

Meeting No.	31	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission

Minutes – 4 June 2025

Attendees

Dr Lin Fritschi	Acting Chairperson / Expert member
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)
Mrs Agnes McKay	Member – Chamber of Commerce & Industry WA (CCIWA)
Ms Rikki Hendon	Member - UnionsWA
Ms Tracey Bence	Expert member
Dr Matthew Govorko	Expert member
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

Guests

Alan Layton	Assistant Executive Officer – Policy Officer, WorkSafe
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Apologies

Chris White	Regular guest - WorkCover WA
Cory Harding	Guest – member nominated by CCIWA

1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson declared the meeting open at 9.15am and welcomed members and guests.

1.2 Apologies

Apologies were accepted from Chris White and Cory Harding.

1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

1.4 Declarations of Conflicts of Interest

Members did not declare any conflicts of interest.

2 PREVIOUS MEETING/S

2.1 Confirm minutes of previous meeting

The Minutes of the Work Health and Safety Commission (WHSC) meeting held 7 May 2025 were **ENDORSED** as a true and correct record, subject to minor amendments.

2.2 Review action list from previous meeting

Action items were discussed by exception, as follows:

Item D

(Investigate the reasoning behind inclusion of tripoli as crystalline silica in the 'crystalline silica regulations'.)

The Executive Officer tabled a reply from SWA (Safe Work Australia) dated 4 June 2025, which acknowledged that, for the purposes of regulation 529A of the model WHS Regulations, 'crystalline silica' includes the substances cristobalite, quartz, tridymite and tripoli. SWA stated that:

"Although Tripoli is often described as a microcrystalline form of quartz (and can contain up to 95% quartz), it has its own CAS Registry Number and is not made up entirely of quartz. To ensure that tripoli is explicitly covered under the crystalline silica regulations and to eliminate any ambiguity that might lead persons conducting a business or undertaking to exclude tripoli from consideration, it is specifically listed in paragraph 529A(3)(b). Additionally, tripoli was included in regulation 529A as the [Workplace Exposure Standard](#) (WES) for *Silica – Crystalline* applies to tripoli (page 36)".

The Chairperson and members noted that the presence of tripoli is a rare occurrence, and an occurrence which Australian authorities do not have a mechanism to measure.

Item F

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

A UnionsWA member requested that the auditor be asked to follow up with RTOs that do not have courses within their scope to remove those courses from their websites.

The issue that arises is an RTO, without the scope to deliver a particular course, will sub-contract the course or “borrow” the scope from another RTO, contrary to TAC and ASQA regulations.

ACTION 1: Arising from discussion of the SWA advice regarding the inclusion of tripoli as a ‘crystalline silica’ substance, expert member Tracey Bence offered to make contact with international and national organisations to enquire whether or not they have standards which provide for the measurement of tripoli.

ACTION 2: Executive Officer to make contact with the auditor to request RTOs remove from their websites any courses for which they do not have the scope to deliver.

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.

The Chairperson expressed her frustration over the lack of available resources to more expeditiously progress the development and updating of codes and guidance materials, noting the previous representations made by the WHSC to the Minister in this regard.

In response, the WorkSafe Commissioner advised of the budgetary processes that are required to authorise the employment of additional staff resources.

With respect to campaigning for further resources, a UnionsWA member stated it would be useful to identify existing vacancies and to focus the representations on the mid-year budgetary review when exceptions may be approved.

The Chairperson highlighted the immediate need to rationalise the current psychosocial codes and combine them into a single package, noting that the need had emerged from the *Enough is Enough* report. The CCIWA member offered to assist the WHSC by preparing a scoping paper to outline what is required to develop a single psychosocial package.

The government member suggested an approach to the MARS program, noting the initiatives of the mining sector in developing psychosocial codes.

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

ACTION 3: The CCIWA member to prepare a scoping paper for consideration by the WHSC concerning the rationalisation of the current psychosocial codes, with a view to the WHSC making an approach to the MARS program to resource the task.

3 AGENDA ITEMS FOR NOTING (Discussed by exception)

3.1 HSR Training - approvals

The WHSC **ENDORSED** the following approvals relating to the training of Health and Safety Representatives:

- Application by Civil Safety to deliver five-day course
- Application by South Metropolitan TAFE for an additional trainer – Mark Kelly
- Application by Mine Safety and Training to deliver Refresher training

The WHSC **NOTED** that the following three training providers identified for an audit have decided to no longer deliver HSR training:

- Australian Trade Union Institute
- Master Builders Association WA

- North Metropolitan Health Service

3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the CISAC meeting held on 20 May 2025.

Key points of the report discussed by the WHSC were:

Improved facilities and amenities for women working on construction sites

The WorkSafe Commissioner drew the attention of WHSC members to CISAC's request that the WHSC discuss the issue of PCBUs providing adequate and accessible facilities for women on construction sites and in other industry sectors.

