

OHS Improvement Notice

Offshore Petroleum and Greenhouse Gas Storage Act 2006, Schedule 3 clauses 78, 78A and 78B

Notice No: 1949

Date: 25/07/2024

To: Esso Australia Pty Ltd

In conducting an OHS inspection in relation to the Marlin Complex facility, I [REDACTED], a NOPSEMA inspector appointed under section 602 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the Act), am satisfied on reasonable grounds that

Esso Australia Pty Ltd has contravened a provision of a listed OHS law and is likely to contravene that provision again

AND

As a result, there is, or may be, a risk to the health or safety of a person at the Marlin Complex facility.

The relevant listed OHS law that I am satisfied has contravened a provision of a listed OHS law and is likely to contravene that provision again is Schedule 3, Clause 9 (1) of the Act.

The reasons for my opinion are:

Operations Technicians have reported to Esso Australia Pty Ltd (EAPL) management and NOPSEMA, that mental and physical fatigue is affecting their work and homelife. These reports describe workload pressures and insufficient staff (known psychosocial hazards) as contributing factors.

During inspection #4996, EAPL management reported difficulties executing business objectives and recognised the need to allocate more Operations Technicians to meet the workload demands and/or reduce the workload on the facility. In addition, I found by sampling correspondence that measures taken by EAPL to implement immediate or preventative controls were not agreed or proven effective and the proposed future or mitigative controls did not reduce the current risk to as low as reasonably practicable (ALARP).

I am satisfied that EAPL is likely to contravene cl.9 (1) of Schedule 3 of the Act again because:

- EAPL management have been receiving the reports regarding mental and physical fatigue for four months, and no evidence was provided to NOPSEMA to show that EAPL had assessed the risk identified in the reports.
- During inspection #4996, I observed that an assessment has not been conducted to determine workload and staffing levels of Operations Technicians on Marlin Complex facility.

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:


There is a risk of serious personal injury or a major accident event that could lead to permanent or irreversible damage, if the workforce is exposed to psychosocial hazards during operations at the Marlin Complex facility. Psychosocial hazards may impact operator effectiveness, result in operator error, and

subsequently impact the performance of the controls which act to reduce the risk to ALARP. Operator error is identified in the Marlin Complex safety case as a credible cause of a major accident event – Generic loss of containment.

I am satisfied on reasonable grounds that the following action(s) must be taken by the responsible person to reduce or prevent the risk:

1. Demonstrate to NOPSEMA an independent assessment has been conducted, using a recognised methodology, to assess risk and determine the staffing levels of Operations Technicians required to achieve the workload on Marlin Complex facility in a manner which reduces the risk of psychological hazards to ALARP; and
2. As a result of completing action (1), identify controls (new or modified) and demonstrate to NOPSEMA that these controls have been implemented to ensure the risk to Operations Technicians of psychosocial hazards is reduced to ALARP.

You are required to take action to reduce or prevent the risk within **180** days from the date of this notice.


NOPSEMA INSPECTOR
wA851594

25 July 2024

When the required action(s) has been completed, the Responsible Person is to submit this part of the notice to the following person via:

Post: Level 25, 140 William St
MELBOURNE VIC 3000

Email: submissions@nopsema.gov.au

Name:

██████████

Position:

NOPSEMA INSPECTOR

Contact number:

+61 3 8866 5775

By signing below, I confirm on behalf of Esso Australia Pty Ltd that the specified action described in Improvement Notice No. 1949 has been undertaken within the period specified.

Signed:

Date:

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

Notes

1. Under clause 78A of Schedule 3 to the Act, a responsible person who fails to ensure that this notice is complied with, to the extent that it relates to any matter over which the responsible person has control:
 - a. commits an offence and may be liable to a penalty of 300 penalty units for the offence; or
 - b. contravenes a civil penalty provision and may be liable to a civil penalty of 400 penalty units.
2. For every day proceeding the initial offence or contravention the notice is not complied with, the responsible person commits an offence or contravention in respect of each day (including a day of a conviction under this clause or any later day) during which the offence or contravention continues.
3. A copy of this notice must be displayed in a prominent place at or near each workplace which work affected by the notice is being performed. It is an offence to tamper with or remove it until the notice has ceased to have effect.
4. The recipient of this notice must ensure that all relevant requirements for giving copies of the notice to certain persons and representatives are complied with in accordance with cl 78b to Schedule 3 to the Act.
5. Under clause 80A of Schedule 3 to the Act, any of the following persons may request the reviewing authority in writing to review the NOPSEMA inspector's decision:
 - the operator of the facility;
 - the titleholder, if the notice is issued to a titleholder;
 - any person to whom an improvement 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.