

SafeWork Advisory Council Charter

June 2026

Contents

- 1. Introduction.....1
- 2. Objectives and Functions of the Advisory Council1
- 3. Roles and Responsibilities1
- 4. Composition and Tenure3
- 5. Remuneration and Expenses4
- 6. Meetings.....5
- 7. Transparency and Accountability.....6
- 8. Subcommittees of the Advisory Council7
- 9. Review of the Advisory Council Performance.....7
- 10 Version Control.....8

1. Introduction

SafeWork NSW is the workplace health and safety regulator in New South Wales.

The SafeWork Advisory Council (Advisory Council) was established under division 3, section 155D of the *Work Health and Safety Act 2011* and is classified as a C2-I entity under the *Public Service Commission Classification and Remuneration Framework for NSW Boards & Committees*.

This Charter sets out the objectives, functions and basic governance principles of the Advisory Council.

2. Objectives and Functions of the Advisory Council

2.1 Objectives of the Advisory Council

The primary objective of the Advisory Council is to ensure that SafeWork NSW considers the diverse perspectives of workers, employers, subject matter experts and individuals with lived experience when setting its strategic direction and priorities as indicated by the *Work Health and Safety Act 2011*.

2.2 Functions of the Advisory Council

The Advisory Council has the following functions under section 155E of the *Work Health and Safety Act 2011*:

- to monitor emerging risks and trends in the field of work health and safety,
 - to advise the SafeWork Commissioner on the strategic direction and priorities of SafeWork NSW,
 - to advise the SafeWork Commissioner or the Minister on any matters referred to the Advisory Council by the SafeWork Commissioner or the Minister, and
 - any other functions conferred on the Advisory Council by or under the *Work Health and Safety Act 2011* or the regulations, or another law.
-

3. Roles and Responsibilities

3.1 Minister for Work Health and Safety

The responsibilities for the Minister for Work Health and Safety may include, but are not limited to:

- establishment of the Advisory Council and consultation with the Public Service Commissioner on its classification and remuneration as part of the establishment process,
- appointment of members to the Advisory Council,
- referral of matters to the Advisory Council for its advice on a particular issue, and
- receiving, reviewing, and (where relevant) tabling reports such as annual reports and reviews.

3.2 SafeWork Commissioner

As an ex-officio member, the SafeWork Commissioner serves as the SafeWork NSW representation within the Advisory Council and works to provide leadership and strategic direction to SafeWork

NSW as the work health and safety regulator in NSW. The responsibilities of the SafeWork Commissioner include, but are not limited to:

- determining the strategic direction and priorities of SafeWork NSW, taking into account the advice of the Advisory Council,
- providing updates on the operations of SafeWork NSW to the Advisory Council,
- referral of matters to the Advisory Council for its advice on a particular issue,
- reporting on any action taken following advice received from the SafeWork Advisory Council as part of the SafeWork Commissioner's reporting requirements under the *Work Health and Safety Act 2011*, and
- serving as SafeWork NSW representation on the Advisory Council.

3.3 Chairperson

The Chairperson of the Advisory Council is responsible for the leadership of the group under the SafeWork Commissioner. The responsibilities of the Chairperson include, but are not limited to:

- presiding over meetings of the Advisory Council,
- facilitating discussions at meetings of the Advisory Council,
- approving Advisory Council agendas, minutes, and other required Advisory Council documentation, and
- liaising with the SafeWork NSW Commissioner and Advisory Council Secretariat to ensure effective functioning of the Advisory Council.

3.4 Members of the Advisory Council

Members of the Advisory Council have several responsibilities and must undertake these in accordance with the *SafeWork Advisory Council Code of Conduct*.

