

WARREN SHIRE COUNCIL Work Health Safety Committee

CONSTITUTION

Policy adopted: 28th October 2021 Minute No. 232.10.21

Reviewed: Constitution amended: 28th October 2021 – Minute No. 232.10.21
Constitution amended: 24th July 2025 – Minute No. 243.07.25

File Ref: S12-14.3

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DOCUMENT CONTROL

Issue.	Prepared/Revised by and Date	Action/Amendment Description	Approved By and Date
1.0	Sarah Godwin – Work Health Safety/Risk Officer September 2017	First Edition	Work Health and Safety Committee 18.09.2017
1.1	Scott Hosking – Work Health Safety /Risk Coordinator	Adopt new formatting and consistency though the document.	Work Health and Safety Committee 17.09.2021 Manex 19.10.2021 Council 28.10.2021 Min No. 232.10.21
1.2	Scott Hosking – Work Health Safety /Risk Coordinator	Adopt new formatting and consistency though the document	Min No. 243.7.25 (24 th July 2025)

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1. NAME

The name of the Committee will be known as:

WARREN SHIRE COUNCIL WORK HEALTH AND SAFETY COMMITTEE

2. AIMS

- 1) The purpose of the Work Health and Safety Committee is to enable management and employees to work as a team to maintain a safe and healthy working environment.
- 2) To provide a forum that will allow frank and open discussion on all issues relating to the protection of all persons including employees, contractors or visitors and members of the public, at the place of work.
- 3) In addition, all other employees and associate employees of Warren Shire Council and who come under the provisions of the Work Health and Safety Act 2011 and related legislation will be able to refer matters to the Committee for advice and/or assistance.
- 4) To assist in matters of compliance with the Work Health and Safety Act 2011 and related legislation.

3. SCOPE

The Committee will concern itself with all Work Health, Safety and Well-Being matters that have been formally referred to an appropriate person and which have not been satisfactorily resolved.

The Committee will conduct reviews of all injuries or ill health and reported near misses (which had the potential to cause injury, ill-health or damage) to assist Council in the production, review and monitoring of the Health and Safety policies, procedures and associated programs.

The assessment of all places of work in relation to work design, operating procedures, emergency evacuations, workplace inspections, rehabilitation, technological change and the provision of suitable and approved items of personal protective clothing and safety equipment.

4. DECISION-MAKING PROCEDURES

- 1) There will be equal voting rights when considering procedural matters or on making recommendations to management. There will be no casting vote when determining motions.
- 2) A quorum will be as set out in Section 12 - Meetings

5. DISPUTE PROCEDURES

a) External Disputes

If a dispute exists between the Committee's recommendation and management not accepting the recommendation, the Chairperson will convene a meeting of the Committee as soon as practicable, and the Committee will consider only the matter/s in dispute and the appropriate course of action: -

- 1) If it is a Health and Safety matter, whether to immediately call in an inspector from SafeWork NSW or whether to re-negotiate with management on the matter and inform them that if an acceptable solution cannot be found that the Committee will call in a SafeWork NSW inspector to arbitrate.

- 2) If the matter concerns establishment, procedures for election, composition and size, training or any procedural matter, then the same procedure as above would apply to SafeWork NSW for arbitration on the matter.

b) Internal Disputes

- 1) Procedural Matters – If the Committee cannot reach consensus on issues before them, they will put that issue/s to a vote. Alternatively, the Chairperson may nominate to meet again within seven (7) working days. If voting fails to solve the dispute the Chairperson may appeal to SafeWork NSW for determination of the matter.
- 2) Health and Safety Matters – If the Committee is in dispute on any matter that relates to Health and Safety then the Chairperson shall take the matter up with the General Manager for determination but if the matter is unresolved, he or she may contact SafeWork NSW and ask for an inspector to advise and/or arbitrate on the matter.

6. MEMBERSHIP

The Committee membership will consist of eight (8) employee representatives. There will be at least one employee representative from each workgroup to be elected or appointed to the Committee. There will be a maximum of three (3) Employer Representatives appointed to the Committee.

The Work Health and Safety/Risk Coordinator will be appointed to the Committee as the Secretary by the General Manager as stated in Section 16. The WHS/Risk Coordinator role will be to advise, coordinate meeting agendas, attach reports and compile meeting minutes as outlined in Section 14.

Any staff who have completed Health and Safety Representative Training shall be invited to be a member of the Committee.

7. ELECTION AND APPOINTMENT

The Employer will provide reasonable assistance to employees when conducting elections. If no representatives can be elected, then representatives from different workgroups may be appointed.

8. APPOINTMENT OF EMPLOYER'S REPRESENTATIVES

Employer representatives are appointed to the Committee for Two (2) years. The General Manager has the right to determine who the Employer Representatives will be.

