

Meeting No.	32	Time:	9.00am
Venue	Conference Room, Gnalla Mia Boardroom, Level 6, Mineral House, 100 Plain Street, East Perth		

Work Health and Safety Commission (WHSC) - Minutes – 2 July 2025

Attendees

Mr Owen Whittle	Chairperson
Dr Lin Fritschi	Deputy Chairperson / Expert member
Dr Matthew Govorko	Expert member
Ms Tracey Bence	Expert member
Ms Michelle Gadellaa	Member – nominated by the Chamber of Minerals and Energy Western Australia (CME)
Mrs Agnes McKay	Member – nominated by Chamber of Commerce & Industry WA (CCIWA) (by Microsoft TEAMS)
Mr Cory Harding	Member – nominated by CCIWA
Ms Rikki Hendon	Member – nominate by UnionsWA
Mr Glenn McLaren	Member – nominated by UnionsWA
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)
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

Guests

Chris White	Regular guest (CEO WorkCover WA)
Bec Naylor	Regular guest (WorkSafe General Manager Information and Stakeholder Engagement)
Antony Pearson	For vacancy for UnionsWA representative

1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson declared the meeting open at 9.01am and welcomed members and guests, making note of Cory Harding's recent appointment to the WHSC as a CCIWA nominee and Antony Pearson as a guest and UnionsWA nominee for appointment.

1.2 Apologies

Nil

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 on 4 June 2025 were **ENDORSED** as a true and correct record, subject to a minor correction in Action 1.

2.2 Review Action List from previous meeting

The WHSC **NOTED** the Action List arising from the 4 June 2025 meeting.

2.3 Codes of Practice - Update

The WHSC **NOTED** the table providing updates regarding codes of practice and other guidance that have been the subject of a decision by the WHSC.

General

Dr Fritschi expressed frustration at the continued lack of adequate resourcing of WorkSafe's Safety Education team and the resulting delay in publishing codes of practice and guidance, questioning how the situation can be improved.

The WorkSafe Commissioner ('Commissioner') referred to possible solutions discussed at the previous meeting, being seeking funds from the MARS (Mental Awareness, Respect and Safety) Program and other budgetary processes.

The Chairperson acknowledged the long-standing problem. The fact that some codes developed under previous legislation have not been updated is a problem in terms of prosecutions and reputational risk to the WHSC. The members agreed that this matter is a priority and the Chairperson confirmed he will personally take it up and action it as a matter of urgency. Members and guests were strongly supportive of his stance.

Specific items

- Item F (Code of Practice: *Managing the risk of falls in housing construction*) - The difficulty in identifying suitable scenarios from which to develop appropriate diagrams was discussed, given that it is delaying finalisation of the amended code.

ACTION 1: The Construction Industry Safety Advisory Committee (CISAC) will be asked to progress this matter for presentation of the Code of Practice: *Managing the risk of falls in housing construction* to the August or September 2025 meeting.

- Item B (*Code of Practice: Person overboard – Prevention and response*): The amended code will be provided to WHSC members for endorsement at the August 2025 meeting.
- Item E (*Code of Practice: Excavation*) – It is expected that this new code will be presented to the August 2025 meeting.
- Item G (*Guidance for alcohol and other drugs in the workplace*) – This guidance will be updated to include recommendations of the inquiry into medicinal cannabis and the methamphetamine taskforce, plus the topic of vaping and hazards created by people affected by alcohol and other drugs in the workplace.

It was **AGREED** that –

- codes will be circulated to members 2-3 weeks prior to the meeting where a decision will be made;
- the prioritisation of codes of practice and guidance for review and development will need to be reviewed; and
- the delay in the development of codes is a matter of priority and the Chairperson confirmed he will personally take it up and action it as a matter of urgency

FIFO Code

The WHSC was presented with recommendations for endorsement plus matters for discussion and decision in relation to public feedback received for the *Code of Practice: Psychosocial hazards at work for fly-in fly-out (FIFO) work arrangements* ('FIFO Code'). The issues raised are listed below, along with WHSC comments.

