

NOPSEMA Investigation – Interim Investigation Report IVT12396

Investigation details

Facility / Activity / Title:	Griffin and Nganhurra Riser Turret Mooring
Operator:	Woodside Energy Limited
Titleholder:	Woodside Energy Limited
Date investigation commenced:	13 May 2023
Lead Investigator:	██████████
Investigation team:	██████████
Investigation number:	IVT-12396

Report distribution

Position	Company
Records management	NOPSEMA

Revision status

Rev	Date	Description	Prepared by	Approved by
A	021024	Internal draft	██████████	██████████
B	N/A	Draft for discussion with duty holders	N/A	N/A
0	031024	Final	██████████	██████████

Table of contents

Investigation details.....	1
Report distribution.....	1
Revision status.....	1
Table of contents.....	2
1. Background.....	4
1.1. Griffin Riser Turret Mooring.....	4
1.2. Nganhurra Riser Turret Mooring.....	4
2. Investigation Scope.....	5
3. Executive Summary of Interim Investigation Findings.....	5
3.1. Alleged breach of the Griffin RTM PSZ.....	5
3.2. Alleged Breach of the Nganhurra RTM PSZ.....	5
3.3. Other Relevant Matters.....	5
4. Executive Summary of Investigation Recommendations.....	6
5. Relevant Law.....	6
5.1. Interference with a facility – Section 603 of the OPGGS Act.....	6
5.2. Unlawfully entering a PSZ – Section 616 of the OPGGS Act.....	6
6. Entities Identified during the Investigation.....	7
6.1. Owner of the vessel known as Rainbow Warrior (and it’s compliment of work boats).....	7
6.2. Master of the vessel known as Rainbow Warrior (and it’s compliment of work boats).....	7
6.3. Greenpeace Australia Pacific Limited.....	7
7. Relevant Petroleum Safety Zones.....	7
7.1. Griffin RTM.....	7
7.2. Nganhurra RTM.....	7
8. Application of the Criminal Code Act (Cth).....	8
9. Assessment of the Evidence on Hand – Griffin RTM.....	8
9.1. [REDACTED] r.....	8
9.2. [REDACTED].....	10
10. Assessment of the Evidence on Hand – NGANHURRA RTM.....	10
10.1. [REDACTED].....	10
10.2. [REDACTED].....	12
11. Current Investigative Actions Being Undertaken.....	13
12. Further Investigative Actions Required.....	13
12.1. [REDACTED].....	13
12.2. [REDACTED].....	13
13. Other Matters – Fishermen in the PSZ.....	14
14. [REDACTED].....	14
15. [REDACTED].....	
16. Other Relevant Matters.....	16
17. Potential Complementary Actions Available to NOPSEMA.....	16

18.	Summary of Interim Findings.....	16
18.1.	Alleged breach of the Griffin RTM PSZ.....	16
18.2.	Alleged Breach of the Nganhurra RTM PSZ.....	17
18.3.	Other Relevant Matters	17
19.	Summary of Interim Recommendations	17
	Appendix A: Document Register	19

1. Background

Two complaints have been received from Woodside Energy Limited (**Woodside**) alleging a breach of a Petroleum Safety Zone (**PSZ**) surrounding both the Griffin Riser Turret Mooring (**RTM**) and the Nganhurra RTM. The specifics of the allegations are outlined as below.

1.1. Griffin Riser Turret Mooring

A report of an Alleged Safety Zone Infringement (A937727) was received by NOPSEMA from Woodside employee [REDACTED] at 1316hrs on 19 May 2023.¹ The report alleged that on 11 May 2023 a vessel or vessels had breached the PSZ surrounding the Griffin Riser Turret Mooring (**Griffin RTM**). The report was made based on social media content published by Greenpeace. The report identified that the vessel breaching the PSZ was not known but was suspected to be the Rainbow Warrior and/or work boats deployed from the Rainbow Warrior.

The Greenpeace social media attached to the report indicated that crew from the Rainbow Warrior used a tethered underwater drone deployed from a work boat, to film the Griffin RTM sitting on the ocean floor at the time.

This activity was widely reported by Greenpeace Australia Pacific (**GPAP**)(fA40632).

