

OCCUPATIONAL SAFETY AND HEALTH AMENDMENT BILL 2017
MINES SAFETY AND INSPECTION AMENDMENT BILL 2017

Second Reading — Cognate Debate

Resumed from an earlier stage of the sitting.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [5.15 pm]: I was drawing my remarks to a close. I had mentioned that the broader review that had been undertaken of the work health and safety laws in this jurisdiction had canvassed a number of areas, one of which was the question of enforceable undertakings. I note from supplementary notice paper 35, issued on 22 August, that Hon Aaron Stonehouse has foreshadowed a number of amendments about enforceable undertakings for consideration by the chamber. I will say no more about that at this stage. I will listen with interest to what he has to say in prosecution of his proposed amendments and deal with those on their merits in due course.

I make the point once again that having adequate punishments for breaches of statutory obligations is an essential element of any statutory scheme, but simply having high penalties available as a punishment does not compliance make and does not result in safety in itself. Although the opposition supports the increases in the penalties that have been proposed, we would like some further information about how they were calculated, whether they are proportionate to the sorts of problems that the government claims it has encountered and the evidence that they will make any material difference rather than simply appear to treat workplace safety more seriously. Punishment and making high penalties available will not necessarily change conduct.

On that note, I conclude my observations on the Occupational Safety and Health Amendment Bill 2017. As I mentioned, the concurrent piece of legislation that is being dealt with cognately with this bill, the Mines Safety and Inspection Amendment Bill 2017, which also seeks to increase penalties under legislation that deals with, as the title suggests, mines safety in the resource industry, will be dealt with by my colleague Hon Tjorn Sibma. As I have indicated, there is an argument for having consistent penalties for breaches of duty whatever statutory regime occupational health falls under within this state and for having some commensurate and uniform scheme available penalty-wise.

HON TJORN SIBMA (North Metropolitan) [5.18 pm]: It gives me some pleasure to rise to make a contribution to the debate on the Occupational Safety and Health Amendment Bill 2017 and, in particular, the Mines Safety and Inspection Amendment Bill 2017, which obviously are being dealt with cognately. In the limited time that is available to me this afternoon, I wish to clearly express that the Parliamentary Liberal Party will support these bills. We indicated that support in the other place towards the end of last year. I reflect on the fact that I have been anticipating the opportunity to speak to the Occupational Safety and Health Amendment Bill 2017 and the Mines Safety and Inspection Amendment Bill 2017 for possibly eight to nine months. I am very curious as to the delay —

Hon Alannah MacTiernan interjected.

HON TJORN SIBMA: No, no, no. I thought the government had ample opportunity to deal with these bills before the house rose last year. We could have possibly dealt with them if the government had chosen to convene in February, as did the other place. Also, we could have dealt with them before we rose for the winter recess. This goes to the intent of the bill, rather than the substance. I make those remarks as a preface to the government's commitment to sending signals. Sending signals is the easiest thing to accomplish in politics.

I now reflect on the substance of the bills. As the explanatory memorandum indicates, the Occupational Safety and Health Amendment Bill 2017 arises from work undertaken by WorkSafe Australia that eventuated in the model Work Health and Safety Act 2010. In the main, this bill will continue the work initiated by the Barnett government in 2014 that sought to adapt the model act to befit the realities of Western Australia's mining environment.

Debate adjourned, pursuant to standing orders.