

**COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE**

*Second Report — 'Enough is enough': Sexual harassment against women in the  
FIFO mining industry — Tabling*

**MS L. METTAM (Vasse — Deputy Leader of the Liberal Party)** [11.16 am]: I present for tabling the second report of the Community Development and Justice Standing Committee titled *'Enough is enough': Sexual harassment against women in the FIFO mining industry*. I also present for tabling the submissions to the inquiry.

[See papers [1236](#) and [1237](#).]

**Ms L. METTAM:** I would like to start by extending my deep gratitude to the brave women who came forward to make submissions as part of this inquiry. I also acknowledge Caitlyn Rintoul from *The West Australian* for her pursuit in exploring and exposing the horrific stories of the sector and bringing these issues to the committee's attention. Thank you to my fellow members of the Community Development and Justice Standing Committee: the deputy chair and member for Burns Beach, the member for Bateman, the member for Collie—Preston and the member for Kimberley. I would also like to extend special thanks to the committee staff—principal research officer, Dr Alan Charlton, and research officer, Dr Sam Hutchinson—for their considerable work in developing this report. This report comes in a week when we are seeing another report of a sexual assault on a mine site, this time at Roy Hill mine. I sincerely hope that the employee is getting all the support she needs.

When we commenced this parliamentary inquiry into sexual harassment in the mining and resources industry's workplaces, I knew horrific stories would be brought forward, but I was shocked and appalled well beyond expectation by the size and the depth of the problem. We were told how sexual harassment is generally accepted or overlooked, and we learnt of the abuse of positions of power, serious breaches of codes of conduct and the culture of cover-up. To hear the lived reality of the taunts, attacks and targeted violence, the devastation and despair the victims experienced, and the threats or loss of their livelihood that resulted was shattering, and it is completely inexcusable. It is simply shocking that this could be taking place in the twenty-first century in one of the state's most lucrative industries. This represents a failure of the industry to protect its workers and raises real questions about why government was not better across this safety issue. The only effective way to address this abhorrent behaviour is to bring it to the surface to talk about it, point it out, expose it, rail against it, prosecute it and punish it.

Again, I want to sincerely thank the brave women who came forward to lift the lid on this abhorrent and systemic pattern of workplace behaviour. With their permission, I give members a sample of the many horror stories that we heard. While driving for a contractor, one woman had a near-miss incident with the haul truck she was driving. She informed us that the site supervisor told her that he would make the safety investigation go away if she had sex with him. This same woman said that she was told she would have to get on her knees if she wanted to get her shirt; this meant getting a permanent job with the mining company. One woman told the committee how, after being knocked unconscious in her donga, she woke up to find her jeans and underpants around her ankles. She told us that she felt sick, ashamed, violated, dirty and very confused. Another woman told the committee that numerous times, a man forced his hand down her top in front of other workers but no-one did anything. One woman told us that a supervisor told her that sexual jokes and comments had been made about her by others. When she became upset, the supervisor's response was to force himself on her, kissing and hugging her. There were stories of sex dolls being put in front of women's dongas and sex toys hung on their doors and of unsolicited and unwelcome sexual attention, stalking, texting of explicit and lewd material and horrifying stories of sexual assault. We heard details of unwanted touching, sexual comments, provocative photo requests and grooming. We heard of power play behaviour known as shovelling, whereby iron ore is dumped on the cab of trucks operated by women after they did not comply with sexual requests. These stories and others illustrate the full range of behaviours that make up sexual harassment and sexual assault as well as provide examples of general incivility, which is well recognised as a precursor to worse behaviour. That someone was listening to their stories and taking them seriously was an important step in breaking the cycle of abuse and it gave many women the courage to come forward for themselves and others. Again, thank you to these courageous women who trusted our process and made submissions. Now it is up to the mining industry and the government to seriously address the recommendations in this report. It is time to come together to make the cultural system and legislative changes required to equip, prepare and educate the workforce, to move the culture of mining workplaces to one where understanding, preventing and appropriately dealing with incidents of workplace sexual harassment and assault is the practice norm and lifting the lid on sexual harassment is considered everyone's business and taken as a responsibility.

As part of the normal business of the inquiry, and to help us understand the many factors that enable sexual harassment to thrive in the workplace, we received submissions and heard evidence from a wide range of people and organisations. Mining companies were generally forthcoming and open in their approach to the inquiry, as was the Chamber of Minerals and Energy. Still, they expressed shock about the size of the problem and recognised the need to urgently address cultural change. As a committee we were shocked by the facts, but we were also surprised that

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these companies could be so surprised. Some pointed to matters they were beginning to address, such as improving physical security in camps and introducing new policies to limit alcohol consumption on sites. They admitted that there could be a reluctance to report sexual harassment in the workplace, although most felt that this was changing, evidenced by the increased number of incidents that have been reported in recent times. They also expressed the need for clear definitions and guidance from the regulator on reporting requirements and thresholds.

