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Meeting No.	42	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission - Minutes - 5 August 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)
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	
Bec Naylor	Regular guest (WorkSafe General Manager Information and Stakeholder Engagement)
Tony Gray	Regular guest (Acting Manager WorkSafe Guidance)
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 9am 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 1 July 2026 were **ENDORSED** as a true and correct record, subject to a minor change requested by Dr Fritschi.

2.2 Review action list from previous meeting

Items were discussed by exception as follows:

- *Item A: WorkSafe will investigate multiple regression data analysis of fatalities and significant injuries* – The WorkSafe Commissioner ('Commissioner') explained that although WorkSafe is unable to do this statistically, qualitive analysis of road traffic fatality data is being undertaken.

The WHSC **NOTED** the Action List.

2.3 Codes of Practice - Update

The WHSC **NOTED** an update regarding codes of practice and other guidance that have been the subject of a decision by the WHSC.

Tony Robertson was pleased to report that the Code of Practice: *Road and traffic management at Western Australian mines* was gazetted on 4 August 2026.

A UnionsWA representative reported that the consultant working on the consolidated 'Psychosocial Code' has contacted the working group members who will meet shortly.

3 AGENDA ITEMS FOR NOTING
(Discussed by exception)

3.1 Construction Industry Safety Advisory Committee (CISAC) - Report

The WHSC **NOTED** the report of the 15 July 2026 CISAC meeting. Key points were:

- the Safe Work Australia (SWA) stakeholder pack to support the transition to new workplace exposure limits that will take effect on 1 December 2026; and
- publication of the Information sheet: Suicide and suicidal behaviour in work-related contexts.

3.2 Mining and Petroleum Advisory Committee (MAPAC) – Report

The WHSC **NOTED** the report of the 17 June 2026 MAPAC meeting. Key points were:

- a presentation on lithium-ion battery risks in mining;
- the new MAPAC Strategic Plan;

- endorsement for the Minister's approval and gazettal of the Code of Practice: *Road and traffic management at Western Australian mines;* and
- an update on legislation examinations for mines statutory positions, noting that 34,000 candidates have completed the examinations with a 93.4% pass rate.

Tony Robertson commented that MAPAC will prioritise the codes and guides for review and development relating to mining and petroleum.

Nil

The WHSC **NOTED** the report of the 26 June 2026 AFWAC meeting. Key points were:

- the introduction of the new WorkSafe Family Support Liaison Officer, Bridget Souster;
- a presentation by member Sharon Westerman on the establishment of the Lee Buzzard Foundation, which is intended to support families affected by workplace tragedies;
- updates to WorkSafe's SmartMove website and other educational resources aimed at young workers; and
- a request for the WHSC to endorse the appointment of Mr Alistair Barcham and Ms Kylie Galende to AFWAC.

The Commissioner commented that AFWAC will have enough members if the two nominees are appointed, and that Mr Barcham will bring the perspective of an injured worker to AFWAC.

The WHSC **ENDORSED** the appointment to AFWAC of Mr Alistair Barcham and Ms Kylie Galende (who has been affected by a workplace fatality).

Nil

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

- publication of checklists *Welding fumes in mines* and *Respirable crystalline silica and other dusts in mines* and new webpage Suicide and suicidal behaviours;
- the agricultural event *The Cost of safety: it's not what you think held in Bunbury* on 24 July 2026 which attracted 102 registrations; and
- the Health and Safety Representative (HSR) *Lunch and Learn* webinar, *Psychosocial Hazards – Q&A Panel* held on Thursday 16 July which attracted 703 registrations.

The Commissioner noted the pleasing attendance at the agricultural event (referred to above) which reflects a growing interest in agricultural safety. This was the first agricultural event that has included a panel session, consisting of a Safe Farms WA representative and three farmers.

In relation to welding fumes, a UnionsWA representative expressed concern that banned imported welding rods containing chromate are still being used and suggested that inspectors check that welding rods are compliant.

3.7 Quarterly Regulatory Activity Report

The WHSC **NOTED** the quarterly WorkSafe Regulatory Activity report for the period to 30 June 2026.

The Commissioner noted the increase in Inspectors' visits to general industry over the 2025-26 reporting period.

In response to a query from the author of the report regarding the usefulness of the data, it was **AGREED** that annual analysis (e.g. to determine trends) would be useful.

ACTION 1: Ask WorkSafe to undertake annual analysis of data in the Regulatory Activity Report, including comparison with previous reporting periods.

3.8 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 during the period 11 June to 14 July 2026 inclusive.

A UnionsWA representative commented on the extension of an exemption from regulation 684(1) (*Duty of person conducting a business or undertaking: overhead electric lines*) that involves scaffolding being erected in a "danger zone", suggesting that when WorkSafe receives applications for extensions of exemptions, it firstly reviews compliance with the conditions of the previous exemption.

