



Western Australia

# **Occupational Safety and Health (Validation) Act 1998**

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**No. 63 of 1998**

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**An Act to validate certain acts, matters or things done or purported to be done under the *Occupational Safety and Health Act 1984* and to amend that Act.**

*[Assented to 12 January 1999]*

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Occupational Safety and Health (Validation) Act 1998*.

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**2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

**3. Interpretation**

In this Act —

**“principal Act”** means —

- (a) the *Occupational Health, Safety and Welfare Act 1984* as in force before 1 October 1995; or
- (b) the *Occupational Safety and Health Act 1984* as in force on and from 1 October 1995.

**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 authorized 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.

**5. *Occupational Safety and Health Act 1984* amended**

- (1) Section 52 (3) of the *Occupational Safety and Health Act 1984* is repealed and the following subsection is inserted instead —

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- (3) Proceedings for an offence against this Act may be commenced at any time within 3 years after the offence was committed.

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- (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).

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