

**Senate Standing Committee on Economics**

**ANSWERS TO QUESTIONS ON NOTICE**

Resources, Energy and Tourism Portfolio

Supplementary Budget Estimates

18 October 2012

**Question:** SR14

**Topic:** Absence of a Health and Safety Representative

**Proof Hansard Page:** 23-24

**Senator Cameron asked:**

**Senator CAMERON:** What if there is no health and safety representative on the facility? How does a union access the site?

**Ms Cutler:** The health and safety representative may or may not be a union member. We do not know that.

**Senator CAMERON:** That is not what I am asking. I am asking: what if there is no health and safety representative?

**Ms Constable:** There is always a health and safety representative on a facility. I cannot think of a single example where that has not been the case.

**Senator CAMERON:** So that is a guaranteed proposition? They will always be there?

**Ms Cutler:** For normally attended facilities.

**Senator CAMERON:** Is it a requirement that someone has to be a health and safety rep?

**Ms Cutler:** It is strongly encouraged.

**Senator CAMERON:** Yes.

**Ms Cutler:** If no-one wants to do it, that is a separate issue.

**Senator CAMERON:** That is the question I am putting to you. What happens then-if no-one wants to do it or if no-one feels capable of doing it?

**Ms Constable:** This is not a circumstance that occurs in Australia. Every company, every facility, takes-

**Senator CAMERON:** No. You have said that already. I do not need to be told that again. Are you saying that this circumstance cannot occur? What Ms Cutler has spoken about is if there is no-one willing to do it. What happens then?

**Ms Cutler:** It is not a circumstance that we have come across.

**Senator CAMERON:** Sure, but is it possible for that circumstance to happen?

**Ms Constable:** You are putting a hypothetical question here-

**Senator CAMERON:** No, it is not hypothetical; it is a reality that there are some workshops around the country where we do not have health and safety representatives. So it is a possibility that a health and safety representative may not be on an offshore site, isn't it? That is logical, isn't it?

**Mr Clarke:** I understand the logic of your question. The officers have advised that it has never happened in the industry.

**Senator CAMERON:** That does not matter.

**Mr Clarke:** Therefore, the validity of your question is acknowledged as a potential-

**Senator CAMERON:** Can I ask you then to give me some advice as to what would happen if no-one volunteered to be a health and safety representative, how would union health and safety people and the union official access the site?

**Mr Clarke:** We will take it on notice.

**Answer:**

Not all offshore facilities have health and safety representatives (HSR), due to either the nature of the facility (unmanned, pipeline) or because the workforce has decided not to avail themselves of the workplace arrangements provided for in Schedule 3 to the Act (designated workgroups, HSRs and health and safety committees).

Unions and other workforce representatives have rights of access to a facility through powers provided under the *Fair Work Act 2009*. This provision enables unions to discuss issues with employees who are entitled to be represented by the union. In such discussions the union could encourage such employees to avail themselves of the arrangements provided for in Schedule 3 to the Act.