



## Health & Safety Representatives (HSRs) and HSW Consultation

### IMPLEMENTATION

#### Aim

To prescribe the responsibilities and overarching actions required to enable worker representation and consultation on health, safety and welfare (HSW) matters which ensures the University meets the requirements of the [Health, Safety and Wellbeing \(HSW\) Policy](#) and the relevant sections of the [Work Health and Safety \(WHS\) Act 2012 \(SA\)](#) and [Work Health and Safety Regulations 2012 \(SA\)](#).

#### 1 Objectives

- 1.1 That consultation with workers occurs, involving Health and Safety Representatives (HSRs) and/or Faculty/Division HSW Committees in accordance with Part 5 of the [WHS Act 2012](#).
- 1.2 That a structure exists within the University that facilitates the election of HSRs should workers decide to do so, in accordance with Part 5, Division 3 of the [WHS Act 2012](#).
- 1.3 That a pathway and procedure is identified for HSW issue resolution that allows for the rights and powers of elected HSRs.

#### 2 Scope and application

- 2.1 This process applies to workers who are undertaking University of Adelaide related activities (including those working off campus).

Note: the [WHS Act 2012](#) also requires consultation, co-operation and co-ordination between a person conducting a business or undertaking (PCBU) and external parties who may share HSW duties. Refer to [HSW Collaboration with other organisations \(including co-location\) Handbook Chapter](#) for requirements.

#### 3 Process: HSW Consultation

Person Responsible	Actions
3.1 Supervisor/person in control of the area/activity (see definitions)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Consult with workers likely to be directly affected, including those they supervise and/or their representatives, on relevant health and safety matters such as:               <ul style="list-style-type: none"> <li><input type="checkbox"/> when identifying hazards and assessing risks to health and safety arising from work carried out or to be carried out;</li> <li><input type="checkbox"/> when making decisions about ways to eliminate or minimise those risks;</li> <li><input type="checkbox"/> when making decisions about the adequacy of facilities they control which ensure the welfare of workers;</li> <li><input type="checkbox"/> when proposing changes that may affect the health or safety of workers;</li> <li><input type="checkbox"/> when making decisions about the local procedures for:                   <ul style="list-style-type: none"> <li><input type="checkbox"/> consulting with workers; or</li> <li><input type="checkbox"/> resolving health or safety issues at the workplace; or</li> <li><input type="checkbox"/> monitoring the health of workers; or</li> <li><input type="checkbox"/> monitoring conditions in the workplace; or</li> <li><input type="checkbox"/> providing information and training for workers.</li> </ul> </li> </ul> </li> </ul>

