

## **WORK HEALTH AND SAFETY ACT**

*Statement by Minister for Industrial Relations*

**MR W.J. JOHNSTON (Cannington — Minister for Industrial Relations)** [12.06 pm]: I would like to inform the house that the Work Health and Safety Act 2020 and its regulations will come into effect on 31 March 2022. The work health and safety laws will deliver on the McGowan government's 2017 commitment to improve work health and safety outcomes for all Western Australian workers. Our state's work health and safety laws will be harmonised with other Australian jurisdictions.

This act will be accompanied by work health and safety regulations for general, mines, petroleum and geothermal energy operations sites. The new laws apply to all workers across the state because all workers deserve the same protections. From a worker on a farm near Albany to a retail assistant at a major department store in the CBD to a miner in the Pilbara—all will be protected. It recognises modern working relationships, such as subcontractors and casual workers, in addition to traditional employment. It also introduces the term “person conducting a business undertaking”, which means that anyone who engages a WA worker has a duty to protect their health and safety.

Industrial manslaughter laws will also begin, carrying a maximum penalty of 20 years' imprisonment for an individual and a maximum \$10 million fine for a body corporate. To confirm the chain of accountability, officers must exercise due diligence to ensure compliance with Work Health and Safety Act requirements. This ensures that accountability for workplace safety sits with those at the top of an organisation's hierarchy. The Work Health and Safety Act prohibits insurance to cover penalties for breaches of the act. This will ensure that persons conducting a business undertaking are held accountable for their actions. The work health and safety laws clarify a worker's duty to ensure their own safety and that of their workmates.

Consultation involving workplace participants continues to be a crucial element in protecting workers' health and safety. This includes a health and safety representative being able to direct a worker to cease work if there is reasonable concern they are exposed to a hazard. In exercising this authority, the health and safety representative must consult with the person conducting a business undertaking. To provide clarity on specific duties, the act allows codes of practice to be developed to provide practical guidance on meeting these duties.

Developing the Work Health and Safety Act has involved a substantial commitment of resources from all parties involved. I would particularly like to acknowledge the time and effort provided by stakeholders in contributing to the development of these laws. The new Work Health and Safety Act 2020 provides all workplace participants an opportunity to review their health and safety practices. It will ensure that companies and senior management commit to their workers returning home to their families, safe and well, when their working day is done.