

THE 2023 - Issue 4 REGULATOR



Looking back on the year and what lies ahead

Developments in the offshore
industry and changes to come



NOPSEMA
Australia's offshore energy regulator

About NOPSEMA

The National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) is Australia's independent expert regulator for health and safety, environmental management, structural and well integrity for offshore petroleum and greenhouse gas storage activities in Commonwealth waters.

Under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, offshore petroleum and greenhouse storage activities cannot begin before NOPSEMA has assessed and accepted the required permissioning documents demonstrating how the activity will be managed to ensure the associated risks to the health and safety of the workforce are as low as reasonably practicable (ALARP) and risks and impacts to the environment are ALARP and are acceptable.

The Offshore Infrastructure Regulator (OIR) was established under the *Offshore Electricity Infrastructure Act 2021* to regulate of work health and safety, infrastructure integrity and environmental management for offshore infrastructure activities.

For more information, visit our website at nopsema.gov.au.

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OPGGS Environment Regulations remake coming in January

It seems like only a few short weeks ago that I first arrived at NOPSEMA and yet here we are, at the end of 2023 – with ten months under my belt already.

And not that I ever wanted or expected this role to be a quiet one, but 2023 has certainly been a busy time and indeed a challenging one.

What's been most gratifying to see for me is undoubtedly the sustained and diligent professionalism and expertise of my colleagues at NOPSEMA.

I want to thank them first and foremost and wish them a very well-deserved break over the festive period.

Without doubt the most upsetting incident this year was the fatal accident at Woodside's North Rankin facility.

As I have done previously, and particularly as the end of the year approaches, I extend our deepest sympathies to the family of the worker and all those present at the facility when the incident occurred.

I don't think it would be too much of an exaggeration to say that in 2023 NOPSEMA has been under the most scrutiny it has ever experienced, whether from the industry, our stakeholders or the general public – often through the lens of the media.

Our decision-making processes have been challenged in court, as have some of our ways of working.

While some of the issues are still before the court – and so it would be inappropriate to talk about them specifically – we have learned a great deal and are still learning more.

The manner in which industry engages with and consults with First Nations people has been a constant preoccupation for us in 2023 and we will continue to work with representative bodies and industry to foster a better representation of the views of Aboriginal and Torres Strait Islanders in the work that industry undertakes.

We are unequivocal in our recognition of the important role that First Nations people have in giving input to, and participating in, the protection of the environment and cultural heritage.



Message from the **Chief Executive** Sue McCarrey

To that end, it was with great pleasure that I saw so many representatives from a wide range of First Nations groups attend a summit we hosted in June where they were able to engage in a frank and open dialogue with representatives from industry.

This dialogue continues to this day in various forums and is a necessary and welcome step in the right direction.

Elsewhere – and still on the theme of learning – it's been pleasing to see the enthusiasm with which so many NOPSEMA colleagues have grasped the opportunity to educate themselves through a series of seminars we're hosting, focussed on increasing our understanding of Sea Country.

So, what else did 2023 bring us? Well, certainly for me a personal highlight was the International Regulator Forum's Offshore Safety Conference which NOPSEMA hosted in Perth as the current chair of the IRF.

It was wonderful to welcome and meet so many of our regulatory peers from around the world and engage in such a fruitful exchange of ideas and learnings in relation to safety in the offshore environment.

Inevitably we had to say a few goodbyes to valued colleagues this year too.

NOPSEMA is lucky to have an amazingly talented workforce and I know wherever my former colleagues have moved to, they are adding value along the way.

With goodbyes come new opportunities and I'm delighted to welcome Graham Blair who joined us in November.

I am confident that Graham, with his substantial industry experience and his role in gaining project approvals will be a great fit for NOPSEMA.

So, all that remains for me now is to wish you a happy holiday season and a happy, prosperous and safe 2024.

I hope you are all able to enjoy some well-deserved time off with friends and family over the festive period and come back refuelled and enthused for the new year.

Sue McCarrey
Chief Executive Officer



NOPSEMA launches its Research Strategy

NOPSEMA and OIR's combined Research Strategy 2024-2027 has now been published following extensive public consultation.

