

THE REGULATOR

2025 - Issue 1



NOPSEMA's National Priorities

A strategic approach to
offshore regulation



NOPSEMA
Australia's offshore energy regulator

About NOPSEMA

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is Australia's independent expert regulator for health and safety, environmental management, structural and well integrity for offshore petroleum and greenhouse gas storage activities in Commonwealth waters.

Under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, offshore petroleum and greenhouse storage activities cannot begin before NOPSEMA has assessed and accepted the required permissioning documents demonstrating how the activity will be managed to ensure the associated risks to the health and safety of the workforce are as low as reasonably practicable (ALARP) and risks and impacts to the environment are ALARP and are acceptable.

The Offshore Infrastructure Regulator (OIR) was established under the *Offshore Electricity Infrastructure Act 2021* to regulate work health and safety, infrastructure integrity and environmental management for offshore infrastructure activities.

For more information, visit our website at nopsema.gov.au.

SUBSCRIPTIONS

To receive the latest news from NOPSEMA visit nopsema.gov.au/news



FEEDBACK

NOPSEMA welcomes feedback from our stakeholders. Please direct all enquiries about this publication to feedback@nopsema.gov.au.

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Message from the Chief Executive

Sue McCarrey

As the offshore energy regulator, it is NOPSEMA's job to ensure a protected offshore workforce and environment.

To ensure regulatory efforts are focussed on the most critical safety and environmental challenges across Australia's offshore energy activities, a strategic approach is required.

I am pleased to announce that NOPSEMA has developed five National Priorities that will target key areas where sustained regulatory attention is needed.

These priorities will strengthen existing regulatory efforts, support continuous improvement, and enhance industry safety and environmental management. They will also ensure resources are used effectively and that industry performance continues to improve.

Each National Priority will progress through a phased approach, from intelligence gathering to strategy development and implementation. To find out more about the National Priorities and the key areas they will address, please go to page 6.

Another way NOPSEMA is working to drive improvement across industry and the organisation is through its data collection and data analysis. We are continually working to add to, refine and improve our data and intelligence to better understand safety trends across the industry, inform our regulatory approach and improve our own performance.

In every edition of The Regulator, we provide a snapshot of this data in our offshore activity summary to help paint a picture of just how much work is going on behind the scenes at NOPSEMA.

This extends to the number of offshore inspections and investigations undertaken by our inspectors across the year. In Q4 2024 alone, they undertook 41 inspections and 197 investigations involving offshore activities.

While inspections can lead to a range of actions, including regulatory action, they are also an avenue for NOPSEMA to engage with industry and educate titleholders on the regulator's safety and compliance expectations. You can read more about NOPSEMA's inspections, the process and our inspection powers on page 16.

Since I started at NOPSEMA, I have been working with the organisation to increase our focus on industry education across the board. One way we have been doing this is through our Better Practice Forums. Our last forum, 'Decommissioning now and into the future' held in November 2024 received good feedback from those who attended. I am happy to say we will be holding our next forum in April, with a focus on the environment plan and offshore petroleum plan process.

NOPSEMA will also be holding several information sessions over the coming months to help educate industry on changes to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, which were passed by Parliament in May 2024.

The changes will support industry and NOPSEMA to ensure the ongoing health and safety of workers and provide a range of benefits across the sector. These include:

- improving engagement between industry and the regulator in designing offshore facilities
- strengthening the role of health and safety representatives



- further recognising the importance of mental health
- increasing regulatory oversight of diving operations
- strengthening compliance mechanisms
- streamlining administrative processes.

As the regulator, NOPSEMA will administer the new requirements when they come into force on 12 June 2025, and we are committed to helping our stakeholders understand what to expect from us.

These upcoming changes were also discussed at the 2025 HSR Forum, which we hosted in March.

In its fourth year, the forum provided health and safety representatives (HSRs) an opportunity to hear from experts, share their experiences and network with other HSRs.

The Department of Industry, Science and Resources (DISR) and NOPSEMA specialists presented timely information on offshore safety reforms. HSRs will have their roles strengthened when the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2024 come into effect in June.

The forum also featured the inaugural HSR Awards, acknowledging offshore HSRs who have excelled in their role. The number of nominations was a testament to the impact our HSRs have on the industry, and I commend this year's winners for their hard work and dedication.

You can read more about the changes and our information sessions on page 10 and find out more about the HSR Forum and awards on page 14.

Until next time, please take care and stay safe.

Sue McCarrey
Chief Executive Officer

National Priorities: a strategic approach to offshore regulation

Offshore safety and environmental management requires a focused and risk-based approach to regulation.

