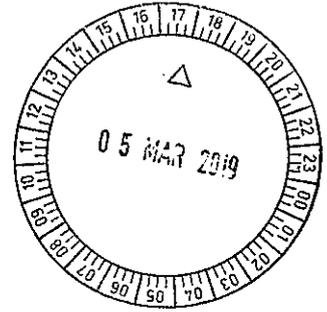


Hon Adele Farina, MLC
Chairperson
Standing Committee on Public Administration
Legislative Council,
Parliament House PERTH WA 6000



Submission to the WA Government Inquiry into Worksafe - Family of Lee Buzzard

Dear Chairperson and the Honourable Members of the Committee

I write to you in relation to the death of my son, Lee Anthony Buzzard who died in a workplace incident in Paraburdoo on the 19th June, 2016.

It is now 2 years, 8 months and 14 days since my son passed away – and I have felt his loss every hour of every day. The mining machinery of RIO Tinto goes on and I still do not have any real answers.

Lee's death has had a devastating effect on many people, and the length of time it has taken the Department of Mines to conclude its investigation has exacerbated the associated trauma for us, as his family.

It is justifiable and fair that families are provided with information and support as soon as possible following the death of their family member. Lengthy delays and lack of information adds to the trauma and this should be avoided if possible.

As I write this letter, the effects of Post Traumatic Stress hit me, but I push on because my son should not have died and nothing comes from it – no justice, no change to the way things are done in the future.

Our family believes that these delays may be due to a lack of appropriate resourcing being provided to the relevant government regulatory organisations such as Worksafe

We have been told that the reason for the delays include:

- The investigation is still active
- The case is with the State Solicitor's office and undergoing legal review

This continual excuse and delay has been soul destroying for us

We believe major changes need to be made to the investigative processes following a serious workplace fatality for the following reasons:

1) It is in the public interest

- A death in the workplace can potentially affect any family and community
- All measures should be taken to minimise the mental health impacts
- There are particular groups at risk and very little associated safety training targeted at these people eg youth, Indigenous people

2) There are potential improvements that can be made to investigative processes relating to workplace deaths

- We are considering whether this is a factor in the investigation into Lee's death
- A review of Worksafe /Department of Mines processes is essential

3) There is very little support for families during the long investigation process and potential legal proceedings

- Families suffer additional emotional distress as a result of the reduced income and uncertainty of the future .
- There is no ongoing counselling support for families who are suffering severe emotional distress
- There is no fund provided to support families who are in need of assistance . We believe that there is a vital need for this type of support

In the time since Lee's death, we have become aware of other families that have been adversely affected by the issues that I have outlined above

It is also very apparent to myself as a teacher/trainer that there are significant improvements needed in the safety training area for the following reasons:

- Training delivery is inadequate and placed in the hands of people who are unskilled
- Inductions are not adequate and often done on-line in a few hours. These inductions are not suitable for all possible employees (learning styles)

The Lee Buzzard Foundation

In an effort to support families, I have started the Lee Buzzard Foundation (LBF). This year we hope that the LBF will grow into something that will offer families more support than is currently available

The key objectives of the LBF are to address some of the deficits in the following areas :

- 1) Support families bereaved or affected by a workplace accident
- 2) Advocate for better support for families
- 3) Promote safe work practices with relevant stakeholders
- 4) Educate and train workers about workplace safety
- 5) Lobby and advocate regulatory bodies/governments to improve safety practices across industry

Over the last two years we have developed a strategic plan for the LBF to move forward with contributing to making improvements in the area of family support, safety training and advocacy.

It is my hope that the my son's legacy will be to save other lives: leave you with the LBF motto

When loved ones go to workthey should be in safe hands

When a tragedy happens.....let's make sure families are in safe hands

I provide our recommendations below

Yours sincerely



Sharon Westerman

5/3/2019.

Recommendations

1) Adequacy of administrative processes, including complaints, investigations and prosecution processes

- Lengthy delays in investigation processes need to be addressed through adequate resourcing, not only of Worksafe, but also State Solicitor
- Families need to be supported financially throughout this process . We advocate that a fund of \$1million is established by the State Government from mining royalties and/or other sources to support a family affected by a workplace death- regardless of who is at fault . The funds available through the workers compensation process may not be adequate to support a family when the main income earner is suddenly gone
- This should be automatic to ensure all possible support is given to families

2) Timely implementation and public education of coronial inquest recommendations arising from a workplace death

3) Legislative and jurisdictional issues

- Implement the State Coroners recommendation to the inquiry to avoid duplication of process and to ensure that all parties are working together to minimise impacts. I have copied these below
- Implement any necessary changes to legislation that would give effect to the Coroners recommendations

Submission 1

It is submitted that the administrative and investigative processes of WorkSafe be reviewed to determine whether:

1. WorkSafe inspectors and coroner's investigators can conduct a joint investigation into workplace fatalities that avoids unnecessary duplication of inquiries and investigation,

and/or

2. WorkSafe can and/or should provide a coroner with a copy of an inspector's report either voluntarily or in response to the exercise of the coroner's power to enter a place, inspect a document and take a copy of a document pursuant to section 33 of the *Coroners Act 1996* (WA).

Submission 2

It is submitted that consideration be given to amending the *Occupational Safety and Health Act 1984* (WA) to expressly allow WorkSafe to share compelled records of interview and/or voluntary witness statements and/or other evidence gathered during the course of the investigation with the coroner.

Submission 3

It is submitted that consideration be given to a process that allows for a coroner's investigator to attend and participate, as interviewer, in a compelled interview being conducted by a WorkSafe inspector for the express purpose of a coroner's investigation.