1.2. Nganhurra Riser Turret Mooring

A report of an Alleged Safety Zone Infringement (A935564) was received by NOPSEMA from Woodside employee [REDACTED] at 1534hrs on 16 May 2023. The report alleged that at about 1400hrs on 13 May 2023, the vessel known as the Rainbow Warrior, approached the Nganhurra Riser Turret Mooring (**Nganhurra RTM**). Two work boats were launched from the Rainbow Warrior. The Master of the Siem Pilot, working for Woodside at the time, contacted the Rainbow Warrior via VHF radio and advised of the presence of the PSZ. The Rainbow warrior responded to the Siem Pilot with what appeared to be a prepared statement advising they were conducting peaceful protest activities (A936028).

At about 1440hrs two persons were observed climbing from a work boat onto the Nganhurra RTM. A short time later both work boats left the PSZ and returned to the Rainbow Warrior. It was later found that protestors had placed a large banner on the RTM reading 'Woodside, don't be a tosser, Greenpeace'. This banner was removed by the protestors prior to departure from the Nganhurra RTM and has not been recovered. Left on the Nganhurra RTM was a small steel sign (91cm x 122cm) which was affixed to the facility (A996983). The sign reads 'Warning Woodside's Toxic Trash'. This sign was recovered by Woodside and is in the possession of NOPSEMA.

On 13 May 2023, [REDACTED] of Woodside received correspondence via his work email, from [REDACTED] a Senior Campaigner of Greenpeace Australia Pacific, who advised that the Nganhurra RTM has been boarded by Greenpeace Australia Pacific activists as a protest against the activities of Woodside (A1078161).²

The protest activity was widely reported on social media by Greenpeace Australia Pacific (fA40632).

¹ Note that the Griffin RTM PSZ was allegedly breached before the Nganhurra RTM PSZ was breached, but the Nganhurra matter was reported first in time by Woodside. Woodside discovered the Griffin RTM incident several days after they were aware of the Nganhurra RTM incident.

² Woodside have provided NOPSEMA copies of a number of items of correspondence with Greenpeace Australia Pacific (fA43040).

2. Investigation Scope

NOPSEMA initiated a level 4 investigation to:

- Ascertain if any person unlawfully interfered with a facility, thereby committing an offence pursuant to section 603 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth) (OPGGGS Act).
- Ascertain if any person unlawfully entered a PSZ, thereby committing an offence pursuant to section 616 of the OPGGS Act.

3. Executive Summary of Interim Investigation Findings

An executive summary of the investigation findings is provided as below.

3.1. Alleged breach of the Griffin RTM PSZ

Based on the materials currently held by NOPSEMA:

[Redacted]

[Redacted]

3.2. Alleged Breach of the Nganhurra RTM PSZ

[Redacted]

[Redacted]

[Redacted]

3.3. Other Relevant Matters

It is likely that recreational fishermen previously frequented the vicinity of the Nganhurra RTM PSZ, and at times may have entered the PSZ, to undertake recreational fishing activities. These entries by fisherman into the Nganhurra PSZ are unlikely to have been formally recorded or reported.

Following the alleged breaches of the relevant PSZ's, two separate letters of warning were issued to relevant parties by the NOPSEMA CEO. During the course of this investigation, the Rainbow Warrior left Australian waters, and later re-entered Australian Waters. During this second visit the Rainbow Warrior has not been reported to have further breached any provisions of the OPGGS Act. In more recent times GPAP have also launched the sailing vessel Oceania. The Oceania has not been reported to have breached any provisions of the OPGGS Act at the time of drafting this report.

4. Executive Summary of Investigation Recommendations

An executive summary of the investigation recommendations is provided as below.

The Compliance Committee endorse:

- a. The investigative actions currently being undertaken by the Investigations Team be completed.
s 47E - agency operations
[Redacted]
- b. The Investigations Team maintain a watching brief on GPAP protest activities; and
- c. [Redacted]

5. Relevant Law

The investigation focused on two relevant sections of the OPGGS Act.

5.1. Interference with a facility – Section 603 of the OPGGS Act

In summary, any person who engages in conduct which, damages or interferes with any structure or vessel in an offshore area used for petroleum operations, commits an offence. That offence is punishable by ten years imprisonment.

s 42 - legal professional privilege
[Redacted]

5.2. Unlawfully entering a PSZ – Section 616 of the OPGGS Act

In summary, a master and/or owner of a vessel, to which a PSZ applies, commits an offence if they unlawfully enter into an area to which a PSZ applies. That offence is punishable by up to 15 years imprisonment, if undertaken intentionally (as opposed to negligently or recklessly).

