

Serial 246
Petroleum Amendment Bill (No. 2) 2000
Mr Manzie

**A BILL
for
AN ACT**

to amend the *Petroleum Act*



NORTHERN TERRITORY OF AUSTRALIA
PETROLEUM AMENDMENT ACT (NO. 2) 2000

No. of 2000

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. New Part

PART IIIA – OCCUPATIONAL HEALTH AND SAFETY

Division 1 – Preliminary

- 89A. Definitions
- 89B. Duties of employers
- 89C. Duties of occupiers of workplaces
- 89D. Duties of self-employed persons
- 89E. Duties of manufacturers etc.
- 89F. Duties of owners
- 89G. Duties of workers
- 89H. Immediate threat
- 89J. Compliance with Regulations is compliance with this Part
- 89K. Civil liability not affected by this Part

Division 2 – Investigations

- 89L. Investigations
- 89M. Inspector may seek assistance etc.
- 89N. Employer etc. to assist inspector
- 89P. Offences in relation to investigations

Division 3 – Improvement and prohibition notices

- 89Q. Minister may issue improvement notice
- 89R. Minister may issue prohibition notice
- 89S. Issuing of notices
- 89T. Notices may include directions
- 89U. Appeals against notices
- 89V. Minister may carry out work

Division 4 – Health and safety committees

- 89W. Health and safety committees
- 89X. Composition of health and safety committees
- 89Y. Functions of health and safety committees
- 89Z. Inspection of workplace
- 89ZA. Meetings
- 89ZB. Duties of employers in relation to health and safety committees
- 89ZC. Exemption from application of Division

Division 5—General

89ZD. Discrimination against workers etc.
89ZE. Orders in proceedings for offences against section 89ZD
89ZF. Notification of accidents

5. Continuing offences
6. Regulations
7. Further amendments

SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

AN ACT

to amend the *Petroleum Act*

[Assented to 2000]
[Second reading 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Petroleum Amendment Act (No. 2) 2000*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Petroleum Act* is in this Act referred to as the Principal Act.

4. New Part

The Principal Act is amended by inserting after Part III the following:

"PART IIIA – OCCUPATIONAL HEALTH AND SAFETY

"Division 1 – Preliminary

"89A. Definitions

"In this Part, unless the contrary intention appears –

Petroleum Amendment Act (No. 2) 2000

'act' includes an omission;

'Court' means the Work Health Court;

'employer' means a person by whom a worker is engaged or for whom a worker works;

'improvement notice' means an improvement notice issued under section 89Q;

'occupier', in relation to a workplace, means a person who has the management or control of the workplace;

'owner', in relation to a building, structure or plant, means a person who has right or title to, and management of, or control over, the building, structure or plant, and includes a person who is exercising such management or control as an agent of the owner;

'practicable', in relation to a hazard or risk, means practicable having regard to –

- (a) its severity;
- (b) the state of knowledge about the hazard or risk and the ways of removing or mitigating it;
- (c) the availability and suitability of ways to remove or mitigate it; and
- (d) the cost of removing or mitigating it;

'prohibition notice' means a prohibition notice issued under section 89R;

'substance' means a natural or artificial substance, whether in solid, liquid, gas or vapour form;

'worker' means a natural person who, under a contract or agreement of any kind (whether expressed or implied, oral or in writing or under a law of the Territory or not), performs work or a service of any kind for another person;

'workplace' means a place where workers work, whether or not in a building or structure –

- (a) that is –
 - (i) on a permit area, retention licence area, production licence area or access authority area; and

- (ii) where operations or programmes are being carried on or works are being executed for or in connection with the exploration for, or the recovery or production of, petroleum; or
- (b) that the Minister declares, by notice in the *Gazette*, to be a workplace for the purposes of this Part.

"89B. Duties of employers

"(1) An employer must, so far as is practicable –

- (a) provide and maintain a working environment at a workplace that is safe and without risk to the health or safety of the workers working at the workplace; and
- (b) ensure that the health and safety of any other person is not adversely affected as a result of the work in which the employer or any worker is engaged.

