



Meeting No.	37	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission (WHSC) - Minutes – Meeting 4 February 2026

Attendees

Dr Lin Fritschi	Acting Chairperson / 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
Mr Glenn McLaren	Member – nominated by UnionsWA
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 (WorkSafe Director Mines Safety)
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

Guests

Mr Chris White	Regular guest (CEO WorkCover WA)
Ms Bec Naylor	Regular guest (WorkSafe General Manager Information and Stakeholder Engagement)
Ms Kari Pnacek	Proxy for Rikki Hendon
Tony Gray	Team Leader Stakeholder Guidance

Apologies

Ms Rikki Hendon	Member – nominate by UnionsWA
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Apologies continued

Mr Owen Whittle

Chairperson

1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Acting Chairperson declared the meeting open at 9.00am and welcomed members and guests, including proxy Kari Pnacek who gave a brief overview of her background.

1.2 Apologies

Apologies were accepted from Owen Whittle and Rikki Hendon.

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 and were asked to complete their annual conflicts of interest declaration.

2 PREVIOUS MEETING/S

2.1 Confirm minutes of previous meeting

The Minutes of the WHSC meeting held on 3 December 2025 were **ENDORSED** as a true and correct record.

2.2 Review action list from previous meeting

Items were discussed by exception as follows:

- A (*The WHSC will recommend to WorkSafe that photos be retained on High-Risk Work licences*) – The WorkSafe Commissioner ('the Commissioner') reported that WorkSafe is investigating options to improve timeliness in processing licence applications while retaining photos.
- D (*WHSC to write to Minister for Industrial Relations ('the Minister') recommending regulatory amendments to set minimum requirements for female toilets across all industries*) - No response has been received as yet.

Dr Fritschi ('A/Chairperson') informed the meeting that the Mining and Petroleum Advisory Committee (MAPAC) is unlikely to function for several more months. Concern was expressed about this delay, given the need for the WHSC to seek MAPAC's views on important and pressing matters such as the workplace exposure standard for diesel particulate matter.

ACTION 1: WHSC will write to the Minister expressing concern about the delay in establishing new membership and the consequent delay in MAPAC functioning again.

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.

Bec Naylor reported that WorkSafe intends to re-organise the codes and guidance requiring development by:

- categorising publications according to workplaces, including general workplaces, general/mining workplaces, exclusively mining workplaces, and dangerous goods workplaces;
- developing timelines for priority codes; and
- prioritising all items.

This will assist in allocation of resources and increase transparency. The results of this re-organisation will be presented to a future WHSC meeting.

Updates were requested and provided on the following items:

- 'Public Sector Code' - Feedback from the public consultation is still being assessed and there may need to be further targeted consultation given the broadening of the scope.
- Review of Working Alone Guidance – This has been re-drafted for review by the Legislative Advisory Committee (LAC).

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:

- Additional trainer – Central Regional TAFE – Danielle Hayes.

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

The WHSC **NOTED** the report on AFWAC's meeting of 5 December 2025. Key items were:

- an online presentation by Safe Work Australia regarding the national review of model the Work Health and Safety laws;
- the ongoing statutory review of the *Work Health and Safety Act 2020*;
- discussion of issues relating to information sharing with families, the impact of investigation delays, the need for better support and counselling for families, and the importance of harmonising laws across jurisdictions; and

- an update on WorkSafe’s draft guides titled *A serious injury in the workplace: Information for workers and families* and *A death in the workplace: Information for families* (second edition).

In response to a question, the Commissioner explained the reference in the AFWAC report to consideration of funding models to support families, including using penalty funds. This arose from a suggestion that a portion of funds arising from penalties be set aside for approved measures to support families in the immediate aftermath of a fatality or serious incident.

3.6 Legislative Advisory Committee (LAC) - Report

The LAC Report sought endorsement for the appointment of Tim Lawler to LAC to replace Michelle Gadellaa. Mr Lawler is the Manager of Health Safety and People, CME.

This position on LAC is for “a person who represents persons conducting business or undertakings (PCBUs) in the mining and petroleum industries (a representative of the Chamber of Minerals and Energy of Western Australia)” as per the LAC Terms of Reference.

The WHSC **ENDORSED** the appointment of Mr Tim Lawler to LAC and thanked Ms Gadellaa for her past contribution.

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 items of note were:

- the open public consultations for Codes of Practice *Excavation work* and *Person overboard: Prevention and response*;
- a Mining Industry Summit planned for mid-2026;
- WorkSafe representatives to speak at the sold-out Safe Farms WA conference on 6 February 2026; and
- an information session for farmers in Esperance to be held on 11 February 2026 ahead of educational inspections conducted by the WorkSafe Agricultural Team.

