

Meeting No.	34	Time:	9.00am
Venue	Gnalla Mia Conference Room, 6th Floor, Mineral House, East Perth		

Work Health and Safety Commission - Minutes 1 October 2025

Attendees - Members

Mr Owen Whittle	Chairperson
Dr Lin Fritschi	Deputy Chairperson / Expert member (online)
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)
Mr Cory Harding	Member – nominated by CCIWA
Ms Rikki Hendon	Member – nominate by UnionsWA
Mr Glenn McLaren	Member – nominated by UnionsWA (online)
Mr Antony Pearson	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)

Guests

Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe
Ms Janette Gerreyn	Assistant Executive Officer – Policy Officer, WorkSafe
Ms Bec Naylor	Regular guest (WorkSafe General Manager Information and Stakeholder Engagement)
Mr Tony Gray	Guest (WorkSafe Team Leader Stakeholder Guidance) (attended for agenda items relating to Codes of Practice)
Ms Anne Driscoll	Chairperson, Training Accreditation Council (TAC) (for Agenda Item 4.3)
Ms Lisa Barron	Director Training Accreditation, TAC (for Agenda Item 4.3)

Apologies

Chris White	Regular guest (CEO WorkCover WA)
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1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson declared the meeting open at 9am, welcoming members and guests.

1.2 Apologies

An apology was received from Chris White.

1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

1.4 Declarations of Conflicts of Interest

The WorkSafe Commissioner ('Commissioner') declared a perceived conflict of interest in relation to an application for an additional health and safety representative trainer (Agenda Item 3.1). No action was deemed necessary.

2 PREVIOUS MEETING/S

2.1 Confirm minutes of previous meeting

The Minutes of the 3 September 2025 Work Health and Safety Commission (WHSC) meeting were **ENDORSED** as a true and correct record, subject to minor amendments.

2.2 Review Action List from previous meeting

The WHSC **NOTED** the Action List.

2.3 Codes of Practice - Update

The WHSC was presented with a table providing updates on codes of practice and guidance that have been the subject of a decision by the WHSC. **AGREEMENT** was reached on the items below.

- Item O (*Development of guide for Battery Energy Storage Systems*): To be referred to WorkSafe for development of an information sheet with a view to developing a Code of Practice in future.
- Item P (*Update of Code of Practice: Prevention and control of legionnaires disease*): To be referred to WorkSafe for development of an information sheet targeting specific audiences. The existing code will be updated following publication of the model Code of Practice: *Managing the risks of biological hazards at work*.
- Item Y (*AS 3610-1995 Formwork for concrete*): To be referred to CISAC for review of information published by other jurisdictions and possible development of an information sheet.
- Item Z (*AS-NZS 4576-1995 Guidelines for scaffolding*): To be referred to CISAC for review of information published by other jurisdictions and possible development of an information sheet.

It was **AGREED** that the following items will be prioritised for development in 2026:

- rationalisation of 'psychosocial' codes of practice (first priority);
- adaption of the new model Code of Practice: *Healthcare and social assistance industry* (progression supported by LAC);

- adaption of the new model Code of Practice: *Managing risks of respirable crystalline silica in the workplace* (LAC to advise on structure of the adapted code);
- adaption of the new model Code of Practice: *Managing fatigue risks at work* (LAC considers this a high priority and that the existing Codes of Practice: *Fatigue management for commercial vehicle drivers* and *Working hours* can be incorporated);
- new Code of Practice: *Elevating work platforms* (when Safe Work Australia releases the model Code); and
- review of *Working Alone Guidance* (lower priority).

3 AGENDA ITEMS FOR NOTING (Discussed by exception)

3.1 HSR (Health and Safety Representative) Training - Approvals

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

- new training provider – Stark Training (trainer Cheryl Williams)
- additional trainer – Training Worx – Anthony Karpanos.

The WHSC **NOTED** the update on the 2025 program of auditing HSR training providers.