Penalty: In the case of a body corporate – \$125,000.

In the case of a natural person – \$25,000.

"(2) Without limiting subsection (1), an employer contravenes that subsection if he or she fails to –

- (a) provide and maintain plant and systems of work that are, so far as is practicable, safe and without risk to health;
- (b) make arrangements for ensuring, so far as is practicable, safety and absence of risk to health in connection with the use, handling, storage and transporting of plant and substances;
- (c) maintain, so far as is practicable, a workplace under his or her control and management in a condition that is safe and without risk to health;
- (d) provide the information, instruction, training and supervision to a worker that is necessary to enable the worker to perform his or her work in a manner that is safe and without risk to health; or
- (e) ensure that visitors to a workplace under his or her control and management are aware of the safety requirements relevant to such visitors and that they abide by those requirements or remove a visitor who refuses or fails to abide by those requirements.

"(3) The Regulations may provide that a prescribed employer or a member of a prescribed class of employers must –

Petroleum Amendment Act (No. 2) 2000

- (a) monitor the health of his or her workers;
- (b) keep information and records relating to the health and safety of his or her workers;
- (c) employ or engage a person who, being suitably qualified in relation to occupational health and safety, is able to provide advice to the employer in relation to the health and safety of the employer's workers;
- (d) monitor conditions likely to affect the health and safety of his or her workers at a workplace under his or her control and management; or
- (e) prepare a written health and safety policy,

or any combination of those things, and the employer must, accordingly, do that thing or those things.

"(4) An employer must –

- (a) subject to subsection (5), if he or she is required under subsection (3) to monitor the health of his or her workers or conditions at a workplace under his or her control and management or keep information and records relating to the health and safety of his or her workers, at all reasonable times, at the request of a worker employed by him or her, make the results of that monitoring or the information, or those records, as the case may be, available to the worker or a person authorised in writing by the worker to receive or examine them or it;
- (b) at the request of a worker employed by him or her, provide the worker with a copy of the health and safety policy of the employer, if it is reduced to writing;
- (c) so far as is practicable, provide such other information as a worker employed by him or her requests relating to health and safety at the worker's workplace; and
- (d) so far as is practicable, consult with the relevant workers about the development of measures to promote health and safety at workplaces under his or her control and management.

"(5) Nothing in subsection (4)(a) is to be taken to require or authorise an employer to make available to or on behalf of a worker information or a record relating to the health of any other worker or whereby a worker other than the worker to or on whose behalf the information or record is made available can be readily identified, except with the permission in writing of that other worker.

"89C. Duties of occupiers of workplaces

"An occupier of a workplace must ensure, as far as is practicable, that the workplace and the means of access to and egress from it are safe and without risk to health.

Penalty: In the case of a body corporate – \$125,000.

In the case of a natural person – \$25,000.

"89D. Duties of self-employed persons

"A self-employed person must, so far as is practicable—

(a) take reasonable care to ensure that his or her health or safety at a workplace; and

(b) ensure that the health and safety of any other person at a workplace,

is not adversely affected as a result of the work in which the self-employed person is engaged.

Penalty: \$25,000.

"89E. Duties of manufacturers etc.

"(1) A person who designs, manufactures, imports or supplies any plant or substance for use at a workplace must, so far as is practicable—

(a) ensure that the design and construction of the plant, or the characteristics of the substance, are such that a person who properly uses the plant or substance is not exposed to hazards in doing so;

(b) test and examine, or arrange for the testing and examination of, the plant or substance to ensure that it complies with paragraph (a); and

(c) ensure that adequate information in respect of—

(i) any danger associated with the plant or substance;

(ii) the specifications of the plant or substance and the data obtained at the testing of the plant or substance under paragraph (b); and

(iii) the conditions necessary to ensure that a person properly using the plant or substance is not exposed to hazards in doing so,

is provided when the plant or substance is supplied.