Recommendations	WHSC response
Include examples relating to shutdown work and green energy construction.	Endorsed
Explicitly cover both camp accommodation on tenements and workers that live in accommodation camps supplied by the business.	Endorsed
Many hazards listed in the common hazards table are actually outcomes of exposure or risk factors. Remove burnout, stress, secondary trauma and vicarious trauma as psychosocial hazards.	Endorsed
Retain 'job insecurity' as a hazard. The Landmark Study referenced in the <i>Enough is Enough Report</i> recognises 'job insecurity' as a hazard and strong predictor of several adverse health outcomes. In the development of a SWA model code, the literature review did not sufficiently show a link between employment type/arrangement and high psychosocial risks across all sectors.	Consensus was not reached. A UnionsWA representative supported retention of job insecurity as a hazard due to the casualisation of the workforce and use of contractors, particularly in the FIFO resource sector. A CCIWA representative disagreed, stating that including 'job insecurity' as a hazard in some codes and not others would add to confusion. Further, the mining industry is widely known to have a casualised/contracted workforce, and people choose to work in the mining industry knowing this. The Commissioner noted that 'job insecurity' is listed as a hazard in WA's Code of Practice: <i>Psychosocial hazards in the workplace</i> . Its inclusion does not mean that insecure work should be eliminated but

	recognised. The Commissioner also noted that complaints received by WorkSafe regarding psychosocial hazards are often in the context of insecure work where complaints cannot be reported for fear of job loss. Job insecurity can be an exacerbating factor. The CME representative queried whether it is practical to ask employers to address job insecurity for circumstances where work is project based, for example. The Commissioner suggested recognising the hazard and considering what is practicable in terms of controls.
Address work design as a control in project/engineering lifecycles by adding a small section on work design as a way to eliminate hazards during project inception and initial engineering works. Psychosocial risk can be eliminated or minimised by consideration in the project design stage.	Endorsed
Feedback is that there is generally a poor standard of camp food, a lack of proper and regular cleaning and change of sheets, and lack of proper laundry facilities. Observations of mines inspectors is that guidance on design and organisation of accommodation settings is urgently required.	Consensus was not reached. The CME and CCIWA representatives supported the option of addressing accommodation and related matters in the proposed Accommodation Code, to avoid duplication. A UnionsWA representative supported the CME and CCIWA view in principle but was concerned that this type of information may not be in the draft Accommodation Code at present. Basic issues such as food, accommodation and cleanliness are very important to workers. The Commissioner commented that such matters have been included in the latest version of the draft Accommodation Code. An expert member commented that the fundamental issues referred to above are essential to workers' wellbeing.
Public feedback was that fatigue is an outcome of exposure rather than a hazard. Worksafe is of the view that fatigue can be both an outcome of exposure and a hazard. The SWA draft model Fatigue Code recognises this and addresses both aspects.	It was agreed to retain fatigue as a hazard however note explicitly when it is a hazard rather than an outcome of exposure eg poor management of work demands.
Feedback was that poor leadership practices and poor or no policies are risk factors rather than hazards, and should be removed. WorkSafe agrees that 'good' leadership practices and clear policies and procedures are controls.	There were mixed views on this, with concern about how to articulate poor leadership. The options were to: • remove poor leadership as a hazard/risk factor and emphasise how good leadership practices can be effective controls for several hazards; or • retain poor leadership as a hazard/risk factor noting the move away from risk

	factors to focus on 'hazards' for consistent code drafting. The Commissioner suggested inserting an example of poor leadership and the resulting hazards, along with appropriate controls, for review. The WHSC agreed with this proposal.
The section on general mental ill-health and improving mental health states that there is an increased risk of psychosocial psychological harm (eg depression and suicide) in FIFO accommodation and that controls can be implemented to reduce risk. Feedback received is that this is fraught with risk as the focus becomes individual mental health and may steer readers to complete this work rather than psychosocial risk management to prevent harm occurring.	It was agreed that this is a complex matter. An information sheet is being developed on suicide. It was agreed that the relevant information in the current draft will be reviewed. Discussion took place on whether to retain the section on improving mental health in the workplace. It was agreed to keep the section, editing it to associate factors with health outcomes more broadly, for WHSC review.

It was **AGREED** that unresolved issues above will be considered by the Legislative Advisory Committee, to help the WHSC reach a decision. This will be incorporated into the latest version of the FIFO Code, then provided to MAPAC and the WHSC for review. MAPAC next meets in August, so an extraordinary meeting may be needed.

ACTION 2: Refer the WorkSafe recommendations and matters for discussion relating to the FIFO Code to LAC for further consideration.

The Chairperson queried the inter-relationship between MAPAC and the WHSC. The Commissioner stated that the terms of reference may need to be revised to provide further clarity because both entities report to the Minister. It would be unfortunate if MAPAC and WHSC provided different advice to the Minister on the same topic. If the scope of a code is broader than mining, the WHSC and MAPAC need to work together, whereas if the scope relates only to mining then MAPAC could advise the Minister.