3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the 23 September 2025 CISAC meeting. Key points:

- review of the draft *Guide: Hand-tool Lithium-ion batteries in the workplace*; and
- support for the inclusion in codes of practice and guidance material of an induction requirement for new workers on construction sites.

There was considerable discussion on the topic of site inductions on construction sites, given that a survey by the Building and Construction Consultative Committee conducted as part of a review of 'white card' training (general construction induction training) revealed that site inductions often do not occur. Comments included that:

- the Housing Industry Association has developed a QR Code tool which allows visitors to the site to undertake an induction;
- site inductions fall under the PCBU's general duty of care under the *Work Health and Safety Act 2020*;
- PCBUs may mistakenly consider that white card training takes the place of a site induction; and
- all construction sites present hazards to safety.

The Commissioner cited Section 6.2 (Workplace specific induction training) of the Code of Practice: *Construction work* which contains detailed advice. It states that induction training that provides information about work health and safety issues and safe work practices specific to the construction workplace should be conducted by the PCBU or principal contractor.

It was **AGREED** that:

ACTION 1: The WorkSafe Commissioner will ask the Construction Training Fund to conduct an awareness campaign regarding the need for site inductions on construction sites.

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 Safety Education team events and promotions update

The WHSC **NOTED** the update on activities of the WorkSafe Safety Education team including stakeholder guidance, stakeholder relations and digital engagement. Key updates:

- Agricultural Youth Education Program for agricultural colleges at Cunderdin, Denmark, Harvey, Morawa and Narrogin and farm schools at Esperance Senior High School and Mount Barker Community College; and
- the Youth Campaign planned for 2026 to raise awareness among young workers (15-25 years) about workplace health and safety risks.

Bec Naylor reported that, as part of Safe Work Month:

- *The way forward for HSRs – a forum for HSRs and their leaders* was currently underway (1 October 2025) and had generated much interest;
- The *Pathway for handling psychosocial hazards – Breakfast forum* on 14 October 2025 is fully subscribed for actual attendance but is also available via webinar;
- the *2025 Work Health and Safety Excellence Awards* event is being advertised and has generated significant interest; and
- the Agricultural Youth Education Program is proceeding well.

3.8 Regulatory Activity Report

Nil

3.9 Exemptions

The WHSC **NOTED** one exemption from a requirement of the Work Health and Safety (General) Regulations 2022 granted by the WorkSafe Commissioner during the period 9 August 2025 to 11 September 2025 inclusive.

A UnionsWA queried a condition of an exemption granted to a port authority from regulation 220(1)(c) in relation to working over water in work boxes and elevating work platform baskets. The query related to a condition whereby “an appropriate flotation device is always readily available for use” and whether this means a personal flotation device should be worn. The Commissioner took the question on notice.

ACTION 2: [The WorkSafe Commissioner will follow up on a query regarding a condition of an exemption granted to a port authority.](#)

3.10 Correspondence

The WHSC **NOTED** the following correspondence:

- Letter from Minister for Industrial Relations (‘the Minister’) informing of the appointment of Antony Pearson as a UnionsWA nominee on the WHSC.

Tracey Bence noted the comment in the appointment letter that “the Commission is an important source of advice and assistance to me on matters relating to work health and

safety". Ms Bence referred to the balanced, well-reasoned decisions of the WHSC and that it is important that the Minister receives the WHSC's advice.

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

Nil

4.2 Fatality Update Report (standing item)

Nil

4.3 Guest speakers – Training Accreditation Council

Ms Anne Driscoll (Chairperson) and Ms Lisa Barron (Director Training Regulation) from the Training Accreditation Council (TAC) addressed the meeting on the operations of TAC, in response to concerns about the quality of training for High-Risk Work Licences and White Cards (General Construction Induction Training).

The presenters delivered a comprehensive presentation about TAC's structure, role and operations with a focus on audits. Key points are summarised below.

