



# OHS Improvement Notice

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*Offshore Petroleum and Greenhouse Gas Storage Act 2006*

**Notice Number: 1853**

## **OHS IMPROVEMENT NOTICE**

To: Maersk Drilling Australia Pty Ltd {ACN 106 414 108}

In conducting an OHS inspection in relation to the Maersk Deliverer facility, I, [REDACTED], a NOPSEMA inspector appointed under section 602 of *Offshore Petroleum and Greenhouse Gas Storage Act. 2006* {the Act), am satisfied on reasonable grounds that:

Maersk Drilling Australia Pty Ltd has contravened a provision of a listed OHS law and is likely to contravene that provision again.

AND

As a result, there is, or may be, a risk to the health or safety of a person at the Maersk Deliverer facility.

The contravention that I am satisfied has occurred and is likely to occur again is a contravention of: clause 9(2)(d) of Schedule 3 to the Act, which requires the operator of a facility "*to take all reasonably practicable steps to implement and maintain systems of work at the facility that are safe and without risk to health*".

The reasons for my opinion are:

Multiple failings in the Maersk Control of Work {CoW) system were observed by NOPSEMA inspectors at the facility during a category "Level 2P"<sup>1</sup> crane lifting operation. These failings are also in contravention of lifting operations commitments described in the Maersk Deliverer safety case and the Lifting Operations Manual {LOM).

I am satisfied that the contravention has occurred and is likely to occur again due to the failure of Maersk Drilling Australia Pty Ltd to take reasonably practicable steps including to:

- Appropriately implement the lifting plan for the operation:
  - o cover the complete lifting activity work-scope;
  - o reflect the type of equipment actually used and the actual positioning of the equipment used;
  - o describe any derating of the capacity of the slings due to choking during the lift;
  - o detail the steps to conduct the specific lifting operation as required by the LOM;
  - o appropriately authorised as per the LOM; and
  - o reviewed by the work party before the lift is conducted .
- Have the lifting operation adequately supervised as per the LOM.
- Provide adequate training of facility personnel in the CoW system as it applies to lifting operations.

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<sup>1</sup> Category "Level 2P" lifting operation is defined in the Maersk Lifting Operations Manual (LOM) as: "Critical lifting operations that require further documentary controls (lift plan) to mitigate the identified hazards ."

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The failure to provide adequate training was indicated by generally deficient workforce knowledge on the use and application of the CoW system which was observed by the inspectors during the after-action review meeting following the lifting operation.

These failings indicate a systemic failure of the CoW system for managing lifting operations at the Maersk Deliverer facility, especially for managing lifts with increased safety risk factors such as critical lifting operations. Lifting activities occur frequently at the facility. Lifting operations involve the use of personnel that may be in close proximity to the lifting equipment and loads, and as such, lifting operations that are inadequately controlled will continue to present risks to the safety of these personnel.

As a result of this contravention, I am satisfied that there is, or may be, the following risk to the health and safety of any person:

A loss of control of the lifting equipment and/or suspended loads with the consequences of potential injury of personnel through impact or crushing.

I am satisfied on reasonable grounds that the following actions must be taken by Maersk Drilling Australia Pty Ltd to reduce or prevent the risk:

1. Conduct an independent audit of the Control of Work (CoW) System at the Maersk Deliverer facility as it applies to lifting operations to:
  - a. Identify any deficiencies of the implemented CoW system against the operator's safety management system as described in the facility safety case.
  - b. Immediately implement interim controls to address any deficiencies identified.
  - c. Identify the contributing factors and root causes for any identified deficiencies.
2. Provide NOPSEMA with a copy of the independent audit report and the action plan resulting from the audit and a schedule for implementation of the plan; or

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

Maersk Drilling Australia Pty Ltd is required to take the above actions within **40 days** of the date of this notice.



**NOPSEMA Inspector**

**Dated: 22 October 2021**

NOTES: (Please see back of notice)

When the required actions(s) have been completed, the Responsible Person is to submit this part of the notice to the following person via:

Post: Level 8, 58 Mounts Bay Road, PERTH WA 6000

Email: [submissions@nopsema.gov.au](mailto:submissions@nopsema.gov.au)

Name: [redacted]

Telephone number: [redacted]

By signing below, I confirm on behalf of Maersk Drilling Australia Pty Ltd that the specified action described in Improvement Notice: 1853 has been undertaken within the period specified.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTES:**

1. Under clause 78A of Schedule 3 to the Act, a responsible person who fails to ensure that this notice is complied with, to the extent that it relates to any matter over which the responsible person has control:
  - a. commits an offence and may be liable to a penalty of 300 penalty units for the offence; or
  - b. contravenes a civil penalty provision and may be liable to a civil penalty of 400 penalty units.
2. For every day proceeding the initial offence or contravention the notice is not complied with, the responsible person commits an offence or contravention in respect of each day (including a day of a conviction under this clause or any later day) during which the offence or contravention continues.
3. A copy of this notice must be displayed in a prominent place at or near each workplace where work affected by the notice is being performed. It is an offence to tamper with or remove it until the notice has ceased to have effect.
4. The recipient of this notice must ensure that all relevant requirements for giving copies of the notice to certain persons and representatives are complied with in accordance with cl 77 to Schedule 3 to the Act.
5. Under clause 80A of Schedule 3 to the Act, any of the following persons may request the reviewing authority in writing to review the NOPSEMA inspector's decision:
  - the operator of the facility;
  - the titleholder, if the notice is issued to a titleholder;
  - any person to whom an improvement 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.