

WORK HEALTH AND SAFETY ACT

213. Mr S.A. MILLMAN to the Minister for Industrial Relations:

I refer to the McGowan Labor government's commitment to protecting the health and safety of Western Australian workers. Can the minister update the house on the government's historic reforms to the state's work health and safety laws, including how the McGowan Labor government has worked with industry, employers, unions and advocates to deliver safe workplaces for Western Australians?

Mr W.J. JOHNSTON replied:

I thank the member for his question, and I acknowledge his life's work in supporting people in health and safety matters.

I am very proud to be the minister who was able to bring the work health and safety laws into effect last Thursday, 31 March. Western Australia now has probably the best health and safety laws in Australia. We are the first state, using these new uniform laws, to bring all workplaces—general workplaces, mining workplaces and petroleum sites—under a single Work Health and Safety Act. The act is an important step forward in modernising our workplace laws after 36 years. This includes the introduction of industrial manslaughter, with potential penalties of 20 years' imprisonment and a \$5 million fine for individuals, and up to a \$10 million fine for a body corporate. I want to acknowledge the work of Families Left Behind—that is the group of families who lost relatives in industrial incidents—and the effective advocacy it has had for these important laws.

Another part of improving the protection of workers is the creation of the idea of a person conducting a business or undertaking, which recognises modern workplaces with subcontractors, contractors, labour hire and gig economy workers so that the lines of responsibility are much clearer. We have also brought in clearer obligations on officers of businesses—that is, the bosses at the top. They will need to exercise their own due diligence in implementing health and safety in their workplaces, and not just rely on subordinates to have an excuse for walking away from their important responsibilities. Another enhancement in the legislation is to increase the role of work health and safety reps in individual workplaces. That includes allowing them to direct that work cease if they have a reasonable concern that continuing work will expose others to serious health or safety risks.

Another provision in the act, again leading the country, is to ban insurance for workplace penalties. It is very important to think about this: the idea that an insurance company would pay the penalty on behalf of an individual is ridiculous. The penalty is imposed by the court to penalise the person responsible for the poor behaviour. The idea that they can hand that responsibility onto another is ridiculous. However, the law also now allows for work health and safety undertakings, which is a new tool in the toolkit for the regulator. Of course, we have also provided additional resources to the regulator, in both general industry and in the mining industry. Indeed, the number of inspectors in the general industry is now 50 per cent higher than it was when we came into government. We have also appointed an independent commissioner who has successfully brought three prosecutions for gross negligence—the first time ever that we have had successful prosecutions in 38 years of the previous laws.

I want to thank the Department of Mines, Industry Regulation and Safety; the Commission for Occupational Safety and Health; the WorkSafe Commissioner; and the Mining Industry Advisory Committee for all their hard work to get to where we are now. I want to congratulate the many stakeholders, including employers, unions, advocacy organisations and Families Left Behind. No relative of a deceased worker suffers more than another, but I want to pay tribute to Regan Ballantine and the exceptional work she did in taking the suffering she had from losing her son in an unnecessary industrial death to make sure that this legislation was passed by this Parliament. I thank everybody involved in this, and I look forward to improved health and safety outcomes because of this important legislation.