

**House of Assembly—No 4**

As laid on the table and read a first time, 11 February 2015

South Australia

**Work Health and Safety (Prosecutions Under  
Repealed Act) Amendment Bill 2015**

A BILL FOR

An Act to amend the *Work Health and Safety Act 2012*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

### Part 2—Amendment of *Work Health and Safety Act 2012*

- 3 Amendment of Schedule 6—Transitional provisions
    - 25A Prosecutions under *Occupational Health, Safety and Welfare Act 1986*
- 

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Work Health and Safety (Prosecutions Under Repealed Act) Amendment Act 2015*.

#### 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Work Health and Safety Act 2012*

#### 3—Amendment of Schedule 6—Transitional provisions

Schedule 6—after clause 25 insert:

##### **25A—Prosecutions under *Occupational Health, Safety and Welfare Act 1986***

- (1) The Minister may, by instrument in writing, if he or she considers that it is in the interests of justice to do so, extend a time limit that applies under section 58(6)(b) of the repealed Act in order to allow proceedings to be brought against a person for an offence against the repealed Act in a case where proceedings previously commenced (or purportedly commenced) against the person for the offence have been withdrawn, discharged, dismissed or otherwise brought to an end because the person who brought (or purported to bring) the proceedings was not authorised to do so under section 58(7) of the repealed Act.
- (2) In conjunction with the operation of subclause (1)—
  - (a) an extension under that subclause may be authorised even though the time limit for commencing proceedings under the repealed Act has passed; and

- 5 (b) proceedings may be commenced against a person on account of an extension under that subclause even though the person has already been the subject of proceedings (or purported proceedings) under the repealed Act with respect to the same matter (being proceedings (or purported proceedings) that have been withdrawn, discharged, dismissed or otherwise brought to an end before new proceedings are commenced on account of the extension).
- 10 (3) An apparently genuine document purporting to be signed by the Minister and to be an extension of a time limit applying under section 58(6)(b) of the repealed Act will be accepted in legal proceedings, in the absence of proof to the contrary, as proof of an extension in a particular case.