



Australian Government

Seafarers Safety, Rehabilitation
and Compensation Authority

Health and Safety Representatives Handbook

A guide for HSRs in the Australian maritime industry



Publication details

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Disclaimer

This publication has been issued by the Seacare Authority as a practical guide for health and safety representatives (HSR)s in the Australian maritime industry. Operator's OHS/HR staff and onboard employees should also make use of this handbook.

However, the HSR Handbook (short version) is not intended to be comprehensive and is not a substitute for independent professional advice. Please contact an appropriate qualified professional before relying on the contents of this publication.

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The Seacare Authority wishes to acknowledge the use of Comcare's HSR Handbook as the basis for this document.

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1 Introduction

This booklet is a short version of the Seacare Authority's *Health and Safety Representatives Handbook - a guide for HSRs in the Seacare jurisdiction*. It aims to provide a health and safety representative (HSR) with an easy reference to the Seafarers Safety, Rehabilitation and Workers' Compensation scheme legislative framework (Seacare scheme), responsibilities of various parties and the powers and responsibilities of a HSR. This booklet is not intended to be comprehensive and is not a substitute for independent professional advice.

2 The Act, the Regulations, codes of practice and guidance

The *Occupational Health and Safety (Maritime Industry) Act 1993* (the Act), related legislative instruments (regulations and approved codes of practice) and guidance can be accessed from the Seacare website www.seacare.gov.au.

The Act provides a regime to promote the occupational health and safety (OHS) of persons employed in the Australian maritime industry. The Act applies to operators, employees, contractors and other persons, and manufacturers / suppliers / importers of plant or substances used or handled on a prescribed ship or prescribed unit. It relates to employment on prescribed vessels engaged in trade or commerce within a Territory, interstate or overseas. The Act also applies to: an offshore industry vessel declared under subsection 8A(2) of the *Navigation Act 1912*; a trading ship declared under subsection 8AA(2) of that Act; and a ship which has a licence under that Act to engage in the coasting trade. The Act does not cover ships that only voyage within a state, government ships or vessels to which the *Petroleum (Submerged Lands) Act 1967* (PSLA) applies.

Regulations give extra, mandatory provisions to help the operation of the Act. Failure to comply with relevant regulations may be a breach of the general duty of care under the Act. The *Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003* sets specific requirements for certain OHS issues, such as for: hazardous substances; and manual handling. The *Occupational Health and Safety (Maritime Industry) Regulations 1995* (the Regulations) set specific requirements such as for: the conduct of an election for a health and safety representative; the form of provisional improvement notices; and incident notification and reporting.

Approved Codes of Practice, approved by the Minister under the Act, provide a source of expert information about safe work practices in specific circumstances and should be followed, unless there is another way of achieving the same or better standards of health and safety. Approved codes include: the *Seacare Code of Practice 1/2000*; and the *Approved Code of Practice for Manual Handling (Maritime Industry)*.

Guidance is produced by the Seacare Authority to assist operators and their employees. These include *Guidance on the Prohibition on the use of Asbestos in Australian Maritime Industry Workplaces* and Seacare brochure #4 – *Occupational Health and Safety*.

3 OHS Responsibilities

The primary responsibility for maintaining a healthy and safe workplace lies with the operator. Other parties with responsibilities are: employees; HSRs; the Seacare Authority; the Inspectorate; manufacturers; importers; suppliers; erectors; installers; constructors; modifiers; repairers; loaders; and unloaders.

An operator is defined as being, in relation to a prescribed ship or a prescribed unit, *the person who has the management or control of the ship or unit*. An operator has a duty of care toward their employees and towards contractors and third parties at or near the workplace where the operator has control. An operator is required to establish workplace processes and a working environment where employees may work in a safe manner and without risk to their health, safety and welfare. This involves providing:

- adequate facilities for employees' welfare at work;
- safe access to and from the workplace without risk to health;
- safe use, handling, storage or transportation of plant or substances; and
- necessary information, instruction, training and supervision (in appropriate languages) to allow employees to perform their work safely.

The Act requires the operator to:

- monitor employees' health and safety at work and conditions of workplaces under the operator's control;
- maintain information and records regarding employees' health and safety;
- provide appropriate medical and first aid services for employees; and
- notify and report on accidents and dangerous occurrences.

The Act emphasises consultation and cooperation between the operator, involved unions and employees. The operator is required to develop, in consultation with any involved union and any other persons the operator considers appropriate, a policy relating to the OHS of employees, which must enable the operator and employees to cooperate effectively in promoting and developing measures to ensure the employees' health and safety at work.

