

## Investigation

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### 1 Purpose

The purpose of this policy is to provide for a documented, systematic and consistent approach to the investigation of suspected non-compliances by duty holders with their Occupational Health and Safety (OHS), well integrity and environmental obligations under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act) and associated regulations.

All investigations undertaken by NOPSEMA will adhere to the framework that is described in this document.

### 2 Scope

This policy applies to investigations carried out by NOPSEMA where it has garnered information through any of its own activities or by other means that justifies the seeking of evidence of non-compliance with the law as a basis for enforcement.

This policy provides NOPSEMA with a framework for making consistent decisions in relation to when to conduct investigations and assists stakeholders in their understanding of the principles that NOPSEMA follows when deciding on a particular course of action in terms of investigation.

### 3 Relevant Legislation

The following Commonwealth legislation gives direction to relevant NOPSEMA's investigation activities:

- *Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGs Act)*
- *Regulatory Powers (Standard Provisions) Act 2014*
- Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009
- Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009
- Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011

Similar provisions apply in designated coastal waters where the state or the Northern Territory has conferred functions and powers on NOPSEMA by, or under, a State Petroleum Submerged Lands Act (PSLA) or the Territory PSLA, and where the enacted state or territory legislation substantially corresponds to the relevant Commonwealth legislation. Unless otherwise specified, references to regulatory requirements in the material provided below are in relation to Commonwealth legislation.

## 4 Policy Statements

- NOPSEMA conducts investigations where it has garnered information through any of its own activities, or by other means that justifies the seeking of evidence of non-compliance with the law as a basis for enforcement. NOPSEMA may also investigate individual events or series of related events, with the primary aim of identifying and sharing lessons learnt with the broader industry and stakeholders generally.
- Other considerations in the context of investigations and the resources to be used will involve an assessment of the:
  - severity and scale of potential or actual harm
  - seriousness of any potential breach of the law
  - duty holder's known past health and safety or environmental management performance
  - enforcement priorities
  - practicality of achieving results
  - wider relevance of the event, including serious public concern.
- In conducting an investigation, NOPSEMA inspectors will seek to:
  - gather and establish the facts of the incident
  - identify immediate and underlying causes and the lessons to be learned
  - determine whether action has been taken or needs to be taken to prevent recurrence
  - detect breaches of legislation for which NOPSEMA is the enforcing authority
  - establish whether to take further action, including formal enforcement.
- An investigation may range from an enquiry by a single inspector about a minor incident or complaint to a large enquiry involving a team of inspectors.
- When considering investigations likely to lead to enforcement action, the Compliance Committee will have oversight to ensure consistency of approach and a strategic approach to enforcement.

## 5 Use of Information

If NOPSEMA obtains information or a thing during the exercise of its powers or functions under the OPGGS Act and regulations, it may use or disclose that information for the purposes of exercising any power or performing any function under the OPGGS Act.