In response to a question about the planned Mining Industry Summit, Bec Naylor confirmed that this is a safety forum and will be modelled on a similar successful event held in 2023.

3.8 Quarterly Regulatory Activity Report

Nil (moved to next meeting due to large agenda)

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 for the period 13 November 2025 to 11 January 2026 inclusive. Tracey Bence commended the Commissioner on the detail within the exemption letters that provides transparency of her assessment of the risk.

3.10 Correspondence

The WHSC **NOTED** the following correspondence:

- WHSC to Minister McGurk – Amenities for females on work sites
- WHSC to HSR training provider – Revocation of approval to deliver HSR training
- WHSC to applicant to become a HSR training provider following revocation – Refusal of application.

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

The WHSC **NOTED** the WorkCover WA verbal report by the Chief Executive Officer, Chris White. Key points are summarised below.

- A tax ruling in December 2025 relating to the tax status of workers' compensation settlements has overturned long-held understandings. The ruling was that the income component of a settlement is taxable as income, with the implication that insurers need to withhold the tax payable. This has implications for the long-standing stability of cost structures and processes within the worker's compensation framework.
- It is currently the time for premium ratings setting which may be influenced by the tax ruling above. Cost of living pressures will also influence premiums.
- A WorkCover WA focus this year is on seeking the cooperation of general practitioners in terms of workers' compensation. Dr Alex Collie will come to Perth in March 2026 to speak to the sector. He is doing valuable work on the intersection of work, injury and compensation. Dr Collie is the Director of the Healthy Working Lives Research Group and the Division of Health Systems, Services and Policy in the School of Public Health and Preventive Medicine at Monash University.
- Mr White reported that there have been no new silicosis claims since his last report.

Dr Govorko mentioned that the Cancer Council WA runs a GP education program and has a comprehensive network of GP contacts.

(Discussion of the Quarterly Dust Diseases Report was moved to the next meeting due to the large agenda).

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report to the month ending December 2025.

4.3 Rationalisation of psychosocial codes – Next steps

The WHSC **DISCUSSED** the preferred option for rationalisation of the 'psychosocial' Codes of Practice. The options were developed by a consultant to WorkSafe, Dr Peta Miller. The 'psychosocial' codes are:

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

Dr Miller's preferred options centred around retaining the *Psychosocial hazards in the workplace* code as an overarching code and converting the *Workplace behaviours* and *Violence and aggression at work* codes to guidance notes containing specific information.

The Commissioner advised that WorkSafe has been given additional resources for mining education and more is being sought for education for general industry. It would be helpful if the WHSC can establish what is needed in terms of rationalisation of the psychosocial codes, and resource allocation can then be considered.

There was a robust discussion about the options, with differing views on the conversion of codes to guides. Some argued that converting codes to guidance would be seen as a 'downgrade' and they may not be taken as seriously, and codes are admissible as evidence in court. Others were of the view that codes are too large, difficult to comprehend and lack detailed and specific practical advice specific to the hazard.

In relation to inclusion of case studies in codes, Agnes McKay noted that the Magistrate's Court (where most WHS prosecutions take place) do not publish judgements. Case precedents from higher courts are relied on, including for sentencing principles.

The Commissioner encouraged the WHSC to focus on useability and to consider what would be the most effective educative tool.

WorkSafe's views were sought. Tony Gray indicated WorkSafe's preference to adopt Safe Work Australia's model Code of practice: *Managing psychosocial hazards at work* and incorporate content from the existing 'psychosocial codes' where necessary. This would be the most efficient use of resources. Feedback consistently received is that there are too many psychosocial codes. Case studies could still be used, such as for animations and website content.

Chris White commented that codes cannot meet everyone's expectations, and this will be no different for any new code. His view was that the focus in codes on law and prosecution mitigates against practicability. Model codes are developed through a national process and Mr White questioned the need for jurisdictions to develop their own.

Several people were complimentary of Queensland's Code of Practice: *Managing the risk of psychosocial hazards at work*, finding it clear, succinct and practical.

ACTION 2: It was **AGREED** that:

- a) Safe Work Australia model Code of Practice: *Managing psychosocial hazards at work* and equivalent Queensland code be circulated out-of-session for members to consult their constituents about their preference and seek general feedback;
- b) the feedback will be collated for the next WHSC meeting; and
- c) WorkSafe will be provided with the feedback prior to the WHSC meeting to enable them to comment/present a proposal for rationalisation of the psychosocial codes.

