



| Meeting No. | 30 | Time: | 9.00am |
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| Venue | Koorling Dandjoo Co Perth | onference Room, 1 Ad | lelaide Terrace, East |

Work Health and Safety Commission Minutes – 7 May 2025

| Attendees | |
|----------------------|---|
| Dr Patricia Todd | Chairperson |
| Ms Sally North | Ex-officio member – WorkSafe Commissioner |
| Mr Tony Robertson | Public service representative with knowledge of, and experience in, mining – Director WorkSafe Mines Safety |
| Mr Glenn McLaren | Member – nominated by Unions WA |
| Ms Michelle Gadellaa | Member – nominated by the Chamber of Minerals and Energy Western Australia (CME) |
| Ms Tracey Bence | Expert member |
| Dr Lin Fritschi | Expert member |
| Dr Matthew Govorko | Expert member |
| Ms Helen Brown | Executive Officer – Senior Policy Officer, WorkSafe |
| Guests | |
| Mr Chris White | Regular guest – Chief Executive Officer, WorkCover WA |
| Ms Rikki Hendon | Filling vacancy for UnionsWA nominee |
| Mr Cory Harding | Filling vacancy for Chamber of Commerce and Industry of Western Australia (CCIWA) nominee |
| Ms Bec Naylor | WorkSafe General Manager Information and Stakeholder Engagement |
| Mr Ian Munns | DEMIRS Deputy Director General (for Agenda Item 4.3) |
| Ms Jennifer Low | Deputy WorkSafe Commissioner |

| Apologies | |
|-----------------|---------------------------------|
| Ms Naomi McCrae | Member – nominated by Unions WA |
| Mrs Agnes McKay | Member – CCIWA |

| 1 | WECOME, APOLOGIES, AGENDA |
|-----|---|
| 1.1 | Opening and welcome |
| | The Chairperson welcomed those in attendance and noted apologies from Naomi McCrae and Agnes McKay. |
| 1.2 | Apologies |
| | Naomi McCrae, Agnes McKay |
| 1.3 | Confirmation of agenda |
| | The agenda was confirmed as the business of the meeting. |
| 1.4 | Declarations of Conflicts of Interest |
| | The CCIWA representative noted that the training provider that is the subject of Agenda Paper 4.6 is a CCIWA member. |
| 2 | PREVIOUS MEETING/S |
| 2.1 | Confirm minutes of previous meeting |
| | The Minutes of the Work Health and Safety Commission (WHSC) meeting of 5 March 2025 were ENDORSED as a true and correct record. Comments in relation to contents of the Minutes are below. |
| | Gazettal The Chairperson expressed satisfaction that the Codes of Practice Tower cranes and Managing electrical risks in the workplace have been gazetted. |
| | Meeting with Training Accreditation Council The Chairperson reported on her meeting on 15 April 2025 with the Director of the Training Accreditation Council (TAC), Ms Lisa Barron, to discuss TAC's proposed Regulatory Strategy 2023-2025 — |
| | - TAC audits indicate focus areas. |
| | 90% of Registered Training Organisations (RTOs) have been registered with TAC for more than 10 years. |
| | - RTOs registered with TAC are only training in Western Australia. |
| | Between July 2024 and March 2025 TAC audited 69 RTOs which constitutes 42% of registered RTOs. |
| | There are different types of audits with site audits being the most common. The type of audit depends on the risk level. Audits can be in response to complaints. |

- The Chairperson raised with Ms Barron the WHSC's concern about High Risk Work licenses and the matter of industry not being confident in certification by RTOs in some circumstances.
- Ms Barron encouraged notification to TAC of problems with training. Specific details of units and RTOs where delivery has been poor is useful.
- In relation to the recognition of prior learning and the incentive for RTOs to reduce course length, a solution is to prescribe the units,, which in turn would deny the opportunity of recognition of prior learning.
- Ms Barron is willing to attend a WHSC meeting.

The WorkSafe Commissioner ('the Commissioner') also reported on a meeting with TAC, where the issue of risks associated with off-site assessment was raised. The Commissioner was encouraged by Ms Barron to raise specific concerns with TAC.

