

Equipment (Public Safety) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 sets out the purposes of the Bill.

Clause 2 provides that the Act will come into operation on a day to be proclaimed.

Clause 3 contains definitions of key terms used in the Bill.

Clause 4 specifies that the Act binds the Crown.

Clause 5 restricts the application of the Act.

Clause 6 lists the objects of the Act.

PART 2—EQUIPMENT AND PUBLIC SAFETY

Clause 7 sets out the duty of the proprietor of prescribed equipment.

Clause 8 sets out the duties of people who design, manufacture, import or supply prescribed equipment.

Clause 9 sets out the duties of people in charge of prescribed equipment.

Clause 10 describes the effect of compliance with a regulation under the Act.

Clause 11 sets out the relationship between proceedings under the Act and civil actions.

PART 3—INSPECTORS

Clause 12 sets out the powers of inspectors appointed under the Act.

Clauses 13 and 14 set out the role and obligations of a site manager in relation to notices and inspections.

Clause 15 describes the obligations of an inspector when taking samples from an equipment site.

Clauses 16—19 describe the process for appeals against seizure and set out the various obligations of an inspector during the process of gathering evidence and during inspections and provide for protection against self incrimination.

Clause 20 describes the various offences in relation to inspections.

PART 4—IMPROVEMENT AND PROHIBITION NOTICES

Clauses 21—24 set out the improvement and prohibition notice system and the process for appeals against the notices.

PART 5—LEGAL PROCEEDINGS

Clause 25 provides for the general penalty under the Act.

Clause 26 allows for the serving of infringement notices.

Clauses 27—29 provide that Minister may bring proceedings for offences; provide for judicial notice of the signatures of the Minister and Director-General of Labour; and specify certain evidentiary provisions.

Clause 30 provides for an officer of a body corporate to be also guilty of an offence by the body corporate if certain conditions exist.

Clause 31 describes the power of the court to impose an additional penalty for repeat offenders.

PART 6—GENERAL

Clauses 32 and 33 allow the Minister to approve codes of practice and describe the effect of these codes.

Clause 34 gives the Minister's power to delegate.

Clause 35 provides for the Minister to consult with the Victorian Occupational Health and Safety Commission on the contents of regulations or codes of practice made under the Act.

Clause 36 sets out the regulation making powers under the Act.

Clause 37 provides a comparable power to that found in the **Dangerous Goods Act 1985** allowing the Governor in Council to prohibit and restrict manufacture, supply, transport or use of prescribed equipment when it is necessary for public safety.

PART 7—AMENDMENT OF OCCUPATIONAL HEALTH AND SAFETY ACT 1985

Clauses 38 amends the the **Occupational Health and Safety Act 1985** to provide for inspectors under that Act to be inspectors under this Act and to empower councils to continue to enforce scaffolding in their municipalities.

Clause 39 amends the **Occupational Health and Safety Act 1985** to provide for refunds of fees and to allow regulations to be made in respect of different sub-classes.

SCHEDULE

The Schedule lists the various subject matter for regulations under the Act.