

1 Introduction

A range of enforcement actions are available to NOPSEMA inspectors administering occupational health and safety legislation in relation to offshore petroleum facilities and activities. Enforcement actions available to NOPSEMA inspectors are detailed in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGG Act). There is a range of OHS notices that can be issued by NOPSEMA inspectors. These include:

- an OHS Prohibition Notice
- an OHS Improvement Notice
- an OHS Notice of Removal of Plant or Sample
- an OHS Do Not Disturb Notice.

Only the OHS Improvement Notice and the OHS Do Not Disturb Notice include specified timeframes. Therefore, NOPSEMA inspectors are required to include in these notices, where relevant, timeframes for compliance with the notice.

2 Scope of this guideline

This guideline covers the process to be used by responsible parties who have received an OHS Improvement Notice or an OHS Do Not Disturb Notice, and wish to seek a variation to the timeframe stated in the notice.

3 Amending the period of notices

NOPSEMA inspectors will generally discuss notices with the responsible party prior to issue and therefore will take into consideration the responsible party's views when drafting the notice, particularly in relation to a practicable timeframe for compliance, where applicable. The NOPSEMA inspector then weighs up these views against the health and safety considerations.

Where a responsible party to whom an OHS Improvement Notice or an OHS Do Not Disturb Notice has been issued is unable to meet the timeframe specified in the notice they should request, in writing, a variation to the timeframe from NOPSEMA stating the original date, the reasons they are unable to meet the original timeframe and a proposed date. Responsible parties who have been conscientiously working towards compliance should have sufficient understanding of the issue to provide this level of detail.

A request for a variation to the period stated on a notice is not a trivial matter and must be made with sufficient time for NOPSEMA to make an informed decision. Where a request is made to extend a timeframe on an Improvement Notice, the request must be made at least three working days prior to the original date specified in the notice. Furthermore, it is NOPSEMA policy that no more than one extension should be granted for improvement notices. Where a request is made to shorten the timeframe on a Do Not Disturb Notice, the request must be made at least three working days prior to the proposed amended date and time proposed by the responsible party.

If the responsible party does not allow sufficient time for notification, and for decision-making by NOPSEMA, they run the risk of committing an offence associated with failing to comply with a notice.

4 Related documents

N-05000-PL0067 – Enforcement Policy