

General Direction – s 574

Offshore Petroleum and Greenhouse Gas Storage Act 2006 (Cth)

Direction No: 1936

To: Esso Australia Resources Pty Ltd and Woodside Energy (Bass Strait) Pty Ltd

Issue of Direction/s - section 574 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

I, Graham Blair, of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), make this instrument under section 574 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act) pursuant to the Instrument of delegation dated 31 January 2024.

Graham Blair
Deputy Chief Executive Officer – Regulatory Operations
wA832246

29 May 2024

1. Commencement

This direction takes effect on the date of signature.

2. Application

This direction applies to Esso Australia Resources Pty Ltd (ACN 091 829 819), and Woodside Energy (Bass Strait) Pty Ltd (ACN 004 228 004) as registered holders of the titles listed in Schedule 2.

3. Extended Application

Pursuant to subsection 574(3)(a) of the Act, this instrument also applies to Esso Australia Pty Ltd (ACN 000 018 566) (EAPL) as the registered operator of the facilities listed in Schedule 2.

4. Direction

- a. The registered titleholders and the registered operators are given the directions contained in Schedule 1.
- b. Each direction in Schedule 1 is a separate direction.

Schedule 1 - Directions

Esso Australia Resources Pty Ltd and Woodside Energy (Bass Strait) Pty Ltd as the registered titleholders of the titles and related facilities in Schedule 2 are directed to take the following actions:

- (a) Implement a safe system of work for donning and doffing lifejackets and associated equipment (for example CA-EBS and PLB), including secondary verifications (“buddy checks”) in a suitable waiting area away from turning rotors and removed from the helideck.
- (b) Complete the direction outlined above as soon as practicable, NOPSEMA having received feedback that a proposed implementation period of 2 months was not achievable (primarily due to new lifejacket supply). EAPL has proposed the provisional implementation schedule below, of which NOPSEMA will monitor progress:

Component of Lifejacket Management System	Time Period	Expected closeout date
1. Preflight briefings with additional detail and emphasis on buddy checks	Imminent	End of May
2. Purchase of ~400 additional life jackets	4-5 months TBC (including delivery)	End of October
3. Purchase of charging stations, identification and adaptation of the life jacket storage cabinets and charging set-up	Up to 6 months	End of November
4. Roll out of the new procedures with PSOs, HH's and pilots <ul style="list-style-type: none"> • Preflight briefing update • Consultation with workgroups 	2-3 months	In parallel with step 3
5. Training of the workforce on the new donning and doffing protocols	2-3 months	End of February 2025 (training must occur once all components are in place)
6. Go live date	-	End of March 2025

Schedule 2 – Gippsland Basin facilities and associated titles

Title ID #	Facility
VIC/L2	Barracouta, Whiting
VIC/L3	Marlin A, Marlin B (Marlin Complex)
VIC/L4	West Tuna
VIC/L5	Halibut, Cobia, Mackerel, Fortescue
VIC/L7	Kingfish B, Kingfish A, West Kingfish
VIC/L9	Tuna
VIC/L10	Snapper
VIC/L11	Flounder
VIC/L13	Bream A
VIC/L14	Bream B
VIC/L15	Dolphin
VIC/L17	Perch

Explanatory Statement

During an OHS inspection in March 2023 (#3710) NOPSEMA became aware of Esso Australia Pty Ltd's (EAPL) proposal to change the location for donning and doffing of critical safety equipment (lifejacket with compressed air emergency breathing system (CA-EBS) and personal locator beacon (PLB)) required for sea survival if a helicopter ditching occurs (a potential Major Accident Event (MAE)).

On 20 March 2023, NOPSEMA informed EAPL of significant concerns with the proposed work practice of donning and doffing lifejackets on the helideck. NOPSEMA issued EAPL with inspection report #3710 on 11 July 2023 advising that should they continue with the proposed work practice, NOPSEMA's Enforcement Management Model would be applied.

Subsequent meetings were held with EAPL, advising of NOPSEMA's concern with the proposed work practice.

NOPSEMA published a safety alert on 8 August 2023 titled 'Pre-flight checks for life jackets and compressed air emergency breathing system (CA-EBS)' which highlighted to industry the importance of operators ensuring this critical safety equipment is functional.

On 15 December 2023, EAPL implemented the work practice of donning and doffing lifejackets on the helideck for all offshore facilities. Following research and intelligence gathered from other operators and other regulating entities (Australian and international), the inspectors have not identified any other operator that requires helicopter passengers to don and doff lifejackets on the helideck, underneath rotating rotor blades.

In February 2024, NOPSEMA conducted inspection #4982 of EAPL's risk controls for a MAE involving a helicopter incident. Inspectors reviewed EAPL's documented system for donning and doffing lifejackets, held discussions with key personnel involved in or affected by the new practice, and made observations during a visit to an offshore facility.

Inspection #4982 concluded the risks of donning and doffing of lifejackets at the helideck with rotors turning are not reduced to as low as reasonably practicable because of (but not limited to):

- Passenger exposure to hazards at the helideck is prolonged.
- The ability to conduct appropriate fit, integrity and buddy checks of lifejackets and associated equipment is compromised due to the hazardous environment.
- High noise at the helideck limits effective communication between helicopter crew and passengers.

Notes

Notification of a direction has an extended application

Pursuant to section 575 of the Act, as the direction above apply to:

- a) the registered holder; and
- b) a specified person under section 574(3)(a)

the registered holder must cause a copy of the notice by which the direction was given to be:

- c) given to that other person; or
- d) displayed at a prominent position at a place in the offshore area frequented by that other person.

Breach of a direction

Under sub section 576(1) of the Act, if a person is subject to a general direction under section 574 and the person engages in conduct that breaches that direction, the person commits an offence:

Fault-based offence – 5 years imprisonment or 2,000 penalty units, or both (10,000 penalty units for a body corporate).

Strict liability offence – 100 penalty units (500 penalty units for a body corporate).

Civil penalty provision – 525 penalty units (2,625 penalty units for a body corporate).

Continuing offences – a person who commits a fault-based or strict liability offence commits a separate offence in respect for each day during which the offence continues. The maximum penalty for each day that the offence continues is 10% of the maximum penalty that can be imposed in respect to that offence.

Continuing contraventions of civil penalty provisions – a person who contravenes the civil penalty provision commits a separate contravention in respect for each day during which the contravention continues. The maximum civil penalty for each day that the contravention continues is 10% of the maximum civil penalty that can be imposed in respect to that contravention.