

CS ENERGY PROCEDURE

HEALTH AND SAFETY CONSULTATION AND COMMUNICATION CS-OHS-74

Responsible Officer: Principal Health and Safety Specialist
Responsible Manager: Head of Health Safety and Environment
Responsible Executive: Executive General Manager People, Safety and Transformation

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1 PURPOSE

The purpose of this procedure is to outline CS Energy's consultation requirements in accordance with the *Work Health and Safety Act* (WHSA) in relation to matters affecting the Health and Safety of employees, contractors, students, volunteers, outworkers, apprentices and trainees (Workers) at CS Energy.

2 SCOPE

This procedure applies to all workers at CS Energy sites and forms part of Element 1 (Leadership and Worker Participation) of CS Energy's Health and Safety Management System (HSMS).

Consultation for the purposes of this procedure is defined as providing information to relevant persons, giving them an opportunity to express their views and taking those views into account when making decisions. While the aim is to reach agreement where possible, consensus or agreement is not required. Management retains obligations under the WHSA and hence accepts responsibility for making decisions, however this procedure provides clarity and guidance around the consultation and decision-making process.

Consultation may occur by a variety of methods as outlined in clause 4.3 of this procedure.

It is important to note that consultation for the purposes of this procedure does not remove any relevant consultation requirements under relevant Enterprise Agreements.

3 RESPONSIBILITIES AND ACCOUNTABILITIES

3.1 CEO and Executive Leadership Team (ELT)

The CEO and ELT are responsible for:

- Ensuring Health and Safety committees are formed and meet regularly
- Attending and participating in the Central Health, Safety and Environment Committee (CSHE Committee); and
- Participating in management reviews relating to Health and Safety.

3.2 Head of Health Safety and Environment

The Head of Health Safety and Environment is responsible for:

- Participating in management reviews relating to Health and Safety
- Ensuring relevant Health and Safety information is consulted upon and
- Ensuring relevant Workers are advised of the outcomes of any consultation in a timely manner.

3.3 Health and Safety Representative (HSR)

The HSR is responsible for:

- Consulting in line with their specific powers and functions, as outlined in the WHSA Regulations,
- The views of the workers of their workgroup being considered. (Refer to Section 6 Health and Safety Representatives.)

3.4 Managers

Managers are responsible for:

- Allowing access to information the HSR is entitled to request for the workgroup they represent
- Informing HSRs about notices issued by an inspector or WHS Enty Permit Holder (EPH), and providing a copy to the HSR if CS Energy has been given the notice, for the relevant area of representation/workgroup.
- Giving the HSR a copy of incident notifications made to the regulator
- Informing HSRs that an EPH or inspector has entered the workplace
- Allowing the HSR to accompany the EPH or inspector at the workplace
- Paying an HSR exercising their powers or functions under the Act the amount (including any overtime, penalties or allowances) they would get if they were performing their normal duties during the same period
- If a dispute arises between the PCBU and HSR about refusal to grant access to information or give a copy of a notice, the HSR may ask the regulator to appoint an inspector to assist in resolving the dispute
- Open communication
- Making relevant Health and Safety information available
- Deciding on what consultation methods are most relevant to a Health and Safety issue
- Keeping records of outcomes and discussions to demonstrate compliance with consultation requirements and
- Managing issue resolution for Health and Safety matters, if required, in consultation with Industrial Relations.

3.5 Workers

Workers are responsible for:

- Contributing to the decision-making process relating to Health and Safety matters
- Expressing their views relating to Health and Safety issues and
- Participating in issue resolution, if required.

4 COMMUNICATION OF LEGISLATIVE CHANGE

When CS Energy becomes aware of changes to Legislation, Regulations or Codes of Practice a communication pack will be developed to provide information to the relevant CS Energy Stakeholders. This may include the Board, Executive Team, Management Teams, Supervisors, HSRs and or employees depending on the change implemented.

5 CONSULTATION REQUIREMENTS AND PROCESS

5.1 Consultation requirements under the WHSA

The WHSA requires that CS Energy and other persons conducting a business must, so far as is reasonably practicable, consult with Workers who carry out work for the business and who are or are likely to be directly affected by a matter relating to workplace Health and Safety.

In addition, the WHSA sets out requirements around the nature of consultation, Health and Safety representatives, Health and Safety committees and issue resolution. Additional requirements are set out in the *Code of Practice Work Health and Safety Consultation, Cooperation and Co-ordination*.

There are also requirements to consult, cooperate and coordinate with other duty holders (persons with responsibility).

