

Notification and reporting of accidents and dangerous occurrences

Document No: N-03000-GN0099 A160607

Date: 08/03/2022

To notify NOPSEMA of an accident or dangerous occurrence call 1300 674 472. If in doubt, notify NOPSEMA.

Operators of facilities have a duty to notify and report accidents and dangerous occurrences which occur at or near facilities to the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) under Clause 82 of Schedule 3 to the Commonwealth *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

It is an offence of strict liability not to notify and report accidents and dangerous occurrences to NOPSEMA.

1. Reporting requirements

1.1. Accidents

Operators must notify and provide a report to NOPSEMA regarding accidents which occur at or near a facility that:

- cause the death of, or serious injury to, any individual
- cause a member of the workforce to be incapacitated¹ from performing work for three or more days (≥ 3 day LTI), where an accident includes the contraction of a disease.

If there is any doubt as to whether an injury is classified as 'serious' a notification should be made.

1.2. Dangerous occurrence

Operators must also notify and provide a report to NOPSEMA regarding *dangerous occurrences* which occur at or near a facility. These occurrences are:

- those that did not, but could reasonably have caused an accident
- fires or explosions
- collisions of a marine vessel with the facility
- uncontrolled releases of hydrocarbon vapour exceeding 1 kilogram
- uncontrolled releases of petroleum liquids exceeding 80 litres
- well kicks exceeding 8 cubic metres (or 50 barrels)
- unplanned events that required the emergency response plan to be implemented

¹ Includes physical and mental incapacitation.

- damage to safety-critical equipment
- occurrences that result in, or are likely to result in, significant damage to a pipeline (e.g. a significant reduction in containment capacity)
- any other occurrences that a reasonable operator would consider to require an immediate investigation.

2. Reporting details

The report to be provided under regulation 2.42(2) of the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 must contain material details of the types determined as follows:

2.1. General

1. The facility name, site name or location where the incident occurred.
2. Name and business address of registered operator or other person who controls work site.
3. Time and date of incident.
4. Names and contact details of any witnesses.
5. Name/position/telephone number of person submitting these details.
6. Brief description of incident.
7. Work/activity being undertaken at time of incident.
8. Action taken to make work-site safe including details of any disturbance of the work site.
9. Was an emergency response initiated?

2.2. Injuries

10. Name of employer of deceased/injured person(s) [if any and if different from answer in item 2].
11. Details of deceased/injured person(s) including name, date of birth, sex, residential address and telephone number, occupation/job title and details of injury, details of job being undertaken.
12. Day of shift and hour of shift (e.g. 5th day of 7, 1st hour of 12).

2.3. Fluid escape

13. Estimated quantity and composition of fluids that escaped or burned including known toxicity.
14. Duration of escape.
15. Location and weather conditions.

2.4. Serious damage

16. Identify equipment damaged and to what extent.
17. Will the equipment or facility be shutdown and for how long?

2.5. Immediate actions/cause

18. Immediate action taken/intended, if any, to prevent recurrence of incident.
19. Immediate cause analysis.

2.6. Analysis and remedial actions

20. Root cause analysis and full report.
21. Actions to prevent recurrence of same or similar incident with responsible party and completion date.

3. Further guidance

3.1. Notification

To notify NOPSEMA of an accident or dangerous occurrence call NOPSEMA's dedicated incident notification phone line on **1300 674 472**.

For urgent matters such as a fatality, serious injury, fire, explosion, emergency abandonment, or to obtain authorisation to disturb the site of an accident or dangerous occurrence the duty phone menu will direct the caller to a duty NOPSEMA Inspector and the line will be answered directly, at any time. For all other options from the menu the caller may leave a voicemail with their contact details and their call will be returned within 2 hours, for calls made between 08:00 hours to 22:00 hours AWST. All other calls will be returned as soon as possible on the following day.

Operators should not make notifications via the NOPSEMA general switchboard, or their focal point OHS inspector.

3.2. Interference with accident sites

Regulation 2.49 of the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 requires that a person must not interfere with a site, on a facility where there is:

- (a) an accident that causes the death of, or serious personal injury to, any person; or
- (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period of at least 3 days; or
- (c) a dangerous occurrence;

before the completion of the inspection of the site by an OHS inspector.

However, subregulation 2.49(2) indicates that it is a defence to a prosecution for an offence against this requirement if:

- (a) the person was acting with the written or oral authority of an OHS inspector; or
- (b) the person was acting, in a reasonable manner, for any of the following purposes:
 - (i) helping or rescuing a sick, injured or endangered person;
 - (ii) maintaining the safety of the facility or of persons at the facility;
 - (iii) reducing danger to the facility or to persons at the facility;
 - (iv) retrieving, or attempting to retrieve, the body of a dead person; or
- (c) the operator has given NOPSEMA notice of, and a report about, the accident or dangerous occurrence under clause 82 of Schedule 3 to the Act, and an OHS inspector has not entered the facility where the accident or dangerous occurrence occurred in response to the notice within 3 working days of the operator giving notice to NOPSEMA.

NOPSEMA recognises that there are a range of circumstances in which an operator would likely need to seek authority from a NOPSEMA inspector to disturb the scene of an accident or dangerous occurrence, for example, if the operator wishes to resume operations before the completion of an inspection of the site by an OHS inspector. These circumstances would typically include those incidents that involve serious injuries to a person, or could reasonably have caused serious injuries to a person (e.g. significant hydrocarbon releases; significant dropped object events; significant safety-critical equipment damage, etc.). Note: permission to disturb the site might not be granted if the OHS inspector wishes to conduct an inspection of the site at the earliest opportunity. Further, permission might be granted in some circumstances on the basis that the operator commits to preserve evidence and/or appropriately record the incident scene through the taking of photographs and/or video footage prior to disturbing the site.

However, NOPSEMA also acknowledges that there are other circumstances in which seeking permission to disturb the site may not be necessary. Such circumstances may include, for example, activations of the emergency response plan where there is no significant danger (e.g. false alarms; inadvertent activation of manual alarm call points; non-work-related medical evacuations; inadvertent or spurious activation of smoke, fire or flammable gas detectors; closing times for shutdown valves not meeting their performance standards, etc.).

If in doubt about whether permission to disturb the site is required, it is recommended that you contact the duty phone inspector.

3.3. Reporting

An operator may utilise the form - *Report of an Accident, Environment Incident or Dangerous Occurrence* (N-03000-FM0831) available at nopsema.gov.au.

3.3.1. Written report within 3 days

A written report must be provided to NOPSEMA as soon as practicable but in any case, within 3 days of the accident, or detection of a dangerous occurrence unless otherwise agreed by NOPSEMA. The written report must be submitted to submissions@nopsema.gov.au or via secure file transfer at:

<https://securefile.nopsema.gov.au/filedrop/submissions>

3.3.2. Final report within 30 days

A final report must be provided to NOPSEMA within 30 days. Any request for agreement to exceed 30 days should be made in writing as early as possible to NOPSEMA and will be considered on the basis of reasonable grounds. Last-minute requests may not be agreed.

4. Disclaimer

This guidance note is intended to provide general guidance to the industry as to the approach that NOPSEMA takes in carrying out its regulatory functions under powers conferred by the Commonwealth *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, the relevant State and Northern Territory *Petroleum (Submerged Lands) Act 1982*, and regulations under those Acts, where applicable for facilities in designated coastal waters. This guidance note should not be relied on as advice on the law, nor treated as a substitute for legal advice in any relevant situation.

