

Division 16: Energy, Mines, Industry Regulation and Safety — Services 2 to 4, Industrial Relations —

Mr S.J. Price, Chair.

Ms S.F. McGurk, Minister for Industrial Relations.

Mr R. Sellers, Director General.

Mr I. Munns, Deputy Director General.

Mr. J. Kwong, Chief Finance Officer.

Ms S. North, Acting WorkSafe Commissioner.

Ms L. Field, Executive Director, Private Sector Labour Relations.

Mr A. Lyon, Executive Director, Government Sector Labour Relations.

Dr S. Gallacher, Chief of Staff, Minister for Industrial Relations.

[Witnesses introduced.]

The CHAIR: The estimates committees will be reported by Hansard and the daily proof will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with those details. Some divisions are the responsibility of more than one minister. Ministers shall be examined only in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by noon on Friday, 31 May 2024. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

I give the call to the member for Cottesloe.

Dr D.J. HONEY: I refer to page 235 of budget paper No 2, volume 1, and the seventh significant issue, which outlines that the government has announced a new principles-based wages policy and that a number of agreements are due to expire. Does the minister have a funding envelope that has been developed for each enterprise bargaining agreement as part of those negotiation processes? If that is the case, is the minister able to disclose that funding envelope?

Ms S.F. McGURK: First of all, the new public sector wages policy was announced in December last year. As the member said, it is shifting to a principles-based wages policy that will require great oversight and governance to ensure financial and industrial provision and produce outcomes that are industrially sound but, at the same time, financially sustainable. Premier's Circular 2023–03, *Government labour relations management framework*, sets out the authorising environment for the negotiations. As the member would be aware, the bargaining requires allocation of adequate resources to ensure that necessary approvals are sought in a timely manner.

I understand that the Treasurer provided responses to these questions yesterday. As would be prudent of me, I will endorse her position that the global provision is required for budgeting purposes. There is no specific dollar allocation for any one agreement or occupational group. Each agreement is negotiated within its own context, both for wages and conditions. Agreements will expire at different times across the forward estimates and agency budget increases also include FTE changes across the forward estimates. These all need to be taken into account in negotiations, and I am looking forward to doing so over the next 12 months!

Dr D.J. HONEY: More fun than estimates!

Ms M.J. DAVIES: For the benefit of *Hansard*, there was a smile on the minister's face.

Dr D.J. HONEY: Is there a global percentage target for wage increases, or is that variable?

Ms S.F. McGURK: No, there is not. As I said, we will bargain in good faith with each union and agency where their members are employed. The negotiations will involve a number of issues, including wages or salary outcomes and also conditions that might apply or other supports that might be given. The two negotiations that have progressed so far—with the Rail Tram and Bus Union for public transit officers and the State School Teachers' Union of WA for public sector teachers—have reflected a mix of all those areas.

[10.40 am]

Ms M.J. DAVIES: I refer to paragraph 12 at the top of page 236 of budget paper No 2, volume 1, and the mine statutory positions prescribed in work health and safety laws. A number of people have contacted my office. There

are some global questions on this matter and the extension that has been provided. Clearly, there had not been enough thought put into how complex this system will be or how many people will need to be put through it, so government has been forced to push it out for 12 months, as far as I can see. But I have grave concerns, even with the 12-month extension, about the impacts on people who operate gravel pits—local governments, for example. I would like the minister's reflection on how these provisions will impact those particular contractors, and the complexity of what they are being asked to do in order to undertake a very simple task. Does the minister have any reflections on the rollout so far, which I would say has been disastrous, and what needs to be done to get it back on track so that we are not in this position 12 months down the track?

Ms S.F. McGURK: We make no apology as a government for putting in place high standards for workers' health and safety throughout all the varying workplaces, but particularly in mines. Mining has traditionally been an area that has experienced high rates of injury and, in fact, fatalities. It has needed a lot of work. To their credit, employers in the sector have acknowledged that their standards needed to be raised and that they needed to put concerted effort into understanding particular hazards and responding to and minimising any health and safety risks. I acknowledge the work that has been done by the industry and by others in government specialist agencies.