NOPSEMA's National Priorities identify key areas where sustained regulatory attention is needed, ensuring resources are used effectively and industry performance continues to improve.

NOPSEMA CEO Sue McCarrey said the National Priorities focus regulatory efforts on the most critical safety and environmental challenges across Australia's offshore energy activities.

"The introduction of National Priorities ensures efforts are directed toward key industry challenges that require sustained attention across duty-holders, facilities and associated activities.

"These priorities strengthen existing regulatory efforts, support continuous improvement, and enhance industry safety and environmental management.

"By identifying issues that require coordinated efforts, this process ensures resources are allocated strategically to drive measurable improvements."

Each National Priority progresses through a phased approach, from intelligence gathering to strategy development and implementation.

Structural integrity, addressing redundant wells, and psychosocial health are now in the implementation phase, while control of work, and leadership and management are in the exploratory phase.

Ms McCarrey said that the National Priorities are also key to enhancing organisational impact.

"By aligning work programs and resources to National Priorities, NOPSEMA addresses long-standing challenges to drive meaningful improvements across the industry."

The five National Priorities

Structural integrity – Ensuring offshore assets remain safe and well-maintained.

Addressing redundant wells – Strengthening oversight to ensure wells are decommissioned responsibly.

Psychosocial health – Protection of worker mental health and wellbeing.

Control of work – Promoting effective systems to ensure work is carried out safely and we learn from incidents to continually improve.

Leadership and management – Sharing how decision-making impacts safety and environmental outcomes on offshore facilities.

Structural integrity

Offshore infrastructure must be well-maintained and regularly assessed to ensure long-term safety and environmental performance. As assets age, proactive maintenance and inspection practices are key to preventing structural integrity issues before they arise.

NOPSEMA is working with industry to:

- strengthen inspection, maintenance and repair programs to ensure offshore structures remain safe throughout their lifecycle

- focus on corrosion management to address risks associated with long-term operations
- align with international best practices to support continuous improvement in asset management.

A lifecycle approach to structural integrity ensures facilities remain safe, efficient, and compliant with modern safety and environmental standards.

Addressing redundant wells

Timely and effective well plugging and abandonment is essential for safety, environmental protection, and long-term risk management. Ensuring that non-producing wells are properly decommissioned reduces the risk of the loss of well control and minimises the potential for safety and environmental impacts.

NOPSEMA is reviewing industry compliance to:

- give greater focus to non-producing wells by prioritising compliance action to address high-risk wells so that decommissioning obligations are met
- enhance regulatory oversight to support industry in meeting good-practice standards
- improve data transparency to enable better planning and risk assessment.

This approach will help ensure well abandonment is managed more efficiently, safely, and in alignment with recognised standards and good industry practice.

Psychosocial health

Ensuring offshore workers feel safe, supported, and free of bullying and harassment is an important part of workplace safety. With new legislative changes taking effect in 2025, duty-holders will be required to explicitly consider psychosocial risks in their safety cases.

NOPSEMA is focusing on:

- strengthening oversight and engagement to support compliance with upcoming regulations
- encouraging improved industry reporting to better understand and address psychosocial risks
- enhancing collaboration to ensure a coordinated regulatory approach to workplace mental health
- analysing benchmarking inspection campaigns to build our understanding of psychosocial risk and management in the offshore workplace.

By proactively addressing psychosocial hazards, industry can foster a stronger, safer, and more resilient workforce.

Control of work

Control of work (CoW) systems including job task analysis, permit to work processes, and isolations are essential to effectively manage risk in offshore operations.

As operations become more complex, it is important to evaluate and strengthen these systems, ensuring they continue to perform in line with industry best practice.

NOPSEMA is working to:

- promote effective CoW systems to eliminate or reduce risk in operations
- promote quality investigation and reporting to improve root cause identification and prevent future recurrence
- enhance data collection and analysis to support industry-wide analysis and sharing of incident learnings.

Investigating a reported non-work related death

NOPSEMA has the responsibility for conducting investigations into safety, environmental and well integrity incidents.

This responsibility extends to investigating the circumstances of a death onboard of or relating to a facility, where it has been initially reported by a duty holder to be non-work related.

Pursuant to Section 646(e)(i) of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, NOPSEMA's functions include investigating accidents, occurrences and circumstances that affect, or have the potential to affect, the occupational health and safety of persons engaged in offshore petroleum or greenhouse gas storage operations.

If a duty holder notifies NOPSEMA of a death onboard of or related to a facility, that they consider is non-work related, NOPSEMA will undertake an investigation. The aim of the investigation is to confirm the circumstances surrounding the death and to determine if any contributory or causal factors present were work related.