Many concerns were raised about the matter of reporting sexual harassment. We heard about the distrust and lack of confidence many employees have in the existing hierarchical management structures. A lack of trust is an obvious barrier to reporting these issues. Some companies had engaged external employee support agencies to provide an anonymous reporting system, and this was helping to identify pockets of abuse and victimisation. Overall, the inquiry found that because of the embedded nature of sexual harassment, a number of reporting options are required. This includes internal as well as external options, such as anonymous reporting and support services from unions and the Equal Opportunity Commission. Mining companies pointed to incidents in which they had taken decisive action, including dismissal, for workplace sexual offences. Individuals, however, pointed to incidents in which perpetrators had merely changed worksites or were re-employed in the industry by a different company. We considered the value of establishing a register of offenders that could be accessed as part of the employment process, something like the safety white card or a working with children card. Of course, we understand the concept of a register of sexual harassment offenders raises matters of confidentiality and challenges of natural justice, as well as the challenge of a threshold for inclusion. We have recommended that the industry explore options that can effectively and fairly prevent habitual sexual offenders who continue to be re-employed in the mining workplace. This is an important matter that could be effective as a deterrent as well as adding to site safety by the permanent removal of perpetrators. I appreciate that we would need to support this effort as well.

The Department of Primary Industries and Regional Development provided submissions to the inquiry, as did WorkSafe WA. The Minister for Mines and Petroleum appeared before us as well as submitting written information and we thank him for that. We also had a briefing from the Sex Discrimination Commissioner, Kate Jenkins, and the Commissioner for Equal Opportunity, Dr John Byrne. The submissions from DMIRS and WorkSafe referred generally to the now superseded Occupational Safety and Health Act regime, including the Mines Safety and Inspection Act 1994. We are pleased that the regulator now operates with the new Work Health and Safety Act 2020, which specifically covers psychological injury at work even if it does not contain a comprehensive definition of “sexual harassment”. We are concerned that the system still views cases of sexual harassment through the prism of physical workplace safety in which a 10-day loss time injury is required before reporting becomes compulsory. This adds to the concerns we shared as committee about the regulators core level of knowledge, with a low number of sexual harassment reports made to DMIRS over the last seven years under this same threshold.

More broadly, it is hard to obtain accurate or consistent figures on the extent of sexual harassment and sexual assault to enable industry-wide analysis. The figures provided by mining companies varied widely. Although the Western Australia Police Force informed us that it had investigated 23 reports of sexual assaults on mine sites over the last two year years, DMIRS recorded that it had received only 22 reports over the previous seven years. We have some recommendations to improve this. It is difficult to believe the regulator could have accepted this level of reporting as reflecting the true situation on the ground.

We are pleased that since we commenced this inquiry, WorkSafe WA has issued a new code of conduct that names sexual harassment as unacceptable behaviour and taken steps to enhance its data collection. This is a welcome addition, but it would be more effective with the introduction of a consistent and contemporary definition of “sexual harassment” in the WHS legislation or regulations. The Equal Opportunity Act 1984 is outdated, placing the onus of proof on sexual harassment victims, and I am pleased that there is broad support from stakeholders for a uniform and contemporary definition in the WHS act as well as the Equal Opportunity Act.

At the most senior levels of all organisations with which we spoke, there was a determination to tackle gender inequality and social norms that enable sexual violence and harassment to occur and implement effective measures in workplace or regulatory regimes. As one example of that effort, during the inquiry Rio Tinto conducted a comprehensive confidential survey of all of its worksites and made the resulting report public. This was a groundbreaking move, providing a strong baseline for measurement and a framework for action. We commend Rio Tinto for beginning the reform journey, and we encourage other companies to invest in a similarly strong foundation for change.

There are well-documented frameworks for addressing sexual harassment, from the United Nations Entity for Gender Equality and the Empowerment of Women and the International Labour Organization through to the Australian Human Rights Commission’s *Respect@Work* report. In making recommendations, we considered these frameworks, and we are confident that all our recommendations are consistent with best practice. We hope to immediately see prevention actions in the workplace. I am pleased there is evidence that the industry and government

have already started to move since the inquiry was launched, demonstrating motivation and commitment to stamp out sexual harassment.

Our recommendations cover many areas, including establishing industry standards for accommodation facilities, CCTV, lighting and other safety measures, as well as more moderate drinking standards. We also ask the sector to actively work to address the risks exacerbated by high rates of subcontracting, ensuring that the obligations and health and safety standards are consistent across all workplaces. It is important that the mining sector is proactive in addressing leadership within the workplace and that managers and employees are supported with effective human resource policies, procedures and practices. Clear guidelines and codes of practice must be developed by the companies and DMIRS. This will remove any ambiguity about what constitutes acceptable behaviour and provide clarity on appropriate support mechanisms for victims and clear guidance for reporting incidents.

It was clear that there was a gap in the required expertise, experience and training to deal with reports of sexual harassment and sexual assault. We call on the government to work with all stakeholders to establish a fully resourced culturally appropriate expert group to investigate complaints of sexual harassment and related offences in the mining industry. Allied to this, we have recommended more and better training for supervisors and employees. Training must be detailed, specific and accredited. Mining companies and DMIRS should look to raise the qualification and capacity of their specialist resources to deal with incidents of sexual harassment. We also expect DMIRS to work with the industry on bystander training on reporting incidents. All mining companies need to establish victim-centric procedures for dealing with incidents of sexual harassment. Victims must be able to maintain control of the process and of decision-making within it. This victim-centric focus must also be maintained by any external parties brought into the complaints process.

In any industry and in any regulatory system, preventing and responding to incidents are primary activities. Knowing what is happening and how well things are being dealt with is central to good management and good regulation, and getting that knowledge requires good reporting systems and good analysis of the information. We were surprised by how many of the people who made submissions to us were ignorant of the available reporting systems, or clearly mistrusted them. For this reason, many of our recommendations are targeted at gathering more reliable information on the prevalence of sexual harassment and using this information to drive workplace education and change.

