

26 June 2026

Ms Sally North
WorkSafe Commissioner
WorkSafe WA
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Cannington WA 6107



Chamber of Commerce
and Industry WA

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Dear Commissioner,

Draft Code of Practice: Workers' Accommodation

The Chamber of Commerce and Industry of Western Australia (**CCIWA**) is the peak body advancing trade and commerce in Western Australia (**WA**), representing businesses of all sizes and the breadth of the economy. We are fundamentally committed to using our insights to develop and advocate for public policies that help realise our vision to make Western Australia the best place to live and do business.

We thank the Department for the opportunity to provide feedback on the *Draft Code of Practice: Workers' Accommodation* (**Draft Code**).

From the outset, we iterate that CCIWA supports safe workplaces. Further, workplace laws and regulations, by virtue of providing a framework of minimum standards, inevitably have a near-universal impact on the economy and the labour market. We are of the view that laws must strike the right balance and be focused on the productivity growth critical for delivering jobs, growing real wages and strengthening the economy.

We have engaged directly with CCIWA members and provide the following overarching comments. Further concerns are outlined in **Appendix 1**.

Overarching Comments

CCIWA is broadly supportive of the attempt, in the Draft Code, to provide clear examples of different forms of accommodation that are present across different industries in WA. While this does make the Code of practice longer, and thus more administrative effort, CCIWA views their inclusion as necessary. These additional tailored examples will help Western Australian employers better understand their obligations.

CCIWA continues to hold significant concerns with how the Draft Code will operate alongside other statutory schemes, including the *Residential Tenancy Act 1987* (WA) (**RTA**). Specifically, this concern relates to where the Code may require a Person

Conducting a Business or Undertaking (**PCBU**) to take actions which breach the right of a tenant to '*quiet enjoyment of the property*' as per the *RTA*.

CCIWA approaches this from the principle that a Code of Practice should not require actions which may contravene other statutory schemes administered by the State Government. This is something that the Department must appropriately address.

This possibility may put PCBUs in a difficult position of having to consider which legislative regime might be breached to satisfy the other.

In addition to this, CCIWA holds particular concern with the continued progression of Work Health and Safety (**WHS**) legal obligations and requirements imposed on employers that relate to matters outside of the workplace.

The current wording and intent of the Draft Code is another example of this, where there is, at times, a blurring of lines between the provision of accommodation, and the associated worksites, and the responsibilities of an individual employee/employer.

In addition, when read as a whole, the Draft Code appears to not fully consider matters that may inherently arise from work conditions. This is particularly evident in accommodation-related risks, including environmental factors such as temperature, worker fatigue, and physical isolation associated with the job and location.

The Department and WorkSafeWA should review once changes are made to ensure that portrayal is addressed and rectified.

Should you wish to discuss the content of this letter further, please do not hesitate to contact Daniel Kiely, Chief Economist, via

Yours sincerely

Will Golsby
Chief Executive Officer

Appendix 1: CCIWA comments on Draft Code

Topic	<i>CCIWA position</i>	<i>CCIWA's Recommendation</i>
Interaction with the RTA	<p>The Code of practice should not include arrangements involving an RTA-applicable tenancy agreement. Under the RTA, entry is heavily regulated, including substantial notice periods, with restrictions.</p> <p>The Draft Code potentially puts PCBUs at risk of breaching one form of statutory obligation over another. Despite the “reasonably practicable” component of the WHS Act, it is not clear that this is a sufficient protection for PCBUs in the instance of breaching one obligation to satisfy another.</p> <p>Provisions around potential physical modifications of property may not be practicable in an arrangement where the PCBU does not own the property but organises the leasing of the property to their employee. The Draft Code attempts to acknowledge this in Table 1, however does not translate it into practical guidance.</p>	<p>The Department should amend the Code to expressly exclude coverage of arrangements where a tenancy agreement is in place.</p> <p>If the Government views it necessary to consider Government Regional Officer Housing (GROH) to be captured by some WHS obligations, this can be done through additional directions by the Government.</p>
“Reasonably Available” Accommodation	<p>The Draft Code sets out examples of when it may or may not apply. However, a definition of what is ‘reasonably available’ is missing. While this is a standard provision in the model WHS Act framework, additional guidance and information within the Draft Code would provide clarity for businesses, particularly smaller businesses, on what would constitute “reasonably available” accommodation.</p>	<p>Additional information to define ‘reasonably available’ would help a business determine what is reasonably available accommodation for the purposes of the WHS Act.</p>
Prescriptive standards	<p>There are items in the Draft Code which require a risk control that may not be practicable in all scenarios. For example, the provision of king-single beds may be facile in a large mining organisation setting, but not for a small accommodation facility for the agricultural industry.</p> <p>These items may be important to aspire to best practice but should not be required to comply with the WHS Act. Given that Codes of practice hold an evidentiary status in court proceedings, obligations should be appropriately clarified to minimise confusion.</p>	<p>The Draft Code should clearly distinguish between mandatory risk controls and aspirational best practice guidance.</p> <p>Where the Code recommends amenities that go beyond hazard elimination or risk minimisation (such as streaming services, hobby clubs, or landscaping corridors), these should be explicitly labelled as optional, not as the “reasonably practicable” standard.</p>

<p>Standards around currently built structures</p>	<p>The Draft Code does not make clear that it will not apply additional design-related requirements retrospectively to relevant accommodation. Retrospective application will unduly impose compliance burdens on PCBUs and unreasonably punish providers that were compliant at the time.</p> <p>For example, in many WA mining and resources operational areas, there are facilities that were built prior to the introduction of cyclone ratings. Many accommodation buildings have or are introducing effective controls.</p> <p>While the Draft Code refers to newer standards and appropriate building as controls for cyclone impacts, it is not expressly clear that these obligations will not be applied retrospectively. The Draft Code should be clear these buildings can be utilised, where other adequate controls are in place.</p>	<p>The Code should clarify that changes to its design-related obligations will not be applied retrospectively to relevant accommodation. Requirements should only apply to new accommodation or significantly refurbished accommodation.</p>
<p>Boundaries of the workplace + other Duties</p>	<p>Within Appendix 3 of the Draft Code, comment is made that a PCBU should not access workers' rooms without consent of that worker unless for a welfare check. CCIWA supports the principle of workers having a respected space for privacy. However, there may be additional instances where it is appropriate for access without explicit consent.</p> <p>The current drafting, particularly the phrase "<i>strongly discouraged</i>," risks being cited in proceedings as evidence that any unconsented entry was unreasonable.</p> <p>For example, a potential situation involving alcohol or drugs which may require access to accommodation without consent would likely not be possible or deferred from by advice provided. This should be clarified.</p>	<p>The Draft Code should provide a more balanced treatment of room access, acknowledging that there are circumstances where access without consent may be necessary and lawful.</p>