

# Offshore Safety Workshop

Handout



# Organising for safety in our workplaces

- A collective approach
- Communication within the workforce
- Know your rights and powers





# Upcoming HSR courses

## **OSHMI Act – vessel - HSR Training Courses**

**Provider:** Ferriby Group, Perth

**Scheduled Dates:**

7–11 April

9–13 June

## **OPGGGS Act – petroleum facility - HSR Training Course**

**Provider:** IFAP, North Lake WA

**Scheduled Dates:**

7–11 April

12–16 May

16–20 June





# Legislation and regulators

**Offshore Oil and Gas:** safety and environmental regulation. Offshore petroleum Health and Safety Representatives, safety case.

**Act:** Offshore Petroleum and Greenhouse Gas Storage Act (OPGGGS Act) and Regulations

**Regulator:** NOPSEMA – National Offshore Petroleum Safety and Environment Management Authority

**Maritime safety:** maritime qualifications, minimum safe manning, vessel standards, implementation of IMO international conventions (STCW, MLC, SOLAS etc)

**Act:** Flag state of vessel. Navigation Act and Marine Orders are limited unless Australian flag

**Regulator:** Flag state of vessel. AMSA Australian Maritime Safety Authority limited unless Aus flag

**Occupational/process safety:** Health and Safety Representatives, workplace safety committees, workers' rights to consultation, hierarchy of controls.

**Act:** Occupational Health and Safety (Maritime Industry) Act (OHS(MI) Act) and Regulations, but complex application if not Australian flag

**Inspectorate:** AMSA, but complex application if not Australian flagged

**Oversight** (with no budget): Seacare Authority



# OPGGGS Act – disapplies Nav Act and OHS(MI)

**640 Commonwealth maritime legislation does not apply in relation to facilities located in offshore areas**

(1) Commonwealth maritime legislation does not apply in relation to:

- (a) a facility located in the offshore area of a State or Territory; or
- (b) a person at such a facility; or
- (c) a person near such a facility, to the extent to which the person is affected by:
  - (i) such a facility; or
  - (ii) activities that take place at such a facility; or
- (d) activities that take place at such a facility.

(2) However, subsection (1) does not prevent the application of Commonwealth maritime legislation to the extent that it relates to the transfer of persons or goods between a ship and a facility.

***Commonwealth maritime legislation*** means:

- (a) the *Navigation Act 2012*; and
- (b) the *Occupational Health and Safety (Maritime Industry) Act 1993*; and

# NOPSEMA and OPPGS Act apply

To 'facilities' and 'associated offshore places', defined in the OPGGS Act. Includes:

- Fixed platforms
- Vessels that are on site being used or prepared for use in:
  - Petroleum production
  - Drilling or servicing a well
  - Laying, manufacturing or maintaining a pipeline
  - Construction or decommissioning of structures above
  - An accommodation barge
- **Does not matter** if fixed or floating, self-propelled or not.

Definitions for Facility and Associated Offshore Place:  
OPGGS Act, Vol 4, Schedule 3,  
s.3-4. OPPGS Regs 2024, 1.6-7.

**Do not apply:** when operations cease, and the vessel has been returned either to a navigable form or can be towed to another place.

- Some other exceptions



## VESSEL: AMSA

### Flag State requirements

#### Navigation Act, Marine Orders & OHS(MI) Act

- ALWAYS: Tug, anchor handler, supply vessel
- Exceptions (in Regulations)
  - Vessels laying umbilicals or cable
  - Vessels laying mattress or dumping rocks on a pipe before hydro-testing
  - Vessels doing pipe trenching and burial before hydro-testing
  - Vessels installing a jumper or pipe manifold before hydro-testing, if no petroleum
  - Vessels placing foundations or supports on the sea bed for a facility
  - A barge hipped up to a facility to increase space available
  - Dive support vessel or ROV support vessel doing only cleaning, inspection, operating a valve, recovering debris

## FACILITY: NOPSEMA & OPGGS Act - Safety case

### Navigation Act and OHS(MI) disappplied

#### Flag state still applies (except Australia)

- Fixed platform
- Vessels that are on site being used or prepared for:
  - Petroleum production
  - Drilling or servicing a well
  - Laying, manufacturing or maintaining a pipeline
  - Construction or decommissioning of structures above
  - An accommodation barge
- Includes 'an associated offshore place'
- **Does not matter** if fixed or floating, self-propelled or not.
- **Does not apply:** when operations cease, and the vessel has been returned to a navigable form or can be towed to another place.



# ASSOCIATED OFFSHORE PLACE

Is not a facility - BUT all duties of the facility operator and powers of NOPSEMA apply equally, and are the responsibility of the operator of the main facility.