It is clear there needs to be several reporting options available to victims of harassment, both internal and external. Many women who made submissions to the inquiry said this was the first time they had spoken of their experience to anyone. We are glad the inquiry process was trusted, and we acknowledge their courage in being prepared to share their experiences in the hope that it would improve the situation for others. Other inquiries and truth-engagement processes have demonstrated that there is a positive healing power for victims of trauma if their experiences are heard in a safe and supportive formal complaint handling process. Building on this—perhaps one of our most important recommendations—we recommend government establish a process to hear, document and acknowledge the experiences of victims of historical sexual harassment, including exploring opportunities for redress where appropriate, with a view to promoting recovery.

The key to change is embedding a workplace culture in all mining workforces that does not tolerate sexual assault or abuse and that empowers bystanders, like the culture change programs that have addressed physical safety with such success. This is a large task that will require commitment and change at all levels of the mining companies themselves and considerable resources. It is important that the Parliament, the government and the broader public become aware of the magnitude of the horrendous violence and abuse women are exposed to while going about their work. I present this report to them on behalf of my committee, seeking swift and urgent action.

I would like to take the opportunity again to thank my fellow committee members. It has been quite an extraordinary 11 months, and it has been challenging hearing those stories. I am so glad that I have been able to work with them throughout this period.

**MR M.J. FOLKARD (Burns Beach)** [11.36 am]: I rise to comment on the inquiry into sexual harassment against women in the FIFO mining industry. Before I do, I would like to thank our principal research officer, Dr Alan Charlton, and our research officer, Dr Sam Hutchinson, for their outstanding patience and effort in relation to this difficult inquiry. I would like to recognise the member for Collie–Preston, the member for Kimberley, the member for Bateman and the chair of the committee, the member for Vasse. I would also like to recognise the bravery of the witnesses who gave evidence before the committee. Without their frank and forthright testimony about the depth and extent of sexual harassment in the mining and resources sector, our committee would have struggled to uncover what it found.

This has been a very difficult inquiry. It is arguably the most complex issue I have had to deal with while being a member in this place. We have heard evidence that has made my blood boil. To say I was angry is an understatement. For those who know me, I carry the anger within myself. I remember listening to one of our courageous witnesses who particularised the harassment and indecent assault she experienced. I was enraged! We heard evidence of

women stacking furniture against the door to protect themselves from perpetrators entering their sleeping quarters uninvited. We heard evidence of women being forced to perform sexual acts or lose their job or be refused promotion or full-time employment.

One witness particularised the exercise of shovelling. This is where a loader operator would drop boulders of ore onto the driver cabins of a Haulpak to intimidate women and force them to become more compliant. I brought this practice to the attention of the CEO of one of the bigger companies in which this practice was disclosed to have occurred, and the matter was denied in such a way as to bring into question the credibility of the evidence that was presented by the company. From the outset, I wish to make it very, very clear: sexual harassment within the FIFO industry belongs to the companies that run the resources sector and no-one else; they own the workplace and they are responsible for the safety of all workers on that worksite. We heard evidence of sustained and deliberate courses of misconduct and deliberate perversions of and interference in the course of justice to cover-up criminal conduct and harassment. We heard evidence that 74 per cent of women in the mining sector have suffered some form of sexual harassment in the last five years. That is three-quarters of them. We heard evidence of the systemic victimisation of complainants and testimony that companies, on being advised of a complaint of serious misconduct, often promoted or redeployed the perpetrators and that the complaining women were sacked, black-banned and never employed in the sector again. There were inferences from the testimony that this may have been a contributing factor to the high rates of suicide in the sector, but the committee was not able to pursue those matters further.

I am of the belief that serious rape allegations, indecent assaults and assaults have been hidden from authorities to protect companies rather than protect the victims in the workplace. I am also of the belief that we have serious sexual predators hidden within the sector. They have been there for many years and still go unchallenged. We have heard testimony of organised prostitution in work camps that have exploited short-term contract workers. We found that a disjointed relationship between the police, the Department of Mines, Industry Regulation and Safety and the companies was a contributing factor. We have found a continuing disconnect from what we heard from the company leadership across the sector that was reflected at the toolbox level. This was continuously reported by complainants, victims and the unions. We looked at whether the workplace characteristics and practices in the mining and resources industry provided adequate protection against sexual harassment. All the policies in the world are nothing more than pieces of paper unless the culture within those companies enforces those policies and practices.

The committee made 79 findings and 24 recommendations. To me, the first recommendation is the most important. If this recommendation is not followed, the work of the committee will end up on a shelf gathering dust. In our first recommendation, we stated that the government should consider establishing a forum to hear, document and acknowledge the experiences of victims of historical workplace sexual harassment. My personal view is that this should be a royal commission. We have done it for seniors, veterans and kids, and we must do it for this sector. I cannot see any other way to attempt to unpack the previous injustices or to uncover the systemic misconduct that has occurred within this sector.

On listening to the testimony and reading the submissions of the victims, the companies, the regulators and the responsible supervisory agencies, both state and federal, it is my personal belief that there is a serious need for further inquiry. Unlike other members of the committee, I was a long-term senior police officer for many years, and after the evidence that I heard, I have serious worries and concerns that the conduct has been concealed in fatal workplace accidents and other conduct within the resources sector.