This provision of the OPGGS Act is the primary focus of the investigation.

6. Entities Identified during the Investigation

There were corporate persons of interest and one further individual, identified during the investigation, as detailed below. The relevance of their involvement in the investigation is detailed later in this report.

6.1. Owner of the vessel known as Rainbow Warrior (and its compliment of work boats)

The registered owner of the Rainbow Warrior is reported as being Stitching Iris, care of Stitching Greenpeace Council, Amsterdam the Netherlands. A number of work boats, have been identified as being relevant to the alleged breaches of the relevant PSZ, and the investigation is of the belief that these workboats are part of the equipment permanently attached to the Rainbow Warrior.³

The owner of a vessel may be accountable for a breach of section 616 of the OPGGS Act.

6.2. Master of the vessel known as Rainbow Warrior (and its compliment of work boats)

The Master of the Rainbow Warrior is reported by Australia Border Force (ABF) as [REDACTED] a national of the Netherlands (A1089343). The identity of the Masters (operators) of the workboats are unknown at this time.

The Master of a vessel may be accountable for a breach of section 616 of the OPGGS Act.

6.3. Greenpeace Australia Pacific Limited

4

7. Relevant Petroleum Safety Zones

Existing PSZ notices are published by NOPSEMA on the publicly available website found at: [Gazetted notices | NOPSEMA](#) or <https://www.nopsema.gov.au/offshore-industry/directions-notices-alerts/gazetted-notices> .

7.1. Griffin RTM

The PSZ relevant to the Griffin RTM was established by the Western Australia Government Gazette No. 200 dated 9 October 1998 (A936833). The Gazette establishes a 500 metre PSZ from the Griffin Venture Riser Turret Mooring. This PSZ was emplaced pursuant to section 119 of the *Petroleum (Submerged Lands) Act* 1967. The PSZ still remains in force.

7.2. Nganhurra RTM

5

³ The proof of the ownership of the workboats, would be a crucial element of any further investigative activities, if further investigation is approved by the Compliance Committee.

⁴ See clauses 11.2, 11.4, 11.5 Criminal Code Act (Cth).

⁵ Completion of witness statement awaiting Inspector Jeremy DUNSTER to return to work.

8. Application of the Criminal Code Act (Cth)

Pursuant to section 616 of the OPGGS Act, the principal offenders as given within the provisions of the legislation are expressed to be both the master and/or the owner of the vessel that unlawfully enters the relevant PSZ. Part 2.4 of the Commonwealth Criminal Code, states that criminal liability may also be extended to other parties. s 42 - legal professional privilege

Part 2.5 of the Commonwealth Criminal Code provides the general principles of corporate criminal responsibility. s 42 - legal professional privilege

9. Assessment of the Evidence on Hand – Griffin RTM

9.1. Owner & Master of the Rainbow Warrior

s 47E - agency operations

The Automatic Identification System (AIS) onboard the Rainbow Warrior provides tracking information of the vessel and indicates that the Rainbow Warrior did not enter the Griffin RTM PSZ (A941044). NOPSEMA has obtained this AIS data, for the Rainbow warrior, from the Australian Maritime Safety Authority (AMSA). NOPSEMA has appointed one of the NOPTA geospatial specialists as an Inspector under the OPGGS Act. This specialist is working to map the AIS data against the known location of the Griffin RTM PSZ. It is expected that this mapping exercise will confirm the initial information obtained by the investigation that the Rainbow Warrior did not enter the Griffin RTM PSZ. The work boats held onboard the Rainbow Warrior are not subject to AIS tracking.

s 42 - legal professional privilege

As such the owner and/or master of the workboats, if they unlawfully breach a PSZ, may be in breach of section 616 of the OPGGS Act. Further, any person who is an accomplice to the breach, may be subject of the extended criminal liability provisions, as given in Part 2.4 of the *Criminal Code Act (Cth)*.

