

Meeting No.	33	Time:	9.00am
Venue	Gnall Mia Conference Room, Mineral House, 100 Plain Street, East Perth/Microsoft TEAMS		

Work Health and Safety Commission - Minutes - Meeting 3 Sept 2025

Attendees

Mr Owen Whittle	Chairperson (via Microsoft TEAMS)
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)
Mr Cory Harding	Member – nominated by the Chamber of Commerce and Industry WA (CCIWA)
Ms Rikki Hendon	Member – nominated by UnionsWA
Mr Glenn McLaren	Member – nominated by UnionsWA
Ms Sally North	Ex-officio member (WorkSafe Commissioner) (via Microsoft TEAMS)
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) (via Microsoft TEAMS)
Bec Naylor	Regular guest (WorkSafe General Manager Information and Stakeholder Engagement)
Tony Gray	WorkSafe Team Leader Stakeholder Guidance
Antony Pearson	Appointment pending – UnionsWA nominee

Apologies

Mrs Agnes McKay	Member – nominated by Chamber of Commerce & Industry WA (CCIWA)
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1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson declared the meeting open at approximately 9.05am and welcomed members and guests.

1.2 Apologies

Apologies were accepted from Agnes McKay.

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 2 July 2025 were **ENDORSED** as a true and correct record, subject to minor amendments.

2.2 Review action list from previous meeting

Items were discussed by exception.

The Chairperson commented that his scheduled meeting with the Minister for Industrial Relations ('the Minister') where he will raise matters including resourcing of WorkSafe's drafting team and rationalising the 'psychosocial' codes of practice has been moved to a later date.

- Item D: *Ask the WorkSafe Construction team to provide information relating to findings concerning the provision of site inductions on construction sites.* Dr Fritschi queried the response that the general observation is that on larger sites there are specific site inductions. On smaller sites, such as housing construction, this does not normally occur. On some smaller commercial sites there is a site induction and on others there is not.

A UnionsWA representative requested a definition of a large and small site. It was **AGREED** that this query will be directed to the Construction Industry Safety Advisory Committee.

The Chairperson noted that discussions on the workplace exposure limit (WEL) for diesel particulate matter (DPM), based on the paper *Summary of scientific issues regarding health effects of exposure to diesel exhaust*, will resume at the October 2025 WHSC meeting. The Mining and Petroleum Advisory Committee (MAPAC) considered the paper out-of-session and will provide comments for the October 2025 WHSC meeting. A UnionsWA representative expressed support for the proposed WEL for DPM and advocated a staged approach with a comprehensive education campaign. The WorkSafe Commissioner ('the Commissioner') clarified that the WEL for DPM will not automatically apply to mining, as a workplace exposure standard is legislated in the Work Health and Safety (Mines) Regulations 2022.

Discussion turned to unsynchronised decision-making for matters concerning both MAPAC and the WHSC due to the meeting schedule, and the confusion and delays this causes. The Chairperson noted MAPAC is an independent body. The Commissioner added that while MAPAC is independent of the WHSC and can directly advise the Minister, it is desirable that MAPAC and the WHSC provide consistent advice to the Minister. The WHSC Executive Officer (EO) is working with

MAPAC's EO to develop a process for joint input on codes and guidance, to present at the next meeting.

The WHSC **NOTED** the update on development of codes of practice and guidance.

ACTION 1: CISAC to discuss the matter of site inductions on small and large construction sites.

ACTION 2: EO to provide to the WHSC, for review, a draft process map for interaction between MAPAC and the WHSC in situations where input on a code or guidance is required from both bodies.

2.3 Codes of Practice - Update

The WHSC considered the table of updates for Codes of Practice and guidance that have been the subject to a WHSC decision. Items were discussed by exception.

- Code of Practice: *Work health and safety management systems in the Western Australian public sector*: The draft code is being reviewed due to an issue regarding the original scope of this code. The definition of 'public sector' does not include Schedule 1 entities such as the WA Police and Government Trading Enterprises like the Water Corporation, which are covered by the WHS laws. Legal advice indicates the code should cover all agencies in the public sector.