- During 2025-25, 82 RTOs (Registered Training Organisations) were audited, comprising 47% of the total number of providers registered with TAC.
- The new *2025 Standards for Registered Training Organisations* will take effect in WA in January 2026.
- Strategic reviews by TAC are an analysis of systemic issues pertaining to a specific industry area or other systemic VET issues. Recent strategic reviews included:
 - *CPCWHS10001 Prepare to work safely in the construction industry* ('White Card' training) (2023-2025)
 - Five units of competency leading to High Risk Work Licence (HRWL) units (2021-2023).
- Audit outcomes for the White Card training initially found 10 of 20 RTOs were compliant, with a further eight demonstrating compliance at evidence review. Non-compliances related to the amount of training provided to learners and insufficient industry engagement to ensure relevance of training and assessment practices.
- Audit outcomes for HRWL units found that 12 of 13 RTOs were compliant. The non-compliance related to the trainer and assessor's vocational competencies.
- TAC's Regulatory Strategy 2026-2027 will likely include:
 - units of competency linked to the approved WHS risk management units for statutory positions in mining;
 - *CPCWHS10001 Prepare to work safely in the construction industry* plus the conduct of audits on RTOs found non-compliant in the previous audits and RTOs not audited during the Strategy; and
 - units of competency linked to HRWLs which may include dogging, scaffolding and non-slewing mobile cranes.

TAC is keen to connect with WorkSafe regarding priority areas for audits. In response to concerns from a UnionsWA representative, TAC discussed the number of audits that are desktop, on-site and hybrid and that:

- TAC is very receptive to being notified about non-compliant RTOs and to meet with individual WHSC members; and
- changes of ownership must be notified to TAC who then conduct background investigations.

Tracey Bence commented that PCBU's often undertake verification of competence of workers due to lack of confidence in the outcomes of training.

The Commissioner added that there are issues additional to the quality of delivery and assessment that relate to the development of units, such as the materials used.

Ms Driscoll believes a good partnership has been established with WorkSafe to help inform the upcoming reviews.

ACTION 3: Circulate TAC's presentation to WHSC members.

4.4 **Code of Practice: *Person overboard – Prevention and response***

The WHSC was presented with the draft Code of Practice: *Person overboard – Prevention and response* (the Code) for review. This Code will replace the existing code which was published in 2010 under the former *Occupational Safety and Health Act 1984*.

The Chairperson commended WorkSafe for their ability to progress the code and engage key stakeholders such as the Australian Maritime Safety Authority in development of the Code. Commercial fishers and representatives of the Western Australian Fishing Industry Council were also consulted.

Bec Naylor explained that this is the first code drafted using a format based on the findings of an investigation into the effectiveness of codes of practice by interns from the McCusker Foundation. This includes using a simplified introduction with dense legal/technical material moved into an appendix, the use of simple language and active sentences, the use of highlight boxes and illustrations to 'break up' text, and annotated illustrations prioritised over photographs. The WHSC **APPROVED** of the new format used in the Code

Tracey Bence commented on specific language used and suggested it be modernised, such as references to previous "unsafe" practices (which implies judgement) and "inexperienced" workers ("new" workers would be preferable). WorkSafe will review the Code accordingly. Ms Bence also commended the use of examples relating to Western Australia.

The WHSC **ENDORSED** release of the Code for a three-month public consultation period.

4.5 **Workplace exposure limit (WEL) for diesel particulate matter (DPM)**

The Chairperson noted the length of process to consider the proposed WEL for DPM of 10 µg/m³ and the need to give industry and stakeholders certainty about WA's standard. Discussion was informed by the expert members' paper entitled *Summary of scientific issues regarding health effects of exposure to diesel exhaust* ('the Paper').

While there is currently no workplace exposure standard for general industries, regulation 656B of the Work Health and Safety (Mines) Regulations 2022 sets a limit for mines of 0.1 mg/m³ (100 µg/m³) measured as sub-micron elemental carbon.

No response to the Paper was received from MAPAC. It was noted that the WHSC has previously agreed that the WEL for DPM should be the same for general industries and mining.

