

Mark and Janice Murrie

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Standing Committee on Legislation
Parliament House
4 Harvest Terrace Perth WA 6005

By email: lclc@parliament.wa.gov.au

Ms Tracey Sharpe,

Submission in relation to *Work Health and Safety Bill 2019*

We write as the bereaved parents in relation to the *Work Health and Safety Bill 2019*, thank you for the opportunity to make a submission. We would like to express our strong support for section 30B of the Bill, Industrial Manslaughter – simple offence, and share our experience of industrial manslaughter in Western Australia.

Our son, Luke was a construction worker who was killed at his workplace in Malaga in 2007. Luke and another worker, both inexperienced, were instructed to do a lift of a pack of 8 pieces, weighing 375 kilograms each in an unsafe manner.

The load was slung with a chain on each corner and not encapsulated as it should have been. During the lift, the pack fell apart and was thrown into the air. The other worker ran one way and Luke ran the other. Luke was struck in the head by one of the 375 kilo sections.

The company and both Directors were charged by Worksafe with being neglectful in not ensuring a safe workplace.

There was an 8 to 10-day trial. The company and the two Directors were all found guilty. The company, D & G Hoist and Crane Hire was fined \$90,000.00. Both Directors were fined \$45,000.00 each. We did not feel as if justice had been served at the end of the trial and believe this is grossly inadequate penalty and not a deterrent to unsafe work practices.

This process took 3 years and about 3 months. The Directors had 28 days to lodge an appeal. On the afternoon of the 28th day they lodged their appeal. The results of this appeal were that the guilty verdict was upheld, but the fines were drastically lowered. The company fine was cut from \$90,000 to \$45,000 and both directors fines went from \$45,000 to \$10,000 each. Very appalling.

Yet again they appealed the decision. Worksafe also appealed the fact that the fines resulting in a death were reduced. In this appeal process, all the fines were restored to the original amounts.

This continual appeal process made us believe the Directors had condoned the lifting being done in an unsafe manner. It was quicker, therefore cheaper. Luke is dead to save them money.

If the Directors knew they faced the prospect of an Industrial Manslaughter conviction and going to gaol, they would have made common, simple and effective changes to the lifting arrangements and would have created a safe workplace. It is that simple.

We have lost our son at the age of 22. We must live the rest of our lives knowing we will never see him again. The pain and suffering are indescribable. Our hope is that these laws will act as a deterrent so no other family will ever have to deal with the loss of a loved one. All workers have the right to return home safely after work. With Industrial Manslaughter, the fear of going to gaol for not providing a safe workplace and killing a worker will make the workplace decision makers, all the way to the top, stop and think, and make the workplace safe for everyone.

Regards,

Mark and Janice Murrie