This type of investigation will normally involve the following steps:

- Identify the circumstances of the reported death.
- Assess the immediate response to the reported death.
- Identify any work related causal factors present prior to the reported death.
- Identify the cause of death as provided by the relevant Coroner or medical practitioner.

During an investigation an inspector may:

- issue a Do Not Disturb Notice
- attend the incident scene
- inspect, examine, measure, conduct tests on plant or equipment
- take photographs or videos
- seize or take into possession items or samples.

NOPSEMA investigators may also speak with or request documents from multiple sources including titleholders, operators, persons in charge of works, employers, workers, contractors, and witnesses.

NOPSEMA will generally work in conjunction with the relevant Coronial Investigation Police and the relevant State or Territory Coroner as part of these investigations.

In the normal course of events for a reported non-work related death, a copy of the investigation report will be provided to the relevant duty holder(s) at the completion of the investigation.

Standards and procedures

Investigations conducted by NOPSEMA will be carried out in accordance with our policies and procedures and in alignment with Australian Government Investigations Standards.

Where appropriate, investigations will be conducted in accordance with the principles of 'natural justice', which means they are:

- Evidence based – enforcement action will not be undertaken without reasonable grounds.
- Objective and impartial – investigations will be independent and conducted without bias.
- Fair – the subject of an investigation will have an opportunity to be heard before adverse formal findings are made and before any enforcement action is taken.

Throughout an investigation NOPSEMA will, as far as best practice and the law allows, keep stakeholders updated with the progress of the investigation.

Investigators will take a trauma informed approach when investigating these types of matters, and this may affect the methods used, to obtain the necessary information to complete the investigation.

This exploration will support CoW processes to remain robust, adaptable, and aligned with evolving safety needs.

Leadership and management

Excellence in leadership is central to maintaining high standards of safety and environmental performance. Decisions at all levels of an organisation have a direct impact on operational outcomes.

NOPSEMA is looking at:

- working with duty holder leadership to emphasise the links between decision-making in an organisation and safety and environmental outcomes
- enhancing post-incident reviews to strengthen understanding of how leadership decisions influence risk management

- utilising available research to support evidence-based improvements in industry leadership practices.

This priority aims to ensure safety, integrity and environmental risk management remains at the forefront of executive decision-making.

"Industry engagement will be critical to the success of these priorities - we look forward to working closely with stakeholders to ensure that regulatory efforts remain effective, practical, and aligned with the realities of offshore operations," Ms McCarrey said.

For more information visit nopsema.gov.au/nationalpriorities.

Safety and Other Measures Bill regulation changes

New work, health and safety regulations are set to come into effect on 12 June 2025, following a Commonwealth government review of the offshore safety regime.

The new regulations reflect changes to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act), which was amended by Parliament in May 2024, and published in December 2024.

The changes will support industry and NOPSEMA to ensure the ongoing health and safety of workers. They will also provide a range of benefits across the sector such as strengthening the role and training of Health and Safety Representatives, strengthening and simplifying reporting requirements and improving safety rules for diving operations and diving vessels.

NOPSEMA is in the process of updating guidance materials regarding these changes.

Throughout the process, we will provide tailored communications to ensure industry, the workforce and our stakeholders understand the new requirements and what the regulator will seek.

These communications include information sheets, FAQs, online reference materials, direct e-mails, letters and updates to titleholders, as well as online information sessions with industry.

NOPSEMA will continue to provide tailored communications throughout the change process and hold monthly information sessions with industry. The first two successful information sessions were held on 17 February and 18 March. The remaining information sessions will be held online on the following dates:

- Tuesday 15 April 2025
- Tuesday 20 May 2025
- Tuesday 17 June 2025

Summary of changes: safety

Strengthening the role of Health and Safety Representatives (HSRs)

- HSRs will be required to complete up to five days, as well as one day of refresher training per year, with costs covered by their employer and will have the right to choose their own NOPSEMA accredited training provider.
- HSRs will be able to request a review of safety management-related documents.
- NOPSEMA will now be provided with, and keep a register of, HSRs.

Workforce health and wellbeing

- Workers can access the safety case at work.
- Duty holders must consider a broader range of factors when managing worker fatigue.
- Workers will be protected against discrimination for exercising their rights.

Sexual harassment and psychosocial health

- Changing the definition of 'health' to include psychosocial health (i.e. mental as well as physical health).

- New reporting requirements for incidents of sexual harassment, bullying and harassment.

Modernising regulation of diving

- NOPSEMA will be able to withdraw acceptance of a Diving Safety Management System (DSMS).
- NOPSEMA will be able to request further information on a DSMS during an assessment.
- DSMS are to be revised every five years.
- NOPSEMA must be provided with copies of Diving Project Plans (DPP).
- NOPSEMA has the power to accept, refuse or request more information in a Diving Start-up Notice.
- NOPSEMA inspectors will be able to monitor compliance during preparation and post-dive.

