

Meeting No.	41	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission – Minutes - Meeting 1 July 2026

Attendees

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)
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 (via Microsoft TEAMS)
Ms Sally North	Ex-officio member (WorkSafe Commissioner) (from 10.30am)
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

Ms Bec Naylor	Regular guest (WorkSafe General Manager Information and Stakeholder Engagement) (left 11am)
Mr Tony Gray	Regular guest (WorkSafe Team Leader Stakeholder Engagement) (left 11am)
Mr Andrew Stanbury	WorkSafe General Manager MARS Program (for Agenda Item 4.1)

Apologies

Mrs Agnes McKay

Member – nominated by Chamber of Commerce & Industry WA (CCIWA)

1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

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

1.2 Apologies

Apologies were accepted from Agnes McKay.

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 3 June 2026 were **ENDORSED** as a true and correct record subject to the minor amendments requested.

2.2 Review action list from previous meeting

The WHSC **NOTED** the items on the Action List.

2.3 Codes of Practice - Update

The WHSC **NOTED** a table providing updates regarding codes of practice and other guidance that have been the subject of a decision by the WHSC. Items were discussed by exception, as follows.

- Draft Code of Practice: Managing health and safety in workers' accommodation: The public consultation period has closed with nearly 50 submissions received. It is hoped to present a summary of feedback to the next WHSC meeting.
- Proposed adaption of model Code of Practice: Managing risks of respirable crystalline silica in the workplace: The need for a Western Australian (WA) version of the model code was questioned. Bec Naylor responded that this question is relevant to the process of adopting model codes in general.
- Transitional Code of Practice: Prevention and control of legionnaires disease: Tracey Bence commented that the WA legionella code is strong on risk control with only minor updates required and requested that it be retained rather than developing an information sheet as previously agreed. It was **AGREED** the matter will be discussed further at the next meeting when WorkSafe presents a paper on prioritisation of development of codes and guides, along with discussion of outdated guidance notes.

- Dr Peta Miller has been engaged to consolidate the 'psychosocial codes' and will consult with the working group and WHSC during the process.

3	AGENDA (Discussed by exception)	ITEMS	FOR	NOTING
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			
	Nil			
3.4	Affected Families and Workers Advisory Committee (AFWAC) - Report			
	Nil			
3.5	Legislative Advisory Committee (LAC) - Report			
	The WHSC NOTED the LAC report for the meeting 13 May 2026. Topics for review and discussion were the: ○ <i>Guidance note – Alcohol and other drugs in the workplace;</i> and ○ <i>Guidance note – Remote and isolated work.</i> The WorkSafe Commissioner ('Commissioner') reported that, since the LAC meeting, progress has been made on the <i>Guidance note – Alcohol and other drugs in the workplace</i> and it will be presented to the WHSC shortly.			
3.6	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: ○ an agricultural event – <i>The cost of safety: It's not what you think</i> – to be held at Bunbury on 24 July 2026; ○ submissions closed for the Work Health and Safety Excellence awards on 29 May 2026 with 85 submissions received; ○ two webinars will be held during 2026 Safe Work Month, titled <i>Critical Risk Management</i> (14 October) and <i>Workplace Exposure Limits(WELs)</i> (15 October 2025), with presentations by subject matter experts; and ○ the third "Lunch and learn" was held on 11 June 2026 with the topic being <i>Dangerous goods in the workplace: a practical overview for HSRs</i>, with 409 registrations. Bec Naylor informed the WHSC of other activities undertaken by the WorkSafe Safety Education team such as developing a 'close-out snapshot' of <i>WorkSafe: The way forward 2023-24 to 2025-26</i> and drafting the next rendition; guidance and safety alerts relating to lithium ion batteries; an overhaul of the MARS Program website; clearer			

guidance for volunteer firefighters; and updated guidance on the use of quad bikes in the workplace. Ms Naylor thanked everyone involved in the recent successful Mining Industry Summit.

