

Meeting No.	40	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission - Minutes – Meeting 3 June 2026

Attendees

Mr Owen Whittle	Chairperson
Dr Lin Fritschi	Deputy Chairperson / Expert member
Dr Matthew Govorko	Expert member
Ms Tracey Bence	Expert member (via Microsoft TEAMS) (left at 11.00am)
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) (via Microsoft TEAMS)
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

Tony White	WorkSafe Team Leader, Stakeholder Guidance
Dawn Lucas	WorkSafe Manager policy (for Agenda Item 4.5)
Tony Gray	WorkSafe Team Leader Stakeholder Guidance

1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson declared the meeting open at 9.00am and welcomed members and guests.

1.2 Apologies

Nil

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 6 May 2026 were **ENDORSED** as a true and correct record, subject to incorporation of the tracked amendments.

2.2 Review action list from previous meeting

Items were discussed by exception.

A UnionsWA representative queried the progress of the Code of Practice: *Mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction centre* (FIFO Code) in relation to reaching agreement on the case studies. The Chairperson undertook to resolve this issue shortly.

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.

The Chairperson noted the letter from the Minister for Industrial Relations dated 28 May 2026 informing the WHSC of additional funding for WorkSafe of \$10 million through the 2026-27 Budget to “strengthen the provision of advice and information to support duty holders and the community to understand and comply with Western Australia’s WHS laws”. The funding is for FTEs. It was felt that this was a result of advocacy, including by the WHSC. It was **AGREED** that the WHSC will write to the Minister expressing appreciation for the additional funding.

The WorkSafe Commissioner (the Commissioner) explained that WorkSafe is mapping the code pathways for prioritised codes of practice to assist with prioritisation and planning.

Other points were:

- the public consultation for the Code of Practice: *Workers’ accommodation* is open until 26 June 2026 and 21 responses have been received to date;
- it is expected that the final draft of the code above will be presented to the WHSC at the August or September 2026 meeting and gazetted by the end of the year;

- WorkSafe is awaiting approval to conduct a further targeted 4-week consultation for the Code of Practice: *Work health and safety management systems in the Western Australian public sector*; and
- the Code of Practice: *Excavation work* is near finalisation.

ACTION 1: Write to the Minister for Industrial Relations expressing appreciation for the increased funding for the development of work health and safety information resources.

3 AGENDA ITEMS FOR NOTING (Discussed by exception)

3.1 Construction Industry Safety Advisory Committee (CISAC) - Report

Nil

3.2 Mining and Petroleum Advisory Committee (MAPAC) - Report

Nil

3.3 Agricultural Safety Advisory Committee (ASAC) - Report

The WHSC **NOTED** the report of the ASAC meeting of 15 May 2026. Key matters discussed by ASAC were:

- the *Inquiry into the agricultural industry in Western Australia – Final Progress Report for the Hon Simone McGurk MLA, Minister for Industrial Relations* (Final Agriculture Report);
- WorkSafe's support for options in the Safe Work Australia consultation paper on quad bike safety;
- suggestions for training for agricultural work, such as making Safe Farms WA's 'green card' compulsory, or training through the VET system;
- a request from the Food Fibre and Timber Industries Training Council (FFTITC) for ASAC representation; and
- data re activities of the WorkSafe Agriculture Team for the financial year to date, including 176 inspections conducted.

Dr Fritschi queried recommendations of the agriculture inquiry that require funding, such as the recommendation to provide funding for retrofitting of quad bikes with roll-over protection. The Commissioner responded that this is a matter for the government.

The WHSC did not endorse the request from the FFTITC for representation on ASAC, on the basis that: (i) ASAC has enough members; (ii) increasing membership could make it unwieldy; and (ii) membership is balanced and consists of a broad cross-section of agricultural industry stakeholders. It was **AGREED** that FFTITC will be invited to ASAC meetings where appropriate.

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

Nil

3.5 Legislative Advisory Committee (LAC) - Report

Nil

3.6 WorkSafe events and promotions update

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

- publication of WorkSafe's [State of the work environment 2024-25](#);
- the second health and safety representative "Lunch and Learn" webinar on 7 May 2025 on *How to identify electrical hazards in the workplace*, attracting 332 registrations; and
- the Registered Medical Practitioner Forum on 8 May 2026 attended by 29 participants.

The Commissioner commented on the planned awareness campaign for the transition to revised Workplace Exposure Limits (WELs) which will assume a low level of knowledge and be aimed at a broad audience. Tracey Bence commended this approach and questioned how WorkSafe will address the issue of the nine chemicals for which the WEL has not been decided. The Commissioner responded that none of those chemicals will be used in the campaign. Examples of confusion in industry were given by members, which emphasised the importance of the awareness campaign.