Mandatory Design Notification Scheme

- Allowing consultation with NOPSEMA on the design of production and CCS facilities.
- NOPSEMA will not accept or reject the notifications but provide advice.

Administration of safety cases

- Ensuring that operators revise their safety case if there is a change to a control measure critical to safety.
- Ensuring that a revised safety case is submitted at five-year intervals.

Operators and titleholders

- Introducing the concept of a 'proposed operator' and clarifying the process when there is a change of operator.
- Introducing new operator registration and deregistration criteria.

Compliance and enforcement

- Rolling out of *Regulatory Powers (Standard Provisions) Act 2014* enforcement provisions in the regulations (e.g. civil penalties).
- Clarifying notification and reporting requirements so that death or serious injury notifications are not required in monthly reports.
- New requirements for reporting worker hours and persons on board.

Vessel Activity Notification Scheme

- Operators will be required to notify NOPSEMA when a vessel becomes a facility or ceases to be facility.

Contact information

- Operators to notify NOPSEMA of key contact information as part of monthly reporting.

Summary of changes: other measures

Remedial directions changes

- Enabling NOPSEMA to specify timeframe for a person to comply with a remedial direction (already in force).

Miscellaneous

- Minor changes due to drafting style and consequential amendments.

Frequently asked questions

Below is a summary of frequently asked questions (FAQs) related to the amendments to the OPGGS Act, which were passed by Parliament in May 2024. These FAQs will be updated regularly.

Why has the legislation changed?

A review of Australia's offshore safety regime conducted by the Department of Industry, Science and Resources (DISR) identified improvements that could help strengthen and enhance offshore worker safety outcomes.

These include:

- Improving engagement between industry and the regulator in designing offshore facilities
- Strengthening the role of health and safety representatives
- Further recognising the importance of mental health
- Increasing regulatory oversight of diving operations
- Strengthening compliance mechanisms
- Streamlining administrative processes

To implement these, the OPGGS Act and the OPGGS Safety Regulations have now been amended. As the regulator, NOPSEMA will administer the new requirements when they come into force on 12 June 2025.

Did consultation occur?

Yes, DISR consulted with key stakeholders including industry, industry bodies, unions, NOPSEMA and other relevant government bodies and departments throughout the policy development.

When do the changes take effect?

The new safety provisions in the OPGGS Act and the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2024 (the Regulations) will come into effect on 12 June 2025. NOPSEMA will provide further information regarding the transition arrangements in its guidance documents, which are under development.

What are the changes?

The changes will support industry and NOPSEMA to ensure the ongoing health and safety of workers. They include:

- Strengthening the role of HSRs
- Workforce health and wellbeing
- Sexual harassment and psychosocial health
- Modernised regulation of diving
- Mandatory design notification scheme
- Administration of safety cases
- Operators and titleholders
- Compliance and enforcement
- Vessel activity notification scheme
- AMSA jurisdictional interface policy measure
- Remedial direction changes

A more detailed explanation of the changes can be found at nopsema.gov.au.

Who is affected by the changes?

All operators, contractors, workers and HSRs will be affected by changes to the legislation.

HSRs will be given new training rights and be able to request reviews of safety management-related documents.

What happens to safety cases that are under assessment prior to 12 June?

Safety cases currently under assessment will continue to be assessed under the current regulations. However, safety case acceptance decisions on or after 12 June must consider the requirements of the new regulations.

If operators believe their safety case could be decided after 12 June, they are strongly encouraged to make any necessary updates to their safety case to meet the new requirements to avoid potential delays.

This includes both new safety case submissions and revisions. Operators are also encouraged to submit their safety case early to avoid any concerns regarding timelines for critical decision pathways.

During this transition period operators can contact NOPSEMA inspectors for guidance on the progress of their assessment at any time which may assist in determining whether you need to meet the new requirements.

What is the new Design Notification Scheme (DNS)?

The Design Notification Scheme (DNS) introduces early engagement with NOPSEMA on a facility's safety case at the design phase of project development. It applies to, and is in relation to, a vessel or structure that is a new production facility or a new greenhouse gas facility. Under the scheme, the design notification must be submitted in sufficient time to allow for any comments made by NOPSEMA to be considered in the final design and before any construction or alteration work begins.

NOPSEMA is currently developing processes to support the introduction of the DNS and will shortly be publishing policies and guidance to support industry.

What technical or control measures are critical to safety?

