



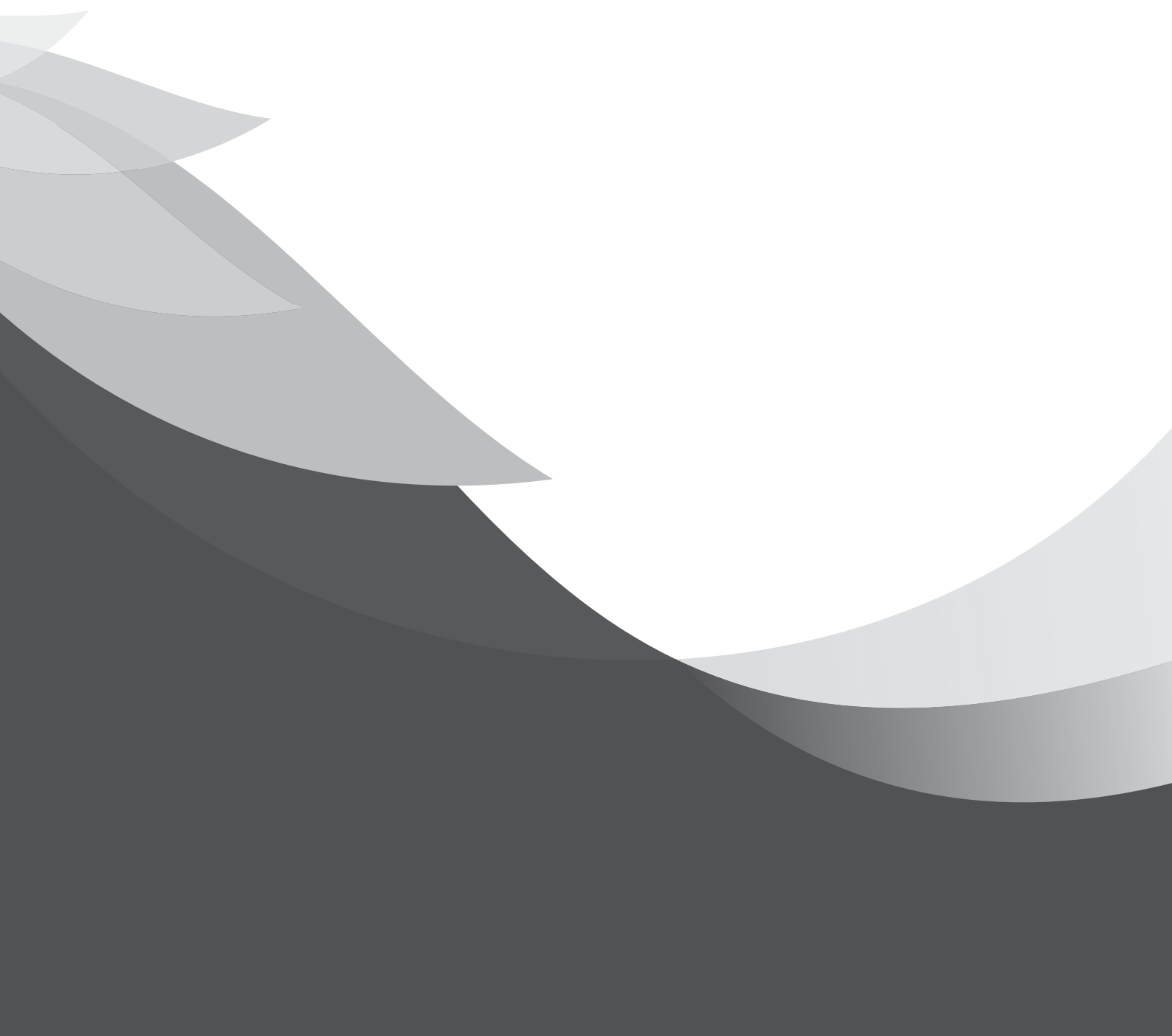
Government of **Western Australia**  
**WorkSafe Commissioner**

# Inquiry into the **agricultural industry in Western Australia**

Report to the WorkSafe Commissioner

**WorkSafe Commissioner's response**

April 2023



# Foreword

I thank the Independent Inquirer, Ms Pam Scott, for her thorough review of the work health and safety issues currently facing the agricultural sector in Western Australia.