3 Process: HSW Consultation (Continued)

Person Responsible	Actions
<p><b>3.1 Supervisor/person in control of the area/activity (see definitions)</b></p> <p>(Continued)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Confer with the HSR elected for their area when requested by the HSR for the purpose of ensuring the health and safety of the workers in the area.</li> </ul>
<p><b>3.2 Head of Faculty/Division or nominee</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure there is a HSW Committee that covers the Faculty/Division made up of management and staff representatives.</li> <li><input type="checkbox"/> Ensure a Terms of Reference (ToR) is maintained for the Committee in consultation with committee members.</li> <li><input type="checkbox"/> Invite elected HSRs in a Faculty or Division to be members of the Committee in accordance with the ToR.</li> <li><input type="checkbox"/> Conduct a process to determine staff representatives where an elected HSR declines to be a member or where no HSRs are in place.</li> <li><input type="checkbox"/> Allow members of HSW Committees to fulfil their role and functions as a member of the Committee.</li> <li><input type="checkbox"/> Provide relevant information to the Committee relating to hazards and HSW issues.</li> <li><input type="checkbox"/> Document agendas/papers and minutes for the Committee and make available to the workers covered by the Committee (e.g. place on the Faculty/Division website).</li> </ul>
<p><b>3.3 Health and Safety Representatives</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Represent a workgroup's HSW issues to relevant supervisors and managers. This may include:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> discussing HSW matters with workers at the worksite;</li> <li><input type="checkbox"/> bringing a work area HSW matter to the attention of the supervisor;</li> <li><input type="checkbox"/> monitoring the measures taken in relation to workers in the workgroup to comply with the <a href="#">WHS Act 2012</a>;</li> <li><input type="checkbox"/> investigating complaints from members of the workgroup relating to HSW issues;</li> <li><input type="checkbox"/> inquiring into anything that appears to be a risk to the HSW of workers in the workgroup;</li> <li><input type="checkbox"/> representing their workgroup's issues to their HSW Committee or work area consultation arrangement; and</li> <li><input type="checkbox"/> ensuring relevant safety issues are recorded in the University's <a href="#">HSW Online Reporting System</a>.</li> </ul> </li> </ul> <p>(Notes: Further information on the role, powers, functions and rights of a HSR can be found in the <a href="#">HSR Information Sheet</a>.)</p>
<p><b>3.4 Health and Safety Committee</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Facilitate co-operation between management and workers on HSW matters.</li> <li><input type="checkbox"/> Contribute to the development and review of local HSW processes and systems.</li> <li><input type="checkbox"/> Meet at least once every three months and at any reasonable time at the request of at least half of the members of the committee.</li> </ul> <p>(Notes:</p> <ul style="list-style-type: none"> <li>• the composition of an HSW Committee must be agreed between management and workers and should include at least 50 % worker representation not nominated by the employer and include management representation with the necessary level of decision making and expertise.)</li> </ul>

3 Process: HSW Consultation (Continued)

Person Responsible		Actions
3.4	<b>Health and Safety Committee</b>  (Continued)	(Notes: continued) <ul style="list-style-type: none"> <li>Unless they do not wish to participate, HSRs are automatically a member of the relevant HSW Committee. If there is more than one HSR, the HSRs may agree among themselves as to who will be on the Committee. They may agree to have more than one HSR join the Committee.)</li> </ul>
3.5	<b>Workers</b>	<input type="checkbox"/> Participate in HSW consultative structures and processes.

4 Process: Election of HSRs

Person Responsible		Actions
4.1	<b>Head of Faculty/Division or nominee</b>	<input type="checkbox"/> Determine, in consultation with workers by negotiation and agreement, a work group or structure of work groups that covers the entire Faculty or Division. The structure of the work group or groups should: <ul style="list-style-type: none"> <li><input type="checkbox"/> be sustainable, to avoid constant turnover or vacancies;</li> <li><input type="checkbox"/> enable easy identification by workers of:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> the workgroup to which they belong; and</li> <li><input type="checkbox"/> which HSR is their representative;</li> <li><input type="checkbox"/> be communicated to all workers in the Faculty/Division.</li> </ul> </li> </ul> <input type="checkbox"/> Determine, in consultation with workers by negotiation and agreement, the number of HSRs to be elected.
		(Notes: Once agreed, work groups can be reviewed and altered at a later date upon request from workers or by the Head of Faculty/ Division after a new round of consultation has occurred. This should be considered, for example, if ongoing HSR vacancies persist.)
4.2	<b>Local HSW Team or Faculty/Division nominee</b>	Where the HSR position is or falls vacant, the Local HSW Team or Faculty/Division nominee must: <ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure nomination and election process in accordance with <a href="#">Appendix B</a>.</li> <li><input type="checkbox"/> Advise the members of the work group of the outcome.</li> <li><input type="checkbox"/> Register the newly elected HSR with the <a href="#">SafeWork SA HSR portal</a>.</li> <li><input type="checkbox"/> Update the <a href="#">SafeWork SA HSR portal</a> where a HSR resigns or leaves the workgroup.</li> <li><input type="checkbox"/> Ensure an up-to-date list of HSRs (electronically or otherwise) is displayed for each work group by the Faculty/Division.</li> <li><input type="checkbox"/> Monitor where terms are ending via the <a href="#">SafeWork SA HSR portal</a> and prompt nomination and election processes as required.</li> </ul>

5 Process: Training and support for HSRs

Person Responsible		Actions
5.1	<b>Supervisors of elected HSRs</b>	<input type="checkbox"/> Provide any resources, facilities and assistance to a HSR for the work group that are reasonably necessary to enable them to exercise their powers or functions under the <a href="#">WHS Act 2012</a> . <input type="checkbox"/> Allow a person assisting the HSR for the work group to have access to the workplace if that is necessary to enable the assistance to be provided.