Expert member Tracey Bence referred to the concerning results of a survey about white card training, as conveyed at the March 2025 WHSC meeting, and suggested complaining to TAC accordingly. In response, a concern was expressed that rescinding White Card certification for those who received inadequate training would adversely impact the learners, with there being no recourse to the RTO or regulator. The Commissioner commented that while cancellation of licence classes had occurred in the case of high risk work licence where inadequate assessment had occurred, White Card training would need to be separately considered noting it related to induction type information rather than high risk work..

The WHSC **AGREED** to invite the Director of TAC to a WHSC meeting to discuss concerns regarding White Card training.

ACTION 1: Invite the Director of TAC to a WHSC meeting to discuss concerns regarding White Card training.

2.2 Review action list from previous meeting

Action items were discussed by exception, as follows:

Item E

(Information will be provided to the WHSC on common themes in Improvement Notices relating to exposure to welding fumes issued during WorkSafe's welding fumes educative and enforcement project)

The WorkSafe Industrial and Regional Safety Directorate have commenced a Welding Fume Project and have completed 20 inspections. Common findings for larger industrial workplaces were:

- have knowledge of the reduction of the welding fume exposure standard via Weld Australia email alerts.
- welders are wearing Positive Air Purifying Respirator (PAPR), welding helmets.
 However, there is an inconsistency if the workplace or worker was providing them.
- have not considered the risk of welding fumes to other people at the workplace. Nor have they carried out air monitoring.

Common findings for small to mid-size workplaces were:

- have no knowledge of the reduction in the welding fume exposure standard
- welders are not wearing PAPR.
- have not considered the risk of welding fumes to other people at the workplace.

Nor have they carried out air monitoring.

In response to a question concerning welders not wearing a Powered Air Purifying Respirator, the Commissioner stated that this issue is more common in small businesses.

Notices have been issued as part of the welding project. The Commissioner stated that Improvement Notices are generally used for non-compliance. Prosecution is considered for extreme cases or lack of willingness to comply, consistent with WorkSafe's Prosecution Policy.

Tracey Bence likened the welding fumes project to a test case on how Workplace Exposure Standards (WES) are treated, with the revised Workplace Exposure Limits (WEL) to take effect on 1 December 2026. Ms Bence commended WorkSafe for quickly undertaking the welding fumes projects.

The Commissioner reported on a meeting with the Chief Executive Officer of Safe Work Australia where a national communications plan to raise awareness of the forthcoming numerous changes in WES was discussed. Also discussed were the changes to WES that will have the most impact on industry, and the development a one-page information sheet for the more commonly used chemicals.

Expert member Dr Matthew Govorko reported that the Cancer Council WA will be conducting a Welding Awareness Campaign in August 2025 during Tradies National Health Month, funded by the Australian Institute of Occupational Hygienists Foundation. This will take place through social media, an animated video and a webinar. Dr Govorko agreed to send material to the WorkSafe Mines Safety Directorate for use in their welding fumes project and is seeking examples of exposure scenarios for the animated video.

Item J

(The WHSC will ask WorkSafe to consider funding of a project officer to review the psychosocial codes with a view to rationalising, consolidating and/or rewriting them due to overlap and lack of practical information)

The Commissioner commented that funding has not been committed for this project but it is a project that WorkSafe would like to fund.

Item K

(Ask WorkSafe to amend and publish the "Guide: Health and safety representative (HSR) refresher training course requirements")

In response from a question from the Chairperson, Bec Naylor responded that publishing was delayed by the Caretaker Period and will be ready shortly.

<u>Item L</u>

(Executive Officer to circulate the 20-year psychosocial report focusing on mine safety to members out-of-session)

The timing for release will be decided by the Minister for Industrial Relations.

Item LAC-A

(LAC to review several Safe Work Australia guides to determine applicability to Western Australia)

It was agreed to review the list of guides during Agenda Item 2.3.

The WHSC **NOTED** the updated Action List.

2.3 Codes of Practice - Update

The WHSC was presented with a table providing updates regarding codes of practice and other guidance that have been the subject of a decision by the WHSC. Items were discussed by exception, as follows.