Tony Robertson commented that the draft Codes of Practice for mining – *Road and traffic management at Western Australian mines* and *Emergency management at Western Australian mines* – are nearing finalisation.

3.7 Regulatory Activity Report

Nil

3.8 Exemptions

The WHSC **NOTED** the exemptions from requirements of the Work Health and Safety (General) Regulations 2022 granted by the WorkSafe Commissioner during the period 10 April 2026 to 15 May 2026 inclusive.

A UnionsWA representative queried the exemption granted from the requirement to use a roll-over protective structure (ROPS) (reg. 216) at a commercial orchard where close planting of fruit trees reduced clearance for tractors. The Commissioner responded that she visited the orchard before granting the exemption and spoke to the operators, observing the tractors, terrain and design of the orchard. The Commissioner commented that this exemption will not set a precedent.

In relation to the exemption above, Tracey Bence queried why an exemption was needed when WorkSafe found that it was not reasonably practicable to use the ROPS. The Commissioner explained that an exemption was needed because reg. 216 does not contain "reasonably practicable". The Commissioner stated that the issue of ROPS being not reasonably practicable to use in orchards will be monitored.

The UnionsWA representative also commented on the exemptions granted from the requirement that an application for a high-risk work licence must include a copy of a certification that was issued not more than 60 days before the application was made (reg. 87), noting that the same TAFE was common to both exemptions. The UnionsWA representative noted the one-off nature of the request, but that repeated request would be a cause of concern.

3.9 Correspondence

Nil

3.10 WorkCover WA – Silica and Dust Diseases Quarterly Report

The WHSC **NOTED** WorkCover WA's quarterly Silica and Dust Diseases Report.

Tracey Bence drew attention to the determinations where disease presents no impairment and commented that this is a fundamental barrier. A lack of impairment does not mean that a disease is not present. The WHSC noted that this would be an item to discuss with WorkCover WA at a future meeting.

3.11 Communique – Asbestos and Silica Safety and Eradication Council (ASSEA)

The WHSC **NOTED** the [communique](#) arising from ASSEA's meeting of 22 April 2026.

4 ITEMS FOR DISCUSSION

4.1 Health and safety representatives (HSR) training approvals

The WHSC **ENDORSED** the following approvals relating to the training of Health and Safety Representatives:

- Additional trainer – Core Training Group – Alejandra Diez
- Combined Team Services – Stephen Neale
- Pinnacle Safety and Training – Dean Davidson.

4.2 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report covering the period to the end of April 2026. The Commissioner noted that there is a substantial number of fatalities still to be determined as workplace fatalities, therefore the total number of fatalities could be higher than indicated in the report.

4.3 Revised WHSC governance documents

The WHSC was presented with revised versions of the *Terms of Reference* and *Code of Conduct*. The amendments are insignificant and are mainly aimed at making the documents more concise and readable and correcting outdated references.

Dr Fritschi commented that the Terms of Reference do not address the interaction between the WHSC and MAPAC, which has been a source of confusion. The Executive Officer responded that a procedure has been drafted setting out how MAPAC and the WHSC will interact when dealing with a common matter, and it hoped that this document will be ready for the next WHSC meeting.

It was **AGREED** that the WHSC will not endorse the Terms of Reference and Code of Conduct until the procedure referred to above is endorsed by the WHSC and MAPAC.

The Chairperson will arrange a meeting with the Chairperson of MAPAC.

ACTION 2: A draft procedure setting out how MAPAC and the WHSC will interact when dealing with a common matter will be presented to the next WHSC meeting.

4.4 Miscellaneous updates

The WHSC **NOTED** updates on the matters below.

Australian Standards

As part of the 2026-27 Budget, the Australian Government announced that it is making all mandatory Australian Standards free.

MAPAC

MAPAC has now reconvened with the first meeting taking place on 13 May 2026, with the next meeting scheduled for 17 June 2026.

High Risk Work (HRW) assessor accreditation cancelled

The WorkSafe Commissioner recently issued a [warning](#) to assessors, industry and the general public after a High Risk Work Licence (HRWL) assessor, Ronald Myers, had his accreditation cancelled for two years due to serious breaches of assessment requirements.

As a result, 73 HRWL holders assessed by Mr Myers have had one or more licence classes cancelled and need to repeat the training and licensing process.

A UnionsWA representative expressed concern about the impact on students who must repeat their training when their assessor's accreditation is cancelled, and queried whether students' payment for the training could be recouped and if further action could be taken against the assessor. The Commissioner responded that the circumstances surrounding the cancellation of an assessor's accreditation are being contemplated by WorkSafe.