The WHSC **RECOMMENDED** to WorkSafe that the scope of the code should apply to State government-based entities including Government Trading Enterprises but not including entities such as local government and universities. It was **AGREED** that WorkSafe will provide the draft code to the next meeting along with a summary of the legal advice concerning the scope.

- Code of Practice: *Person overboard* will be circulated out-of-session next week for discussion at the October 2025 meeting.
- Psychosocial codes of practice: Dr Fritschi suggested prioritising the rationalisation of these codes. It was **AGREED** that the WorkSafe will develop a rationalisation proposal to present to the Legislative Advisory Committee (LAC) and WHSC for review.
- Code of practice: *Elevating work platforms (EWPs)*: A UnionsWA representative stressed that this code should be a priority. The Commissioner commented that SWA (Safe Work Australia) has recently sought feedback on a draft model code for EWPs.
- It was **AGREED** that new model codes of practice will be presented to LAC for review and advice as a matter of course. LAC will be asked to review two recently published model codes of practice (*Healthcare and social assistance industry* and *Managing the risks of respirable crystalline silica in the workplace*) and provide recommendations to the WHSC.
- Code of Practice: *Sexual and gender-based harassment*: WorkSafe is awaiting the Minister's approval to release the draft code for public consultation.

The WHSC **NOTED** the update on development of codes of practice and guidance.

ACTION 3: WorkSafe will provide the draft code of Practice: *Work health and safety management systems in the Western Australian public sector* to the next WHSC meeting along with a summary of the legal advice concerning the scope.

ACTION 4: WorkSafe will develop an initial project proposal to rationalise the psychosocial codes for presentation to the WHSC.

ACTION 5: The Legislative Advisory Committee will review the new model Codes of Practice *Healthcare and social assistance industry* and *Managing the risks of*

respirable crystalline silica in the workplace and make recommendations to the WHSC.

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 new training provider:
 - Skills Training and Engineering Services Pty Ltd - Trainers Kamal Haddad and Troy Brand
- Application for new trainer:
 - WHS Foundation – EarlJ O'Donnell
- Application for new trainer:
 - Construction Skills Training Centre – Michelle Sheehy.

3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the CISAC meeting held on 19 August 2025. Key topics:

- the *Construction Site Security Project Report 2005*;
- the draft Code of Practice: *Excavation work* for review;
- the draft *Guide: Hand-tool lithium-ion batteries in the workplace* for review;
- the CFMEU Safety Alert concerning the maintenance, quality control and compatibility of formwork systems; and
- Queensland's guidance document *Managing the risk of falls while working on roofs in housing construction*.

3.3 Mining and Petroleum Advisory Committee (MAPAC) - Report

The WHSC **NOTED** the report of the MAPAC meeting on 20 August 2025. Key topics:

- endorsement of the draft Code of Practice: *Emergency management at Western Australian mines* for public consultation;
- discussion of issues raised during the public consultation for the draft Code of Practice: *Psychosocial hazards at work for fly-in fly-out (FIFO) work arrangements in the resources and construction sectors*;
- the conduct of the mines statutory position examinations; and
- WorkSafe Mines Safety education video on controls for the hazard of vehicles operating near open voids or stopes.

3.4 Agricultural Safety Advisory Committee (ASAC) - Report

The WHSC **NOTED** the report of the ASAC meeting on 8 August 2025. Key topics:

- an update on finalisation of a summary report of the actions taken in response to recommendations of the Agricultural Independent Inquiry Report;
- issues raised by members regarding liability under section 26A (duty of persons conducting businesses or undertakings that provide services relating to work health and safety) of the *Work Health and Safety Act 2020*;

- an update on research undertaken in Europe by ASAC member Dr Marcus Cattani, with the theme of the visit being how European countries structure their farmer safety programs; and
- WorkSafe Report including appointments, events and publications (including the [Agricultural industry: Fatality report 2019-20 to 2023-24](#)).

