

ACT 514
OCCUPATIONAL SAFETY AND HEALTH ACT 1994
PART X - INDUSTRY CODES OF PRACTICE

Section 38. Use of industry codes of practice in proceedings.

In any proceedings under this Act or any regulation made thereunder in which it is alleged that a person has contravened or failed to comply with a provision of the Act or any regulation made thereunder in relation to which an approved industry code of practice was in effect at the time of the alleged contravention or failure -

(a) the approved industry code of practice shall be admissible in evidence in the proceedings; and

(b) if the court is satisfied in relation to any matter which it is necessary for the prosecution to prove in order to establish the alleged contravention or failure that-

(i) a provision of the approved industry code of practice is relevant to the matter; and

(ii) the person failed at any material time to observe the provision of the approved industry code of practice,

the matter shall be taken as proved unless the court is satisfied that in respect of the matter the person complied with a provision of the Act otherwise than by way of observance of the provision of the approved industry code of practice.