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| Meeting No. | 36 | Time: | 9.00am |
| Venue | Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth | | |

Work Health and Safety Commission – Minutes - 3 December 2025

Attendees

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| 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) |
| Mr Cory Harding | Member – nominated by CCIWA |
| Ms Rikki Hendon | Member – nominate by UnionsWA |
| Mr Glenn McLaren | Member – nominated by UnionsWA |
| Mr Antony Pearson | Member – nominated by UnionsWA |
| Ms Sally North | Ex-officio member (WorkSafe Commissioner) (from 9.45am) |
| Mr Aaron Graham | A/Director WorkSafe Mines Safety (for Tony Robertson) |
| Ms Helen Brown | Executive Officer – Senior Policy Officer, WorkSafe |

Guests

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|--------------------|---|
| Chris White | Regular guest (CEO WorkCover WA) |
| Bec Naylor | Regular guest (WorkSafe General Manager Information and Stakeholder Engagement) |
| Rebecca Stevenson | WorkSafe Senior Project Officer Safety Education |
| Dr Irene Ioannakis | Auditor of delivery of training for health and safety representatives (for Agenda Item 4.4) |

Apologies

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 9.06am and welcomed members and guests.

1.2 Apologies

An apology was accepted from Tony Robertson.

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 meeting of the Work Health and Safety Commission (WHSC) held on 5 November 2025 were **ENDORSED** as a true and correct record.

2.2 Review action list from previous meeting

The WHSC **NOTED** the Action List.

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.

3 AGENDA ITEMS FOR NOTING (Discussed by exception)

3.1 HSR Training - approvals

The WHSC **ENDORSED** the following approval relating to the training of Health and Safety Representatives (HSRs):

- Additional trainer – Perth Training Institute – Rene Nel.

At their previous meeting, the WHSC discussed whether renewal of authority to deliver HSR training should be granted to 'Training Provider X' given that no training had been advertised or conducted in the previous two reporting periods and attempts to arrange an audit during those periods were unsuccessful. At that meeting it was decided to await the outcome of an imminent audit.

The Auditor duly reported that Training Provider X had invested significant effort in preparing for the audit and bringing their training course up to an acceptable standard,

had addressed previous obstacles to conducting training and had demonstrated a genuine intention to conduct training. The WHSC **AGREED** to renew the authority of 'Training Provider X' to deliver training.

3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the CISAC meeting held on 18 November 2025. Key points of the report were:

- guidance for concrete pumping;
- the option of removing photographs from high risk work licences (HRWLs) to improve administrative efficiency;
- site inductions on construction sites;
- guidance for concrete formwork and scaffolding;
- Draft Information Sheet: *Managing the risks of falls from roofs in the housing construction industry*; and
- Guide: *Working in roof spaces* and *Guide: Lithium batteries*.

A UnionsWA representative opposed the removal of photographs from HRWLs as it could contribute to fraudulent use of licences and recommended the introduction of digital licensing.

ACTION 1: The WHSC will recommend to the WorkSafe Commissioner that photographs be retained on High Risk Work licences.

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 held on 21 November 2025. Key points of the report were:

- review of the progress of the final report on WorkSafe's implementation of the recommendations of the Agricultural Inquiry Report;
- update on research by Dr Marcus Cattani; and
- events involving WorkSafe's Agricultural Team.

ACTION 2: Provide the final progress report on WorkSafe's implementation of the Agricultural Inquiry Report recommendations to the WHSC when finalised, if possible.

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

Nil

3.6 Legislative Advisory Committee (LAC) - Report

The WHSC **NOTED** the report of the LAC meeting held on 12 November 2025. The WorkSafe Commissioner ('Commissioner') reported on recommendations made by LAC regarding development of the publications below.

Principles for the safe development of autonomous systems in the workplace
An information sheet that can be readily updated is proposed. Principles-based guidance is recommended given rapidly evolving technology.

Code of Practice: *Managing the risk of fatigue at work*

WA requirements will be integrated into the equivalent model Code, such as

requirements relating to mining, use of commercial vehicles driving and the WHS regulations relating to petroleum and geothermal energy.