5.2 Purpose of consultation

The purpose of consultation is to ensure:

- Management has sufficient information to make well informed decisions
- Workers who may be affected by decisions which relate to their Health and Safety are given an opportunity to express their views and understand the reasons for the decisions undertaken
- All persons and organisations with responsibility for Health and Safety have sufficient information to make well informed decisions, and that activities are coordinated, planned and organised so that each party can meet their responsibilities effectively and
- Where possible, an agreement is reached with respect to decisions made affecting Health and Safety of Workers

5.3 When are we required to consult?

Consultation is required when:

1. Identifying hazards, assessing risk and when decisions are to be made about ways to eliminate or minimise this risk that impact affected parties.
 - At CS Energy this is achieved by applying the CS Energy risk management process.
2. When proposing and managing change that may directly affect the Health and Safety of Workers. This may include changes made to CS Energy's HSMS.
 - There are other circumstances where additional requirements should be in place, for example when introducing a new hazardous substance, a new plant, a modified plant or new contractors. In such circumstances, the relevant CS Energy procedure must be applied.¹
3. when developing or reviewing procedures and other Health and Safety documentation that result in a material change to Health and Safety operations or activities.

5.4 Identify who should be consulted

5.4.1 Individual Workers

Consultation is required with individual workers who are directly affected or are likely to be affected by a matter relating to Health and Safety. Where a matter is urgent, such as when a hazard may expose a Worker to a serious or imminent risk to Health and Safety, supervisors will consult directly with affected Workers and/or their available representatives to implement immediate short-term controls (this may include stopping an activity). Wider consultation may occur at a later point as appropriate e.g. to identify long term controls.

5.4.2 A Group of Workers

Hazards, decisions and changes that potentially affect a wide range of Workers require wider consultation, depending on the level of risk and controls applied.

5.4.3 Other persons and or organisations that conduct business with CS Energy

Consultation may be required with other persons or organisations that hold responsibility for an Health and Safety matter under the WHS Act, including:

- Workers / contractors engaged to undertake work for CS Energy and who are directly affected by a Health and Safety matter e.g. Installers, construction, maintenance or commissioning of plant or structures.

¹ i.e. Hazardous Chemicals and Regulated Waste (CS-OHS-08), Contractor Management (CS-OHS-68).

- Where CS Energy direct or influence work carried out by workers
- Where a change may affect other people or the conduct of their business or undertaking
- Installers of fixtures, fittings or plant at the workplace
- Designers, manufacturers, importers or suppliers of plant, substances or structures for use at a workplace

5.4.4 Persons with information or expertise

Consultation may include persons who do not have responsibility but have information or expertise (e.g. Consultants, Advisers etc.) that is relevant to the Health and Safety matter.

5.5 Methods of consultation

The table below outlines different consultation methods and the context in which they may be used.

| Method | Application and limitations | Example |
|---|--|--|
| Direct discussion between supervisor and worker(s) about a matter | <ul style="list-style-type: none"> • Useful for matters specific to a worker or small group of Workers. • Workers affected by a matter are given opportunity to directly express views and understand the decision. • Allows for immediate feedback from Workers so may be used when a matter is urgent. | <ul style="list-style-type: none"> • Identifying hazards and controls for a specific task or situation (e.g. 2x2 or Job Safety Analysis, work procedure). • Planning how to manage a specific hazard. |
| Prestart Meetings | <ul style="list-style-type: none"> • Discussion of CS Energy daily activities completed at the start of every shift. • Up to date information on current incidents, events in industry, external safety matters. | <ul style="list-style-type: none"> • Identifying feedback loop on current risks for the shift and a feedback loop for all personnel to share any safety matters. |
| Toolbox meetings | <ul style="list-style-type: none"> • Useful for matters involving a number of Workers and where the issue is relevant. • Workers affected by a matter are given an opportunity to directly express views. • Allows for immediate feedback so may be used both when a matter is urgent and important or for less urgent matters (regularly scheduled meeting). | <ul style="list-style-type: none"> • Provide change information relating to decision made at Health and Safety Committees. • Identifying potential Health and Safety concerns when implementing a proposed change. |
| Written notification (e.g. CS Energy Incident Notifications, intranet) to Workers and a defined feedback mechanism e.g. person or mailbox. | <ul style="list-style-type: none"> • Useful for matters involving a wide number of Workers and/or multiple locations. • Does not allow for immediate feedback so may be not be as useful when a matter is urgent. • There is a risk that Workers may not read or respond to important matters where consultation is critical to effective outcomes. | <ul style="list-style-type: none"> • Providing a general update for CS Energy employees and includes a mechanism for feedback for views through the line. |