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

AFWAC's Strategic Plan was developed to give AFWAC clear direction. It contains four pillars: support, justice, prevention and reform.

The Commissioner (AFWAC Chair) reported that, at the 25 August 2025 AFWAC meeting, members supported investigating a peer support program for affected families and workers. Also discussed were:

- the statutory review of the *Work Health and Safety Act 2020*; and
- a draft WorkSafe publication relating to support for seriously injured workers.

The WHSC **ENDORSED** AFWAC's Strategic Plan.

3.6 Legislative Advisory Committee (LAC) - Report

The WHSC **NOTED** the report of the LAC meeting of 9 July 2025. Key topics:

- discussion of *Quad bikes in workplaces: Guide*;
- SWA documents *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*; and
- discussion of WHSC feedback on items in the Code of Practice: *Psychosocial hazards at work for fly-in fly-out (FIFO) work arrangements* ('FIFO Code').

The WHSC was satisfied with LAC's recommendations relating to unresolved queries about the FIFO Code.

The Commissioner cited findings in the article *A preliminary review of the impact of the Australian Consumer Goods (Quad Bikes) Safety Standard 2019 on fatal work-related incidents* (see Agenda Item 4.6) and concluded that operator protection devices should be considered a reasonably practicable engineering control.

3.7 WorkSafe events and promotions update

The WHSC **NOTED** the WorkSafe Safety Education team's update on stakeholder guidance, stakeholder relations and digital engagement. Key points:

- 2025 Work Health and Safety Excellence Awards: there has been a record-breaking 138 submissions, up from 89 last year;
- Safe Work Month: will promote two events to be held on 1 and 14 October 2025 plus will suggest activities for workplaces to participate in to encourage engagement and create awareness; and
- videos aimed at health and safety representatives are being prepared.

3.8 Regulatory Activity Report

Members **NOTED** the WorkSafe Regulatory Activity Report to 30 June 2025.

3.9 Exemptions

The WHSC **NOTED** four exemptions from requirements of the Work Health and Safety (General) Regulations 2022 and Work Health and Safety (Mines) Regulations 2022 granted during the period 14 June 2025 to 8 August 2025 inclusive.

A UnionsWA representative sought more information about an exemption granted from the requirement in regulation 675ZU in the Work Health and Safety (Mines) Regulations 2022 to ensure that no more than one person is appointed to each key statutory position for a mine at the same time. Tony Robertson explained that on large mine sites where, for example, there is a mine and a processing plant that are some distance apart, it may be acceptable to appoint two people to a statutory role.

3.10 Correspondence

Nil

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

The WHSC **NOTED** the Dust Diseases Update provided by WorkCover WA. In relation to workers compensation claims, of note was that:

- for the 2024-25 period, to date 16 determinations have been for pneumoconiosis, 1 for silicosis, 3 for mesothelioma, and one each for lung cancer and diffuse pleural fibrosis; and
- in the period since pneumoconiosis and silicosis have been treated separately, 19 of 39 claimants for silicosis were from the stone benchtop industry.

The WHSC **NOTED** the verbal update delivered by Chris White. Key points:

- there have been no new workers' compensation claims for silicosis since the last WHSC meeting;
- the WorkCover WA Conference 2025 on 16 September 2025 is sold out;
- WorkCover WA is continuing to work with general practitioners to increase engagement and levels of awareness about workers' compensation;
- the number of compliance and prosecution actions taken by WorkCover WA against employers who do not have workers' compensation insurance either through ignorance, incompetence or choosing not to is surprising; and
- it will be interesting to see the outcomes of the SWA Workers' Compensation Workshop to be held on 4 September 2025.

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the WorkSafe Fatality Update Report to the end of August 2025.

The Commissioner noted that, for the 2024-25 period, the preliminary number of work-related fatalities is 30, with nine of those relating to motor vehicle incidents. These numbers could increase pending the conclusion of investigations.

