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Occupational Health and Safety Act 1985 DATE OF COMING INTO OPERATION

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by an Act of the Parliament of the State of Victoria passed in the thirty-fourth year of the reign of Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth, entitled the *Occupational Health and Safety Act 1985*, it is amongst other things enacted that the Act shall come into operation on a day or the respective days to be fixed by Proclamation or successive Proclamations of the Governor in Council published in the *Government Gazette*:

Now therefore I, the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, do by this my Proclamation fix 1 October 1985 as the day on which sections 1-59 (inclusive), Schedule One and Item 22 of Schedule Two of the *Occupational Health and Safety Act 1985*, No. 10190 shall come into operation.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this first day of October in the year of our Lord One thousand nine hundred and eighty-five and in the thirty-fourth year of the reign of Her Majesty Queen Elizabeth the Second, Queen of Australia.

(L.S.) B. S. MURRAY

By His Excellency's Command

S. M. CRABB
Minister for Employment and Industrial Affairs
GOD SAVE THE QUEEN!

Dangerous Goods Act 1985 DATE OF COMING INTO OPERATION

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by an Act of the Parliament of the State of Victoria passed in the thirty-fourth year of the reign of Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth, entitled the *Dangerous Goods*

Act 1985, it is amongst other things enacted that the Act shall come into operation on a day or the respective days to be fixed by Proclamation or successive Proclamations of the Governor in Council published in the *Government Gazette*:

Now therefore I, the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, do by this my Proclamation fix 1 October 1985 as the day on which sections 1-7 (1) (inclusive), 8-53 (inclusive), and 55, and Items 1-4 (inclusive) and 8-10 (inclusive) of Schedule One, and Schedule Two, of the *Dangerous Goods Act 1985* No. 10189 shall come into operation.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this first day of October in the year of our Lord One thousand nine hundred and eighty-five and in the thirty-fourth year of the reign of Her Majesty Queen Elizabeth the Second, Queen of Australia.

(L.S.) B. S. MURRAY

By His Excellency's Command

S. M. CRABB
Minister for Employment and Industrial Affairs
GOD SAVE THE QUEEN!

Occupational Health and Safety Act 1985 MINISTERIAL GUIDELINES ON PROSECUTIONS

Under section 48 (5) of the *Occupational Health and Safety Act 1985* the Minister is required to issue to inspectors guidelines with respect to the prosecution of offences generally (but not give guidelines or directions in relation to any particular prosecution). These guidelines are issued and published in conformity with this requirement.

Guidelines For Occupational Health and Safety Inspectors within the Department of Employment and Industrial Affairs

Section 47 (1) of the Act states that "Any person who contravenes or fails to comply with any provision of this Act or regulations shall be guilty of an offence against this Act." Section 48 provides that proceedings for offences against the Act may be brought by the Minister or an inspector. Proceedings will be brought by officers within the Department of Employment and Industrial Affairs.

The Department retains the right to initiate proceedings for any offence against the Act and regulations and the decision to do so will be taken in

the light of all relevant information regarding the circumstances of the case.

However, generally speaking the principal instruments to be used by the Department for securing compliance with the legal standards set out in the Act and regulations will be Improvement and Prohibition Notices. These Notices will be issued by Occupational Health and Safety inspectors pursuant to Part VI of the Act.

Improvement Notices will be used to require changes and modifications to workplace plant, equipment or processes to bring the workplace into compliance with the Act or regulations. In issuing these Notices, inspectors will rely on the general duties set out in Part III of the Act and on specific requirements set out in regulations.

Prohibition Notices will be used to stop the continuation of work which in the inspector's opinion is giving rise to an immediate threat to the health and safety of any person.

If alleged offences against the Act or regulations can be remedied through this system of Notices, further legal proceedings will not be instituted in the Courts. However, failure to comply with either an Improvement or Prohibition Notice will be viewed as a serious matter and will as a general rule result in proceedings being brought.