| Method | Application and limitations | Example |
|---|---|--|
| Health and Safety Committees (HSC) | <ul style="list-style-type: none"> Bring together Workers and management to assist in the developing/reviewing health and safety procedures and making recommendations related to health and safety matters for the workplace. These are typically utilised for matters affecting whole of site or multiple work groups rather than individual Workers. Under WHSA there are specific membership requirements and defined minimum frequencies for meeting (at least 3 monthly). Additional meetings may be held for urgent issues. HSC may include representatives with responsibility for Health and Safety matters, including major contractors. Will typically be consulted on specific matters as defined by the committee charter. Will require a meeting to be called so may not be as suitable for matters that are urgent if committee members not available. Useful where direct consultation is not practical due to number of Workers affected. | <ul style="list-style-type: none"> Reviewing a procedure relating to a specific health and safety matter e.g. consultation arrangements, health monitoring arrangements. Planning how to manage a specific change affecting multiple work groups or whole of site. |
| Union Groups | <ul style="list-style-type: none"> Representing Workers on disagreed health and safety matters. Liaising with CS Energy management and Workers on concerns associated with health and safety risks. | <ul style="list-style-type: none"> Disagreed matter between the Workers and CS Energy. Quarterly Peak Consultative Committee (PCC) meeting. Kogan Creek Consultative Committee (KCC) Business Improvement Committee (BIC) |
| Learning Teams | <ul style="list-style-type: none"> Subject Matter Experts, Workers and HSRs participating in a guided examination of work as done versus work as imagined Deep dive examination of incidents related to the risk Review of Bowtie and critical controls Alternative to ICAM for high potential incidents | <ul style="list-style-type: none"> Deep dive into significant injury or high-risk potential Report contains specific examples of organisational factors contributing to risk and action plans for improving identified risks. |

| Method | Application and limitations | Example |
|--------------------------|--|---|
| Management Review | <ul style="list-style-type: none"> • Annual Review - High level review of previous year's performance and status of HSMS through incident review, audit & assurance activities, legislation review and other business activity changes. The annual review is typically done as part of one of the Quarterly Business Reviews. • Quarterly Business Review - Mid level review of the business performance in previous quarter for various divisions including Health and Safety. • Central HSE Committee Meeting – Bi-monthly consultative meeting involving all sites and corporate stakeholders to review safety performance, results of audits, initiatives and provide opportunity to present emerging issues, and engage sites. • Monthly ELT meeting agenda - Detailed review of Health and Safety events and issues. | <ul style="list-style-type: none"> • Reports prepared and delivered at meetings (meeting minutes with actions assigned, communication packs) |

CS Energy must conduct regular reviews of the consultation methods in use to determine their continued effectiveness.

5.6 Consult, cooperate and coordinate with others with responsibility

In situations where people share responsibility for health and safety with another person, consulting, co-operating and co-ordinating activities with different parties will help address any gaps in managing Health and Safety risks.

CS Energy and its Officers cannot transfer a duty/responsibility (except duties of principal contractor) to another person however can agree that the other party is the most appropriate person to take action.

CS Energy and its Officers may also agree to conduct joint activities involving representatives from relevant parties, for example, forming a cross-sectional team to assess risk or inviting representatives to relevant Health and Safety meetings.

Persons who engage contractors must establish how consultation with the contractor's Workers will be achieved.

5.7 Communication of outcomes

The method of communicating the outcome of consultation will depend on the context and circumstances, however guiding principles include:

- The outcome (decision or action) must be communicated to persons consulted or affected by a decision or action
- Reason(s) for the decision or action taken should be included
- Outcome should acknowledge non consensus when person(s) consulted do not agree with the outcome or decision (especially where related to risk assessments and procedure review) and

- Timeliness – outcomes should be provided within a reasonable time after a decision is reached or action determined considering the severity of the risk or urgency of a change.

6 HEALTH AND SAFETY COMMITTEES

A Health and Safety Committee is in place for CS Energy employees and other parties (e.g. contractors) in developing and carrying out measures to ensure Health and Safety at work.

The Health and Safety Committee will review Health and Safety actions arising from incidents, new documents and procedures forming part of CS Energy's HSMS, actions arising from relevant inspections and audits and any other Health and Safety matter deemed relevant to be discussed to reach a decision or implement actions.²

7 HEALTH AND SAFETY REPRESENTATIVES

7.1 Election of a Health and Safety Representative (HSR)

A HSR is a person elected by a work group or Workers to represent their Health and Safety interests.