The revised Research Strategy highlights key science needs and provides stakeholders with a clear vision on what research priorities need addressing to improve the knowledge base to better inform decision making and environmental management of the offshore energy sector.

It incorporates a list of research priorities which will be periodically updated, based on current and emerging issues, to help guide industry and the research community with funding and scientific design decisions.

Our Chief Environmental Scientist Raquel Carter said NOPSEMA, as Australia's independent regulator of the offshore energy industry in Commonwealth waters, is in a unique position to identify key science needs to reduce uncertainty in decision making and improve environmental management outcomes.

"While we don't conduct or commission research, we rely on scientifically robust research to inform the evidence base for our decision making and fulfill our legislated functions," Raquel said.

"NOPSEMA's Research Strategy encourages a collaborative approach to prioritising, funding and designing research that will deliver outputs that enhance confidence in the environmental management of offshore energy projects that would otherwise be challenging to achieve when tackled by proponents individually."

Proponents routinely commission monitoring and research programs to suit the needs of an individual project, with environmental data collected and housed by the companies undertaking that research.

NOPSEMA has responded by promoting industry-wide collaborative approaches and encouraging the collection of fit-for-purpose data to address key research priorities, which have been identified through regulatory activities and the provision of advice to proponents and other environmental regulators of the offshore energy sector.

Feedback on the draft Research Strategy during the public comment period was received from more than 20 organisations with scientific, environmental regulatory and/or socio-economic interests in the offshore energy industry.

These included five Australian universities, three consultancies, four government and four non-government organisations. NOPSEMA appreciates the time taken in reviewing and providing constructive feedback on the strategy.

The full Research Strategy 2024-2027 is available on our [website](#).

Understanding offshore sexual harassment

NOPSEMA has completed an inspection program of major duty holders to better comprehend how the offshore oil and gas industry understands and manages sexual harassment risk.

The wide-ranging inspection program follows Resources Minister, the Hon Madeleine King MP, raising it as a regulatory priority for government through her Statement of Expectations to NOPSEMA as well as the momentum started by the Respect@Work report's findings and recommendations.

NOPSEMA's Projects Manager Chris Bourne conducted the program with Joelle Mitchell, Global Head of Psychological Health and Safety at FlourishDx.

"The goal was to get a baseline of current industry performance in relation to workplace sexual harassment," Chris said.

"Now that we have that we want to look at next steps industry should be taking."

Joelle highlighted risk assessment and transparency as a key element of the inspection process.

"In general, it appears that industry understands there's work to be done to transition from a position of managing sexual harassment as a purely industrial relations or human resources matter between individuals, to managing sexual harassment as a work health and safety risk," she said.

Meetings were held with 31 offshore Health and Safety Representatives (HSRs) as well as members of the offshore workforce.

In most cases, the feedback from HSRs confirmed the information provided to the inspectors by the onshore management team, describing the culture offshore as largely supportive and respectful, with very few instances of sexual harassment recalled.

The inspection program looked at a number of themes, taken largely from the [Respect@Work Good Practice Indicators Framework for Preventing and Responding to Workplace Sexual Harassment](#).

Leadership

It was found only a few organisations had well developed mechanisms in place to inform leaders about sexual harassment risk factors and associated management strategies.

Duty holders are being advised to consider how they can ensure their board and executive are adequately informed about the risk factors for sexual harassment within their organisation and industry.

Knowledge

Most duty holders were found to have a requirement in place for employees – including organisational leaders – to complete training on respectful behaviours and sexual harassment as part of their onboarding and at regular intervals post-onboarding.

However, the quality of training materials appeared to vary significantly, ranging from reading policy documents through to the use of actors to engage participants in role-play scenarios.

Culture

Most duty holders were seen to have achieved or were approaching gender balance at the board and executive levels of the business, although most noted that gender balance was more difficult to achieve offshore, largely attributed to low turnover rates in the offshore sector.

Achieving gender balance offshore and providing access to flexible work for offshore workers appear to be the most significant culture challenges for duty holders.

Risk assessment and transparency

The inspection program noted that most duty-holders have started work to build the necessary systems of work to ensure the identification and mitigation of sexual harassment risk factors within their organisations.