Control measures include the physical features of a facility, and elements of the operator's management system employed at the facility, that eliminate, prevent, reduce or mitigate the risk of major accident events and other hazardous events.



In the context of sections 2.5(2) and 2.30(1)(g), “technical and other control measures critical to safety” are those that have been implemented against major accident events and which have been identified in the formal safety assessment. They can take many forms including physical equipment, process control systems, management processes, operating or maintenance procedures, the emergency plan, key personnel and their actions.

Under the new regulations, technical and other control measures critical for safety are required to be listed in a safety case. Operators may choose to include these in a separate appendix.

How do I know what will trigger a safety case revision under section 2.30(1)(g)?

A safety case revision will be required if there has been, or will be, a loss or removal of a technical or other control measure identified under subsection 2.5(2) as being critical to safety.

There is an exemption if the control measure is out of service for testing, or the operator has ceased to undertake an activity directly related to the technical or other control measure. This regulatory change clarifies NOPSEMA's existing expectations on revisions to safety cases for controls critical to safety.

The intent is to ensure that a permanent loss or removal of a critical control measure is addressed appropriately with sufficient accountability and oversight to ensure ongoing safety and health of the workforce and structural integrity.

In consultation with industry, NOPSEMA will develop further guidance on how operators should interpret “loss or removal” and “testing” of a control measure and will continue to review on a case-by-case basis during the first 12 months of implementation. Please contact us with any circumstances that you may be concerned about so we can consider them in our guidance.

What is the Vessel Activity Notification Scheme?

Amendments to the OPGGS Act requires that if a vessel becomes a facility or ceases to be a facility, the operator of a facility must notify NOPSEMA.

This new requirement ensures that NOPSEMA is aware of key changes in a facility's status and can provide assurance that best practice safety standards are in place.

This is of particular concern in emergency situations, such as a cyclone, when the Commonwealth Government needs to establish situational awareness quickly.

NOPSEMA is developing processes to ensure this notification is quick and easy. We are also developing guidance covering the different circumstances in which a notification may be required.

Will NOPSEMA provide any further information on the changes?

Yes, NOPSEMA will communicate changes to industry and stakeholders.

NOPSEMA's website will provide useful information including an FAQ section.

We will also provide updated information through our publications and guidance documents, as well as targeted industry information sessions and our regular industry engagements.

You can also contact us at communications@nopsema.gov.au.

Where do I get more information?

A summary of the key elements of the bill and how they will be implemented by NOPSEMA can be found at nopsema.gov.au.

Collaborating for better safety outcomes at the 2025 HSR Forum

NOPSEMA hosted another successful HSR Forum in March at the Perth Convention and Exhibition Centre, in partnership with Australian Energy Producers and the Australian Council of Trade Unions (ACTU).

In its fourth year, the forum provided health and safety representatives (HSRs) an opportunity to hear from experts, share their experiences and network with other HSRs.

The Department of Industry, Science and Resources and NOPSEMA specialists presented timely information on offshore safety reforms. HSRs will have their roles strengthened when the Safety Regulations 2024 come into effect in June.

Offshore safety reforms will benefit HSRs in three ways: they will be required to complete initial and yearly refresher training, they will be able to request a review of safety management-related documents, and they will be registered as HSRs with NOPSEMA.

“We look forward to providing HSRs more support so they can continue to play their part in helping the offshore workforce stay safe and healthy,” said Chris Bourne, Director Exploration and Development – Safety.

Mr Bourne spoke at the forum about OHS complaints, giving attendees an insight into the investigation process, including confidentiality and how complainants are kept informed. He recommends HSRs work with operators where possible to try to resolve an issue before escalating to NOPSEMA.

“We see a complaint as an indicator that maybe the dispute resolution processes at a facility have either not been implemented or have failed,” Mr Bourne said.

A discussion and presentation on health, safety and environmental risks in decommissioning, and a guest address from ACTU Assistant Secretary Liam O’Brien rounded out the day, before the HSR Awards were presented by NOPSEMA CEO Sue McCarrey and Mr O’Brien.

Outstanding health and safety reps recognised

This year’s HSR Forum featured the inaugural HSR Awards, acknowledging offshore HSRs who have excelled in their role.

The awards recognised HSRs who demonstrated the following criteria:

- Advocacy – setting an example in advocating for OHS in the workplace
- Continuous improvement – identifying and implementing improvements that reduce OHS risk
- Leadership – promoting and demonstrating through their actions the importance of the HSR role.

We received nominations highlighting outstanding HSRs from all areas of the offshore industry including those who work directly for operators as well as contractors.

Those who nominated HSRs were from throughout the industry, including fellow employees, operators, service suppliers and NOPSEMA inspectors.

