

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Supplementary Budget Estimates 2010-2011**

Agency - Comcare

DEEWR Question No.EW0403_11

Senator Abetz provided in writing.

Question

COMCARE - HSR TRAINING

Is there anything in the model OHS Act about how HSR training is conducted? Is there anything in the model OHS Regulations about how HSR training is conducted? Do the model OHS Regulations specify how the 35 hours is to be used? Is HSR training compulsory? Will HSR training remain compulsory under the model Act? What is the likelihood that these Guidelines represent the best and only model of learning that suits everyone?

Answer

Comcare has provided the following responses:

1) Is there anything in the model OHS Act about how HSR training is conducted?

No

2) Is there anything in the model OHS Regulations about how HSR training is conducted?

Yes. The Exposure draft of the Model Work Health and Safety (Administrative Provisions) Regulations 2010 (draft of 16/07/2010), at Division 2 provides:

2.1.8 Training for health and safety representatives

For the purposes of section 72(1) of the Act, a health and safety representative is entitled to attend the following courses of training in work health and safety:

- (a) an initial course of training of 5 days;
- (b) one day's refresher training each year, with the entitlement to the first refresher training commencing 1 year after the initial training.

Note

This regulation specifies courses of training to which a health and safety representative is entitled. In addition to these courses, the representative and the person conducting the business or undertaking may agree that the representative will attend or receive further training.

3) *Do the model OHS Regulations specify how the 35 hours is to be used?*

Yes. Training in relation to work health and safety (i.e. Exposure draft of 16/07/2010 of the Model Work Health and Safety (Administrative Provisions) Regulations 2010 at 2.1.8).

4) *Is HSR training compulsory?*

Under section 27 of the *Occupational Health and Safety Act 1991* (Commonwealth) a health and safety representative for a designated work group must undertake a course of training relating to occupational health and safety that is accredited by the Safety, Rehabilitation and Compensation Commission.

5) *Will HSR training remain compulsory under the model Act?*

HSR training is not compulsory under the Model Work Health and Safety Bill (revised draft 11/05/2010).

However, the Model Work Health and Safety Bill requires that a health and safety representative must have completed training in order to direct the cessation of unsafe work (s85(6)b) and issue provisional improvement notices (s90(4)a).

6) *What is the likelihood that these Guidelines represent the best and only model of learning that suits everyone?*

The *Guidelines – Health and Safety Representatives training in the Commonwealth jurisdiction* (the 2010 Guidelines) incorporate consultations and feedback from all training providers, health and safety representatives, employers, self-insurers, unions, Comcare investigators, Occupational Health and Safety Training Panel members and Comcare staff. The 2010 Guidelines were endorsed by the Safety, Rehabilitation and Compensation Commission and apply from 30 April 2010.

In revising the Guidelines consideration was given to striking an appropriate balance between theory and practice. The Guidelines are intended to be used by training providers developing HSR training courses for submission for accreditation to produce courses that provide health and safety representatives with the opportunity to gain the knowledge, skills and experience to exercise their powers effectively and responsibly.