The roles of the Employer Representatives will include:

- (i) advising Council of Safety Policy and programs;
- (ii) assisting the Committee in its direction; and
- (iii) delegation/authority to commit resources.

9. TRAINING OF COMMITTEE MEMBERS

Committee Members will be offered training in an accredited Work Health and Safety Committee Training Course, conducted by an accredited trainer.

The training of Committee Members will take place as soon as practical and if the training budget allows, after their election or appointment to the Committee.

10. COMMITTEE MEMBERS NON-ATTENDANCE AT MEETINGS

Committee Members are expected to attend all Committee Meetings. Committee members must give the Secretary 48 hours notice if unable to attend meeting.

If a Committee Member is unable to attend a meeting, the Secretary must be notified, and an alternate suitable substitute representative attend the meeting as set out in Section 11.

If a substitute representative is not available and there will be insufficient employee representatives for a quorum as detailed in Section 12, it may be necessary to postpone or reschedule the meeting.

If no Employer representatives can attend a meeting, the Secretary must be notified 48 hours prior to the meeting to allow for a postponement or a reschedule of the meeting day.

Where a Committee Member fails to attend three successive meetings, without notifying the Secretary to have an apology recorded, that person's membership of the Committee will be terminated forthwith.

Where the member is an employee representative and the termination results in employee representation being less than the minimum, (as per Section 6) an election to fill the vacancy will be held as soon as practical.

A member who wishes to leave the Committee shall submit in writing to the Secretary no less than 1 months' notice of intent to resign.

11. SUBSTITUTE DELEGATE AT COMMITTEE MEETINGS

If a Committee member is aware that he/she will be absent for a meeting and that either;

- (i) there will be insufficient members present to constitute a quorum, or
- (ii) the agenda item(s) have direct impact on that member's work area, then a substitute representative may be nominated.

In the event of using a substitute representative the Secretary should be advised 48 hours in advance of their name and position.

Where the person may be required to attend three (3) or more meetings, then that person shall be offered training as outlined in Section 9 of this Constitution.

12. MEETINGS

Meetings will be held a minimum of every three (3) months on dates to be decided by the Committee. Notification of meetings will be given by the Secretary one (1) week in advance together with a copy of the proposed agenda.

A quorum for meetings will be 4 members with a minimum of three (3) employee representatives and a minimum of one (1) employer representative.

All decisions at Committee meetings will be arrived at by consensus. If the Committee fails to reach consensus on any issue, then the matter will be voted upon.

Where voting takes place there will be equal voting rights; there will be no casting vote.

If voting fails to settle the matter, then the matter will be referred to the General Manager, if still unresolved, to SafeWork NSW in accordance with the procedure within Clauses (a) and (b) of Section 5 (Dispute Procedures) of this Constitution.

The Secretary of the Committee may call a meeting at any time;

- (i) If there is business that requires to be resolved urgently.
- (ii) If there is business that needs to be resolved prior to the next scheduled meeting of the Committee.

Mobile phones are to be turned to silent/vibrate for the duration of the meeting, in accordance with proper meeting etiquette.

13. AGENDA ITEMS

All agenda items are to be submitted to the Secretary ten (10) days before a scheduled meeting. Members submitting items must ensure the content is given in such detail to assist all members in understanding the problem raised, such that meaningful discussion to determine a solution can take place.

The Secretary shall distribute the agenda to Committee Members no later than five (5) working days before the meeting.

14. MINUTES

Minutes of Committee Meetings, whether those meetings are regarded as ordinary or extraordinary, will be kept.

It is the responsibility of the Secretary to record the Minutes. Minutes will contain the following information: -

Description of Meeting (i.e. whether Committee, Sub-Committee, Ordinary Meeting etc), place, time and date on which it was held;

- (i) A list of those present.
- (ii) Apologies for absences.
- (iii) Notification of Approval of Minutes from the previous meeting.
- (iv) Whether there was any business arising from the minutes.
- (v) Notation of reports or correspondence.
- (vi) Items of General Business.
- (vii) Time meeting closed and date, time & venue for next meeting.
- (viii) Names of person/persons nominated to action item.
- (ix) Results of any vote including records of motions of dissent.

Within ten (10) working days of each meeting the Secretary will provide the following copies of minutes;

- (i) Copies of the Minutes are to be provided to Committee Members for review prior to sending out.
- (ii) Copies of the Minutes are to be provided to Council's Depots and Offices.
- (iii) A copy of the Minutes is to be provided to the General Manager for signing and endorsement of recommendations.
- (iv) A copy of the minutes is to be recorded in Council's Records keeping system.

15. CHAIRPERSON

The Chairperson will be an employee representative voted for by and from all employee representatives.

There shall be a Deputy Chairperson similarly elected to fill the position in the absence of the Chairperson.