Petroleum Amendment Act (No. 2) 2000

"(2) A person who erects or installs plant for use at a workplace must, so far as is practicable, ensure that it is erected or installed so that a person who properly uses the plant is not subjected to any hazard that arises from, or is increased by, the way in which the plant is erected or installed.

"(3) A person who manufactures, imports or supplies a substance for use at a workplace must, so far as is practicable, ensure that adequate toxicological data in respect of the substance and such other data as is relevant to the safe use, handling, processing, storage, transportation and disposal of the substance is provided when the substance is supplied and thereafter whenever requested.

Penalty: In the case of a body corporate – \$125,000.

In the case of a natural person – \$25,000.

"89F. Duties of owners

"The owner of—

- (a) a building or structure at or used as a workplace, including fixtures and fittings under his or her control; or
- (b) plant used at a workplace,

must ensure, so far as is practicable, that the health and safety of any person is not adversely affected as a result of its condition or use.

Penalty: In the case of a body corporate – \$125,000.

In the case of a natural person – \$25,000.

"89G. Duties of workers

"(1) A worker while at his or her workplace must take appropriate care for his or her own health and safety and for the health and safety of all persons who may be affected by his or her acts at the workplace.

"(2) A worker must, as far as is practicable, follow all reasonable directions given to him or her by his or her employer or his or her employer's representative in relation to his or her own and any other person's health and safety at the worker's workplace and must use relevant safety equipment when provided or made available for his or her use.

"(3) A worker must not –

- (a) wilfully or recklessly interfere with or misuse anything provided in the interests of health and safety in pursuance of this Act; or

- (b) wilfully place at risk the health or safety of a person at the worker's workplace.

Penalty: \$5,000.

"89H. Immediate threat

"(1) If there is an immediate risk of severe injury to a worker at a workplace and that risk is not removed by the employer, the worker may cease work in the area in which the risk is present.

"(2) During a period during which a worker has, under subsection (1), ceased work, his or her employer may assign him or her to alternative work.

"(3) A dispute between a worker and his or her employer as to whether there is an immediate risk to the worker may be referred by either party to an inspector for a ruling.

"(4) The inspector must, immediately on receiving a request for a ruling under subsection (3), investigate the matter and if the inspector is satisfied that –

- (a) the risk exists, report to the Minister who must take action appropriate under section 89R; or
- (b) there is no such risk, advise the employer and the worker accordingly and the employer may require the worker to resume forthwith his or her usual work.

"89J. Compliance with Regulations is compliance with this Part

"If the Regulations make provision for or in relation to a duty, obligation, act, matter or thing to which this Part applies, a person who complies with the Regulations in relation to that duty, obligation, act, matter or thing is to be taken to have complied with this Part in relation to it.

"89K. Civil liability not affected by this Part

"Nothing in this Part is to be construed as –

- (a) conferring a right of action in a civil proceeding in respect of a contravention of this Part;
- (b) conferring a defence to an action in a civil proceeding or as otherwise affecting a right of action in a civil proceeding; or
- (c) affecting the extent, if any, to which a right of action arises or a civil proceeding may be taken in respect of a breach of duty imposed by the Regulations.

"Division 2 – Investigations

"89L. Investigations

"(1) An inspector must not conduct an investigation at a workplace until he or she has taken reasonable steps to notify the employer or the employer's representative of the inspector having entered the workplace.

"(2) On concluding an investigation at a workplace an inspector must give to the employer information about his or her observations and the steps, if any, he or she proposes to take as a result of that investigation.

"(3) If an inspector proposes to take and remove a sample from a workplace for the purposes of analysis, he or she must notify the employer and after having taken the sample he or she must –

- (a) if practicable, divide the sample taken into as many parts as are reasonably necessary for the analysis and for the purposes of this section and mark and seal, or mark and fasten up, each part in such manner as its nature will permit;
- (b) if such division is practicable, deliver one part to the employer on being requested to do so by the employer; and
- (c) retain one part for future comparison.

"(4) If an inspector takes possession of a plant, substance or thing from a workplace, the occupier of or employer at the workplace may appeal to the Court against that action or the continued possession by the inspector of that plant, substance or thing.