UnionsWA representatives referred to internal consultations with union affiliates who agree that the WEL for DPM should be:

- as proposed (10 µg/m³);
- implemented in December 2026;
- the same for all industries including mining; and
- explained to industry by an educative process.

The CME representative reported that members are supportive of a reduction by half of the WEL for DPM for mining to 50 µg/m³. Discussion is needed on:

- the application of the hierarchy of controls;
- on whether the 50% trigger action limit will apply; and
- whether respirable or submicron elemental carbon will be measured.

Tracey Bence explained that SWA proposes that respirable elemental carbon will be measured which includes particles up to 10 microns in size rather than submicron elemental carbon which only includes particles less than 1 micron in size.

A CCIWA representative reported that consultation with industry generally reflected support for a WEL for DPM for mining of 50 $\mu\text{g}/\text{m}^3$. A clear education campaign is needed to explain the measurement process.

The CCIWA representative sought clarification regarding the technical precision of sampling methods acceptable under the National Institute of Occupational Health and Safety (NIOSH) Method 5040 (1996). Tracey Bence explained that the NIOSH Method 5040 claims accuracy of $\pm 16\%$. This level of uncertainty becomes more problematic as the WEL is lowered.

Tony Robertson spoke in terms of the implications of the proposed WEL for DPM for underground mining. The twelve-hour shifts effectively make the WEL even lower, given that the WEL of 10 $\mu\text{g}/\text{m}^3$ is proposed as an eight-hour time weighted average. The effectiveness of measurements at 10 $\mu\text{g}/\text{m}^3$ is questionable given that margin for error is large. The proposed WEL would be a very large reduction that will inhibit the ability to operate underground mines. If this WEL is proposed for mining, there needs to be a Regulatory Impact Analysis to assess the cost for industry and whether underground mining operations will be feasible.

The Commissioner acknowledged the challenging nature of this issue and thanked the expert members for producing the Paper, noting the conclusion in the Paper that 22 $\mu\text{g}/\text{m}^3$ is the level where the doubling dose takes place. The doubling dose is often used in setting standards. This means that if a person's work exposes them to 22 $\mu\text{g}/\text{m}^3$ of elemental carbon or more on average every year for 40 years, their risk of lung cancer is doubled.

The Commissioner suggested the WHSC to consider a two-stage process whereby a WEL of 22 $\mu\text{g}/\text{m}^3$ is introduced initially, with a gradual move to 10 $\mu\text{g}/\text{m}^3$ possibly over three years. Businesses need time to budget for controls. This is aspirational as it makes assumptions around how fast technology for measuring can be developed.

The Chairperson sought the views of the expert members.

- Dr Govorko supported a WEL of 10 $\mu\text{g}/\text{m}^3$ as an 'end goal', noting the positive linear relationship between cumulative exposure to diesel engine exhaust and the risk of lung cancer, with no indication of a threshold level. Given the implications for underground mining operations and issues of measurability with a WEL of 10 $\mu\text{g}/\text{m}^3$, Dr Govorko supported the staged approach suggested by the Commissioner.
- Dr Fritschi supported the staged approach suggested above, emphasising that lung cancer is a terrible disease. The doubling dose means that if a person gets lung cancer and was exposed to DPM at a level above 22 $\mu\text{g}/\text{m}^3$ it is more likely than not that the illness was due to exposure to diesel engine exhaust.
- Tracey Bence also supported the staged approach suggested above. The proposed WEL for DPM is based on science. Ms Bence expressed confidence that a WEL of 22 $\mu\text{g}/\text{m}^3$ will make a difference in the interim. Engineering controls are costly and will require time to implement. Issues around how the proposed WEL for DPM will work in practice have not been resolved by SWA; the resulting confusion is a serious impediment to progress.

The CME representative reported that underground mining operators will find it extremely difficult to comply with a WEL of 10 $\mu\text{g}/\text{m}^3$, therefore time will be needed to transition

from 100 µg/m³. The alternative of electric batteries and air purifying respirators introduce different risks.