4.3 Compliance and Regulation System Transformation Project (CARS) update

The WHSC **NOTED** an update on the CARS Project by Ian Munns (Deputy Director General, Department of Local Government, Industry Regulation and Safety), including a high-level timeline and governance overview.

The WHSC supported Mr Munns' proposal for members to distribute a survey assessing satisfaction with WorkSafe's current online business systems (e.g. SRS, forms). Mr Munns also sought nominations for the External Stakeholder Working Group for feedback and testing. Tracey Bence suggested users be contacted directly through the systems, and Mr Munns will investigate this.

4.4 Code of Practice: *Excavation work*

The WHSC was asked to decide on public consultation for the draft Code of Practice: *Excavation work* ('the Code').

This replaces the existing code, published by the former Commission for Safety and Occupational Health (COSH) prior to the introduction of the new WHS laws in 2022. It aligns with the model code, with additional technical and safety information from the COSH code and CISAC.

A UnionsWA representative noted the Code amendments were prompted by a 2018 fatality in Mosman Park when a young plumber was trapped and drowned in a water-filled trench at a construction site. WorkSafe was praised for the well-drafted Code, which included CISAC feedback. CISAC asked for dedicated guidance on access to and egress from excavations, and more detailed guidance on emergency planning.

The WHSC **ENDORSED** release of the Code for a 12-week consultation period.

4.5 QLD Information sheet – *Working from heights in housing construction*

The Commissioner sought WHSC's views on Queensland's *Information sheet – Working from heights in housing construction* (Information Sheet), suggesting it could clarify regulation 79 of the Work Health and Safety (General) Regulations 2022 and Work Health and Safety (Mines) Regulations 2022, commencing on 30 September 2026.

Regulation 79 requires that persons conducting a business or undertaking must minimise risk by providing fall prevention measures, but confusion remains over appropriate controls at different heights.

Draft amendments to the Code of Practice: *Managing the risk of falls in housing construction* are underway, but are delayed in developing a suitable diagram.

CISAC supported the Information Sheet's principle: engineered controls are required when working above three metres, and with controls below three metres determined through a Safe Work Method Statement (SWMS) process. The Commissioner proposed including this in the Code.

WorkSafe is updating the webpage [Working on roofs and in ceiling spaces](#) which is based on the Occupational Safety and Health Regulations 1996 which still apply in this context due to the transition period.

The Commissioner sought members' views on whether the Information Sheet reflects the risk-based approach that regulation 79 is intending to achieve and suggested adding diagrams of controls. A UnionsWA representative responded positively and hoped it may address industry's concerns about a lack of information.

The WHSC **AGREED**:

- to adopt and adapt Queensland's *Information sheet – Working from heights in housing construction*;
- to add a principle to the Code of Practice: *Managing the risk of falls in housing construction* to reflect the approach to controls in the Information Sheet when working above and below a height of three metres; and
- that the finalised Code of Practice: *Managing the risk of falls in housing construction* be presented to the WHSC for endorsement as soon as possible.

4.6 Preliminary review of impact of Australian Consumer Goods (Quad Bikes) Safety Standard 2019 on fatal work-related incidents

The WHSC **NOTED** an article *A preliminary review of the impact of the Australian Consumer Goods (Quad Bikes) Safety Standard 2019 on fatal work-related incidents* ('the Article') by Tony Lower, Kerr-Lynn Peachey and Rajneesh Kaur.

The *Australian Consumer Goods (Quad Bikes) Safety Standard 2019* focuses on engineering issues (e.g. stability requirements, Operator Protection Device fitted or integrated into design). The article's findings are based on three years' data.

The Commissioner noted that despite limited rollover data where Operator Protection Devices (OPDs) were used, there are positive trends—particularly in Victoria where the most work has been done to promote OPDs.

No fatalities occurred when OPDs were fitted, supporting OPDs inclusion as a reasonably practicable control for the use of quad bikes. Dr Fritschi commented that it would be useful to have a denominator for the data.