Failure to abide by the *SafeWork Advisory Council Code of Conduct* may result in disciplinary action and, ultimately, termination of membership. These responsibilities include, but are not limited to:

- attending meetings regularly,
- disclosing any relevant pecuniary or other interests including conflicts of interest to the Secretariat,
- contributing to Advisory Council discussions and participating in decision making processes,
- monitor emerging risks and trends in the field of work health and safety to allow for meaningful contribution,
- providing strategic advice to fulfil the obligations of the SafeWork Advisory Council listed in the *Work Health and Safety Act 2011*, and
- completing any assigned actions or tasks actions in a timely manner.

3.5 Advisory Council Secretariat

The Secretariat function for the Advisory Council will be managed by the SafeWork NSW Ministerial, Executive, and Parliamentary Services Team. The responsibilities of the Secretariat will include, but are not limited to:

- coordination of all logistic and administrative tasks pertaining to the Advisory Council,
- preparation and distribution of agendas and other meeting materials,
- recording minutes, and

- ensuring timely follow-up on agreed actions.
-

4. Composition and Tenure

4.1 Composition

The Advisory Council is made up of the SafeWork Commissioner and a minimum of eight (8), but no more than 12 Minister-appointed members.

Of the members appointed:

- three (3) must be persons nominated by a body that represents employers in New South Wales,
- three (3) must be persons nominated by Unions NSW,
- at least one (1) must work in or be an expert in the field of work health and safety, and
- at least one (1) must be a representative of a work health and safety support, advocacy, or awareness group or organisation, or a person who has lived experience of workplace injury or death and represents the interests of injured workers and their families.

The Minister must also appoint an appointed member as Chairperson of the Advisory Council.

4.2 Appointment

All members are to be appointed by the Minister, following an advertisement and nomination process managed and coordinated by SafeWork NSW.

All appointments will be undertaken in alignment with the *Public Service Commission Appointment Standards for Boards and Committees in the NSW Public Sector*.

Further, all appointees will be subject to relevant probity checks as outlined in the *NSW Government Boards and Committees Guidelines*.

Following Ministerial approval of appointment, members will receive an appointment letter outlining their proposed position, tenure, and remuneration. Each member will also undertake an induction prior to their first meeting.

4.3 Tenure

The *Work Health and Safety Act 2011* states that an appointed member holds office on a part-time basis for a term not exceeding three (3) years and is eligible for to serve on the Advisory Council for a maximum of three (3) consecutive terms.

To ensure alignment with best practice and minimise the impact of subsequent re-appointments upon Advisory Council operation, tenures will be staggered. The tenure for each individual appointee will be outlined in their appointment letter.

4.4 Reappointment and Review

Reappointment for a subsequent term is subject to Ministerial approval and involving consideration of the outcome of a performance review conducted upon conclusion of the preceding term of appointment.

These reviews will include consideration of:

- member contributions in line with the overarching objectives of the Advisory Council,
- meeting attendance,
- feedback from the Chairperson on the member's participation and performance,
- management of key relationships (Chairperson only),
- conflicts of interest,
- any other factors relevant to the performance of the member.

4.5 Vacancy in Office of a Member

The office of an appointed member becomes vacant if the appointed member:

- dies, or
- completes a term of office and is not reappointed, or
- resigns from the office, or
- is removed from office by the Minister, or
- is absent from three (3) consecutive meetings of the Advisory Council of which reasonable notice has been given to the member, unless the appointed member is granted leave or excused by the Advisory Council, or
- becomes personally insolvent, or
- becomes a mentally incapacitated person, or
- is convicted of a New South Wales offence punishable by imprisonment for 12 months or more, or an offence of another jurisdiction that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more.

If the office of an appointed member becomes vacant, a person must be appointed to fill the vacancy.

It should be noted that if there is a breach of confidentiality or a member is identified to be behaving in a manner that does not align with the *SafeWork Advisory Council Code of Conduct*, SafeWork NSW may make a recommendation to the Minister for the member's removal from office.

5. Remuneration and Expenses

5.1 Remuneration

Advisory Council members are remunerated in accordance with the *Public Service Commission Classification and Remuneration Framework for NSW Boards & Committees*.

