



Meeting No.	28	Time:	9.00am
Venue	Koorling Dandjoo Conference Room, 1 Adelaide Terrace, East Perth		

Work Health and Safety Commission Minutes – 5 February 2025

Attendees

Dr Patricia Todd	Chairperson
Mr Tony Robertson	Public service representative with knowledge of, and experience in, mining – A/Director WorkSafe Mines Safety
Mr Glenn McLaren	Member – nominated by Unions WA
Ms Naomi McCrae	Member – nominated by Unions WA
Ms Michelle Gadellaa	Member – nominated by the Chamber of Minerals and Energy Western Australia (CME)
Mrs Agnes McKay	Member – CCIWA
Ms Tracey Bence	Expert member
Dr Lin Fritschi	Expert member
Dr Matthew Govorko	Expert member
Ms Helen Brown	Executive Officer – Senior Policy Officer, WorkSafe

Guests

Mr Chris White	Regular guest – Chief Executive Officer, WorkCover WA
Ms Tracy Lacey	Regular guest - Manager Safety Education, Worksafe
Mr Cory Harding	Representing CCIWA (following resignation of Jennifer Low)
Ms Rikki Hendon	Representing Unions WA (following resignation of Owen Whittle)
Ms Erin Wells	General Manager - Industry Reform, Department of Energy, Mines, Industry Regulation and Safety (for Item 4.3)
Mr Geoff Diver	Senior Project Officer, WorkSafe (for Item 4.5)
Robyn Parker	A/Director Regulatory Support (for WorkSafe Commissioner)

Apologies

Ms Sally North

Ex-officio member – WorkSafe Commissioner

1 WELCOME, APOLOGIES, AGENDA

1.1 Opening and welcome

The Chairperson welcomed attendees, making particular reference to:

- Ms Rikki Hendon, attending as a Unions WA representative until a permanent appointment is made to fill the vacancy arising from the resignation of Owen Whittle;
- Cory Harding, attending as a guest on behalf of CCIWA due to the resignation of Jennifer Low; and
- Robyn Parker (WorkSafe A/Executive Director, Regulatory Support), attending in place of the WorkSafe Commissioner.

The Chairperson commended Jennifer Low (former CCIWA nominee) in her absence for her meticulous work, broad knowledge and enormous contribution to the WHSC. The Chairperson commented on Jennifer's careful representation of industry employer body interests while also being able to negotiate to ensure that the WHSC arrived at decisions. The Chairperson was pleased that Jennifer has accepted the role of Deputy WorkSafe Commissioner, stating that WorkSafe will benefit from her knowledge.

1.2 Apologies

Apology: Sally North (WorkSafe Commissioner)

1.3 Confirmation of agenda

The agenda was confirmed as the business of the meeting.

1.4 Declarations of Conflicts of Interest

Nil

2 PREVIOUS MEETING/S

2.1 Confirm minutes of previous meeting

The Minutes of the Work Health and Safety Commission (WHSC) meeting of 4 December 2024 were **ENDORSED** as a true and correct record subject to minor tracked amendments.

2.2 Review action list from previous meeting

Action items were discussed by exception, as follows:

- Item A (*Chairperson will write to the Minister for Industrial Relations) regarding WorkSafe resourcing issues in the context of the timely production or amendment of codes of practice and guidance*) – The Chairperson and Deputy Chairperson have also discussed this and other current matters with Minister McGurk. These include the workplace exposure standard for diesel

particulate matter, the use of earthmoving machinery as a crane, and harmonisation with SWA. On the latter matter, Minister McGurk reiterated that Western Australia's needs take priority while harmonisation is desirable where possible. Tracey Bence commended the Chairperson on the letter.

- D (*Communicate with WorkSafe regarding safety for battery storage banks and potential inclusion in the Code of Practice: Managing electrical risks in the workplace or other guidance*) – Separate guidance material is being developed.
- E (*The WHSC will ask WorkSafe to consider funding a project officer to review the psychosocial codes with a view to rationalising, consolidating and/or rewriting them due to overlap and lack of practical information*) - The Chairperson met with WorkSafe who generally agreed with this recommendation but expressed concerns about attracting a suitable candidate.

Tracey Bence commented that this project should be a priority, due to confusion in industry caused by the abundance of information from different sources. The Chairperson expressed the view that rationalisation may not totally solve the problem, and stakeholders may need to be guided to the information. Industry is looking for a concrete explanation.