Dr Govorko asked about WorkSafe compliance and enforcement data for quad bikes. The Commissioner had not extracted this data, but noted a duty holder recently requested an Internal Review of an inspector's notice regarding the lack of an OPD on a quad bike.

4.7 Request for feedback – Accommodation Code

WHSC reviewed the new draft Code of Practice: *Managing health and safety in workers' accommodation* ('the Code') regarding its structure, detail and length.

Dr Fritschi suggested including lithium battery charging in the section on electrical risks, as this is a major cause of house fires.

A UnionsWA representative praised Code's quality and format.

It was **AGREED** that WHSC, MAPAC, ASAC and CISAC members may consult stakeholders for general feedback (making it clear this is a draft) about matters such as the structure and level of detail. Feedback will be reviewed by the WHSC at a time agreed with WorkSafe.

4.8 Update – Statutory review of Work Health and Safety Act 2020 (WA)

The WHSC **NOTED** an update on WorkSafe's statutory review of the *Work Health and Safety Act 2022* (WHS Act 2020).

A discussion paper is being drafted for a six-week public consultation period, which commences from late October 2025.

The review seeks stakeholders' views on how the WHS Act 2020 (rather than the WHS regulations) is operating. WA's review of the WHS Act 2020 overlaps with SWA's Best Practice Review of the model WHS laws, and WorkSafe will be monitoring outcomes of the SWA review to inform the WA review.

A UnionsWA representative questioned whether WHSC members can have a say on the discussion paper questions, such as about the impact on climate. Tracey Bence stated that questions could centre around unintended consequences of the WHS laws, in view of a current national focus on productivity. The Commissioner proposed to circulate the Discussion Paper out-of-session, given the short time before scheduled release.

The CME representative queried why the WHS Regulations were excluded from the statutory review, as most issues with the WHS laws relate to the regulations. The Commissioner responded that the WHS Act 2020 review is required by legislation. Amendments to regulations can be dealt with through business-as-usual processes. Stakeholders will not be prevented from raising matters about the WHS Regulations during the public consultation process.

The Chairperson commented that the WHSC could make a joint submission to the public consultation, based on discussion at the November 2025 meeting.

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

The WHSC **NOTED** the agenda for the 4 September 2025 SWA meeting.

The Commissioner expected a range of views on the Decision Regulatory Impact Statement for proposed workplace exposure limits (WELs) for nine chemicals. A UnionsWA representative emphasised that unions' position on the new WELs, effective 1 December 2026, should be adopted.

Expert member Tracey Bence raised concerns with measurability of the proposed WELs, though these can be solved through improved measurement practices or equipment. Measurement challenges should not prevent implementing the new WELs which are in the interests of work health and safety.

Tony Robertson reported that at a meeting with SWA Best Practice Review representatives earlier in the week, several attendees raised concerns about SWA's short feedback timeframes for jurisdictions to comment on lengthy, complex documents. Subject matter experts are inspectors who may be 'out in the field' and cannot always review documents within SWA's timeframes. The Commissioner agreed, as it is important that time is allowed to give full consideration to important matters, and this will be raised with SWA. Tracey Bence supported this, saying rushed decisions are not in the best interests of workers' safety.

5 OTHER BUSINESS

5.1 Members to advise

Tracey Bence sought an update on a matter discussed at a previous meeting relating to WorkSafe developing a silica-specific web portal including aspects such as regulatory activities taking place and any improvements that have occurred. SafeWork NSW has a good example of this.

The Commissioner responded that this would draw on the same team who currently have a huge workload developing codes of practice and guidance. As a first step WorkSafe is working on a publication on work conducted under the auspices of the strategy [WorkSafe: The way forward 2023-24 to 2025-26](#) including work currently being done that aligns with the priority area of "Respiratory hazards".

Ms Bence suggested in the interim highlighting data from the National Occupational Respiratory Disease Registry.

6 NEXT MEETING

6.1 The Chairperson declared the meeting closed at approximately 11.15am.

The next meeting is scheduled for 1 October 2025.