Statutory position holders in WA mine sites were previously certified under the Mines Safety and Inspection Act 1994. They were required to transition to a certified equivalent role under the Work Health and Safety Act 2020 within three years of the commencement of that act. As the member mentioned, as part of the certification requirements, examinations are facilitated by the Department of Energy, Mines, Industry Regulation and Safety for new applicants and transitioning position holders, and demand for these examinations has been high. It reflects the number of people working in the industry, the geographical reach of the industry, and also the varying components of the industry, as the member mentioned about her electorate. The transition period has been extended for a further 12 months, as the member mentioned, to 30 March 2026, and it is expected that the extension will alleviate pressure on candidates to transition to the requirements under the new act. I am getting regular reports on how we are progressing and the program of work that will need to be undertaken to ensure that we can meet that revised timeframe.

As I said, we make no apology for expecting that the people who oversee work in a managerial or supervisory position have a good, practical understanding of their obligations under the act, and that is what this certification is about.

Ms M.J. DAVIES: How many applicants have undertaken the examination to date? How many people have gone through the process?

Ms S.F. McGURK: I will hand over to the acting WorkSafe WA Commissioner.

Ms S. North: Thank you, minister. To date, 2 413 people have taken the exam.

Ms M.J. DAVIES: How many of those people have had to take it more than once?

Ms S.F. McGURK: We do not have that information here. I think it is envisaged that people will be able to take the exam three times. They would be given an opportunity to resit the exam within a 12-month period.

Ms M.J. DAVIES: I am advised that a high number of people are having to go through the process more than once. It is not a simple or easy process. I take the minister's point about safety issues and the importance of making sure that everyone who goes to work comes home at the end of the day. Does the minister have an understanding of how many people are still required to undertake the examination? When the minister put this legislation into place, what were the anticipated global figures of the number of people who will need to go through this process?

Ms S.F. McGURK: I will hand over to the acting WorkSafe WA Commissioner, but I am advised that the pass rate for these exams so far has been 84 per cent, so it is high. We understand that there are people working in these industries who do not often sit exams, so we have tried to make the assessment process as accessible as possible, while at the same time maintaining the integrity of the system. We want people to have a good and practical understanding of the hazards that workers in their area of responsibility are possibly exposed to in their workplaces and how to ensure that those workers are safe. But I will hand over to the acting WorkSafe WA Commissioner to answer that question.

Ms S. North: Our current estimate is that a total of 25 000 candidates will need to sit these exams. It is not a precise figure because some factors are industry led. For example, if industry is operating with multiple people in the same role for shift arrangements or similar, that would be an additional person. Taking that into account, along with the information that we have from industry and the estimated pass rate, we have reached that estimation.

Ms M.J. DAVIES: To date, 2 413 people have taken the exam. The global figure is 25 000. Are we sitting exams 24 hours a day for the next 12 months to get those people through before the legislation actually comes into play?

Ms S.F. McGURK: No, we are not. We have made sure that additional places are available—physical places and locations—to make sure that the exams can be taken around the state in a secure way that, as I said, maintains the

integrity of the assessment. I will hand over to Ms North to make any other comments on how we will meet these requirements under the act.

Ms S. North: As the minister has advised, we have recently increased the number of venues at which exams can be taken, and with the increased number of venues, we are able to run more than one exam session a day. As such, I am advised that those current centres have the capacity to sit 44 000 applicants over the time that we have in the transitional arrangements.

Dr D.J. HONEY: I have just done a quick calculation. If we had a full calendar year of workdays, that would be 220 days, and there are 21 000 tests to do.

Mr W.J. JOHNSTON: No, there are 261.

Dr D.J. HONEY: There are 220 workdays in a year.

Mr W.J. JOHNSTON: No.

Dr D.J. HONEY: Yes, I know. I am taking out all the public holidays.

Mr W.J. JOHNSTON: No.

Dr D.J. HONEY: I am not going to have a debate with the member; I will put the question through the minister. There are 220 workdays in the year and there are 21 000 tests to be done.

Mr W.J. JOHNSTON: There are 261.

The CHAIR: Member!

Dr D.J. HONEY: That is 95 tests each business working day. In fact, obviously, given that there is less than a calendar year left, it will be higher than that. Is the capacity for the number of tests able to be taken on a business working day greater than that, in order to achieve that goal? It seems like a huge target.

Ms S.F. McGURK: I know that the member was probably getting excited about calculating the number of business days and how many tests could be run, but I do not know whether he was listening to what the acting commissioner said. She said that we have arranged additional capacity around the state to ensure different locations so that 44 000 tests could be done before the completion date. That is the calculation that has been done. We are working hard with not only individual companies, but also importantly the peak bodies to ensure that employers understand their obligations under the act. The act was developed with a lot of consultation with industry. Industry itself expects high standards and has welcomed the attention and resources that the state government has put in place to assist it with that. I think the exam process for the statutory holders' obligations will enhance safety in workplaces, and that is something that the WA community rightly expects.