As a C2-I entity, members are remunerated at the below rates:

	Remuneration (per/annum)
Chairperson	\$10,000
Member	\$5,000

Remuneration will be paid to individual members through the SafeWork NSW payroll system, resulting in a fortnightly stipend.

Noting that section 2(2), schedule 1A of the *Work Health and Safety Act 2011* specifies the requirement for member representation from particular organisations, where required, remuneration may be paid to the organisation instead of the individual member.

Where members are required to remit the fees to their organisation, written confirmation should be provided from the organisation to SafeWork NSW for Pay As You Go (PAYG) withholding purposes.

Public sector employees appointed to NSW government boards or committees do not receive remuneration. Exemptions from this must be sought by the Minister from the Public Service Commissioner and strict conditions apply.

5.2 Other Expenses

In line with the *NSW Government Boards and Committees Guidelines*, Advisory Council members are entitled to be reimbursed for legitimate expenses incurred while carrying out their duties including travel, accommodation, and meals.

Travel arrangements will be made by the Secretariat who will ensure the most economical means of travel is arranged and approved by the SafeWork Commissioner. The need to obtain overnight accommodation will be determined by the SafeWork Commissioner having regard to cost, reasonableness, the safety and wellbeing of the Advisory Council member travelling on official business and local conditions applicable in the area. All travel and other expenses will be required to comply with the *NSW Government Travel and Transport Policy*, the *Premier's Department Circular C2024-09 Meal, Travelling and Other Allowances for 2024-25*, and the *Crown Employee (Public Service Conditions of Employment) Reviewed Award 2009*.

6. Meetings

6.1 Frequency of Meetings

In-person meetings will be held bi-monthly (approximately every two months).

Regular meetings will also be held with the Chairperson of the Advisory Council approximately two weeks after each Advisory Council meeting. These meetings will seek Chairperson endorsement of minutes, work to develop agendas, and work through any other required general business. The format for these meetings will be determined in consultation with the Chairperson and will take into consideration their personal preferences (i.e. online or in-person).

Any requirements for out-of-session activities will be communicated to members in advance.

6.2 Quorum

The quorum for an Advisory Council meeting is a majority of members.

6.3 Control of Meetings

The Chairperson must preside over Advisory Council meetings.

If the Chairperson is absent, an appointed member elected by the members present at the meeting must preside over the meeting.

6.4 Decision Making

6.4.1 Voting

Each appointed member is entitled to one (1) vote in relation to a decision at an Advisory Council meeting. A decision supported by a majority of the votes cast by appointed members at an Advisory Council meeting is taken to be a decision of the Advisory Council.

The Chairperson of the Advisory Council has a deliberative vote and, if there is an equality of votes, has a second or casting vote.

6.4.2 Publication of Advisory Council decisions

In accordance with the NSW Government's 'Open Government Policy', unless there is an overriding public interest against disclosure, the Advisory Council will proactively release decisions in a communique on the SafeWork NSW website following each meeting. This communique will be endorsed by the Chairperson prior to release.

Further, a summary of all actions taken following advice received from the Advisory Council will be included in the SafeWork NSW six-monthly report on the achievements, challenges, program management and regulatory engagement governance of SafeWork NSW, posted on the SafeWork NSW website.

6.5 Papers

Meeting papers will be distributed to members a minimum of seven (7) days prior to each Advisory Council meeting and will include the agenda and any other required documents.

It should be noted that all papers will be taken as read once tabled.

6.6 Minutes

Minutes will be taken at each meeting of the Advisory Council by the Secretariat and will be reviewed and approved by the Chairperson prior to distribution. All minutes will be endorsed at the following meeting in a standing agenda item. Minutes will be distributed to members via email within seven (7) days of the meeting.

6.7 Member Substitution/Proxy Members

In the event that a member is unable to attend a scheduled meeting and wish to nominate a proxy to attend on their behalf must seek Chairperson endorsement via email to the Secretariat prior to the meeting.