I would also like to recognise the work that the current minister has done to try to address the safety issues in this sector. I stand in awe of his efforts. The recent appointment of Elizabeth Shaw to assist the department is evidence of this. I would also like to recognise the new legislative regulatory changes that have occurred but have not had time to bed in.

It would be remiss of me not to state some of the good things that we have found occurring within the industry. The padres system that Fortescue Metals Group uses on its sites is worthy of mention and recognition. Also worthy of praise is the \$130 million door security project BHP has been implementing across its mining camps. Rio Tinto is also worthy of recognition for its own inquiries that it has made public. I have also heard that Rio is seeking to employ experienced police to investigate harassment complaints, which I think is a good step.

This report is titled '*Enough is enough*'. I hope this report will be the impetus for drawing a line in the sand. A wise man once said to me that if we do not learn from the mistakes we have made in the past, we are only going to replicate them in the future. We have got to change. The misogynistic practices of the past must end. These practices were seen as normal within the sector and the regulatory environment that supervised it. We have got to improve the reporting processes. We have got to protect the victims. We must allow third-party access to all resource environments. We have to get company management, unions and regulatory agencies in the same room together to really attack the culture and the perpetrators, so that we protect this important workplace and the women who work in it.

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**MS J.L. HANNS (Collie–Preston)** [11.45 am]: I rise today to speak on this very important committee report titled *'Enough is enough': Sexual harassment against women in the FIFO mining industry*. I would like to start by recounting a story, and I seek the chamber's indulgence for this. When I qualified as a young teacher in 1995, I travelled to Tom Price and worked in a fantastic community. It was probably one of the highlights of my teaching career, but I was young, vulnerable and away from support structures like family and friends, just like so many of the women who enter the FIFO mining industry today. I encountered a problem with a peeping Tom. He terrified and terrorised me and my housemate while we were living in the Government Employees Housing Authority housing provided. He was taking photos of us through the bathroom windows while we were using the shower. He entered the house while we were sleeping and he used to move things around in the kitchen cupboards. He entered the house by removing flyscreens and jemmyming the windows open. He stole our underwear from the washing lines and knocked on our bedroom windows, knowing when we were getting dressed or undressed. It was a terrifying experience. I did not know where to turn at the time, so I reported it to a very supportive and approachable colleague who happened to be a union delegate at Tom Price Senior High School. She helped me report this to the police and to get some support from the education department, which provided us with employee assistance, security lights and security screens for our GEHA housing.

When I commenced this inquiry, sitting listening to the stories of these women who gave evidence, I was astounded. I refer to a fact the member for Burns Beach has already raised, which is that a 2020 report from the Australian Human Rights Commission found that 74 per cent of women who work in the mining industry have experienced sexual harassment in the past five years. That is three-quarters of the women who work in that industry. I sat, 27 years after my experience, listening to the experiences of these women. I thank them very much for bravely shining a light on this issue by coming forward with their experiences. I sat there listening to their experiences and I thought to myself: "I have a daughter. Would I want her to work in this industry?" Sadly, based on what we learnt as a committee, the answer is no. I asked myself why. The answer for me is not the laws that we can make as a government and it is not the role of Parliament, even. It is the very real risk to her personal safety and the risk of sexual assault and sexual harassment. That should terrify every parent of young girls and women in Western Australia.

I was saddened to hear the reports over the weekend that, again, another disgusting incident has happened within the FIFO mining industry. This is an enormous sector and an enormous contributor to the Western Australian economy. The sector generated \$208 billion worth of export income in the past 12 months and generated \$155 billion in sales of iron ore alone. This is a multibillion-dollar industry that earns billions of dollars from resources owned by the people of Western Australia. The industry has failed in its efforts to do what it must do: ensure a safe workplace for its workers. One woman recounted and gave evidence believing that companies were putting profits before people. Despite the assurances given by mining executives that this was not the case, this was the case for women and the reality for those women working in the industry. The women who gave evidence to us spoke widely of problems with the appalling behaviour of co-workers and supervisors, the entrenched and often toxic workplaces in a male-dominated industry and clear problems with site-based middle management practices. I note that in the evidence given, much of this harassment and assault occurred on the clock on the worksite. Reporting the problem for these women should have been the solution, as it was for me 27 years ago, but this is where the core of the problem appeared to be. Evidence documented in our report includes —

Even though I worked for [company name] we directly reported to external contractors, and when I raised serious safety concerns, they would not be recorded as incidents.

Another witness gave evidence that states —

Management teams routinely protect the company by point blank lying to DMIRS and not reporting incidents and not managing bullying. Unfortunately, it is often managers who are the worst offenders.

Another states —

I unfortunately ... trusted in the company's HR team, I thought they were there to protect me. I would have been much better off elbowing the people in the face.

And finally —

HR are more concerned with protecting the company's reputation than protecting people on site.

This is damning. These women told us that when action was taken against offenders, it was commonplace for the offending worker to be moved from site to site with little or no trace for their offences, whilst the women suffered significantly, feeling it was easier to leave the worksite—in other words, to quit—than expect that action be taken on their behalf. They were labelled troublemakers for reporting incidents, had their contracts terminated and were subjected to additional harassment from co-workers for simply raising the issue. Additionally, bystanders who observed sexual harassment or assault and wanted to come forward also often experienced the same behaviours directed at them. Reporting inappropriate behaviours is what needs to be right in this system to make real change.

