



safe work australia

Mr Stephen Palethorpe
Secretary, Senate Committee on Education and Employment
PO Box 6100, Parliament House
CANBERRA ACT 2600

By email: eec.sen@aph.gov.au

Dear Mr Palethorpe

Inquiry into the work health and safety of workers in the offshore petroleum industry

Thank you for your email of 19 July 2018 attaching the proof Hansard transcript of evidence for the Senate Committee on Education and Employment's hearing in Melbourne on 11 July 2018. As the transcript notes, I undertook to make inquiries and report back to the Committee as to whether the Safe Work Australia Agency (the Agency) and the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) have discussed differences between the model Work Health and Safety (WHS) laws and the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGGS Act) and whether the model WHS laws represent best practice.

Having made inquiries I can now confirm that, as far as I am aware, the Agency and NOPSEMA have not had discussions of that nature.

Safe Work Australia leads the development of national policy to improve WHS and workers' compensation arrangements in Australia, including by developing the model WHS laws. The model WHS Act makes clear that each jurisdiction may determine the relationship between the model WHS Act and other Acts in its jurisdiction. In this regard, the Commonwealth *Work Health and Safety Act 2011* expressly states that it does not apply in relation to a facility to which Schedule 3 of the OPGGS Act applies. The policy agency responsible for the Commonwealth *Work Health and Safety Act 2011* is the Department of Jobs and Small Business.

As NOPSEMA notes in its submission to this Inquiry, it is not responsible for policy or legislative changes to the OPGGS Act – the relevant policy agency is the Department of Industry, Innovation and Science (the Department). The Agency is always open to discussing the model WHS laws with the Department including as part of the review of the occupational health and safety regime for offshore petroleum workers in Australian waters that the Department has just [announced](#). The Agency will be participating in the Offshore Safety Review Workshop that is being convened as part of the review in Melbourne on Monday 13 August 2018.

Yours sincerely

Amanda Johnston
Acting Deputy Chief Executive Officer
Safe Work Australia
25 July 2018