A CCIWA representative emphasised the dramatic change for general industries with the introduction of a WEL for DPM of 10 µg/m³ from currently no limit, and that the difficulties may be insurmountable. The Commissioner noted that employers do have a primary duty of care but also acknowledged the proposed WEL is a dramatic change. A UnionsWA representative supported a transition period of no more than one year, if at all, given industry has been aware of the proposed WEL for 18 months, while another UnionsWA representative suggested a compromise transition period of two years. A CCIWA representative questioned the introduction of the proposed WEL for DPM before it can be measured, which will lead to non-compliance.

The Commission discussed measurability issues and what is needed to clarify the technical issues surrounding it.

The Commissioner expressed support for using the measurement of respirable elemental carbon as proposed by SWA so that data can be compared nationally. This methodology is also more protective. The Commissioner understands that technical guidance is currently being developed by SWA.

Concern was expressed by a UnionsWA representative that a transition period will effectively delay addressing the issue of exposure to DPM. Tracey Bence agreed that a 'blank' three-year transition period with no 'punctuation points' will result in a lack of preparation by industry. The WorkSafe Commissioner suggested that scheduled WorkSafe events and publicity could punctuate the transition period and keep the issue 'front of mind'. A transition period will allow time to implement the dramatic change. The UnionsWA representative was supportive of reviewing the situation after a year.

The CME representative and a CCIWA representative were supportive of a three-year transition period but suggested this may need to be extended.

It was **AGREED** that:

ACTION 4: The Chairperson will write to the Minister for Industrial Relations, recommending that on 1 December 2026 the WEL for DPM for all industries be set at 22 µg/m³ (rather than 10 µg/m³) with a period of three years to transition to 10 µg/m³.

ACTION 5: The differing views of WHSC members regarding the length of the suggested transition period for introduction of a WEL for DPM of 10 µg/m³ will be recorded in the Minutes.

4.6 Feedback on 'Accommodation Code'

General feedback on the structure, length and level of detail of the preliminary draft Code of Practice: *Managing health and safety in workers' accommodation* ('the Code') was discussed. The feedback resulted from out-of-session consultation with members of WHSC, MAPAC, ASAC and CISAC and selected members of their constituencies.

Tony Gray summarised the feedback, saying it was mixed and included preferred specifications for accommodation which could be included as 'best practice' rather than being mandatory. There were some contrasting comments on the length, structure and level of detail in the Code. Some feedback related to residential tenancies, and legal advice will be sought on this.

It was **AGREED** that, following a review of the feedback by WorkSafe, the Code will be reviewed by LAC at their November 2025 meeting.

ACTION 6: LAC to review preliminary feedback on the Code of Practice: *Managing health and safety in workers' accommodation*.

4.7 Public Consultation – Best Practice Review by Safe Work Australia (SWA)

The WHSC was asked to consider whether a submission should be made in response to the public consultation regarding SWA's Best Practice Review of the model work health and safety laws and, if so, what it will involve.

It was **AGREED** that a WHSC submission will not be made to the Best Practice Review consultation as members' constituencies are likely to have different perspectives and can make submissions independently.

4.8 Progression of amendments to WHS Regulations – Facilities for women in the construction sector

The WHSC discussed ways to progress their support for amendments to the Work Health and Safety (General) Regulations 2022 and Work Health and Safety (Mines) Regulations 2022 to ensure that adequate toilet facilities for females on construction sites are provided.

At the July 2025 meeting it was concluded that such facilities are often very inadequate, causing inconvenience and embarrassment for females. It was agreed that regulatory amendments should be sought, based on amendments to Queensland's Work Health and Safety Regulation 2011 (reg. 315A and Schedule 5A) ('the Queensland amendments') that specify requirements for toilets for females on construction sites.

