



NOPSEMA

Australia's offshore
energy regulator

Safety Cases and HSRs - What's changing?

March 2025 Information Session

nipsema.gov.au



New work, health and safety regulations



- A review of Australia's offshore safety regime conducted by the Department of Industry, Science and Resources (DISR) identified improvements that could help strengthen and enhance offshore worker safety outcomes.
- To implement these, the OPGGS Act and the OPGGS Safety Regulations have now been amended.
- The new regulations reflect changes to the Offshore Petroleum and Greenhouse Gas Storage Act 2006, which was amended by Parliament in May 2024, and published in December 2024.
- The changes will come into force on **12 June 2025**.

Monthly Information Sessions



- February – AEP hosted session, general overview of the changes
- **March – Key topics: Safety Cases, Safety Critical Systems, HSRs**
- April – Key Topics: Design Notification Scheme (DNS), Vessel Activity Notification Scheme (VANS)
- May – Key Topics: to be advised
- June – Key Topics: to be advised

At a glance:

Administration of safety cases

- Ensuring that operators revise their safety case if there is a change to a control measure critical to safety.
- Ensuring that a revised safety case is submitted at five-year intervals.

Workforce health and wellbeing

- Workers to be given access the safety case at work.
- Duty to consider a broader range of factors when managing worker fatigue.
- Workers will be protected against discrimination for exercising their rights.

Sexual harassment and psychosocial health

- Clarifying the definition of “health” to include psychological health.
- Requirement to describe control measures against harassment and bullying in the safety case.
- New reporting requirements for incidents of sexual harassment, bullying and harassment.

Strengthening the role of Health and Safety Representatives (HSRs)

- HSRs will be required to complete initial training of up to five days, as well as one day of refresher training per year, with costs covered by their employer, and may choose their own NOPSEMA accredited training provider.
- HSRs will be able to request a review of safety management-related documents.
- NOPSEMA will now be provided with, and keep a register of, HSRs

Safety Cases

Transitional Arrangements – Safety Cases Submitted Prior to 12 June 2025.

- Safety cases currently under assessment will continue to be assessed under the current (2009) regulations.
- However, safety cases decisions made on or after 12 June 2025 must comply with the new 2024 regulations.
- Operators submitting safety cases from now until 12 June 2025 (and beyond) are encouraged to submit early and incorporate new regulatory requirements into their submission to avoid any potential delays.
- This includes new safety case submissions and **revisions to accepted safety cases**.

Safety Cases

Safety Case content requirements

- Notable changes to the regulations that should be considered in future submissions include:
 - Section 2.5(2) – identify which technical and other control measures critical to safety.
 - Section 2.5(6) – aspects related to design notifications (where applicable).
 - Section 2.15A – controls to prevent sexual harassment, bullying and harassment and reporting of incidents.
 - Section 2.26(1)(e) – this regulation makes clear that design notifications requirements will inform NOPSEMA's decision making regarding relevant safety cases.

Safety Cases

Clarifications: Technical and Other Control Measures Critical to Safety

- **Section 2.5(2) – Technical and Other Control Measures that are Critical to Safety:**
 - Establishes a direct link between “technical and other control measures” and those measures that are “critical to safety.”
 - Safety cases must identify which technical and other control measures are “critical to safety”.
 - Includes controls identified in the Formal Safety Assessment and implemented against MAEs.

Safety Cases

Clarifications: Technical and Other Control Measures Critical to Safety

- **Section 2.30(1)(g) - Safety Case Revisions:**
 - New trigger for revision - the loss or removal of a technical and other control measure identified in the safety case as being critical to a safety will require a revision.
 - This clarifies NOPSEMA's existing expectations on revision to safety cases, we don't see it as being an increased requirement.
 - Intended to apply to long term or permanent loss or removal of these controls, not temporary change.
 - There are exemptions that can be sought for "testing" or ceasing activities that use the control measure, if it is directly related.
 - NOPSEMA is developing further guidance on "loss or removal" and "testing" to provide clarity to operators.