An operator's responsibilities to a HSR include:

- providing time off work, without loss of pay or other entitlements, to enable the HSR to undertake OHS training or to exercise their powers;
- providing facilities necessary to enable the HSR to exercise their powers;
- consulting with the HSR, or at the request of the HSR, on the implementation of workplace changes that may affect employees in their designated work group (DWG);
- permitting the HSR to inspect the workplace and to accompany an inspector during any investigation;
- permitting the HSR to be present at any interview about health and safety between employees in their DWG and an inspector or the operator, the person in command or any other person representing the operator; and
- upon request, providing the HSR with access to any information under the operator's control relating to risks to the health and safety, except where legal professional privilege is claimed or the information is confidential medical information, unless written authority has been given by the employee or it does not identify a person.

An employee has a duty to:

- not create a risk, or increase an existing risk, to their own health or safety or to the health or safety of other persons at or near the workplace where they are at work;
- co-operate with the operator, or with any other person, to the extent necessary to enable the operator or other person to fulfil a duty or obligation under the Act; and
- use equipment supplied by the operator, necessary to protect the health and safety of the employee or other persons at or near the workplace where they are at work, in accordance with any instructions given by the operator consistent with its safe and proper use.

A HSR represents the employees of a designated work group (DWG) with regard to their health and safety. More information on HSRs is provided at **Sections 4, 5 and 6** of this guide.

The Seacare Authority's responsibilities include:

- the provision of advice on OHS matters;
- the accreditation of OHS training courses for HSRs;
- where there is no involved union in relation to a DWG, authorisation of a person to conduct an election for a HSR; and
- the consideration of an application from an operator or an involved union of a DWG, or both, for the disqualification of a HSR.

The functions of the **Inspectorate**, the OHS maritime inspectorate service performed by the Australian Maritime Safety Authority (AMSA), include:

- ensuring the obligations imposed by or under the Act or Regulations are complied with;
- advising operators, employees or contractors on OHS matters affecting them; and
- conducting, at any time, an investigation:
 - to ascertain compliance with the Act and Regulations; or
 - concerning a contravention of the Act or Regulations; or
 - concerning an accident or dangerous occurrence.

The Inspectorate's responsibilities include taking all reasonable steps to notify a HSR of the purpose of an investigation conducted by an inspector in their DWG and of the removal of any plant or sample as part of that investigation. More information on the powers of the Inspectorate is provided at **Section 7**.

Manufacturers, importers and suppliers of any plant or substance are responsible for providing services that are safe and do not contribute to any risk to the health and safety of employees. They must also give an operator adequate information about the plant or substance.

Erectors or installers of plant in a workplace must ensure that it is erected or installed in a manner that is safe for employees, contractors or other persons who use the plant and that does not constitute a risk to their health.

Repairers or maintainers of plant in a workplace must ensure that this is done in a manner that is safe for employees, contractors or other persons who use the plant and that does not constitute a risk to their health.

Constructors, modifiers or repairers of a structure on a prescribed ship or unit must ensure that this is done in a manner that is safe for employees, contractors or other persons and that does not constitute a risk to their health.

Loaders or unloaders of a prescribed ship or unit must ensure that this is done in a manner that is safe for employees, contractors or other persons and that does not constitute a risk to their health.

4 About HSRs

A HSR plays a significant part in the promotion of, and cooperation on, OHS in the workplace through their representation of the health and safety interests of employees in their DWG. The establishment of a DWG, and hence the selection / election of a HSR, is not mandatory unless requested by an employee or involved union.

A HSR is not expected to be the person responsible for health and safety in a workplace. Nor is a HSR expected to be an expert on OHS issues. A HSR is not required to exercise any power conferred on them by the Act and can not be liable under civil proceedings.

The powers provided to HSRs by the Act may only be used for promoting or ensuring the health and safety at work for employees in the DWG. A HSR is entitled to start procedures to protect the health and safety of members in their DWG, particularly in an emergency. The Act emphasises the resolution of issues through consultation.

One HSR may be selected for each DWG by the members of the DWG. To be eligible, the HSR must also be a member of that DWG. The HSR is selected either by unanimous agreement of all the employees in the DWG or by election. A HSR is required to inform the person in command as soon as possible after selection. If selection was by election, then the involved union or other person authorised to conduct the election must inform the person in command as soon as possible after selection.

The person in command is required to inform all employees in a DWG of the name of the HSR selected as soon as practicable after being informed. The person in command is also required to prepare, maintain and make available for inspection by employees, involved unions, DWGs and inspectors, an up-to-date list of all HSRs.

