

Nerves over industrial manslaughter laws

IAN ROYALL

VICTORIA'S tough new industrial manslaughter laws could have senior members of the state government nervous in the wake of the hotel quarantine inquiry, a Monash University legal expert has warned.

The new laws, introduced in July, mean industrial manslaughter is a criminal offence, with serious implications for employers. The laws could relate to whether a safe workplace was provided during the quarantine process at the city hotels earlier this year.

Michael Duffy, director of the Corporate Law, Organisation and Litigation Research Group at Monash, said negligence usually only attracted civil liability, except in rare cases of gross negligence.

"Yet the industrial manslaughter laws provide for criminal liability for negligence so the laws are quite tough," Dr Duffy said. "Some in the government may now be wondering about having pushed through such tough laws."

His comments come after Counsel Assisting Rachel Ellyard told the inquiry the state should not have divested responsibility for training, infection control and PPE to private security guards.

Dr Duffy said potential class actions from victims' families or struggling businesses could depend on the strength of the tendering process.

"At the moment it's all speculation, but contracting out might not of itself be negligence given that it has widely been seen as being an efficient option for governments over the last 30 years or more," he said.

"A real question for a civil class action may be the adequacy of any tendering or selection process or any lack of such process."

Shadow legal affairs spokesman Edward O'Donohue said final findings would dictate if legal action would follow.