

PAUL ROBERTS — WORKSAFE — WESTERN AUSTRALIA POLICE REFERRAL

**436. Hon SUE ELLERY to the Minister for Commerce:**

I refer to the death of Mr Paul Roberts on 22 June 2011 and the refusal of WorkSafe to investigate the incident.

- (1) Can the minister confirm advice from his office to Mr Roberts' sister that WorkSafe does not investigate road traffic accidents unless WA Police decides not to lay any criminal charges and formally refers the matter to WorkSafe after identifying a potential breach?
- (2) Is the minister aware that the WA Police investigator and his officer in charge both consider that the investigator's contact with WorkSafe via telephone and a face-to-face meeting constitutes a formal referral? If not, will the minister undertake to take action to convert this WA Police referral to a referral that satisfies WorkSafe?
- (3) Is the minister aware that WA Police has decided not to press criminal charges and has found evidence of a potential breach; and, if so, will the minister now commit to ordering an investigation by WorkSafe; and, if not, why not?

**Hon SIMON O'BRIEN replied:**

I thank the honourable member for some notice of this question about this sad matter.

- (1) Yes; this is the standard operating procedure for WorkSafe to ensure police can conduct their investigations unimpeded.
- (2) I am advised that WorkSafe did not consider the communications with WA Police to constitute a formal referral. However, WorkSafe has sought additional information pertaining to its investigation of this matter from WA Police. To date, WorkSafe advises that no further advice or formal referral has been received.
- (3) WorkSafe has advised that it was made aware by Mr Roberts' sister that the police investigations were complete and the report was to go to the coroner in the near future. However, WorkSafe is yet to be provided with the information from WA Police. I, however, will ask the WorkSafe Western Australia Commissioner to arrange for WA Police to be contacted again in relation to this matter.