



Warning: A Possible Costly Consultation Error

You probably have an up-to-date list of your HSRs or H & S Committee members. And the list is probably on your workplace notice board or workplace intranet. Or in a place where workers can easily find who they can talk to about their health and safety concerns.

That makes good sense. You want to encourage workplace consultation and it is an essential element in achieving a robust WHS management system.

SafeWork NSW thinks so too. But there are requirements and penalties in the WHS Act about this that many PCBUs are not aware of.

Keeping an up-to-date list of HSRs

Section 74 of the WHS Act NSW tells us that a PCBU must not only;

- keep an up-to-date list of HSR's and deputy HSR's, and
- display a copy at the workplace, but also must
- **provide a copy to SafeWork NSW**

The penalty for not complying with section 74 is \$2,000 for an individual and \$10,000 for a company. Does Safework NSW have an up-to-date copy of the list of your HSRs?

SafeWork NSW's online HSR register

SafeWork has provided an online facility for PCBU's to use to give the details of their HSRs and Deputy HSRs to SafeWork NSW. You can do that by clicking this link:

[Registering for a Customer ID](#)

Why is it compulsory to give SafeWork a list of your HSRs?

We asked SafeWork this question so that we could pass on their answer to you.

The answer we received was that it helps SafeWork to verify whether a person claiming to be an HSR really is an HSR with the power to issue a Provisional Improvement Notice or direct a worker to cease unsafe work. That is;

- they are an elected HSR, and
- their 3 year term of election has not expired, and
- they have completed the approved 5 day HSR course

Why isn't it compulsory to give SafeWork a list of your H&S Committee members?

We did not ask SafeWork this question. However we suggest the answer probably would be because H & S Committee members do not have the power to issue a Provisional Improvement Notice or to direct a worker to cease unsafe work.

However we definitely recommend that you continue to maintain an up-to-date list of H&S Committee members and make it known and easily accessible to everyone in your workplace. Effective workplace consultation brings benefits far in excess of the effort required to keep it functioning.