CS Energy must provide resources and assistance to carry out the election of a HSR. Once a HSR has been elected CS Energy is required to disclose the outcome of the election to the Workers in the relevant workgroup.

Once elected, the HSR can access training which will be funded by CS Energy. Reasonable travel and accommodation will be approved, if required, to attend the nominated training. The HSR completes:

- An initial 5-day course of training within 28 days after they are elected as a HSR for the work group³
- A 1-day refresher course at least every 12 months, commencing 12 months after their initial training course is done.

7.2 HSR Powers and Functions

HSRs have specific powers and functions prescribed in legislation including:

- undertake workplace inspections
- review the circumstances of workplace incidents
- accompany a WHSQ inspector during an inspection
- accompany a WHS entry permit holder if the reason for the entry relates to the work group or part of the workplace where a worker in the work group works
- represent the work group in health and safety matters
- attend an interview about health and safety matters with a worker from the work group (with the consent of the worker)
- request that a HSC be established
- participate in a HSC
- monitor compliance measures
- investigate work health and safety complaints from work group members
- inquire into any risk to the health and safety of workers in the work group

² Refer to Charter Safety and Environmental Committee

³ Note: If the initial 5-day course is not reasonably available to the representative within 28 days of their election, the HSR must still complete their training as soon as reasonably practicable.

- issue [provisional improvement notices](#) and direct a worker to cease unsafe work (where the HSR has completed the required training).

A HSR is not personally liable for anything done, or not done, in good faith while carrying out their role. However, any person adversely affected by a decision or action of a HSR can apply to the Queensland Industrial Relations Commission (QIRC) to have them disqualified.

7.3 Provision of Information to HSRs

HSR can access information which directly relates to the relevant area of representation/workgroup for the following items:

- hazards (including associated risks) at the workplace affecting workers in the work group
- the health and safety of the workers in the work group.

The information a HSR may require can differ between workplaces and workgroups, for example, a HSR may request access to:

- information relating to any work-related incident or disease, including statistical records, such as an injury register
- an asbestos register and asbestos management plan, which a person with management or control of a workplace must ensure ready access to the HSR at any time
- health and safety policies and procedures, including Safe Work Method Statements
- safety data sheets for the chemicals that are used in the workplace
- technical specifications for equipment regarding noise, vibration or radiation emission
- results of occupational hygiene measurements, including dust levels, noise levels or chemical fumes
- records of risk assessments conducted at the workplace
- reports on work health and safety matters, including reports prepared by consultants for CS Energy
- minutes of health and safety committee meetings
- information provided by manufacturers and suppliers about plant, equipment or substances at the workplace
- health monitoring information that does not contain personal or medical information about a worker.

7.4 A HSR's power to direct that unsafe work cease

The direction to cease work by an HSR must be issued to CS Energy if attempts to resolve the matter have failed

- The direction to cease work is provided in writing through a cease work notice
- CS Energy must direct workers to cease unsafe work until such time as the issue is resolved or the direction is set aside under the dispute resolution process
- The HSR must display the cease work notice in a prominent place for workers in the affected work group.

HSRs retain the ability to issue a cease work direction to a worker in circumstances where there is an immediate exposure to a risk so serious that prior consultation with the PCBU is not reasonable.

CS Energy must make resources available for HSRs to perform their roles, including a means:

- To communicate with workers in the work group and the PCBU. Examples of resources include access to a phone and an electronic device with internet access to send emails or attend online meetings with workers
- Of transport to the workers' workplace if necessary to communicate with one or more workers in the work group
- To send and receive information about health and safety
- To monitor measures taken by the PCBU about health and safety of workers in their workgroup e.g. a noise meter
- To print or display relevant health and safety information or notices.

A health and safety representative can issue a provisional improvement notice (PIN) if they reasonably believe a person is contravening the WHS Act and it is likely the contravention will continue or be repeated. The timeframe for complying with a PIN is four days, except in circumstances where all parties agree to extend the timeframe.

The period for when a person can ask the regulator to appoint an inspector to review a PIN is three days.

8 MAKING DECISIONS

Where a technical or legal matter is disputed and cannot be resolved through established channels (e.g. Supervisor, Health and Safety Committee), the General Manager will seek advice before deciding to resolve the matter.

While the aim is to reach agreement where possible, consensus or agreement is not required, and management retains responsibility for the final decision.

Any matters that are subject to disagreement are to be documented and communicated to affected parties.