"(5) No person is to be required under this Division to answer a question or give information tending to incriminate himself or herself.

"89M. Inspector may seek assistance etc.

An inspector may, for the purposes of performing a function or exercising a power under this Part, seek, whenever necessary, the assistance of any person and if the function or power requires the entry of the inspector to a workplace the occupier of or employer at the workplace must also permit that person access to the workplace.

"89N. Employer etc. to assist inspector

"The owner or occupier of, or employer at, a workplace and his or her agents and employees must provide such reasonable assistance as an inspector requires for an entry, investigation, examination or inquiry, or for the exercise of the powers of the inspector, under this Part.

"89P. Offences in relation to investigations

- "(1) A person who –
- (a) refuses access to a workplace to an inspector;
 - (b) obstructs an inspector in the exercise of his or her powers under this Part or induces or attempts to induce a person to do so;
 - (c) fails to produce a document required under this Part to be produced to an inspector;
 - (d) conceals the location or existence of a person or any plant or substance from an inspector;
 - (e) prevents or attempts to prevent a person from assisting an inspector; or
 - (f) in any other way, hinders, impedes or opposes an inspector in the performance of the inspector's functions or exercising of his or her powers under this Part,

is guilty of an offence.

Penalty: In the case of a body corporate – \$5,000.

In the case of a natural person – \$1,000, or imprisonment for 6 months.

"(2) The occupier of, and employer at, a workplace at which an offence against subsection (1) occurs is guilty of the same offence and is subject to the same penalty unless he or she proves that the act constituting the offence took place without his or her knowledge and that he or she did not know and could not reasonably have known of the act.

"(3) In this section 'inspector' includes a person assisting an inspector.

"Division 3 – Improvement and prohibition notices

"89Q. Minister may issue improvement notice

- "(1) If the Minister is of the opinion that a person –
- (a) is contravening this Part; or
 - (b) has contravened this Part in circumstances that make it likely that the contravention will continue or be repeated,

Petroleum Amendment Act (No. 2) 2000

the Minister may issue to the person an improvement notice requiring the person to remedy the contravention or the matters or activities giving rise to the opinion that the contravention will be repeated.

- "(2) An improvement notice is to—
- (a) state that the Minister is of the opinion that the person—
 - (i) is contravening this Part; or
 - (ii) has contravened this Part in circumstances that make it likely that the contravention will continue or be repeated;
 - (b) state the reasons for that opinion;
 - (c) specify the provision of this Part in respect of which that opinion is held; and
 - (d) specify the day (being a day later than 7 days after the day on which the notice is issued) before which the person is required to remedy the contravention or the matters or activities giving rise to its opinion that the contravention will be repeated.

- "(3) A person—
- (a) to whom an improvement notice is issued and in relation to which an appeal has not been made under section 89U; and
 - (b) who contravenes or fails to comply with it,

is guilty of a regulatory offence.

Penalty: In the case of a body corporate — \$10,000.

In the case of a natural person — \$2,000, or imprisonment for 6 months.

"(4) A person who is found guilty of an offence against subsection (3) is guilty of a further offence against that subsection if the offence continues after he or she has been found guilty and, on being found guilty of the further offence, is punishable by a penalty not exceeding—

- (a) in the case of a body corporate — \$500; or
- (b) in the case of a natural person — \$100,

for each day during which the offence continues.

"89R. Minister may issue prohibition notice

"(1) If the Minister is of the opinion that at a workplace there is occurring or may occur an act which involves or will involve an immediate risk to the health or safety of a person, the Minister may issue to the person who has or is reasonably believed to have control over the act or the activity in which the act may occur a prohibition notice prohibiting the continuation of the act or the carrying out of the activity until the Minister certifies in writing that the immediate risk has been removed or, in the Minister's opinion, the act will not occur.

