

WORK HEALTH AND SAFETY BILL 2019

811. MR S.J. PRICE to the Minister for Industrial Relations:

I refer to the McGowan Labor government's strong commitment to improving workplace health and safety, which includes investing in more WorkSafe inspectors and introducing tougher penalties. Can the minister outline to the house how this government's Work Health and Safety Bill 2019 will help protect workers and ensure those responsible for workplace deaths are held to account?

Mr W.J. JOHNSTON replied:

I genuinely appreciate the question from the member for Forrestfield, a person who has spent his life supporting working people. I was asked why we were creating this legislation and what it is attempting to achieve. I want to quote from *Hansard*. It states —

The purpose of this legislation is not only to ensure that there is a just and appropriate punishment for people who fail in that duty of care in the workplace ... but also about changing the culture and ensuring that the culture at that workplace at the start of each day is ... to have everybody get to the end of that shift ...

That really sums it up. The bill also seeks to increase penalties. I will quote again from *Hansard* of 18 February. It states —

To have imposed upon the people who allowed that worksite to be managed in that way only a \$38 000 penalty by the court adds insult to injury.

This member then referred to a meeting with Regan Ballantine and said —

The other appalling component of that conversation with Regan Ballantine, with regard to the loss of her son, Wesley, was the appalling penalties that have been imposed by the court.

So we are attempting to increase the penalties. It further states —

We need the possibility of serious criminal consequences, including jail time for individuals, as it is the only way to ensure that work safety breaches are not simply treated as a price of doing business.

This member concluded —

These laws will never bring Wes back, but they may, they just may, provide some justice to families who lose their loved ones, and, most critically, prevent further lives being lost. I commend the bill.

The member also said —

... the ... opposition does not oppose this legislation ...

They are the words of the Leader of the Opposition in *Hansard*. It is extraordinary to therefore report to the house that after this legislation received three full days of debate in this chamber, the other chamber has now received two committee reports and debated the bill for a full seven days, and it has not been passed. This legislation, as the Leader of the Opposition pointed out, is about providing criminal penalties, including jail time, for people who not only meet a high test, but also do not meet their duties. That has been the debate in the other chamber: should somebody go to jail for not complying with their duties. I commend the Nationals WA for supporting the Labor Party on that principle. That principle, of course, is already in the existing legislation, but was for some reason opposed in the other house by the Liberal Party. After more than three weeks of debate, plus two committees, the Liberal Party still cannot make up its mind. That is a disgrace. The bill should be back here.

When the Leader of the Opposition met with Regan Ballantine, a woman of great courage, who was the one who convinced me to include industrial manslaughter in this bill, I understand from talking to Regan that the Leader of the Opposition shed tears. I have a question: were those crocodile tears?

Mr D.C. Nalder: How many amendments have you moved?

Mr W.J. JOHNSTON: That is an interesting question from the member for Bateman. It is correct that we have moved a few amendments that were in response to issues raised by the Liberal Party in this chamber. I have said on a number of occasions that we want to work cooperatively with the Liberal Party. Members should know that my good friend the Hon Alannah MacTiernan cannot present those amendments to the Legislative Council because the Liberal Party is wasting time debating clauses that it supports. They spent over an hour of parliamentary time on a clause that they supported. The behaviour of the Liberal Party is a question of leadership. This is a question of leadership. Tell me, Leader of the Opposition: how many more hours of parliamentary time does this bill need in the other house? The Leader of the Opposition should go out and tell the media why the Liberal Party is delaying this legislation. Why is it that the shadow minister takes a week to deal with the bill, but a member of Parliament, Hon Michael Mischin, a person that the Leader of the Opposition does not want to see in the Parliament because she

has demoted him on the ticket and will not be re-elected to the Parliament—that is the position of the Leader of the Opposition—is taking up time, in an embarrassing way, just being disgraceful.

I want to remind the Leader of the Opposition that all the families from the organisation Families Left Behind watch every minute of the debate. They are angry. They are not just disappointed; they are angry. We saw what happened on Tuesday. Those events on Tuesday will be dealt with under the Occupational Safety and Health Act—a bill from 1984. That does not provide a clear line of responsibility for labour hire and subcontracting, which is what the Work Health and Safety Bill 2019 will do. This bill simply translates the existing arrangements into a modern workplace and increases the penalties. We need this bill passed. I invite the Leader of the Opposition to go out and tell the media how many more hours of debate this bill will need. More than three weeks of parliamentary debate and two committee inquiries and the Liberal Party is still not supporting it.