9 DISAGREED MATTERS AND ISSUE RESOLUTION

The Issue Resolution process contained in this section is used when two or more parties need to resolve a Health and Safety issue and the matter is not resolved after discussion between the parties. Parties must make reasonable efforts to achieve final and effective resolution. Refer to Attachment 1 Disagreed Matters and Issue Resolution Process Flowchart.

Parties must identify permanent and where required, temporary measures to resolve the issue and identify who is responsible for implementing measures. Measures must be consistent with CS Energy Values, policy, standards and procedures and with legislative requirements.

Where parties cannot resolve an issue, advice must be sought from:

- persons with appropriate expertise i.e. relevant experience and qualifications related to the matter, or
- recognised documentation on the matter such as recognised standards and codes of practice.

10 DEFINITIONS

| Term | Definition |
|-----------------------------------|--|
| Consultation | <p>Refer section 48 of WHSA -</p> <p>Consultation under this division requires:</p> <ul style="list-style-type: none"> a) that relevant information about the matter is shared with workers; and b) that workers be given a reasonable opportunity - <ul style="list-style-type: none"> i. to express their views and to raise work health or safety issues in relation to the matter; and ii. to contribute to the decision-making process relating to the matter; and iii. that the views of workers are taken into account by the person conducting the business or undertaking; and iv. that the workers consulted are advised of the outcome of the consultation in a timely way. c) If the workers are represented by a health and safety representative, the consultation must involve that representative. |
| EHP | Entry Permit Holder are union officials who have completed an approved training course and hold a valid entry permit under the Fair Work Act (Cth) or Industrial Relations Act, as well as the Work Health and Safety Act (WHS Act). |
| Health and Safety Committee (HSC) | A committee made up of Workers and management to facilitate cooperation between a PCBU and Workers in developing and carrying out measures to ensure Health and Safety. The HSC is a forum for consultation on the management of health and safety across the whole workforce. |
| HSR | Health and Safety Representative: A person elected to represent the health and safety interests of the workgroup. A HSR has specific powers and functions prescribed in Health and Safety legislation. |
| Officer | <p>Of a corporation under the WHS Act is defined in the same manner as an Officer of a corporation under section 9 of the Corporations Act.</p> <p>As CS Energy is a GOC, the term includes an officer of a statutory authority (see s.252 WHS Act) which is defined as a person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public authority.</p> <p>Directors of the Board will be Officers, as may members of the executive leadership team. Other people may be considered Officers depending on the nature of their role and responsibilities.</p> |
| PCBU | Person conducting business undertaking – a “person” may be an organisation or an individual. CS Energy is a PCBU. |
| Worker | Any person who carries out work in any capacity for a PCBU. This includes employee, contractor, student, volunteer, outworker, other as per s7 WHSA201. |
| | |

11 REFERENCES

| Reference No | Reference Title | Author |
|------------------------------|---|-----------|
| | Work Health and Safety Act | External |
| | Work Health and Safety Regulation | External |
| | Code of Practice, Work Health and Safety Consultation, Co-operation and Co-ordination | External |
| B/D/18/13692 | Charter - Safety and Performance Committee | CS Energy |
| B/D/17/4205 | Charter – Central HSE Committee Charter | CS Energy |
| K/D/17/1763 | Charter – Kogan Health Safety Environment Committee | CS Energy |
| C/D/18/4429 | Charter – Callide Site Health and Safety Committee | CS Energy |
| B/D/14/11893 | Charter – Brisbane Site Health and Safety Committee | CS Energy |
| B/D/12/63934 | Risk and Compliance Management Framework | CS Energy |
| | | |

12 RECORDS MANAGEMENT

In order to maintain continual improvement, suitability, safety and effectiveness of the organisation, registered documents will be reviewed on a two-yearly basis or at intervals specified by legislative or regulatory requirements. Review of registered documents should occur where it has been identified that there are changes in technology, legislation, standards, regulation or where experience identifies the need for alteration to the content. Registered documents should also be reviewed following an incident, change management process, modification or where directed as part of a risk assessment process. A 'review' can simply mean that it has been identified, confirmed and appropriately recorded that no changes are required and that the existing process remains the same.

Government Owned Corporations must ensure that records are retained according to accountability, legal, administrative, financial, commercial and operational requirements and expectations. In compliance with records retention and disposal, all documentation created in relation to business must be retained in line with minimum retention periods as detailed in legal retention and disposal schedules.

13 ATTACHMENTS

13.1 Attachment 1 - Disagreed Matters and Issue Resolution Process Flowchart