A HSR holds office for maximum term of two years, from the day of selection / election, or where that person:

- stops serving on a prescribed ship or unit that is part of a DWG; or
- resigns by notice in writing; or
- is disqualified.

The resignation must be provided to either the involved union or the person in command, where the selection process involved an election run by an involved union. In any other case, it must be provided to the person in command.

A HSR may be disqualified where that person has:

- exercised their power with the intention of causing harm to the operator or not for the purpose of that power; or
- acted unreasonably; or
- used or disclosed information to another person not connected with their exercise of power as a HSR.

Where a person ceases to be a HSR prior to the end of their term of office (due to death, resignation or disqualification) a process for selection / election of a replacement is required.

5 HSRs and HSCs

The role of a HSR and the health and safety committee (HSC) differ but complement each other. A HSR addresses the specific OHS issues of employees in their DWG. The HSC addresses broader organisational issues in accordance with its terms of reference. A HSC is not mandatory, unless a DWG exists and is requested by an HSR or involved union.

A HSR is not required to be a HSC member. It is important that a HSR maintains communication with members of the HSC who represent the employees in their DWG. A HSR can examine the records of the HSC.

An operator must provide a HSR and employee members of the HSC with time off work, with out loss of remuneration or other entitlements, to undertake their duties. An operator must also provide adequate facilities to enable a HSR and the HSC to exercise their powers. These could include:

- filing and storage space to keep records, information and books;
- access to a telephone, photocopier, email facilities; and
- a room or other facility to allow meetings.

6 Powers and responsibilities of a HSR

6.1 Powers

A HSR's powers include:

- the inspection of the DWG's workplace if:
 - there has been a recent accident or dangerous occurrence; or
 - where there is an immediate threat of an accident or dangerous occurrence; or
 - after giving the employer reasonable notice of the inspection;
- requesting an inspector or the Inspectorate to conduct an investigation at the workplace;
Note Where a HSR asks an inspector or the Inspectorate to conduct an investigation at the workplace, the HSR must notify the person in command of the request. An inspector is a person appointed as an inspector or a person performing the duties and exercising the powers of an inspector.
- accompanying an inspector during an investigation at the workplace;
- if there is no HSC on the prescribed ship or prescribed unit, representing the members of the DWG in health and safety consultations with the person in command; and
- examination of the records of the HSC.

A HSR can also:

- investigate employee health and safety complaints;
- attend any interview about health and safety at work between an employee and an inspector or the operator (or a person representing the operators, such as the person in command), with the consent of the employee;
- access any information relating to health and safety risks to any employee at any workplace under the operator's control, except where:
 - legal professional privilege for that information is claimed; or
 - the information is confidential medical information, unless the employee has given written authority or the information is in a form that does not identify a person;*Note* If the operator is reluctant to provide information relating to any health and safety risk to an employee, a HSR can contact the Inspectorate for advice.
- be assisted by a consultant in the exercise of their powers, although the operator is not liable for expenses or remuneration incurred during a consultant's activities;
Note A HSR has to obtain the operator's agreement in writing to the provision of assistance by a consultant at a workplace or the giving of information to a consultant.

- be assisted by a consultant when at an interview between an employee and an inspector or the operator (or a person representing the operator);
- Note A HSR has to obtain the employee's agreement to the presence of a consultant.*
- issue a provisional improvement notice (PIN), where there is a contravention or likely contravention of the Act or Regulations and agreement on appropriate action cannot be reached, first with the supervisor of the workplace and then the person in command;
 - request an inspector or the Inspectorate to investigate a matter that is the subject of a PIN if the notice has not been complied with within the specified period and an investigation has not been requested by the operator;

- initiate emergency stop work procedures, where there is an immediate threat to the health and safety of employees and the supervisor is unavailable;

Note When informed of a threat to health and safety, a supervisor must take appropriate action. This action may include directing an employee or employees to stop work. Where the HSR and the supervisor cannot agree on appropriate action, the HSR must inform the person in command;

- ask the Inspectorate or an inspector to investigate the matter, if the HSR and person in command cannot agree on appropriate action;

Note Upon entering a workplace for the purpose of an investigation, an inspector must take all reasonable steps to notify the HSR for the DWG.

- appeal to the reviewing authority against an inspector's decision to confirm, vary or cancel a PIN; and
- ask the Inspectorate, or an inspector, in writing, to institute proceedings for offences against the Act where proceedings have not been commenced within six months of the alleged breach of the Act.