Tony Robertson commented that where Mines Safety Inspectors have identified non-compliant assessors and made a report to the Australian Skills Quality Authority or the Training Accreditation Council (TAC), the response has been disappointing.

Tracey Bence referred to the email sent to WHSC members on 4 May 2026 offering the opportunity to meet with TAC in relation to TAC's planned investigation of the delivery of WHS risk management units for statutory positions and units of competency for HRWLs. Ms Bence reported that she responded to TAC's invitation but received no reply.

ACTION 3: It was **AGREED** that the WHSC will contact TAC as to why no response was received to Tracey Bence's request to take up the offer of a meeting.

4.5 Statutory Review – Discussion Paper

The WHSC discussed the *Work Health and Safety Act 2020* Statutory Review Discussion Paper summarising feedback received during public consultation. Seventy-two submissions were received. The Commissioner delivered a presentation that provided an overview of feedback. General feedback in relation to the *Work Health and Safety Act 2020* (WHS Act) was that:

- it is fit-for-purpose;
- implementation and consistency are key issues;
- harmonisation of WHS laws across jurisdictions is strongly supported;
- there is uncertainty about interpreting duties, and more guidance and practical examples are needed; and
- it imposes a high compliance burden for small and medium sized businesses.

The Commissioner provided feedback on the specific matters below, after which the WHSC discussed its advice to the Minister.

Incident notification

Key aspects of Safe Work Australia's amendments to the model WHS Act relating to incident notification include:

- notification of dangerous incidents involving the fall of a person, electrical hazards and mobile plant;
- notification of all serious injuries and illnesses including serious head injuries, serious crush injuries and serious bone fractures;
- capturing violent incidents including sexual assault where there appears to be a suggested link to work and that may not result in serious physical injury or illness but present a serious risk to a person's health and safety;
- capturing serious work-related injuries or illnesses that are not already notifiable through the timely notification of a worker's absence period of 15 or more consecutive calendar days due to psychological or physical injury, illness or harm arising out of conduct of the business or undertaking (note that WA already has a similar requirement of 10 days); and
- the requirement for immediate notification of a work-related suicide or attempted suicide.

Feedback from public consultation

More guidance to provide clarity about requirements would be needed if these amendments were to be implemented in WA. Concerns were expressed about the regulatory burden and possible over-reporting.

WHSC

The Commissioner noted that, if the amendment relating to notifying when a worker is absent for 15 days or more is incorporated into the model WHS Act and adopted by WA, there will be fewer notifications.

- UnionsWA expressed opposition to the '15 day' amendment and expressed concern about how a worker who did not immediately take time off work would be captured in notifications. Uncertainty was expressed about how the '15 day' amendment would work when the period included rostered days off or when the individual was doing modified duties.
- CCIWA supported the '15 day' amendment but would like the opportunity to consider and consult further with stakeholders.

In relation to the amendments to the model WHS Act, the Commissioner suggested the resources used to process possible increased incident notifications could be better used.

The Commissioner noted that the amendments were generally to provide clarity and:

- agreed that severe violent incidents should be reported but is not sure about the threshold for reporting (e.g. reporting spitting incidents);
- stated that suicides are often already reported; and
- has concerns about reporting of attempted suicides due to the potential effect on the person involved.

A CCIWA representative expressed concern that a requirement to report spitting will result in over-reporting, and incidents should only be reported if they associated with a communicable disease. The representative also sought data on how many suicides are

already reported, and how many are reported from other sources such as WA Police. A UnionsWA representative noted that, under the Work Health and Safety (Mines) Regulations 2022, suicides are already notifiable.

Infringement notices

WA is the only harmonised state that does not allow for infringement notices. The model WHS Act allows for jurisdictions to implement a penalty notice scheme.

Feedback from public consultation

There was broad but conditional support for infringement notices, which are seen as a proportionate enforcement tool. Safeguards and rights of review should be included. Infringement notices are more suitable for clear breaches and should be part of a graduated approach to enforcement.

WHSC

The WHSC discussed infringement notices with broad support for its introduction. Discussion included its relation to WorkSafe's prosecution and enforcement policy and how it would be applied to instances of repeated non-compliance.

A CCIWA representative urged careful consideration of how penalties for infringement notices work, emphasising simplicity and transparency. The CCIWA representative noted the experience of employers with the workers' compensation scheme where there is an infringement notice capability.

The Commissioner gave an example of Safe Work Australia's National Compliance and Enforcement Policy where it recommends infringement notices be used in 'clear cut' situations where some punishment is warranted but more severe consequences such as prosecution are not justified.

