

Document	Summary of feedback	NOPSEMA response and actions
Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2024	Clarification on: - issuing of a revised safety case concordance table - section 2.5(2) and whether hardware, software and systems are “critical controls” and the difference between 2009 regulations and 2024 regulations - why emergency response plans are covered by the FSA in section 2.5(d) and if these are documents used Emergency Response Teams - whether additional guidance on the definition of “loss”, “removal” or “temporary” or further examples be provided for section 2.30(2) and 2.41.	NOPSEMA has updated and published the Safety Case Concordance Table and is proposing to draft further guidance to address feedback and provide clarity on “loss”, “removal” and “temporary” relating to section 2.30(2) and 2.41 NOPSEMA Safety Case Contents and Level of Detail Guidance Note provides detail on “technical and other controls critical to safety” and emergency response plans.
Design Notification Guidance Note and Policy	Clarification on: - the information required to be included if the project does not have required detail - concepts versus designs - the expectations on the level of information to address 2.4H g(iii) - numbers of RFFWI - whether pipelines require a DNS or should be listed as an exclusion - whether certain sections in the guidance are required by the regulations - whether NOPSEMA is looking for the equipment that is critical to management of MAE risks.	The Guidance Note and Policy has been updated to address feedback and provide further clarity of when a DNS may be needed. In addition, the following response is given: - Further information regarding fees is currently being developed and will be advised separately to this guidance note. - Additional text has been provided to clarify the level of detail required and what new production facilities require a DNS. - Text added to clarify the distinction between "concept" and "design". - Guidance amended to include reference to a preliminary project execution plan - The number of RFFWI are set out in the DNS Policy - Guidance amended to further clarify use of examples in the guidance and that equipment "critical to safety" needs to be included. - Additional text not required by the regulations has been deleted. - Design notifications for pipelines are only required in limited circumstances, as detailed in the regulations.
HSR Handbook HSR request form	Clarification on: - relevant expertise of a consultant nominated by the HSR to assist the HSR - HSR’s initial obligation to seek to consult and resolve first with the employer/supervisor where there is an immediate threat to health and safety - annual training of HSRs, disqualification and resignation of a HSR and how to provide the list of HSRs to NOPSEMA - powers of HSRs being used without training - advice on formal risk assessments and concepts of reasonably practicable and ALARP in the OPPGS Act vs. WHS Act - changes made to the OPGGSA post 12 June and setting these out in the Handbook - new protections for workers against discrimination and coercion in the OPGGS Act - health and safety committees meeting frequency - HSR Handbook is in need of a review, restructured to more effectively address the needs of HSRs, and rewritten to more effectively communicate these ideas	The HSR Handbook and HSR request form has been updated in response to feedback. In addition, the following response is given: - Further detail on the expertise of the consultant nominated by the HSR in the HSR request form. - Updates to the introduction section. - Clarification on the steps to be taken by HSR where there is an immediate threat to health and safety. - Guidance on annual HSR training and the disqualification and resignation of a HSR is included in NOPSEMA’s Workplace arrangements and consultation guidance note. A form has been prepared for providing a list of HSRs to NOPSEMA. - The application of HSR powers and requirements for training is addressed in NOPSEMA’s Powers of Health and Safety Representatives Guidance Note - Updates to content on safety case preparation and revision relating to ALARP and reasonably practicable and reference to NOPSEMA’s ALARP guidance note. - Clarification on H&S Committee meeting frequency. - Inclusion of a new section on prohibition of discriminatory conduct for a prohibited reason.

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	section on HSR elections on p.31 is not clear or correct.	NOPSEMA will consider further updates to the HSR Handbook, including a restructure and setting out the changes to the OPGGSA at the next revision.