In addition proceedings will generally be instituted in the following circumstances:

- (1) Where an alleged breach of the Act or regulations has resulted in a fatality or serious accident;
- (2) Where an inspector alleges an employer has wilfully repeated the same offence;
- (3) When either an inspector or a health and safety representative alleges a Provisional Improvement Notice has not been complied with;
- (4) Where offences in relation to inspectors eg. assault or obstruction are alleged;
- (5) Where there is an allegation of discrimination against an employee for any action in relation to occupational health and safety;
- (6) Where the issue of notices is not considered appropriate for ensuring compliance with the Act or regulations.

S. M. CRABB

Minister for Employment and Industrial Affairs

APPOINTMENT OF INSPECTORS UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT 1985

Pursuant to section 38 of the *Occupational Health and Safety Act 1985*, the following people have been appointed as Occupational Health and Safety Inspector.

Brian John Asbury	Thomas Brian Hammer
Ivon James Barnes	Michael James Harrod
Noel Gladstone Barton	Leonard Raymond Haywood
Derek Bellamy	Klaus Juergen Hoellfritsch
Gregory Charles Bird	Patrick Aldworth Hurley
John Thomas Blackshaw	Robert Ian Hutton
Raymond Anthony Bolas	Robert Murray Impey

Francis Bricknell	Norman Hugh Kaye
John Dennis Chick	Ivan James Keating
Ian Rodney Chugg	James Vincent Kent
Peter Richard Chugg	Bruce Gregory Knight
William Harold Clark	Elizabeth Ann Lindsay
Jack Cockcroft	Barry Raymond Lupton
Walter Adrian Connolly	Neil Frederick Manning
David John Considine	Fred Marsh
Philip John Curnow	Trevor Maurice Martin
Alan Errol Darwin	Desmond John Morgan
Darrell Claude Delaney	Noel David Murray
Alan William Doble	Ronald Conrad Peter McBride
Bernard John Doherty	Brian Robert James McFarlane
Ian Milton Dougherty	Alan James Needs
Trevor Howard Drew	Barry Ronald Phillips
Brian Athur Ellis	Henricus Adolf Reiss
David James Ellis	Paul Charles Revell
Anthony Evans	Graeme Henry Sanders
Gerald James Fitzpatrick	Charles Sargent
Denis Patrick Flanagan	Eredson Alfredo Scaffo-o-Neil
Lee Ernest Gerrish	Harold Phillip Scanlon
Donald Duncan Gilmour	Bruce David Shand
Eric Edward Patrick Glassford	Mervyn Ronald Stock
Arthur Ernest Gooch	Paul James Vatta
Harold James Goodie	John Thomas Wilson
Lewis Allan Gordon	Kevin Woolfe
Robin Henry Greenwood	David McDowell Young
Ramamurti Srinivasan	
Robert S. Evans	
Saad R. Saad	
Peter Vitali	
Charles S. Robertson	

Authorized:

STEVE CRABB, Minister

APPOINTMENT OF INSPECTORS UNDER THE DANGEROUS GOODS ACT 1985

Pursuant to section 11 of the *Dangerous Goods Act 1985*, the following people have been appointed as Dangerous Goods Inspector.

W. Gregory Balka	John P. Kilmartin
George H. Brown	Donald C. MacDonald
Noel S. Clough	James S. McFarland
V. Ivan Davis	Charles S. Robertson
William A. Drummond	Frank J. Robinson
Malcolm L. Dunn	Saad R. Saad
Robert S. Evans	Glenn M. Sargent
Alan S. Goodin	Jozef Smith
Noel Grant	Ramamurti Srinivasan
Ernest H. Hadinek	Bernard M. Tracey
Robert L. Hammer	Peter Vitali
R. Bruce Hicks	Andrew F. J. Wallace
John D. Kelleher	Noel D. Wicking
David J. Kidman	

Authorized:

STEVE CRABB, Minister