A UnionsWA member advised that the issue had been raised at CISAC by UnionsWA on behalf of the union movement, noting a lack of female facilities at a number of construction sites, in particular an absence of sanitary facilities and services, especially at the more remote sites.

In response to the Chairperson, who asked what action the WHSC could take in response, the UnionsWA member suggested the WHSC undertake an education program aimed at the resources sector, noting the Code of Practice: *Managing the work environment and facilities*, notably section 3.3 Toilets. The UnionsWA member advised he would be raising the issue at MAPAC.

A related issue, raised by the UnionsWA member, is PCBUs failing to provide female employees with personal protective clothing (PPC) specifically manufactured for them to wear, while noting that some of the larger resource companies do supply appropriate female PPC.

The CME member advised that the issue of PCBUs providing appropriate female PPC is a major agenda item at meetings of the Construction Training Fund.

The WorkSafe Commissioner advised that Queensland has enacted an amendment regulation, the Work Health and Safety (Amenities for Construction Work Amendment Regulation 2024), to amend its *Work Health and Safety Act 2011* to provide specific facilities for women. The amendment regulation came into force on 1 January 2025.

The UnionsWA member advised that UnionsWA's preferred option to address the issue is to amend the Western Australian regulations, rather than submitting the issue to SWA for a national approach, given the time that could take.

Members agreed with the Chairperson to list the issue for further discussion at the July WHSC meeting, including consideration of the Queensland amendment.

Expert member Tracey Bence suggested that in the meantime the WorkSafe website could be amended to include specific reference to PCBUs providing appropriate amenities and clothing for women.

The WorkSafe Commissioner accepted the suggestion to amend the PCBU duties page on the website, as well as requiring inspectors to have regard to the issues at the time of their site visits.

Requirements for the use of earthmoving equipment to suspend a load

The report advised that WorkSafe, following an extensive process of consultation, had provided the Minister for Industrial Relations with options on how to progress the issue of training for the use of earthmoving machinery as a crane.

A UnionsWA member sought advice from the WorkSafe Commissioner concerning the Minister's decision.

The WorkSafe Commissioner advised that WorkSafe will be issuing an information sheet. WorkSafe will recognise by way of a class exemption an alternative to the prescribed course for the use of slewing earthmoving machinery as a crane on the

proviso that applicants have a dogging high risk work licence. A course has been accredited for RTOs to deliver. A four-month Statement of Regulatory Intent will be issued.

ACTION 4: Executive Officer to list the issue of improved facilities and amenities for women working on construction sites as an agenda item for the July meeting.

3.3 Mining and Petroleum Advisory Committee (MAPAC) - Report

Nil

3.4 Agricultural Safety Advisory Committee (ASAC) - Report

The WHSC **NOTED** the report of the ASAC meeting on 9 May 2025.

Key points were:

- ASAC membership – new member from WA Vegetables, Mr Peter Spackman
- ASAC Chair – transition to Deputy WorkSafe Commissioner
- Agricultural Independent Inquiry Report - second stage implementation
- Psychological risk in agriculture – presentation – Deputy WorkSafe Commissioner
- *Farmers matter: Collaboration creates efficiency* – presentation – expert member, Dr Marcus Cattani ECU

The WHSC:

- **APPROVED** the Commissioner's request to nominate the Deputy WorkSafe Commissioner, Ms Jennifer Low, as the ASAC Chair; and
- **APPROVED** the appointment of Mr Peter Spackman to ASAC to replace Mr Stephen Brown.

3.5 Affected Families and Workers Advisory Committee (AFWAC) - Report

The WHSC **NOTED** the report of the AFWAC meeting on 29 April 2025.

The WorkSafe Commissioner, who chaired the meeting, advised:

- members endorsed a draft strategy for the AFWAC, for finalisation, formatting and publishing;
- a discussion took place on the upcoming statutory review of the *Work Health and Safety Act 2020*, during which members highlighted the importance of small businesses being well informed about their WHS duties; and
- members referred to the WHSC the issue of the WHSC recommending to the Minister for Industrial Relations the recommencement of the Small Business Assistance Program (SBAP), or a similar program.

Attached to the meeting report was a report on a 2011 evaluation of the SBAP which ceased in the early 2010s due to funding constraints.

The WorkSafe Commissioner advised that any decision to recommend the recommencement of the SBAP, or similar program, would be subject of a budgetary submission.

In response, members expressed their support of WorkSafe making a budgetary submission, noting it was a longer term consideration.