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 for additional trainer

- WHS Foundation – David Brindle
- Trainwest – Hannah Amigh

Application to deliver refresher training

- Training Worx
- Desert to Coast Training and Assessing

Matter for WHSC decision – Trainer

The WHSC considered an application for a nominated trainer who does not hold the required *Certificate IV in Work Health and Safety* but has a *Diploma of Occupational Health and Safety* (2001) that included units such as 'Risk Management', 'Conduct Research into OH&S Issues', 'Manage Risk within the Workplace' and 'Implement, Monitor and Manage a Safety Management System'. **As** the qualification is not recent, the **WHSC's** advice was sought on whether it is an adequate alternative to the prescribed course.

The applicant appeared otherwise well qualified, owning a safety and training centre and with significant experience as an HSE advisor, safety superintendent and safety advisor in the mining industry.

In light of the WHSC's agreed holistic approach to assessing applications for trainers, it was **AGREED** that the trainer's qualifications, competencies and career experience meet the overall criteria.

3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the CISAC meeting held on 17 June 2025.

The CISAC meeting focused on a final review of the Draft Code of Practice: *Excavation work* which will be circulated out-of-session to members. If no further comments are received, it will be forwarded to the WHSC for endorsement.

The WHSC **ENDORSED** the appointment of Mr Ian Gill to CISAC. Mr Gill is a qualified electrician and union organiser for the Electrical Trades Union and was an onsite union delegate and WHS representative on multiple sites for the period 1983 to 2003.

3.3 Mining and Petroleum Advisory Committee (MAPAC) - Report

Nil

3.4 Agricultural Safety Advisory Committee (ASAC) - Report

Nil

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

Nil

3.6 Legislative Advisory Committee (LAC) - Report

Nil

3.7 WorkSafe events and promotions update

The WHSC was provided with an update on the WorkSafe Safety Education team's activities including published reports, stakeholder guidance, stakeholder relations and digital engagement. Bec Naylor gave an overview of key points, which were:

- A Statement of Regulatory Intent and class exemptions relating to the use of earthmoving machinery as a crane are now published on the WorkSafe website;
- a successful HSR Forum was held in June 2025 with approximately 200 attendees;
- activities are being planned for Farm Safety Week including a *Farmers' forum: Safety in agriculture* on 18 June 2025 in Merredin;
- the *Site Senior Executives Forum 2025* for the mining sector will be held on 23 July 2025, where a raft of information for the mining sector will be released; and
- a record number of submissions have been received for the Work Health and Safety Excellence Awards 2025.

In relation to the *WorkSafe Health and safety snapshot – Asbestos 2023-24*, the Commissioner was asked about WorkSafe's "Dust Strategy 2023-24" and whether a revision is expected. The Commissioner responded that the dust strategy preceded WorkSafe's *The way forward 2023-24 to 2025-26* in which one of the four priority areas is respiratory hazards. At the completion of that period, the success of the strategy will be analysed.

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 (collectively the 'WHS Regulations') granted by the WorkSafe Commissioner during the period 15 May to 13 June 2025 inclusive. Of particular note were the following:

Class exemption

A class exemption has been issued by the WorkSafe Commissioner from the requirement that a person must hold a C2 high risk work licence for the use of slewing earthmoving machinery with a rated capacity of more than three tonnes as a crane. The exemption is conditional on the operator holding a High Risk Work Dogging Licence and being able to produce a statement of attainment for the alternative course *SLELIC301 Conduct Safe Lifting with Excavators*.

Extension of class exemption

The class exemption from regulation 246 (*Items of plant to be registered*) of the WHS Regulations has been extended to 30 September 2025. This exemption permits the use of the plant for 30 days once an application for item of plant registration has been submitted to the regulator.

3.10 Correspondence

The WHSC **NOTED** the following correspondence:

- Training Accreditation Council to WHSC – New quality and compliance arrangements for Registered Training Organisations.

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

Chris White (CEO, WorkCover WA) provided a verbal report, the main points being:

- there have been no new silicosis claims;
- a strategic focus for the forthcoming year will be general treating practitioners who play an important 'gatekeeper' role in workers' compensation and with whom WorkCover WA has had little success engaging;
- the WorkCover WA Conference will be held on 16 September 2025 and is already heavily subscribed - Jelena Dokic will be the 'close out' speaker;
- rationalisation of treatment of psychological injury claims is continuing in NSW; and
- workers' compensation claims for sexual harassment in WA in the 2024-25 period have doubled (from a low base).

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report to May 2025. The Commissioner commented that there were 24 work-related traumatic injury fatalities in the 2024-25 period, which is higher than usual. This is likely to increase as investigations are finalised and fatalities are determined to be work-related.

4.3 Draft Code of Practice: *Sexual and gender-based harassment*

The WHSC was presented with the draft Code of Practice: *Sexual and gender-based harassment* ('the Code'). It is based on the equivalent model code, with variations to

reflect unique aspects of WA's WHS laws and WA's unique 'psychosocial' codes of practice.