Powers of Health and Safety Representatives Guidance Note	Clarification on: - the definition for “safety management related document” and operator should be expanded - when consultation should occur prior to an exercise of powers - where a Health and Safety Committee must be established based on the facility workforce size - that the guidance should explain that changes have been made post 12 June - further guidance on HSR access to information including any limitations and how HSRs can contact the NOPSEMA focal point inspector - guidance on requesting NOPSEMA to institute prosecution should be relocated under similar topics and should clarify how HSR’s are kept updated - annual HSR training, access to the new HSR register, disqualification and resignation of HSRs and provision of facilities should be captured in the guidance note - new protections for workers against discrimination and coercion in the OPGGS Act ‘duties’ of employers and operators - safety management related documents and further clarification on the types of safety documents to be accessed - guidance for HSR’s contacting NOPSEMA regarding a PIN and the need for any consultation with NOPSEMA. - who is the reviewing authority for a PIN.	The Guidance Note has been updated to address the feedback. Where it is not addressed, the following response is given: - The Workplace safety and consultation arrangements guidance note to clarify where a H&S Committee should be established based on facility workforce size. - NOPSEMA will consider whether further guidance is needed relating to HSR access to information, HSR access to the new NOPSEMA HSR register and how HSR’s are updated in the event a request to prosecute is made. - NOPSEMA Focal Point Inspectors meet with Facility HSRs during each offshore inspection and contact details are shared. - Guidance on annual HSR training, disqualification and resignation of a HSR and the provision of facilities is included in the renamed “Workplace safety and consultation arrangements" guidance note. - The guidance has been updated to reflect that the HSR may contact NOPSEMA regarding a PIN and NOPSEMA can discuss with the HSR whether a PIN is the right option.
Workplace arrangements Guidance Note	Clarification on: - the definition for “safety management related document” and “operator” - where a Health and Safety Committee must be established based on the facility workforce size - each work group must have a HSR that represents its interests and the responsibility of the operator to communicate to the DWG their elected HSR, allow a HSR to attend their choice of training, remunerate the HSR and pay for the training. - how guidance for election of HSRs, disqualification and resignation of a HSR, provision of facilities for HSRs and duties of the operator and employers in relation to HSRs should be captured in NOPSEMA’s external guidance - a change to the title of the document so that the content is more easily recognisable - the guidance should explain that changes have been made post 12 June - the guidance should include reference to the object of the OPGGS Act specifically “to foster a consultative relationship between all relevant persons concerning the health, safety and welfare of members of the workforce at those facilities”	The Guidance Note has been updated to address the feedback. Where it is not addressed, the following response is given: - NOPSEMA has updated the Powers of HSR guidance note, which includes the definition of “safety management related document”. - NOPSEMA’s guidance on the disqualification and resignation of a HSR and the duties of the operator and employers in relation to HSRs is included in the renamed “Workplace safety and consultation arrangements" guidance note. - The definition of “operator” has been expanded to clarify when the legislation applies and a link to NOPSEMA’s website for the register of operators has been included in the Powers of HSRs guidance note. - The OPGGSA allows any member of the workforce to become a HSR if they are a member of a DWG and elected. The guidance note has been strengthened to reflect there is a conflict of interest for facility management becoming HSRs.

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	- a workforce representative or union acting on request of a member of the workforce, may request that the facility operator enter into consultations to establish DWGs - each member of the workforce at a facility must be in a DWG so far as is reasonably practicable, that DWGs may choose an alternative approach to selection of HSRs and whether facility management should be part of the same DWG as their direct reports - the examples of worker groups used in the guidance where a DWG is established - the responsibility of the operator to allow H&S Committee members time to participate in the committees' functions, without the loss of pay or entitlements.	
Notification, reporting and recording requirements for incidents Guidance Note	Clarification on: - whether Table 6.1 examples are classified as reportable incidents, disagreement that these are reportable and the role of the EP to determine what is reportable - the meaning of "becomes aware" of a bullying, harassment or mental ill-health incident - whether an allegation of bullying and harassment or a claim of mental ill-health is considered an incident. - which definitions for bullying and harassment in legislation apply - examples of failure of a technical or other control measure critical to safety associated with software and systems - when is a monthly report is required for vessels who are a facility for a small part of a 24-hour period. - The meaning of "treatment" which requires notification	The Guidance Note has been updated: - to clarify the use of the examples in table 6.1 in the decision-making process for determining what is reportable including the limitations with using EPs - to clarify the meaning of "becomes aware" and that an allegation of bullying or harassment or a claim of mental ill-health is a reportable incident - to confirm that definitions in the following legislation should be used: Sex Discrimination Act 1984; and Fair Work Act 2009 - to include further examples of failure of technical and other control measures - to clarify that a monthly operational report is required once per calendar month if a vessel has been a facility - to insert guidance on reporting requirements between operator and AOP. Monthly Operational Report has also been updated - with the definition of 'treatment other than first aid' to taken as the broadest interpretation.