[10.50 am]

Ms M.J. DAVIES: Could I have a list of those locations?

Ms S.F. McGURK: Yes.

Ms M.J. DAVIES: And could the minister tell me now whether there are any in the electorate of Central Wheatbelt?

Ms S.F. McGURK: There are three exam centres in Cannington, one in Kalgoorlie, one in Bunbury and one in North Lake. These are the exam centres from May this year to March 2026. They have a maximum capacity per exam event et cetera, which brings us to the calculation that over 44 000 people could be accommodated in all those centres.

Ms M.J. DAVIES: Do these exams have to be sat in person?

Ms S.F. McGURK: At this stage, that is correct.

Ms M.J. DAVIES: I did not hear that there is any for the north of the state. Would that be correct?

Ms S.F. McGURK: The capacity outside the centres I have discussed is still being worked through. One of the issues is making sure that the exams are taken in secure locations. That has been a challenge for the team. At the moment, as we heard from the number of people who have gone through those exams, it is certainly the case that people in the mining industry throughout the state are used to attending regional centres as well as the metropolitan area to do this sort of work.

Ms M.J. DAVIES: This is the last question, minister, because I will follow it up outside estimates—sorry; I have two. What is the timeline for putting in place additional locations? Has that been allowed for in terms of resourcing within the current budget?

Ms S.F. McGURK: I will hand over to the acting commissioner to answer that question, but I want to reiterate the restrictions we have on finding other locations. Training facilities might be available in some regional areas, but they

are usually occupied, so it is not easy to be able to use them. I will hand over to the acting WorkSafe Western Australia Commissioner to answer that question.

Ms S. North: We are continuing to examine further venues. There are requirements for the venues from both an IT systems and security aspect, as well as the point of view of invigilation, as we have to make sure that we have an invigilator on site. However, we do have a project team in place. The 44 000 is without those additional venues.

Dr D.J. HONEY: Are people able to take the tests seven days a week or are they limited to business days?

Ms S.F. McGURK: It is business days at this stage. As I said, the group within WorkSafe that is overseeing the implementation of this has been working with industry to understand its requirements and ensure that anyone who needs to do this work has adequate options to ensure that they can sit the exam.

Ms M.J. DAVIES: Just so I am clear, this applies equally to someone running a gravel pit, for instance, in the wheatbelt or a sand extraction pit for road base—a local government or a local contractor—all the way through to BHP, Rio Tinto and FMG running big holes in the ground or underground mining facilities. I understand that they all have that requirement. The concern, from my perspective, comes from the risk factor, which would not be quite the same for someone who is pushing a bit of gravel around at the back of the wheatbelt as someone who is operating a multi-person mine or underground mine elsewhere in the state. However, the requirement for that test is the same, and there is nowhere for them to do it locally.

Ms S.F. McGURK: Exceptions for small organisations apply under the act. I will hand over to Ms North to give a bit more detail about how they are accommodated.

Ms S. North: Yes, there are some exceptions. Firstly, they would need to be covered by the mining legislation. There are some uses of gravel, for example, that are not covered under the mines part of the work health and safety legislation. Additionally, there are exceptions for small businesses that are not required to pay the mines safety levy.

Ms M.J. DAVIES: Thank you. I will follow it up.

Dr D.J. HONEY: I go to paragraph 11 of the significant issues impacting the agency on page 235 of volume 1 of budget paper No 2. How many reports of sexual harassment and assaults in the mining industry have there been since the establishment of the Speak Up, Report It campaign?

Ms S.F. McGURK: As the minister responsible for industrial relations in the state government, I would not be privy to all reports that are made to police or internally within a workplace. Did the member ask about sexual harassment?

Dr D.J. HONEY: Yes—the matters that have been reported to the Department of Energy, Mines, Industry Regulation and Safety since the Speak Up campaign commenced.

Ms S.F. McGURK: Reported to WorkSafe?

Dr D.J. HONEY: Yes.