3.9 Correspondence

The WHSC **NOTED** the following correspondence:

- 3.9A - WHSC to Food, Fibre and Timber Industries Training Council – Re representation on ASAC
- 3.9B - Minister to Tracey Bence – Re-appointment to WHSC
- 3.9C - Centre for Women's Safety and Wellbeing – Comments on draft Code of Practice: *Sexual and gender-based harassment*
- 3.9D – Cory Harding to Minister – Resignation from WHSC

The WHSC considered feedback in the letter from the Centre for Women's Safety and Wellbeing (CWSW) responding to WHSC correspondence regarding aspects of the draft Code of Practice: *Sexual and gender-based harassment*.

The feedback primarily related to trauma-informed approaches, reporting pathways, recognition of harms, confidentiality clauses and barriers to reporting. The WHSC agreed with most recommendations, agreed in principle to the proposed changes regarding confidentiality clauses (subject to consistency with official guidance), and will further consider recommendations relating to the discussion of harms and impacts.

A UnionsWA representative acknowledged the value of the feedback and commended the Chairperson for seeking the CWSW's input.

ACTION 2: Convey details of feedback from Women's Centre for Safety and Wellbeing on the Code of Practice: *Sexual and gender-based harassment* to WorkSafe.

3.10 WorkCover WA – Quarterly Silica and Dust Diseases report

Nil

4 ITEMS FOR DISCUSSION

4.1 HSR Training - Approvals

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

- Application for additional trainer – North Regional TAFE – Constance Bauer
- Application for additional trainer – Civil Safety – Jonathon Potter
- Application for additional trainer – Aveling – Sonya Trader
- Application for additional trainer – Central Regional TAFE – Mark Warman.

The WHSC **NOTED** the WorkSafe Fatality Update Report for the period to 30 June 2026. The Commissioner commented that it is likely that the final number of workplace fatalities when finally determined for the 2025-26 period will be less than for the previous period. The transport and agricultural industries continue to have a high number of fatalities.

The WHSC **DISCUSSED** a paper submitted by the WHSC's expert members that referred to data in the WorkSafe Mines Safety Directorate's *Health and Safety Bulletin No. 26* indicating that approximately two-thirds of welding fumes samples submitted to WorkSafe in 2024-25 exceeded the workplace exposure standard of 1 mg/m^3. In most of these cases, respiratory protective equipment was used to reduce exposure.

The paper questioned the implications for persons conducting a business or undertaking (PCBUs) of non-compliance with regulation 49 (*Ensuring exposure standards for substances and mixtures not exceeded*) of the Work Health and Safety (General) Regulations 2022 and Work Health and Safety (Mines) Regulations 2022.

Ms Bence commended WorkSafe for publishing health-related data in the Bulletin and expressed concern about the level of exceedances reported over multiple years, given the effect of welding fumes on health. Ms Bence questioned whether PCBUs were relying on respiratory protection, including powered air-purifying respirators (PAPRs), and whether repeated non-compliance was occurring.

Mr Robertson responded that the exceedance rate is concerning and noted that WorkSafe's welding fumes campaign is in its early stages. Findings from the campaign will be analysed and there is anecdotal evidence is that welders are demanding PAPR.

Dr Fritschi questioned whether Improvement Notices were issued where exceedances are identified. Mr Robertson responded that Improvement Notices are generally issued following inspections in the mining industry. The Commissioner commented that there are a lot of variables underpinning the data.

The Commissioner reported that, from 1 July 2025 to 5 August 2026, WorkSafe made 46 pro-active unannounced visits to general industry workplaces as part of the welding fumes campaign, resulting in 198 Improvement Notices. The Commissioner also commented that welding workers are often culturally diverse and that existing guidance may not always be appropriate for all workers. This was noted by the WorkSafe General Manager Information and Stakeholder Engagement.

A UnionsWA representative raised issues with dual PCBU arrangements, to which the Commissioner responded that guidance is available.

Ms Bence and Dr Fritschi thanked Mr Robertson and the Commissioner for the information provided on the WorkSafe welding fumes campaign.

ACTION 3: Tony Robertson will provide the number of exceedances constituting two-thirds of welding fumes samples submitted in the 2024-25 period.

4.3A Welding fume campaign

The WorkSafe Mines Safety Directorate presented an agenda paper containing details of WorkSafe's welding fume inspection campaign in the mining industry. This paper was discussed jointly with Agenda Item 4.3 (above).

4.4 Relationship between WHSC and MAPAC - Section for insertion into WHSC Terms of Reference

At the June 2026 meeting, the WHSC's revised Terms of Reference and Code of Conduct were presented for endorsement. It was agreed that endorsement would be deferred until a section clarifying the relationship between the WHSC and MAPAC was developed.

Concerns were expressed about equity between general industries and mining and petroleum, given the legislated structure whereby both the WHSC and MAPAC can make recommendations to the Minister regarding codes of practice. It was agreed that this situation could only be addressed by regulatory amendments. The problem may be mitigated by communication between Chairpersons, consultation between the WHSC and MAPAC, and the overlapping membership between the two bodies.

