

## **OHS IMPROVEMENT NOTICE**

To: Maersk Drilling Australia Pty Ltd

In conducting an OHS inspection in relation to the Maersk Deliverer 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 is contravening:

Clause 9(2)(d) of Schedule 3 to the Act; The operator of a facility must take all reasonably practicable steps to implement and maintain systems of work at the facility that are safe and without risk to the health.

AND

As a result, there is or may be a risk to the health or safety of a person at:

Maersk Deliverer Mobile Offshore Drilling Unit (MODU)

The reasons for my opinion are:

A dangerous occurrence resulting in a facial injury to a member of the workforce occurred on 5 October 2021 at the Maersk Deliverer facility during Installation of a 25t hydraulic cylinder on the facility knuckle boom crane. Following receipt of a notification of this incident on 8 October 2021, NOPSEMA inspectors commenced an inspection at Maersk Drilling Australia Pty Ltd regulated business premises. During the ongoing NOPSEMA investigation of the incident the inspectors obtained information that indicated that Maersk Australia Pty Ltd did not stop the job following the injury, nor did Maersk reassess the risks involved in continuing the activity after the person was injured. Accordingly, Maersk did not take all reasonably practicable steps to implement and maintain safe systems of work at the facility that are safe and without risks to health.

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:

**Further and/or more serious injuries or death of members of the workforce involved in work at the facility.**

You are required to take action within **7** 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:

**Maersk Drilling Australia Pty Ltd is to strengthen their safe systems of work to ensure that during all work at the facility, regardless of level of complexity, the system will mandate the following:**

- 1. Immediate "Stop work" if an incident occurs, a new hazard is identified, or risks change during work.**
- 2. Strengthen the personnel Stop Work Authority to ensure:**
  - **the Stop Work Authority includes a requirement to re-assess the risks of the activity before re-starting the activity.**
  - **clear communication to all members of the workforce that the Stop Work Authority is to be freely exercised.**
  - **after action reviews are conducted whenever the workforce exercises the Stop Work Authority.**

- the use of the Stop Work Authority is monitored and reviewed.
- the member of senior onshore management who will be responsible for ensuring the implementation of the Stop Work Authority is clearly identified to the workforce.

or

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

**Signed:**

[Redacted signature]

[Redacted signature]

**NOPSEMA Inspector**

**Dated: 17 November 2021**

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: NOPSEMA Inspector

Address: Send in electronic format via email to:  
[submissions@nopsema.gov.au](mailto:submissions@nopsema.gov.au)

Telephone number: [Redacted]

Specify the action that has been taken to comply with this notice in the space below.

Improvement Notice No. **1855** 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.