Robyn Parker referred to the material available through the MARS (Mental awareness, respect and safety) Program, and stated that it may need to be more accessible.

The WHSC **NOTED** the Action List.

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 update included a list of items requiring development or revision that WorkSafe will prioritise in 2025, and the intended scope of the Code of Practice: *Accommodation*. The Chairperson commented that the scope of this code initially related only to mining but has been in flux. It has now been agreed that the scope will apply across all industries, with the exception of exploration work (covered in mining codes) and itinerant work.

Comments were as follows:

- If exploration work involves an existing mining tenement, then it should fall within the scope. In addition, a definition of 'itinerant work' is needed, as agricultural workers often fall within this category and historically have been provided with very poor accommodation.
- Residential leases should be excluded from the scope, as this is an agreement between tenants and landlords. Persons conducting a business or undertaking have limited ability to influence such arrangements.
- The management of alcohol in accommodation would be difficult to implement in accommodation such as caravan parks and motels, and to expect this would be overreaching. It is more likely to apply to employer-provided accommodation.

- Since publication of the *Enough is Enough Report*, many organisations have adopted standards for employer-provided accommodation, based on accommodation being secure, safe and hygienic. These could possibly be shared with WorkSafe and used as a starting point.

The Chairperson agreed that such issues will need to be worked through and asked that WorkSafe provide an indication of the timeframe for developing this code. WorkSafe is considering employing a dedicated resource for the task.

The draft Code of Practice: *Road and traffic management at WA mines* will be circulated to WHSC members out-of-session. Tony Robertson commented that traffic is the primary hazard on mine sites and there has been a lack of guidance. In developing the code, drafters reviewed formats of various Australian codes of practice and engaged a traffic management expert. This code will be released for a three-month consultation period following approval to do so by the Mining and Petroleum Advisory Committee and the WHSC.

The WHSC **NOTED** the update on development of codes of practice and guidance.

ACTION 1: WorkSafe will be asked to indicate the timeframe for completion of the Code of Practice: *Accommodation*.

ACTION 2: Safe Work Australia (SWA) will be contacted re the progress of the model Code of Practice: *Biological hazards*.

3 **AGENDA ITEMS FOR NOTING** (Discussed by exception)

3.1 **HSR Training – approvals**

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

- Application to become a new training provider by Mine Safety and Training (nominated trainers = Peter Nicholls and Bruce Eiffler); and
- Application for an additional nominated trainer by WHS Foundation - Melville Perera.

3.2 **Construction Industry Safety Advisory Committee (CISAC) - Report**

Nil

3.3 **Mining and Petroleum Advisory Committee (MAPAC) - Report**

The WHSC **NOTED** the report of the MAPAC meeting on 4 December 2024. Key points discussed were:

- the importance of guidance for managing the risks of working in heat, and elements that should be included in the planned guidance; and
- that MAPAC would not support an extension of the transition period relating to licences for the use of earthmoving machinery as a crane [Items 14A and 15A of Schedule 3 of the Work Health and Safety (Mines) Regulations 2022].

3.4 Agricultural Safety Advisory Committee (ASAC) - Report

The WHSC **NOTED** the report of the ASAC meeting on 29 November 2024. Key topics were:

- progress made against the Agriculture Inquiry recommendations (WorkSafe will place a progress report online);
- safety regarding driverless vehicles in agriculture;
- power service providers entering farms;
- managing fatigue risks at work;
- WorkSafe safety talks delivered to the South East Premium Wheat-growers Association and farmers in the Wandering area; and
- cleaning and disposal of discarded drums.

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

The WHSC **NOTED** the report of the AFWAC meeting of 25 November 2024. Key points are that members:

- endorsed the revised Terms of Reference which includes a recommended term of three years for external members;
- agreed that it would be appropriate to expand membership;
- noted the new webpage [Affected Family and Workers Advisory Committee \(AFWAC\) – WorkSafe](#); and
- agreed that a strategic priority for AFWAC is to investigate the feasibility of establishing a peer support group for affected workers.

A member suggested that, in view of the forthcoming statutory review of the *Work Health and Safety Act 2020*, consideration could be given to allocating a portion of fines for breaches to providing support for affected families.

The Chairperson suggested that an AFWAC update be a topic for the next meeting, given the changes that are taking place as a result of amendments to the Terms of Reference.

