

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Resources, Energy and Tourism Portfolio
Supplementary Budget Estimates
18 October 2012

Question: SR13
Topic: Consultant access to Stena Clyde
Proof Hansard Page: 22-23

Senator Cameron asked:

Senator CAMERON: How long did it take to get that delegate onsite?

Ms Constable: Once the request was made, consideration was given. In the meantime, the company-

Senator CAMERON: So NOPSEMA immediately granted access. Is that what you are saying?

Ms Constable: No, I did not say that. When there is any sort of incident on a facility, the regulator will very carefully consider the circumstances of what has occurred and action will then be taken appropriately about the timing of entry for any person going onto that facility. That goes to the whole regime itself in a performance based regime, making sure that the safety of all workers is considered before anybody else enters that facility. A subsequent request was made to the company. It was considered that new people could come onto the facility and entry was granted.

Senator CAMERON: I understand the unions had to go to Fair Work Australia to gain access. Why was that?

Ms Constable: A request was made to Fair Work Australia, but a number of things were happening parallel. There were requests made to the regulator, to the company and directly to Fair Work Australia. The delegate got what he was looking for: an entry to the facility.

Senator CAMERON: When was the first request made, to your knowledge?

Ms Cutler: Can I answer that one? This is a specific request under clause 35 of schedule 3 of the act, which is a request by a health and safety representative at a facility for consulting assistance. On 30 August the ACTU-MUA first raised it in a teleconference with us. On 30 August the MUA forwarded an email of a request made to Stena Drilling to access the facility earlier. On 31 August we requested clarity by email as to whether the forwarding of an email address to another party was in fact a request of us. On 1 September we received a request from a health and safety representative at the facility for access by consultants. On 5 September the same individual wrote back to us, saying that he now no longer required a response to his request because he had been away for a few days and the consultants had visited the facility in his absence. The consultants were representatives, I believe, of the ACTU and one of the unions.

Senator CAMERON: Can you provide a detailed breakdown of the timeframe associated with these requests.

Ms Cutler: Certainly.

Answer:

The timeline requested is set out below.

Since the question was asked, the Minister for Resources and Energy has requested the December tripartite meeting comprising representatives of the ACTU and affiliates active in the offshore industry, industry and NOPSEMA/Australian Government to consider NOPSEMA's policy for the administration of Clause 35 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*. The Minister has also requested the tripartite meeting to develop a protocol to provide access to facilities by consultants in a range of circumstances.

- 27 Aug** Incident on the Stena Clyde drilling rig leads to two worker fatalities.
- 28 Aug** Teleconference – the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) provides the Australian Council of Trade Unions (ACTU) and affiliates with a briefing on NOPSEMA's independent investigation into the fatalities.
- 30 Aug** Teleconference – NOPSEMA and ACTU and affiliates
Discussion about access to facility. Concludes that the Maritime Union of Australian (MUA) would send request to NOPSEMA for access to facility, with reference to *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGSA) (Schedule 3, cl.35). NOPSEMA would provide written response to ACTU request for access.
- 30 Aug** Email – MUA forwarded to NOPSEMA request made of Stena Drilling for access to Stena Clyde for purpose of inspection.
- 31 Aug** Letter – NOPSEMA to ACTU, conveyed by email. NOPSEMA advice on application of OPGGSA Schedule 3, cl.35 and other topics.
- 31 Aug** Email – NOPSEMA CEO to MUA advising application of OPGGSA Schedule 3, s.35 for consultant access to the facility.
- 31 Aug** Email – MUA to NOPSEMA advising intention to request access under OPGGSA Schedule 3, s.35
- 1 Sep** Email – Stena Clyde Health and Safety Representative (HSR) to NOPSEMA regarding MUA request for consultants' access to the Stena Clyde under OPGGSA Schedule 3, cl.35
- 4 Sep** Phone call – MUA to NOPSEMA - message following up on request from HSR to facilitate access by consultant to the Stena Clyde.
- 5 Sep** Email – NOPSEMA to MUA advising response to requests in progress.
- 5 Sep** Email – NOPSEMA to Stena Clyde HSR seeking information regarding qualifications of consultants
- 5 Sep** Email – MUA to NOPSEMA advising operator had arranged for consultant to fly to facility on 6 September 2012.
- 7 Sep** Email – Stena Clyde HSR advising he had been off the facility and that during his absence the consultants had been at the facility.