



# STUART GRIMLEY MP

Member for Western Victoria  
State Leader of Derryn Hinch's Justice Party



## MEDIA RELEASE

Wednesday 27 November, 2019

### **Industrial Manslaughter Bill: Farmers & Small Business at Risk**

Derryn Hinch's Justice Party MP Stuart Grimley has voted against the *Workplace Safety Legislation Amendment (Workplace Manslaughter and Other Matters) Bill* due to concerns about impacts on family businesses, farms and the exemption of volunteers from all criminal responsibility.

In his second reading speech to the Bill, Mr Grimley said "The safety of workers should be a priority for all Governments, at all levels... but I fear it may inspire unintended consequences".

He further reiterated that "Derryn Hinch's Justice Party believes that any workplace death is one too many" but that there are outstanding questions yet to be answered.

In his speech, Mr Grimley set out a potential scenario where a member of a family who own a farm is working on the land and is accidentally killed. "Would the deceased person really want their family member to face up to 20 years' imprisonment?" Mr Grimley also argued that it wouldn't be in the public interest to pursue. Farms accounted for 37 of the 146 workplace deaths since 2014.

Further questions were raised in the Legislative Council by Mr Grimley around the use of drugs and alcohol on worksites and in workplaces and the effect this would have on an employer to be at fault in the event of a workplace death.

There are also scenarios such as the implications for employers if an employee should commit suicide within the workplace, or the placement of responsibility on departmental secretaries if public service-people die whilst at work.

The Bill also passes the investigatory powers onto WorkSafe with Victoria Police as a supporting body. Many organisations had expressed concern that Victoria Police was better equipped and experienced to deal with manslaughter persecutions and trials, rather than WorkSafe.

The Bill sets out a \$16.5m maximum penalty - and 20 years' jail - to any employer and individual deemed responsible or criminally negligent contributing to a death in the workplace.

### **Quotes Attributable to Stuart Grimley MP:**

"I absolutely agree with the merits of the Bill that those who provide unsafe worksites and conditions should be punished. However this Bill that I was asked to vote on had unintended consequences for family businesses, especially in the agricultural sector that I wasn't prepared to support.

Under this legislation, if a farmer's partner or other family member dies through an onsite accident, they could then be criminally liable, allowing WorkSafe to proceed with prosecution.

As tragic as the thought is, there are questions around suicide in the workplace and use of drugs and alcohol and how an employer could be liable for these incidents. Without knowing the answers to these questions, I was unable to support this Bill.

There is also still uncertainty around culpability with relation to public sector work and who the 'employer' technically is. The Government weren't prepared to answer the many hypothetical questions raised prior to the Bill passing and to me, that was a red flag."

#### **Stuart Grimley MP - Media Adviser:**

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