Dr Fritschi referred to a submission by WHSC expert members to the Statutory Review which highlighted issues with the relationship between the WHSC and MAPAC, suggesting the matter could be followed up in the context of the Statutory Review.

A UnionsWA representative recommended increased cooperation between Chairpersons and more consultation and transparency between the WHSC and MAPAC.

The WHSC **ENDORSED** a paragraph for insertion into the WHSC Terms of Reference that clarifies the relationship between the WHSC and MAPAC, subject to a minor amendment requested by a UnionsWA representative.

4.5 WHS Act 2020 Statutory Review – General feedback – Thematic summary

At the June 2026 WHSC meeting, members considered a summary of feedback received in response to the themes and questions in the Discussion Paper released during the *Work Health and Safety Act 2020* Statutory Review. Members had agreed that access would be sought to feedback received during the public consultation that relates to matters beyond the scope of the Discussion Paper.

The WHSC **DISCUSSED** a thematic summary of all feedback received during consultation for the Statutory Review, with a view to informing the proposed submission to the Minister.

The WHSC **AGREED** that the following matters be added to the recommendations to the Minister discussed at previous meetings:

- **Statute of limitations:** Review limitation periods and provide greater flexibility for prosecutions, particularly for diseases with long latency periods, such as silicosis.
- **Volunteers:** Recommend that the WHS laws relating to volunteers are operating as intended and no legislative amendments are needed. Concerns raised during consultation appear to reflect misunderstandings about the operation of the laws, which are designed to protect volunteers.
- **Strata management:** Review the application of WHS laws for strata management arrangements to ensure they remain fit for purpose and equitable across residential, commercial or mixed residential-commercial settings.

4.6 Prioritisation of development of codes and tidy up

The WHSC was presented with a paper seeking decisions on matters relating to the development and review of codes of practice and guidance notes.

Prioritisation of codes and guides for revision in 2026

The WHSC **AGREED** that a list of codes and guides for development or review, beyond those already prioritised, be circulated to members out-of-session. Members will be invited to consult with affiliates and prioritise three major and three minor priorities to assist WorkSafe in allocating resources and ranking projects alongside mining-related priorities.

With risks and fatalities in mind, the Commissioner suggested the proposed new codes of practice for elevating work platforms and for managing fatigue risks at work should be prioritised. Fatigue is a causal factor in the high number of vehicle fatalities.

Code of practice for amusement devices

WHSC members will consider the priority of a code of practice for amusement devices when undertaking the prioritisation referred to above.

Code of Practice: *Prevention and control of legionnaires disease*

It was **AGREED** that the former COSH Code of Practice: *Prevention and control of legionnaires disease* will be retained and updated. Tracey Bence stated that the code needs only minor amendments, and the environmental conditions in WA are conducive to legionnaires disease. It was agreed that the model Code of Practice: *Managing the risks of biological hazards at work* is general and does not adequately cover specific diseases.

The approach for adopting and adapting model codes of practice

It was **AGREED** that, in relation to adoption in WA of model codes of practice, it is generally necessary to make amendments rather than adopt them 'as is' due to:

- the need to insert references to WA's WHS legislation
- errors and inaccuracies
- improvements to format
- inadequate diagrams and illustrations.

Historical guidance notes

The WHSC **NOTED** the historical guidance notes on the WorkSafe website that were published by the Commission for Occupational Safety and Health, and the need to review them. This work is being progressed by the WorkSafe Policy team. The Commissioner referred to the Guidance note: *Safe movement of vehicles* and stated that information on this topic is needed. A UnionsWA representative suggested this topic may be worthy of a code, given that being hit by a moving object is a common cause of injuries and fatalities.

ACTION 4: Send WHSC members a list of codes and guides that are listed for development and review to select three major and minor items for prioritisation.

4.7 Statement of Regulatory intent – Falls from height in construction

The WHSC **NOTED** WorkSafe's Statement of Regulatory Intent to be published that sets out the regulatory approach to falls from height in construction, in the context of the expiry of the transition period on 30 September 2026 for regulation 79 (*Specific requirements to minimise risk of fall*).

4.8 SWA update (standing item)

The Commissioner reported on the SWA meeting in August 2026 regarding the Best Practice Review Report which has now been sent to WHS ministers for review. The Report identifies that work is needed on a range of topics, and the normal processes (e.g. consultation, impact assessment) will apply. In approving the Review Report, Ministers will not be agreeing to any specific changes recommended but to work being undertaken in relation to the recommendations. Consultation may include groups like the WHSC.

5 OTHER BUSINESS

5.1 Members to advise

The Chairperson drew attention to the terms of six members expiring in April 2027 and asked those members to consider whether they are willing to serve another term.

6 NEXT MEETING

6.1 The meeting closed at 11.45am.

The next meeting is scheduled for 2 September 2026.