Guidance for use of quad bikes

Although this guidance is departmental rather than a WHSC document, the views of LAC were sought regarding the appropriateness of the risk matrix. Language will be strengthened in relation to operator protection devices, given that evidence is emerging about their effectiveness.

Code of Practice: *Managing health and safety in workers' accommodation*

LAC reviewed feedback received during the public consultation. Section 19(4) of the *Work Health and Safety Act 2020* ("accommodation provided to workers should not expose the worker to risks to health and safety") is relevant but contains little detail. The code contains information that is best practice but some believe best practice is not mandatory and therefore should not be included. This was a matter of contention at LAC. An example is that a site should have an onsite person that can assist with mental health.

The Commissioner noted:

- the need to differentiate between advisory and mandatory requirements;
- that cross referencing with other codes can be used for topics such as emergency management and response;
- the code cannot be prescriptive regarding matters that are not in the WHS Regulations such as cleaning and laundry;
- psychosocial terminology needs reviewing; and
- LAC had mixed views on whether best practice should be inside or outside of the code.

In response to a question from a UnionsWA representative, the Commissioner stated that advice will be sought on GROW Housing and the *Residential Tenancies Act 1987*.

A UnionsWA representative expressed concern that inclusion of best practice in the code is inconsistent. Items such as connectivity, bed size, king single beds and sound-proofing have been shown to be important to the wellbeing of FIFO workers but are not prescribed in regulations so have not been included. A CCIWA representative responded that such prescription suggested may not be appropriate across all industries, to which the UnionsWA representative responded that FIFO accommodation should be separated from the rest of the Code. The CME representative raised the question of retrofitting to align with the Code which would mean a significant cost to small operators, and whether different standards for different industries would be acceptable.

Tracey Bence commented that the gap between what is mandatory and advisable can be bridged by detailing risks and controls.

It was **AGREED** that the version of the Code incorporating LAC feedback will be presented to the February 2026 meeting of the WHSC and to MAPAC (when re-constituted).

The Commissioner suggested that themes emerging from the feedback could be framed as questions in the public consultation.

Facilities for women in the construction sector

The WHSC **AGREED** to adopt LAC's recommendations and write to the Minister for Industrial Relations recommending regulatory amendments aimed at setting minimum requirements for female toilets across all industries, similar to the Queensland amendments for the construction industry.

Code of practice based on model Code of Practice: *Managing the risks of respirable crystalline silica in the workplace*

There was support by LAC for two silica codes for mining and general industries, which may be easier for users to navigate. However, there was not consensus on this. It was **AGREED** that a general industries code will be progressed, and MAPAC will be consulted on a 'silica code' for mining.

ACTION 3: Present the latest draft of the Code of Practice: *Managing health and safety in workers' accommodation* to the February 2026 meeting of the WHSC, and to MAPAC when re-constituted.

ACTION 4: WHSC to write to Minister for Industrial Relations recommending regulatory amendments aimed at setting minimum requirements for female toilets across all industries, similar to the Queensland amendments for the construction industry.

3.7 WorkSafe events and promotions update

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

- the high attendance at Safe Work Month 2025 WA events, likely due to the topics selected and calibre of presenters;
- pleasing engagement with the [HSR Matters](#) website, with 21,571 visitors for the period 1 July 2025 to 17 November 2025, and 1,103 elected HSRs registered on the website;
- the development of an online training tool for mines statutory positions which went live less than a week ago with 800 visits already; and
- the publishing of a general exemption from regulation 419(1) of the Work Health and Safety (General) Regulations 2022 to facilitate the return to stores of coloured sand products identified to contain, or at risk of containing, trace levels of asbestos.

3.8 Quarterly 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 9 August 2025 to 11 September 2025 inclusive.

There was discussion regarding an exemption relating to imported fire doors which were found to contain asbestos. In response to a question from a UnionsWA representative, the Commissioner explained that importation of asbestos has been banned for many years and Border Force conducts some sampling. There is a national working group for imported materials containing asbestos which communicates and acts when incidents occur. WorkSafe is working on issues relating to the importation of fire doors containing asbestos into Western Australia.