3.6 Legislative Advisory Committee (LAC) - Report

Nil

3.7 WorkSafe events and promotions update

The WHSC **NOTED** the WorkSafe events and promotions update, which included an update on stakeholder guidance being produced, public consultations and promotions, and WorkSafe events.

Tracy Lacey commented on the success of the *HSR Matters* morning tea WorkSafe hosted on 11 December 2024, with over 100 health and safety representatives (HSRs) attending. Nearly all attendees indicated that they would like to attend another event. Two similar events are planned for 26 June and 1 October 2025. Tracey Bence congratulated WorkSafe on the success of this event, mentioning that it aligns with

the strategic initiative of the WHSC Strategic Plan to improve communication with HSRs.

Ms Lacey also reported that WorkSafe is producing three videos about: (i) the importance of HSRs; (ii) perspectives of HSRs and their supervisors; and (iii) how to write a Provisional Improvement Notice.

Other key points were:

- ministerial approval has been sought for gazettal of the new Codes of Practice: *Managing electrical risks in the workplace* and *Tower cranes*;
- the period for public comment on the new Code of Practice: *Work health and safety management systems for the Western Australian public sector* expired on 31 January 2025; and
- the new Code of Practice: *Road and traffic management at Western Australian mines* has been drafted and will soon be released for public comment.

ACTION 3: The Executive Officer will enquire about the progress of the gazettal of the *Tower cranes* and *Electrical* Codes of Practice.

3.8 Regulatory Activity Report

The WHSC **NOTED** WorkSafe's Regulatory Activity Report for the period to 31 December 2024.

It was noted that there is no previous period with which to compare the data, which makes it less meaningful.

ACTION 4: A query will be made to WorkSafe regarding the lack of data for previous periods in the Regulatory Activity Report.

3.9 Exemptions

The WHSC **NOTED** an exemption from requirements of the Work Health and Safety (General) Regulations 2022 granted by the WorkSafe Commissioner during the period 15 November 2024 to 9 January 2025.

The exemption to regulation 529D (work involving engineered stone benchtops, panels or slabs – prohibition) relates to further time to complete installation of engineered stone at a commercial project.

3.10 Correspondence

The WHSC **NOTED** the following correspondence:

- Letter from Chairperson to Minister for Industrial Relations regarding resourcing of the WorkSafe drafting team in the context of the backlog in the productions of Codes of Practice and guidance materials.

4 ITEMS FOR DISCUSSION

4.1 WorkCover WA report (standing item)

The WHSC was presented with the quarterly WorkCover WA *Dust Diseases Report*, showing one determination for both silicosis and mesothelioma in the 2024-25 period, and 14 for pneumoconiosis.

Chris White also gave a verbal WorkCover WA update, with the main points being;

- the *Workers Compensation and Injury Management Act 2023* has been in place for 6-7 months and the implementation has generally been very smooth;
- there is a problem with the timeline for settlement of claims, and more resources are being directed to address this;
- one minor error in the law will be corrected; and
- WorkCover WA is 'out in the field' consulting on process and is conducting a form review.

A 2024 Supreme Court decision reinforced the importance of formal settlement and election processes leading to procedural changes which have impacted on the timeliness of claim settlement registration. WorkCover WA is applying additional resources to address this issue.

Tracey Bence requested that, in a standing item on silica, the WHSC receive a more comprehensive report on the number of silicosis cases being reported in addition to the workers compensation data received at present. Ms Bence also requested that WorkSafe report on potential or actual silicosis case numbers referred to them by the National Occupational Respiratory Disease Registry and cases reported to WorkSafe doctors via silica health monitoring.

The WHSC **NOTED** the WorkCover WA update.

ACTION 5: Ask the WorkSafe Commissioner to provide: (i) a more comprehensive report on the number of silicosis cases being reported in addition to the workers compensation data received at present; (ii) a report on potential or actual silicosis case numbers referred to them by the National Occupational Respiratory Disease Registry; and (iii) cases reported to WorkSafe doctors via silica health monitoring.

4.2 **Fatality Update Report (standing item)**

The WHSC **NOTED** the Fatality Update Report to the month ending December 2024.

Comments were that:

- the incidence of fatalities for the 65+ age group is approximately eight times more than most other age groups, including the <25 years group, whereas the WHSC had focused on young workers; and
- it is disappointing to note that this financial year is on track for being the worst year over the last ten years for workplace fatalities.

ACTION 6: WorkSafe will be asked for the data relating to fatalities for >65 years old workers to be broken down into industries.