Code of Practice: Prevention and control of legionnaires disease

Revision of this code is on hold pending SWA production of the model Code of Practice: *Managing the risks of biological hazards at work*. The Commissioner commented that the scope of the SWA code is broad and is unlikely to address legionnaires disease in the level of detail in the current WA code. Accompanying information sheets may be a good combination.

<u>Code of Practice: Psychosocial hazards at work for fly-in fly-out (FIFO) work arrangements</u>

Concern was expressed that this code has not been completed and may not be ready for the release of the response to the *Enough is Enough Report*. Bec Naylor stated that it is expected to be presented to the July 2025 WHSC meeting. The Chairperson suggested that a special meeting of MAPAC may need to be convened prior to the WHSC meeting to review the code.

Prioritisation of development of Codes of Practice

Bec Naylor raised the issue of prioritisation of codes of practice for development/amendment for both mining and general industries and will address this matter further at the next WHSC meeting. The Chairperson suggested a meeting prior to the WHSC meeting may be warranted, given the complexity of the matter.

Review of SWA Guides

The Chairperson drew attention to the item on the Action List regarding review by the Legislative Advisory Committee (LAC) of selected SWA Guides for appropriateness for Western Australia (WA). This action is on hold until WorkSafe has reviewed and revised the Guides. It was **AGREED** to remove this item from the Action List given that it was added in the context of the transition to the WHS laws in 2022.

In terms of the Guides referred to above:

- the "Guide: Working with silica and silica-containing products" will be removed from the list;
- the "Guide to managing risk in construction: concrete pumping" is being reviewed by the Construction Industry Safety Advisory Committee (CISAC) who are awaiting the finalisation of a Victorian document;
- CISAC has reviewed the "Guide to managing risks of industrial rope access systems" and provided comments to SWA;
- SWA is developing a Code of Practice for elevating work platforms, which may negate the need for the "Guide to inspecting and maintaining elevating work platforms"; and
- The "Supplementary guidance Managing risks of storing chemicals in the workplace", "Supplementary guidance – Storage of flammable liquids" and "Interpretive guidance – Guide for interpreting the workplace exposure standards" appear to be suitable and can be referred to LAC for review.

- WorkSafe is working on a guide for working in heat, which will involve a review of SWA's "Guide for managing the risks of working in heat"; LAC has provided comments to WorkSafe on the SWA guide.
- It is not necessary to review SWA's "Guide to managing risks of tree trimming and removal work" as WorkSafe has published a checklist with a link to the SWA guide.

The WHSC **NOTED** the Codes of Practice update.

ACTION 2: Inform LAC of the WHSC decisions regarding selected SWA guides for review.

3 AGENDA ITEMS FOR NOTING

(Discussed by exception)

3.1 Health and Safety Representative (HSR) Training - approvals

The WHSC **ENDORSED** the following approval relating to the training of HSRs:

Application by Pinnacle Safety and Training for additional trainer – Shane Wyatt.

The Chairperson noted that: (i) the North Metropolitan Health Service has withdrawn from HSR training; and (ii) dates have been set for the 2025 audits of delivery of the five-day HSR training course.

3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the CISAC meetings held on 18 March and 15 April 2025. Key points discussed were:

- review of the Silica National Strategic Plan 2024-30;
- an update on the White Card review currently being conducted by the WA Building and Construction Consultative Committee;
- the development of the Code of Practice: Excavation work.

The WHSC discussed a query from CISAC regarding diagrams in the draft amended Code of Practice: *Managing the risk of falls in housing construction* in the context of associated feedback received from the public consultation. A UnionsWA representative was of the view that the diagrams could be improved. It was **AGREED** that CISAC should pursue improvements in the diagrams where needed, and should retain the diagrams in the code

The WHSC **APPROVED** the nomination of the Deputy WorkSafe Commissioner as the new Chairperson of CISAC, noting that an orderly transition and hand-over is needed to provide continuity.

3.3 Mining and Petroleum Advisory Committee (MAPAC) - Report

The WHSC **NOTED** the report of the MAPAC meeting on 16 April 2025. Key points discussed were:

- challenges for small mines in complying with statutory position requirements;
- the WA Silica Plan;

- Compliance and Regulations System (CARS) Transformation project update;
- the transition period to complete mining statutory position certification.