Ms S.F. McGURK: I will talk more generally about the work that we have been doing before I hand over to the acting commissioner to see whether specific data on sexual harassment claims is kept within a certain window or time period and whether that category is kept within the data of WorkSafe. I can say, particularly through my observation of this topic and also my previous ministerial responsibilities as the Minister for Prevention of Family and Domestic Violence, that the work we are doing may not result in direct reporting to WorkSafe. It may mean that there is increased awareness amongst both female employees and the workforce in general about what constitutes sexual harassment or inappropriate behaviour at a workplace level. It might also increase awareness amongst people who might be perpetrators of that sort of behaviour that their behaviour is inappropriate at the workplace. I will stop to ask whether that information is collected at WorkSafe and whether we can give it to the member. The program of work that began with increased disclosures, particularly at fly-in fly-out camps in the mining industry, goes to the increased awareness that this sort of behaviour is not only unacceptable but, in some cases, illegal. The program of work will be ongoing to raise awareness and ensure we have adequate responses at workplaces as well as at a regulatory level. I will check with the acting WorkSafe Commissioner to see whether we collect that sort of data. I will hand over to her to answer the question as well.

[11.00 am]

[Mrs M.R. Marshall took the chair.]

Ms S. North: Thank you, minister and through the chair. We have that type of information, although I do not have it with me. What I recall from having looked at the data is we have had a relatively small number of inquiries by phone and a few more via email. A large number of people accessed our new online tool that provides people direction and resources around what different information and agencies work in the area of sexual harassment and where people might want to go to seek more information. Since that tool came online this financial year, at least a few thousand people have accessed it.

Dr D.J. HONEY: I wonder whether the minister would be able to provide that information as supplementary information—that is, the number of reports to WorkSafe of sexual harassment and assaults in the mining industry?

Ms S.F. McGURK: What date is that from?

Dr D.J. HONEY: It is since the Speak Up campaign commenced.

Ms S.F. McGURK: Yes, we can take that as supplementary.

The CHAIR: Does the minister agree to provide the supplementary information; and, if so, can you please state exactly what information will be provided?

Ms S.F. McGURK: The member just outlined it, so it is probably adequately captured in *Hansard*. It is the number of formal complaints of sexual harassment that have been made to WorkSafe since the commencement of the Speak Up campaign to date.

[*Supplementary Information No B10.*]

Dr D.J. HONEY: I know some people may not have been surprised, but I think a lot of people were genuinely shocked to realise the horrific extent of sexual harassment and assault in the mining industry generally. There is the old metric of what you don't measure, you don't improve. If WorkSafe is not collecting this information, is the minister able to tell me whether some other department, such as the Department of Energy, Mines, Industry Regulation and Safety, is collating the information from the mining industry to determine the trajectory of this problem? If not, is that a worthy goal?

Ms S.F. McGURK: First of all, we have indicated it is collecting information on formal complaints that are made and we will get it to the member.

Dr D.J. HONEY: Yes.

Ms S.F. McGURK: Secondly, the Mental Awareness, Respect and Safety program that commenced under my predecessor as Minister for Industrial Relations is doing some quite important work in analysing how the industry is progressing, raising awareness and responding to these issues in the industry. That is being assisted by work being undertaken by the Centre for Transformative Work Design at Curtin University. It is conducting a number of studies to benchmark attitudes to some of these issues in the industry.

I do not know where the member has been if he was surprised by some of the attitudes and the extent of unwanted activity in the mining industry. Women have been talking about this in a number of industries and workplaces for many years. Whether violence takes place in the home or in the workplace, it is equally unacceptable, but it is something that this government has taken very seriously since coming to office in 2017. These unacceptable attitudes and behaviours towards women are not confined to the mining industry but they have certain characteristics in the mining industry and male-dominated industries such as construction. The hospitality and media and communications industries are other areas that the federal regulators discussed with me. These are industries in which women experience unwanted attention, inappropriate behaviours, harassment or worse. Each of these industries has its own characteristics and cultures they need to combat and we are committed to doing that—for instance, through the MARS program in the mining industry. As I said, many industries have cultures that are unacceptable and challenging towards women, whether it is the Parliaments of this country or the mining industry. We need to combat those through increased awareness.

Dr D.J. HONEY: What funding has been allocated by WorkSafe to address this issue?

Ms S.F. McGURK: In this budget, the state government has committed a further \$6.5 million to continue delivering the MARS program in 2024–25. That is in particular for the MARS program. As I spoke of before, an awareness about the right for women to be safe in their workplace, whether it is from physical hazards or so-called psychosocial hazards, is something that the government continues through a program of work. In fact, there has been a national discussion around safety for women at work, at home and in our community.