4.3 **Presentation – 'White card' review**

A presentation on the "*White Card*" System Review being undertaken by the Building and Construction Consultative Committee in conjunction with WorkSafe was delivered by Ms Erin Wells. The review of White Card training seeks to assess its quality and vulnerability to fraud, noting at the same time that it is part of a national system.

Ms Wells informed the WHSC that there are various matters she would be glad to receive written feedback on, particularly content for the White Card unit of competency.

The term 'White Card' refers to the general construction induction training card required for any person who is to carry out construction work, under regulation 316 of the Work Health and Safety (General) Regulations 2022 and Work Health and Safety (Mines) Regulations 2022. The unit of competency requires the person to demonstrate personal awareness and knowledge of health and safety legislative requirements in order to work safely and prevent injury or harm to self and others.

Ms Wells noted that the Training Accreditation Council (TAC) has recently audited some White Card training delivery. TAC found that approximately 50% of the training was not delivered satisfactorily, and some of those were not delivering training in accordance with the WHS laws.

Surveys targeting industry yielded 911 responses to broad questions. Notable findings were:

- early to mid-career workers understand their roles and responsibilities under the WHS legislation less than older workers;
- 73% of respondents believe there is opportunity to improve the training content;
- respondents believed that training could be improved by including information relating to awareness of crystalline silica, psychosocial safety, Safe Work Method Statements, high risk activities and legislation updates;
- 59% of respondents were either unsure or did not believe the current White Card training provided adequate awareness of safety issues at a construction site;
- there was broad support for White Card refresher training (which does not currently exist);
- only 61% of respondents received an onsite induction after obtaining their White card;
- respondents generally prefer online training (note that only a small number of training providers in WA deliver face-to-face White Card training);
- respondents believe mentoring is important to the transfer of skills and knowledge;
- respondents expressed concern about fraud and migrant workers; and
- there is a general lack of trust between employers and employees.

Ms Wells commented that the findings present a good opportunity to review and prescribe the content of the unit of competency for White Card training and the way in which it is delivered. Last year 60,000 White Cards were issued in WA; there will be logistical considerations for any proposed changes.

The presentation prompted concerns about the inadequacy of much White Card training and the implications for safety in construction, with a Unions WA representative stating that urgent action is needed. Ms Wells responded that the White Card training is introductory and must be backed up by training on site; it is not a panacea on its own for safety on construction sites.

The Chairperson suggested that the WHSC could endeavour to influence the quality of White Card training by engaging and working with TAC.

Tracey Bence suggested that rather than seeking feedback only on the content of the White Card unit of competency, a broader review of all matters surrounding the White Card training process should be undertaken. Ms Bence also stated that including awareness of silica in White Card training alone is not enough given the serious problem of silicosis and 15-20% of silicosis workers' compensation claims coming from construction. Robyn Parker stated that silica training via White Card training is better than no silica training.

The WHSC **NOTED** the presentation on the White Card review.

ACTION 7: Circulate questions to WHSC members, seeking feedback and suggestions on the content and process of White Card training.

4.4 Workplace Exposure Standard (WES) for diesel particulate matter (DPM)

The WHSC **NOTED** a paper containing a summary of issues and events surrounding the proposed WEL (workplace exposure limit) for DPM of 0.01mg/m³ or 10ug/m³ to take effect on 1 December 2026. This is separate to the WES of 0.1mg/m³ or 100ug/m³ set for mining in regulation 656B of the Work Health and Safety (Mines) Regulations 2022.

Tony Robertson reported that for mining in NSW the WES for DPM is currently 0.1mg/m³ however a reduction to 0.05mg/m³ is being considered. In Queensland, since 14 February 2024, the WES for DPM in mining has been 0.05mg/m³ for underground coal mines, with no WES for non-coal mines. Queensland is considering a WES for DPM for surface mines of 0.01mg/m³ but is likely to retain the current WES for underground mines. Both groups have concerns about the proposed WES for DPM, particularly the difficulty in measuring at the low level of 0.01mg/m³. Queensland has 13,000 samples taken over the last few years and have not identified a problem at 0.05mg/m³.

A Unions WA representative stated that a staggered transition, as has been previously discussed, is unnecessary. Technology has improved and there is now a statutory position of "underground ventilation officer".

The Chairperson reiterated that both the WHSC and MAPAC are of the view that the WES for DPM in mining and general industries should be the same, and it is time to establish what the level should be, what will be measured and what the issues are regarding measurement.