5 Process: Training and support for HSRs (Continued)

Person Responsible	Actions
<p><b>5.1 Supervisors of elected HSRs</b></p> <p>(Continued)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Permit a HSR for the work group to accompany a SafeWork SA inspector during an inspection of any part of the workplace where a worker in the work group works.</li> <li><input type="checkbox"/> Allow a HSR to spend such time as is reasonably necessary to exercise their powers or functions under the <a href="#">WHS Act 2012</a>.</li> <li><input type="checkbox"/> Allow, at the request of a HSR for a work group in their area, the HSR to attend a course of training from a training provider that is approved by SafeWork SA and chosen by the HSR, in consultation with their supervisor (refer to <a href="#">SafeWork SA HSR portal</a>).</li> <li><input type="checkbox"/> Release the HSR to attend their prescribed minimum training:                         <ul style="list-style-type: none"> <li><input type="checkbox"/> as soon as practicable within a 3-month period from receiving the request; and</li> <li><input type="checkbox"/> with all reasonable costs of attending the course and time paid by the School/ Branch/ Faculty/ Division; and</li> <li><input type="checkbox"/> for the prescribed minimum number of days per year of their term:                                 <ul style="list-style-type: none"> <li><input type="checkbox"/> 5 days during their first year of term;</li> <li><input type="checkbox"/> 3 days during their second year of term;</li> <li><input type="checkbox"/> 2 days during their final year of term.</li> </ul> </li> </ul> </li> </ul> <p>(Notes:</p> <ul style="list-style-type: none"> <li>• The prescribed minimum number of days applies to each subsequent term should a HSR re-nominate.</li> <li><input type="checkbox"/> Any time that a HSR spends for the purposes of exercising his or her powers or performing his or her functions including training must be with the pay that he or she would otherwise be entitled to receive for performing his or her normal duties during that period.)</li> </ul>

6 Process: Dispute avoidance and settlement procedure for HSRs

Person Responsible	Actions
<p><b>6.1 HSR</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Follow the process outlined in <a href="#">Appendix A</a> to resolve issues where they reasonably believe there is a risk to the health and safety of workers in their workgroup.</li> </ul> <p>(Notes:</p> <ul style="list-style-type: none"> <li>• Advisors and/or competent persons may be included to assist the resolution process.</li> <li>• Either party (the PCBU or the HSR) can at any time contact a SafeWork SA inspector for assistance on the matter.)</li> </ul>
<p><b>6.2 Supervisor, Head of School/Branch, Head of Faculty/Division</b></p>	<p>In accordance with <a href="#">Appendix A</a>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Meet or communicate with relevant parties to attempt to resolve the issue. The timeliness of response must have regard to the degree and immediacy of risk to workers.</li> <li><input type="checkbox"/> Provide written agreement to the issue where requested by a worker and provide a copy to all parties to the issue.</li> <li><input type="checkbox"/> Ensure the details are recorded in the University's <a href="#">HSW Online Reporting System</a> as a safety issue.</li> </ul>

6 Process: Dispute avoidance and settlement procedure for HSRs (Continued)

Person Responsible	Actions
6.3 Central HSW team	<p>In accordance with <a href="#">Appendix A</a>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Review the issue, consulting with relevant parties, and review relevant documentation relating to the HSW issue where requested by the Executive Dean/Executive Director.</li> <li><input type="checkbox"/> Provide a report with recommendations to the Executive Dean/Executive Director.</li> </ul>

