

WESTERN AUSTRALIA

CONSTRUCTION SAFETY AMENDMENT ACT

No. 38 of 1986

AN ACT to amend the *Construction Safety Act 1972*.

[Assented to 1 August 1986.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Construction Safety Amendment Act 1986*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Construction Safety Act 1972** is referred to as the principal Act.

[*Reprinted as approved 26 June 1979 and amended by Acts Nos. 89 of 1984 and 98 of 1985.]

Section 12 amended

4. Section 12 of the principal Act is amended by deleting “of this Act and is liable to be punished under that section accordingly”.

Sections 9, 13, 24 and 25 amended

5. Each provision of the principal Act referred to in the Table to this section is amended by deleting the passage set out opposite the reference to that provision.

TABLE	
<i>Section</i>	<i>Passage</i>
9 (7)	Penalty: Imprisonment for a term of six months or to a fine of \$2 000 or to both.
13	Penalty: \$2 000.
24	Penalty: \$1 000.
25	Penalty: \$1 000.

Section 29A inserted

6. After section 29 of the principal Act the following section is inserted—

Copies of directions and orders to be displayed on site and supplied to workmen

“ 29A. (1) Where a direction, order or variation of a direction or order is given under section 14, 28 or 29, the main contractor or the subcontractor to whom it is given shall ensure that a copy of the direction, order or variation—

(a) is displayed and remains on display in a prominent position on the site to which the direction, order or variation relates, until—

(i) 10 working days after the day on which it is first complied with;

- (ii) it is withdrawn or revoked under section 14;
 - (iii) it is set aside on appeal under section 18; or
 - (iv) it is cancelled under section 29 (2);
- (b) is kept at the site to which it relates until the completion at that site of work to which this Act applies; and
- (c) is, upon request, made available to any workman working on the site to which the direction or order relates.

(2) Where a direction or order referred to in subsection (1) is varied or replaced on appeal under section 18, the main contractor or subcontractor shall ensure that a copy of the variation or any new direction—

- (a) is displayed and remains on display in a prominent position on the site to which the variation or new direction relates until 10 working days after the day on which it is first complied with;
- (b) is kept at the site to which it relates until the completion at that site of work to which this Act applies; and
- (c) is, upon request, made available to any workman working on the site to which the variation or new direction relates. ”.

Section 44 amended

7. Section 44 of the principal Act is amended—

- (a) by repealing subsections (1) and (2) and substituting the following subsections—

“ (1) A person who contravenes or fails to comply with a requirement of, or direction under, section 13, 22, 23, 24, 25, 27, 29A or 35 commits an offence against that section.

(2) Subject to subsection (2a), a person referred to in an item of column 1 of the Table to this section who commits an offence against—

- (a) a section referred to in subsection (1);
- (b) section 9 (7), 16 (5), 31 or 32; or
- (c) the regulations,

is liable, on conviction—

- (d) to the fine provided for in column 2 of the Table opposite that item in relation to that offence; and
- (e) if the offence is a continuing offence, to a further fine provided for in column 3 of the Table opposite that item for every day on which the offence continues after conviction.

(2a) Where not less than 7 years have elapsed between the last previous conviction of a person under subsection (2) for an offence and the subsequent commission by the person of the acts or omissions that constitute that offence then, for the purposes of column 2 of the Table to this section, the last-mentioned offence shall be deemed to be a 1st offence. ”; and

(b) by inserting after subsection (4) the following Table—

“

<i>Column 1</i>	TABLE			<i>Column 3</i> continuing offence
	<i>Column 2</i> 1st offence	2nd offence	3rd or subsequent offence	
1. employee	\$1 000	\$3 000	\$5 000	\$50
2. employer, other than a body corporate	\$2 000	\$5 000	\$10 000	\$250
3. employer who is a body corporate	\$10 000	\$30 000	\$50 000	\$250 ”.

Section 46 amended

8. Section 46 of the principal Act is amended in subsection (2) by deleting paragraph (b).