A UnionsWA representative questioned the next steps when the building involved in the incident above is completed. The Commissioner responded that the doors will be labelled and there will be an exemption with conditions to allow the owners to manage the issue. The UnionsWA representative also queried the exemption granted from

r.166A(2) regarding erecting scaffolding within the danger zone of overhead electric lines adjacent to a workplace. The Commissioner responded that there are controls associated with the exemption.

The WHSC **NOTED** a request by UnionsWA that exemption letters contain the details of controls committed to by the applicant. The Commissioner stated that such controls can be extensive and it is not always practicable to repeat them in exemption letters.

ACTION 4: The Commissioner will report on actions being taken in relation to the importation of fire doors containing asbestos into Western Australia.

3.10 Correspondence

The WHSC **DISCUSSED** the following correspondence:

- Letter from Chairperson to 'HSR Training Provider' regarding intention to refuse application for authority to deliver HSR training
- Emailed response from HSR Training Provider to the letter above.

The HSR Training Provider was formerly an approved HSR training provider but did not comply with reporting requirements and did not conduct any training. In 2024 authority to train was revoked but the HSR Training Provider continued to advertise HSR training and did not respond to a request from the Chairperson to remove it from their scope.

The HSR Training Provider has now submitted a new application to deliver HSR training.

The HSR Training Provider responded to the WHSC's intention to refuse their application by stating that they had not been delivering HSR training while not approved to do so, had not received the WHSC's letter asking that HSR training be removed from their scope, and had now removed the advertisement. The HSR Training Provider claimed to be genuinely interested in delivering HSR training and advised of measures to improve compliance.

The WHSC **AGREED** that the HSR Training Provider's application to deliver HSR training be refused due to their non-compliance.

ACTION 5: The WHSC will notify the HSR Training Provider that their application to resume HSR training will be refused.

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

The CEO WorkCover WA, Chris White, delivered a report on workers' compensation matters. Key points are below.

- The number of claims for silicosis continue to be very low.
- An unusual claim has been received that is silica-related but does not involve silicosis.
- Return to work rates are deteriorating across Australia, particularly in relation to psychological injuries. This has implications for workers' compensation premiums and workers compensation systems more broadly. It is not a problem in Western Australia (WA) at present, but it is expected that it could be in future.

- The WA workers' compensation scheme continues to perform well.

Tracey Bence reported that people are cooperating with the reporting requirements of the Worker Silica Register in NSW, and it will be interesting to observe how it progresses. Ms Bence repeated the need for WA to have a public silica 'dashboard' and suggested in the interim the development of a dashboard that can be shared with the WHSC in 2026.

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report to October 2025.

4.3 Annual Report – Delivery of HSR training

The WHSC **NOTED** the [Training courses for health and safety representatives – Annual report 2024-25](#). The data was compiled from the annual reports that HSR training providers must submit. Key points were:

- 4,591 HSRs completed the five-day course (3% less than the previous period);
- 1,881 HSRs completed refresher training;
- the number of HSRs completing the five-day course has declined from a high point in 2022-23, while the number completing the refresher course is increasing;
- there were more regional participants than metropolitan participants, however more training took place in the metropolitan area;
- more HSRs from mining trained than from any other industry; and
- plant and machine operators represent the highest percentage of HSRs trained, while salespersons and personal service workers were the lowest.

ACTION 6: The WHSC will be provided with details of the number of HSRs trained by each approved training provider at the next WHSC meeting.

4.4 Report on 2025 Audit Program – Delivery of HSR training

The 2025 program of audits of delivery of HSR training was conducted by Dr Irene Ioannakis who addressed the meeting and provided a written report. The audit covered 17 training providers with some audits only being desktop audits due to no courses being scheduled. All training providers have now been audited during the 2023-2025 period.

Dr Ioannakis' indicated in her report and during her address to the WHSC that training providers were generally compliant but there are ways that the WHSC could improve oversight of HSR training.