6.2 Provisional improvement notice

A PIN is a means by which a HSR can seek to address an OHS issue impacting on the employees of the DWG that they represent. A HSR can issue a PIN where, on reasonable grounds, they believe an operator:

- is contravening the Act or Regulations, or
- has contravened the Act or Regulations and the contravention affects or is likely to affect one or more employees in their DWG.

A HSR must first consult with the relevant supervisor in an attempt to reach agreement on rectifying the contravention or preventing the likely contravention. If agreement cannot be reached within a reasonable time, the HSR must then consult with the person in command in an attempt to reach agreement. If the HSR thinks that the agreement is not reached within a reasonable time they may issue a PIN to the person in command.

The PIN must specify:

- which part of the Act or Regulations is being contravened or is likely to be contravened;
- the reasons the Act or Regulations is being contravened or is likely to be contravened; and
- specify a period of not less than seven days after the day of issue of the PIN in which the person in command is to take action necessary to prevent any further or likely contravention.

The PIN may specify the action the person in command is to take during the period specified in the PIN. A HSR can extend the period specified. This must be in writing and before the expiry date of the specified period. A copy of each PIN issued, and any variation, should be kept. The Inspectorate should be informed of any PIN issued.

Note Attachments to the HSR Handbook (full version) provide a blank PIN and an example of a completed PIN.

Upon receipt of a PIN, the person in command must:

- provide a copy to the owner of any workplace, plant, substance or thing to which the PIN relates and a contractor, if the PIN relates to a contravention of the Act or Regulations by that contractor or their employee;
- notify each employee affected by the issue of the PIN; and
- ensure a copy of the PIN is displayed in a prominent place at or near each workplace subject to that PIN, until the PIN ceases to have effect;
- to the extent possible, comply with the PIN;
- take reasonable steps to inform the HSR who issued the PIN of the action taken to comply with the PIN.

Within seven days after being issued a PIN, the person in command or the owner or contractor to whom the PIN has been copied may ask the Inspectorate or an inspector to conduct an investigation. On the request being made, the PIN is suspended pending determination of the matter by an inspector.

If the person in command does not take action within the period specified within the notice, and they haven't made a request to the Inspectorate that an investigation be conducted, the HSR may request the Inspectorate or an inspector to conduct an investigation. An investigation must be conducted as soon as possible after a request is made.

Although it is suspended after the request for an investigation is made and during the investigation, the PIN remains on display until it is cancelled, varied or the problem described in the PIN is fixed.

The inspector undertaking the investigation must:

- confirm, vary or cancel the PIN;
- notify the person in command and any other person to whom a copy of the PIN has been provided; and
- make decisions and exercise powers, as are necessary, to the extent provided for in Part 4 of the Act.

If the inspector varies the PIN, this takes effect as if it has always had effect. The PIN ceases to have effect if:

- it is cancelled by an inspector or the HSR who issued the PIN; or
- the person in command takes action as specified by the PIN or, if no action is specified, takes action to prevent further or likely contravention of the Act.

Note See **Figure 1** for the process where a HSR suspects a contravention of the Act or Regulations and **Figure 2** for the process when a PIN is disputed or not complied with.

6.3 Hazard identification and workplace inspections

Risk management is the operator's responsibility and includes applying management policies, procedures and practices to identify, assess, control and monitor risks. An operator is responsible for:

- identifying and assessing all reasonably foreseeable workplace hazards which may affect the health or safety of employees or others at work;
- eliminating or minimising the risk of exposure to these hazards; and
- identifying and assessing risks to health or safety before the introduction of:
 - any plant or substance;
 - a work practice or procedure; and
 - change to a workplace, work practice, activity, or process.

Note **Appendix 1** of the HSR Handbook (full version) provides more information on risk management.

A HSR may be involved in the hazard identification process. HSRs should also have a general understanding of risk management steps. A HSR may help to manage risks for employees in their DWG by:

- doing inspections to identify and record workplace hazards, such as slippery walking surfaces, poor lighting and obstructed passages although the identification of other hazards, such as poor indoor air quality, may require specialist skills / technology; and
- consulting with the operator on changes to the workplace which may affect the health and safety of members of the DWG.