Tracey Bence acknowledged the efforts of the WorkSafe Safety Education team, commending them on their output and technical work.

3.7 Quarterly WorkSafe 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 Commissioner during the period 16 May 2026 to 10 June 2026 inclusive.

Tracey Bence commended the focus on controls for the exemption relating to asbestos which encompassed all stakeholders and the general public who may be accessing the asbestos removal area.

3.9 Correspondence

The WHSC **NOTED** the following correspondence:

- 3.9A - WHSC to Minister – Appreciation for additional funding for WorkSafe for development of WHS resources
- 3.9B - WHSC to Centre for Women's Safety and Wellbeing – Request for comments on Draft Code – Sexual and gender-based harassment
- 3.9C - WHSC to Magenta – Request for comments on Draft Code – Sexual and gender-based harassment

3.10 WorkCover WA – Quarterly Silica and Dust Diseases Quarterly Report

Nil

4 ITEMS FOR DISCUSSION

4.1 MARS (Mental Awareness, Respect and Safety) Program presentation

The WHSC **NOTED** a presentation delivered by the WorkSafe General Manager MARS Program, Andrew Stanbury. The presentation provided an update on the program. Key points were:

- the program is now funded through to 2028;
- there is early evidence of a cultural shift in the mining industry;
- there are 44 initiatives that are either completed, in progress or under review;
- examples of initiatives, which can be categorised as research (e.g. Curtin University Landmark Study and workshops), practical tools (e.g. suicide awareness and prevention training), future safety (e.g. Mining Industry Summit 2026) and innovative education (e.g. Graduate Certificate of Leadership – Mining Workplace Safety); and
- future strategy and potential focus areas.

Mr Stanbury's commentary included that:

- (i) in assessing initiatives, potential longevity is a key consideration;
- (ii) most practical tools are transferable to other industries including high risk sectors, with a financial contribution required to use those materials, as the MARS Program is funded by a mining levy;
- (iii) the revamped MARS Program website will be very valuable because it will be a central repository for resources (scheduled for end of August 2026);
- (iv) the Landmark Study is the biggest study of its type in Australia and at the end of the year the results of the second survey of workers will be collated and will provide insights into the impact of the MARS Program (WHSC members suggested preparing workers for the survey);
- (v) a focus area is "contractors" in the context of less mature companies thinking they can 'contract away' their responsibilities and treating contractors poorly; and
- (vi) a model is being developed by ECU to measure the benefits of the MARS Program to industry.

Tony Robertson drew attention to the MARS Program News Alert.

4.2 HSR (Health and Safety representative) training approvals

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

- Application for additional trainer – Mine Training Australia – Sarbpreet Kaur
- Application for additional trainer – Training Services Australia – Cassandra Ropata
- Application to deliver refresher training – Mine Training Australia
- Application to deliver refresher training – Riklan Emergency Management Services.

4.3 Fatality Update Report (standing item)

The WHSC **NOTED** the Fatality Update Report to the month ending May 2026, with comments on the high fatality rate and what can be done. The Chair commented on the high number of work-related motor vehicle fatalities and the possible need to review the priority for development of the *Code of Practice: Managing fatigue risks at work*.

A UnionsWA representative commented that the causes of workplace fatalities have not changed over time, and that significant incident summaries following a fatality are not issued soon enough. The Commissioner acknowledged this issue later in the meeting.

Dr Fritschi asked whether multiple regression data analysis could be used to provide further insights into fatalities and significant injuries which will be investigated.

ACTION 1: WorkSafe to update the report [*Worst hazards in Western Australian workplaces 2012-13 to 2021-22*](#), and will investigate multiple regression data analysis of fatalities and significant injuries, to help inform the response to high fatalities.