People need a clear process for reporting and it cannot sit within the HR systems of these companies. I want to thank the relevant government ministers and the Department of Mines, Industry Regulation and Safety for the work that the government has already been doing, not waiting for this report to be tabled in Parliament. I note particularly the increase in the number of DMIRS inspectors; appointing independent expert Elizabeth Shaw to review the DMIRS protocols; developing codes of practice for the industry, in particular the code of practice on workplace behaviour; and the \$8.4 million commitment to the mental awareness, respect and safety program that was launched to address workplace sexual harassment and assault.

How do we fix this problem? For me, part of this sits with us as a society. We have seen in the past two years a very proactive movement to ensure that women are treated fairly in not just workplaces, but also society in general. We have all heard about the Me Too movement and I pay tribute to not only the women who have come forward to document their experiences to us as a committee, but also people like Grace Tame and Brittany Higgins who have highlighted these very critical and important issues. The job of fixing this problem for women in the mining industry cannot be the responsibility of the taxpayers of Western Australia. It has to be with the industry that earns billions of dollars; the industry must fund the initiatives required to fix this problem. It is the industry's responsibility to prevent sexual harassment and sexual assault on its worksites. It is the industry's responsibility to ensure that there are systems in place that manage inappropriate and often unlawful behaviours on its sites and report them to the relevant authorities if they occur, and to support the affected workers, putting people before profits.

I go back to my point about whether I would want my daughter to work in the fly-in fly-out mining industry and my answer would honestly be "not yet". Today, we need to draw the line in the sand and say to the industry that enough is enough and make sure that our daughters have a future in the mining industry. I would like to again thank the brave victims who came forward and gave evidence of their experiences, my fellow committee colleagues—the member for Vasse as chair, the member for Burns Beach as deputy chair, and the members for Bateman and Kimberley—and the staff who worked on this report. I thank you and I commend this report to the house.

**MS D.G. D'ANNA (Kimberley)** [11.55 am]: I rise today to speak on the inquiry into sexual harassment against women in the fly-in fly-out mining industry. The Community Development and Justice Standing Committee was tasked to inquire into and report on sexual harassment against women in the FIFO mining industry. The committee has, in particular, considered whether there is an understanding of how to report sexual harassment, there are workplace practices and cultures that protect against sexual harassment, and current legislation and policies are working to keep FIFO workers safe. It also considered what actions can be taken by industry and government to help improve the situation as a whole. It has been a privilege for me to be on this committee, my first, and hear from numerous organisations, businesses and survivors of sexual abuse in the industry who put forward their own personal stories in a public domain to make sure that what happened to them does not happen to anyone else. First of all, I would like to say thank you to all those who have shared those personal stories. It is not an easy thing to do. It is a brave and courageous act and I want to note that before I continue. Listening to those stories, as my colleagues have said, was at times uncomfortable, emotional and sometimes hard to fathom. More shocking were the actual similarities from different individuals on the behaviour that created the pattern and the culture all over WA and indeed the country. We were all shocked when we started hearing horrible stories about the alleged rapes and sexual assaults at mining sites in our state.

All women deserve respect in their workplace. All women deserve to go to work without the fear of being sexually harassed. We know that sexual harassment starts with sexist attitudes. That is why it is also important that sexist culture is called out. It might seem fine to brush off as just a joke a mate's sexist comment about women not being able to do the same work as a man, but there is something deeper underneath statements like these. It is attitudes and it is respect and it all contributes to a culture in which women are not seen as equal to their male counterparts. When women are not seen as equal, women are not respected in the way they deserve to be. Some of the things we have heard in the hearings are absolutely appalling. Disgusting behaviour has been hidden for far too long and now a light has been shone on it. Some of these power plays and actions and stories reminded me of stories I heard from my grandmothers about the attitudes of old pastoralists.

This report calls out this culture that we cannot deny exists in the fly-in fly-out industry. It puts forward a number of recommendations to address it. I acknowledge the response since the start of the inquiry and the government's commitment to ensuring safe workplaces for all WA employees, including through implementing the 12 recommendations of the *Respect@Work: Sexual harassment national inquiry report* that apply to the state government and developing WA's first whole-of-government sexual violence prevention strategy. This includes a recent response by the minister to a new mental health awareness respect and safety program. That is a new initiative to address mental health, workplace culture, drug and alcohol use and mine safety issues. I would also like to note the appointment of a workplace culture expert to review the Department of Mines, Industry Regulation and Safety's protocols for responding to incidents of harassment and sexual assaults in the mining industry.

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I want to note that industry has also started taking steps to address these reports. This includes Rio Tinto, which publicly released an external review of its workplace culture, which did not tell a nice story. This includes BHP, which pledged an extra \$300 million in security funding to make sure that the villages are safer for women working in the industry. That is an important step that goes to one of the recommendations found in this report. Further, the WA Chamber of Minerals and Energy has announced industry-wide guidelines that limit FIFO workers to four alcoholic drinks a day and zero shots on accommodation sites. Although I acknowledge this is a good move, I would also like to note my personal opinion that alcohol restriction helps to address some of the issues, but it is not the root cause of the attitudes on the mine sites, and nor is the infrastructure. That is my personal opinion. It is good to see the big players, so to speak, taking action ahead of this report and I look forward to all the players in the industry taking the recommendations of this report extremely seriously in working with this government to implement them as soon as possible.