The Act allows a HSR to undertake an inspection of the whole or part of a workplace where work is performed by employees in their DWG or request an investigation of the workplace as follows:

- an **accident inspection** may be carried when there has been an accident or dangerous occurrence or there is an immediate threat of one occurring. This inspection can be done jointly with the supervisor or other management representative. This does not mean the two parties must necessarily agree on the findings;
- an **investigation** by an inspector or the Inspectorate in response to changes to the workplace such as the introduction of new technology. The HSR can accompany the inspector during the investigation;
- a **workplace inspection** as part of a regular audit program of safety in the workplace. Their frequency should be related to the size of the workplace, the number of workers involved, and other relevant factors, such as the prevalence or presence of OHS risks. Inspections should be done jointly with the supervisor or another representative of the operator. Reasonable notice of an inspection must be given to the operator.

A plan of the workplace would assist an inspection by providing information on the location of specific equipment (eg fire fighting and first aid), emergency exits and other relevant features. Checklists can form a basis for a comprehensive review of the workplace – compiled by a HSR or the operator or sourced from OHS publications / organisations.

The operator is required to notify and report on **accidents and dangerous occurrences** to the Inspectorate. Information on accidents and dangerous occurrences may alert HSRs to areas or activities that require attention. Employees should be encouraged to report all accidents, dangerous occurrences and near misses to their supervisor and their HSR.

If a health and safety hazard in the workplace is suspected, further information can be obtained by surveying employees in the DWG. This may confirm that a hazard exists and support a claim to the operator to control the hazard.

An employee may raise OHS issues with their HSR, such as problems over hazards in their workplace. A HSR should fully investigate such matters. DWG meetings can provide a HSR with important information about health and safety problems which may go unnoticed in normal workplace inspections.

Employees are entitled to information on substances (including chemicals) used in the workplace that are potentially hazardous to the extent necessary to enable them to perform their work in a way that is safe and without risk to their health. Information is available from Material Safety Data Sheets (MSDS) and the Australian Safety and Compensation Council (ASCC) *Hazardous Substances Information System* (HSIS) at www.ascc.gov.au.

Some hazards may be identified by the use of monitoring equipment which measure the level of concentration of the hazard, for example, noise, temperature, lighting, fumes, dusts and radiation. A HSR may be able reach an agreement that the operator:

- do the testing, under the HSR's observation; and
- provide the HSR with a copy of the results.

A HSR is entitled to be assisted in the exercise of their powers by a consultant and may share information given to them by the operator. Written approval must be obtained from the operator before making these arrangements or handing over information. The operator is not liable for remuneration or expenses incurred in connection with the consultant. A HSR must ensure funding for the services of a consultant prior to their engagement. This may be available from an involved union or even the operator, upon request.

With the consent of an employee in the DWG, a consultant assisting the HSR may be present with the HSR at any interview about health and safety at work between that employee and

- an inspector; or
- the operator, the person in command or any other person representing the operator.

A HSR or consultant can not have access to information for which the operator claims legal provisional privilege. A consultant can only have access to information of a confidential legal or medical nature where the person whom the confidential information refers, gives the operator written authority allowing access or the information is in a form that does not identify, or enable the identification of, the person concerned.

6.4 Emergency procedures

If a HSR believes there is an immediate threat to health and safety, they must inform a supervisor immediately. If that is not possible they must:

- direct the employee(s) to stop work in a safe manner; and
- notify the supervisor as soon as practicable.

The supervisor must take appropriate action to remove a threat to health and safety of one or more of the employees when informed of an immediate threat to health and safety identified by a HSR.

If a HSR and supervisor are unable to agree that the threat to health and safety has been removed or that an order to cease work was justified, the HSR must inform the person in command of the threat to health or safety of persons performing work. Where a HSR and the person in command are unable to agree that the threat to health and safety has been removed or that an order to cease work was justified, the HSR or the person in command may request the Inspectorate or an inspector to conduct an investigation of the work that is the subject of the disagreement. An investigation must then be carried out as soon as possible after such a request.

Where an employee has stopped work at the direction of a HSR, the person in command may direct the relevant employee/s to carry out suitable alternative work without affecting the terms and conditions of their employment.

*Note See **Figure 3** for the appropriate steps when taking emergency action.*

7 Powers of the Inspectorate

7.1 Investigations

An inspector may conduct an investigation at any time to determine whether the Act or regulations are being complied with, whether there is a contravention or a possible contravention of the Act or regulations or whether an accident or dangerous occurrence has happened. The Inspectorate may direct an inspector to conduct an investigation for the same reasons mentioned above. The Inspectorate may also receive a request for a workplace investigation (such as from a HSR, an involved union or person in command).

