



Meeting No.	39	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission - Minutes - Meeting 6 May 2026

Attendees

Mr Owen Whittle	Chairperson
Dr Lin Fritschi	Deputy Chairperson / 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)
Mr Tony Robertson	Public service representative with knowledge of, and experience in, mining (Director WorkSafe Mines Safety)
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

Guests

Rebecca Stevenson	WorkSafe Senior Project Officer Safety Education
Tony Gray	WorkSafe A/Manager Safety Education
Ryan Jones	WorkSafe Graduate Officer – Labour Relations

Apologies

Dr Matthew Govorko	Expert member
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1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson declared the meeting open at 9.05am.

1.2 Apologies

Apologies were accepted from Dr Matthew Govorko.

1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting, with the Chair adding three items for general business (see Agenda Item 5.1).

1.4 Declarations of Conflicts of Interest

Antony Pearson declared a conflict of interest in relation to Agenda Item 4.6. Some feedback received during the public consultation on the Code of Practice: *Sexual and gender-based harassment* was submitted by Mr Pearsons's colleague.

2 PREVIOUS MEETING/S

2.1 Confirm minutes of previous meeting

The Minutes of the Work Health and Safety Commission (WHSC) meeting held on 4 March 2026 were **ENDORSED** as a true and correct record, subject to the incorporation of tracked amendments.

2.2 Review action list from previous meeting

The WHSC **NOTED** the WHSC 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. Codes were discussed as follows:

- It was **AGREED** that due to the broadening of scope for the Code of Practice: *Work health and safety management systems in the Western Australian public sector*, ministerial approval will be sought for an additional four-week consultation period, targeted to affected government bodies.
- Dr Fritschi noted WA's Code of Practice: *Prevention and control of legionnaires disease* is outdated and referenced the recently published national model Code of Practice: *Managing the risks of biological hazards at work* which inadequately addresses the legionella bacteria hazard. Dr Fritschi suggested developing specific guidance on legionnaires disease and other hazards as the model code is general. It was **AGREED** that legionnaires disease is a significant risk which warrants a Commission publication. The Chair will liaise with WorkSafe regarding the format and development of the publication.
- Tracey Bence referred to the proposed working group for development of the Code of Practice: *Sexual and gender-based harassment*. It was **AGREED** that the names of members and possibly their constituents who are willing to be part of the working group will be submitted to the Executive Officer, and that at least one WHSC member should be on the working group. WorkSafe will convene the working group at key points during development of the code.
- The Code of Practice: *Excavation work* is close to finalisation.

- Tony Robertson reported that the NSW Resource Regulator has been given approval to use WA's Code of Practice: *Ground control for Western Australian mining operations* in development of a NSW code.
- The WorkSafe Commissioner ('the Commissioner') commented that MAPAC is soon to reconvene. Codes to be developed relating to general industries and mining will need to be prioritised in consultation with WorkSafe, the WHSC and MAPAC.

ACTION 1: Chair to liaise with WorkSafe regarding development of an information sheet about legionnaires disease.

ACTION 2: Members who are willing to be on the working group for development of the Code of Practice: *Sexual and gender-based harassment* will submit their names to the Executive Officer.

3 AGENDA ITEMS FOR NOTING (Discussed by exception)

3.1 Fatality Update Report

The WHSC **NOTED** the Fatality Update Report for the month ending February 2026. The fatality rate is lower than at this time last year. Road-related fatalities remain high, along with being struck by falling objects and wheatbelt fatalities.

3.2 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the CISAC meetings held on 17 March and 21 April 2026. Key points were:

- a review of feedback received during public consultation for the Code of Practice: *Excavation work*;
- CISAC's work program in relation to codes of practice and guides; and
- an update on reforms to high risk work crane licensing.

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 of the AFWAC meeting held on 27 February 2026. Key points were:

- an update on membership;
- a proposal for a peer support group for affected families and workers, subject to budget and departmental approvals; and
- an amendment to South Australia's *Work Health and Safety Act 2012* in the form of regulation 271(A) (Additional ways that regulator may disclose information), which provides that information may be provided to injured workers, bereaved families or other interested parties in certain circumstances.