UnionsWA representatives suggested that the requirement for adequate toilets for females should apply more widely, including to the resources sector. Deficiencies in female amenities are a barrier to equality. The WHSC should consider timeliness when deciding on a course of action.

The Commissioner noted that the Queensland amendments are likely to be considered in the SWA Best Practice Review and may also be raised in Western Australia's current statutory review of the *Work Health and Safety Act 2020*.

Bec Naylor reported that WorkSafe is developing website guidance regarding the provision of toilets.

It was **AGREED** that:

ACTION 7: LAC will consider the introduction of regulatory amendments relating to the provision of adequate toilets for females on sites in the construction and resources industries, taking into consideration the Queensland amendments and Section 3.3 (*Toilets*) of the Code of Practice: *Managing the work environment and facilities*.

4.9 Scope of 'Public Sector' Code

The WHSC discussed options for the scope of the draft Code of Practice: *Work health and safety management systems for the Western Australian public sector* ('the Code'), after further advice from WorkSafe regarding the potential scope of the code.

The Commissioner stated that the Western Australian Police Force has many similarities with other public sector agencies and it would be logical to include them in the scope, even though the Police Force is not part of the Public Sector. However, Government Trading Enterprises (GTEs) are all different and unique and the Commissioner was not supportive of their inclusion.

The Commission reinforced that it was not the intent of the code to include universities and local governments in this code given the different nature of those workplaces compared to the Western Australian public sector.

CCIWA representatives were of the view that the Public Sector Code is not applicable to GTEs, local government and universities, and that the Code should not capture all government entities beyond the Public Sector given the different types of work and hazards. Government entities not included could still use the Code.

Discussion took place regarding whether GTEs should be included in the scope.

It was **AGREED** that:

- the scope of the Code will include the Public Sector, GTEs and Schedule 1 entities (with the exception of local government and universities); and
- a targeted four-week public consultation will be undertaken with organisations not included in the scope during the previous public consultation (ie GTEs and Schedule 1 entities with the exception of local government and universities).

4.10 Safe Work Australia (SWA) update

The Commissioner expected that a contentious issue will be the recommendations of SWA's Decision Regulatory Impact Statement on the proposed workplace exposure limits for nine chemicals. The chemicals are benzene, copper, chlorine, formaldehyde, hydrogen cyanide, hydrogen sulphide, nitrogen dioxide, respirable crystalline silica and titanium dioxide.

5 OTHER BUSINESS

5.1 WHSC and Statutory Review of *Work Health and Safety Act 2020*

The WHSC discussed the Statutory Review of the Act and the Commissioner reported that the Discussion Paper associated with WorkSafe's Statutory Review is an operational document currently being reviewed by the Minister for Industrial Relations.

The Commissioner reported that the WHSC will not have an opportunity to contribute to the questions posed in the Discussion Paper. However, in the course of the public consultation, stakeholders will not be precluded from commenting on matters not covered by the discussion questions.

The Chairperson stated that the WHSC could have an important role reviewing the feedback arising from the public consultation and final recommendations for the Minister for Industrial Relations. He noted that the Commission can provide recommendations directly to the Minister alongside WorkSafe's report.

Tracey Bence expressed the view that the lack of WHSC input into the Discussion Paper is not ideal and a sacrifice for operational expediency. A UnionsWA representative expressed a similar view.

The CME representative expressed disappointment that the WHS Regulations are not included in the Statutory Review. The Commissioner responded that stakeholders may make submissions about the WHS Regulations.

The Commissioner encouraged WHSC members to contribute to the statutory review by raising matters of concern regarding the WHS laws. Tony Robertson added that the views of the WHSC will provide important perspectives of stakeholders.

It was **AGREED** that:

- a process will be developed by which the WHSC and WorkSafe can interact regarding feedback received during the public consultation; and
- the WHSC will provide an independent report to the Minister for Industrial Relations as part of the statutory review.

6 NEXT MEETING

6.1 The next meeting is scheduled for 5 November 2025.

CLOSE – 12.25pm