

AGRICULTURE — WORKER SAFETY

Grievance

MS C.M. ROWE (Belmont) [9.40 am]: My grievance today is to the Minister for Industrial Relations and is regarding the safety of workers in the agricultural sector. The agricultural industry is a vital contributor to the WA economy, and the McGowan government is taking active steps to broaden the sector's potential. This includes delivering \$3.3 million through the carbon farming and land restoration program to innovate carbon farming projects that will help boost the sector's potential and productivity, and investing \$25 million to create the Western Australian agricultural collaboration, which will spur research and development capabilities for the sector.

The agricultural industry has always been and will continue to be an important part of WA's future. However, it is also one of the most dangerous industries to work in. Ensuring that our agricultural industry remains strong requires commitment and action to protect the health and safety of our agricultural workers. I am very proud of the McGowan government's achievements in addressing workplace safety, which have always been spearheaded by the terrific work of the Minister for Industrial Relations.

The modernisation of industry laws after 38 years through the Work Health and Safety Act was a significant step towards fostering a greater culture of safety for workers. The new legislation and regulations started on 31 March this year and included industrial manslaughter laws. To ensure a safe working environment, gross negligence resulting in the most tragic circumstances will now carry a maximum penalty of 20 years' imprisonment and a \$5 million fine for individuals, and a maximum penalty of a \$10 million fine for a body corporate. Such laws have already had a positive impact in the workplace, with those further up an organisation's hierarchy being held responsible for failing to safeguard the health and safety of their workers. The responsibility of ensuring that employees make it home safely should be motivation enough, but, of course, if it is not, there are now threats of significant penalties, including jail time. Every Western Australian should go to work knowing that their health and safety is the number one priority. These laws were deliberately designed to achieve just that. I would like to recognise the minister for his extensive involvement in achieving this, along with workplace safety advocates such as Regan Ballantine who unfortunately have endured the loss of a loved one while at work.

Unfortunately, the agricultural sector remains one of the more dangerous industries in the nation, and Western Australia is not immune to this. Tragically, there have been 12 agricultural work-related deaths reported in Western Australia in the last 12 months alone. In June this year, a 24-year-old male died in the great southern region between Lake King and Varley Creek. He was attempting to move a bogged vehicle with a tractor when towing equipment failed, fatally striking him in the head. In December last year, the death of a 72-year-old farmer was reported in Maya, 240 kilometres north-east of Perth in WA's midwest region. The farmer was killed when he was struck by the tractor he was trying to jump-start in order to free a bogged truck. Earlier this year, AgHealth Australia and AgriFutures Australia released an annual report on non-intentional farm-related incidents in Australia. The statistics were absolutely shocking. The report found that since 2001, 1 632 lives have been lost on Australian farms due to non-intentional injury. Last year alone, there were 46 on-farm deaths throughout the country. I offer my sincerest condolences to the loved ones of those lost in work-related incidents.

Everyone deserves to go to work in the morning knowing that they will return safely home at night. We cannot accept these deaths as the cost of working in dangerous industries. The only number of deaths that we should accept is zero.

I was very pleased to hear that WorkSafe Commissioner Darren Kavanagh is launching an inquiry into the agricultural sector and work-related deaths following the number of lives lost in this industry. It is a tragic catalyst for a critically important piece of work. I understand that as part of the inquiry announced in June, the commissioner will look at work-related deaths spanning the past five years. This opportunity to shine a spotlight on the industry and the improvements that can be made is very much welcomed.

With the inquiry underway, I ask the minister to share with the house the progress of the inquiry and how it will further the McGowan government's approach to enhancing the safety of our agricultural workplaces and help ensure that Western Australians return home from work safely each and every day.

MR W.J. JOHNSTON (Cannington — Minister for Industrial Relations) [9.45 am]: I thank the member for Belmont for raising her concerns with me. The work health and safety record of the agricultural industry is a very serious issue, and it is important now more than ever that the government and the sector work together to improve workplace safety. On behalf of the McGowan government, I can tell members that we are very keen and totally committed to seeing better health and safety outcomes in this industry.