For Aboriginal and Torres Strait Islander people, the FIFO industry offers a lot of opportunities for our mob to earn good money to provide for our families. I hope that this report and its recommendations empower Aboriginal women to succeed in participating in the FIFO industry. When we are developing and implementing training reports, mechanisms and programs, they must be created in a culturally appropriate way. There must be Aboriginal people not just around the table, but with real and meaningful input when these decisions are made. Aboriginal people are not all the same; we come from very different walks of life. For those of us who practise strong culture in our ways, there are certain respects and rules that must be followed when it comes to women and men working and mixing together. Members will find references to the need for culturally appropriate considerations in the report and its recommendations, and I look forward to seeing these actioned.

This industry is one of the biggest industries that women are under-represented in, yet it was accountable for the employment on average of 156 238 onsite personnel or 123 132 in full-time equivalent terms during 2021. It is obvious that the culture that excludes women from being active participants is longstanding and much work needs to be done to address this.

There are many barriers that still exist for Aboriginal women to participate in the workforce and I would like to quote June Oscar, AO, a strong and inspiring Kimberley Aboriginal woman and Australia's Aboriginal and Torres Strait Islander Social Justice Commissioner. In her report *Wiyi Yani U Thangani*, she explains these barriers for Aboriginal women to participate in the workforce —

Women and girls employed in both community-controlled and mainstream organisations and services have consistently reported barriers into and within the workplace. These barriers included intersectional inequalities, a lack of diversity across sectors and roles, impediments to employment and career progression, a lack of respect and cultural safety, and inadequate supports in the workplace.

I had a lot more to say, but I will have to wind up.

In concluding, I would like to take this opportunity to acknowledge and thank the committee staff: Dr Alan Charlton and Dr Sam Hutchinson, Ms Franchesca Walker and Ms Marie Martin. I would also like to note the work of my colleagues on the committee for their contributions today: the chair, the member for Vasse; the deputy chair, the member for Burns Beach; the member for Bateman; and especially to my colleague and friend the member for Collie—Preston, thank you for sharing that story.

It has been a truly eye-opening learning experience for me to sit on this committee and hear the evidence from many different people. I again thank all those who have participated and I look forward to us working collaboratively together to make sure that women feel respected and safe at work in the FIFO industry.

**MS K.E. GIDDENS (Bateman)** [12.05 pm]: Eighty-seven written submissions, 44 testimonies, 79 findings, and 24 recommendations—this work has revealed what for too long has been hidden in plain sight within Western Australia's resources sector. I came to WA to participate in the mining boom. I moved from over east for the promise of adventure and a healthy pay packet. I discovered an industry that dominates the cultural, social and economic fabric of Western Australia. Whether we work directly in the industry or not, we most certainly know someone who does, or has, or wants to.

The resources sector is a great contributor to our state and indeed our nation. It provides billions of dollars of revenue to our state and federal governments and supports thousands of Western Australian families through direct employment, training and career opportunities. Without doubt, Western Australia is one of the best mining jurisdictions in the world. This reputation is built off the long and hard work of Western Australians over many decades and is an industry we ought to be proud of. The report being handed down today demonstrates clearly how women in the industry have not enjoyed standards of employment, safety or wellbeing that is anywhere near approaching best practice. In fact, women, in large numbers, have been subjected to sexual harassment, assault and rape while working in WA's resources industry. This is not good enough.

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Dr David Honey

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The committee acknowledges that sexual harassment and the drivers of gendered violence are complex and experienced across other workplaces and, more broadly, within society and the community. But there is a particular problem within the FIFO mining industry. Whereas in the general workforce one in three people, or 33 per cent, said they experienced sexual harassment at work in the past five years, in mining, 40 per cent of workers and 74 per cent of women workers in the industry reported being sexually harassed in the past five years.

We heard evidence from women of the process of “getting a shirt”; that is the requirement to perform sexual acts to move from a contractor position to a permanent company position. We heard from women who were told to “get on their knees”, from women waking up with no recollection of how they got back to their rooms, and from women truck operators who had complained of sexual harassment having loads of dirt dumped in their truck so that the truck shakes violently in an act called “shovelling”. We heard from women who would not use the gym, the wet mess or other public facilities of the camp because they felt unsafe and intimidated. We heard from women who would not do their laundry while on site because their underwear would be stolen. We heard from women who were told by their company’s HR team to have a cup of coffee with the perpetrator of sexual harassment to sort it out. We heard from women who were made to continue to work directly with their perpetrator and we heard from women who were “given a window seat”, which means terminated, after making a complaint of sexual harassment. Disturbingly, we heard from women who had been sexually assaulted and raped while at work.

Yet despite the prevalence and severity of sexual harassment within the resources sector, our committee heard from company after company that, while they acknowledged and even apologised for the problems within their organisations, gave evidence that they did not understand the extent of the harassment and assault of women in their workplaces, which begs the question: were they wilfully ignorant or woefully negligent? This is not an enviable choice, but it is one the industry must face as it starts the task of addressing its significant corporate failings in this area. In my view, finding 22 of our report that “the failure of companies to understand what was happening in their workplaces must be seen as a sign of corporate failure” is one of the most important and damning findings of this report. Companies consistently stated that safety was their number one priority, yet sexual harassment data was not widely measured by companies, and at least one major resources company had only just in October last year updated its procedures to include a direct policy on sexual harassment. If industry was capturing inadequate data on the prevalence of sexual harassment, the key government agencies responsible for regulation of the industry have likewise failed. The Department of Mines, Industry Regulation and Safety had only 22 records of alleged sexual assaults in the industry between 2015 and 2021. This is important, because we cannot fix what we do not acknowledge, and we cannot measure outcomes if we do not understand the scale of the problem.

