

From: [Civil Contractors Federation](#)
To: [EPSC EPSC](#)
Subject: CCFNT Comments in relation to Work Health and Safety Amendment Bill 2019
Date: Tuesday, 8 October 2019 10:22:20 PM
Attachments: [image001.png](#)
[image002.png](#)

Economic Policy Scrutiny Committee
Work Health and Safety (National Uniform Legislation) Amendment Bill 2019.

Dear Committee Secretary,

The Civil Contractors Federation NT is the peak body representing the interests of the civil contracting industry in the Northern Territory.
It is the view of the Civil Contractors Federation that the introduction of this offence will not enhance safety outcomes in the Northern Territory and is unnecessary.

Manslaughter is the unlawful killing of a person. The offence is committed when a person, which includes a corporate entity, kills another either by an unlawful and dangerous act or as a result of criminal negligence.

In the context of the proposed changes, the offence of industrial manslaughter is committed if the death has occurred as a result of criminal negligence. Criminal negligence is more than simple negligence and to be proven, there needs to have been a significant failure to meet the standard care expected by a reasonable person, such as to warrant criminal punishment.

The CCF's position is that currently, if a natural person or corporate entity causes the death of a person through an unlawful and dangerous act or by way of criminal negligence, then that person or entity already faces the prospect of being charged with the common law offence of manslaughter.

Any unlawful killing is wrong and rightfully punishable. The CCF has no issue with the prosecution of the existing common law offence in appropriate circumstances and for the application of suitable punishment if the charge is proven.

The proposed industrial manslaughter offence will require proof of criminal negligence. There is absolutely no difference between what is required to be proven for the new offence and the existing common law offence. The proposed changes needlessly create a separate category of manslaughter which ultimately also amount to an unlawful killing, albeit in an occupational context.

In a recent press release issued by Attorney-General Natasha Fyles, the following was stated: "These laws will help protect Territorians at their place of work, and mean employers are on notice about unsafe practices and sites".

CCFNT is concerned that there is no intention to include employees and their responsibilities in the legislation. This approach is illogical and unfair, given workplace safety should be a primary concern for everyone on a worksite. The current direction of the legislation would see arguably innocent business owners and office holders potentially prosecuted due to rogue actions of employees. The Government should seek to deter employees along with everyone else from engaging in criminally negligent conduct that could cause death.

The CCF supports any initiative that will serve to create safer workplaces in Australia. The CCF does not consider the proposed introduction of industrial manslaughter will enhance or improve safety outcomes. CCF support initiatives that improve safety in the workplace as well as improve safety culture and attitude within businesses. This outcome is best achieved through proactive measures in education safety programs and safety leadership mentoring. We do not believe that the proposed amendments will improve safety in the workplace.

Thank you for the opportunity to comment.

Regards, Tom



Tom Harris Chief Executive Officer
Civil Contractors Federation NT Ltd

Ground Floor, Development House
76 The Esplanade, DARWIN NT 0800

M 0410 533 263 | P (08) 8999 6221 | E ccfnt@ccfnt.com.au | ccfnt.com.au | [Facebook](#)

Constructing Australia's Infrastructure

Sponsors



Insurance | Risk Management | Consulting

