

LEGISLATIVE COUNCIL

**WORKPLACE SAFETY LEGISLATION AMENDMENT (WORKPLACE
MANSLAUGHTER AND OTHER MATTERS) BILL 2019**

(Amendments to be proposed in Committee by Mr QUILTY)

1. Clause 3, line 27, omit "imposed;" and insert "imposed—".
2. Clause 3, after line 27 insert—

"and also includes a duty imposed by a provision of section 39I;".
3. Clause 3, page 4, line 11, after "(b)" insert "subject to subsection (3),".
4. Clause 3, page 4, after line 16 insert—

"(3) For the purposes of determining whether conduct constitutes a breach of an applicable duty specified in section 39I(1) or (2), an omission to perform an act does not constitute *conduct*."
5. Clause 3, page 5, line 27, after "Part 3" insert "or Division 3".
6. Clause 3, page 7, line 29, omit "them."." and insert "them.".
7. Clause 3, page 7, after line 29 insert—

"Division 3—Additional duties for workplace manslaughter

39H Application of Division

The duties in this Division have effect only for the purpose of determining whether conduct constitutes a breach of an applicable duty for the purposes of this Part.

39I Duties of Ministers

- (1) A Minister must not cause a sole trader's business to become financially unviable.
- (2) A Minister must not cause a small business to become financially unviable.
- (3) In subsection (2)—

small business means a business employing fewer than—

 - (a) if the business is or includes the manufacture of goods—100 people; or
 - (b) otherwise—20 people."."