My responses to the report's recommendations were developed in consultation with the Director General of the Department of Mines, Industry Regulation and Safety.

WorkSafe plans to work with industry stakeholders, worker representatives and peak bodies to further drive work health and safety improvements in the sector, in line with the recommendations provided in the Inquiry Report.

**Darren Kavanagh**

WorkSafe Commissioner

17 April 2023



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# Recommendation 1

That DMIRS and the Commissioner continue to utilise the ANZSIC codes for their own internal purposes, but that they be supplemented with other data sources.

## **Response**

- Supported. WorkSafe will explore using other data sources as recommended.

# Recommendation 2

That DMIRS and the Commissioner utilise the Agriculture and Support Services (05) subdivisions of the ANZSIC codes separately rather than the Agriculture, forestry and fishing major division (01), for the purpose of focussing attention of the farming sector on fatalities and serious injuries.

## **Response**

- Supported. WorkSafe will consider applying classifications used under the ANZSIC codes, and will drill down as far as possible to get data relating solely to the farming sector.

# Recommendation 3

That in the allocation of resources amongst industries, the agricultural industry be prioritised, both within the WorkSafe Group of DMIRS and externally.

## 3.1 Within the WorkSafe Group

- (a) A dedicated specialist Agricultural Team be established within the new WorkSafe Group within DMIRS.
- Members of the Agricultural Team to include inspectors and liaison officers, similar to those in the Mines Safety inspection team.
  - Given the need for the Team to gain the respect of the agricultural industry, Team members to be specifically recruited for this team.
  - Consideration be given to the location of Team members.

### Response

- Supported
- WorkSafe has commenced the process of establishing a specialist Agricultural Team of six inspectors. This will include three inspectors from existing positions with the aim of appointing three additional inspectors for a fixed term of two years, to be internally funded. A senior inspector will lead the Team.
- Consideration will be given to the location of team members as recommended.

- (b) The Team's objective, and accordingly, their work allocations and resources, be to set out a plan for inspections for the next five years and the plan to be implemented. Its work will primarily be proactive and the plan will include key performance indicators for proactive activities. This plan ought to be publicised widely including the sectors to be inspected. Direct contact to be made with farmers alerting them that they will be inspected on a given date.

### Response

- Supported. The objectives, strategies and performance indicators will be included in the WorkSafe Business Plan (with detailed activities for 2023-24 and high level information for successive years), as recommended. The plan will include proactive inspections and education/information activities and will be made available online.

- (c) Its activities will be:
- Proactive regulatory and advisory inspections;
  - Attendance at industry events;
  - Development of, and updating, a comprehensive agricultural industry web page, including the use of materials from other jurisdictions (with their agreement), along with other materials already developed for the industry;
  - Materials to be translated into languages relevant to the workforce;
  - Development of a newsletter directed at farmers and their workers;
  - Engagement with industry media to publish a regular column about farm safety and ABC regional radio for a farm safety segment;
  - Reactive inspections.

### Response

- Supported.
- WorkSafe's business plan for the Agriculture Team will include conducting proactive and reactive inspections, participation in industry events and implementation of an Agriculture Communication Strategy. The business plan will also include developing content and updating the agricultural safety pages of the WorkSafe website.
- Following research into the languages most relevant to the sector, selected materials will be translated as appropriate.

- (d) A senior level manager to be appointed to lead this team to:
- Recruit and train inspectors for the particular attributes, attitudes and needs directed towards the agricultural industry;
  - Except in particular cases, guide an approach that prioritises the provision of information and advice. The regulator used such an approach in accordance with the [Statement of regulatory intent](#), for the first year of the implementation of the WHS Act. In this case though, given the need to change long term attitudes, this approach ought to apply for at least two years;
  - Set targets for:
    - Inspections;
    - Events;
    - Readership of newsletters and web page information;
  - Engage with industry leaders, external media and psychology experts to develop and publish media campaigns targeted to particular groups, issues and attitudes. These media campaigns to be played regularly over a number of years. A repetition is essential to embedding the message. Their effectiveness then needs to be assessed;
  - Engage with the industry to identify and enlist the support of leaders who are farmers, to promote safety;
  - Through the Commissioner and the Work Health and Safety Commission, develop an overarching code of practice, or a suite of codes, specific to the agricultural industry.