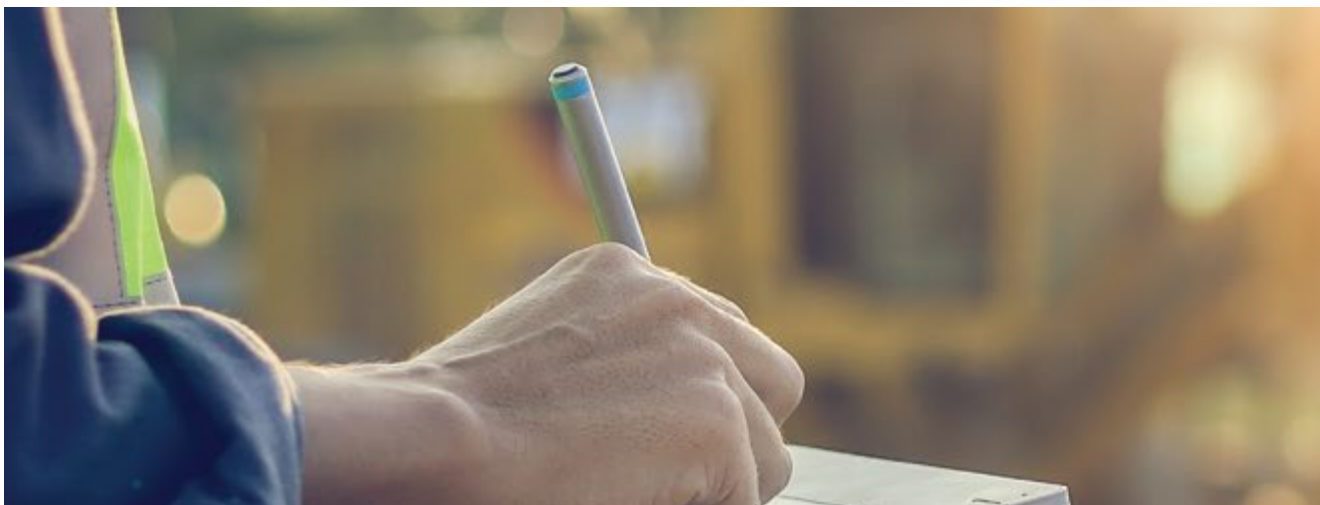
Ms McCarrey said the awards were a chance to recognise individuals within the Australian oil and gas industry who have made an outstanding contribution to the health and safety of their fellow workers.

“The Australian offshore oil and gas industry relies on experienced and dedicated personnel to ensure a protected offshore workforce and environment, and HSRs play a crucial role in this,” Ms McCarrey said.

“The number of nominations was a testament to the impact our HSRs have on the industry, and I commend this year’s winners for their hard work and dedication.”

Congratulations to the following winners.

- Daniel Bingham (Woodside Energy Limited)
- Brendan Bussenschutt (INPEX)
- Travis Eaton (Noble Deliverer)
- Kimberley Hutcheson (Northern Endeavour)
- Jake Mackin (Saipem Endeavour and Castorone)
- Jeff Mackness (Goodwyn Alpha)
- Blake Marino (Goodwyn Alpha)
- Jonathan McCluskey (CPF Ichthys Explorer) nominated eight times
- Lee Payne (North Rankin)
- Shane Richardson (Prelude FLNG)
- Alan Roberts (Montara Venture)
- Natalie Roberts (Northern Endeavour)
- Mick Sarich (Montara Venture)
- Hakan Svennsson (North Rankin)
- Anthony Symes (Prelude FLNG)
- Luc Wilson (Esso Bass Strait)
- Ross Wilson (Esso Bass Strait) nominated twice



What to expect from a NOPSEMA inspection

As Australia's independent offshore regulator, it is NOPSEMA's responsibility to monitor and secure duty holder compliance and ensure the offshore petroleum industry is operating responsibly.

One of the primary ways we do this is through conducting inspections and undertaking investigations.

This includes environmental inspections, oil pollution environmental inspections, well integrity inspections and occupational health and safety (OHS) inspections relating to offshore petroleum and greenhouse gas facilities, activities and wells.

Inspections are also a chance for NOPSEMA to engage with industry and educate titleholders on the regulator's safety and compliance expectations.

Why are inspections undertaken?

Inspections are a critical part of NOPSEMA's compliance strategy and are undertaken for a range of reasons, including to monitor duty holders' compliance with relevant legislation, and the commitments in their permissioning documents.

They can also be used if there is an emergency to determine if emergency response provisions have been or are being complied with, and to promote and advise on areas of NOPSEMA's regulatory expertise.