7 Process: Issuing a Provisional Improvement Notice (PIN)

Person Responsible	Actions
7.1 Supervisor, Head of School/Branch, Head of Faculty/Division	<ul style="list-style-type: none"> <li><input type="checkbox"/> Display a copy of any issued Provisional Improvement Notice (PIN) in a prominent place at or near the part of the workplace that is affected by the notice.</li> <li><input type="checkbox"/> Comply with the PIN within the time specified in the notice, unless a SafeWork SA Inspector has been requested to review the PIN.</li> <li><input type="checkbox"/> Ensure the details are recorded in the University's <a href="#">HSW Online Reporting System</a> as a safety issue.</li> </ul> <p>(Notes: Refer to the Local HSW Team for further advice on the resolution of PINs.)</p>
7.2 HSR	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure that Stage 1 of <a href="#">Appendix A</a> has been attempted before issuing a Provisional Improvement Notice (PIN).</li> </ul> <p>(Notes:</p> <ul style="list-style-type: none"> <li>• The HSR issuing the PIN can only do so if they have completed the approved HSR training.</li> <li>• It is recommended that the HSR contact the Local HSW Team for advice and support to ensure the PIN is completed correctly and assigned to the right person of authority.</li> <li>• A trained HSR may direct the cessation of work where they reasonably believe there is a serious or imminent risk to a member of their workgroup, but must first make efforts to consult with their supervisor or as soon as practicable in the event of imminent risk.)</li> </ul>

8 Process: Record Keeping

Person Responsible	Actions
8.1 Returning Officer	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure that records of HSR nomination and election processes are maintained in accordance with the State Records of SA, General disposal Schedule No 30 issued under the <a href="#">State Records Act 1997</a>.</li> </ul> <p>(Notes: Contact the University's Records Management Office for further assistance/information if required.)</p>
8.2 Head of Faculty/Division or nominee	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure that records of work group formation and HSW Committee minutes and agenda papers and other consultation records are maintained in accordance with the State Records of SA, General disposal Schedule No 30 issued under the <a href="#">State Records Act 1997</a>.</li> </ul> <p>(Notes: Contact the University's Records Management Office for further assistance/information if required.)</p>

8 Process: Record Keeping (Continued)

Person Responsible	Actions
<p><b>8.3 Supervisor/person in control of the area/activity</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure that consultation records are maintained in accordance with the State Records of SA, General disposal Schedule No 30 issued under the <a href="#">State Records Act 1997</a>.</li> <li><input type="checkbox"/> These records may be in the form of:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> File notes of discussions on safety matters;</li> <li><input type="checkbox"/> Emails;</li> <li><input type="checkbox"/> Names of persons on HSW risk assessments, workplace inspections, hazard identification checklists;</li> <li><input type="checkbox"/> Minutes of meetings.</li> </ul> </li> </ul> <p>(Notes: Contact the University's Records Management Office for further assistance/information if required.)</p>

9 Definitions

**Health and Safety Representative** – is a person who has been elected by a workgroup to represent them to management on HSW issues. They act in a voluntary capacity representing their workgroup, and have specific roles and functions under the [WHS Act 2012](#) and [WHS Regulations 2012](#) which may be utilised where there are safety concerns, e.g. to issue a Provisional Improvement Notice (PIN) or direct that work cease. There is no allowance for undertaking HSR duties however HSRs and deputy HSRs are entitled to undertake training.

**Consultation** – Section 48 of the [WHS Act 2012](#) requires:

- that relevant information about the matter is shared with workers; and
- that workers be given a reasonable opportunity to:
  - express their views and raise HSW issues in relation to the matter, and
  - to contribute to the decision-making process in relation to a matter, and
- that their views are taken into account, and
- that the workers consulted are advised of the outcome of the consultation in a timely manner,

and may be conducted informally during the conduct of HSW activities such as walk through inspections or observations, through regular team meetings or may be conducted formally through HSRs or HSW Committees.

**Provisional Improvement Notice (PIN)** – a written notice (refer [SafeWork SA PIN form](#)) issued by a trained HSR to a person to remedy a contravention or prevent a contravention of the [WHS Act 2012](#).