The agricultural, forestry and fishing industries have the highest number of work-related fatalities and the highest frequency rate, despite having relatively few hours of work compared with other industries. For the 10-year period 2010–11 to 2019–20, there have been 41 fatalities across those industries. When I discuss these matters with these industries, they make the point that that figure is across the three sectors, and that it is harder to break down the

details because of the way that the Australian Bureau of Statistics assembles the statistics; however, one way or another, we know that most of those deaths occurred in the agricultural sector rather than in forestry or fishing. In the same period, those industries made up only three per cent of all hours worked, yet the agricultural sector made up 24 per cent of fatalities. The fatality frequency rate in agricultural, forestry and fishing is over three times as high as the industry with the second highest work-related fatality frequency rate, which is arts and recreation services, and about seven times as high as the overall fatality frequency rate across all industries.

In the first term of the McGowan government, on 27 May 2020, I convened a farm safety summit to discuss with industry leadership how to improve workplace health and safety in the agricultural industry. At that time, I pointed out that the workers' compensation premium in agriculture was three times the rate for the all-industry average, and double the next highest rate, which is for transport. Unfortunately, we have not seen that change yet, although that is a lagging indicator; it will move last. Workers' comp premiums are set by the insurance industry and are based on an analysis of the actual claims experienced for each industry. Therefore, the agricultural industry has a much higher average premium rate—because it has a higher frequency and severity of injuries and claims.

I was advised by the WorkSafe Commissioner, Darren Kavanagh, that he intended to conduct this inquiry under the powers provided to him by the work health and safety legislation that I was very proud to manage through the Parliament in the first term of the McGowan government. I am pleased that Mr Kavanagh is using the powers that he has to review the agricultural industry.

The inquiry examined the deaths of agricultural workers and family members over the last five years, aiming to make changes to safety within the industry. A report will be generated with recommendations on investigations and enforcement for consideration by the government and by industry, as well.

I acknowledge that some changes are already evident. I acknowledge that some industry bodies are now advertising in agricultural journals to remind the industry of its need to improve safety, following on from the engagement that I and Hon Stephen Dawson have had with the sector over the last three years. Commissioner Darren Kavanagh will release the terms of reference shortly. The inquiry arose from the death of the worker in June, which was the twelfth death in the 12-month period. It is expected that the inquiry will report, identify its findings and make recommendations, and we hope that the industry will respond strongly to that.

I am pleased to tell Parliament that Commissioner Kavanagh has advised me that he has appointed Pamela Scott to the position of independent inquirer to assist in conducting the inquiry. Pam Scott is the former Chief Commissioner of the Western Australian Industrial Relations Commission. She served for 25 years until her forced retirement because of our failure to pass the Industrial Relations Legislation Amendment Bill 2020 in the last Parliament, which would have allowed her to stay on in her valuable role. Former Commissioner Scott is a person of great talent and ability and she has a wide level of respect across the industry. I make the point that she is the former head of the Retail Traders Association of WA and she used to be my counterparty in her role representing retail employers, while I represented retail workers at the Shop, Distributive and Allied Employees Association of WA. I made it clear to the Farm Safety Summit in 2020 that, if the industry does not take steps to improve work health and safety, it is highly likely that the regulator will take steps to address these ongoing failures. That is why I am pleased that the WorkSafe Commissioner, Darren Kavanagh, has appointed a woman of such great ability as Pam Scott to do this inquiry because all industry participants can be assured that she will bring a proper mind to the challenges of the sector.

We have to get the rate of injury and death in this sector down. I applaud Darren Kavanagh's decision to do this inquiry. I urge the industry to engage with the inquiry because there will be some really good outcomes for a plan forward. As I keep saying to the sector, tragically, many of the people who die are those family members in the industry. It is the people sitting around the table on a Sunday night who are most at risk of death on a farm. We want to work with the industry, with farmers and the agricultural sector to save those lives, save these tragedies from occurring, and get better outcomes for everybody in the sector.