

*Standing Committee on Public Administration — Thirty-first Report —  
“Coming Home Safely: WorkSafe and the Workplace Culture in Western Australia”*

Resumed from 18 August.

*Motion*

**Hon KYLE MCGINN:** I move —

That the report be noted.

It gives me great pleasure to rise to talk about this report today. I would like to thank all the members of the Standing Committee on Public Administration who were a part of this report: Hon Adele Farina, chair; Hon Jacqui Boyde, deputy chair; Hon Darren West; Hon Ken Baston; and I. This was the first inquiry that I ventured into in my time in Parliament. Needless to say, it is a big report that took close to three and a half years to complete. It was an interesting inquiry that had many twists and turns, but when members take the time to look at the end result, they will find that a lot of relevant and important issues have been raised and there are many very worthy recommendations in the report.

Before coming to Parliament, I had quite a lot of interaction with WorkSafe through my experience with workplace safety issues and I cannot say that I was too impressed with it. It left me wanting to understand further the thinking behind the regulator and how it operates in the workplace to ensure that the act is being implemented appropriately and prosecuted effectively. Members will find that there are a lot of things in this report that do not agree with that statement, particularly in relation to prosecutions and the time it takes for prosecutions. Families are waiting three years for prosecutions to go through. I will acknowledge that there have been some massive changes to the WorkSafe regulator since this term of Parliament began in 2017. This chamber is well aware of the legislation that has recently been passed to bring us up to speed on harmonising workplace safety laws across Australia, apart from Victoria, and to bring in industrial manslaughter laws.

One of the key things that I will never forget during this inquiry was holding hearings with the families that had lost loved ones in a workplace. There is nothing more humbling and, quite frankly, powerful than talking to a mother, father, brother or sister who has lost a loved one on the job. Most of the time, they are left without any answers to what went wrong and what happened and do not know whether the employer will be held accountable for what could have been an incident of their making. Talking to Regan Ballantine was powerful. She should be absolutely commended for what she does in the memory of her son, Wesley, who lost his life. I am sure members in this place are aware of what happened in that circumstance. Regan has been a very strong advocate for change in that space after what happened to young Wesley, who fell through the glass roofing of a post office. Members will be aware of my maiden speech when I spoke about the young lady who fell down the elevator shaft on a worksite. Unfortunately, these things are not rare; they happen quite often and in all sorts of industries. I know that the farming industry has quite high rates of injuries and fatalities, as does the trucking, maritime and construction industries, and the list goes on.

The Standing Committee on Public Administration formed in 2017 and set out on what I thought at the time was going to be a pretty quick and intense inquiry, but it turned out to be three and a half years. The main areas that we inquired into are outlined in the executive summary and included WorkSafe’s performance against the objects of the Occupational Safety and Health Act 1984; funding and resourcing of WorkSafe; adequacy of WorkSafe’s training, oversight and accountability processes; adequacy of administrative processes, including complaints, investigations and prosecution processes; adequacy of WorkSafe’s audits of training providers delivering occupational health and safety training; timely implementation and public education of coronial inquest recommendations arising from a workplace death; legislative and jurisdictional issues; and any other relevant matter. As members go through this report, they will see that we tried to capture as much of the terms of reference as we could. I acknowledge that, in hindsight, they were quite broad terms of reference, but I feel that this report will be utilised into the future to ensure that things such as funding do not slip. As is identified in the report, resourcing for WorkSafe was withdrawn and that became a major issue for the organisation to perform its functions.

Before entering Parliament, I worked in Karratha, which I know is a high-risk, heavy industrial area, as is Kimberley and Broome. In 2014, WorkSafe inspectors were removed from Karratha and Broome, so there was no longer a WorkSafe presence in those areas. It is astounding to think that that is the case when we have so much heavy industry. It is not as though there were no incidents happening up there. There have been workplace deaths up there. I spent a lot of time with another mother, Sharon Westerman, who is passionate about her son Lee Buzzard, who was lost on a Rio Tinto worksite up there. It perplexed me that the inspectors were removed and are flown up there if they are required. As members know, when an incident happens, it is absolutely crucial that the appropriate people are on the ground immediately to conduct the investigation, because if they are not, things can get messed up, removed and placed where they are not meant to be. How is our regulator supposed to ensure the integrity of a crime scene, which it could be when it is a fatality, when the scene is left for up to three or four days without the regulator having looked at it?

I recall an incident when I was living in Karratha. Members would know that the Quarter is one of the buildings that was built in the middle of Karratha. When I was a Maritime Union of Australia organiser, I got a phone call from someone one Saturday about a construction site. A crane had been lifting a concrete block over the top of the Quarter when the boom broke and the concrete block came down, smashing the traffic lights. The Quarter is right in the centre of town. It is quite a busy area. There were reports that people had walked past that location just before the big concrete vessel block had come down. A worker was injured and lost half his foot, I believe, in that incident. I tried to contact the Construction, Forestry, Mining and Energy Union, but no-one was in town at the time, so I drove there. The police had cordoned off the intersection, but, as light is day, I could see people moving things, putting barricades in place where they were not in place previously and moving stuff that had been settled before. They were not securing the site; they were literally moving things, and that was all done under the direction of management. I am a strong believer in having a workplace regulator who enforces the act and does not just stand there with it. A regulator who actually uses it is better for the safety of all workers. That will ensure that those things do not happen. It will ensure that crime scenes are not touched and that WorkSafe inspectors are on the ground immediately. One of the recommendations in the report is for Karratha and Broome get their inspectors back. I cannot stress enough how important I believe that issue is. These are heavy, dangerous industries that are an important part of our economy. We have inspectors in Bunbury and a regulator here in Perth and in Geraldton, but there is none in the north of the state.

**The DEPUTY CHAIR:** Hon Kyle McGinn.

**Hon KYLE McGINN:** Thank you, Mr Deputy Chair. I thought that there would be some other speakers, but I am happy to continue.

**Hon Nick Goiran:** There is only one minute to go.

**Hon KYLE McGINN:** I thank Hon Nick Goiran for giving everyone an excuse not to get to their feet!

This needs to be remedied. Karratha is a hive of activity with things constantly going on in the building industry and with housing refurbishments, let alone the mining industry. The regulator has jurisdictional cover over the work camps that are scattered across the Pilbara. Another thing that was identified in the report is the lack of visibility of WorkSafe. The regulator should be present and visible. That really hit home at the hearing with Regan Ballantine. Regan was working in the construction industry, I believe, at the management level. When her son asked her where he should go about safety issues onsite, she did not know where to go. WorkSafe needs to be more visible. When people get their ticket or a start to go to a job, they should be fully aware of their rights and responsibilities under the Occupational Safety and Health Act, of the phone number to call up WorkSafe and that they are entitled to have an OH&S committee and a health and safety representative. The onsite representative should be identified when an inspector comes onsite. Again, that is another issue with the process.

**Consideration of report adjourned, pursuant to standing orders.**

**Progress reported and leave granted to sit again, pursuant to standing orders.**