**Supervisor** - In the context of this chapter the supervisor has two meanings:

1. The line manager of a staff member or the principal supervisor of a higher degree research student, except where the worker's activity is supervised by someone as described in the second meaning below.
2. Any other individual who (separate to the line manager/principal supervisor) has control of a laboratory, clinic, workshop, field activity or other activity in which the worker is participating or working. For example, a workshop manager who has control of what is undertaken and/or who determines which workers may/may not work within the workshop they control. (Note: Control means that these individuals have the right to deny access to or stop any activity until they are satisfied that the activity can occur safely.)

**Worker** – means according to the [WHS Act 2012](#), a person where the person carries out work in any capacity for a person conducting a business or undertaking, including work as -

- (a) an employee; or
- (b) a contractor or subcontractor; or
- (c) an employee of a contractor or subcontractor; or
- (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or
- (e) an outworker; or
- (f) an apprentice or trainee; or
- (g) a student gaining work experience; or
- (h) a volunteer; or
- (i) a person of a prescribed class.

The person conducting the business or undertaking is also a worker if the person is an individual who carries out work in that business or undertaking. **Note:** Higher Degree Research and Honours students and Academic Visitors are likely to be workers under the [WHS Act 2012](#).

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**10 Performance Measures**

The HSW Team will use the performance measures listed below to assist in identifying areas of success and/or where corrective action is required to meet the objectives and targets of this process.  
The level of compliance with the chapter and effectiveness will be determined during the internal audit process.

**11 Useful information and resources**

<b>6.1</b>	<b>University related documents</b> HSW Handbook Chapter <a href="#">HSW Collaboration with other organisations (including co-location) Handbook Chapter</a>
<b>6.2</b>	<b>Related Legislation</b> <a href="#">Work Health and Safety Act 2012 (SA)</a> <a href="#">Work Health and Safety Regulations 2012 (SA)</a> <a href="#">Code of Practice HSW Consultation, Cooperation and Coordination 2020</a>
<b>6.3</b>	<b>Useful Web-links</b> <a href="#">SafeWork SA</a> <a href="#">SafeWork Australia</a>

## Dispute avoidance and settlement procedure for Health & Safety Representatives (HSRs)

Note: An elected and trained HSR may exercise their powers in accordance with the [WHS Act 2012](#) at any time (including contacting SafeWork SA to seek advice and guidance on the matter, issue a Provisional Improvement Notice (PIN) or direct the cessation of unsafe work), however where the exercising of that power requires them to consult, HSRs should attempt Stage 1 of this process.

### Stage 1

Safety issues of concern identified by the HSR should be raised with the relevant supervisor/manager for consideration and response.

**Note:**

- The issue must be reported in the [HSW Online Reporting System](#) by a worker or the HSR
- Once reported, local HSW Officer's investigate, consulting with the workers and their representatives, and provide advice and recommendations to the relevant supervisor/manager to eliminate or minimise the risk from the identified hazard/s.

Should the actions taken by the supervisor/manager not resolve the safety issue and the HSR reasonably believes a risk to health and safety still exists, move to Stage 2.

### Stage 2

Safety issue/s, not resolved by Stage 1, should be raised by the HSR to the relevant Head of School or Branch for consideration and response.

**Note:**

- Additional advice may be sought from competent external persons
- Either party may be assisted or represented by a person nominated by that party
- Either party may make a request to SafeWork SA for advice
- If the Head of School/Area was the supervisor that considered the HSW matter under Stage 1, then move to Stage 3.

Should the actions taken by the Head of School/Branch not resolve the safety issue and the HSR reasonably believes a risk to health and safety still exists, move to Stage 3.

### Stage 3

Safety issue/s, not resolved by Stage 2, should be raised by the HSR to the Executive Dean/Director for final resolution.

**Note:**

- Where requested by the Executive Dean/Director, the issue and all relevant documentation relating to the HSW issue raised will be reviewed by the HSW Central team, relevant parties **consulted**, and a report with recommendations provided for the Executive Dean/Executive Director to consider.