Expert member Dr Fritschi commented on the challenges for small mines in complying with statutory position requirements, noting that many small mines are on farms where there is a disproportionately high rate of fatalities. Dr Fritschi suggested that this be taken into account in the context of the educative approach WorkSafe will take to minimising risks associated with small mine operations. Tony Robertson agreed and anticipated that educating small mining operations about safety may have a positive 'flow on effect' into the agricultural industry. The Commissioner stated that taking an educative approach to small mines does not mean a non-regulatory approach.

The Commissioner also referred to the transition period for statutory positions and the requirement for those transitioning to complete legislative exams. There are many seats available for the exams and WorkSafe has and will continue to communicate this to the mining industry. No consideration will be given to statutory position holders who have not undertaken the exam by the end of the transition period, and enforcement action will take place. Inspectors have been instructed to communicate this at every mine site they visit, and messages have been released via the Safety Regulation System and social media.

3.4 Agricultural Safety Advisory Committee (ASAC) - Report

Nil

3.5 Legislative Advisory Committee (LAC) - Report

Nil

3.6 WorkSafe events and promotions update

The WHSC **NOTED** the WorkSafe events and promotions update, which included an update on stakeholder guidance being produced, public consultations and promotions, and WorkSafe events.

Key points were:

- gazettal of the Codes of Practice Tower cranes and Managing electrical risks in the workplace; and
- the draft Code of Practice: Road and traffic management at Western Australian mines has been provided to the Minister for Industrial Relations for endorsement for release for a three-month consultation period.

Michelle Gadellaa and Dr Matthew Govorko were nominated for the judging panel for the Work Health and Safety Excellence Awards.

Bec Naylor noted various current activities for WorkSafe Information and Stakeholder Engagement Branch including the: (i) Community of practice: Public Sector Work Health and Safety 2025 event on 8 May 2025; (ii) preparations for National Farm Safety and Health Week on 21-27 September 2025; and (iii) revision of mines statutory position information to make it simpler and more suitable for small mines.

3.7 Regulatory Activity Report

The WHSC **NOTED** WorkSafe's Regulatory Activity Report for the period to Quarter 3 of 2024-25. Dr Fritschi commended WorkSafe on the new format and information in the report.

3.8 Exemptions

The WHSC **NOTED** the exemptions from requirements of the Work Health and Safety (General) Regulations 2022 and Work Health and Safety (Mines) Regulations 2022 granted during the period 13 February to 9 April 2025 inclusive.

3.9 Correspondence

Nil

The Chairperson noted that there has not been a response from the Minister for Industrial Relations to the letter sent by the WHSC in December 2024 regarding WorkSafe resources for drafting codes of practice.

Presentation and farewell to Chairperson

In view of the forthcoming resignation of Chairperson Dr Todd on May 16 2025, Deputy Chairperson Dr Fritschi made a brief speech.

Dr Fritschi referred to the background to Dr Todd's term including the disruption created by the introduction of the WHS laws in March 2022 and COVID-19, and the calm, competent and positive way in which Dr Todd dealt with these challenges. Dr Fritschi also referred to the collaborative approach that Dr Todd brought to the WHSC, and likened Dr Todd's approach to the Brazilian motto of "order and progress".

Dr Todd stated that being Chairperson of the WHSC has been a privilege and one of the most enjoyable activities of her working life. She said that the WHSC is a special group in terms of the knowledge and experience they bring to the WHSC as well as their ongoing discussions and negotiations to ensure decisions could be achieved. Dr Todd thanked Members for their commitment and contribution and thanked Dr Fritschi for agreeing to step into the role of Chairperson until a new appointment is made. Dr Todd concluded by emphasising the power arising from the tripartite nature of the WHSC and asked that its existence not be taken for granted by Members.

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

The WHSC was presented with the WorkCover WA Quarterly Dust Diseases Report and a verbal report by the Chief Executive Officer, Chris White.