4.4 Draft Code of Practice: *Managing health and safety in workers' accommodation* ('Accommodation Code')

The WHSC was asked to review the new Accommodation Code and endorse it for release for public consultation. It was developed in response to the [Enough is Enough Report – Sexual harassment against women in the FIFO mining industry](#) ('Enough is Enough Report') by a Parliamentary Standing Committee.

The Accommodation Code covers the work health and safety (WHS) responsibilities of persons that conduct a business or undertaking (PCBUs) that provide worker accommodation, to assist them to meet their obligations under WHS laws.

The CME representative queried:

- the way accommodation is defined and the intersection with *Residential Tenancies Act 1987*, stating that there are legal rights when a lease is in place and this should be 'carved out' of the code;
- that in Table 3 hand sanitiser appears to take precedence over handwashing; and
- where other standards and regulations apply for matters such as food safety and cyclones, these should be indicated in the code.

A UnionsWA representative queried the lack of reference to connectivity for workers with their loved ones, particularly access to wi-fi and ability to make phone calls, in employer-provided semi-permanent or temporary accommodation such as mining camps. It was **AGREED** that a targeted question on this matter will be included in the public consultation.

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

4.5 HSR training provider data

The WHSC **NOTED** the data for the 2024-25 period relating to the delivery of HSR training, extracted from the annual reports submitted by HSR training providers. The data was requested by WHSC members to help inform a response to the finding by Dr Irene Ioannakis ('Auditor') that there are too many HSR training providers resulting in sporadic delivery of training, small classes and poorer quality training.

Key conclusions drawn from the data were that:

- three of the training providers trained over half (51%) of the HSRs;
- ten training providers trained 38% of the HSRs;
- over half (18) of the training providers trained a total of 11% of HSRs;
- training providers who trained less than 100 HSRs had the smallest classes (an average of 5.7 students); and
- training providers who trained more than 99 HSRs had an average class size of 12.6 students.

4.6 Auditor's recommendations – HSR training

In response to recommendations in the Auditor's report on the 2025 audit of delivery of HSR training, the WHSC was asked to review:

- the criteria to become an approved trainer;
- the criteria for renewal of term as an approved trainer; and
- whether any new training providers should be approved in 2026, given the over-supply.

Kari Pnacek declared a conflict of interest given her connection with an approved training provider.

Initial approval

It was agreed that, while small classes are not ideal, there are circumstances (eg geographical) where it may be unavoidable. It was **AGREED** that:

- the initial application form should require the applicant to provide reasons for applying to deliver HSR training to justify why their application should be approved;
- the *Guide: Operating as an approved provider of health and safety representative (HSR) training in WA* ('the Guide') will be amended to make clear that training providers are expected to demonstrate a genuine commitment to deliver HSR training, and approval is unlikely to be renewed if no training has taken place; and
- new applicants will only be approved for one year, with continuation of approval dependent on a satisfactory review of the first year.

The Commissioner commented that setting a higher barrier to entry would be a more appropriate approach than not accepting new applicants to deliver HSR training. Failure to deliver training or to deliver it adequately is a review opportunity. The Commissioner suggested that imposition of an application fee when applying for approval is an option that may eliminate applicants who are not genuinely committed to HSR training. The legality of this and the administrative implications would need to be investigated.

The UnionsWA proxy suggested that applicants must demonstrate a need that they will meet by becoming an HSR training provider, such as providing training in a particular geographical location.

Renewal of approval

It was **AGREED** that, in reviewing an application for renewal of approval to deliver HSR training, the number of HSRs trained, courses conducted and courses cancelled would be reviewed, along with where training took place.

Approval of trainers in 2026

The WHSC **AGREED** that new applications to deliver HSR training will be accepted in 2026 despite the abundance of training providers. Each application will be assessed on its merits, with an important consideration being the applicant's reasons for applying to deliver HSR training.

ACTION 3: Executive Officer to investigate the legality and administrative implications of imposing an application fee for an initial application to become a HSR training provider.

ACTION 4: Executive Officer to draft amendments to the HSR Guide and Application Forms and present them to the next WHSC meeting.

4.7 Revised Code of Practice: *Psychosocial hazards at work for fly-in fly-out (FIFO) workers in the resources and construction sectors* ('FIFO Code')

The WHSC was asked to endorse the revised FIFO Code for ministerial approval and gazettal. The revised FIFO Code has been extensively amended to align with the requirements of the new WHS framework and in response to the Enough is Enough Report.

