

## **OHS IMPROVEMENT NOTICE**

To: EnSCO Australia Pty Limited

In conducting an OHS inspection in relation to the VALARIS DPS-1 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 has contravened and is likely to contravene again clause 9 (2)(d) of Schedule 3 to the Act, at the VALARIS DPS-1 facility.

### **The reasons for my opinion are:**

NOPSEMA inspectors undertook two inspections (ID 2255 and 2277) in relation to the VALARIS DPS-1 facility between 22 June 2020 and 12 August 2020 which included investigating an injury to a member of the workforce, who was working at height on a man-riding harness, sustaining a fractured toe on his right foot. The incident occurred during the attempted removal of a third party owned secondary retention clamp for the coiled-tubing (CT) deflector plate. This CT deflector clamp assembly had been installed and fastened by a third party to a beam in the derrick using a comprehensive procedure and a coordinated rope access team.

The operator's incident investigation report indicated that a proper review of the installation procedure should have led to the conclusion that it should not have been feasible for a person in a man-rider harness with the tools provided for the job to break the securing bolts, due to the significant torque applied during installation by the third party. I concluded that allowing a person to attempt work in this way at height in the derrick – when man-riding work is known in industry to have resulted in serious injury and fatalities – would have subjected the person in this instance to unnecessary and significant risk.

Following the inspection of the facility and review of the operator's incident investigation report, I concluded that EnSCO Australia Pty Limited failed to take all reasonably practicable steps to implement and maintain systems of work at the facility that are safe and without risk to health, namely that:

- The operator failed to conduct an appropriate holistic risk assessment prior to exposing a worker to risk of serious injury or fatality. The risk assessment conducted by the operator should reasonably have reviewed the method by which the equipment had been installed and from this it should have been apparent that it was not feasible for the person to have been successful in attempting to remove the equipment and that alternative means should have been employed, as were actually employed following the incident. By instructing the person to work at height in the derrick on a man-riding device for a job that was not feasible placed this person at unnecessary risk.

NOPSEMA's review of the operator's investigation report indicates whilst root causes identified and remedial actions have been proposed, until such time as these are implemented throughout the facility operations and safe systems of work, EnSCO Australia Pty Limited may contravene again.

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:

- Serious injury to personnel at the facility due to uncontrolled movement of equipment in the derrick whilst man-riding, and
- Increased exposure to potential for serious injury or death to personnel at the facility during man-riding work in the derrick as a result of work conducted aloft.

You are required to take action within **90** 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:

- (a) Ensco Australia Pty Limited to conduct a review of its management of work practices to ensure that safe systems of work for working at heights and especially in the derrick as described in their facility safety case are implemented; and
- (b) Implement interim measures to safeguard workers until such time as actions determined by (a) have been fully implemented; or
- (c) Implement such other controls as required to reduce risk to a level that is as low as reasonably practicable.

**Signed:**



**NOPSEMA Inspector**

**Dated: 12/11/2020**

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: NOPSEMA Inspector

Address: Send in electronic format via email to:  
[submissions@nopsema.gov.au](mailto: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. **797** 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.