The Executive Dean/Executive Director will advise the HSR of their decisions and any subsequent actions in writing.

MATTER RESOLVED

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## Process to support the nomination and election of HSRs

### Nomination process - Local HSW Team or Faculty/Division nominee

1. Determine a list of eligible members of the work group.
2. Determine in consultation with relevant workers, who will be the Returning Officer.
3. Email Web & Digital, Marketing & Recruitment at [web.requests@adelaide.edu.au](mailto:web.requests@adelaide.edu.au)
  - a. use this [online nomination form](#) as a template asking they upload the form to the Faculty intranet
  - b. provide the name of the designated workgroup
  - c. provide the name of the Returning Officer
  - d. provide the nomination due date (allow a two week timeframe).
4. Notify the designated workgroup of the nomination process. Refer to sample email on [HSR Portal](#).
5. The Returning Officer cannot be a candidate in the election but may be from outside the workgroup.

### Receiving Nominations - Responsible Officer

6. The Responsible Officer will receive the nominations via the on-line form.
7. Nominees must be a member of the work group.
8. Where no nomination is received the position will be vacant until a worker nominates.
9. If the position remains vacant for more than three (3) months and a nomination is then received, the Local HSW Team must advise the work group and provide a fresh opportunity for workers to nominate.
10. Where the number of nominations equals the number of vacancies, the nominee(s) are taken to be elected to the work group.
11. Where more nominations than vacancies are received, an election process is required.
12. The Responsible Officer to advise the Local HSW Team or Faculty/Division nominee of the outcome.
13. The Responsible Officer to retain records of the process (emails etc) in accordance with the [State Records Act 1997](#).

### Advising of appointment of HSR where no election is required - Local HSW Team or Faculty/Division nominee

14. Advise successful HSRs of the result. Refer to sample email on [HSR Portal](#).
15. Advise workgroup of the result. Refer to sample email on [HSR Portal](#).
16. Retain records of the process (emails etc) in accordance with the [State Records Act 1997](#).

### Conduct of election process if required - Local HSW Team or Faculty/Division nominee

17. Email Web & Digital, Marketing & Recruitment at [web.requests@adelaide.edu.au](mailto:web.requests@adelaide.edu.au)
  - a. use this [online ballot form](#) as a template asking they upload the form to the Faculty intranet
  - b. provide the name of the designated workgroup
  - c. provide the list of HSR nominees
  - d. provide the name of the Returning Officer
  - e. provide the voting due date (allow a two week timeframe for voting)
18. Notify the designated workgroup of the voting process. Refer to sample email on [HSR Portal](#).
19. All members of the work group must be given the opportunity to vote in the election.

### Receiving Votes - Responsible Officer

20. The Responsible Officer will receive the votes via the on-line form.
21. The successful candidate is that with the most votes for one vacancy or nominees will be ranked by the most votes and appointed to the vacancies in order of rank.
22. Where the election results in a tie, the two nominees will be decided by the drawing of lots.
23. Responsible Officer to advise the Local HSW Team or Faculty/Division nominee of the outcome.
24. Responsible Officer to retain records of the process (emails etc) in accordance with the [State Records Act 1997](#).

### Post election - Local HSW Team or Faculty/Division nominee

25. Advise successful HSRs of the election result. Refer to sample email on [HSR Portal](#).
26. Advise workgroup of the election result. Refer to sample email on [HSR Portal](#).
27. Register the newly elected HSR with the [SafeWork SA HSR portal](#).
28. SafeWork SA will email the HSR their portal registration details and instructions on the process to access training.
29. Update the [SafeWork SA HSR portal](#) (contact [hswteam@adelaide.edu.au](mailto:hswteam@adelaide.edu.au) for log in details) where a HSR resigns or leaves the workgroup.
30. Ensure an up-to-date list of HSRs (electronically or otherwise) is displayed for each work group by the Faculty/Division.
31. Monitor where terms are ending and schedule nomination and election processes as required.
32. Retain records of the process (emails etc) in accordance with the [State Records Act 1997](#).

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