Dr D.J. HONEY: Are there any specific staff allocations to this issue or particular management roles that are focusing on it, given, as the minister indicated, it is a pervasive problem?

Ms S.F. McGURK: I will hand over to the acting WorkSafe Commissioner to answer what specific resources are being allocated within WorkSafe. Through the MARS program, for example, we are seeing specific allocation of funding to studies and resources that are available for the industry. These work in conjunction with individual companies and peak bodies such as the Chamber of Minerals and Energy to raise awareness within the sector and ensure our responses, within government and within the sector, are fit for purpose and will be effective on the ground. I acknowledge the human resources and funding provided by peak bodies and individual companies. I will hand over to Ms North.

[11.10 am]

Ms S. North: In addition to the significant mental awareness, respect and safety program and its budget item, which have been mentioned, WorkSafe has a number of specialist inspector roles—around 16—across general industries, mining and petroleum. They conduct compliance work in psychosocial hazards broadly and are not restricted to sexual harassment, but it is also included. Additionally, psychosocial hazards are recognised in WorkSafe’s strategic plan as one of our priority areas. As such, they are integrated into our business’s usual activities, such as the information that is put forward, educational work and other forms of communication. Additionally, through the MARS program, a large summit was held last August specifically on sexual harassment in the resources sector.

Dr D.J. HONEY: I refer to page 235, budget paper No 2, volume 1, the eighth significant issue. I congratulate the government on its ban on the use of engineered stone in Western Australian businesses. The former minister and I had discussions on the WorkSafe legislation. Industry is generally way too relaxed about the hazards of all dust, but obviously crystalline silica is horrendous in the immediacy of its impact. I have a couple of questions. Has the implementation of the ban been effective and resulted in the cessation of the use of engineered stone? Can the minister talk about compliance checking?

Ms S.F. McGURK: In December last year, the state government joined with other Australian jurisdictions to prohibit the use of engineered stone, as the member mentioned, and to strengthen the regulations for those who have been exposed to silica in industries in Australia. This is due to the unacceptable health risks posed by exposure to crystalline silica. Most jurisdictions, including WA, agreed to commence the stone prohibition from 1 July this year. The prohibition applies to engineered stone benchtops, panels and slabs containing more than one per cent crystalline silica. Under transitional arrangements, engineered stonework carried out between 1 July and 31 December 2024 will be exempt from the prohibition—this is the important condition—if contracts for that stonework were entered into on or before 21 December 2023. If contracts were entered into before the end of last year, people have the ability to continue their work to the end of this calendar year. This is an important part of the phase-out, if you like, because it will ensure that people who have already entered into contracts are not disadvantaged.

As the member for Cottesloe touched on during his question, crystalline silica processes for materials containing at least one per cent of silica will be subject to stronger regulations across all industries from 1 September this year. Importantly, of the 56 silicosis cases identified in this state since 2018, 50 have related to engineered stone. WorkSafe inspections of engineered stone manufacturers and installers continue to find high rates of noncompliance with health and safety laws in that industry. Importantly for the public, all sorts of finished engineered stone products, such as sinks, panelling and the like, which are very common, that do not require processing will not be prohibited because, of course, they are in situ; they are not broken, and they are not being worked. Businesses planning to undertake work with legacy engineered stone will be required to notify regulators. The disposal of engineered stone will follow existing jurisdictional waste management processes. I will hand over to Ms North, who will talk about what sort of work the regulator is doing in this area.

Ms S. North: A lot of nationally harmonised work is going on; indeed, we are talking to our colleagues and counterparts in other jurisdictions as we move towards bringing in legislation. It is our expectation that it will be consistent across Australia, other than some potential differences in the transitional arrangements.

There will be a need for WorkSafe to undertake compliance checks, particularly on products that are advertised as low-silica products and therefore compliant. Such products are entering the market, and part of our business plan for the upcoming year is to do various checks. That might entail finding out what information importers—these products tend to be imported—have on these products and undertaking our own testing. We will also liaise with our colleagues at the commonwealth level about the requirements on products at the point of import.

Dr D.J. HONEY: With the importation, is almost like ethically sourced coffee. I do not know about the minister, but my Facebook feeds are the engineering, technical gadgets ones. They horrify me because they are typically from developing nations where there is no safety or occupational hygiene in the places at which a lot of these things are used and manufactured.

