

Naomi Lemmon
Mobi Crane WA Pty Ltd

9th October, 2017

Hon. Adele Farina MLC
The Chair
And committee members
lcpac@parliament.wa.gov.au

WORKSAFE REF: WS 0494/2016
ACCUSED: **Bradley David Lemmon as a partner in the firm Mobicrane W.A.**
DATE OF OFFENCE: 13 April 2015
OFFENCE: s.19(1) & 19A(3) *Occupational Safety and Health Act 1984*
Being an employer did not as far as is practicable provide and maintain a working environment in which the employees of the employer are not exposed to hazards.

I write to you regarding our experience with WorkSafe WA over an incident from April, 2015 which resulted in the prosecution of my husband and business partner Bradley (Brad) David Lemmon in August 2017.

I feel that it is important for all organisations, Parliament, individuals and governing bodies to realise the implications of a criminal conviction from prosecution over minor incidents.

Brad and I run a family business with one employee Brad and I are Brad is the crane operator, I am the Dogman and I do the administration. On the morning of 13th April, 2015 Brad and I had an incident onsite in Cottesloe where they came too close to powerlines which caused a flash over resulting in minor burns (size of 10 cent piece) to I and a wave of electricity through Brad. I have attached a copy of the material statement of facts from WorkSafe WA which outlines the series of events of that morning. Please note that I consider these facts biased to WorkSafe WA as they are the ones who documented these and we did not have the funds to continue our legal defence to correct these. The main point that is omitted from the statement of material facts is that Brad did conduct a visual inspection on the morning of the incident. WorkSafe WA was unwilling to negotiate this fact without going to a trial of the facts. I felt that there was no choice other than to enter a plea of guilty. It basically came to a decision that we could not afford to fight this case. The final result was close to \$20,000 in legal costs, \$3,577 in court costs and \$15,000 in fines. For a low income family with two children, it is impossible to fight these cases without the funds required. There is no legal help in these cases.