"(2) A prohibition notice is to –

- (a) state that the Minister is of the opinion that in the workplace there is occurring or may occur an act which involves or will involve an immediate risk to the health or safety of a person;
- (b) state the reasons for that opinion;
- (c) specify the act which, in the Minister's opinion, involves or will involve the risk and the matters which give or will give rise to the risk; and
- (d) if in the Minister's opinion the act involves or will involve a contravention or likely contravention of this Part, specify the relevant provision and state the reasons for that opinion.

"(3) A person –

- (a) to whom a prohibition notice is issued and in relation to which an appeal has not been made under section 89U; and
- (b) who contravenes or fails to comply with it,

is guilty of a regulatory offence.

Penalty: In the case of a body corporate – \$15,000.

In the case of a natural person – \$3,000, or imprisonment for 6 months.

"(4) A person who is found guilty of an offence against subsection (3) is guilty of a further offence against that subsection if the offence continues after he or she has been found guilty and, on being found guilty of the further offence, is punishable by a penalty not exceeding –

- (a) in the case of a body corporate – \$1,000; or
- (b) in the case of a natural person – \$200,

Petroleum Amendment Act (No. 2) 2000

for each day during which the offence continues.

"(5) If an appeal has been made under section 89U against a prohibition notice, the Minister must not certify under subsection (1) until after the appeal is withdrawn or decided.

"(6) If the Minister issues a prohibition notice in respect of an act relating to the use of any plant at a workplace, the Minister may place a mark on the plant, or any part of the plant, to indicate that the plant, or the part so marked, is not to be used until the Minister certifies, under subsection (1), in respect of the act in respect of which the prohibition notice was issued.

"(7) A person who –

- (a) uses any plant, or a part of any plant, on which a mark has been placed; or
- (b) without the permission of the Minister, removes, obliterates or otherwise interferes with a mark placed on any plant, or a part of any plant,

under subsection (6) is guilty of a regulatory offence.

Penalty: In the case of a body corporate – \$15,000.

In the case of a natural person – \$3,000 or imprisonment for 6 months.

"(8) A person who is found guilty of an offence against subsection (7) is guilty of a further offence against that subsection if the offence continues after he or she has been found guilty and, on being found guilty of the further offence, is punishable by a penalty not exceeding –

- (a) in the case of a body corporate – \$1,000; or
- (b) in the case of a natural person – \$200,

for each day during which the offence continues.

"89S. Issuing of notices

"(1) For the purposes of sections 89Q and 89R, a notice under those sections may be issued to a person by –

- (a) delivering it personally to the person;
- (b) leaving it at the person's usual or last known place of residence or business with some other person, apparently resident or employed

there and who is apparently in charge or in a position of authority;
or

- (c) posting it in a prepaid letter addressed to the person at the person's usual or last known place of residence or business.

"(2) Subsection (1) is in addition to and not in derogation of provisions of the Corporations Law relating to the service of documents.

"89T. Notices may include directions

"(1) The Minister may include in an improvement notice or a prohibition notice directions as to the measures to be taken to remedy the matters to which the notice relates.

"(2) A direction under subsection (1) may –

- (a) refer to a standard, code or other document as in force or existing at a particular time or as in force from time to time; and
- (b) offer the person to whom it is issued a choice of ways in which to remedy the matters to which the notice relates.

"89U. Appeals against notices

"(1) A person to whom an improvement notice or a prohibition notice is issued or, if that person is a worker, that person's employer, may, within 7 days after the notice is issued or such further time as the Court allows, appeal in writing to the Court against the notice.

"(2) Pending the decision by the Court on an appeal under subsection (1), the operation of the notice –

- (a) in the case of an improvement notice – is suspended; and
- (b) in the case of a prohibition notice – continues unless the Minister decides otherwise.

"(3) If –

- (a) the Court affirms an improvement notice or a prohibition notice or affirms such a notice with modifications; and
- (b) the person to whom the notice was issued does not comply with the notice as affirmed or modified,

that person is guilty of an offence and is liable to the penalty applying in the case of an offence against section 89Q or 89R, as the case may be.

"(4) In this section 'improvement notice' includes a further notice referred to in section 89V(1).