*associated offshore place*, in relation to a facility, means any offshore place near the facility where activities (including diving activities) relating to the construction, installation, operation, maintenance or decommissioning of the facility take place, but does not include:

- (a) another facility; or
  - (b) a supply vessel, offtake tanker, anchor handler or tugboat; or
  - (c) a vessel, or structure, that is declared by the regulations not to be an associated offshore place.
- (OPPGS Act Schedule 3 s.3)

**unless** a facility [or part thereof] will be causing a risk (other than an ordinary maritime risk) to the vessel or persons on the vessel (OPPGS Regs 1.7 (1) b)

Maritime legislation - Nav Act and OHS(MI) - are not disappplied in 'associated offshore places' – see s.640

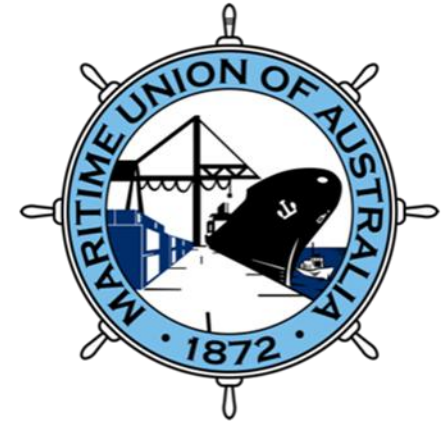
## DIVE SUPPORT VESSELS

As of June 2025, NOPSEMA has extra powers on dive vessels, anywhere.

Definitions for Facility and Associated Offshore Place:  
OPPGS Act, Vol 4, Schedule 3, s.3-4. OPPGS Regs 2024, 1.6-7.



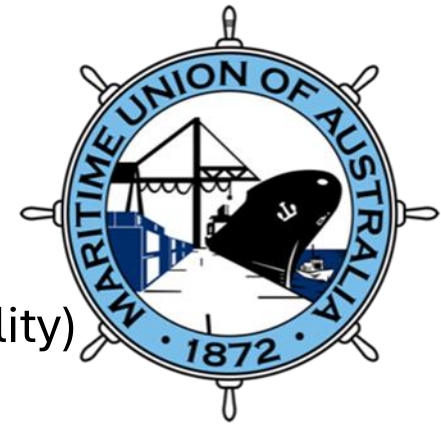
# Improvements to the OPGGS Act



## **For Health and Safety Representatives** - as of 12 June 2025:

- Protection of workers against discrimination for raising safety issues or acting as HSRs (OPGGS Act, Schedule 3, s.88, 88A-E)
- The right to request that an operator review a safety case and 'safety management-related documents' (OPGGS Act, Sch 3, s.34(1)(d), s.37A, s.40(1)(da))
- The right to HSR training 'as soon as practicable', for HSRs to choose a training provider, for time off to attend without loss of remuneration or entitlements, and expenses paid (OPGGS Act, Sch 3, s.30)
- Improvements to election procedures for HSRs - Unions can assist (OPGGS Act, Sch 3, s.26(4))
- Can take time off work without loss of remuneration or entitlements to exercise HSR powers and attend HSR courses (OPGGS Act, Sch 3, s.40(1)(e))
- HSRs from each DWG to participate in the workplace safety committee (OPGGS Act, Sch 3, s.41(3))

# Improvements to the OPGGS Act



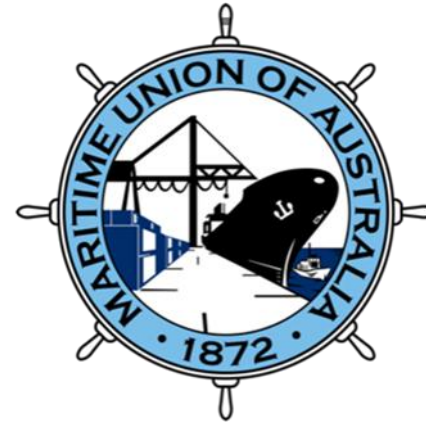
## **New requirements for the safety case – as of 12 June 2025**

- The right of workers on a facility to access the safety case (but only while on the facility) (OPGGS 2024 Regs, s. 2.46A)
- Safety case must identify which control measures are critical to safety (OPGGS 2024 Regs, s. 2.5(2))
- Must include measures to prevent bullying and harassment, including sexual harassment (OPGGS 2024 Regs, s. 2.15A)
- Updated NOPSEMA powers to require a review of a safety case or to withdraw a safety case entirely (OPGGS 2024 Regs, s. 2.30-37).

## **Enforcement and compliance**

- More powers for NOPSEMA to inspect facilities and take enforcement action in any location, including diving vessels and associated offshore places (OPGGS Act, Schedule 3, s.49, 52, 53, 73, 75,78)
- New and increased penalty provisions, including that work must comply with a safety case, and for an activity not to proceed if there is a significant new risk to health and safety (OPGGS 2024 Regs, s. 2.42D-49)

# Improvements to the OPGGS Act



## **General** - as of 12 June 2025

- Inclusion of psychological health in the definition of health (OPGGS Act s.7 definitions)
- Broader consideration of factors causing fatigue (OPGGS 2024 Regs, s.3.1)
- Sexual harassment, bullying and coercion must be reported to NOPSEMA (OPGGS 2024 Regs, s. 2.46B)

## **For vessels and divers**

- Extensive updates to diving safety processes, arising from lessons learned when MUA diving members were severely injured by DOF.
- Formal notification to NOPSEMA when vessels enter or exit the NOPSEMA jurisdiction (but no notification to vessel crews, as we requested) (OPGGS Act, Sch 3, s.83B, OPGGS 2024 Regs, s. 2.42B-C).
- New rules to apply sections of Navigation Act Marine Orders to facilities (we don't know what yet) (Navigation Act s.342A)