If the Chairperson and Deputy Chairperson are absent, a Committee Member shall be nominated from the floor to convene the meeting.

16. SUPPORT SERVICES PROVIDED FOR COMMITTEE

A suitable meeting place will be made available for the purposes of holding Committee Meetings.

General Manager will nominate a Secretary. This will normally be the Work Health and Safety/Risk Coordinator. If a Work Health and Safety/Risk Coordinator is not employed, then the General Manager will nominate someone suited to the role.

17. EMPLOYEES' REPRESENTATIVES

17.1 Work as Committee Members

An employee's representative on a Work Health and Safety Committee will be deemed to be engaged in their normal duties whilst exercising that person's functions as a member of the Committee.

This provision will also apply to a member of a Work Health and Safety Committee attending any training course associated with that person's position on the Committee and agreed with the Employer (refer to Section 9 of this Constitution – "Training of Committee Members").

Employee representatives on a Work Health and Safety Committee whilst engaged in their function Work Health and Safety Committee, shall be paid what they would be entitled to receive for performing their normal duties during that period.

18. INFORMATION / ADVICE FOR THE COMMITTEE

Council's Return to Work Coordinator, or equivalent, shall arrange to provide details of all injuries or hazardous situations that occurred since the previous meeting and information on proposed changes to the working environment, new plant or substances, job methods or procedures, that may affect the safety or health of employees.

Any Information must not provide personal or medical information concerning a worker without consent from that worker.

19. ACCIDENT/INCIDENT INVESTIGATIONS

The role of the Committee regarding accident or incident investigations shall be that of a monitoring body, the purpose of which will be to ensure the purposes of the investigation as stated in Council's Work Health and Safety Policy and Incident Reporting and Investigation Guideline are achieved.

- 1) Investigations are carried out on all accidents/incidents and a comprehensive analysis of the results in accordance with the Incident Reporting and Investigation Guideline occurs.
- 2) There is an appropriate recording system of all accidents/incidents.

20. COMMUNICATION WITH EMPLOYEES

Employee representatives will be allowed time to discuss Health and Safety matters with employees as requested and time allocated will be as agreed to by the employer. This will generally be conducted during toolbox meetings or workplace meetings. Employees' are entitled to report safety issues and concerns to an Employee Representative which in turn needs to be reported to the Committee as an agenda item in accordance with Section 13 of this constitution.

21. WORKPLACE INSPECTION

Joint routine, or special inspections will be done by management/employee representatives in accordance with the relevant legislation.

An inspection programme will be drawn up to cover all locations and incorporating times and dates as agreed to by management to enable all workplaces to be inspected.

Unless decided otherwise at a meeting of the Committee, the Supervisor for the workplace being inspected will be invited to accompany the inspection team.

All unsafe activities and/or unsafe situations found whilst carrying out an inspection will be reported to the Supervisor for that workplace.

Any activities or conditions deemed to be High Risk must cease immediately and controls applied to lessen the risk prior to resuming the activity and/or situation.

The inspecting team will present an inspection report at the next meeting of the Committee. The Inspection Report will contain issues identified and explanations and/or comments from the Supervisor on actions or proposed actions to address/resolve the problems identified.

The Committee will discuss issues identified in the Inspection Report and prioritise corrective actions required to address the issues. The Committee will table this in a Corrective Actions Report and recommend to Management appropriate actions to address each of the issues reported. The report will include persons responsible to address the issue and a date for the actions to be finalised.

The Corrective Actions Report will be monitored at each subsequent meeting until the issues are resolved. If the Committee decides the time taken to address any issues raised is too long, it may decide to escalate the issue to an appropriate person.

If after following this procedure the matter is still not addressed, then the Committee would follow the steps laid down in Section 5 (Disputes Procedures) of this Constitution.

22. NON-MEMBERS ATTENDANCE TO COMMITTEE MEETINGS

Persons other than Committee Members may be invited to attend meetings by the Committee.

This would be in the capacity to advise the Committee on specific information when deemed necessary by the Committee or Management.

This could include persons from outside the Council organisation or employees who have intimate knowledge of an incident or practice that the Committee needs advice on.

23. REVIEW AND PROCEDURE FOR CHANGING THE CONSTITUTION

This Work Health and Safety Committee Constitution should be reviewed every 4 years or within 12 months of a Council election. The Constitution may be reviewed and amended at any time at the Council's discretion (or if legislative changes occur).

The procedure for any constitutional changes will be as follows;

23.1 Committee Request for Changes to the Constitution

- (i) Any proposed changes are to be in the hands of the Secretary at least ten (10) days prior to any meeting so that notice may be given to all Committee Members at least five (5) days in advance of any meeting.
- (ii) Any constitutional changes will require a majority vote by the current membership.

23.2 Management Request for Change to Constitution

Where management requests change to the Constitution such proposals will be directed via Employer representatives.