

## WHS CONSULTATION STATEMENT

### 1. COMMITMENT

- 1.1. Hope Diving Services Australia Pty Ltd ('HDSA Group') (PCBU) is committed to protecting the health and safety of all workers performing tasks at this workplace and on behalf of the PCBU, so far as is reasonably practicable.
- 1.2. HDSA Group aims to achieve the highest standards and performance in WHS. In doing so, HDSA Group will consult in implementing safety practices and systems that will ensure the health, safety and welfare, so far as is reasonably practicable, of all persons (including direct employees and other parties such as contractors, visitors and clients) who are affected by the inputs, processes and outputs of the workplace.
- 1.3. Where HDSA Group engages contractors, subcontractors and/or on hire workers they will be consulted on health and safety issues that may impact on them which arise from the conduct of the PCBU's work activities. In the situation where there is shared responsibilities for health and safety, the PCBU will co-operate and co-ordinate activities to implement measures to minimise risks to the health and safety of workers affected by the activity/activities, so far as is reasonably practicable.
- 1.4. Others in the workplace such as visitors, clients and customers will be consulted with as required, so far as is reasonably practicable, to ensure their health and safety while at HDSA Group premises.

#### Consultative mechanism

### 2. CONSULATATION

- 2.1. The HSR is to consult on a regular basis with the workers from the DWG and note any WHS issues of concern to the workers.
- 2.2. The HSR shall meet with the nominated Manager on a monthly basis (or sooner should either party decide consultation is required, including but not limited to, a notifiable incident), to discuss WHS issues.

### 3. RESOURCES

- 3.1. The HSR is to have access to adequate time, filing space and resources such as access to a computer, photocopying, testing equipment, etc. as can assist in

representing all workers in the DWG and bringing WHS issues to the attention of the PCBU.

#### **4. RESOLUTION**

- 4.1. The HSR and the nominee of the PCBU are expected to apply good judgment in negotiations relating to WHS issues.
- 4.2. In the event that a WHS issue cannot be resolved, the matter is to be resolved in accordance with the prescribed issue resolution procedure. This procedure applies to all parties including contractors, subcontractors and any other workers that may be affected.

#### **5. HEALTH AND SAFETY COMMITTEE**

- 5.1. HDSA Group, in consultation with its workers or upon the request of 5 or more worker or at the request of a HSR, has agreed that the consultative needs of all the workers can be achieved with a Health and Safety Committee (HSC) representing the whole of the workplace. A health and safety committee brings together workers and management to assist in the development and review of health and safety policies and procedures for the workplace.
- 5.2. The HSC will comprise of elected committee members representing workers and members who represent the management team. In total at least half of the committee must be workers who are not nominated by management.
- 5.3. The HSC will meet at least every 3 months, or earlier if agreed, and will perform the following functions:
  - facilitate co-operation between HDSA Group as the PCBU and its workers to develop and carry out measures to ensure the health and safety of workers;
  - assist in developing health and safety policies and procedures to manage safety in the workplace; and
  - any other functions specifically agreed to by the PCBU and members of the HSC e.g. workplace inspections.
- 5.4. Discussion and outcomes from the HSC meetings will be made available to all relevant workers in the workplace.

#### **6. OTHER AGREED ARRANGEMENTS**

- 6.1. HDSA Group in consultation with its workers, has identified that the consultative needs of all workers can be achieved through other agreed arrangements as agreed to between the PCBU and its workers.



6.2. It has been decided that consultation will firstly be undertaken by the following means:

**7. FACE TO FACE CONSULTATION**

- 7.1. Workers should raise any WHS issues or concerns directly with their Supervisor or Manager.
- 7.2. Health and safety issues can also be raised at weekly/fortnightly/regular team meetings.
- 7.3. A safety concern box has been made available on the intranet which is reviewed daily.

**8. ISSUE RESOLUTION**

- 8.1. For any health and safety issues that cannot be resolved by any worker of the PCBU or any other affected duty holder using the chosen consultation arrangement, the HDSA Group issue resolution procedure will be referred to and implemented.

**Signatories**

This document is subject to an annual review in consultation between the PCBU, workers and/or the HSC, the HSR and the Deputy HSR.

Signed:..... Representing the company

Position: .....

Signed:..... HSR/Committee Chairperson

Position: .....

Date: .....

## **Powers of the HSR (and the deputy should the HSR not be present)**

(Note these powers are only applicable once the HSR has completed an HSR course approved by the regulator.)

WHS Act 2011 Subdivision 5 — Powers and functions of health and safety representatives

### **68 POWERS AND FUNCTIONS OF HEALTH AND SAFETY REPRESENTATIVES**

(1) The powers and functions of a health and safety representative for a work group are:

- a) to represent the workers in the work group in matters relating to work health and safety, and
- b) to monitor the measures taken by the person conducting the relevant business or undertaking or that person's representative in compliance with this Act in relation to employees/workers in the work group, and
- c) to investigate complaints from members of the work group relating to work health and safety, and
- d) to inquire into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the business or undertaking.

(2) In exercising a power or performing a function, the health and safety representative may:

- a) inspect the workplace or any part of the workplace at which a worker in the work group works:
  - i. at any time after giving reasonable notice to the person conducting the business or undertaking at that workplace, and
  - ii. at any time, without notice, in the event of an incident, or any situation involving a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard, and
- b) accompany an inspector during an inspection of the workplace or part of the workplace at which a worker in the work group works, and
- c) with the consent of a worker that the health and safety representative represents, be present at an interview concerning work health and safety between the worker and:

- i. an inspector, or
  - ii. the person conducting the business or undertaking at that workplace or the person's representative, and
- d) with the consent of one or more workers that the health and safety representative represents, be present at an interview concerning work health and safety between a group of workers, which includes the workers who gave the consent, and:
- i. an inspector, or
  - ii. the person conducting the business or undertaking at that workplace or the person's representative, and
- e) request the establishment of a health and safety committee, and
- f) receive information concerning the work health and safety of workers in the work group, and
- g) whenever necessary, request the assistance of any person.

**Note:** A health and safety representative also has a power under Division 6 of this Part to direct work to cease in certain circumstances and under Division 7 of this Part to issue provisional improvement notices.

(3) Despite subsection (2) (f), a health and safety representative is not entitled to have access to any personal or medical information concerning a worker without the worker's consent unless the information is in a form that:

- a) does not identify the worker, and
- b) could not reasonably be expected to lead to the identification of the worker.

(4) Nothing in this Act imposes or is taken to impose a duty on a health and safety representative in that capacity.

## **69 POWERS AND FUNCTIONS GENERALLY LIMITED TO THE PARTICULAR WORK GROUP**

(1) A health and safety representative for a work group may exercise powers and perform functions under this Act only in relation to matters that affect, or may affect, workers in that group.

(2) Subsection (1) does not apply if:

- a) there is a serious risk to health or safety emanating from an immediate or imminent exposure to a hazard that affects or may affect a member of another work group, or

- b) a member of another work group asks for the representative's assistance, and the health and safety representative (and any deputy health and safety representative) for that other work group is found, after reasonable inquiry, to be unavailable.

(3) In this section, **another work group** means another work group of workers carrying out work for a business or undertaking to which the work group that the health and safety representative represents relates.

(NOTE Subdivision 6 of Part 5 of the Act outlines the obligations of the PCBU to the HSR, and may need to be considered along with the above powers.)