



Roles and Responsibilities of Health and Safety Representatives and Committee

Background

Under the Terms of Reference for the Work Health and Safety Committee (the Committee) for employees employed under the *Members of Parliament (Staff) Act 1984* (MOP(S) Act employees), all consenting Health and Safety Representatives (HSRs) will also serve as employee representatives on the Committee.

More information about the respective roles of HSRs and the Committee, and indicative duties, are set out below.

Health and Safety Representatives

Role

- Address more specific issues affecting MOP(S) Act employees in the work group they represent (NB: Under the Terms of Reference for the Committee, work groups are based on the political party or independent groupings of MOP(S) Act employees' employing Senators and Members).

Indicative duties

A HSR may :

- examine the records of the Committee
- inspect the workplace of members of their work group if there has been a recent accident or dangerous incident
- in other circumstances, inspect the workplace of members of their work group if there is an immediate threat of an accident or dangerous incident
- inspect the workplace of members of their work group after giving the Department of Finance (Finance), and the relevant Senator or Member, reasonable notice

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- make a request to an inspector, to Comcare, or to the Safety, Rehabilitation and Compensation Commission, that an investigation be conducted at the workplace (by contacting the state/territory Comcare WHS manager)
- accompany an inspector during an investigation at the workplace
- represent the members of their work group in health and safety consultations with Senators and Members, and/or Finance, in situations where there is no Work Health and Safety Committee
- investigate MOP(S) Act employees' health and safety complaints
- with the consent of the relevant MOP(S) Act employee, attend any interview concerning health and safety at work between Finance, and/or Senators and Members, and an inspector
- access information held by Finance, and/or Senators and Members, relating to any health and safety risk to any employee within the work group. (It should be noted that Finance, and Senators and Members, can claim legal professional privilege on health and safety information they have. An HSR cannot gain access to confidential information or information protected by legal professional privilege.)
- issue and seek enforcement for a PIN (Provisional Improvement Notice) if they have received the accredited training
- initiate cease work procedures (if they have attended the relevant training) where there is an immediate threat to the health and safety of workers and their supervisor is unavailable
- request Comcare to conduct an investigation if the HSR cannot agree with the supervisor on an appropriate course of action to remove a threat to health and safety of employees performing work
- appeal to Fair Work Australia against an investigator's decision to vary or cancel the PIN; and can ask Comcare to institute proceedings for offences against the legislation where proceedings have not been commenced within six months of the alleged breach of the legislation.

The Committee

Role

- addresses systemic work health and safety (WHS) issues affecting MOP(S) Act employees, in accordance with the Terms of Reference
- can be a forum for discussing and resolving of WHS issues in the workplace
- assists Finance and Senators and Members, in developing, implementing, reviewing and updating prevention activities
- facilitates consultation between Finance, Senators and Members, and MOP(S) Act employees on WHS matters
- helps Finance and Senators and Members to distribute WHS information.

Indicative Duties

The Committee can:

- review WHS policies, plans, procedures and/or training
- implement written procedures for work processes, and give priority to processes identified as particularly hazardous

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- assess accident or dangerous occurrence records, injury statistics, and other information important in forming workplace prevention programs
- make recommendations on the WHS impact of changes in the workplace
- obtain current information on health and safety hazards, and discuss the implications of these hazards in the workplace
- carry out a variety of functions agreed between Finance, Senators and Members, and the Committee.

Committee members cannot be held liable in civil proceedings because of the way they carried out their WHS duties or failed to carry out their WHS duties.