



3 July 2020

Our Ref: WHS/TB

Hon Dr Sally Talbot MLC
Chair
Standing Committee on Legislation
Parliament House
4 Harvest Tce
West Perth WA 6005

Via email

Dear Dr Talbot

Work Health and Safety Bill 2019 – Submission

Further to our letter dated 25 June 2020, concerning the Standing Committee on Legislation's current inquiry into the Work Health and Safety Bill 2019 (the Bill), the WALGA State Council met on 1 July 2020 to consider the proposed legislation.

The sector has recently raised concerns in relation to the Bill, particularly with respect to the proposed industrial manslaughter offences. Western Australia is unique in providing that a failure to comply with a health and safety duty, that causes death or serious harm to an individual, may constitute industrial manslaughter (simple) or a level one offence without any requirement for recklessness or negligence. Both of these offences are punishable by imprisonment.

For these reasons, WALGA recommend that the Standing Committee investigate the drafting and interpretation of these offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment.

Secondly, WALGA recommend that the Standing Committee ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions.

The resolution from WALGA's State Council is as follows;

That WALGA:

- 1. recommend that the Standing Committee on Legislation investigate the drafting and interpretation of offences in the context of Western Australia's Criminal Code, and***

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consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment; and

- 2. recommend that the Standing Committee on legislation ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions.*

I hope the committee is in a position to consider WALGA's position.

For enquiries please contact Tony Brown, Executive Manager Governance and Organisational, on telephone 9213 2051.

Yours sincerely

Mr Nick Sloan
Chief Executive Officer