



Occupational Safety and Health Tribunal

Occupational Safety and Health Act 1984 (OSH Act)

MATTERS THAT MAY BE REFERRED	PARTIES WHO MAY REFER	POTENTIAL RESULT
Further review of notices (s 51A OSH Act)	The person issued with a notice of a decision under s 51(6) of the OSH Act (s 51A OSH Act) Referral to be made within seven days (s 51A OSH Act)	The Tribunal may uphold, modify, or cancel the notice and make another decision (s 51A(5) OSH Act)
Further review of provisional improvement notice (s 51A OSH Act)	The person issued with a notice of a decision under s 51(6) of the OSH Act (s 51A OSH Act) Referral to be made within seven days (s 51A OSH Act)	The Tribunal may affirm, modify or cancel the notice and make another decision (s 51A(5) OSH Act)
Entitlement to be paid (s 28 OSH Act)	Any person(s) party to the dispute (s 28 OSH Act)	Matter may be determined by the Tribunal (s 28(2) OSH Act)
Consultation on issues relevant to setting up safety and health representatives (s 30 OSH Act)	The WorkSafe Commissioner (s 30 OSH Act)	Matter may be determined by the Tribunal (s 30(6) OSH Act)
Consultation on issues relevant to election scheme for safety and health representatives (s 30A OSH Act)	The WorkSafe Commissioner (s 30A OSH Act)	Matter may be determined by the Tribunal (s 30A(4) OSH Act)
Conduct of election for safety and health representatives (s 31 OSH Act)	The WorkSafe Commissioner (s 31 OSH Act)	Matter may be determined by the Tribunal (s 31(11) OSH Act)
Discrimination against safety and health representative(s) (s 35A and s 35B OSH Act)	The safety and health representative(s) claiming discrimination, or an agent or legal practitioner on that person's behalf (s 35C OSH Act)	For a contravention of s35A the Tribunal may order the reinstatement of the claimant or compensation for loss of employment or loss of earnings or both. For a contravention of s 35B the Tribunal may order a

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		payment to the claimant of a sum of money that the Tribunal deems fit (s 35D OSH Act)
Disqualification of safety and health representative(s) Whether a safety and health representative ought to be disqualified (s 34 OSH Act)	A safety and health representative's employer, an employee from that workplace or the WorkSafe Commissioner (s 34 OSH Act)	The tribunal may disqualify a safety and health representative for a specified period or permanently (s 34(3) OSH Act)
Vary paid leave for safety and health representative(s) for performing functions (s 35 OSH Act)	The safety and health representative(s)' employer, the safety and health representative(s) or the WorkSafe Commissioner (s 35 OSH Act)	Matter may be determined by the Tribunal (s 35(3) OSH Act)
Vary paid leave for safety and health representative(s) for attending training (s 35 OSH Act)	The safety and health representative(s)' employer, the safety and health representative(s) or the WorkSafe Commissioner (s 35 OSH Act)	Matter may be determined by the Tribunal (s 35(3) OSH Act)
Workplace health and safety committee arrangements (s 39G OSH Act)	The employer, a health and safety representative(s) for the workplace or an employee from that workplace (s 39G OSH Act)	The Tribunal may confirm, vary or revoke a decision or determination by the WorkSafe Commissioner (s 39G(4) OSH Act)

Need more information?

Commission staff cannot give legal advice or advice on how to best make your case. However, they can give information on:

- the processes of the Commission;
- how to fill out forms; and
- other organisations that may be able to assist you.

The Commission's Registry can be contacted on 08 9420 4444 or Registry@wairc.wa.gov.au

[The Commission's website \(www.wairc.wa.gov.au\)](http://www.wairc.wa.gov.au) has other information that may assist you.