## Response

- Supported.
  - There will be a focus on providing information to the agricultural sector.
  - WorkSafe's Statement of Regulatory Intent will be reviewed to include provision for the approach to this sector.
  - WorkSafe will prioritise internal budgets to include communication to specifically target safety in the agricultural sector.
  - The recommendation in relation to codes of practice will be referred to the Work Health and Safety Commission for consideration.
- (e) Major activities
- The Agricultural Team to set a proactive and preventative program of inspections of a number of sectors each year.
  - The activities to include groups of inspectors attending, for example, no less than three farming centres each year to:
    - Conduct a public event – the public event would focus on a seminar or demonstration and use the opportunity to alert the local industry that there will be, within say three months, inspections of farms in that area. They would provide to those attending: checklists, workbooks, details of the advisory service to be outlined later in this Term of reference, as well as reference to reputable consultancy and training organisations. The public event could be held on the property of an industry leader or other willing host;
    - Inspections – this activity to include a set number of inspections in the area undertaken at the instigation of the team;
    - Review – approximately a month after the inspections, the team returns to the farming centres with a further public event, to inform the industry participants of the results of the inspections, including to provide positive feedback.

## Response

- Supported. A proactive and preventative inspection program will be part of WorkSafe's annual business plan.

### 3.2 Advisory service

- (a) An advisory service to farmers be established in partnership with an industry organisation. Appropriate industry bodies for the partnership would include farming organisations such as those who have partnered with Victorian and New South Wales Governments, or engagement through a private organisation or a not-for-profit organisation. Alternatively, it may be administered internally by WorkSafe, as is the Tasmanian scheme and was the former ThinkSafe scheme in Western Australia.
- (b) This advisory service would:
- Be staffed by advisors with administrative support;
  - Have advisors who are recruited on the basis of their:
    - Knowledge of agricultural safety;
    - Ability to gain confidence of farmers and farm workers;
  - Have advisors without regulatory powers;
  - Provide advice for the benefit of the farmer;
  - Work with industry associations to promote the service;
  - Initiate advisory auditing visits to a substantial amount of farms per annum;
  - Conduct a proactive program of visits aimed at particular sectors each year, plus a reactive program to respond to requests for visits;
  - Attend agricultural events such as field days;
  - Host events with either a general or specific focus, for example an event to demonstrate safe bog extraction techniques as is provided in Victoria;
  - Create a comprehensive, up to date website.
- (c) The information resources for this service may be able to be developed with the assistance of, or in conjunction with the Tasmanian, Victorian and New South Wales programs.

#### **Response**

- Supported.
- WorkSafe will establish an Agriculture Advisory Assistance Program. Through the engagement of independent consultants, free educational services will be provided to the farming sector. The consultants will visit various regions and provide onsite education which will be targeted by input from the local regional communities. A WorkSafe coordinator will be appointed for an initial fixed term of two years to manage the program, along with consultants to ensure appropriate services are provided to the regional communities. These consultants will be the liaison officers for the agricultural sector, separate from the inspectorate.

## Recommendation 4

That a fund be established through a levy on the industry and matching contributions by government. The purpose of the fund be to undertake ongoing media campaigns and other activities aimed at promoting safety in agriculture.

### **Response**

- Noted, for discussion with the State Government.
- WorkSafe will investigate establishing the Agriculture Advisory Assistance Fund, with seed funding to be obtained from internal sources. This funding will support the Agriculture Advisory Assistance Program described in the response to Recommendation 3.2. A list of services will be offered, and applications to receive the services will be considered based on regional demand and funding.
- WorkSafe will liaise with WorkCover WA as a potential business partner.