Organisations not yet reporting to their board and senior leaders on their progress in this area are advised to establish governance structures to keep senior leaders informed of sexual harassment risk factors and mitigations.

Support

Duty holders were noted to provide a variety of internal support options for workers affected by sexual harassment, which was largely consistent across the group and appears to be well-managed.

However, while consideration has been given to the practical aspects of support likely to be necessary, such as physical safeguarding and information about process, the provision of trauma-informed support was less consistent. Similarly, the risk of harm to support staff, including the risk of vicarious trauma, was inconsistently managed.

Reporting

As was seen regarding support, processes for reporting appeared to be consistently well-established across the duty-holders involved in the inspection program.

Many duty-holders reported grappling with the challenge of maintaining a trauma-informed approach to reporting should the reporter choose not to pursue a formal investigation, and their broader duty of care to maintain a working environment that is safe and without risk to health.

Measuring

In companies where governance structures are in place to inform organisational leaders and board members about sexual harassment, it was observed that these structures are only as good as the data they can report.

The existing reliance on individuals to report cases of sexual harassment, combined with the lack of proactive anonymous data collection via existing employee surveys or other sources, suggests that industry does not have a reliable picture of the current prevalence of sexual harassment.

Next steps

In 2024 NOPSEMA plans to carry out another round of sexual harassment benchmarking inspections, focussed on different duty-holders, including mobile offshore drilling unit (MODU) and vessel facility operators, to further gain a comprehensive knowledge of the prevalence and management of harassment, and in particular sexual harassment, in the Australian offshore oil and gas industry.

"This is a really important piece of work which can make a massive difference to the lives of thousands of people working offshore," Chris said.

"With the increasing awareness of the importance of mental health, it's more important than ever that we all work to ensure everyone is able to enjoy a safe and respectful workplace, free from bullying and harassment in any form."

Reflecting on developments in consultation

A message from Cameron Grebe Head of Environment, Renewables and Decommissioning

It's been a big year for the industry to reflect on some of the major developments, issue and challenges regarding the offshore environment in which the sector operates.

A lot of this has been around how the industry can better cooperate and share learnings from and with First Nations communities on responsible resource management on Sea Country.

This year brought about significant changes for industry and stakeholders alike – almost overnight – as a result of the Federal Court Appeal Decision on the Santos Barossa case.

This change in approach has impacted progress for offshore activities, resulting in a huge increase in workload, pressure, and expectations of those being consulted.

As we come to the end of the year, it's typically a good time to look back on the work and achievements, and our focuses for the new year.

It is also an important time for many First Nations communities as they move into the period of Law and ceremony that distinguishes this time of year – a time to reflect on the importance and role of their connection to Sea Country where the industry operates.

First Nations people have a deep and personal understanding of how the environment works and hold a strong custodianship and responsibility to protect it.

From a regulatory perspective, Sea Country is a relevant part of the environment that must be considered.

The regulations define the environment to include cultural features and heritage values.

There is a range of different elements of what Sea Country embodies covered in the Environment Protection and Biodiversity Conservation (EPBC) framework and our regulations.

A more challenging space is the “intangible” cultural features of First Nations peoples and communities that relate to places, parts of ecosystems (such as totemic species) and creation stories that hold an important place in traditional culture and Law.

It's about learning from each other through two-way knowledge sharing of the marine environment to ensure its future for all.

Some examples of good practice are expansions of programs for communities to be involved and participate in monitoring and caring for Country, be it ranger programs or environmental monitoring programs.

The Australian Institute of Marine Science (AIMS) in particular is doing great work with indigenous-based science and research programs with First Nations people.

We also had a great opportunity to participate in the National Sea Country Alliance Summit in Darwin in November, with our CEO Sue McCarrey being part of a panel discussion on the current regulatory and statutory pressures on First Nations communities and the offshore energy industry.

Some great conversations were had and the outcomes from the event point towards better solutions to come.

We're heartened by the progress being made for First Nations representative bodies and industry to work together to find a more effective pathway to achieve a consultation outcome that meets everyone's needs.