There are two main processes for initiating inspections and investigations

The first is through NOPSEMA's planned inspection program. NOPSEMA develops an annual inspection program using a risk-based methodology and is updated regularly in response to intelligence gathered throughout the year.

The second is through receiving information from either a duty holder or third party that NOPSEMA determines warrants further investigation.

Where can inspections take place?

NOPSEMA inspections can occur in a range of locations, including at an offshore facility, onshore premises or a duty holder's regulated business premises. Where required, inspections can also be conducted remotely.

Will I get notice of an inspection?

In most cases, NOPSEMA will provide advance notice of inspections to the relevant duty holder via an inspection brief. However, NOPSEMA may also undertake short, or no-notice inspections in response to evolving compliance issues or as part of compliance programs.

What happens during an inspection?

NOPSEMA inspections start when a written brief is provided to the duty holder.

This brief ensures that duty holders are fully aware of the role and purpose of inspections.

The inspections are conducted with a team consisting of at least (but not limited to) two NOPSEMA inspectors.

Inspectors may sample multiple areas to form a reasonable conclusion regarding the compliance (or not) of those areas and the potential regarding non-compliance.

Where possible, inspectors will consult with Health and Safety Representatives (HSRs) to gain their insights on the area being inspected.

An 'entry' and 'exit' meeting will also be held with the duty holder(s) and other relevant personnel.

What powers do NOPSEMA inspectors have?

During an inspection, the participation of the workforce, including contractors, is vital. They may be asked to accompany NOPSEMA inspectors, provide information, answer questions, demonstrate how to operate equipment or execute other procedures, or show items of physical plant and equipment.



Where personal information is collected during an inspection, NOPSEMA complies with the requirements of the *Privacy Act 1988* and Australian Privacy Principles. NOPSEMA only collects personal information which is reasonably necessary to undertake its functions and activities.

For OHS inspections, the facility operator is required to inform all HSRs, including core crew and contractor HSRs, of an upcoming NOPSEMA inspection and provide them the opportunity to engage with our inspectors.

Power to enter and search

A NOPSEMA inspector may, for the purpose of an inspection at any reasonable time, enter a regulated business premises, offshore premise and or facility to:

- search for, inspect, take extracts from, or make copies of, any such documents that relate to the subject matter of the inspection
- inspect, examine or measure, or conduct tests concerning, any such plant, substances or things at those premises; and/or take photographs, make video recordings or make sketches of, any plant, substances or things at those premises.

Requirement to produce documents or things

If a NOPSEMA inspector is satisfied on reasonable grounds that a person can produce a document or thing that is reasonably connected with the conduct of an inspection, the inspector may, to the extent that it is reasonably necessary, require the person to produce the document or thing. Documents collected during an inspection can only be utilised by NOPSEMA for the purpose of our duties under the Act and Regulations.

Requirement to answer questions

If a NOPSEMA inspector is satisfied on reasonable grounds that a person can answer a question that is reasonably connected with the conduct of an inspection, the inspector may, to the extent that it is reasonably necessary to do so, require the person to answer the question put by the inspector.

Obstruct or hinder

It is considered an offence if a person knowingly provides false or misleading in a material or engages in conduct that obstructs or hinders a NOPSEMA inspector in the exercise of the inspector's powers.



Recent developments regarding marine mammal acoustic technical guidance

What responsibility does the duty holder have?

Duty holders are required to provide NOPSEMA inspectors with:

- a key contact person for the visit who has the authority to facilitate access to relevant personnel, and a contact phone number and email address for the facility for an offshore inspection
- access and transport to a facility, accommodation, and meals during an offshore inspection
- availability of necessary personnel to provide information relative to inspection elements, including onshore management to meet with the inspectors prior to and after the inspection
- access to relevant documentation and records as required by the inspectors
- a meeting room or office with a desk for the duration of the inspection
- any relevant site induction requirements to be made clear prior to the inspection
- availability of HSRs to meet with NOPSEMA inspectors and attend entry and exit meetings for OHS inspections.

What happens after the inspection?

Before we leave an offshore facility or a duty holder's business premises, we will provide a summary of the inspector's observations and findings with an early indication of inspection conclusions.

This summary, or exit brief, allows the duty holder to take early action to address any non-compliance NOPSEMA has identified.

After NOPSEMA considers all the information collected during the inspection, we will then provide a detailed report containing our conclusions and the reasons behind them.

NOPSEMA may also provide compliance advice (recommendations) to indicate what the duty holder should consider when determining how to address conclusions.

Will I see the inspection report?

For OHS inspections, a copy of NOPSEMA's inspection report must be provided to all members of the facility's health and safety committees and HSRs, where established.

