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## Federal Court to hear urgent bid to halt offshore strike

Wednesday, November 04, 2015, 4:06pm

A labour supplier to an offshore pipe-laying vessel will tomorrow seek an interlocutory order from the Federal Court to halt industrial action on Friday, arguing that union industrial action notices are invalid because of the obligations imposed by the unique safety regulation regime for the offshore oil and gas sector.

Justice Michael Barker, sitting in Perth, will consider the bid by [Skilled Offshore](#) to halt action by AMWU, AWU and CEPU members on the [Castorone](#), which is located 132km off the WA coast, where it is laying pipeline for the Ichthys oil and gas platform.

Safety on the vessel is regulated by the [National Offshore Petroleum Safety and Environmental Management Authority](#), an agency created after the massive [Montara oil spill](#), which requires companies to prepare "safety cases" for their operations (see NOPSEMA's [information](#) on the offshore safety regulation regime).

Skilled is expected to tell Justice Barker that specific requirements under the offshore safety regulations override the general provisions for notifying industrial action under [s414](#), which do not permit action that breaches safety obligations.

The bid for the injunction follows an FWC [full bench ruling](#) on Monday that rejected Skilled Offshore's arguments that the safety obligations meant the tribunal should not have issued a protected action ballot order (see from paragraph 36).

Vice President Adam Hatcher, Deputy President Geoffrey Bull and Commissioner Tony Saunders said they did not accept that the questions in the [order](#) were "beyond the scope" of what constitutes industrial action under the Fair Work Act.

The full bench added that industrial action under the Act does not "on its proper construction, exclude action which might or would result in a breach of occupational health and safety law".


Further, it said, the questions in the order did not identify any industrial action that might contravene OHS obligations, while the exclusions in the questions appeared to "adequately answer" any "practical" OHS concerns.

[Skilled Offshore Pty Ltd ACN 079 197 827 v Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union & Ors, WAD632/2015](#)

[Skilled Offshore v AMWU and others \[2015\] FWCFB 7399 \(2 November 2015\)](#)

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