Safety Cases

Clarifications: Technical and Other Control Measures Critical to Safety

- **Section 2.41 – Item 8 - Notification of Dangerous Occurrences:**
 - Previously, this section referred to “damage to safety-critical equipment”
 - Incident reporting now required for damage, loss or removal of “technical and other control measures critical to safety”.
 - Note the same wording as 2.5(2).
 - More permanent or long-term loss or change in these controls may trigger a revision of a safety case.
 - NOPSEMA is developing further guidance on the changes to notifications and reporting, including on “loss or removal”, to provide clarity to operators.

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Strengthening the Role of Health and Safety Representatives (HSRs)

		Safety Act
Safety Management-related Documents	HSRs can request the operator review safety management-related documents.	<i>Cl 37A of Sch 3</i>
Training	HSRs must attend <i>initial</i> training and <i>refresher</i> training each year, with costs covered by their employer.	<i>Cl 30 of Sch 3</i>
Training Provider	HSRs may choose their own training provider, as long as the provider is accredited by NOPSEMA.	<i>Cl 30(2) of Sch 3</i>
Health and Safety Committees	HSRs can be members of the Health and Safety Committee.	<i>Cl 41 of Sch 3</i>
Election Procedures for HSRs	Harmonised with the WHS Act.	<i>Cl 26(4) of Sch 3</i>
Register of HSRs	NOPSEMA to be provided with, and keep a list of, HSRs.	<i>Cl 27 of Sch 3</i>

Workforce Health and Wellbeing

Access to Safety Case	Workers can access the safety case while at work on the facility (can be a hard copy or an electronic document).	Safety Regulations <i>section 2.46A</i>
Fatigue Management	Duty holders must consider a broader range of factors that cause worker fatigue before allowing a person at an offshore facility to commence work.	Safety Regulations <i>section 3.1</i>
Clarify the Definition of 'Health'	Definition of health in the OPGGS Act changed to 'physical and psychological health'.	Safety Act <i>section 7</i>
Protection against Discrimination & Coercion	Protection for workers against discrimination and coercion consistent with the WHS Act (Cth).	Safety Act <i>clauses 88, 88A, 88B, 88C, 88D and 88E of Schedule 3</i>

Sexual Harassment – Prevention, Reporting and Investigation

New requirements in safety case for a facility

Safety case for a facility must describe measures put in place by operator to prevent sexual harassment, bullying and harassment.

Safety Regulations
section 2.15A

Reporting requirements

The operator must provide to NOPSEMA:

1. Notice of the incident of sexual harassment, bullying and harassment as soon as reasonably practicable
2. Within 30 days, a de-identified written report detailing the incident and the action taken or proposed to be taken to deal with the incident and to prevent or lessen similar incidents occurring at the facility in the future.

Safety Regulations
section 2.46B

New clause 37A OPGGS Act 2006

HSRs will be able to request a review of safety management-related documents

- Circumstance exists that affects the health and safety of workers at the facility and
- the operator has not adequately reviewed the documents in response to the circumstance.

Request via approved form - NOPSEMA website

- Document the circumstance that exists and how it affects workers.
- Reasons why HSR believes operator has not adequately reviewed.
- ASAP after receiving request operator must review the documents and respond in writing, that
 - Revision is necessary and the revisions operator intends to make and the reasons for each revision; or
 - Revision not necessary and an explanation as to why revisions are not required.

New clause 37A OPGGS Act 2006



Safety management-related documents

- *“safety management-related document is a document prepared by, or on behalf of, the operator of a facility that sets out, in whole or in part, a system for managing OH&S at the facility”*
- Systems for managing OH&S – Typical Elements
 - Permit to work system Facility Integrity Incident investigation
 - Safe work procedures Emergency response OHS & Personal safety
 - Management of Change Management leadership Training and competency
 - Risk assessments Facility design & Construction Contractor (Third party Services)

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Any questions?



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Continued engagement with industry



- NOPSEMA is in the process of updating guidance materials regarding these changes.
- Throughout the process, we will provide tailored communications to ensure industry, the workforce and our stakeholders understand the new requirements and what the regulator will seek.
- These communications include information sheets, FAQs, online reference materials, direct e-mails, letters and updates to titleholders, as well as online information sessions with industry

NOPSEMA will also be holding regular information sessions on the following dates:

- ~~Tuesday 18 March~~
- Tuesday 15 April – DNS, VANS
- Tuesday 20 May – TBA
- Tuesday 17 June – TBA

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