Mr White noted that:

- o asbestos-related diseases continue to dominate; and
- the most recent worker's compensation claim for silicosis was made in September 2024 last year;
- the Heads of Workers' Compensation recently met, with one topic being the development of a set of principles for managing silicosis claims;

- the number of new workers' compensation claims for silicosis in WA and other jurisdictions has fallen away quickly, with the number of cases in WA continuing to be low relative to in some of those jurisdictions; and
- governments in some jurisdictions are tightening the criteria for accessing workers' compensation for psychological injury claims –
 - These claims are more expensive than other types of claim.
 - The rapid growth in these claims has threatened the viability of some workers' compensation schemes.
 - The work being done in WA to address psychosocial risks in the workplace is very important.

Mr White explained reasons for non-acceptance of a worker's compensation claim such as the injury not being obviously work-related (ie away from the workplace), the injury potentially occurred at a different workplace to the one against whom the claim was made (eg injury occurred in another jurisdiction), the claimant not being a 'worker' (eg is a sole trader or independent contractor), and wrong diagnosis.

Expert member Tracey Bence commented on her attendance at a recent forum regarding National Occupational Respiratory Disease Registry. Since commencement of the Registry in May 2024, of the 95 reported cases of respiratory diseases:

- 81 are attributed to silica
- 10 are attributed to asbestos
- 8 are attributed to exposure in mining
- less than 5 are associated with WA.

The WHSC also **NOTED** the WorkCover WA Quarterly Silica Report.

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report to March 2025.

The Commissioner noted a prosecution at the end of April 2025 against WASS Nominees which is a salt factory, with a \$875,000 penalty. The prosecution was the first under WHS laws for a causal breach involving a fatality.

Three prosecutions relating to conveyors have been finalised since March 2025, with a total of \$1.8 million in penalties.

A UnionsWA representative commented on the inconsistency in penalties, citing the case of a young man at Donnybrook who was paralysed after falling through light sheeting while cleaning gutters. The penalty of less than \$300,000 was issued in the Bunbury District Court. The Commissioner responded that there is variability in penalties, which are set by magistrates and take into account various factors. When submitting a case the WorkSafe legal team include factors such as its seriousness and precedents, to assist the court in relation to setting an appropriate penalty.

4.3 Update – CARS (Compliance and Regulation System) Transformation Project

DEMIRS Deputy Director General, Ian Munns, provided an update on the CARS Transformation Project, accompanied by Quinn Kearney and Ming Poi Yew. CARS will replace two legacy systems used to administer the *Work Health and Safety Act 2020*

and, subject to approval, a system used to administer the *Dangerous Goods Safety Act 2004*. It will provide contemporary, fit-for-purpose technology to transform the way health and safety is regulated.

Mr Munns reported on good progress, with the Proof-of-Concept Phase almost completed. Delivery will be staggered with three releases for general industry in 2026 and release for petroleum and mining over two stages in 2027.

Project Control Groups have been established to make quick decisions relating to users without the Board needing to convene.

In response to questions, Mr Munns replied that:

- consultation is focused on internal stakeholders at present but at the implementation stage there will be engagement with external stakeholders; and
- he is conscious of the need for external users to be able to retrieve their own data.

The WHSC **NOTED** the update.

4.4 Proposed Silica Dashboard

Expert member, Tracey Bence, presented a proposal that WorkSafe WA publish the activity and outcomes in silica related disease prevention, similar to that of SafeWork NSW. Ms Bence is of the view that the visibility of Western Australian silica exposure would likely promote the cause of work health and safety.

The Commissioner referred to the <u>Asbestos Snapshot</u> as a possible model, mentioning that she approves of the NSW model and that limited resources are the only impediment. It could align with updates for the Silica National Plan.

The WHSC **NOTED** the proposal for a Silica Dashboard.

ACTION 3: WorkSafe to investigate a 'Silica Snapshot' as part of reporting on the National Silica Plan.

4.5 WA Silica Plan

The WHSC reviewed and **NOTED** the draft jurisdictional silica plan for Western Australia, which supports the *Silica National Strategic Plan 2024-30* (SNSP). The newly expanded Asbestos and Silica Safety and Eradication Agency is now responsible for overseeing national initiatives aimed at mitigating silica exposure risk. The WorkSafe Group of the Department of Energy, Mines, Industry Regulation and Safety is leading the whole-of-government implementation of the SNSP in WA.