Recommendations 10 and 11 of this report, which relate to improvements in measuring and reporting sexual harassment and sexual assault, are a critical step in tackling sexual harassment in the industry. I am pleased that the WA government and the Minister for Mines and Petroleum, Bill Johnston, have already acted ahead of this report to appoint an independent expert to review DMIRS’ protocols for responding to incidents of sexual harassment and sexual assault in the mining industry.

So, where to from here? The good news is that the committee found in finding 19 —

There is a broadly consistent set of recognised and evidenced-based principles, practices and reforms that organisations and industries can use to improve how they prevent and respond to sexual harassment.

Sexual harassment and assault must move from a principally human resources response to a health and safety response. Although there is a role for legislation and regulation in this move, and most certainly the new Workplace Health and Safety Act 2020 is a positive step in reducing complexity and ambiguity in this area, the reality is that for a long time we have had in place legislation that makes sexual harassment and sexual assault unlawful. What the sector faces is deep, systemic and cultural failings that have placed women’s safety as secondary to historic power structures and cultural norms within the industry. There is no silver bullet to address this. Work must be done across legislation, regulation, enforcement, reporting and investigating, and industry policies and practices, and, more deeply still, across society to address the drivers of gender inequality.

Measures to increase women’s participation in the industry are welcomed, but, as one witness put it, an “add women and stir” approach is not a panacea for solving these problems. Women participating at the senior corporate leadership level is important, but so too is the participation of women across all levels of the industry. We heard stories of power imbalances at the pit crew and workshop level of mining operations, and this is where there are typically very low levels of women in roles such as crew supervisor.

Although not a cause of sexual harassment and assault, drugs and alcohol are nonetheless risk factors for assault; therefore, addressing alcohol-related harm in the workplace is also important.

Recommendation 8 of this report is also important —



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The mining and resources industry must establish acceptable standards for accommodation facilities, including security and other safety measures ...

More needs to be done to prevent persistent perpetrators of sexual harassment from simply moving from one workplace to another. A register of sexual harassment offenders will raise some challenges, but I believe these issues can be addressed, as they have largely been by other registers such as the working with children register. Recommendation 3 of this report asks industry to explore ways in which it might address this.

Meaningful and fit-for-purpose education, training and induction processes are also important to begin the task of setting standards and shared understandings of what constitutes sexual harassment in the workplace and establishing clear sanctions for perpetrators. Many women told us they had no confidence in reporting systems, and that the system was onerous, traumatic and resulted in further harm. We must move from a system that places the onus of reporting on an individual to one where the entire workplace shares responsibility. Companies should invest in sound third-party reporting systems and training. Likewise, the committee heard evidence that limitations to third-party access meant that people did not always have access to the support they needed and to information on employment rights. I encourage the industry to work with unions as an important stakeholder in delivering the solutions called on by this report.

The legacy of this inquiry ought to be the safety of women from sexual harassment in the fly-in fly-out mining industry, but whether this is realised will be largely dependent upon the way in which industry, government and the broader community approach the recommendations of this report. Continued public scrutiny and accountability will be critical to this.

I would like to acknowledge the important role of media in this task, and in particular the reporting by *The West Australian* and Caitlyn Rintoul. I would also like to acknowledge the chair, the member for Vasse, and my fellow committee members. I am running out of time. They know who they are, so I will skip naming them!

When I began today, I spoke about what drew me to WA's resources industry. As I conclude, I add my voice to those women who appeared before our committee, and as one of the 74 per cent of women in this industry who have experienced sexual harassment. To the women who shared with our committee their often-harrowing personal experiences of sexual harassment and assault, you spoke with courage and determination, and with a clear view to a better future for yourself and the women who walk alongside you, and, importantly, those who will come behind you. Your message was clear, and we heard you. You just want this to stop. Enough is enough. I commend this report to the house.

**MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition)** [12.16 pm] — by leave: I want to start by acknowledging the work of the Community Development and Justice Standing Committee, chaired by the Deputy Leader of the Liberal Party and member for Vasse, and the members of the committee who have spoken today. This has, no doubt, been a harrowing and very challenging task for committee members and staff, but also an incredibly important one. Of course, I also acknowledge the women who found the strength to come forward and share their experiences. It takes great courage for women to make a complaint when their job and livelihood may be at risk as a result of speaking out. It also takes great courage to come forward when it is clear that there are still real barriers to women being believed and complaints being taken seriously no matter what the industry.

What I have found truly shocking from listening to members speak today is the scale of the problem. It is concerning that the true figures about the number of women, and men, who have experienced sexual assault or harassment may be significantly higher than what has been reported. This is a cultural challenge for our mining industry and for the community that must be met head-on, and so, too, must government take responsibility for its role as a regulator. It is clear that a light-touch approach has been taken to regulating a sector that can no longer do business as usual. It is positive to see that action is already being taken on this front.

