

## **OHS IMPROVEMENT NOTICE**

To: Heerema Marine Contractors Nederland S.E.

In conducting an OHS inspection in relation to the Aegir 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, or has contravened and is likely to contravene again:

(a) clause 9(2)(d) of Schedule 3 to the Act;

at:

Aegir

The reasons for my opinion are:

The operator did not implement and maintain effective systems of work to ensure the safe operations involving vessels that resulted in a collision between the Aegir and the I650 barge, being towed by an AHTS vessel on 4 November 2014.

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:

Potential for injuries to personnel on-board vessels (including barges) undertaking operations at or near the facility.

You are required to take action within **60** 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:

The operator is to implement and maintain a formalised system that ensures, as far as reasonably practicable, the safe performance of operations that involve vessels at or near the facility.

The system must address command and control, roles and responsibilities, communications, activity risk assessments and associated controls and emergency actions.

or by any other suitable means, ensure compliance to clause 9(2)(d)

Signed: [REDACTED]

NOPSEMA inspector

Dated: 4 December 2014

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:



Position:

NOPSEMA Inspector

Address:

**By Courier:**

Submissions NOPSEMA

Level 8 Alluvion Building

58 Mounts Bay Road Perth WA 6000

**By Post:**

Submissions NOPSEMA

GPO Box 2568 PERTH WA 6001

Telephone number: +61 8 6188 8700

Improvement Notice No. **571** has been complied with by:

{insert description of action that has been taken to reduce or prevent the risk}:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

(to be signed by responsible person only when the improvement notice has been complied with)

**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.