Tracey Bence explained her suggested amendments that were circulated prior to the meeting which centred around more succinct and specific language.

It was **AGREED** that a reference to a particular organisation in Section 9.4 should be removed.

A CME representative requested that a case study provided by CME be amended to reflect that not all options in that situation were implemented, noting that the case study was not part of the public consultation. The CME representative also referred to the HSR case study and commented that the duties and roles assigned to the HSR appear to be beyond their prescribed duties.

ACTION 5: It was **AGREED** that the WHSC members will be given one week to request amendments to the FIFO Code that they believe are imperative. WorkSafe will review the requests and report to the next meeting.

4.8 Code of Practice: *Managing the risks of falls in housing construction* ('Falls Code')

The WHSC was asked to review amendments to the Falls Code and endorse it for gazettal. The amendments are aimed at providing clarity on control measures that can be used in housing construction to meet the requirements of regulation 79 (*specific requirements to minimise risk of fall*) of the Work Health and Safety (General) Regulations 2022. Regulation 79 is subject to a transition period that ends on 30 September 2026.

The WHSC **ENDORSED** the Code of Practice: *Managing the risks of falls in housing construction* for gazettal.

4.9 Civil Contractors Federation request for representation on CISAC

The WHSC was asked to consider a request from the Civil Contractors Federation (CCF) for representation on CISAC to represent the civil construction industry. The CCF's reasons are that the civil construction sector:

- has experienced significant growth in the last 20 years and now surpasses building construction in dollar value terms, and employs more than a quarter of WA's construction workforce; and
- is not adequately represented on CISAC.

The CCIWA representatives declared a conflict of interest in relation to the CCF suggestion that a representative of the CCF replace the CCIWA representative on CISAC, and expressed opposition to this suggestion.

Notwithstanding the conflict of interest, the majority of the WHSC did **NOT AGREE** with the CCF's request, on the basis that:

- the CCF represents a niche part of the construction industry;
- the construction industry is already well represented on CISAC;
- the CCF's nominee has a similar background to some existing members; and
- it would affect the existing balance of employer and employee representatives on CISAC.

It was **AGREED** that CISAC invite the CCF as a guest for specific meetings where topics of interest to the CCF's members will be discussed.

ACTION 3: Notify the CCF that the WHSC did not approve their request for representation on CISAC.

ACTION 4: Ask CISAC to consider inviting CCF as a guest to specific meetings where topics of interest to the CCF's members will be discussed.

4.10 Silicosis – National Occupational Respiratory Disease Registry (NORDR) - Update

The WHSC **NOTED** an update provided by the WorkSafe Commissioner on silicosis reports in the NORDR. Of the 10 reports of disease related to WA since the operation of NORDR commenced, 8 relate to silicosis. Diagnosis dates are 2023 (1), 2024 (2) and 2025 (5).

Tracey Bence thanked the Commissioner for the update and stated that reporting NORDR silicosis data on the WorkSafe WA website (as the NSW Government does at [Silica Dashboard](#)), contributes to public visibility of this matter. Ms Bence added that it would be preferable if WorkSafe's internal silica information plus workers' compensation data, which are the other sources of information about silicosis, could be combined with the NORDR data.

The Commissioner added that annual reporting on the Silica National Plan will provide more information in relation to silica, such as enforcement activities and site visits. The Commissioner has asked for work to be done within WorkSafe on developing dashboard-type data for the public.

4.11 Issues and barriers to effective investigations and enforcement in WorkSafe

The WHSC **DISCUSSED** a paper submitted by the independent members comparing inspection and enforcement activities between WorkSafe and other jurisdictions. Data was drawn from jurisdictional comparisons from the SWA data set (<https://data.safeworkaustralia.gov.au/interactive-data/topic/jurisdictional-comparison>) and WA prosecutions data (<https://data.safeworkaustralia.gov.au/interactive-data/topic/whs-prosecutions>).

The paper concluded that:

- it appears that there is an appropriate number of inspectors in WA compared to other states and they are active;
- inspectors in WA tend to give Improvement Notices rather than Prohibition Notices; and
- WA undertakes very few prosecutions compared to other states, with much larger penalties per prosecution.

Dr Govorko spoke on the issues raised in the paper and sought discussion on whether the apparent emphasis on major breaches of the WHS Regulations is resulting in some companies getting away with dangerous practices. Dr Govorko stated that the purpose of the discussion is to understand barriers to better practice and suggested an anonymous survey of inspectors may be useful.

