

Answers to Questions on Notice: Offshore Electricity Infrastructure (Regulatory Levies) Bill 2021 and Offshore Electricity Infrastructure Bill 2021

From Maritime Union of Australia and Electrical Trades Union

Senator Nita Green: “One of the sections of the Workplace Health and Safety Act that the bill seeks to amend is section 116, which relates to who is a relevant worker for entry permits. I just wanted to see if you could take on notice what that will actually mean in practice when there is a workplace health and safety issue—not being able to use someone who might be the safety person onshore. Having to duplicate the process is what I'm thinking about. But I do want to move on because I know there are other senators with questions. Please take that one on notice.”

Answer: We are very concerned by the way in which the Bill removes the right of entry for union officials to assist with safety issues in offshore electricity facilities. Section 237 of the Bill not only changes the application of S.116 of the WHS Act, but the application of all of Part 7 of the WHS Act, which include sections 116 to 151. Section 242 of the Bill also removes the application of clause 11 of Schedule 3 of the WHS Act, which provides for entry permits. It is proposed that none of these sections of the WHS Act will apply to offshore workplaces, but only to places onshore where records about these workplaces are held.

As we outline in the joint ETU/MUA submission, union officials can play a critical role in supporting workers dealing with safety issues, often in the aftermath of serious incidents when workers are injured or killed. In these circumstances, workers need support, and safety issues must be properly identified and corrected before work can proceed. While union officials may apply for a WHS entry permit that gives them the right to enter virtually all workplaces in Australia, they do not have this right under the Offshore Petroleum and Greenhouse Gas Storage Act, administered by NOPSEMA. The practical consequences of the denial of this right and how it is administered by NOPSEMA in the event of a fatality are detailed in Appendix 2 of our submission.

In our view there is no need to make these changes to the application of the WHS Act, and section 237 and 242 of the OEI Bill should be deleted so the relevant sections of the WHS Act will apply to workers in offshore electricity areas.