Every person has the right to go to work and be safe. Every person has the right to work in a respectful environment. It is clear that an inappropriate and harmful work culture has been allowed to persist—not isolated to just one worksite or company, but across the entire sector. I have worked within this industry. This is a sector that prides itself on safety. However, somehow the normal social obligations that are upheld in our broader community have not been upheld in mining camps and on worksites. I simply urge every executive, every member, every manager and every person in this industry to do better and to support those who are championing this change. In 2022 in Western Australia, in a state that takes great pride in the role and contribution that mining makes to our local and national economy, it is disturbing that the behaviours and culture described in this report have been considered normal for so long.

I recently attended the Chamber of Minerals and Energy of Western Australia's Women in Mining Awards night. That was an amazing event that celebrated the achievements of women in the mining sector here in Western Australia—smart engineers, cutting-edge scientists, technical leaders, and inspirational individuals working at the coalface or on the tools. This is a sector that has so much to offer. Imagine how much more could be achieved if we address

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this dark chapter and put in place the foundations to ensure that no other woman will need to ignore, put up with or be fearful, or walk away from a career that she wants, because she is afraid for her safety.

Members, it is no secret that the Nationals have long held views on the impact of fly-in fly-out on our communities in regional Western Australia and the workforce itself. We understand the imperative for FIFO camps in far-flung corners of our state and for surge capacity when maintenance or shutdowns occur. It is a part of our state, but we have never believed that it should be the default for the industry and stand steadfast in our views that government and industry should try harder to build residential workforces into their business models wherever possible. When you return home to your family every night, or reside in a community where you play sport, volunteer, participate in community activities and are making a contribution outside of a 12-hour work roster day after day, you are connected and grounded. Much the same as our federal Parliament, these workplaces are artificial and they are disconnected from the community.

Inquiry after inquiry into the mental health of FIFO workers and their families, and the development of government and industry policy, overtly acknowledge this fact. No-one will convince me that 12-hour shifts, living in a donga and eating in a cafeteria with a predominantly male workforce is a normal living environment. Regardless of this, change must occur for those camps that will remain and continue to exist as part of this sector. It is past time for the resources sector to draw a line under this disgraceful chapter and commit to ensuring that women can take their rightful place at work without harassment or assault. Likewise, the government must ensure internal vigilance and that it plays its role as watchdog and regulator.

There is no doubt that this is a dark day for our state. Once again, I pay tribute to those who provided evidence and who found the courage to come forward. I also acknowledge the reporting of this matter by *The West Australian's* Caitlyn Rintoul; the Chair of the Community Development and Justice Standing Committee, Libby Mettam, for her call to shine a spotlight on this issue by way of a parliamentary inquiry; and those committee members who have committed so much time and effort to making sure that this was brought to light and that the consideration of this difficult matter is considered more broadly.

I truly hope the recommendations and findings will not gather dust on a shelf. That would be a further injustice to those who were brave and courageous enough to come forward and share their experiences in the hope that change will follow.

**DR D.J. HONEY (Cottesloe — Leader of the Liberal Party)** [12.21 pm] — by leave: I welcome this report from the Community Development and Justice Standing Committee, chaired by the member for Vasse, today. The impact that this has had on newer members is clear, and I can understand why. The reports that I have heard today are sickening and disgusting, and I think everyone will be deeply disturbed by them. Some members may know that I have a mining background. I worked for one mining company for 20 years and for another company for four years before I came to this place—the same company that the Deputy Speaker worked for for 20 years. I also have three daughters. I have found the stories told here shocking. My previous employer carried out a survey on sexual harassment and other harassment over the years and it identified a 20 per cent rate of sexual harassment of women in the workplace, as well as a 20 per cent rate of physical harassment of men in the workplace. Those rates are shocking enough, but to hear that three-quarters of all women working in the FIFO mining industry experience this indicates that there is a particular problem on top of what is already an egregious problem in the workplace.

FIFO has been a major enabler of the development of our globally leading mining industry. Almost 50 per cent of our gross state product, or \$170 billion, comes from the mining industry in Western Australia. Although FIFO may offer a work choice, and is certainly a convenience for the mining company, it is very clear that some serious issues come out of that particular lifestyle. Obviously, the very serious issue that has been revealed by this excellent committee work has been the sexual harassment that is occurring in the FIFO mining industry. All businesses must provide a safe workplace and, in the case of FIFO, that clearly includes all the accommodation and other work areas that are provided because of the necessity of workers having to stay there for extended periods.

This is very clearly a cultural issue, and the comments of the member for Kimberley on this issue resonate exactly with me. Yes, there may be some compounding factors, but this is a cultural issue. It comes from the top. The standard you walk past is the standard you accept. It is very clear that in this industry, people have either looked the other way or been wilfully ignorant of a major issue that is occurring in this industry, particularly in the FIFO industry. The response to this landmark report must start at the very top. It cannot simply be an expression of concern or an expression that things have been done about this in the past. What is quite clear is that the response has been inadequate. There must be thorough and detailed reporting. As a former manager in the mining industry, I can tell members that there was an old mantra: what is measured is what is responded to and managed. In this case, it is quite clear that the reporting has been inadequate, and that there must be a strong response from the Department of Mines, Industry Regulation and Safety in requiring that there is adequate and proper reporting of that.

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I will not go through all the recommendations. I have had a flick through the recommendations and I believe that all the recommendations of the committee are absolutely critical. We need to rapidly adopt the recommendations that have been developed by the committee. I congratulate the member for Vasse and all the committee members. I am deeply grateful for the work they have carried out on behalf of the people who work in the FIFO industry and also the people of Western Australia and this Parliament. This is a landmark report for this state.