In conducting an investigation, an inspector may:

- stop and detain a prescribed ship or prescribed unit;
- board a prescribed ship or prescribed unit and enter a workplace on the ship or unit to search the workplace at any reasonable time during the day or night;
- search the workplace;
- inspect, examine, take measurements, conduct tests;
- take photographs or make sketches;
- require assistance or further information;
- take possession of plant, take samples of substances etc;
- direct that workplace etc. not to be disturbed;
- issue prohibition notices; and
- issue improvement notices.

Upon entering a workplace, an inspector must take all reasonable steps to notify the person in command and the HSR for the DWG of the purpose of the investigation. That HSR is entitled to accompany the inspector during the investigation.

During an investigation, an inspector may take possession of plant, a substance or a thing at a workplace and remove it from the workplace for the purpose of inspecting, examining, measuring or conducting tests in connection with the investigation. Upon taking possession of plant, a substance or thing, or a sample of a substance or thing, the investigator must inform the person in command and the HSR for the DWG in writing.

During an investigation, an inspector may issue a 'do not disturb' notice to the person in command in order to:

- remove an immediate threat to the health or safety of any person; and
- allow the inspection, examination or taking of measurements, or the conduct of tests concerning a workplace or any plant, substance or thing.

The person in command must display the 'do not disturb' notice in a prominent place and inform the relevant HSR.

7.2 Enforcement options

During the investigation, an inspector may issue a **prohibition notice** to the employer to remove an immediate threat to the health and safety of any person. The prohibition notice must:

- specify, with reasons, the activity which the investigator believes is a threat to health or safety; and
- direct an operator to either stop the activity altogether or ensure that the activity is not continued. For example, any plant or substance that is not to be used in connection with an activity.

The person in command must give a copy of the prohibition notice to the relevant HSR and have the prohibition notice displayed in a prominent place at or near the workplace.

During the investigation, an inspector can issue an **improvement notice** to the person in command if they form the opinion that the legislation is being contravened. The person in command must give a copy of the improvement notice to the relevant HSR and have the improvement notice displayed in a prominent place at or near the workplace. The improvement notice:

- must specify, with reasons, the nature of the contravention;
- must specify a period within which any remedial action must be taken; and
- may specify action the investigator believes is required.

A person must not, without reasonable excuse, tamper with the following notices when they are displayed:

- a notice of removal of plant or sample;
- a do not disturb notice;
- an improvement notice; and
- a prohibition notice.

A person must not remove any notice until:

- the notice has expired, been revoked, or a new notice issued; or
- the plant or substance to which the notice refers is returned to the workplace from which it was removed.

Prosecutions are available for serious contraventions of the Act. Proceedings may be begun by the Inspectorate or by an inspector. A HSR or involved union may request in writing that the Inspectorate begin proceedings if proceedings have not begun within six months of an occurrence or omission that a HSR, involved union or DWG thinks constituted an offence against the Act. Upon receiving such a request, the Inspectorate must advise the HSR or involved union, within three months if proceedings have or will be begun and, if not, give reasons why not.

8 Appeals and investigation reports

8.1 Appeal against an investigator's decision

Under the Act, an appeal against a decision of an inspector may be made to the reviewing authority [the Australian Industrial Relations Commission] by the following:

- an operator affected by the decision;
- a person in command to whom a PIN or improvement notice has been issued;
- a person to whom a PIN has been given;
- a HSR for a DWG that includes an employee affected;
- an involved union in relation to such a DWG;
- if there is no DWG, an involved union in relation to an employee who is affected by the decision; or
- a person who owns any plant, substance or thing referred to in a PIN, a notice removing plant etc, a do not disturb notice or an improvement notice.

A HSR for a DWG, or an involved union in relation to a DWG, may also appeal against a decision by an inspector to cancel a PIN or Prohibition Notice.

8.2 Investigation reports and the Inspectorate

If an inspector provides any written advice in relation to OHS to any of the following then that advice must be made available to any interested parties. These are the person in command, an operator, a contractor, an involved union, a HSR or an employee.