4.4 Proposal for Code of Practice for amusement devices

The WHSC was presented with a proposal by WorkSafe Inspectors for development of a new Code of Practice for amusement devices. The reasons given were that:

- there is a lack of comprehensive guidance covering the safe use of amusement devices;
- amusement devices are high-risk plant subject to a range of complex processes; and
- the vast geographic reach and significant number of WA fairground events makes it impossible to conduct in-person proactive inspections for every event.

The Chairperson referred to the serious consequences of incidents such as the QLD Dreamworld incident (2016) and a significant incident in Tasmania.

It was noted that regulation of amusement devices was a topic in SWA's Best Practice Review Discussion paper and may be the subject of recommendations.

A UnionsWA referred to problems regarding registration of plant and annual inspections of amusement devices that need to be addressed.

The WHSC **AGREED** with the proposal to develop a Code of Practice for amusement devices but deferred a decision regarding prioritisation pending discussion at the next meeting regarding prioritisation of codes generally and the outcome of SWA's Best Practice Review in relation to amusement devices.

4.5 Code of Practice: Person overboard – Prevention and response

The WHSC was presented with the final draft of the revised *Code of Practice – Person overboard – Prevention and response* (the Code).

The existing code was published in 2010. In revising the code, consultation took place with commercial fishers, the Western Australian Fishing Industry Council and the Australian Maritime Safety Authority. A public consultation period conducted in January-March 2026 yielded five responses, with feedback reviewed and incorporated.

The Code is the first to fully reflect the WHSC's agreed principles for formatting of codes to make them more readable and attractive, such as the breaking up of text with diagrams and text boxes. WHSC members were impressed with the outcome.

Tony Gray stated that the case studies have been removed and will be published adjacent to the Code.

The WHSC **ENDORSED** the *Code of Practice: Person overboard – Prevention and response* for gazettal.

4.6 WorkSafe Report – State of the work environment

The WHSC **NOTED** WorkSafe's report: *State of the work environment – Work-related traumatic injury fatalities in Western Australia – 2015-16 to 2024-25*.

In response to a query about the proportion of work-related fatalities for "other persons" (31%), the Commissioner responded that examples of "other people" can be aged care residents (though such fatalities are often found not to be work-related incidents), clients struck by vehicles at workplaces, and third parties in work-related vehicle fatalities.

The Commissioner reported that WorkSafe is planning to replace the report format with an interactive data page in future.

ACTION 2: WorkSafe will inform the WHSC of the timing for the new data format for publishing work-related traumatic injury fatalities in Western Australia.

4.7 Draft 'FIFO Code'

The draft amended Code of Practice: *Psychosocial hazards at work for fly-in fly-out (FIFO) workers in the resources and construction sectors* ('FIFO Code') was previously endorsed by the WHSC, minus the case studies, when it was agreed that the Chairperson would make a final decision on the case studies. These were presented for **NOTING**.

WorkSafe also sought a decision about options for the title of the FIFO Code. Discussion ensued regarding use of the word "risk" verses "hazard". The WHSC **AGREED** to retain the working title but substitute "risk" for "hazard".

The CME representative queried the following statement in Case Study 1: *HSRs were often required to tend to operational matters*. The CME representative suggested this may confuse HSRs about their role. The Commissioner believed the statement was based on HSRs' perspectives. It was **AGREED** to amend this statement to reflect that HSRs may experience difficulties balancing their HSR and work duties.

The WHSC **ENDORSED** the entire 'FIFO Code' for gazettal.

4.8 Code of Practice: Road and traffic management at Western Australian mines

The WHSC **NOTED** the Code of Practice: *Road and traffic management at Western Australian mines*, which has been endorsed by MAPAC for approval and gazettal by the Minister.

4.9 Miscellaneous updates

The WHSC **NOTED**:

- SWA's two-year performance update for the *Australian Work Health and Safety Strategy 2023-2033*; and
- information about the procedure for approval to deliver crystalline silica substances (CSS) training (the information was sought at a previous meeting).

The Commissioner stated that WorkSafe has noted the WHSC's comments at the previous meeting about the approval process for delivering CSS training and will identify opportunities for improvement.