We're working closely with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the First Nations heritage protection reforms and the development of a new national environmental standard for First Nations engagement, which you can read more about on their website: [First Nations heritage - DCCEEW](#)

NOPSEMA is also working with the National Native Title Council (NNTC) to develop good practice guidance for assessment and management of cultural heritage.

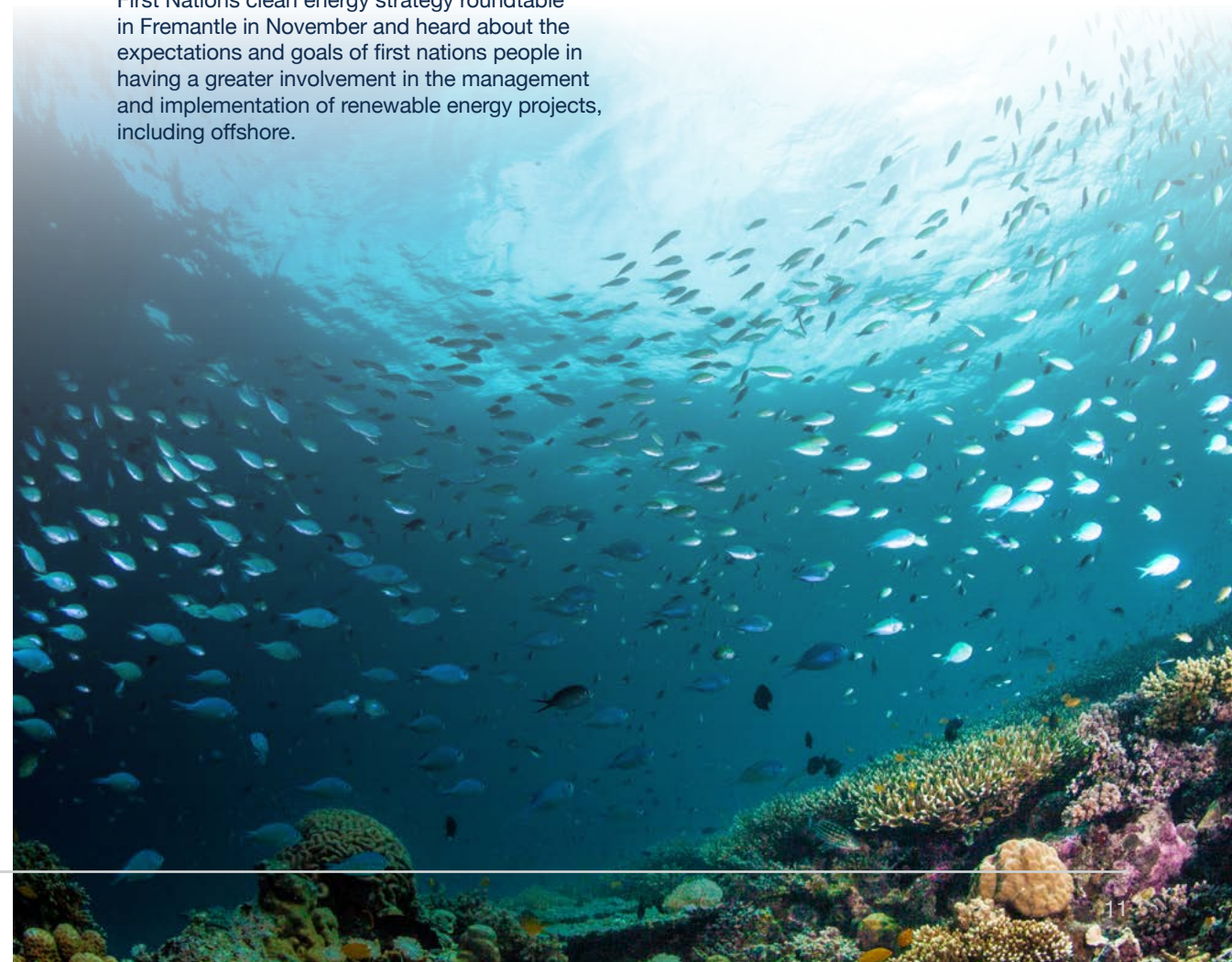
This work also applies to renewables – as we had the opportunity to participate in DCCEEW's First Nations clean energy strategy roundtable in Fremantle in November and heard about the expectations and goals of first nations people in having a greater involvement in the management and implementation of renewable energy projects, including offshore.

