

Health and Safety under the Offshore Petroleum and Greenhouse Gas Storage Act

WHAT OPERATORS AND WORKERS NEED TO KNOW

Issue of Provisional Improvement Notices by Health and Safety Representatives



National Offshore Petroleum Safety Authority

www.nopsa.gov.au



QUESTIONS & ANSWERS

1 : Q. What is a PIN?

A. A provisional improvement notice (PIN) is similar to an improvement notice issued by an occupational health and safety inspector, except for its provisional nature and that the responsible person may request that NOPSAs review the matter with an inspection.

2 : Q. Who can issue a PIN?

A. Only elected health and safety representatives who have completed the training required to become a qualified health and safety representative can issue PINs. Guidance on completing a PIN is available at the NOPSAs website and in the HSR Handbook published by NOPSAs on its website. In addition, pro-forma PIN notices are available on the website.

PINS are issued at the facility where the health and safety representative works (or if elected, at a facility where any member works) if she or he believes that there is any breach of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* or regulations.

3 : Q. Is there any consultation required before the issue of a PIN?

A. Before issuing a provisional improvement notice the health and safety representative must first consult with the person supervising the relevant work activity to attempt to reach

agreement on a means for fixing the alleged contravention or preventing the contravention.

The consultation may provide an opportunity for the alleged contravention to be addressed without the need to issue a PIN.

4 : Q. Who is a PIN issued to?

A. If a PIN is necessary, the original PIN should be issued to “any or all of the persons...responsible for the contravention.” If such a person is the registered operator, the PIN may be issued to the operator’s representative at the facility – the operator has an obligation to ensure that an operator’s representative is present at a facility whenever one or more individuals are present. The operator must display the name of its representative in a prominent place at the facility. The operator’s representative would typically be the Offshore Installation Manager or Person in Charge. If the operator’s representative is not available at the time, the PIN may be given to the person who is or “may reasonably be presumed to be” in charge of the activity.

5 : **Q. What should the PIN include?**

A. A PIN must specify the particulars of the contravention, and the reasons the health and safety representative has for believing there to be a contravention or a likely contravention. It must also specify a reasonable period, of at least seven days, within which action is to be taken. It may specify the nature of the action to be taken but does not have to do this. The period may be extended by the health and safety representative, if appropriate.

6 : **Q. Who should receive copies of the PIN?**

A. Copies should be given to other affected persons, such as the work group, employers and the owner of the affected plant.

7 : **Q. What if a person misuses the power to issue PINs?**

A. If a person misuses the power to issue PINs, he or she can be disqualified from being a health and safety representative.

8 : **Q. What action should the 'responsible person' take when issued with a PIN?**

A. After receiving the PIN, the responsible person must comply with the notice and inform the health and safety representative who wrote the notice of the action taken. A supervisor acting on behalf of the operator or employer must notify the affected members of the workforce of the PIN.



The responsible person must display the PIN until it ceases to have effect.

9 : **Q. What if someone wants to dispute the PIN?**

A. Within seven days of the PIN being issued, they must request that NOPSA or an occupational health and safety inspector conduct an inspection. Such a request suspends the action of the PIN however the PIN should remain on display until it is cancelled, varied or the problem described in it is fixed. If the OHS inspector decides to issue an improvement notice as a means of confirming or varying the PIN then the PIN is replaced by this.

10 : **Q. When does a PIN cease to have effect?**

A. The PIN ceases to have effect when:

- the action required is taken or the responsible person takes action to prevent further breach of the subject of the PIN, even if an HSR did not request any specific action.
- The HSR cancels the PIN.
- An OHS inspector cancels the PIN.



NOPSA'S ROLE

To work with the industry, workforce and other authorities to ensure all health and safety risks in the offshore petroleum industry are properly controlled, and to reduce the likelihood and consequences of major accident events.

WANT TO KNOW MORE?

For information on health and safety in the offshore petroleum industry, refer to the NOPSA website (www.nopsa.gov.au).

The *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and the associated regulations can be sourced at the Attorney-General's Department ComLaw website (www.comlaw.gov.au) or via the links on NOPSA's website.

The information in this brochure is intended as a general guide only. The relevant Acts and regulations should be consulted for detailed information. This brochure is produced by:

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