If this request is agreed to, both the member and proxy will be notified of the agreement, and the proxy attendee will have the same voting rights as the member for the specified meeting.

7. Transparency and Accountability

7.1 Conflicts of Interest and Pecuniary Interests

Following receipt of member induction packs, and prior to the first meeting of the Advisory Council, all members will be required to complete a *Member's Pecuniary Interest Declaration Form* as stipulated by the *NSW Government Boards and Committees Guidelines*. A register of all declarations

captured by this form will be maintained and may be made available to the Minister on request. In the event that member circumstances change, an updated form should be completed detailing any new pecuniary interests.

Members should also disclose any actual, perceived, or potential conflicts of interest prior to the first meeting of the Advisory Council through submission of the *SafeWork Advisory Council Conflict of Interest Declaration Form*. Members will be required to submit this form on a yearly basis to ensure that all potential conflicts of interest are noted and that strategies are in place to deal with these conflicts. In the event that member circumstances change, an updated form must be completed.

When the Advisory Council is undertaking discussions or making decisions relating to a particular matter, and a member has a private interest that may impinge on a decision, a member has a duty to declare this interest. Members who have identified pecuniary or other conflicts of interest must not be present when the Advisory Council is undertaking discussions or making decisions relating to these matters.

7.2 Confidentiality

The *Work Health and Safety Act 2011* limits the disclosure, use and access to much of the information held by SafeWork NSW. Unless otherwise advised, proceedings of all Advisory Council meetings are confidential, and the distribution of papers and minutes will be restricted to members of the Advisory Council and SafeWork NSW Secretariat staff.

All members of the Advisory Council, and any other attendees at Advisory Council meetings, are expected to maintain the confidentiality of information discussed during meetings or shared during their membership. This includes, but is not limited to, any materials, discussions, or reports marked as confidential or shared in confidence. Members are encouraged to seek clarification from the Secretariat if they are unsure whether certain information is considered confidential. Breaches of confidentiality may result in the removal of a member from the Advisory Council.

There may be instances where express permission is provided to members for the sharing of Advisory Council information. Members will be advised when these permissions apply.

8. Subcommittees of the Advisory Council

The SafeWork Commissioner may approve the establishment of subcommittees of the Advisory Council to assist the Advisory Council in exercising its functions.

The Advisory Council may appoint a person to be a member of a subcommittee if, in the Advisory Council's opinion, the person is qualified to be a member of the subcommittee. The members of the subcommittee are not required to be members of the Advisory Council.

9. Review of the Advisory Council Performance

9.1 Advisory Council Assessment/Review

The SafeWork Commissioner is required to produce a report every six months on the achievements, challenges, program management and regulatory engagement governance of SafeWork NSW, with this report to be published on the SafeWork NSW website (as outlined in the *Work Health and Safety Act 2011*). This report will include a summary of any action taken following advice received from the Advisory Council.

In addition to this, internal reports will be developed on Advisory Council performance and will be provided to the Minister if requested.

A review of SafeWork NSW as an executive agency (including the function and operation of the Advisory Council) will be undertaken by the Minister for Work Health and Safety as soon as practicable after 1 July 2028 (three years after the commencement of the Act), with an outcomes report tabled in Parliament by no later than 1 July 2029.

Following this initial review, formal reviews of the Advisory Council performance will be undertaken on a five-yearly basis to ensure that the objectives of the Advisory Council are being met and that the activities of the Advisory Council are effective.

9.2 Review of Advisory Council Charter

This Charter will be reviewed on an annual basis in consultation with members of the Advisory Council. Following review, this Charter may be amended, updated, or varied based on recommendations by the members of the Advisory Council.

10 Version Control

Version	TRIM Doc No.	Date	Authors	Summary of Changes
1.0		18/06/2026	Governance Team – Governance & Assurance	Ratified by the SafeWork Advisory Council at 18/6/26 meeting.

