

Legislative Council

Hansard

Tuesday 10 September 2024

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

**WORK HEALTH AND SAFETY AMENDMENT (SAFER WORKPLACES) BILL
2024 (No. 24)**

Second Reading

[5.31 p.m.]

Ms WEBB (Nelson) - Mr President, I will come over this side for a change of scene, but also so I can be facing the way I would like, to engage with people.

I rise to speak on this bill, and it will be a brief contribution, because other members have covered some territory that I agree with. I thank the member for Rumney, the mover of the bill, for a comprehensive second reading speech which covered many areas. I would like to add to that broader thanks to the Labor Party for bringing the bill to this place for consideration and for the power of work that is involved in doing that. Congratulations to you and to your team, small team, and we all appreciate that is hard. Thank you, and it is an admirable process that seems to have been undertaken in attempts to consult as thoroughly as possible.

I am also going to acknowledge at the outset those tireless advocates on this issue over many years, both in the union movement and amongst families who have a lived experience of grief at the loss of a loved one in a circumstance of a death at work. Every year when I go to the International Workers' Memorial Day events and hear reflections from people, from family members, who have lost a loved one, it is always so affecting. This year, in particular. I do not speak in this place very often about my family, but this year, hearing Guy speak about Matthew - my son this year is 16 and it hits your heart.

I cannot imagine the strength that is required for families who have been in such grief to stand up again and again and again over years to push for change, not because it will help them and their situation and their grief, but because it might stop other people experiencing the same thing. I absolutely want to honour that and acknowledge that here; change happens when people stand up and demand it to happen and when we do that in a way that is in solidarity with each other. That is what we are seeing come to fruition today with this bill. I am honoured to be part of that in this place. Thank you for the opportunity.

Clearly, I support the intent of this bill. It is long overdue. Tasmania is sadly behind all other jurisdictions, as has been mentioned. It would have been preferable for the government to not allow Tasmania to be in that position and for this to have occurred ages ago. For it to be prioritised at a much earlier stage would have been the right message to send and the right outcome to deliver to the Tasmanian community and to Tasmanian families.

Having said that, we are here now, and we know that this will be relevant, not necessarily to deliver justice to people who have already been impacted, but hopefully to ensure that where this may be necessary in future, justice and accountability can be delivered. The

great effect of this legislation passing, if it does today, will hopefully be in making workplaces safer because a higher expectation is set and a greater consequence is understood to be there and people will ensure that the safety risks in workplaces are minimised even further.

We all agree we are seeking an appropriate outcome of justice being served when incidents happen. Too often we see no accountability when there has been a death at work and someone is at fault. We have had laws available to us, as others have said, for 100 years and yet no one has been held accountable under those laws for deaths in workplaces. Fines have been issued, companies have had to pay a fine or there might have been other consequences. That does not feel like justice and it is not justice. We want to see avenues where justice can be served if necessary. Hopefully, it will never be necessary.

We need to be mindful of impact on businesses and workplaces through passing laws that set these expectations and these consequences. Clearly, there is an intent that there will be education and support made available and rolled out, should these laws pass. That was confirmed for us. We have always been on a journey, under our work health and safety laws, of making improvements and setting clearer and higher expectations, and then working to ensure that they can be embodied and implemented in workplaces. This is taking a next step in that same journey, adding to our existing work health and safety regimen to more explicitly cover these instances of industrial manslaughter. It is a positive step forward.

I am not going to delve into lots of detail in relation to the specifics of the bill. All being well, we will do that in the Committee stage and, no doubt, there will be some questions and clarifications. We are all aware that the government has flagged amendments to be considered during that stage, which have, I think, originated from the DPP. I share with others some frustration that we have had those come at a fairly late stage and we have had what I would also see as an unsatisfactory briefing on those proposed amendments this morning. However, we will do our best to do our job and to consider those as appropriate when they are brought forward.

As I mentioned in my contribution when we were contemplating whether this should be sent to a committee, if the government does feel that this legislation is not fit for purpose, there is always the opportunity - we never have legislation that has to exist for all eternity in the state that it is in when it passes this place. We always have the opportunity to have either the government or other members of this place come back later with further amendment bills for us to consider. There is the opportunity for the government to do that, too, should this pass today without amendments they have flagged.

There is benefit for Tasmania to finally come into that harmonisation with other states. As the member for Murchison pointed out, many companies operate across jurisdictions. For those companies, Tasmania's foot-dragging on this has no doubt left them in an awkward position. There is a reason for the comprehensive agreement that there should be national harmonisation here. It is to everybody's benefit for this to occur and it will represent our shared national understanding that this is an important issue and it is the right thing to do. It will reflect community expectation, which is something this government is very keen to claim in a multitude of other circumstances - that it likes to meet community expectation. Here is an opportunity for the government to come on board and do that very thing on this issue.

I support the bill. I am interested for us to have the conversations we may have during the Committee stage on clarifying any elements, considering any proposed amendments. I look forward to seeing this bill passed today. I thank those who brought the bill and the work that has gone into it. I also particularly thank those advocates in the community and in the union movement who have meant this day has finally come.