If inspections are not carried out, we know that cowboys and cowgirls will break the law for convenience. What increase in inspection resources will be applied in the compliance regime to ensure the proper enforcement of this ban?

Ms S.F. McGURK: I should acknowledge the work that WorkSafe has already done in this area, some of which was led by the acting commissioner. It has been very proactive. During a major project conducted between 2018 and 2021, more than 1 000 compliance notices were issued. As I understand it, WA was on the front foot. People started to identify this as an issue in the working of engineered stone but, as we said, it is ubiquitous. It is such a commonplace product. WorkSafe did a lot of work in issuing compliance notices. I can confirm that the federal government has indicated its work to ban the importation of engineered stone containing silica, and there has been discussion amongst ministers and the federal minister about ensuring that checks are in place. People can brand something a certain way but that does not necessarily mean that what it contains complies with the branding. There is a lot of awareness around that and the risks.

The acting commissioner outlined the work done by WorkSafe. It held three information sessions for peak bodies and government stakeholders in April and one online session for the broader community in May this year. WorkSafe employs occupational hygienists and physicians to conduct compliance work and review health monitoring information. In April this year, WorkSafe held an education forum for registered medical practitioners. These forums are usually held annually, but WorkSafe will be more proactive around that awareness for doctors. Last October, WorkSafe held an in-person Breathe Easy occupational health and hygiene forum, providing stakeholders with education material on respiratory hazards, including silica. WorkSafe has already been very active in this area. We will continue to ensure that we are sending a very clear message to people working in this industry that we take this hazard seriously.

[11.20 am]

Dr D.J. HONEY: In relation to the impact we have seen on the building industry, when the ban was first announced, the world was going to end. I appreciate that the government has made an allowance to enable approved projects to continue using the material. Have we seen industry adjust well to this or is it causing ongoing problems with industry?

Ms S.F. McGURK: I do not have it with me, but I have received advocacy from the Housing Industry Association. Some of the association's members, along with representatives of the HIA, came to see me about the ban. I outlined that the ban was announced in December 2023. I think it was announced at one of the first meetings I went to after being sworn in as the Minister for Industrial Relations. There was some advocacy by the HIA on behalf of its members. I met with them and listened to their advocacy. I also met with a couple of builders who were affected by this decision. From the HIA's perspective, the feedback I got afterwards was that it appreciated the grandfather clause, for want of a better expression, to allow contracts entered into before the decision was made, so from the end of the last calendar year, so they could be worked through the system. Knowing that this is a national decision —

Dr D.J. HONEY: It makes it easier.

Ms S.F. McGURK: — gave some comfort, yes, because people were moving forward and finding alternative products, making sure that we were not unnecessarily impacting the housing supply and building works on the ground. That was an important consideration for us as a government.

Dr D.J. HONEY: I again refer to page 235 of budget paper No 2, in particular, significant issue 9, which states —

The Inquiry into the Agricultural Industry in Western Australia report and the WorkSafe Commissioner's response were published in April 2023.

What funding has been provided and what programs have been implemented as a result of the recommendations within that report?

Ms S.F. McGURK: I am very happy to speak on this area —

Mr D.A.E. SCAIFE: There's our Dorothy Dixer!

Dr D.J. HONEY: It is an important issue.

Ms S.F. McGURK: — because it is important. We were talking earlier about the impact of increased regulation or attention on small and medium-sized businesses—for instance, in the member for Central Wheatbelt's electorate. There are challenges for small and medium-sized businesses in understanding regulations—in this case, health and safety—but it is also very important because they are busy doing the work; they are busy on the job. It is really important to make sure that they are aware of hazards—in this case, in the agricultural industry.

Farms are unique workplaces. There is a combination of hazards. The nature of the work makes agriculture one of the most dangerous sectors in which to work. The agriculture, forestry and fishing industries have the highest number of work-related fatalities. During the period 2012–13 to 2021–22, 46 fatalities were reported. That is the data we have to date. That is a high number for a nine-year period. In fact, 85 per cent of those fatalities occurred in the agricultural subdivision. There is still a lot of work to be done in this area.

