



Industrial manslaughter and other work, health and safety reforms

The *Fair Work Legislation Amendment (Closing Loopholes) Act 2023* amends the *Work Health and Safety Act 2011* (the WHS Act) to strengthen Commonwealth work health and safety offences and penalties by introducing an industrial manslaughter offence, increasing penalties and providing new criminal responsibility provisions for bodies corporate and the Commonwealth. The amendments also establish a Family and Injured Workers Advisory Committee.

What has changed?

The changes amend the WHS Act to strengthen the work health and safety offences and penalties regime by including:

- An industrial manslaughter offence for the Commonwealth work health and safety jurisdiction with penalties of \$18 million for a body corporate and 25 years imprisonment for an individual.
- Significant increases to the Category 1 offence penalties from \$3 million to \$15 million for a body corporate, from \$600,000 to \$3 million for a person conducting a business or undertaking or an officer, and from \$300,000 to \$1.5 million for any other person.
- A 39.03% increase to all other penalties in the WHS Act.
- For those penalties which have increased, an indexing mechanism to annually increase penalties in line with the national consumer price index.
- New criminal responsibility provisions for bodies corporate and the Commonwealth.

The changes also amend the WHS Act to establish a Family and Injured Workers Advisory Committee. The Committee will provide advice to the Minister for Employment and Workplace Relations and Commonwealth work health and safety regulators on the support needs of those affected by a serious workplace incident and help inform the development of relevant policies and strategies.

What will these changes mean?

- The industrial manslaughter offence and higher penalties for breaching work health and safety duties will promote compliance and help make workplaces safer.
- The industrial manslaughter offence will address community concern and apply higher penalties to the most egregious breaches of work health and safety duties, those which cause death.

- The indexing mechanism will ensure work health and safety penalties retain their relative value and remain a serious deterrent into the future.
- New criminal responsibility provisions will ensure bodies corporate and the Commonwealth are held accountable for breaches of work health and safety duties.

The Family and Injured Workers Advisory Committee will ensure that bereaved families and seriously injured workers and their families have the opportunity to give feedback to government, and advocate for change or reform to meet the needs of those affected by a workplace death or serious injury or illness.

When will these changes come into effect?

The industrial manslaughter offence will commence on 1 July 2024.

The Minister for Employment and Workplace Relations is required to establish the Family and Injured Workers Advisory Committee within 12 months of the commencement of the relevant provisions.

Most other amendments commenced on 15 December 2023.

For more information on the Closing Loopholes legislation, visit: <https://www.dewr.gov.au/workplace-relations>