NOPSEMA recently engaged Professor Amanda Kearney from the University of Melbourne and San Diego State University to develop and deliver a bespoke training session to deepen our understanding of Sea Country.

We were able to benefit from Professor Kearney's leadership as a social scientist who has spent the last 25 years working with Yanyuwa, Garwa and Mara families in the Gulf of Carpentaria, Australia.

The discussions were incredibly thoughtful and there is much optimism around the future of two-way understandings of Sea Country in the regulatory space.

Looking ahead to 2024, we welcome and look forward to cooperation that can ensure that First Nations interests are understood, managed, and protected appropriately – it's all part of responsible resource development and care for the marine environment.





Meet our new Deputy CEO for Regulatory Operations

An introduction from Graham Blair

It is with great pleasure that we introduce our new Deputy CEO for Regulatory Operations, Graham Blair.

As NOPSEMA undergoes an organisational restructure, our leadership is reflecting this change, with Graham fully stepping into this new role in February 2024.

Until then, Graham is acting as the Head of Division for the existing Safety and Integrity.

Graham has more than 20 years of industry experience with Royal Dutch Shell in both in Australia and internationally, ranging from a petroleum engineer to a ventures advisor for Australia and Asia.

This is Graham's first step into government, a move through which he will be able to apply his wealth of knowledge and skills in the regulatory environment.

We'll hand it over to him to tell you more.

“I'm most interested in challenging roles where I feel I can add value and create significant benefit for organisations.

I know this is a lofty ambition, but I really am driven by having the Australian people as our ultimate stakeholder and that accountability is highly motivating.

It also brings me a sense of pride to be giving something back to the nation that's become my adopted home.

Hailing from Glasgow in Scotland, I've worked not just in my home country but also in the Netherlands, Malaysia and the U.S.

I started out my career as a petroleum engineer and over the years have worked my way up through technical, coordination and project roles.

Much of my experience in recent years was driving regulatory requirements for new ventures in new countries.

In these roles I was routinely managing, influencing and introducing new regulatory requirements, as well as negotiating ones that were potentially outdated or difficult to work with.

This was ideal preparation for my move to NOPSEMA.

Having worked in industry for many years, I like to think I have a good appreciation of the drivers of operators and titleholders and what they might be thinking, and my more recent roles have involved ensuring compliance with regulatory requirements.

So, what's ahead for my first year as a regulator?

My main focus for the coming year is to develop my competency and understanding of the big topics NOPSEMA is facing.

I'm an enthusiastic and passionate learner, so I want to understand the expertise we have in the agency and how it can be leveraged.

Coming into a newly created role provides a great opportunity to hear from our people with so much experience and insight into all aspects of NOPSEMA – to let their opinions, views, and passions be known to myself and leadership.

I want to find out where we can take NOPSEMA as it embraces industry developments and any changes to the regulatory environment to ensure the agency remains not just relevant and fit for the future, but actually continues to improve.

Simply put, my vision for NOPSEMA is to just be the best regulator.

And seeing the inner workings of the regulator has already exceeded my expectations.

Everyone has made me feel very welcome and have made it clear they have an expectation that I will be a valuable asset, which is a great place to land.

I'm enjoying how modern, progressive, and comparable to my industry experience this environment is.

This new role as a deputy CEO is a very tempting blend of being able to apply my existing skills, knowledge, and leadership experience I gained in industry.

And even better, I get to do this alongside a challenging and diverse environment where I also get to learn and grow as I play a leading role in the organisation.

The underlying principles and values of NOPSEMA, and the Australian Public Service, line up perfectly with my own – they are clearly prominent in the agency and its leadership.

I'm most motivated by ensuring we remain excellent in everything we do, which includes providing a safe and happy workplace.

I'm here to serve – not just the public and our stakeholders, but the leadership and all colleagues within NOPSEMA.