3.6 Legislative Advisory Committee (LAC) - Report

The WHSC **NOTED** the report of the LAC meeting held on 11 March 2026 where members reviewed and provided advice on the following documents in development:

- *Guidance Note – Alcohol and other drugs in the workplace*

- *Guidance Note – Remote and isolated work*
- *Code of Practice: Sexual and gender-based harassment.*

The Commissioner noted that the *Guidance Note – Alcohol and other drugs in the workplace* is complex. It includes advice on matters such as workers impacted by substance-affected colleagues, and medicinal cannabis. The approach centres around fitness for work and immediate impairment.

The *Guidance Note – Remote and isolated work* covers people working in an isolated way and those working in a remote location.

3.7 WorkSafe events and promotions update

The WHSC was updated on activities of the WorkSafe Safety Education team, including stakeholder guidance, stakeholder relations and digital engagement. Key points were:

- publication of the amended Code of Practice: *Managing the risks of falls in housing construction*;
- release of the draft Code of Practice: *Workers’ accommodation* for public consultation;
- an awareness campaign to raise awareness of airborne contaminants and changes to workplace exposure limits that commence on 1 December 2026; and
- publication of WorkSafe’s *Inquiry into the agricultural industry in Western Australia – Final progress report*.

3.8 Regulatory Activity Report

The WHSC **NOTED** the WorkSafe Regulatory Activity Report for the period ending 31 March 2026.

3.9 Exemptions

Nil

3.10 Correspondence

The WHSC **NOTED** the following correspondence:

- 3.10A – Minister to WHSC – Gazettal of Code of Practice: *Managing the risks of falls in housing construction*.
- 3.10B – WorkCover WA to WHSC – Response to queries re Quarterly Dust Diseases Report showing a low rate of silicosis claims acceptance.
- 3.10C – Minister to WHSC – Response re delay in reconvening of MAPAC.
- 3.10D – Minister to WHSC – Response to concerns re insufficient resources for WorkSafe development of codes.
- 3.10E – WHSC Chairperson to HSR training providers – Expectations for delivery of HSR training.

Tony Robertson advised that MAPAC will reconvene on 13 May 2026 with Simon Ridge as the new Chairperson.

Tracey Bence acknowledged WorkCover WA’s comprehensive response (Agenda Item 3.10B) to queries on the latest Quarterly Dust Diseases Report and highlighted the need to understand the low rate of successful silicosis compensation claims. The Chair noted

WorkCoverWA will be invited to address a future meeting, with silicosis claims and psychosocial workers' compensation claims to be included on the agenda.

4 ITEMS FOR DISCUSSION

4.1 Presentation – MARS (Mental Awareness, Respect and Safety) Program

The presentation was rescheduled for a future meeting.

The Commissioner advised that the WA Government has extended the MARS Program funding for two years, allowing WorkSafe to consolidate and strengthen the program prior to future funding proposals. An upcoming MARS Program initiative is the second mining industry summit on 4 June 2026, and WHSC members are encouraged to attend.

Tracey Bence asked whether the successful MARS Program elements could be applied to other high-risk workplaces. The Commissioner said that WorkSafe is enhancing MARS Program's online presence and adapting materials for broader use, with more information to follow.

4.2 Health and Safety Representative (HSR) training - Approvals

The WHSC **ENDORSED** the following approvals for the training of HSRs:

- New training provider – Skills Strategies International
- New training provider – Riklan Emergency Management Services
- New training provider – ETAS Pty Ltd
- Additional trainer – WHS Foundation – Tony Tan
- Additional trainer – WHS Foundation – Johannes Mucha
- Additional trainer – Training Services Australia – Lynda Jenkins
- Additional trainer – Training Worx – Steven Banks

4.3 Proposed application fee for HSR training applications

The WHSC discussed advice received from the Department on whether it was practical to implement an application fee for HSR training providers.

The WHSC was presented with a paper summarising potential barriers to the imposition of an application fee.

While acknowledging the barriers, the Chair noted the State Government's priority for fee-for-service arrangements to be implemented.

Tracey Bence raised concerns about unintended consequences of imposing a fee, including disincentivising registered training organisations (RTOs) from delivering HSR training, particularly for regional training providers who train lower numbers.

It was **AGREED** not to pursue an application fee for HSR training providers at this stage, and to monitor the effectiveness of other measures introduced to reform the criteria over a period of 12-18 months before reconsidering the decision.