A UnionsWA representative raised the issue of an approved CSS training package being used more widely in situations where the information is not transferrable. The Commissioner took note of the issue.

4.10 Incident notification

The WHSC continued to **DISCUSS** key themes arising from public consultation conducted during the *Work Health and Safety Act 2020* Statutory Review, with a focus on items for which consensus was not reached at the previous meeting. Discussion took place with a view to the WHSC providing advice to the Minister for Industrial Relations and is summarised below.

Incident notification

The model WHS Act has been amended to capture 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. Western Australia already has a similar requirement of 10 days.

A matter of contention was whether to retain the 10-day period or to adopt the 15-day period. UnionsWA supported retaining the current 10-day period while CCIWA supported adopting the 15-day period. Commentary included that:

- the 10-day period is useful in the psychosocial context;
- there is little difference between 10 working days and 15 calendar days; and
- adopting the 15-day period will support harmonisation.

It was **AGREED** that there was not consensus on this matter and it is difficult to make a determination prior to the findings of the Best Practice Review being known.

Reporting of violent incidents

The model WHS Act has been amended to capture 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.

Consensus was not reached at the previous meeting on the reporting of spitting. The definition in s 37A of the model WHS Act of a 'violent incident' includes "physical assault including with bodily fluids". Comments on the reporting of spitting were that:

- thousands of spitting notifications to WorkSafe are likely to result, which will consume the resources of those reporting and the regulator, for little benefit;
- not all incidents would need to be reported as not all would meet the threshold of exposing a serious risk to a person's health and safety;
- if the law was silent on this matter, it would not prevent incidents of spitting being reported;
- spitting is a criminal offence if committed with intent or recklessness; and
- there is a spectrum of responses to spitting incidents including that they can cause serious harm.

It was **AGREED** that spitting is a serious hazard, particularly when combined with other forms of violence, but there is concern about the utility of spitting notifications to the regulator, particularly given the impact on resources of thousands of notifications. In guidance, reporting of spitting incidents could be encouraged where spitting is combined with other forms of violence.

Notification of attempted suicides

In the model WHS Act, there is a requirement for immediate notification of a suspected work-related suicide or attempted suicide. Comments are listed below.

- How is the work-relatedness of attempted suicide determined?
- What will reporting of work-related attempted suicide do in terms of prevention?
- The CME and CCIWA representatives commented on what they believe are poor examples of work-relatedness provided by SWA (e.g. wearing work uniform).
- There were concerns about:
 - an investigation of an attempted suicide taking place while the person involved is still in the workplace, and the potential for further traumatisation;
 - the difficulties and trauma for Inspectors who investigate attempted suicides; and
 - a person conducting a business or undertaking (PCBU) having to ask a person, at an extremely sensitive time, if they are comfortable with their attempted suicide being reported.
- If attempted work-related suicides are to be reported, guidance will be needed on how PCBUs should manage the situation sensitively.

The CME representative stated that determining the work-relatedness of an attempted suicide is a fundamental problem with introducing the requirement.

It was **AGREED** that a requirement to notify the regulator of work-related attempted suicides could lead to further traumatisation and psychological harm for the person involved.

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. At the previous meeting, the WHSC agreed in principle with the introduction of infringement notices.

Discussion took place about the types of offences that may attract an infringement notice. Other comments are listed below.

- Penalties should relate not only to physical risks but also health risks.
- Ideally the offences that attract infringement notices should harmonise with other jurisdictions.

It was **AGREED** that the WHSC is generally supportive of the introduction of infringement notices and would like input into which offences will attract an infringement notice.

Section 26A

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.

Consensus was not reached about whether s 26A is an effective addition to the WHS Act. Some members believed it had resulted in improved standards of delivery of WHS services while others disputed this and pointed to a lack of evidence. Concerns were expressed about unintended consequences of s 26 A in terms of liability and market impacts, including where WHS service providers have restricted or cancelled their services on the basis of legal advice.