"89V. Minister may carry out work

"(1) If an improvement notice requires work to be carried out by the person to whom the notice was issued, or by the person's employer who has the responsibility for carrying out the work, and that work has not been carried out –

- (a) if no appeal has been lodged under section 89U against the notice – within 7 days after the date allowed by the notice for carrying out the work; or
- (b) if an appeal has been lodged under section 89U against the notice and the Court has affirmed the notice or modified it in such a way that work is required to be carried out –
 - (i) within 7 days after the date on which the decision of the Court was made known; or
 - (ii) by the date, earlier or later than the date allowed by the notice, that the Court allows for carrying out that work,

the Minister may give to the person responsible for carrying out the work a further notice advising the person that after a specified day, not being earlier than 7 days after the service of the further notice on the person, the Minister intends to carry out the work or cause it to be carried out.

"(2) The Minister may, after the day specified in the further notice given under subsection (1) and on being satisfied that an appeal has not been lodged under section 89U against the further notice, carry out the work or cause it to be carried out.

"(3) For the purposes of subsection (2), the Minister may enter on the land comprising the relevant workplace with the workers and machinery that are reasonably necessary and do all things reasonably necessary to be done.

"(4) The costs reasonably incurred by the Minister in exercising powers under this section is a debt due to the Territory by the person required by the notice or decision to carry out the work.

"Division 4 – Health and safety committees

"89W. Health and safety committees

"(1) An employer who employs more than 20 workers at a workplace must, if requested by a majority of those workers, establish a health and safety committee for that workplace.

Petroleum Amendment Act (No. 2) 2000

"(2) An employer must establish a health and safety committee not later than 3 weeks after being requested to do so under subsection (1).

"(3) For the purposes of this section, if a person (in this subsection called 'the principal contractor') contracts with another person (in this subsection called 'the subcontractor') for the execution by or under the subcontractor of work undertaken by the principal contractor in the course of the principal contractor's business or trade, the principal contractor is to be taken to be the employer of a worker employed by the subcontractor in the execution of the work.

"89X. Composition of health and safety committees

"(1) A health and safety committee for a workplace is to consist of –

- (a) workers working at the workplace elected by the workers working at the workplace; and
- (b) persons appointed by the employer of the workers.

"(2) Subject to this section, the number of workers to be elected or persons to be appointed for the purposes of this section is to be as agreed between the employer and the workers.

"(3) Not less than half of the members of a health and safety committee are to be workers elected by the workers at the workplace.

"89Y. Functions of health and safety committees

"The functions of a health and safety committee are –

- (a) to facilitate consultation and co-operation between the employer and workers working at the workplace in initiating, developing and implementing measures designed to ensure the health and safety of the workers at the workplace;
- (b) to keep itself informed about standards relating to health and safety generally recommended or prevailing in workplaces of a comparable nature, and to review and make recommendations to the employer on rules and procedures at the workplace relating to the health and safety of the workers;
- (c) to recommend to the employer the establishment, maintenance and monitoring of programs, measures and procedures at the workplace relating to the health and safety of the workers;
- (d) to keep, in an accessible place and form, such information as is provided under this Act and by the employer regarding the hazards to workers that arise or may arise at the workplace;

Petroleum Amendment Act (No. 2) 2000

- (e) to consider and make recommendations relating to changes to be made at the workplace that may reasonably be expected to affect the health and safety of the workers;
- (f) to consider and make recommendations relating to training and education in, and promotion of, health and safety at the workplace;
- (g) to consider, and make recommendations relating to changes to be made at the workplace following an accident or dangerous occurrence; and
- (h) to perform such other functions as may be prescribed, or given to the committee, with its consent, by an employer.

"89Z. Inspection of workplace

"A person nominated by a health and safety committee may inspect the workplace or any part of the workplace for which the committee is established –

- (a) at such times as are agreed with the employer; or
- (b) if the workplace or any part of it has not been inspected in the preceding 30 days, at any time on giving reasonable notice to the employer.

