



Our Ref: ADM0067

Friday 26 June 2020

Standing Committee on Legislation  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

Via Email: [lclc@parliament.wa.gov.au](mailto:lclc@parliament.wa.gov.au)

To Whom It May Concern:

**Re: Submission to the Standing Committee on Legislation Regarding the Work Health and Safety Bill 2019**

The Shire of Mingenew (the Shire) acknowledges the need for the implementation of the Work Health & Safety (WHS) Bill in Western Australia aligned with the harmonised model. This is supported by the Boland Review (Review of Model Work Health and Safety Laws - Final report).

Workplace safety is paramount to all local governments and aligning to WHS as proven in recent years in other jurisdictions will only improve safety outcomes for local governments and the communities we service.

The primary concerns the Shire has with the WHS Bill are WA's amendments to the industrial manslaughter (IM) provisions (WHS Bill 2019 sections 30A & 30B). The proposed IM provisions as detailed in the aforementioned sections were not included in the original WHS Bill consultation process; and deviate significantly from the established proven IM processes within the current WA Occupational Safety & Health Act 1984, the Criminal Code and the WHS models utilised in other jurisdictions.

Workplace safety is a primary responsibility of all in the workplace, the framing of the IM provisions as discussed below has broken the safety chain with employers (PCBU and its officers) held responsible for the actions of employees irrespective of the employer's knowledge, conduct or negligence.

Please feel free to contact me on (08) 9928 1102 or email [ceo@mingenew.wa.gov.au](mailto:ceo@mingenew.wa.gov.au) if you would like to discuss this matter further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nils Hay", written over a white rectangular area.

Nils Hay  
Chief Executive Officer