The Commissioner noted that one of the key data limitations relates to the number of full-time inspectors as it assumes full occupancy of those positions. Some of WorkSafe's teams have only 80% of positions occupied. In the last two years there has been a 25% turnover of inspectors which creates a huge impost in terms of training and coaching. Inspectors are less efficient during training and until they have gained experience.

The Commissioner also commented that inspectors have been surveyed several times in the last five years using the 'Thrive at Work' framework from the Future of Work Institute to get an understanding of inspectors' views. The resulting feedback was workshopped in person with an external consultant, managers and inspectors. WorkSafe subsequently instigated the 'Thrive Project' whereby four working groups

were formed to focus on matters such as training, manager capabilities, support for inspectors, operational systems and processes, and psychosocial hazards and risks for inspectors.

Tracey Bence asked the Commissioner what else could be done. The Commissioner responded that a consultant has been engaged by the Human Resources section of the Department of Local Government, Industry Regulation and Safety to look at areas that are harder to recruit and retain (such as specialist mining inspectors, mining engineers, electrical engineers and electricians). Models available under the Public Sector remuneration system to attract and retain staff will be investigated. Attraction and Retention Incentives (ARIs) have been used but are an extremely clunky mechanism.

Tony Robertson noted the current demographics of the WorkSafe Mines Safety Directorate, and the work conducted to get the right balance of different types of compliance and enforcement activities.

The Commissioner stated that due to resource constraints WorkSafe currently prioritises reactive prosecutions over pro-active prosecutions. Ideally, without resource constraints, there would be more proactive inspections such as in relation to repeat hazards such as falls in the construction industry.

In response to a question from Tracey Bence regarding what the biggest barrier to improving responses by persons conducting a business or undertaking so that risks are adequately dealt with, the Commissioner responded that the biggest barrier is attraction and retention of inspectors. An aspect of this issue that can be controlled is training, and WorkSafe is working on improving training so that it is more efficient and effective.

The CME representative commented that WorkSafe operates in a much bigger geographical area than the jurisdictions it was compared against. Tony Robertson agreed, noting that much time is spent travelling enormous distances to remote locations. The CME representative also emphasised that education is another way of improving work health and safety, and commented on how well received WorkSafe's [Monthly Incident Insights](#) for mining have been.

UnionsWA representatives stated that the union movement support the introduction of infringement notices and would also like unions to be able to initiate prosecutions. They suggested the re-introduction of regional offices so that there is a WorkSafe presence in the regions. Tony Robertson questioned the viability of this given the cost of housing and cost of living in remote areas.

The Commissioner reported on a new WorkSafe research project on work-related deaths on roads. It is expected that this will produce an internal report and an external report for industry.

4.12 Consistency of penalties arising from prosecutions under WHS laws

The WHSC **NOTED** a summary of prosecutions and penalties imposed since the introduction of the WHS laws. This item was prompted by previous queries by WHSC members regarding the consistency of penalties imposed for prosecutions.

Tony Robertson commented on an article titled *Regulatory strategies revealed after high penalty haul* about WorkSafe Victoria's strategy of successfully appealing fines and prosecuting employers where incidents have not occurred.

ACTION 5: Executive Officer will circulate the article titled *Regulatory strategies revealed after high penalty haul* to WHSC members.

4.13 New fire doors containing asbestos

The WHSC **NOTED** a paper submitted by the Commissioner providing an update on actions taken by WorkSafe in relation to new fire doors containing asbestos installed in a public building. The update was in response to queries by WHSC members at the previous meeting regarding an exemption granted to the builder from regulation 419(1) (*a PCBU must not carry out, or direct or allow a worker to carry out, work if it involves asbestos*) of the Work Health and Safety (General) Regulations 2022.

The agenda paper addressed the broader issue of the risks of importation of asbestos-containing products, particularly from countries where a ban on the new use of asbestos is not in place.

4.14 SWA update (standing item)

The Commissioner referred to the *Decision Regulatory Impact Statement – Proposed workplace exposure limits for 9 chemicals* ('the DRIS') which was circulated to WHSC members on 2 February 2026. The nine chemicals are benzene, chlorine, copper, formaldehyde, hydrogen cyanide, hydrogen sulfide, nitrogen dioxide, respirable crystalline silica and titanium dioxide.

The Commissioner stated that WHS ministers have been provided with the DRIS and were asked to approve the recommended lower workplace exposure limits for the nine chemicals by the end of March 2026.

5 OTHER BUSINESS

5.1 Members to advise

Nil

6 CLOSURE AND NEXT MEETING

- 6.1** The next meeting is scheduled for 4 March 2026. There being no further business, the A/Chairperson declared the meeting closed at 12.05pm.