The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Bill 2018

(Government)

(1) Schedule 16, item 7, page 145 (after line 7), after subsection 611N(3), insert:

When undertaking must not be accepted

(3A) An authorised person (within the meaning of Part 6 of the Regulatory Powers Act) must not accept an undertaking that was given by a person (the \textit{first person}) under section 114 of that Act in response to an alleged contravention of a listed OHS law if:

(a) the alleged contravention contributed, or may have contributed, to the death of another person; or

(b) the alleged contravention involved recklessness (within the meaning of the \textit{Criminal Code}); or

(c) during the previous 5 years, the first person has been convicted of an OHS offence that contributed to the death of another person; or

(d) both:

(i) during the previous 10 years, the first person has been convicted of 2 or more OHS offences; and

(ii) at least 2 of those convictions arose from separate investigations.

(3B) Subsection (3A) does not apply if there are exceptional circumstances.

(3C) For the purposes of subsection (3A), \textit{OHS offence} means an offence against a listed OHS law.

\textit{[enforceable undertakings]}