



## HOUSE OF ASSEMBLY

THURSDAY 10<sup>TH</sup> AUGUST 2017

### WORK HEALTH AND SAFETY (NOTIFICATION OF NEXT OF KIN) AMENDMENT BILL

#### *Introduction and First Reading*

**Mr PEDERICK (Hammond) (10:30):** Obtained leave and introduced a bill for an act to amend the Work Health and Safety Act 2012. Read a first time.

#### *Second Reading*

**Mr PEDERICK (Hammond) (10:31):** I move:

That this bill be now read a second time.

The Work Health and Safety (Notification of Next of Kin) Amendment Bill 2017 amends the Work Health and Safety Act 2012. The amendments in the bill amend provisions relating to the duty to notify the next of kin when a prescribed medical incident occurs on a business premises. The work health and safety bill will enforce the requirement for a business owner to take all reasonable actions to notify the next of kin, immediately after becoming aware of a prescribed medical incident, by the fastest means possible. A record of such notification must also be made and kept for at least five years after the incident.

To ensure there is no confusion with notification being given by both the workplace and emergency services, provisions have been implemented that declare that a person is not required to comply with the notification if they have been directly advised by police, ambulance or some other authority responsible for providing emergency services that they have already notified the next of kin of the incident. Presently, there is no legal requirement for a workplace to notify the next of kin in the event of a serious accident.

The confusion that can be caused as a result of the lack of presence of such a requirement was evident in the case of Mr Alan Carter. Mr Carter was involved in a workplace accident whilst attempting to unload livestock at an abattoir. He was attempting to unload a water buffalo. A series of unfortunate circumstances transpired, which resulted in Mr Carter suffering extensive and serious injuries inflicted by the livestock. It was very traumatic for other truck drivers on the scene, who found it difficult to even function, let alone talk to anyone appropriately, such as other contractors.

Emergency services were required to attend the accident. I am aware that the business owner was alerted to the incident shortly after it taking place, and arrangements were made for the livestock and Mr Carter's truck to be returned. After emergency services attended the scene, Mr Carter was taken to Strathalbyn hospital before being transferred to Flinders Medical Centre. At this time, no emergency worker or the business owner had attempted to contact the family.

It is my understanding that the family has been informed that, due to its being a worksite, emergency services attending assumed the family would be notified by the business owner: on the contrary, the business believed they had no responsibility to notify the family. This bill is about taking out any confusion about what happens if a terrible accident like this happens to anyone else in this state.

Unfortunately, due to no notification being made, Mr Carter passed away without the opportunity to have the presence of his loved ones in his final hours. The inability to say goodbye to a loved one in the final moments of one's life is morally unjust, and this led to Alan's family contacting me in an attempt to prevent these circumstances recurring.

I first met with Cheryl Conway-Randell, Alan's partner, and Alan's daughter in late 2016. They shared with me Alan's story, and from what I can gather he was a man loved and respected by many in the community. I feel it is important to read the words of Alan's partner, Cheryl, to best describe Mr Carter's history and love for the farming and agricultural industry—the late Alan Martin Carter, Al to his mates, the owner of AMC Livestock Transport—as follows:

Alan was from a family of 10 children. He was born at Moonta Hospital on 22 April 1943 and from a young age, Alan was a regular sight in saleyards, auctions and markets with his father Bob. Al's parents over the years owned and operated four butcher shops at Two Wells, Mallala, Bordertown and North Adelaide. Bob, Alan and his brothers, Bruce and Max were all butchers by trade.

Alan purchased his property at Burdett on Sunnyside overlooking the Murray River in 1967. In the early 70's, Alan became a sole trader and purchased his first truck, a Bedford, which he took on the local market calf run.

**The DEPUTY SPEAKER:** A Bedford?

**Mr PEDERICK:** A Bedford—a very good truck, and my father owned one, a J5, I think. She continues:

His business grew and he went on to purchase his first new truck, a Leyland, and he always said, 'that reliable old girl put me on my feet.' He had blue hurdles made up for the Leyland, and that blue remained an easily identified colour of his truck fleet in the years to follow.

Alan's business continued to grow, with the purchase of two prime movers to cart pigs to Chapmans at Nairn for over 30 years, along with other local work in the Murraylands and beyond. Alan was a regular at the Murray Bridge, Wednesday livestock market and was well known and respected by the local and interstate trucking community.

Al's three sons and daughters are still involved in the trucking industry, they all live at Burdett, and his business is still operating to this day. Along with his own family, he taught many. One of those he taught was a young lad, Alan showed him how to maintain and drive a truck over the years. His exceptional skills as a livestock handler, were also passed on to many.

Alan with a lifetime of experience was well known, loved and respected as a fair and reliable trader through the district and further afield. Al was well recognised as a true Aussie stockman. He was a member of the Livestock Road Transport Association SA from its inception and in later years a member of the committee. He was known as a man of few words, but when he spoke people listened and valued his opinion.

Al knew what it was to do it tough, yet was always willing to extend his hand to help out a neighbour, or a mate. He was more diverse than many people knew, he broke-in his own horses and was an exceptional horse rider, something that he loved to do. Al bred and trained his own working dogs, and on Saturdays, everyone knew not to call him, as he was at the local dance at Burdett, he also loved to sing.

A young truck driver at Alan's funeral summed Al up nicely when he said, 'there was only one word to describe Alan, he was a legend.' Alan touched many lives in his time and was loved by many, yet unfortunately, Alan was not afforded the opportunity to have his loved ones with him at the time of his passing. The moral requirement of notifying his family of the accident was not carried out, however, other phone calls of much lesser significance were made to have the stock and his truck removed from the accident site at Strath Pastoral Abattoirs.

This parliament should without any further consideration, or delay, pass the necessary legislation to change the obligation to notify immediate family of a prescribed workplace accident, and especially if such injury may result in death, from a moral responsibility, to a legal responsibility, so family [have the opportunity to] be with their loved ones at that [terrible] time.

I believe we all would be of the opinion that no person should have to die alone. Under the current law, this can be the case, as it was in the passing of my partner, Alan Carter.

Yours sincerely,

Cheryl Conway-Randell.

Alan's funeral was held at the Murray Bridge Saleyards with over 1,500 people in attendance. Alan now has a saleyard named in his memory and a plaque on the truckers' memorial wall in Murray Bridge. Along with the support of Mr Carter's family, I have also received a letter of support from the Livestock and Rural Transporters Association of South Australia:

The Livestock and Rural Transporters Association of SA fully support your actions to amend the Work Health and Safety Act, by introducing a duty to notify immediate family members in the event of an accident.

What happened to Cheryl Carter following Alan Carter's fatal accident is just not good enough and should have never occurred. Considering the majority of people carry a mobile phone, for no-one to contact her, is inexcusable.

Alan's accident also highlights the need for a second person to be in attendance while operators are engaged in loading and unloading livestock. All too often our members are working with live animals without a second person nearby.

The LRTASA feels strongly that by making this change to the Work Health and Safety Act, it will be a step in the right direction.

Yours sincerely,

David Smith

President.

It is evident that there is support for the implementation of this bill; however, over coming weeks I will conduct additional consultation with relevant industry stakeholders. I trust that those on the other side will see the validity of introducing this bill to the house, and I look forward to its speedy passage through the parliament in memory of Alan Carter. I think he led a remarkable life. He suffered an unfortunate accident. Vale, Alan Carter. I commend the bill to the house.

Debate adjourned on motion of Ms Cook.