# Recommendation 5

Steps to be taken to raise the industry's awareness of the consultation, participation and representation obligations and arrangements including:

- 5.1 Creating and publicising, on the agricultural industry webpages, information about the consultation, participation and representation obligations and arrangements. Such information ought to be made available in the languages represented in the agricultural industry workforce;

## Response

- Supported.

- 5.2 The participation of industry groups be sought to publicise these obligations and arrangements. The grower groups may be the most effective as they may be able to assist in the development of information targeting the particular circumstances of their sector.

## Response

- Supported. WorkSafe to reinstate the Agricultural Safety Advisory Committee, with the leader of WorkSafe's Agriculture Team attending meetings.

- 5.3 Utilising the public events associated with inspections campaigns referred to in Term of reference (d), to educate farmers and workers about consultation, participation and representation obligations and arrangements.

## Response

- Supported.

- 5.4 The external advisory service also be tasked with educating farmers and workers about the arrangements.

## Response

- Supported.

## Recommendation 6

6.1 That a suite of codes of practice and guidance notes directed to the agricultural industry and its various sectors be developed.

### **Response**

- Supported. Codes of practice and guidance notes will be referred to the Work Health and Safety Commission for consideration.

6.2 The codes of practice and guidance notes be written as simple “how to” and “how not to” documents.

### **Response**

- Supported. WorkSafe will support the Work Health and Safety Commission in the development of user-friendly and industry-relevant information for the agricultural sector. This assistance will be a WorkSafe priority.

# Recommendation 7

- 7.1 The regulator and the industry engage with machinery and equipment manufacturers and dealers to draw attention to the need for machinery and equipment to be fit for purpose, to remove the need for farmers to modify them, especially by removing guards.

## Response

- Supported. A proactive campaign targeting machinery and equipment manufacturers will be part of WorkSafe's business plan for 2023-2024.

- 7.2 These be a repeated campaign of safety alerts to farmers regarding:

- their use of quad bikes without ROP;
- their riding vehicles, such as quad bikes, motorbikes and horses without helmets;
- wearing seatbelts;
- reading labels on equipment;
- safe jacking, chocking and retrieval of vehicles from bog;
- removing guarding from machinery.

This campaign to be targeted at the appropriate groups. It may feature well-respected senior farmers.

The campaign needs to run repeatedly for several years to embed the messages and practices in the culture.

## Response

- Supported. The scale of the campaign will be dependent upon the available funding. A specific communication budget will be allocated to the Agriculture Communication Strategy.



7.3 That funding be made available for a specified period to encourage:

- retrofitting ROP;
- upgrading yards and races to assist in the physical separation of workers from large animals;
- lone worker emergency contact systems.

**Response**

- Noted – for discussion with the State Government.

7.4 The regulator draw to the industry’s attention the codes of practice and guidance notes for dealing with some of these well-known hazards.

**Response**

- Supported. This will form part of the Agriculture Communication Strategy.

## Recommendation 8

That the regulator investigate and action a way to:

- provide timely information to the agricultural industry about the causes of fatalities and serious injuries as well as the preventative actions available to the industry;
- obviate the provision of that information compromising any potential prosecutions or potentially raising other legal issues; and
- ensure that families and others such as PCBUs and work colleagues of the deceased or seriously injured person are provided with advance notice of the publication and are supported.

### **Response**

- Supported. WorkSafe will consider how timely information can be provided taking into account the points raised in this recommendation. WorkSafe will continue to communicate best practice and provide educational material that address hazard identification in the agricultural industry.

# Review

It is proposed that the actions initiated in response to the recommendations of this inquiry will be subject to a two-year review to determine their success in achieving their desired outcomes. Based on this review, actions may be refined and modified and ongoing funding may be sought from a variety of sources, including government, subject to standard budget processes.



**Department of Mines, Industry Regulation  
and Safety**

303 Sevenoaks Street  
Whadjuk Noongar Country  
CANNINGTON WA 6107

Telephone: +61 8 6251 2300

NRS: 13 36 77

Email: [ag inquiry@worksafe.wa.gov.au](mailto:ag inquiry@worksafe.wa.gov.au)

Website: [www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au)