

<b>Meeting No.</b>	<b>35</b>	<b>Time:</b>	<b>9.00am</b>
<b>Venue</b>	<b>Online meeting</b>		

## Minutes - Work Health and Safety Commission (WHSC) 5 November 2025

### Attendees

Mr Owen Whittle	Chairperson
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 – nominated by UnionsWA
Mr Glenn McLaren	Member – nominated by UnionsWA
Mr Antony Pearson	Member – nominated by UnionsWA
Ms Sally North	Ex-officio member (WorkSafe Commissioner)
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

### Guests

Tony Gray	WorkSafe Team Leader Stakeholder Guidance
Bec Naylor	Regular guest (WorkSafe General Manager Information and Stakeholder Engagement)

### Apologies

Dr Lin Fritschi	Deputy Chairperson / Expert member
Chris White	Regular guest, CEO WorkSafe
Dr Matthew Govorko	Expert member
Mr Tony Robertson	Public service representative with knowledge of, and experience in, mining (Director WorkSafe Mines Safety)

## **1 WELCOME, APOLOGIES, AGENDA**

### **1.1 Opening and welcome**

The Chairperson declared the meeting open at 9.03am and welcomed members and guests.

### **1.2 Apologies**

Apologies were accepted from Dr Lin Fritschi, Chris White and Dr Matthew Govorko.

### **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 1 October 2025, encompassing draft amendments, were **ENDORSED** as a true and correct record.

### **2.2 Review action list from previous meeting**

The WHSC **NOTED** the Action List. No issues were raised.

### **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. Key points arising were that:

- progress is being made towards engaging a consultant to rationalise the 'psychosocial' codes of practice;
- feedback received during the public consultation for the *Code of Practice: Road and traffic management at Western Australian mines* is currently being reviewed and will be provided to the WHSC for preliminary review given that MAPAC is not operating at present;
- the WHSC can assist with matters relating to mining if necessary until MAPAC is reconvened;
- the *Guidance note: Working in roof spaces* will be referred to CISAC for review; and
- when a consultant is engaged to rationalise the 'psychosocial' codes, they will be invited to address the WHSC in relation to the scope and approach of the work.

### **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:

- Approval to deliver refresher training – Stark Training
- Approval for additional trainer – Mine Safety and Training – Frank Palermo.

The WHSC **NOTED** that in 2025 to date, the number of three-year terms of training providers that have been renewed is:

- five-day course = 15
- refresher course = 7.

#### **3.2 Construction Industry Safety Advisory Committee (CISAC) - Report**

Nil

#### **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**

Following work by the WorkSafe Commissioner to reinvigorate AFWAC and its membership, the WHSC **ENDORSED** the appointment of the following new members who have all lost a son in a workplace incident:

- Greg Zappelli
- Ron Calley
- Yvonne Calley
- Sharon Westerman
- Mark Murrie.

The Minister for Industrial Relations has approved the payment of sitting fees to AFWAC members.

Tracey Bence thanked the Commissioner, who is the Chairperson of AFWAC, for her work with AFWAC on the difficult and sensitive topic of the workplace fatalities.

The Commissioner:

- noted that AFWAC members are encouraged to undertake no more than one three-year term due to the emotional toll it may take on them;
- encouraged WHSC members to watch the impactful video “Jayden’s Story” which will be circulated to WHSC members and deals with the effects of the tragic workplace death of 18-years old workplace student, Jayden Zappelli (son of AFWAC member Greg Zappelli); and
- noted that there has been another workplace fatality in a roof space since, and there continues to be a lack of awareness of the hazards.

The Chairperson acknowledged the work of Greg Zappelli in advocating for the need to de-energise when working in roof spaces.

### 3.6 Legislative Advisory Committee (LAC) - Report

The WHSC **NOTED** the report of the LAC meeting of 24 September 2025.

LAC reviewed the recently released model Codes of Practice listed below with a view to their adoption and adaption in Western Australia, making recommendations accordingly:

- Healthcare and social assistance industry
- Managing the risks of respirable crystalline silica in the workplace
- Managing the risk of fatigue at work.

LAC also provided feedback to WorkSafe on the *Information sheet: Suicide and suicidal behaviour in work-related contexts*.

### 3.7 WorkSafe events and promotions update

The WHSC was provided with an update on the work of the WorkSafe Safety Education team including stakeholder guidance, stakeholder relations, events and digital engagement. Of particular note were two recent very successful events for Safe Work Month 2025:

- *The way forward for HSEs – A forum for HSRs and their leaders* held on 1 October at Optus Stadium with 370 registrations; and
- *Pathways for handling psychosocial hazards – Breakfast forum* held on 14 October at Optus Stadium with 320 attendees registered for the event in person and 719 online registrations.

The report included details of two video series that: (i) focus on the importance of HSRs; and (ii) support mines statutory positions candidates.

Bec Naylor commented on the significant amount of guidance that has been published recently, and the increasing traction Safe Work Month is gaining in industry.