As of 23 June 2022, following the 12 fatalities in the WA agricultural sector in the preceding 12 months, the previous WorkSafe WA Commissioner, Darren Kavanagh, initiated an independent inquiry into the industry in Western Australia using his powers under the Work Health and Safety Act 2020. The inquiry was conducted by an independent inquirer, Ms Pam Scott, a former Chief Commissioner of the Western Australian Industrial Relations Commission. The report was released on 18 April last year. A two-year period of action initiated in response to the recommendations was proposed. I will quickly outline some of those recommendations. It recommended that a working group be set up to progress agricultural safety initiatives to deliver improved health and safety outcomes in the agricultural industry. The work established six dedicated specialist agricultural inspectors to increase the number of proactive and reactive compliance inspections, specifically answering the member's question. It also recommended that information and education resources suited to the agricultural sector be increased. These resources include a guide on fatalities in agriculture, *First steps to farm safety*; a monthly article in the *Farm Weekly* magazine

by the acting WorkSafe WA Commissioner; and attendance by WorkSafe inspectors at several agricultural shows. For instance, WorkSafe will be attending the Mingenew Midwest Expo in August this year, the Dowerin Machinery Field Days in August and the Newdegate Machinery Field Days in September to promote health and safety and provide practical advice to farmers.

I could go on, but it is important work that the state government is focused on. If members think, for instance, not only of the awareness of locals working in the sector, but also young workers—perhaps migrant workers or people on holiday visas—working in the sector, we really need to focus on specific hazards and how to combat them.

Dr D.J. HONEY: The minister probably knows that I grew up on a farm. It is only God's good grace that I am alive. I mean that. It is an extremely hazardous work environment. I note that there was a lot of railing against it amongst some farmers but I note that the industry organisations—the Western Australian Farmers Federation and the Pastoralists and Graziers Association—were very supportive of the government making that move.

Does the minister have an idea of how many of the recommendations in that report that was published in April last year were implemented and how many are still to be implemented?

Ms S.F. McGURK: I have outlined some of the activities. I do not have a summary of the recommendations and their implementation here today, but I will take the opportunity to say that in relation to the six agricultural inspectors that WorkSafe has established to conduct compliance work, there is a senior level 6 inspector and two level 5 inspectors—both permanent positions. Three new level 5 agricultural inspectors have been recruited on a temporary basis until June next year, and they are undertaking training. Quite a bit of work is being done within WorkSafe, but I do not have a list of the recommendations that have been implemented.

Dr D.J. HONEY: In relation to that, I went onto a farm around Williams a little while ago and I was required to do an induction before I was allowed onto the property, which was a good recognition of that report. Can the minister please provide by way of supplementary information the degree of implementation of those recommendations?

[11.30 am]

Ms S.F. McGURK: Yes, I am happy to provide a list of the recommendations of the safety *Inquiry into agricultural industry in Western Australia*, undertaken by the WorkSafe Western Australia Commissioner, Darren Kavanagh, and include the progress of their implementation.

[*Supplementary Information No B11.*]

Ms M.J. DAVIES: How many inspections have been conducted? I presume that data is collected. Is it published and is the minister able to share that information?

Ms S.F. McGURK: I will hand over to the acting WorkSafe Commissioner, but we might need to know a period of time and the industry. Is the member talking about the agricultural industry?

Ms M.J. DAVIES: Yes, my questions are with reference to the agricultural industry and the new inspectors that have been appointed.

Ms S.F. McGURK: Within a calendar year?

Ms M.J. DAVIES: Since the inspectors have been appointed, how many inspections have been conducted?

Ms S.F. McGURK: I will hand over to the acting commissioner, Ms North.

Ms S. North: Thank you, minister. We have not brought information today on how many agricultural inspections have been done. Initially, a lot of training of the new inspectors has been going on, which is normal for new inspectors. There is significant training process when they come on board. We would also have to make sure that we are clear on whether the data is for either the entirety of the agricultural sector or subsectors. Part of the issue with the agricultural sector is the breadth of it.

Ms M.J. DAVIES: That goes to my next question: are there focus areas within the agricultural sector? The agricultural region was mentioned at the beginning. I presume that is a reference to broadacre farming, but I suggest there are also risks in intensive farming, the horticultural industry and abattoirs and places like that. Is there a program or a focus area for the forward estimates period that the minister can share with us?

Ms S.F. McGURK: I will hand over to the acting commissioner.

Ms S. North: Yes, there is a compliance plan, going forward. That will focus more so on the broadacre farming sector, given that our statistics show that is where the serious and fatal incidents have occurred, historically. I note that we have also done some work on providing information for the horticultural industry in particular. That industry has had some serious incidents. I also note that WorkSafe convened a committee that reports to the Work Health and Safety Commission and includes peak bodies from different types of agricultural organisations.