3.6 Legislative Advisory Committee (LAC) - Report

Nil

3.7 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:

- the Code of Practice: *Road and traffic management at Western Australian Mines* was released on 21 May 2025 for three months of public consultation, ending 15 August 2025;
- A Health and Safety Alert was issued: *Shear coupling failure enabled ammonia release*; and
- A stakeholders forum would be held on 26 June 2025 at Beaumonde on the Point, East Perth: *The way forward for HSRs – Repeat hazard exposures / Respiratory hazards*.

3.8 Regulatory Activity Report

Nil

3.9 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 by the WorkSafe Commissioner during the period 10 April to 15 May 2025 inclusive.

3.10 Correspondence

The WHSC **NOTED** the following correspondence:

- 3.10A – Letter of appointment to WHSC – Ms Rikki Hendon
- 3.10B – Letter of appointment to WHSC – Mr Tony Robertson
- 3.10C – Resignation from WHSC of Ms Naomi McCrae
- 3.10D – WHSC to HSR training provider – Decision re ‘in house’ training

On behalf of members, the Chairperson congratulated Ms Hendon and Mr Robertson on their WHSC member appointments.

The Executive Officer tabled a late letter from the Training and Accreditation Council (TAC) responding to a letter from the WHSC’s former Chairperson, Dr Trish Todd, stating that information about the White Card audits will be released soon and TAC accepts the offer to speak to the WHSC on the matter.

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

Nil

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report to 1 May 2025.

4.3 Issues paper – Workplace Exposure Limit for diesel particulate matter

Expert members Tracey Bence and Dr Matthew Govorko presented a paper summarising scientific issues regarding the measurement of exposure to diesel particulate matter (DPM) and the health effects of that exposure. The paper was authored by the three expert members of the WHSC: Ms Tracey Bence, Dr Matthew Govorko and Dr Lin Fritschi.

The aim of the paper was to inform the WHSC about some issues relevant to the proposed changes in the DPM workplace exposure limit (WEL), noting the paper was not purporting to be a definitive coverage of all issues related the health effects of DPM and was not WorkSafe WA policy.

Key points of the paper were:

- the two common measurement approaches are to count 'respirable elemental carbon' which includes particles up to 10 micron in size or to count 'submicron elemental carbon' which only includes particles less than 1 micron in size. There is variation in measurement created by the use of different techniques;
- studies show that diesel engine exhaust (DEE) is carcinogenic to humans and causes lung cancer;
- There is a positive linear trend between dose of diesel exhaust and lung cancer with no indication of a threshold level (i.e., a level of exposure below which there is no corresponding increase in risk). The risk of lung cancer doubles if someone has an average yearly exposure of 22 µg/m³ Elemental Carbon over a 40-year working life.
- evidence has not been found supporting an association between occupational exposure to DEE and several other cancers
- .

The paper noted:

- the current workplace exposure standard (WES) in WA for DPM is 100ug/m³ for mining operations and is not set for other workplaces;
- SWA has proposed a health-based WEL of 10 ug/m³ to take effect on 1 December 2026, based on a report by SLR published in 2022;
- current measurement in the Work Health and Safety (Mines) Regulations 2022 is stipulated as submicron elemental carbon, while the SWA proposal is to move to respirable elemental carbon; and
- if WA moves to measuring respirable elemental carbon, it will capture all particles up to 10 microns which would therefore more accurately reflect the concentration of all particles which reach the lower regions of the lungs.

The paper recommended that the WHSC discussed the paper and determined if other information is required to make an informed decision about the suitability of the proposed DPM WEL for Western Australian workplaces.

In response, WHSC members agreed to discuss the paper with their respective constituencies and requested that the paper be listed for further discussion at WHSC's July meeting. Members noted that one approach to addressing the issue is to adopt a phased approach towards respirable measurement.

ACTION 5: Executive Officer to list the issue of the WEL for diesel particulate matter on the July meeting agenda.

4.4 Draft Code of Practice: *Sexual and gender-based harassment* (draft code)

The meeting agenda paper attached the draft code and requested the WHSC to decide:

- whether a public consultation period is necessary for the draft code; and either:
- endorse the code for release for a three-month consultation period; or
- endorse the code for gazettal; or
- seek more time to review the code out-of-session.

Members opted for the option to have more time to consider the content of the draft, which will be presented again at the July 2025 WHSC meeting.

4.5 SWA update (standing item)

The WorkSafe Commissioner advised that the agenda items for the SWA meeting to take place on 18 June 2025 include:

- gender-based violence
- Best Practice Review – harmonisation
- engineered stone ban
- workplace exposure limits – transition progress
- workplace exposure standards – aluminium (welding fumes)
- modern work arrangements
- incident notification
- safety of young workers.

5 OTHER BUSINESS

5.1 Members to advise

Members did not advise any other items of business.

6 NEXT MEETING

6.1 The next WHSC meeting is scheduled for **2 July 2025**.

CLOSE

There being no further business, the Chairperson declared the meeting closed at 11.40am.