, is carried on;
- (c) at which a pipeline operation, as defined in section 4(1) of the *Petroleum Pipelines Act 1969*, is carried on; or

- (d) at which an offshore petroleum operation, as defined in section 4 of the *Petroleum (Submerged Lands) Act 1982*, is carried on.

”.

”.

17

On the date as at which this compilation was prepared, the *Planning and Development (Consequential and Transitional Provisions) Act 2005* s. 15, which gives effect to Sch. 2, had not come into operation. It reads as follows:

“

15. Acts in Schedule 2 amended

The Acts mentioned in Schedule 2 are amended as set out in that Schedule.

”.

Schedule 2, cl. 45 reads as follows:

“

Schedule 2 — Consequential amendments

[s. 15]

45. Occupational Safety and Health Act 1984

Section 23G(1) is amended in paragraph (a)(ii) of the definition of “residential premises” by deleting “section 6 of the *Metropolitan Region Town Planning Scheme Act 1959*” and inserting instead —

“ the *Planning and Development Act 2005* ”.

”.