I look forward to working with you all as we navigate the upcoming challenges in the new year and beyond. ”

Restructuring a fresh focus on regulatory processes

NOPSEMA has undertaken an organisational review to provide a more sustainable and integrated structure to respond to current and future changes in our regulatory environment.

The restructure will incorporate two new Deputy CEO positions for our two regulatory divisions.

Cameron Grebe, who has been with NOPSEMA for many years, will take on the title of Deputy CEO Strategic Regulation and Improvement.

The new role will utilise Cam's expertise and experience to help guide NOPSEMA to be a more strategic and risk-based regulator.

Graham Blair, who joins us following more than 20 years with Royal Dutch Shell in both Australia and internationally, has been recruited into the role of Deputy CEO Regulatory Operations, which he will head-up from February 2024.

Graham brings to NOPSEMA extensive experience at an executive level – his roles have included driving regulatory compliance of new ventures, high level stakeholder management, and a technical background across the subsurface area including an understanding of risk.

As part of the transition process, Cameron and Graham will work alongside each other for some period of time to ensure there is a transfer of knowledge between the two.

NOPSEMA CEO Sue McCarrey said the more integrated regulatory operations structure focuses on the evolution of regulation and investment in appropriate resources to regulate the industry through compliance activities and into the future with strategic regulation and improvement.

This will allow day-to-day regulatory operations to continue while we also look to the future on an ever-changing industry.

“These changes are important to help achieve our vision of a protected offshore workforce and environment and to fulfil our purpose to assure the protection of lives and the environment,” Sue said.

“Internally, it will provide staff opportunities for new roles, development and career pathways, which will help further strengthen our operations.

“While we will have some new titles and positions, assessment and compliance processes under the regulations will remain unchanged.”

Industry stakeholders should continue to engage with their primary NOPSEMA contacts and will be advised of any personnel changes that affect them.

Staff in new roles will engage with industry and other stakeholders in 2024 to advise of any changes.

Now that the regulatory divisional structure has been established, work will proceed to implement the regulatory structure changes on February 1 2024.

Advertising for vacant Executive Director and Director roles has started and will continue into January to include other regulatory team vacancies.

By June 2024, NOPSEMA will be looking towards embedding its new best practice format.

What are geophysical investigations for offshore renewables?

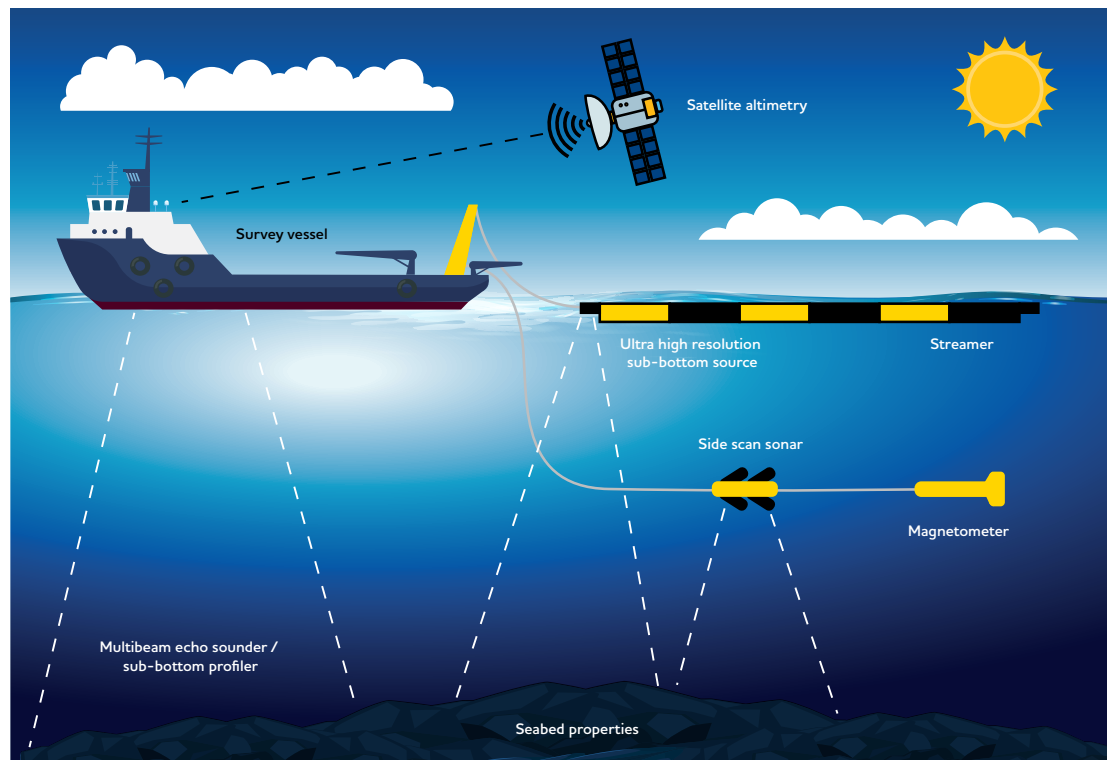
What is a geophysical investigation?