The Commissioner anticipated an initial small category of obvious breaches that could be addressed by an infringement notice. An example may be where a PCBU hires an unlicensed person to do High Risk Work. Tony Robertson suggested failure to comply with an Improvement Notice and insufficient guarding on machinery are other examples.

A UnionsWA representative stated that the focus should be on compliance failures by PCBUs and their primary duty of care. Another UnionsWA representative suggested infringement notices be issued to PCBUs who breach requirements for Health and Safety Representative training.

Tracey Bence suggested that the basis for issuing an infringement notice should not only be risks to immediate safety but also risks to health, such as risks to hearing.

Health and safety duties

Section 26A of the *Work Health and Safety Act 2020* (WHS Act) is unique to WA. It requires that WHS service providers must ensure, as far as is reasonably practicable, that the services they provide to a workplace will not put the health and safety of people at that workplace at risk.

Feedback from public consultation

Concerns were raised about unintended effects of s.26A in terms of liability and market impacts, including where WHS service providers have restricted or cancelled their services on the basis of legal advice. Those supportive of the concept of s.26A recommended clearer guidance.

WHSC

The Commissioner commented that if s26A were to be removed from the WHS Act, s19(2) of the WHS Act could be used similarly. Ten notices have been issued under

s26A since commencement of the WHS Act but there have been no prosecutions. Section 19(2) requires that a PCBU must ensure, so far as is reasonably practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

UnionsWA representatives expressed the view that s26A may have lifted the standard of WHS services and is explicit, leaving WHS service providers in no doubt about their duties. A CCIWA representative commented that it was not thought necessary to include a requirement equivalent to s26A in the model WHS Act and questioned why it is necessary in WA's WHS Act.

Consultation, representation and participation

Part 5 of the WHS Act outlines how persons conducting a business or undertaking (PCBU) must, as far as is reasonably practicable, consult with workers who are likely to be directly affected by health and safety matters.

The Discussion Paper specifically sought comment on s. 82 of the WHS Act. Inspectors consistently report this timeframe is not always achievable as disputes can be complex and time-consuming to resolve. The *Queensland Work Health and Safety Act 2011* provides that parties to an issue can either request an inspector be appointed to assist with resolving the matter or take the dispute directly to a higher body (Queensland Industrial Relations Commission).

Feedback from public consultation

Feedback indicated that the 2-day timeframe is unworkable as it limits evidence gathering and fairness. There was a preference for independent escalation options for resolution.

Consultation provisions are supported in principle but feedback indicated variability across workplaces, and power imbalances limit effectiveness of the provisions.

WHSC

The WHSC noted that more support is needed to enhance capability and participation in relation to workplace consultation, particularly for small business and complex situations.

In relation to dispute resolution, the WHSC agreed with the Commissioner's proposal to await the findings of Safe Work Australia's Best Practice Review which covered this issue to then provide further advice on this section.

Requirement to display notices for psychosocial hazards

The Discussion Paper sought views on allowing for certain notices relating to psychosocial hazards to not be displayed, such as where a notice relates to a specific matter, incident, party or sensitive content.

Feedback from public consultation

Psychosocial hazards are a major emerging issue. Guidance and regulator capability are critical. There is support for trauma-informed approaches, and strong support for not displaying sensitive notices on psychosocial issues.

WHSC

The WHSC agreed that if an inspector has a reasonable belief that displaying a notice could affect an individual's well-being then it should not be displayed without the consent of the individual. The CME representative emphasised that decisions about displaying a notice must be based on facts arising from a thorough investigation. The Commissioner noted that, when an improvement notice is not displayed, consideration must be given to how the need for improvements are communicated.

General

A UnionsWA representative sought WHSC access to feedback received that relates to matters outside the questions and themes in the public consultation.

It was **AGREED** that members would consult their constituents on the more contested amendments to notification prior to the next WHSC when discussions will resume. The Chairperson will ask whether the Discussion Paper can be presented to MAPAC.

ACTION 4: Seek WHSC access to feedback received that relates to matters outside the questions and themes in the public consultation.

4.6 SWA update (standing item)

Nil

5 OTHER BUSINESS

5.1 Members to advise

Tracey Bence asked whether the next WorkSafe strategy plan could be provided to the WHSC, given that the Commissioner had previously sought the WHSC's views on whether such a document is necessary. The Commissioner agreed and thanked Ms Bence for her previous feedback relating to the value of a strategic plan.

6 CLOSE AND NEXT MEETING

- 6.1** The meeting closed at 11.35am.
The next meeting is scheduled for 1 July 2026.