

OHS Improvement Notice

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

Notice No: 1901

Date: 16/03/2023

To: Noble Drilling Australia Pty Ltd

In conducting an OHS inspection in relation to the Noble Deliverer 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 Noble Drilling Australia Pty Ltd (Noble) 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 Noble Deliverer facility.

I am satisfied that Noble 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*, that 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:

During a NOPSEMA inspection conducted at the Noble Deliverer facility between 20 and 23 February 2023, the NOPSEMA inspectors reviewed the effectiveness of the additional interim controls applied as a consequence of NOPSEMA general direction (GD) 1892. It was identified that the electronic control of work (COW) system had critical, continuous and systemic process deficiencies and that even with the additional interim controls, the COW did not result in a reasonably practicable means of effectively managing and controlling OHS risks for all work activities requiring a 'permit to work' at the facility. Such deficiencies include, but are not limited to:

- Complex nature of the information, instructions and user interface of the system, making it difficult to follow, as well as prone to misuse or circumvention.
- Generic quality of the Job Safety Analysis elements in relation to the hazards, consequences and controls for a task means risks are not adequately addressed.
- The system does not provide access to adequate procedures, checklists and work instructions whilst on-site for facility personnel to conduct tasks, including maintenance tasks for critical systems. When work instructions are provided, these are lacking appropriate detail.
- There are limitations for auditing of tasks at a work site, with no permit, isolation or job safety documentation available at the worksite as the system relies on electronic tablets for access at work site (e.g., limited connectivity and dropping out, resulting in workers being unable to sign in (electronically) to the job).
- The system is vulnerable to imitation of user pin logging resulting in an ability for facility personnel to approve jobs without the appropriate level of authority.

- The COW system is highly dependent on user competency and understanding of what management systems and sub systems are considered safety critical in order for correct selection / setup of a tasks including maintenance routines.

A series of studies and investigations have identified risk gaps and improvements to be made to the COW system, but the effectiveness of these improvements have yet to be fully implemented or applied.

All permitted work activities at the facility continue to be managed using this system of work and therefore this contravention is likely to re-occur until the system has been improved and the implementation is shown to be effective.

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 if the safe work systems are not fully implemented or applied:

serious injuries or death of members of the workforce involved in work at the facility.

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

1. Implement interim controls to immediately address deficiencies noted within this notice.
2. Review roles, responsibilities and accountabilities of all personnel involved in or affected by the application of the COW system at the facility. Implement changes as required to provide assurance of effective application of the COW system.
3. Conduct gap analysis between the current COW system and international recognised standards and/or guidance for this type of system of work (For example, UK HSE "Guidance on Permit to Work Systems").
4. Develop a plan including an implementation schedule to address any deficiencies identified in item 3 as soon as reasonably practicable.

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

You are required to complete the above action 3 within 30 days, and actions 2 and 4 within **90** days from the date of this notice.


NOPSEMA INSPECTOR


16 March 2023

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 Noble Drilling Australia Pty Ltd (Noble) that the specified action described in Improvement Notice No. 1901 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 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.