It was **AGREED** to await the findings of the Best Practice Review.

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.

It was **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. In circumstances where a notice is not displayed, consideration must be given to how the need for improvements are communicated.

General

It was **AGREED** to inform the Minister for Industrial Relations that once the WHSC has had access to feedback that relates to matters outside the questions and themes in the Statutory Review Discussion Paper, it may provide a further briefing, and that the WHSC is available for further engagement on any matters relating to the outcomes of the Statutory Review.

ACTION 3: Chairperson will write to the Minister for Industrial Relations providing advice on themes arising from the *Work Health and Safety Act 2020* Statutory Review.

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

The WHSC **NOTED** the agenda for the SWA meeting of 11 June 2026. The Commissioner reported on key points.

- Discussions took place at the SWA meeting about workplace exposure limits (WELs) for nine chemicals that the majority of WHS Ministers did not support. There will be a special SWA meeting in August to further discuss the matter.

On behalf of the expert members, Tracey Bence expressed disappointment that consensus by the SWA voting members was not reached and that WA had not supported the lowered exposure limits, while noting the next steps and expressing hope that any further vote by Western Australia will be for worker health protection.

The Commissioner responded that Western Australia worked through each of the nine WELs individually (as opposed to the Decision Regulation Impact Statement that addressed the WELs together) and will continue to do so.

- SWA confirmed that software is considered plant under the model WHS laws.

In response to a question, the Commissioner did not know whether this applies to Artificial Intelligence (AI) but pointed out that, where AI is part of a workplace, it is already covered in WHS laws under the PCBU's primary duty of care.

- In relation to dispute resolution, discussion at the SWA meeting took place about the QLD model whereby parties to a dispute may go directly to a specialist

tribunal. The Commissioner reported that this cannot be strongly harmonised due to structural differences in each jurisdiction.

5 OTHER BUSINESS

5.1 Members to advise

Exposure to tobacco smoke in prisons

Dr Govorko reported on work being undertaken by Cancer Council WA (CCWA) on exposure to second-hand tobacco smoke in prisons. WA is the last jurisdiction where smoking is permitted in correctional facilities. It was prohibited in women's prisons in 2022. A CCWA survey in May-June 2026 of more than 500 WA prison officers found that nearly 50% of non-smoking prison officers reported exposure to tobacco smoke for 10 or more hours/week and one in five prison officers reported exposure for more than 30 hours/week. Of the non-smokers, 83% supported smoke-free prisons. The project is still being completed and the WHSC expressed interest in the findings.

Cancelling of accreditation for High Risk Work Licence (HRWL) assessor

Tracey Bence commended the Commissioner on the cancellation of the accreditation of non-compliant HRWL assessor, Ronald Myers, and requested that the WHSC be provided with the circumstance surrounding this case and how non-compliant assessors are identified.

The Commissioner reported that non-compliant HRWL assessors come to the attention of WorkSafe by pro-active compliance checks or complaints from the public. The Commissioner referred to a review underway by WorkSafe to find ways to improve the regulation of HRWL assessors.

Ms Bence questioned the effectiveness of the Training Accreditation Council (TAC) and the Australian Skills Quality Authority (ASQA) in relation to oversight of HRWL training. The Commissioner stated that TAC and ASQA prioritise their resources as they see fit. WorkSafe will act on the recommendations of the internal review underway where it can, and will provide a summary to the WHSC.

Resignation

The Chair announced the resignation of CCIWA representative, Cory Harding, and thanked him for his contribution.

ACTION 4: The WorkSafe Commissioner will provide a summary to the WHSC of the circumstances surrounding the cancellation of accredited HRWL assessor, Ronald Myers, and a summary of the internal review into the regulation of HRWL assessors.

6 NEXT MEETING

6.1 The next meeting is scheduled for 5 August 2026.

There being no further business, the Chairperson declared the meeting closed at 11.59am.