Geophysical investigations for offshore renewables are non-intrusive surveys that are carried out by vessels to gather information about a project area, such as the features and composition of the seabed, where developers plan to install infrastructure.

Geophysical investigations are also used to identify any hazardous areas or risks, archaeological features, abandoned structures or significant habitat that needs to be considered during design and construction of renewable energy projects, such as an offshore wind farm.

Equipment for geophysical investigations typically includes multi-beam echo sounders, sub-bottom profilers, side scan sonar, magnetometers and underwater cameras. It is common for commercial ships, fishing vessels, research vessels or even recreational boats to use sonar and echo sounders to visualise the make-up of the seafloor.

The data gathered from geophysical investigations is used to produce maps which are then used to inform the design and layout of a wind farm.



Why are geophysical investigations necessary?

At the very early stages of offshore renewables developments, geophysical investigations are important to:

- Determine the make-up of the seabed (Is it hard or soft? Are there hills, reefs or deep holes?).
- Map and define the seabed to provide planners with the knowledge that there is enough information available to proceed confidently and safely.

- Provide a model supported by data taken from geotechnical information. It is akin to examining the sub-surface through a keyhole.*

*Source - How a geophysical survey is crucial to offshore wind farm planning, Acteon, accessed 6 November 2023.

How are offshore renewables geophysical investigations different to offshore petroleum seismic surveys?

Marine seismic surveys conducted for offshore petroleum are not conducted for offshore renewables.

Offshore petroleum

Marine seismic surveys are a form of geophysical survey typically used to generate high resolution images of deep geological layers (many kilometres below the seafloor). These are often undertaken for the purpose of locating potential hydrocarbon reservoirs.

A higher intensity noise source is needed to penetrate the seabed to the required depths and produce high quality images.

Offshore renewables

Geophysical investigations are conducted to gather information on the composition of the seabed where infrastructure for offshore renewables is planned to be installed.

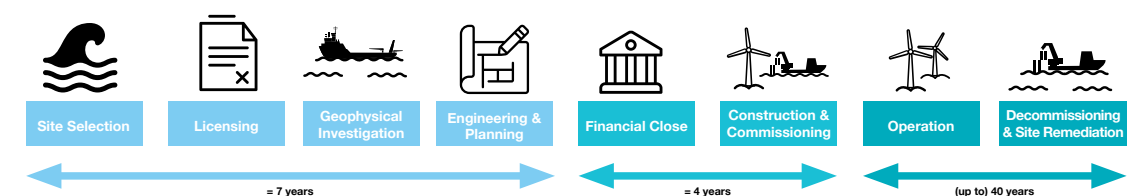
These can generate suitable data with much lower intensity acoustic sources. Data on the seabed and shallow geological layers is used to inform engineering, layout, and design of infrastructure such as wind turbines and selection of cable corridors.

Geophysical investigations for offshore renewables use different types of equipment and survey methods with much lower sound levels and lower potential for environmental impact.

The most common approaches to reduce impact to marine life is to schedule offshore investigations to avoid times when interactions are likely to be high, keep vessels at low speed, and maintain trained marine fauna observers throughout the investigation.



Timeframe for a typical offshore wind farm development



OPGGs Environment Regulations remake coming in January

As of 10 January 2024, the remade Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2023 (2023 Environment Regulations) instrument will come into force.

