

# INDUSTRIAL MANSLAUGHTER

## FACT SHEET

Tasmania's *Work Health and Safety Act 2012* (the Act) has been changed to introduce a new criminal offence of industrial manslaughter, in order to prevent workplace deaths, deter duty holders from breaching their legal obligations, and treat workplace deaths with the same seriousness as other deaths in our community. You can view the new industrial manslaughter provision in sections 29A-D of the Act.

### What is industrial manslaughter?

Industrial manslaughter occurs when the negligent conduct of a person conducting a business or undertaking (PCBU) or an officer of a PCBU, causes the death of a worker. A PCBU or officer commits industrial manslaughter if:

- they have a health and safety duty under the Act; and
- they engage in conduct that breaches that duty; and
- the conduct substantially contributes to the death of an individual to whom that duty is owed; and
- the PCBU/officer engages in the conduct with gross negligence or is reckless as to the risk to an individual of death or serious injury or illness.

### Maximum penalties

Penalties include a maximum penalty of 21 years jail for an individual or up to \$18 million in fines for a body corporate.

### What do the changes mean?

- Workers in Tasmania are now protected by industrial manslaughter laws, like the rest of Australia.
- For employers complying with work health and safety law, nothing changes.
- Substantial penalties have been introduced where an employer's negligent or reckless conduct causes a workplace fatality, which means that workplace deaths are treated with the same seriousness as other deaths in our community.
- Whilst nothing can bring back a loved one killed at work, we hope these laws will provide a greater measure of justice to families.

### Who do the laws apply to?

The offence of industrial manslaughter applies to a person conducting a business or undertaking (PCBU), or an officer of a PCBU. Both PCBUs and officers already have duties under the Act and this offence does not add new duties.

The offence doesn't apply to workers (including Health and Safety Representatives) who are not officers; volunteers; or unincorporated associations.

### When does this come into effect?

Industrial manslaughter laws came into effect in Tasmania on 2 October, 2024. The laws will apply to workplace deaths that have occurred after this date.

### Worker advice and support

Your union can assist you in dealing with safety issues in the workplace.

For key Tasmanian union contacts visit [unionstas.com.au/contact-your-union/](https://unionstas.com.au/contact-your-union/)

Worker Assist Tasmania provides free, independent and confidential legal advice about family entitlements in the event of a workplace death. Visit [workerassist.org.au](https://workerassist.org.au) or call (03) 6216 7677

Lifeline Australia offers 24hr/7 days a week crisis support to all Australians experiencing emotional distress. Call 13 11 14 or visit [lifeline.org.au](https://lifeline.org.au)

### Further resources

[worksafe.tas.gov.au](https://worksafe.tas.gov.au)

[comcare.gov.au](https://comcare.gov.au)

[mindyourhead.org.au](https://mindyourhead.org.au)