

CONSULTATION

Health and Safety Representative (HSR) Elections

This information bulletin provides guidance for employers and workers on the election of a Health and Safety Representative (HSR) under the [Workplace Health and Safety Act](#). Please refer to Sections 36 to 44 of the Act and Regulations 35D to 35H of the [Workplace Health and Safety Regulations](#) for more detail.

Election of a health and safety representative

A work group may elect a health and safety representative (HSR). Please refer to NT WorkSafe information bulletin [18.01.03](#) Work groups. The HSR must be a member of the work group. The term of office for a HSR is 2 years and a person may be re-elected for further terms provided they remain eligible to be elected.

For more detail on the role and functions of a HSR please refer to NT WorkSafe information bulletin [18.01.04](#) Health and safety representative (HSR) role, functions and powers.

Conduct of the election

If a work group decides to elect a health and safety representative (and after all the purpose of forming a work group is to elect a HSR) the regulations require the work group to select a returning officer for the election by agreement of the majority of the members of the work group. The Act or the regulations do not require that the Returning Officer be a member of the work group, in fact it would probably be a clearer process if the person was not a member. However, this is a matter for the work group itself.

There is also no requirement for the Returning Officer to be a worker at that workplace; a work group may for example elect that a Union Representative be the Returning Officer for their election. The returning officer must, as soon as is practicable after his or her appointment fix the date of the election and ensure a notice of election (as below) is displayed in a prominent place at each relevant workplace for at least 8 business days before the date of the election. This is to ensure that everyone who is a member of the work group has the opportunity to consider and discuss nominating either themselves or someone else to be the HSR and the opportunity to be involved in the election and exercise their right to vote for their HSR. Members of the work group do not have to vote if they don't wish to; electing a HSR is a right of workers but not an obligation.

Notice of election

A notice of election inviting nominations for candidates must be displayed in a prominent place at each relevant workplace stating date, time and place of the election and the closing date for nominations.

Nomination

A nomination of a candidate for election must be made in writing and received by the returning officer at least 3 business days before the date of the election. If the returning officer accepts nomination as a candidate, a new returning officer must be selected in accordance with the regulations; that is, by the majority of the work group.

If only one person is nominated for the role of HSR then no voting is required and the Returning Officer must declare that person elected.

Voting

If there is more than one nomination, an election will need to be held. Regulations 35G and 35H set out the process required for the election of a HSR. Each member of the work group is entitled to one vote by secret ballot at the election. The candidates must be listed in alphabetical order on the ballot paper. A member votes by placing a cross next to the name of the candidate of his or her choice.

Election

The candidate who receives the most number of votes is elected. The results of the election must be displayed in a prominent place at the relevant workplaces as soon as is practicable and the Returning Officer must inform each employer to whom the election relates of the outcome. If two or more candidates receive equal votes, drawing lots will determine the successful candidate.

List of representatives to be kept

An employer must keep a record of all HSRs and must display a current list of HSRs at every workplace under their employer's control.

Elected HSRs

Once elected, a HSR has a right to access approved training for HSRs and have a range of functions and powers under the Act to assist them in performing their representative role. For more information see NT Work Safe information bulletin 18.01.04 Health and safety representative (HSR) role, functions and powers.

Penalties

A range of penalties applies where the provisions of the Act are not complied. Please refer to bulletin [09.01.07](#).

For further information contact NT Worksafe on 1800 019 115 or go to www.worksafe.nt.gov.au