The WHSC **AGREED** that a public consultation period is necessary, particularly given the variety of codes relating to psychosocial matters and **ENDORSED** the Code for release for a three-month public consultation period.

4.4 Amended Code of Practice: *Person overboard*

Nil (this Code will be circulated out-of-session to members shortly).

4.5 Scoping paper – Rationalisation of psychosocial codes of practice

The WHSC considered the draft Scope of Work Proposal by member Agnes McKay concerning the rationalisation and consolidation of the current psychosocial codes, with a view to the WHSC outsourcing the task to an approved third party. Mrs McKay emphasised that more is needed in the scoping paper but the point of the item is to initiate action. Endorsement was sought for the Scope of Work Proposal for an approach to the MARS (Mental Awareness, Respect and Safety) Program for delivery.

Rationalisation is needed due to confusion amongst stakeholders arising from the multitude of codes and other guidance on the topic. At the WHSC June 2025 meeting, it was suggested that the WHSC would make an approach to the MARS (Mental Awareness, Respect and Safety) Program to resource the task.

The proposal prompted much discussion about what form the project would take, timeframes, phases of work, what the outcomes would be, what sort of person would be suitable to undertake the project, and governance.

ACTION 3: The Chairperson and WorkSafe Commissioner will present a proposal to the next WHSC meeting regarding the project of rationalising the psychosocial codes of practice, addressing the types of factors discussed.

4.6 Report on Outcomes of Audits of CPCWHS1001 Prepare to work safely in the construction industry

The White Card Audit Report by the Training Accreditation Council (TAC) was discussed by the WHSC, with a view to inviting a representative from TAC to address the WHSC on the topic of 'White Card training'. This training requirement arises from regulation 316 of the WHS Regulations whereby a person conducting a business or undertaking must ensure that general construction induction training is provided to a worker engaged to carry out construction work.

The WHSC had previously expressed concerns about the quality of White Card training. TAC's audit confirmed, in some instances, industry concerns about the quality of training and assessment. The non-compliances included the amount of training provided to learners and insufficient industry engagement to ensure relevance of training and assessment practices.

Comments included that:

- White Card training does not negate the need for a site-specific induction, which is not always provided;
- the lack of site inductions is a regulatory issue;
- a Commonwealth approach to improving White Card training is desirable; and
- a requirement for a bi-annual refresher training course would be beneficial.

The WHSC **AGREED** to the following action items:

ACTION 4: Ask the WorkSafe Construction Team to provide information relating to findings concerning the provision of site inductions on construction sites.

ACTION 5: Invite a representative from TAC to address the WHSC on the matters of white card training, High Risk Work Licence training and new standards for Registered Training Organisations.

4.7 Improved facilities for women working in construction

The WHSC discussed concerns raised in the CISAC report about the lack of sanitary facilities and services for females at construction sites, and female personal protective clothing that is not designed for females.

The WHSC took note of unique provisions in regulation 315A and Schedule 5A of Queensland's Work Health and Safety Regulation 2011 which deal with toilets and their availability, cleanliness, number, location, type, security and provision for disposal of sanitary items.

The Commissioner commented that regulation 41 of Western Australia's WHS Regulations requires that persons conducting a business or undertaking (PCBUs) must ensure, so far as is reasonably practicable, the provision of adequate facilities including toilets, drinking water, washing facilities and eating facilities. However, the 'reasonably practicable' aspect can be a barrier to enforcement and inspectors must determine whether arrangements create a hazard.

Another comment was that at some facilities females need to walk a significant distance to access the toilets, and this interferes with their work output.

Discussion took place about the process for the WHSC to seek review or amendment of WHS laws in the context of the current regulatory review being undertaken by WorkSafe. The WHSC **AGREED** on the following action item:

ACTION 6: LAC will be asked to consider the process by which the WHSC can seek review or amendment of WHS laws.

Further discussion took place on the suitability of personal protective clothing provided to women. Expert member Tracey Bence noted that supply is fundamental to the ability to comply with the requirement to provide suitable personal protective equipment (PPE). A UnionsWA representative commented that some suppliers do stock suitable PPE for women but that PCBUs do not necessarily provide it to workers. The WHSC **AGREED** on the following action item:

ACTION 7: Recommend to WorkSafe that the need for appropriate PPE be emphasised to stakeholders, including on the WorkSafe website

4.8 Safe Work Australia (SWA) update (standing item)

The SWA update centred around the agenda for the SWA meeting held on 18 June 2025. The Commissioner provided a brief verbal update on the matters discussed.

5 OTHER BUSINESS

5.1 Members to advise

Members did not advise of any other items of business.

6 NEXT MEETING

6.1 The next meeting is scheduled for 6 August 2025.

CLOSE

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