"89ZA. Meetings

"(1) The members of a health and safety committee must elect one of the members to be the Chairperson.

"(2) Subject to subsection (3), a health and safety committee may determine its own procedures.

"(3) A health and safety committee must meet at intervals, not longer than 3 months, or at more frequent intervals as approved by the employer.

"89ZB. Duties of employers in relation to health and safety committees

"If there is a health and safety committee at a workplace, the employer must –

- (a) make available to the committee such information as the employer has, or could reasonably be expected to have, relating to –
 - (i) hazards to persons that arise or may arise at the workplace;
 - (ii) so far as it is relevant to the hazards referred to in subparagraph (i), the plant and substances used, and the systems of work, at the workplace; and

- (iii) the health and safety of workers at the workplace;
- (b) consult with the health and safety committee on changes proposed to be made at the workplace which may reasonably be expected to affect the health or safety of workers at the workplace;
- (c) if an accident or dangerous occurrence occurs at the workplace, ensure that the committee is notified as soon as possible;
- (d) provide the committee with reasonable facilities and assistance for the purposes of the performance of its functions under this Part; and
- (e) permit members of the committee to carry out their functions under this Part and to participate in relevant courses of training relating to health and safety of workers.

"89ZC. Exemption from application of Division

"The Minister may, subject to the conditions he or she thinks fit –

- (a) exempt an employer at a workplace from compliance with this Division, in whole or in part; or
- (b) vary compliance with this Division, in whole or in part,

if he or she is satisfied that the employer has effected, at the workplace, a health and safety management policy which, in the opinion of the Minister, satisfies the intent of this Division.

"Division 5 – General

"89ZD. Discrimination against workers etc.

"(1) An employer at a workplace must not –

- (a) dismiss a worker; or
- (b) act in any way detrimental to a worker in the worker's employment with the employer,

for the reason only that the worker –

- (c) assists or has assisted or gives or has given information to the Minister or an inspector;
- (d) makes or has made a reasonable complaint in relation to health and safety to the employer, the Minister or an inspector; or
- (e) ceases work under section 89H(1).

Petroleum Amendment Act (No. 2) 2000

Penalty: In the case of a body corporate – \$10,000.

In the case of a natural person – \$2,000, or imprisonment for 12 months.

"(2) In this section, 'Minister' includes a person to whom the Minister has delegated any of his or her powers and functions under this Part.

"89ZE. Orders in proceedings for offences against section 89ZD

"If a person is found guilty of an offence against section 89ZD, the court by which he or she is found guilty may, in addition to imposing a penalty on the person –

- (a) order him or her to pay within a specified period to the person against whom the offender discriminated, such amount as it thinks fit to compensate that person; or
- (b) order that the worker be reinstated or re-employed in the worker's former position or, where that position is not available, in a similar position,

or both.

"89ZF. Notification of accidents

"If–

- (a) an accident occurs at a workplace, whether or not it causes the death of, or bodily injury to, any person; or
- (b) there is an occurrence at or in relation to a workplace which affects the health or safety of any person at the workplace,

which is a prescribed accident or occurrence required to be notified under this section –

- (c) the employer at the workplace; or
- (d) such other person as is prescribed,

must give notice of the accident or occurrence in the prescribed form and manner."

5. Continuing offences

Section 107 of the Principal Act is amended –

- (a) by omitting "A" and substituting "(1) A"; and

Petroleum Amendment Act (No. 2) 2000

(b) by adding at the end the following:

"(2) Subsection (1) does not apply in relation to a continuing offence referred to in section 89Q(4) or 89R(4) or (8)."

6. Regulations

Section 118 of the Principal Act is amended by inserting after subsection (2)(p) the following:

"(pa) matters in respect of occupational health and safety under Part IIIA;"

7. Further amendments

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 7

Provision	Amendment	
	omit	substitute
Section 54(2)(b)	"authorizes"	"authorises"
Section 77(1)(a)	"authorized"	"authorised"
Section 102(1)	"authorized"	"authorised"
Section 114	"authorized"	"authorised"