GPAP and their [redacted] have released several social media articles, in which GPAP claim to have located the sunken Griffin RTM, and used an under-water remote operated vehicle (ROV), to film the sunken

⁶ Section 11.4 Criminal Code Act (Cth).

⁷ Section 11.5 Criminal Code Act (Cth).

⁸ See case law in, *The Commonwealth Criminal Code: A Guide for Practitioners*, Attorney General's Department Australian Government.

s 47E - agency operations

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

10. Assessment of the Evidence on Hand – NGANHURRA RTM

[Redacted]

s 47E - agency operations

[Redacted]

The Siem Pilot was working for Woodside at the time servicing the Valaris DPS-1 facility. It was positioned within visual range of the Nghanhurra RTM PSZ. The vessel was tasked by Woodside to verbally warn the Rainbow Warrior not to breach the PSZ. The crew were advised not to approach nor interfere with the activities of the Rainbow Warrior. [Redacted]

[Redacted]

[Redacted]

The Valaris DPS-1 is a facility working in the vicinity of the Nghanhurra RTM. Crew of the facility observed the movements of the Rainbow Warrior. [Redacted]

s47E - agency operations

[Redacted text block]

[Redacted text block]

[Redacted text block]

- [Redacted list item]
- [Redacted list item]

[Redacted text block]

[Redacted text block]

[Redacted text block]

¹⁰ A prima facie case only requires that the essential elements of an offence be proved and does not mean that there is also a reasonable prospect of a conviction being obtained.

[REDACTED]

A summary of the further investigative actions required is detailed later in this report.

[REDACTED]

s47E - agency operations
[REDACTED]

On 13 May 2023 [REDACTED] of Woodside received correspondence via his work email, from [REDACTED] a Senior Campaigner of Greenpeace Australia Pacific, who identified that the Nganhurra RTM had been boarded by GPAP activists as a protest against the activities of Woodside (A1078161).¹¹ [REDACTED]

A 'Crew List' has been obtained by NOPSEMA from the ABF (A1089343). This document provides information as to the crew present on the Rainbow Warrior at the relevant times. This Crew List also supplies the details of all the supernumerary personnel onboard the Rainbow Warrior, at the relevant times. From this Crew List can be extracted those of Australian nationality whom were on board. This Crew List identifies those persons whom may be members of GPAP and/or those Australians who were on board to assist the protest activity at the time. The Crew List identifies [REDACTED] as being onboard the Rainbow Warrior at the relevant times and may also identify at least one of the persons who climbed onboard the RTM and the cinematographer who may have taken the relevant media footage.

s 47E - agency operations
[REDACTED]

A summary of further investigative actions required is detailed later in this report.

11. Current Investigative Actions Being Undertaken

A number of investigative actions are currently underway as follows:

- Geospatial mapping of AIS data and supporting witness statement from NOPTA
- Witness statement regarding AIS from AMSA
- Witness Statement regarding Rainbow Warrior Crew List from ABF
- Witness statement member of crew of DPS-1
- Witness statement from Woodside regarding continuity of seized sign from NGANHURRA RTM and
- Clarifying a number of matters with identified witnesses.

¹¹ Woodside have provided NOPSEMA copies of a number of items of correspondence with Greenpeace Australia Pacific (fA43040).

s 47E - agency operations

[Redacted]

[Redacted]

[Redacted]¹²

[Redacted]

[Redacted]

[Redacted]

Pursuant to Part 6.6 Division 5 of the OPGGS Act, Authorised Officers are given a number of broad powers relevant to a PSZ.

These powers include:

- Requirement to move a vessel out of a PSZ
- To tow a disabled vessel from a PSZ
- To board a vessel that has been used, is being used, or about to be used to breach a PSZ
- Under powers of a warrant¹³ to require answers to questions, to search the vessel and detain a vessel and
- To exercise powers without a warrant where specific emergency situations exist.

Whilst these are broad powers, the ability to execute those powers, is pragmatically very restrictive. NOPSEMA does not have the capacity to undertake any of the above activities in the offshore area. Section 615 of the OPGGS Act defines Authorised Persons to include Australian Federal Police (AFP), State or Territory Police, Australian Defence Force, Customs or any other person declared by NOPSEMA to be authorised for the relevant purposes.

¹² Several witness statements address the issue of incursions into the Nganhurra RTM PSZ – A1011571, A1011567, A1073428 and A1008638.

