

OHS IMPROVEMENT NOTICE

To: Esso Australia Pty Ltd (“EAPL”)

In conducting an OHS inspection in relation to the Bream B facility, I, [REDACTED], a NOPSEMA inspector appointed under section 602 of the Act, am satisfied on reasonable grounds that the person named above as the responsible person is contravening:

- (a) clause 9(2)(a) of Schedule 3 to the Act at Bream B facility.

The reasons for my opinion are:

NOPSEMA conducted an inspection on the 29 July 2019 on Bream B facility and further enquiries thereafter.

As part of the inspection, NOPSEMA inspectors observed areas of walkway deck grating across three levels (mezzanine, cellar and sub-cellar decks) of the facility with an advanced state of corrosion. It was noted that some sections of grating load bars completely corroded away.

A fall from an elevated worksite (the lowest deck height being at least 12 metres above sea level) from the failure of grating under load due to corrosion is identified by EAPL as a major accident event (MAE) in the Bream B facility safety case. The safety case critical preventative control to prevent the failure of grating due to corrosion is the targeted above water structural inspection program as defined by the Structural Equipment Integrity Program Manual (SEIPM).

The 2019 structural inspection program Platform Above Water Survey (PAWS) closing report dated 2 July 2019 identifies the mezzanine, cellar and sub-cellar deck gratings as ‘black’ risks with a Latest Acceptable Completion Date (LACD) for replacement of 28 April 2019. The LACD recommendation for grating described in the SEIPM (Appendix A) ‘Fitness for Service’ explicitly states where the load bar thickness is less than 2mm the risk is designated 3A (Black) is to mitigate and replace within 12 months of inspection.

During the inspection, the inspectors observed a number of deck grating panels where the load bar thickness was less than 2mm thick and which had evidently not been replaced within 12 months of inspection based on EAPL’s ‘Fitness for Service’ criteria.

It was noted that some temporary mitigation measures had been applied – such as planking used on the heavily corroded areas of the decks. However, such measures do not adequately reduce risks to health and safety of personnel who are continuing to use the deck area of the facility.

I am therefore satisfied that EAPL has not taken all reasonably practicable steps to provide and maintain a physical environment at the facility that is safe and without risk to health.

As a result of this contravention I am satisfied that there is, or may be, the following risk to the health or safety of any person:

Due to the advanced state of corrosion to the deck grating on the facility, there is a risk to personnel from falling from elevated worksite (deck) which could result in serious injury or death.

You are required to take action within **120** days of the date of this notice to prevent or reduce the risk.

The following action must be taken by the responsible person within the period specified above:

- replace all deck grating panels identified in the PAWS closing report dated 2 July 2019; and

- ensure that all steel deck grating and supporting substructure including connection points to the primary structure are fit for purpose and are safe and without risk to health; or
- Implement such other controls as required to reduce risk to a level that is as low as reasonably practicable.

Signed: 


NOPSEMA Inspector

Dated: 30 August 2019

NOTES: (Please see back of notice)

When the required improvement has been completed, return this part of the notice to the following person at the address below:

Name: [REDACTED]

Position: Manager Assessment and Inspection

Address: Send in electronic format via email to:
submissions@nopsema.gov.au

Telephone number: +61 8 6188 8700

Specify the action that has been taken to comply with this notice in the space below.

Improvement Notice No. **764** has been complied with by:

Signed: _____ Date: _____

NOTES:

1. Under clause 78 of Schedule 3 to the Act, a person who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the person has control, may be liable to a penalty of 300 penalty units or a civil penalty of 400 units.
2. This notice must be displayed in a prominent place at or near each workplace at which work affected by the notice is being performed and, must not be tampered with or removed before the notice has ceased to have effect.
3. If the notice is not issued by being given to the operator's representative at the facility, the responsible person (unless the responsible person is the titleholder) must cause a copy of the notice to be given to the operator's representative.
4. If the responsible person is the operator or an employer (other than the operator) of members of the workforce, the operator's representative at the facility must give a copy of the notice to each health and safety representative for a designated work group having group members performing work that is affected by the notice.
5. If the responsible person is the titleholder, as soon as practicable after issuing the notice, the NOPSEMA inspector will take reasonable steps to give a copy of the notice to the operator and, if the NOPSEMA inspector is at the facility when the notice issued, the operator's representative at the facility.
6. If the responsible person is the titleholder, but the inspector is not at the facility when the notice is issued, the operator must give a copy of the notice to the operator's representative at the facility.
7. As soon as practicable after issuing the notice, the NOPSEMA inspector will take reasonable steps to give a copy of the notice to, where applicable:
 - (a) the employer of an employee who is a member of the workforce if the notice is issued to the employee, and in connection with work performed by the employee, and
 - (b) the owner of any workplace plant, substance or thing that the notice relates to, unless the owner is the responsible person or an employer referred to in (a), and
 - (c) if the responsible person is the owner of any workplace, plant, substance or thing because of which the contravention has occurred, or is likely to occur: the operator of the facility, and if the employer of employees who work in that workplace or who use that plant, substance or thing is a person other than the operator—that employer; and
 - (d) the titleholder, if the responsible person is the operator, and the contravention relates, or is likely to relate to, the titleholders' well related obligations.
8. Under item 8 of subclause 80A(1) of Schedule 3 to the Act, any of the following persons may in writing request the reviewing authority to review the NOPSEMA inspector's decision:
 - the operator of the facility
 - the titleholder, if the notice is issued to a titleholder;
 - any other person to whom the notice has been issued;
 - an employer, if affected by the decision;
 - a relevant health and safety representative;
 - a relevant workforce representative, if requested by a member of the workforce affected by the decision;
 - a person who owns any workplace plant, substance or thing to which the NOPSEMA inspector's decision relates.
9. An improvement notice ceases to have effect when the responsible person takes the action specified in the notice.