

The University of Melbourne
Occupational Health and Safety Committee
Minutes of Meeting 1/08

Meeting 1/2008 of the Occupational Health and Safety Committee was held at 2.15pm on Tuesday 5 February 2008 in the Moot Court Room, Old Quadrangle.

1. Welcome and Attendance

1.1-2 Apologies and welcome

MEMBERSHIP	In Attendance	Apologies
Employer Representatives Vice-Principal nominated by the Vice-Chancellor (Chair) Vice-Principal, Human Resources or nominee Vice-Principal, Property and Campus Services or nominee Dean of a laboratory based Faculty General Manager, Environment Health and Safety Unit Academic Registrar or nominee	Ms Julia McQuillan attending for Mr Nigel Waugh Ms Penny Sharples attending for Ms Julia McQuillan Mr Geoff Owen attending for Mr Colin Reiter Mr Stefan Delaney Mr Garry Thomson	Pr Ken Hinchcliff
Employee Health and Safety Representatives Six Health and Safety Representatives (HSRs) elected by the Health and Safety Representatives Attendance pending filling of two vacancies	Ms Sarah Epskamp Mr Lindsay Rayner Mr Steven Adams Mr Paul Donald	Ms Jennifer Scott
Student Observers One student nominated by the University of Melbourne Student Union (vacant) One student nominated by the University of Melbourne Post Graduate Association.	Mr Tony Williams	
Occasional Observers Other observers as determined by the Committee and invited by the Chair.		
Standing Observers WorkCover & Rehabilitation Manager	Mr Peter Robertson	
In Attendance	Ms Belinda Rule (Minutes Secretary)	

3.7. Election to fill HSR member vacancies

The committee agreed to begin the meeting with discussion about Item 3.7. – Election to fill HSR member vacancies.

Members noted the following events since last meeting:

- In November 2007, the HSR members through Mr Adams contacted Mr Delaney in writing, asking him to postpone a University Secretary conducted election to fill the two vacancies so that a meeting of University of Melbourne HSRs could be held. Mr Delaney responded indicating that he wished to be kept informed of the outcome of the meeting;
- the HSR members through Mr Adams wrote to Mr Waugh and Mr Delaney in November 2007 to advise that the meeting of HSRs convened to discuss the vacancies and advised that at the meeting, those present elected Paul Donald and Kate Nowell as HSR members of the OHSC. The voting for this was by a show of hands of those present. To this correspondence neither Mr Waugh nor Mr Delaney responded.

There was further discussion of the OHS Members who expressed differing views of the decision from the previous meeting in respect to the formal election process.

- Management and the Acting Chair expressed their view that the HSRs had overridden the decision of the OHSC unilaterally and without authority, and were concerned that HSRs who were not able to attend the HSR meeting, such as those from regional campuses, had not been given an opportunity to express interest, or register their vote;
- HSR members disputed the outcome of the previous meeting regarding concerning the election process. It was felt that they had in good faith communicated with the Employers Representative in writing on progress towards resolving the vacancies on OHSC and were of the view that it was the HSRs' prerogative to elect their own representatives on the OHSC as outlined in the *OHS Act 2004*. The purpose of the meeting of HSRs had been sufficiently and clearly expressed to allow any interested HSR to attend. The HSR members were concerned that the Employers Representatives were attempting to impinge on the University's HSRs right to elect their own representatives;
- The HSR members and Employers Representative differed in their interpretation of relevant sections of the *OHS Act 2004*. The HSR members had sought the opinion of WorkSafe and advised that this had been supported by Worksafe and that their position was appropriate.
- The HSR members were disappointed that concerns about the election had not been raised promptly upon receipt of correspondence by the Employers Representative and the Chairman in November 2007. The Employers Representative accepted this criticism and apologised, stating he had not responded as the ratification of the election was the prerogative of the OH & S Committee;
- The Acting Chair, stressed the support of the Chair for using the standard and agreed processes for the conduct of elections and that the University Secretary conduct the election for the vacancies. This is a standard University procedure which has been established for the purpose of providing an independent election process for all University committees. The Student Observer pointed out that although it maybe the convention it is not the rule for Student representation on committees is conducted without the University Secretary support;
- The HSRs felt that as no response had been received from Employers Representative or the Chair against the election process that it had been found acceptable. With no advance notice given they were ill prepared to consider the issue of the election at the meeting and would have liked more notice of the pending discussion.
- Employers Representative stated he had also been taken by surprise by the HSRs' decision to override the decision of the OHSC. The HSRs reiterated their position that as this issue was raised in November 2007 that it was the University HSRs' right to elect their own representation on the Committee and that this matter should have been discussed and resolved prior to the OHSC meeting;
- The HSRs would have liked to have seen their correspondence with the Employers Representative included in the meeting papers to inform discussion. Employers Representative noted the HSRs are able to raise any matter at standing item 4.3, or add any Agenda item or distribution paper by request to the Secretary. HSRs advised that

this was an agenda item added by Employers Representatives it was assumed that the background documentation would have been included to inform discussion and ensure transparency.

- The Acting Chair stressed that neither Employers Representatives, nor the Acting Chair had any intention of attempting to control what candidates the University's HSRs elect to represent them, there was no objection to the candidature of the disputed electees, and would be very pleased to see the disputed electees confirmed as long as this was through an agreed open election process.

In their correspondence with Employers Representative, the HSRs had also raised some other matters, concerning the distribution of Agenda papers and the number of HSR members on the committee which were also omitted from the agenda for discussion. Members agreed these should be discussed after the matter of the election was resolved.

The Acting Chair proposed that another election for the two HSR member vacancies be held through the University Secretary, and that while the election is in progress, the disputed electees remain in attendance. If matters of contention requiring a vote arise before the formalisation of membership, the two disputed electees will have the status of observers, discussion should be continued outside the meeting, and if agreement cannot be reached, then decisions on these matters should be postponed until after the election is complete.

Mr Adams, Mr Rayner, Mr Donald and Ms Epskamp left the meeting to confer on this proposal. Mr Adams, Mr Rayner, Mr Donald and Ms Epskamp returned to the meeting. The HSR members rejected the Acting Chairs proposal and advised they would withdraw from the meeting to seek further advice from WorkSafe for clarification on this matter.

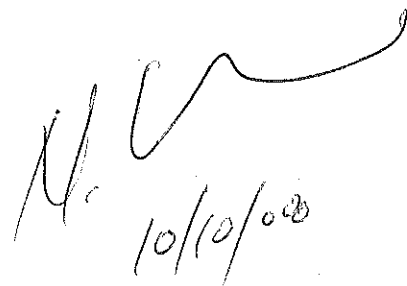
Mr Adams, Mr Rayner, Mr Donald and Ms Epskamp left the meeting. The meeting became inquorate.

The remaining members agreed an extraordinary meeting should be held as soon as possible to progress the discussion to resolution. Mr Delaney will consult Mr Waugh concerning the timing of this meeting.

MEETING CALENDAR FOR 2008

Tuesdays at 2.15pm in 2008:

- 5 February Old Quadrangle Moot Court Room
- Extraordinary meeting TBA
- 8 April Jim Potter Conference Room, Old Physics
- 8 July Jim Potter Conference Room, Old Physics
- 28 October Jim Potter Conference Room, Old Physics



Handwritten signature and date: 10/10/08