

OHS Improvement Notice

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

Notice No: 1889

Date: 31/10/2022

To: Diamond Offshore General, LLC

In conducting an OHS inspection in relation to the Ocean Apex 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 Diamond Offshore General, LLC (Diamond) is contravening a provision of a listed OHS law

AND

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

I am satisfied that Diamond is contravening a provision of a listed OHS law, being **Clause 9(2)(d) of Schedule 3** of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*. (The operator of a facility must take all reasonably practicable steps to implement and maintain systems of work at the facility that are safe and without risk to the health).

The reasons for my opinion are:

Diamond have failed to implement a safe system of work for confined space entry, in that:

1. The confined space entry activity description in the facility safety case and the implemented confined space entry procedure do not align with established Australian or international standards and lack critical processes that are fundamental to confined space entry safety, such as the requirements to document entry and exit of a confined space by individuals, and to document standby persons.
2. Diamond's implemented confined space entry permit requirements are not being followed, for example:
 - gas testing was conducted however not conducted as specified on the work permits or as required by the confined space entry procedures.
 - risks are not being adequately recorded and assessed within the electronic Job Safety Analysis (JSA) process.
 - considering the process failures highlighted during the inspection it can be concluded that the current audit process has not been effective at ensuring the confined space entry procedure is robust.

Confined space entries are frequently conducted at the facility, so this contravention is likely to re-occur.

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:

serious injuries or death of members of the workforce involved in confined space entry at the facility.

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

1. Align the Diamond confined space entry procedure with an established Australian or international standard for confined space entry.
2. Strengthen processes, procedures, and training for confined space entry operations at the Ocean Apex facility, including but not limited to the following:
 - Operational Safety Management (e.g. Hazard and Risk Assessment, JSA).
 - Permit to Work (PTW) for confined space entry.
 - Gas testing procedures
 - Procedures relevant to confined space entry and confined space rescue
 - Auditing

Implement such other controls as required to reduce risk to a level that is as low as reasonably practicable.

You are required to take action to reduce or prevent the risk within **60** days from the date of this notice.

██████████
NOPSEMA INSPECTOR
██████████

31/10/2022

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 8, 58 Mounts Bay Road
Perth WA 6000

Email: submissions@nopsema.gov.au

Name: [REDACTED]
Position: **NOPSEMA INSPECTOR**
Contact number: [REDACTED]

By signing below, I confirm on behalf of Diamond Offshore General, LLC that the specified action described in Improvement Notice No. 1889 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 where 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.