



Successful prosecution of employer in relation to diving incident

On 25 July 2014, Technip Oceania Pty Ltd (Technip) was convicted and fined \$70,000 by the Perth Magistrates Court for specific breaches of Schedule 3 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act).

On 27 May 2014, Technip pleaded guilty to two charges for failing as an employer to:

- take all reasonably practicable steps to implement and maintain systems of work that were safe and without risk to health and
- provide employees with the information, instruction, training and supervision necessary for them to carry out their work in a manner that was safe and without risk to health.

The successful prosecution followed NOPSEMA's investigation into an accident that occurred in Commonwealth waters within the offshore area of Western Australia. The accident involved a diver who suffered a serious injury to an arm whilst operating high pressure water blasting equipment subsea.

In passing sentence Magistrate Tavener noted that 'safety provisions, even with complex supporting safety systems are only effective if they are followed and not put aside for convenience.'

He went on to state that 'the offences are still serious, as they involve people ignoring the need for full compliance and furthermore, those people who ignored those requirements were informed, competent people working under a complex safety regime, and they made a decision effectively that concerned themselves.'

'There is no point in having a multi-layered complex safety system if it simply can be ignored and for that reason the breaches are serious,' he said.

After the sentencing, NOPSEMA CEO, Jane Cutler, noted that 'NOPSEMA is determined to pursue breaches of the offshore petroleum legislation where employers have failed to provide a safe working environment.'

'Our priority is to ensure that operators and employers effectively manage risks to the health and safety of workers on offshore petroleum facilities to a level that is as low as reasonably practicable,' she said.

Further information about the incident, including key lessons for the offshore petroleum industry, is available in [Safety Alert 46 – Diver Safety – High Pressure Water Jetting Operations](#) published at nopsema.gov.au