Separately, a UnionsWA representative queried an instance of a construction company approved to deliver crystalline silica training outside an RTO setting, under regulation 529CD of the Work Health and Safety (General) Regulations 2022. The Commissioner advised that non-RTO organisations may deliver training to other organisations, such as subcontractors. Duties apply under section 26A of the *Work Health and Safety Act 2020*

for providing services relating to work health and safety. RTO-delivered courses are listed on the WorkSafe website and members are encouraged to report substandard training.

ACTION 3: It was **AGREED** that WorkSafe will provide data to the WHSC on approvals to conduct silica training, and the criteria for approval.

ACTION 4: Review the effectiveness of measures to reform the criteria to become a HSR training provider in mid-2027.

4.4 Agriculture Report

The WHSC **NOTED** the [*Inquiry into the agricultural industry in Western Australia – Final Progress Report prepared for the Hon Simone McGurk MLA, Minister for Industrial Relations*](#) (the Report).

The Commissioner outlined WorkSafe's progress in responding to the agriculture inquiry recommendations, including communication and education activities, stakeholder engagement, and compliance and enforcement, with an initial focus on the high-risk Wheatbelt region. There are challenges in engaging with the agriculture industry, with varying regional responses to inspectors.

Tracey Bence queried the decision not to fund retrofitting quad bikes with rollover protection (Recommendation 7). The Commissioner advised that this requires significant funding and is not feasible with current resources. Safe Work Australia is progressing regulation of quad bikes.

4.5 Outcome of 'follow up' audits of delivery of HSR training - 2026

The WHSC **NOTED** the summary of follow-up audits of HSR training providers, by Dr Irene Ioannakis. This included re-engaging with training providers who had not been running courses during the 2025 audit program. It was **AGREED** to flag training providers with low training activity for future monitoring.

4.6 Feedback and response – Draft Code of Practice: *Sexual and gender-based harassment*

The WHSC **DISCUSSED** public consultation feedback on the draft Code of Practice: *Sexual and gender-based harassment* (the Code) and WorkSafe's preliminary response and provided comments. It was **AGREED** that after MAPAC reconvenes, they will be consulted on future versions of the Code.

ACTION 5: Chair will ask the Centre for Women's Safety and Wellbeing to review and comment on public consultation feedback for the draft Code of Practice: *Sexual and gender-based harassment*.

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

The WHSC **NOTED** the 5 March 2026 SWA meeting agenda.

Decision Regulatory Impact Statement (DRIS) on Workplace Exposure Limits for Nine Chemicals

The Commissioner advised the WHSC that the proposed new workplace exposure limits (WELs) for eight chemicals (, chlorine, copper, formaldehyde, hydrogen cyanide, hydrogen sulfide, nitrogen dioxide, respirable crystalline silica and titanium dioxide) did not achieve support from the required two-thirds majority of WHS Ministers.

Some jurisdictions are yet to respond. The benzene WEL is not yet decided, but a majority of WHS Ministers voted to retain the current workplace exposure standards for the remaining eight chemicals. WA supported the proposed benzene WEL but opposed the proposed WELs for the other eight chemicals.

The Commissioner noted shortcomings in the DRIS. In her view the rationale was not compelling and discounted useful information from industry because practicability was not considered.

The Commissioner added WA would like to see the WELS for the eight chemicals re-examined using broader parameters.

Union representatives expressed disappointment and sought clarity on the WHSC's role in advising the Minister on this matter in future.

Expert member Tracey Bence expressed her view that the WEL development process had failed to properly consider workplace realities which led to the outcome of recommended WEL not being endorsed by a majority of SWA members, and that workers will not know safe exposure levels for the eight chemicals.

The CME representative commented that industry did not oppose the proposed WELs outright but strongly opposed the poor and misleading DRIS process. Regulation should be good for workers and industry. The CCIWA representative commented that the process for setting the WEL for diesel particulate matter was similarly poor.

The Commissioner expected that next steps regarding the WEL will be discussed at the 11 June 2026 SWA meeting. The Chair will raise the matter with the Minister for Industrial Relations.

5 OTHER BUSINESS

5.1 Members to advise

- The WHSC **NOTED** the Training Accreditation Council (TAC) invitation for members to meet regarding its upcoming investigation into training delivery for the High Risk Work Licence for Dogging. Interested members are to contact the TAC representative directly.
- A Service Level Agreement between the WHSC and WorkSafe is nearly finalised and will provide clarity on roles and responsibilities.

6 NEXT MEETING

6.1 The Chairperson declared the meeting closed at 12.05pm.

The next meeting is scheduled for 3 June 2026.