

Improvement Notice

Offshore Petroleum and Greenhouse Gas Storage Act 2006

Notice Number: 0602

IMPROVEMENT NOTICE

To: MODEC Venture 11 B.V.

In conducting an OHS inspection in relation to MODEC Venture 11, I, <redacted>, a NOPSEMA inspector appointed under section 602 of the Act, am satisfied on reasonable grounds that the person named above as the responsible person is contravening, or has contravened and is likely to contravene again:

Clause 9 (2) (e) of Schedule 3 to the Act

at: MODEC Venture 11 facility

The reasons for my opinion are:

The workboat is specified in the Safety Case Formal Safety Assessment as a control measure to rescue personnel who are in the water, in the event of helicopter crash into the sea at or near the facility or in the event of a man overboard event. With the workboat being out of service there is inadequate emergency response capability to rescue and recover personnel from the sea.

The work boat necessary for the rescue of persons from the sea has been out of service for over 14 months, the facility lifeboat being used as a rescue boat results in an increased risk associated with the rescue and recovery of casualties in the water from a helicopter crash or man overboard event at the facility. Consequently, without the appropriate emergency response provisions there is an increased risk of casualties drowning in the sea. The operator has therefore failed to take all reasonably practicable steps to implement and maintain appropriate procedures and equipment for the control of, and response to, emergencies at the facility.

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:

There is an increased risk of drowning of casualties from a helicopter crash or man overboard event at the facility.

You are required to take action within **30 days** of the date of this notice to prevent or reduce the risk.

The following action must be taken by the responsible person within the period specified above:

1. Undertake a risk assessment involving the facility work force and put in place appropriate interim control measures including emergency drills for the rescue and recovery of personnel from the sea in the event of a helicopter crash or man overboard situation; and
2. Develop a suitable plan for the implementation of a permanent engineered solution for the provision of appropriate equipment for the rescue and recovery of personnel from the sea in the event of a helicopter crash or man overboard event at the facility;
3. Or, implement such other controls as required to reduce emergency response risks to a level that is as low as reasonably practicable.

Signed:

<redacted>

NOPSEMA Inspector

Dated:

NOTES: (Please see back of notice)

When the required improvement has been completed, return this part of the notice to the following person at the address below:

Name: <redacted>

Position: OHS Inspector

Address: **By Courier:**
Submissions NOPSEMA
Level 8 Alluvion Building
58 Mounts Bay Road Perth WA 6000

By Post:
Submissions NOPSEMA
GPO Box 2568 PERTH WA 6001

Telephone number: +61 8 6188 8700

Specify the action that has been taken to comply with this notice in the space below.
Improvement Notice No. 0602 has been complied with by:

Signed: _____ Date: _____

NOTES:

1. Under clause 78 of Schedule 3 to the Act, a person who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the person has control, may be liable to a penalty of 300 penalty units or a civil penalty of 400 units.
2. This notice must be displayed in a prominent place at or near each workplace at which work affected by the notice is being performed and, must not be tampered with or removed before the notice has ceased to have effect.
3. If the notice is not issued by being given to the operator's representative at the facility, the responsible person (unless the responsible person is the titleholder) must cause a copy of the notice to be given to the operator's representative.
4. If the responsible person is the operator or an employer (other than the operator) of members of the workforce, the operator's representative at the facility must give a copy of the notice to each health and safety representative for a designated work group having group members performing work that is affected by the notice.
5. If the responsible person is the titleholder, as soon as practicable after issuing the notice, the NOPSEMA inspector will take reasonable steps to give a copy of the notice to the operator and, if the NOPSEMA inspector is at the facility when the notice issued, the operator's representative at the facility.
6. If the responsible person is the titleholder, but the inspector is not at the facility when the notice is issued, the operator must give a copy of the notice to the operator's representative at the facility.
7. As soon as practicable after issuing the notice, the NOPSEMA inspector will take reasonable steps to give a copy of the notice to, where applicable:
 - (a) the employer of an employee who is a member of the workforce if the notice is issued to the employee, and in connection with work performed by the employee, and
 - (b) the owner of any workplace plant, substance or thing that the notice relates to, unless the owner is the responsible person or an employer referred to in (a), and
 - (c) if the responsible person is the owner of any workplace, plant, substance or thing because of which the contravention has occurred, or is likely to occur: the operator of the facility, and if the employer of employees who work in that workplace or who use that plant, substance or thing is a person other than the operator—that employer; and
 - (d) the titleholder, if the responsible person is the operator, and the contravention relates, or is likely to relate to, the titleholders' well related obligations.
8. Under item 8 of subclause 80A(1) of Schedule 3 to the Act, any of the following persons may in writing request the reviewing authority to review the NOPSEMA inspector's decision:
 - the operator of the facility
 - the titleholder, if the notice is issued to a titleholder;
 - any other person to whom the 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.
9. An improvement notice ceases to have effect when the responsible person takes the action specified in the notice