Issues identified

Two significant issues identified were that:

- three approved providers (10%) are not delivering training and 12 providers (40%) are training small classes of one to nine participants (in some cases one or two participants); and
- there is often cancellation of training courses due to low enrolment numbers.

Dr Ioannakis stated that small classes tend to lack diverse perspectives, limit peer interactions, make it difficult to deliver a quality course, reduce engagement and classroom dynamics, and limit opportunities for group activities. The optimal class size is 10-15 participants.

Dr Ioannakis noted that cancellation of training is not only inconvenient for HSRs but conflicts with s 72 of the *Work Health and Safety Act 2020* which requires employers to allow a HSR time off work to attend training within three months of the HSR requesting training.

Saturation of market

Dr Ioannakis recommended pausing approval of any more training providers. This is partly because there are many more training providers than necessary, which means that some training providers do not conduct training or do so intermittently with very small classes, or repeatedly cancel training.

Some training providers apply to deliver HSR training for the wrong reasons. They may not intend to conduct training but apply to do so because they believe it looks good in their scope, or it is a step towards providing other training courses, or it increases the value of their business.

ASQA (Australian Skills Quality Authority) has launched campaign to do short notice audits of providers, many of which happen to be conducting HSR training. As of 22 November 2025, 138 applications for renewal of registration by registered training organisations had been refused. Dr Ioannakis suggested this is another reason to pause approvals until the outcome of the audits is known.

Review of auditable aspects, criteria, guides and course materials

Dr Ioannakis suggested that:

- the list of auditable aspects be revised to enable a more probing and effective audit;
- the criteria by which potential HSR training providers are assessed be “sharpened” to ascertain commitment to conduct training;
- the criteria should be designed to ensure that training providers are aware that their authority to deliver training will be revoked if they do not conduct training or do so occasionally with very small class sizes; and
- the course materials are outdated and in urgent need of a refresh.

In response to a question from a UnionsWA representative, Dr Ioannakis responded that:

- the currency of trainers’ qualification is important, and their employers should map their competencies;
- if trainers do not conduct training over a given period, their authority to deliver training should be revoked;
- the WHSC does have the right to specify and change criteria for assessment of applications to deliver HSR training; and
- she agreed that some training providers only seek authorisation to deliver training to ‘on sell’ other courses.

Non-Compliant Training Provider

One training provider audited was found to be non-compliant ('Non-Compliant Training Provider') during the audit. This provider also: (i) did not realise they had been approved as they had engaged someone else to submit a range of applications on their behalf; (ii) are based in Victoria with no approved trainers in Western Australia; (iii) resisted repeated efforts by the auditor to meet; (iv) was given the opportunity to provide further evidence of their fitness to conduct HSR training but did not follow up; and (v) do not have any premises in WA. The WHSC **AGREED** to revoke the Non-Compliant Training Provider's authority to deliver HSR training.

ACTION 7: The Non-Compliant Training Provider will be notified that their authority to deliver HSR training is revoked.

4.5 (Withdrawn)

4.6 Presentation – Rationalisation of psychosocial codes of practice

A consultant engaged by WorkSafe, Peta Miller, joined the meeting online. Ms Miller was engaged to review the suite of 'psychosocial' codes of practice and propose options to rationalise them to increase their impact and usefulness. The relevant codes are:

- *Psychosocial hazards in the workplace*
- *Workplace behaviour*
- *Violence and aggression at work.*

The other psychosocial code is the draft Code of Practice: *Sexual and gender-based harassment*, the public consultation period for which closed on 5 December 2025.

Ms Miller made recommendations about titles, terminology, format and content. A particular focus was comparing key content in the Code of Practice: *Psychosocial hazards in the workplace* with Queensland's Code of Practice: *Managing the risk of psychosocial hazards at work* (the QLD Code) which is based on the equivalent model code.

