



## WHS Committee -Terms of Reference

### Background

Clause 68.5 of the [Commonwealth Members of Parliament Staff Enterprise Agreement 2016-2019](#) (Enterprise Agreement) provides for the establishment of a Work Health and Safety Committee (the Committee). Consistent with requirements under the [Work Health and Safety Act 2011](#) (the WHS Act) and the [Work Health and Safety Regulations 2011](#) (the WHS Regulations), the role of the Work Health and Safety Committee (the Committee) will be:

- a. to facilitate co-operation between the Department of Finance (Finance) and MOP(S) Act employees in instigating, developing and carrying out measures designed to ensure the health and safety of MOP(S) Act employees at work, to the extent practicable given the employment arrangements established by the [Members of Parliament \(Staff\) Act 1984](#); and
- b. to assist in developing standards, rules and procedures relating to health and safety that are to be followed or complied with at the workplaces of MOP(S) Act employees; and
- c. any other functions prescribed by the WHS Regulations or agreed between Finance and MOP(S) Act employees.

### Scope

Finance's capacity to influence and control MOP(S) Act employment is limited. Examples of matters within Finance's influence and control include some issues relating to building and property maintenance and the fit-out of Senators and Members' offices. Employees should consult directly with their employing Senator or Member on matters that are under the Senator or Member's influence and control. This may include, for example, matters relating to the direction of work, and the hours and place of work.

Matters not directly related to the health and safety of MOP(S) Act employees will not be considered by the Committee, and where relevant will be referred to the Employee Consultative Group (ECG).

## Work Groups and Employee Representation on the Committee

- Section 51 of the WHS Act requires that work groups be established and a minimum of one Health and Safety Representative (HSR) be elected for each work group. Work groups for MOP(S) Act employees will be based on party lines, with a number of HSR and Deputy HSR positions being allocated to work groups proportionate to the number of employee positions in each work group.
- Each work group is responsible for electing its representatives. Finance is able to assist employees of Independent Senators and Members during the nomination and election process for HSRs and Deputy HSRs.
- Each elected HSR is automatically a MOP(S) Act employee representative on the WHS Committee, subject to his or her consent.
- In addition, Deputy HSRs from each work group may attend the Committee as a substitute employee representative if an HSR for their work group is unavailable. It is the responsibility of an HSR to arrange for a Deputy HSR to attend any meetings that the HSR is unable to. Where a Deputy HSR attends a meeting in place of an HSR at the HSR's request, they are counted as a MOP(S) Act employee representative for their work group for the duration of the meeting. HSRs who will be absent from a Committee meeting are asked to advise the Department prior to the meeting of any substitution arrangements they have made, to ensure that relevant information is provided to the substitute employee representative.
- Where a general election or other circumstance occurs that changes the numbers of MOP(S) Act employee positions in a party or grouping, to the extent that the number of HSRs and Deputy HSRs allocated to each work group is no longer proportionate to the total number of employee positions in a work group, work groups will be restructured, as contemplated under section 52 of the WHS Act, to restore proportionality.
- It is a requirement under section 75 of the WHS Act that a Committee be established within two months of a request from either an HSR or five workers at a workplace.
- In the current (45th) Parliament, the total number of HSRs and Deputy HSRs to be elected is as follows:

Work Group	HSRs	Deputy HSRs
Liberal Party	5	3
Australian Labor Party	3	2
The Nationals	1	1
Australian Greens	1	1
Independents	1	1

## Union Representation

Consistent with the arrangements for the current ECG, there may be one representative on the Committee from each union covering MOP(S) Act employees.

## Management Representation

There will be no more than five management representatives at any meeting of the Committee, including a nominee of the Special Minister of State and/or representatives from Finance.

## Term of Office

In accordance with section 64 of the WHS Act, HSRs will serve terms of three years, unless work groups are restructured earlier to maintain proportionality between the number of MOP(S) Act employee positions in a work group and the number of HSRs representing that workgroup.

If an HSR ceases to be employed under the MOP(S) Act, the HSR will cease to be a member of the Committee and a new HSR will be elected by the relevant work group.

## Operations of the Committee

- Meetings will be held on a regular basis as agreed by the Committee, with a minimum of one meeting every three months as required by section 78 of the WHS Act.
- Committee meetings will not be held following the dissolution of the Parliament, except by urgent request.
- A formal meeting of the Committee will only be constituted when there is attendance from at least:
  - five employee representatives; and
  - one union representative; and
  - one management representative
- The date and facilitator of each meeting will be agreed during the previous meeting.
- The role of facilitator will rotate between the MOP(S) Act employee members of the Committee.
- MOP(S) Act employees, employed under the terms and conditions of the Enterprise Agreement, or their representatives (including union representatives), may attend meetings of the Committee in the capacity of observers, noting they may be requested to provide information about specific issues, or to leave for discussions of a confidential nature.
- Finance will distribute the meeting agenda to members at least five working days prior to the meeting.

## UNCLASSIFIED

- Finance will endeavour to distribute the draft minutes of a meeting to the Committee within five working days of the meeting. Committee members will have five working days to provide comments or suggested changes to Finance. The minutes will then be finalised and posted on the Ministerial and Parliamentary Services website.

### **Roles of HSRs in encouraging training for WHS roles**

Where practicable, and as requested by Finance, HSRs will make contact with employees from their work groups who have nominated for WHS roles but have not completed the required training.