

OHS IMPROVEMENT NOTICE

To: Esso Australia Pty Ltd (“EAPL”)

In conducting an OHS inspection in relation to the West Tuna facility, 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 has contravened and is likely to contravene again:

(a) clause 9 (2) (c) of Schedule 3 to the Act

at: West Tuna facility

The reasons for my opinion are:

NOPSEMA commenced an inspection on the 23rd August 2018 in response to EAPL notifying NOPSEMA of a dangerous occurrence that occurred on the 19th August 2018 where a fire had occurred on electrical heat tracing located on a Main Oil Line (MOL) pump WTP-312 on West Tuna facility.

As part of the inspection, NOPSEMA identified that repairs to electrical heat tracing previously identified during EAPL inspections had not been carried out.

The facility safety case Major Accident Event - MAE 013: Electrocution or Electrical Explosion identifies a hazard of ‘*Shorting of Electrical Heat Tracing*’, and requires the ‘*PM – Annual Heat Tracing Inspection*’ as a control measure.

The failure to effect the repairs identified under a previous inspection program renders this control measure ineffective.

As a result of this failure to take all reasonably practicable steps to ensure that any plant, equipment, materials and substances at the facility are safe and without risk to health, I am satisfied that there is, or may be, the following risk to the health or safety of any person:

The potential for fire and explosion resulting from shorting of electrical heat tracing and ignition of an uncontrolled release of hydrocarbon as identified in MAE 005: Loss of Containment from Booster or MOL Pumps.

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:

Esso Australia Pty Ltd are to ensure that the heat tracing on WTP-312 MOL Pump is fit for purpose and is safe and without risk to health, as per original equipment manufacturers requirements and appropriate relevant standards such as; AS/NZS 60079.30.1:2016 Explosive atmospheres – Part 30.1: Electrical resistance trace heating – General and testing requirements; and, AS/NZS 60079.30.2:2016 Explosive atmospheres – Part 30.2: Electrical resistance trace heating – Application guide for design, installation and maintenance; or,

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

Signed:**NOPSEMA inspector****Dated: 13th September 2018**

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: Position: Address: Send in electronic format via email to:
submissions@nopsema.gov.au

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. **716** 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.