We are working with those peak bodies and stakeholders to see what other needs may arise or what other communications opportunities come through for the broader sector.

Dr D.J. HONEY: Could I perhaps flag a five-minute break at a convenient point?

The CHAIR: If everyone is happy to take a five-minute comfort break, the committee will now take a short break.

Meeting suspended from 11.33 to 11.42 am

The CHAIR: We will resume dealing with division 16, services 2 to 4, Industrial Relations. The next question is from the member for Cannington.

Mr W.J. JOHNSTON: I refer to paragraph 11 on page 235. I know that the Mental Awareness, Respect and Safety program is in respect of sexual harassment, and bullying more generally, in the mining industry, but I make the observation that it is not just the mining industry that we need to have attention on, and I wonder whether the minister could help me. I understand section 19(2) of the act means that the health and safety regulations apply to not only employees of a business, but also other people. For example, would a media business have to have a policy to deal with a journalist bullying a journalist from a different company? If the employee is bullying a person in a workplace other than their own, is that something that the commissioner would be able to take action about? What about if the bullying of a journalist was occurring because it was by an elected official in local government? Let me make clear that, first, it is not in the workplace because it is through using a telephone, and second, it is not a co-employee of the business, but rather a media person bullying somebody in a different media organisation, or a local government-elected official bullying a person in a media organisation. Are those the sort of things that the commissioner could take action on and what sort of action could the commissioner envisage?

Ms S.F. McGURK: I do not know whether the member has a particular instance in mind that he is thinking of.

Mr W.J. JOHNSTON: I might.

Ms S.F. McGURK: Our message is that people have a right to be safe in their workplace. In fact, the conversation we were having before is that women have the right to be safe in their home and community as well. Certainly, in the context of this discussion, people have a right to be safe in their workplace. We are talking here about bullying from other workers, their employer or people they come in contact with in the course of their work, whether it is direct, over the telephone or through other mediums. That is the context that the member is talking about here. I will hand over to the acting commissioner to talk about what remedies or opportunities there are for people to access support through WorkSafe.

The CHAIR: Ms North.

Ms S. North: Thank you, minister. There are several duties that would be relevant here. Firstly, if a person is in their work context and their behaviour could be harmful to others, workers have a duty to take reasonable care that their own conduct in the course of work is not putting others at risk. We could consider that duty when looking at specific circumstances if matters are raised with us. The other is from a systems-of-work consideration. Our primary duties of care under section 19 of the act are looking at what can be done so far as is reasonably practicable. The considerations that we would have to take into account include things like the seriousness and, from a practical point of view, the practicable means that we would expect the employer or the person conducting the business or undertaking to reasonably undertake.

The member's question sounds like it entailed some complicated situations, but there are certainly things that could be raised with WorkSafe, the circumstances looked at, and those relevant duties could be considered to see whether the duty holders have indeed meet those duties.

Mr W.J. JOHNSTON: The person conducting a business or undertaking who employs the journalists, or the local government that the person is elected to, nonetheless has obligations to the journalist who does not work for that organisation. The PCBU notwithstanding, when the bullying is done by the individual, it is still potentially liable for those bullying activities. Could WorkSafe take action because it would expect the media organisation or local government to have systems in place to prevent bullying of third parties?

Ms S.F. McGURK: That is right. I am sure the acting commissioner could speak to this with a lot of experience. It is not only about how the employer responds once it might become aware of an incident or pattern of behaviour occurring, but also that it has systems in place, is proactive about raising awareness and has a complaints process for people both within the organisation and externally to raise those issues. That is really the breadth of the work that we are undertaking as we have more awareness around bullying, unacceptable behaviour, so-called psychosocial hazards in the workplace and also, as we were talking about before, in some cases, the attitude towards women.

A lot of work still needs to be done for people to really understand that some of their behaviours are just not acceptable. They are not acceptable at the workplace, when someone holds office or when a person feels that someone's behaviour might have provoked an angry response. People have a right to be safe in their workplace.

Extract from *Hansard*

[ASSEMBLY ESTIMATES COMMITTEE B — Wednesday, 22 May 2024]

p262b-271a

Chair; Dr David Honey; Ms Simone McGurk; Ms Mia Davies; Mr Bill Johnston; Mr David Scaife

The CHAIR: Are there any new questions on division 16, services 2 to 4? No. I will put that to the committee.

The appropriation was recommended.