**ACTION 1:** The Commissioner will provide more information regarding the use of falsified shotfirers and high-risk work licences referred to in WorkSafe's Health and Safety Bulletin No. 23.

### 3.8 WorkSafe Quarterly Regulatory Activity Report

The WHSC **NOTED** the WorkSafe Quarterly Regulatory Activity Report to 30 September 2025. The Commissioner highlighted that:

- the number of prosecutions and fines collected to date is significantly higher on a pro rata basis than during the 2024-25 period;
- the courts are struggling to fit WorkSafe cases in as they often need more time than the average court matter and this poses a challenge to get matters finalised once in the court system; and
- it is pleasing to note the external review decisions that have been upheld in the WHS Tribunal.

### 3.9 Exemptions

Nil

### 3.10 Correspondence

The WHSC **NOTED** the following correspondence:

- Chairperson WHSC to Minister for Industrial Relations – Recommendation for implementation of the workplace exposure limit for diesel particulate matter.

## 4 ITEMS FOR DISCUSSION

### 4.1 WorkCover WA report (standing item)

The WHSC **NOTED** the Quarterly Dust Diseases Update provided by WorkCover WA, which reported:

- a significant reduction in workers' compensation claims for dust diseases in 2024-25; and
- since 2018, 40 silicosis claims lodged, with 16 accepted or paid without prejudice, and 18 claimants from the stone benchtop industry.

Tracey Bence discussed NSW's introduction of a Silica Worker Register under s273A-B of the *Work Health and Safety Act 2011* (NSW) and Part 8A (Silica Worker Register) of the Work Health and Safety Regulations 2025 (NSW), noting:

- it is pleasing to see recognition of occupational illness;
- the requirement for employers to provide information concerning each worker carrying out processing of crystalline silica substances will help account for long latency diseases;
- it is not a national scheme and is separate to the National Occupational Respiratory Disease Registry; and
- the Silica Worker Register is a good practice that could be adopted by other jurisdictions.

This segued into making a submission to Safe Work Australia's Best Practice Review which includes consultation on variations from the model WHS laws. The Chairperson could raise the Silica Worker Register at the LAC meeting next week.

### 4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report for the month ending September 2025. The Commissioner advised that several workplace deaths occurred in the previous week and are not reflected in the report. The total workplace fatalities for 2024-25 will increase as investigations confirm whether these are work-related.

In response to UnionsWA questions, the Commissioner:

- confirmed that agricultural industry fatalities remain higher than any other industry and further actions are required; and
- agreed to analyse fatalities data for trends, review related strategies and their effectiveness, and address the relatively high number of traffic incidents.

### 4.3 Applications for HSR training for further consideration

Two applications by HSR training providers were referred to the WHSC.

'RTO A' failed to renew their term, continued to advertise the HSR training course despite a request from the Chairperson to remove it, and now seeks re-approval of authority to deliver the five-day course. Concerns were raised about its history of non-compliance.

It was **AGREED** that the Chairperson will write to RTO A to:

- require removal of all references to HSR training from their website;
- notify that approval to deliver HSR training will be refused for at least the next two years; and
- offer RTO A the opportunity to respond explaining why approval to deliver HSR training should not be refused.

'RTO B' seeks renewal of term to deliver HSR training despite not delivering or advertising training in the previous two reporting periods.

It was **AGREED** that their application will be assessed after next week's audit.

A UnionsWA representative stated that RTOs that advertise courses they are not approved to deliver should be reported to the Australian Skills Quality Authority or the Training Accreditation Council.

**ACTION 2:** Chairperson to write to HSR training provider 'RTO A' about non-compliance and intention to refuse new applications to deliver the five-day HSR training course for two years.

#### **4.4 SWA update (standing item)**

The next meeting will be on 27 November.

### **5 OTHER BUSINESS**

#### **5.1 Inconsistent penalties**

A UnionsWA representative raised the matter of inconsistent penalties for offences under the WHS laws applied in the Magistrate's Court, drawing attention to the [Victorian Sentencing Advisory Council Review](#). The report recommended:

- substantially increased penalties;
- expanded sentencing options;
- improved fine collection mechanisms; and
- enhanced victim participation through broader access to victim impact statements and the restorative justice framework.

It was **AGREED** that the report will be circulated to members.

The Chairperson noted that prosecutions initiated under the now repealed *Occupational Safety and Health Act 1984* are still passing through the courts.

**Action 3:** Add agenda item to the December 2025 WHSC meeting seeking the views of the WorkSafe Commissioner on consistency of sentencing and comparison of penalties under the old and new WHS legislation.

#### **5.2 Operation of MAPAC**

A UnionsWA representative expressed disappointment that MAPAC has been in recess since September 2025 due to the renewal of membership and appointment of a new Chairperson not being finalised.

### **6 NEXT MEETING**

#### **6.1 The next meeting is scheduled for 3 December 2025.**

#### **CLOSE**

The Chairperson declared the meeting closed at 10.16am.