



25 June 2020

Legislative Council
Standing Committee on Legislation
Inquiry into the Work Health and Safety Bill 2019
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Email: lccl@parliament.wa.gov.au

Dear Committee Members

Proposed Industrial Manslaughter Laws – Work Health and Safety Bill 2019

I write to you on behalf of the ABN Group, to express our absolute support for the Master Builders Western Australia's position in opposing the introduction of proposed Industrial Manslaughter Laws which appear in the *Work Health and Safety Bill 2019*.

The ABN Group has been in operation since 1978 and is Australia's leading construction, property and finance company. As a group, we operate 20 businesses, covering new home design and construction, commercial property, residential property development, property financial planning and mortgage broking, conveyancing, plumbing, concreting, roofing, ceiling and wall fixing, kitchen design and installation.

The ABN Group is a leader in workplace safety in both its residential and commercial construction businesses, in both Western Australia and Victoria.

Safety is at the core of all that we do. It can be a very glib comment to make that "safety is our No. 1 priority", however we do not view safety as an add on to our business, it is integral in all of our considerations.

Through our own internal programs and initiatives:

- "Work Safe / Home Safe"
- "Do it Once, Do it Right"

We have embedded safety as a vital consideration that has direct impact on quality of workmanship and productivity, in addition to the obvious impact to people's health and well-being.

This has proved to be a very positive influence to ensure uptake and adherence to required standards.

The advent of COVID-19 has challenged our businesses and through our strong positive safety culture we have once again led the Industry in the on-site introduction, education and adoption of required protocols and disciplines.

In summary and without fully repeating MBA WA's submission, the ABN Group opposes the introduction of Industrial Manslaughter Laws – *Work Health and Safety Bill 2019* for the following reasons:

1. Industrial Manslaughter is not required

Provisions already exist under both our Criminal Code and Occupational Safety and Health Act 1984 to prosecute both employers and employees for manslaughter following workplace fatalities.

The additional offence of Industrial Manslaughter is a duplication of existing laws, in circumstances where only 12 months earlier the penalties for workplace fatalities were increased to penalties higher than the national model.

2. Industrial Manslaughter is ineffective

The offence of Industrial Manslaughter has proven to be ineffective in other jurisdictions.

Despite Industrial Manslaughter, the ACT has higher rates of serious injury than both WA and the national rate. Similarly, in the UK the rate of workplace fatalities has remained relatively flat since Industrial Manslaughter was introduced. Industrial Manslaughter simply does not provide the 'deterrent' effect anticipated by the Government.

3. Industrial Manslaughter is reactive not proactive

Industrial Manslaughter is backward facing, focusing on the issue after it has occurred where a proactive, strategic approach to improving safety is required.

This proactive approach involves:

- Training
- Education programs
- Specialist advice and support for business
- Inspections to identify issues early
- Working with the regulator to address safety concerns on an ongoing basis
- Enforcement by WorkSafe – identifying and prosecuting before a death occurs.

4. Industrial Manslaughter will destroy safety culture and practice

Safety experts consider Industrial Manslaughter will in fact prove counter-productive, posing a significant risk to safety culture in that it:

- It is contrary to the ethos of promoting safety in a positive light;
- Takes the focus away from grass roots understanding and ingrained approaches to safe work practices;
- Instead focuses parties on paper-based legal defences for incidents; and
- Erodes the intention to improve safety in a practical, positive way at the coalface.

5. Industrial Manslaughter brings unintended consequences

The introduction of this new offence creates a litany of consequences that have not been considered, or even identified due to the lack of consultation on Industrial Manslaughter.

There can be no doubt that safety is everyone's responsibility - both employers and employees.

The ABN Group is committed to continuing to lead, develop and maintain a positive, safety driven culture.

We have always acted in this manner and do not require such legislation to motivate us to continue on this journey.

Should you wish to discuss any aspects at any time, please make contact.

Yours sincerely



Dale Alcock
Managing Director

cc: *John Gelavis*
Executive Director
Master Builders WA