¹³ This warrant is used pursuant to Section 622 OPGGS and is not an Investigation Warrant issued pursuant to the Regulatory Powers (Standard Provisions) Act.

At the time of the initial incident NOPSEMA liaised with the above agencies. The general feeling was that the above agencies had higher priorities more aligned to their core function. At one meeting it was stated that the closest asset available to assist, if allocated to the task, would be a minimum 5-day sail from the relevant area. The agency that appeared to demonstrate the most eagerness to assist NOPSEMA was WAPOL via their Water Police. It is challenging to foresee that NOPSEMA would receive much in the way of direct support from these agencies should further incursions occur.

NOPSEMA does not currently have any relevant Memorandum of Understandings in place, for relevant purposes, with the AFP, State or Territory Police, ADF, Customs or ABF. In this situation seeking assistance from the above organisations, should a further PSZ be breached, will likely prove a lengthy process

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16. Other Relevant Matters

Following notification of the alleged breaches of the relevant PSZ, the NOPSEMA CEO wrote to the GPAP CEO on 17 May 2023, advising that the OPGGS Act prohibits the unauthorised entry of PSZ (A936820). On 09 August 2023 the lawyers for Greenpeace advised NOPSEMA that the Rainbow Warrior was returning to Australian Waters and that they were open to cooperating with the NOPSEMA investigation (A918419). On 16 August 2023 NOPSEMA again took the opportunity to warn Greenpeace not to breach the requirements of the OPGGS Act (A992602). The Rainbow Warrior did return to Australian waters, and there were no subsequent reports received by NOPSEMA, indicating the Rainbow Warrior had breached any provisions of the OPGGS Act. The Rainbow Warrior has subsequently departed Australian Waters.

On 15 July 2024 GPAP announced on social media that they had launched a new vessel, dedicated to operations within the Australia Pacific Region. The Oceania was reported to be a purpose-designed campaigning vessel. The same announcement advised that the vessel would set sail for Broome to protest the activities of Woodside in the Burrup Hub. The Oceania has now undertaken its maiden voyage in Australia, and has participated in a number of protest activities, but has not been reported to have breached any provisions of the OPGGS Act. On 20 August 2024 and 19 September 2024 further correspondence was provided by NOPSEMA to GPAP regarding PSZ's.

17. Potential Complementary Actions Available to NOPSEMA

The Investigation Team conducted a workshop with relevant Regulatory Operations Division key personnel to identify any complementary matters that NOPSEMA might consider undertaking concurrent to this investigation. The workshop occurred on 05 June 2024, and resulted in a number of potential complementary actions, that have been tabled for consideration by the NOPSEMA Compliance Committee (A11057792 & A1105793). The Compliance Committee considered the actions available on 18 August 2024 and elected to undertake a number of actions (A1117891).

18. Summary of Interim Findings

The following summary of findings are made.

[REDACTED]

s 47E - agency operations

[REDACTED]

[REDACTED]

[Redacted]

s47E - agency operations

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

18.3. Other Relevant Matters

[Redacted]

Following the alleged breaches of the relevant PSZ's, several formal letters of warning were issued to relevant parties by NOPSEMA. During the course of this investigation, the Rainbow Warrior left Australian waters, and later re-entered Australian Waters. During this second visit the Rainbow Warrior has not been reported to have further breached any provisions of the OPGGS Act. In more recent times GPAP have also launched the sailing vessel Oceania. The Oceania has not been reported to have breached any provisions of the OPGGS Act at the time of drafting this report.

19. Summary of Interim Recommendations

NOPSEMA's Enforcement Policy (PL0067), identifies a number of factors to consider, before undertaking a prosecution. The policy relevantly outlines the following considerations:

- Nature and severity of the event
- Repeated non-compliance with the legislation
- Prosecution assisting overall regulatory efforts to address widespread non-compliance
- Compliance history of the relevant parties
- Whether the behaviour is systemic or part of a growing industry trend
- What impact prosecution will have on deterrence and
- Cost and time to conduct the prosecution.

- s 47E - agency operations
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Appendix A: Document Register

Copies of the following investigation documents are relevant to this report:

A Number	Document Title
----------	----------------

[Redacted content]	
--------------------	--