Ms Miller's preferred option for the longer term is to:

- retain the Code of Practice: *Psychosocial hazards in the workplace* (with amendments to improve technical content, language consistency and readability);
- convert the *Workplace Behaviours* and *Violence and aggression at work* codes to guidance notes (with amendments to reduce code duplications and enhance technical content, language consistency and readability);
- include in the Code of Practice: *Psychosocial hazards in the workplace* and *Workplace behaviours* guidance note scenario-based case studies modelled on the QLD Code and additional case studies for WA high-risk sectors and small businesses; and
- develop in the longer term *Violence and aggression* advice and scenario-based case studies modelled on the QLD Code for sectors with highest risk.

Dr Miller stated that the rationalisation of the psychosocial codes is an opportunity to:

- improve advice on areas about which duty holders struggle;

- introduce contemporary risk management tools;
- promote “systems thinking” to encourage duty holders to look more deeply at interacting root causes;
- cover highly desirable but optional approaches to mental health at work; and
- address duty holders’ misunderstanding regarding their duty to control the risks that arise from work compared to reasonable adjustments for non-related issues.

Tracey Bence thanked Ms Miller and commented on the clarity she provided.

A UnionsWA representative questioned the recommendation to remove insecure work as a psychosocial hazard from the Code and replace it with a scenario case study. The union movement is strongly of the view that insecure work is a psychosocial hazard. Ms Miller responded that this recommendation is consistent with the WHSC’s previous decisions and acknowledged that insecure work is a psychosocial hazard, noting that it is primarily an industrial relations matter.

In response to a query regarding the recommendation to convert the *Violence and aggression* code to a guide, Ms Miller responded that this would allow more specific advice on risks and hazards for particular industries (eg retail, healthcare, emergency services). The existing guidance is generic and not very useful for specific situations. This does not mean that violence and aggression would not be included as a high-level concept in the overarching code.

Tracey Bence queried the recommendation to take further explanation of what is meant by ‘reasonably practicable’ from the draft code on accommodation, and suggested that the SWA explanation should be used. Ms Miller agreed but stated that there are some good examples in the FIFO and Accommodation codes.

In relation to the draft Code of Practice: *Sexual and gender-based harassment*, Ms Miller stated that sexual and gender-based harassment is only one form of unacceptable workplace behaviour, albeit a very serious form. If sexual and gender-based harassment is present in a workplace, there is likely to be a range of other unacceptable behaviours.

The WHSC **NOTED** the options presented by Ms Miller.

ACTION 8: Discuss the options presented for rationalisation of the psychosocial codes of practice at the next WHSC meeting.

4.7 Consistency of penalties arising from prosecutions under WHS laws

Discussion of this item was postponed until the next meeting due to lack of time.

4.8 Explanation of exemption – Follow-up from previous WHSC meeting

The WHSC **NOTED** the explanation provided by WorkSafe in relation to a query at the previous meeting concerning an exemption granted to a port authority from the requirements of regulation 220(1)(c) of the Work Health and Safety (General) Regulations 2022.

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

The WHSC was presented with the agenda from the meeting of SWA on 27 November 2025. The Commissioner reported that:

- there will be a SWA paper released relating to the approach to regulation of carcinogens;
- the latest version of the draft biological hazards model Code of Practice is much improved;
- a discussion paper will be released regarding licensing the use of earthmoving machinery as a crane;
- SWA is reviewing the resources available for young workers;
- incident notification for sports injuries in professional sport is a big issue; and
- Victoria is working on a silica tool which may be shared with other jurisdictions.

Tracey Bence suggested it would be beneficial to have access to SWA's Agency Work Plan. The Commissioner listed details of SWA's current priorities and will investigate whether SWA's Work Plan can be released. The CME commented that SWA is working on a consultation plan and will follow this up.

5 OTHER BUSINESS

5.1 Members to advise

The Commissioner clarified that the use of falsified shotfirers licences mentioned at the previous meeting occurred in the eastern states rather than Western Australia.

Dr Fritschi reported that the expert members made a submission to the SWA Best Practice Review on the topics of:

- overlap of functions of the WHSC and MAPAC which could result in conflicting advice to the Minister for Industrial Relations;
- delays in developing codes of practice and the need for more resources; and
- the value of retaining the WHSC.

6 NEXT MEETING

6.1 The next meeting is scheduled for 4 February 2026.

CLOSE

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