Tracey Bence referred to the information presented above relating to NSW and Queensland and stated that the fundamental problem is not being recognised. Lung cancer is a long latency disease. The problem they are grappling with is compliance. There are many issues including:

- compliance;
- the WES for DPM of 0.05mg/m³ still results in an estimated risk of lung cancer which may be unacceptable;
- SWA did not consult on the proposed WES for DPM of 0.01mg/m³; and
- what is being measured at mine sites which was designed for coal and captures less dust, resulting in under-reporting of concentrations when compared to respirable elemental carbon.

It was **AGREED** that an issues paper authored by the expert members be presented to the WHSC and MAPAC to increase understanding of the issues, which will in turn help inform decision-making regarding the WES for DPM in mining.

ACTION 8: A paper will be presented to the WHSC and MAPAC providing further information about the issues relating to the proposed WES for DPM.

4.5 Presentation – Results of investigation into codes of practice and guidance

Mr Geoff Diver presented the results of an investigation into the effectiveness and presentation of codes of practice and guidance. The investigation was undertaken by two interns from the McCusker Foundation who investigated aspects such as language, structure, format and alternative resources for codes. The three aspects of the process were: (i) literature review; (ii) meetings with internal stakeholders and other agencies; and (iii) a survey of stakeholders.

Interesting findings were:

- most jurisdictions would like a better format for codes but are constrained by resources;
- legal advice is that the language in codes does not need to be formal/legal but must be technically accurate - in deciding whether to prosecute, the key is what was foreseeable;
- codes are relevant to both PCBUs and workers and can be used as an educational tool (which has implications for language used);
- there is a negative view of the format of SWA model codes in the context of relevance to the subject matter;
- there is broad support for retaining the existing subject headings, starting with a brief introduction to laws and the topic before launching into the subject material, while moving dense legal/technical content into an appendix;
- simple language and active sentences should be used;
- highlight boxes, real life examples and infographics are well received;
- active sentences are more impactful than passive sentences;
- annotated illustrations are preferred over photographs; and
- there is support for trialling a new format and content in WA.

Mr Diver suggested that format guidance from the WHSC or the Executive would help the process. There is also the opportunity to work with other jurisdictions on this matter to ultimately harmonise the format of codes. The review of the Code of Practice: *Person overboard* would be a good opportunity to trial a new format as there is no equivalent model code or other jurisdictional code, and the Australian Maritime Safety Authority would prefer that the SWA format not be applied to this code.

Mr Diver stated that SWA is trialling initiatives such as interactive formats, but this may not be suitable for gazettal.

Dr Fritschi suggested that standard generic information at the front of codes based on model SWA codes be moved to the back. Mr Diver agreed that the generic information at the front of codes about duties and legal obligations under WHS laws be condensed and simplified, with more detailed information in an appendix or its own

code. Tony Robertson stated that the WorkSafe Mines Safety Directorate had reviewed many different formats of codes and reached the same conclusion.

It was **AGREED** that, in respect of the format of Codes of Practice, that:

- the WHSC recommend to WorkSafe that a simplified introduction be implemented as a standard format, with dense legal/technical material moved into an appendix; and
- the new format be applied in the Code of Practice: *Person overboard*.

It was also **AGREED** that a paper for the next WHSC meeting be prepared containing recommended guidelines for WorkSafe for the format of codes of practice, based on the findings of the investigation into codes of practice and guidance.

Mr Diver agreed to the request that the WHSC have a preview of the draft Code of Practice: *Person overboard* as soon as possible, to observe the new format.

A Unions WA representative expressed support for a 'cheat sheet' or small handbook to accompany Codes of Practice, such as produced in the United Kingdom, which is a simplified easy-to-read version for the layperson.

The WHSC **NOTED** the presentation containing the findings of the investigation into the format of codes of practice and guidance.

4.6 Process for assessing applications for renewal to deliver refresher training

(There was not time for this item, which will be presented at the next WHSC meeting).

4.7 SWA Update (standing item)

The WHSC **NOTED** the agenda for the SWA meeting of 5 December 2025.

5 OTHER BUSINESS

5.1 Members to advise

Tracey Bence thanked the Chairperson for her work, noting that Dr Todd is across many issues.

ACTION 9: The potential clash between WHSC and SWA meetings will be investigated, given that it affects the WorkSafe Commissioner.

6 NEXT MEETING

6.1 Next WHSC meeting – 5 March 2025

CLOSE (at approximately midday)