Duty holders must provide NOPSEMA details about the actions they propose to take to address any inspection conclusions that relate to a non-compliance.

NOPSEMA will then monitor the duty holder's progress and, in subsequent inspections, may verify the actions taken have addressed the non-compliance.

Where a duty holder fails to return to compliance in the agreed timeframe, and/or if new information becomes available, NOPSEMA may consider enforcement or other compliance action.

For further information regarding NOPSEMA inspection powers see the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* – Volume 4.

NOPSEMA is Australia's independent expert regulator for health and safety, structural (well) integrity and environmental management for offshore petroleum and greenhouse gas storage activities in Commonwealth waters, and in coastal waters where regulatory powers and functions have been conferred.

NOPSEMA monitors the offshore industry's compliance with the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (the OPGGS Act) and *Regulatory Powers (Standard Provisions) Act 2014*.

It remains the responsibility of the duty holder to always maintain compliance, and where non-compliance is detected, it remains the responsibility of the duty holder to take timely and appropriate action to remediate the non-compliance (return to compliance) and prevent recurrence.

Anthropogenic sound refers to the noise created in the ocean by human activities, including shipping, seismic exploration, drilling, construction, or the establishment and operation of offshore facilities.

Underwater sound has the potential to impact marine mammals through disturbance to their behaviour, masking of sounds, and in the case of exposure to very loud or prolonged sounds, there exists the potential for temporary or permanent reduction in hearing sensitivity or injury.

Late last year, the United States' National Marine Fisheries Service (NMFS) published a peer-reviewed update to their Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing.

The NMFS updates include new information on and changes to noise exposure criteria that are commonly referenced by titleholders in underwater sound impact assessments in Australia.

The updates include changes to the auditory weighting and exposure function parameters for marine mammal hearing groups. They also include changes to thresholds for the onset of auditory injury and temporary threshold shifts (TTS) in marine mammal hearing from impulsive and non-impulsive sound sources.

Proponents and titleholders with permissioning documents soon to be submitted or currently under assessment should review the updated NMFS technical guidance and consider how it may affect the outcomes of their impact or risk assessments, or the selection or effectiveness of control measures.

For permissioning documents that have already been accepted by NOPSEMA, it is advised that proponents and titleholders apply processes within their implementation strategy for the activity that include the review of new information and management of change as appropriate.

Proponents and titleholders can discuss their specific circumstances with NOPSEMA to understand the potential regulatory implications of any proposed approaches to considering and addressing the new information contained in the NMFS guidance.

The updated NMFS technical guidance is contemporary published scientific information that proponents and titleholders should consider in their assessment of underwater sound impacts and risks under the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations*.

The NMFS 2024 technical guidance can be accessed via [fisheries.noaa.gov](https://www.fisheries.noaa.gov).



Offshore renewables update

With amendments to the Offshore Electricity Infrastructure Regulations 2022 coming into force in late 2024, the Offshore Infrastructure Regulator (OIR) has commenced its operational regulatory role.

In a significant milestone for the sector, the OIR approved the first feasibility-stage management plan for the Blue Mackerel North offshore wind project in February 2025.

In March, a further two feasibility-stage management plans were approved, for the Gippsland 1 and Gippsland 2 projects proposed by Orsted Offshore Australia.

The approval allows licence holders to begin feasibility activities, such as metocean and geotechnical investigations off the coast of Gippsland, Victoria to assess the potential for harnessing renewable energy.

The management plans are legally binding documents that detail how activities are to be carried out under Offshore Electricity Infrastructure (OEI) Act licences.

Licence holders can make regulatory submissions through the dedicated submissions portal on the OIR website.

The OIR has released a suite of policies to communicate how it exercises its functions under the OEI Act framework.

To assist licence holders and other stakeholders in understanding their regulatory requirements, the OIR has also published a series of guidelines and brochures in relation to:

- management plans
- consultation requirements
- financial security
- design notifications
- safety and protection zones
- work health and safety
- notification and reporting
- making applications
- fees and levies.

The OIR will progressively release additional guidance materials and information. To read the guidance materials visit the Regulatory Guidance section of the **OIR website**.

The OIR welcomes feedback on the guidance provided. You can share your feedback by emailing **offshorerenewables@oir.gov.au**.

Licence holders and other stakeholders are encouraged to continue to reach out to the OIR for specific advice regarding their projects and on broader operation of the regulatory regime.

To stay informed of offshore renewables news and updates, subscribe to email alerts via **oir.gov.au**, and follow the OIR on LinkedIn.

Offshore activity Q4 2024





nipsema.gov.au

**National Offshore Petroleum Safety and
Environmental Management Authority (NOPSEMA)**

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