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 [worksafe.qld.gov.au/laws-and-compliance/workplace-health-and-safety-laws/laws-and-legislation/consultation-and-representation](https://www.worksafe.qld.gov.au/laws-and-compliance/workplace-health-and-safety-laws/laws-and-legislation/consultation-and-representation)

Under the *Work Health and Safety Act 2011* (the WHS Act), business operators, have a duty to consult with other business operators who has the same duty in any situation.

Business operators also need to consult with your workers to:

- provide them with relevant safety information
- give them a reasonable opportunity to express their views
- raise WHS matters
- be able and contribute to decision making on:
  - identifying hazards and assessing risks
  - making decisions about ways to eliminate risks
  - decisions regarding adequacy of facilities
  - proposed changes that may affect health and safety
  - decisions on health and safety procedures.

## Issue resolution processes

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The WHS Act require all business operators to develop an issue resolution process in consultation with their workers. If no process is developed, the new laws set out a default process. The parties must make reasonable efforts to achieve resolution of the issue in accordance with the agreed or default procedure:

1. If resolved, details must be set out in writing and communicated to workers and Health and Safety Representatives (HSR).
2. If not resolved, any party to an issue may request the assistance of any other person, who can enter the workplace for the purpose of assisting in resolving the issue.
3. If an issue still remains unresolved, either party may ask the regulator to appoint an inspector to attend the workplace to assist.
4. If one of the following categories of disputes remains unresolved at least 24 hours after the regulator has been asked to appoint an inspector to assist in resolving the dispute, the matter can be referred to the Queensland Industrial Relations Commission (QIRC) for resolution:
  - matters about work health and safety that is subject to the issue resolution process under Part 5, Division 5 of the WHS Act;
  - cessation of work under Part 5, Division 6 of the WHS Act;
  - requests by a health and safety representatives for an assistant to have access to a workplace under section 70(1)(g) of the WHS Act; and
  - access to information by health and safety representatives under section 70(1)(c) of the WHS Act.

In dealing with a dispute, the QIRC may:

- consider the matter by means of mediation, conciliation or arbitration and make any order it considers appropriate for the prompt settlement of the dispute;
- review a decision made by an inspector to use their compliance powers to assist in resolving the dispute (i.e. if an inspector issues an improvement notice to assist with

resolving a dispute, the QIRC can review the inspectors decision and confirm, vary or set aside the inspectors decision); and

- decide not to deal with a dispute, and order costs, if they consider the matter to be frivolous, vexatious, misconceived or lacking substance.

View the [issue resolution](#) (PDF, 486.01 KB) fact sheet.

## Sharing responsibilities

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There are often situations where more than one business operates at a workplace and where people share responsibility for work health and safety to varying degrees (for example, shopping centres, construction projects, labour hire, multi-tenanted office buildings).

Section 16 of the WHS Act requires that:

5. where more than one person has a duty for the same matter, each person retains responsibility for their duty in relation to the matter and must discharge the duty to the extent to which the person can influence and control the matter.

Section 46 of the WHS Act also requires:

6. each person with a duty must, as reasonably practicable, consult, cooperate and coordinate activities with all other persons who have a work health or safety duty in relation to the same matter.

Under the WHS Act, you cannot transfer your responsibilities to another person. The requirement to consult, cooperate and coordinate activities with other duty holders will help you to meet your primary duty, to ensure, as reasonably practicable, all workers and other persons are not put at risk from work carried out as part of your business or undertaking.

Consultation, cooperation and coordination between you and the person providing those facilities will help you ensure that the necessary steps are being taken so that you can meet your duty.

The duty requires persons conducting businesses and undertakings to work together in a proactive and reciprocal way. All risks associated with any activity that they are involved in are eliminated or minimised as far as is reasonably practicable.