Report of Harassment Incident Form	Clarification on: - how NOPSEMA is proposing to treat information confidentially - whether information that is subject to legal professional privilege is required to be reported - guidance relating to de-identified information - provision of information on lost time within 30 days of the incident - whether it is necessary to provide details of a Responsible Party and proposed completion date - whether an allegation or claim of bullying and harassment is considered an incident. The reporting timeframe of 30 days is not practical as investigation may not be complete.	The form has been updated to address feedback. In addition, the following response is given: - The form has a privacy notice attached to the rear explaining privacy provisions and reports are de-identified. - Legal professional privilege information is excluded from the report. - Further guidance on de-identified information is provided in the Form. - The form reflects information required by Safety Regs 2.46B(3) for lost time. - NOPSEMA needs to know who to speak to (responsible party) in order to ensure the matter has been appropriately dealt with in accordance with regulatory expectations. - An allegation or claim of bullying or harassment is a reportable incident. 30 days may be extended by the Inspector, if the information is not available, pursuant to 2.46B(3).
Report of Reportable Accident Dangerous Occurrence or Environmental Incident Form	Clarification on: notifiable injury reporting content overlapping monthly operational report content	The form has been updated to address feedback and inconsistencies. In addition, the following response is given:

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	• use of own templates for 3-day and 30-day reporting • whether all environment reportable incident examples must be reported, regardless of accepted EP content • where in the form, or how, incidents on a vessel that is an Associated Offshore Place are to be reported to NOPSEMA • clarification on what incidents need to be reported by host facility for an AOP • where there is inconsistency in the guidance and form with terminology for petroleum/hydrocarbon liquid and fluid • detailed analysis of the failure mode for well incidents has been clarified with more NOPSEMA guidance.	• The 3-day and 30-day report is more detailed and applies to Lost Time Injuries of >3 days. The Monthly Operational report requires basic information to comply with the regs and also includes minor injuries. • It is mandatory to use the 3-day and 30-day report to provide consistency across industry. • While titleholders must comply with the EP, they must also comply with the regulation requirement to report incidents. EPs do not provide an exhaustive list of what is reportable, but they can be used in the decision-making process for determining what is reportable. • The host facility reports injuries, number of workers (min & max) and worker hours for the AOP covered by the Facility Operator's safety case.
Notification of Vessel Becoming or Ceasing to be a Facility or AOP Form	• Appears to be a duplication of the information given for levy purposes, clarification on what is a facility day and requirement will place a huge administrative burden on the HSE Advisors • Request to update Vessels subject to the Australian Offshore Petroleum Safety Legislation Guidance Note including when a facility or AOP returns to being a vessel.	• New guidance on the regulations and designation as Vessel, Facility and AOP is being developed. This will provide information and guidance on the notification expectations for vessels that perform activities as a vessel, a facility and as an AOP. • Regarding levies, operators are still required to submit levy information as per current practices under Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 (Levies Act) and Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2022 (Levies Regulations). Please refer to Safety Case Levies policy A598955.pdf
Operational Activities Monthly Report Form	Clarification on: • how to complete the form • how the form applies to multiple operated facilities, not normally staffed facilities and vessels that may be a facility during a given month • mental ill health, suicide and jurisdiction for reporting • how to report material facts and circumstances concerning the injury if the investigation is not complete • reporting on corrective and preventive actions • when reporting is closed out • notifiable injury reporting content overlapping monthly operational report content.	The form has been updated to provide further clarity on what is required to be reported, who completes the reporting and the reporting period. In addition, the following response is given: • Each facility requires a separate report each month, and reporting is only required when facilities are staffed. • Suicides or attempted suicides must be reported when at the facility. Other work locations (i.e. Heliport) would be the jurisdiction of WorkSafe. • Where an investigation is still underway, proposed actions can be placed into the form which allows for interim findings of investigations. • Status of each injured person is reported until they return to work. • Definition of 'treatment other than first aid' to taken as the broadest interpretation. • The 3-day and 30-day report is more detailed and applies to Lost Time Injuries of >3 days. The Monthly Operational report requires basic information to comply with the regs and also covers minor injuries.
Recordable Environmental Incident Monthly Report Form	Clarity on the due date in the form, when reporting needs to commence and combining sections of the form to avoid duplication.	The regulations and the EP describe monthly recordable incident reporting commencing on acceptance of the EP. The form has been updated to clarify the reporting due date. The regulations require the titleholder to set out in the report any action taken to avoid or mitigate, as well as the corrective action taken or proposed to stop or control the incident as well as the action taken or proposed to prevent a similar incident under 50(2)(c)(iii), (iv) and (v). While some reported actions may be the same for some incidents, this may not be the case for all incidents.