Expert member Dr Fritschi commented on one of the actions relating to Priority 3 (Health monitoring, screening, surveillance and support) concerning investigating the feasibility of extending the national lung cancer screening program to include workers in high-risk industries. Dr Fritschi noted that a suggested partner is the Lung Foundation and that the Cancer Council WA could be added or could replace the Lung Foundation as it has a big preventative program.

Expert member Dr Govorko suggested that the Cancer Council WA would align best with Priority 2(b) (Develop and deliver targeted education, awareness and behaviour change initiatives to prevent exposure to RCS) and 3(h) (Support the work of advocacy and support groups around Australia in providing assistance to those affected by silica-

related diseases and their families). The Cancer Council WA has a 24-hour dedicated help line open Monday to Friday from 9am to 5pm.

Ms Bence drew attention to a technical issue with the drafting of the 'crystalline silica regulations' whereby four types of crystalline silica are listed including tripoli, which is actually quartz. The Commissioner noted that WorkSafe raised the issue during the development of the national model regulations.

In relation to Priority 3 (Health monitoring, screening, surveillance and support), there is now improved access to CT scans in the regions.

ACTION 4: Investigate the reasoning behind inclusion of tripoli as crystalline silica in the 'crystalline silica regulations'.

4.6 'In house' by training provider of health and safety representatives (HSRs)

The WHSC was asked to make a decision regarding a business entity undertaking 'in house' training of HSRs. 'In house' training is where the approved trainer is an employee of the business and is delivering training to fellow employees. The WHSC has previously developed a position that 'in house' training should not take place as it presents a conflict of interest for the trainer, may affect the integrity of the training and discourage HSRs from speaking frankly about health and safety issues in their workplace.

It was **AGREED** that this matter will be reviewed if and when the training provider applies in 2026 for renewal of their term of authority to deliver HSR training, and that the training provider will be notified of this.

A CCIWA representative suggested monitoring current training such as by audit. It was **AGREED** to suggest to the auditor that the training provider be audited in the current round of audits if possible.

ACTION 5: Notify the training provider conducting 'in house' HSR training that this matter will be reviewed when they apply for renewal of their authority to deliver HSR training.

ACTION 6: Suggest to the auditor that the training provider conducting 'in house' training be audited in the current round of audits, if possible.

4.7 Safe Work Australia (SWA) Update

The WHSC was presented with the agenda of the SWA meeting that took place on 6 March 2025, with the Commissioner giving a brief overview of items of interest, in particular incident notification legislative amendments. WHS Ministers agreed some time ago in principle on policy intent for the proposed amendments. At the June SWA meeting an Incident Notification Handbook based on the proposed amendments will be discussed. The CME representative stated that CME has significant concerns about the proposed amendments to incident notification, such as the criteria for establishing the work-relatedness of suicides.

The WHSC **NOTED** the SWA update.

4.8 Comments from WorkSafe Legal on the 'Public Sector Code'

The WHSC was provided with feedback from WorkSafe Legal on the draft Code of Practice: Work Health and Safety Management Systems for the Western Australian Public Sector ('Public Sector Code'). The feedback incorporated advice from the State

Solicitor's Office (SSO). Access to this advice was requested at the previous WHSC meeting.

The Commissioner made several points, including that the SSO has a particular interest in this code. When WorkSafe takes legal action against the Public Sector, the SSO is the opposing lawyer. The Commissioner also expressed that the feedback concerning further articulation of 'officer' and 'person conducting a business or undertaking', and the feedback concerning the inclusion of additional hazards will be useful additions to the Code.

The WHSC remained confused as to why the SSO applied legal professional privilege to their feedback.

The WHSC **NOTED** the feedback from WorkSafe Legal.

5 OTHER BUSINESS

5.1 Members to advise

A UnionsWA representative queried the progress of the matter of licensing of earthmoving machinery as a crane, in view of the feedback recently provided by some WHSC members on a draft training course. The Commissioner stated that no final position has been agreed upon.

6 NEXT MEETING

6.1

CLOSE - Next WHSC meeting – 4 June 2025