9 Figures

Figure 1: Suspected contravention of the Act or Regulations

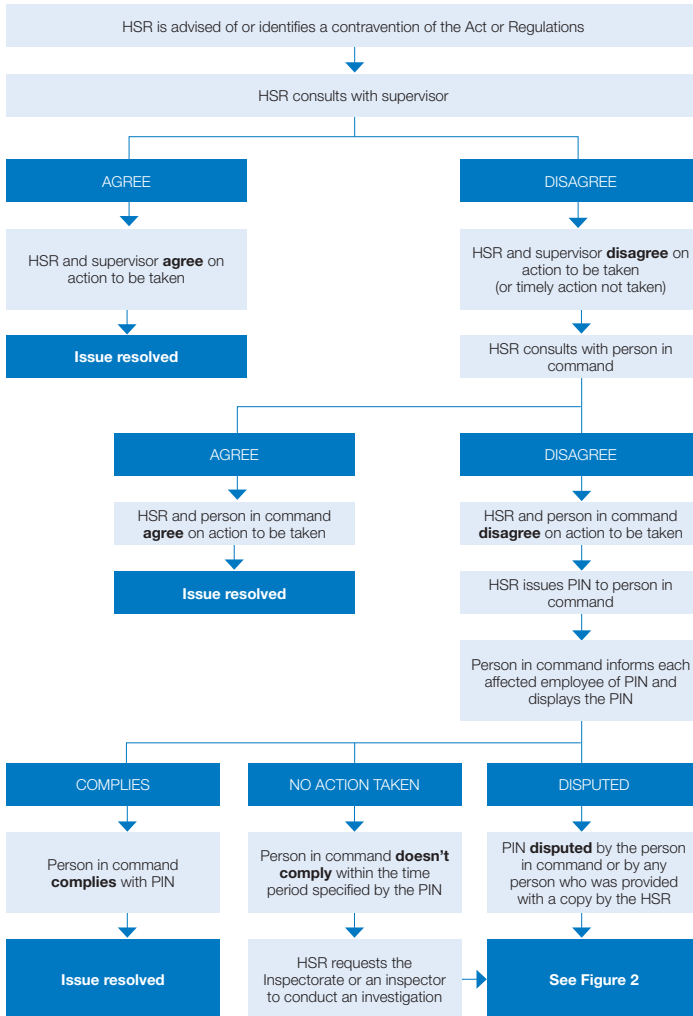


Figure 2: PIN disputed or not complied with

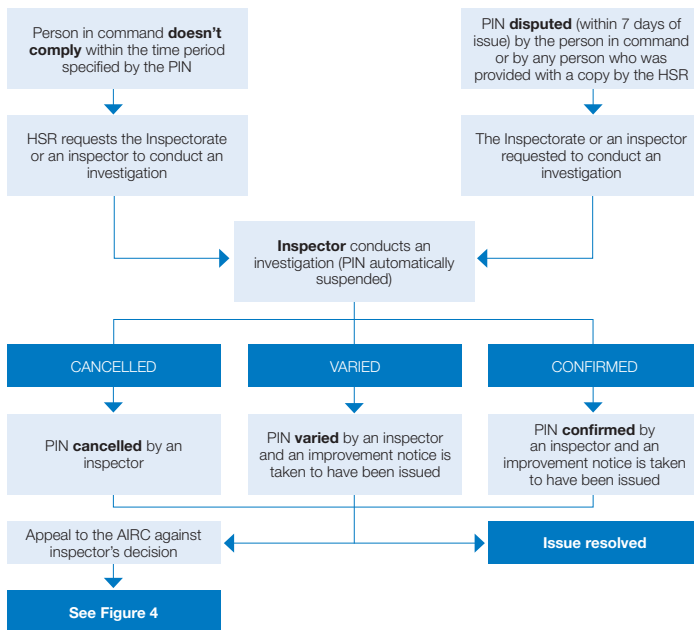


Figure 3: Emergency Action

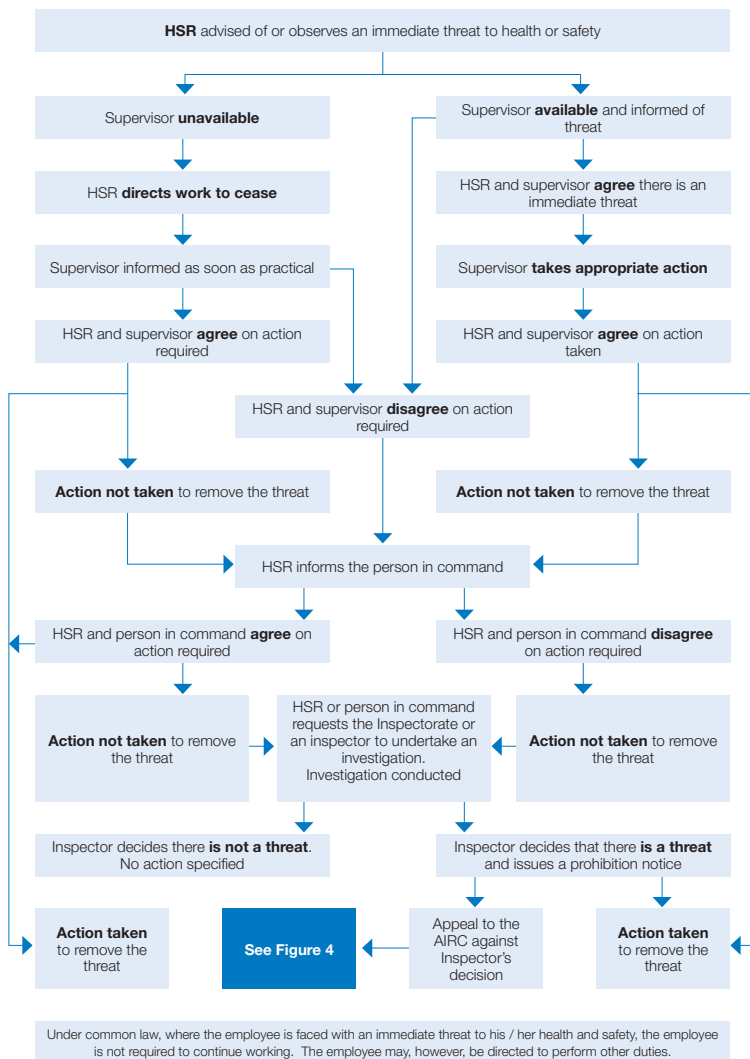
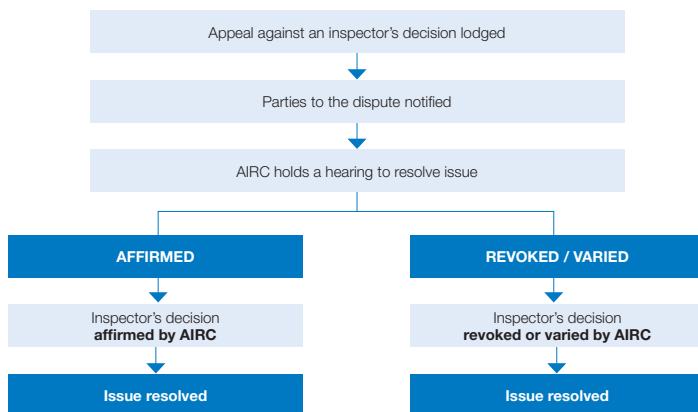


Figure 4: Appeal against an inspector's decision



10 Where to obtain more information

Seafarers Safety, Rehabilitation and Compensation Authority (Seacare Authority)

Phone (02) 6275 0070
Email seacare@comcare.gov.au
Website www.seacare.gov.au

Australian Maritime Safety Authority (AMSA)

Phone (02) 6279 5000
Email www.amsa.gov.au/contact_us
Website www.amsa.gov.au

Operator's OHS / HR staff

Australian Institute of Marine & Power Engineers (AIMPE)

Phone (02) 9698 3999
Email hoadmin@aimpe.asn.au
Website www.aimpe.asn.au

Australian Maritime Officers Union (AMOU)

Phone (02) 9264 2388
Email amou@amou.com.au
Website www.amou.com.au

Australian Shipowners Association (ASA)

Phone (03) 9626 0755
Email www.asa.com.au/contacts.asp
Website www.asa.com.au

Maritime Union of Australia (MUA)

Phone (02) 9267 9134
Email muano@mua.org.au
Website www.mua.org.au

Providers of Seacare Authority accredited HSR training courses

Current details can be accessed from: www.seacare.gov.au/OHS/HSR_training_courses

Standards Australia

Phone 1800 035 822
Email mail@standards.org.au
Website www.standards.org.au

State and Territory OHS regulators

Some regulations (eg training competencies) and guidance material may be relevant.

- WorkCover NSW www.workcover.nsw.gov.au
- WorkSafe Vic www.worksafe.vic.gov.au
- Workplace Health & Safety Qld www.deir.qld.gov.au/workplace
- WorkSafe WA www.worksafe.wa.gov.au
- WorkSafe SA www.safework.sa.gov.au
- WorkCover Tas www.workcover.tas.gov.au
- WorkCover ACT www.workcover.act.gov.au
- WorkSafe NT www.worksafe.nt.gov.au

OHS contacts

Name _____

Position _____

Organisation _____

Location _____

Postal address _____

Phone number _____ Fax number _____

Email address _____

Website _____

Name _____

Position _____

Organisation _____

Location _____

Postal address _____

Phone number _____ Fax number _____

Email address _____

Website _____

Name _____

Position _____

Organisation _____

Location _____

Postal address _____

Phone number _____ Fax number _____

Email address _____

Website _____