The current 2009 version of the Regulations that were due to sunset, or expire, have been remade into the 2023 Environment Regulations in essentially the same form with no substantive changes to policy.

The revisions are limited to minor amendments to provide consistency with current drafting practices, simplify language, and restructuring and renumbering of regulatory provisions for ease of navigation.

To assist stakeholders, NOPSEMA has created a concordance table to provide a readily accessible 'before and after' for each provision of the 2009 Environment Regulations.

Titleholders intending to submit environment plans (EP) close to the January 2024 changeover are encouraged to reference the new 2023 Environment Regulations provisions.

However, NOPSEMA acknowledges this may be inconvenient with some EPs that are well progressed and close to being finalised.

For any submissions made close to 10 January that reference the 2009 Environment Regulations, these references will be clarified in NOPSEMA's assessment as part of the EP assessment process before being returned to titleholders.

Further information on the remade environment regulations can be found in the [Explanatory Statement](#) on the Federal Register of Legislation.



Avoiding heat exposure this summer

While many of us look forward to the summer period and its hot days, these months can pose a particular hazard to offshore workers.

With many offshore workers exposed to heat and hot environments, it pays to know the risks and how to mitigate them.

The Bureau of Meteorology long-range forecast from December to February indicates most of Australia is at least twice as likely to experience unusually high maximum temperatures.

This increases to more than four times as likely for most of western and central Western Australia.

In the same period, most of Australia is more than twice as likely to experience unusually high minimum temperatures, increasing to four times as likely for most of northern Australia (excluding central coastal Queensland) extending into the southern interior of WA.

Occupational exposure to heat can result in injuries, disease, reduced productivity, and fatalities.

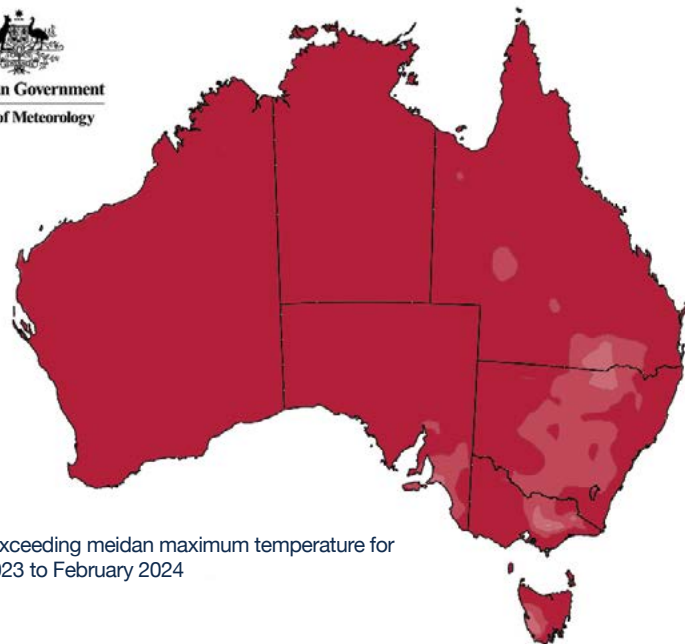
While these risks and the symptoms of heat stress are well recognised in the offshore petroleum industry, it pays to be cautious at this time of year, especially considering what lies ahead in January and February.

Preparing for heat hazards requires significant understanding and planning prior to conducting operational, inspection, maintenance, and decommissioning activities during the warmer months in Australia, particularly in WA.

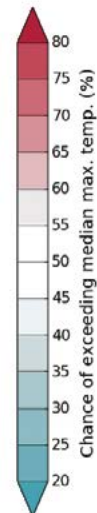
Modifying the workload, re-scheduling work to cooler times of the day, and engaging mechanical aids to minimise physical exertion can help reduce the risk of heat stress.

It is also important to make sure workers have ample access to drinking water, shaded rest areas, and regular breaks.

For more information on the system implemented by your employer to prevent and mitigate working in heat risks, talk to your supervisor, health and safety representative (HSR) or occupational hygienist.



Chances of exceeding median maximum temperature for December 2023 to February 2024



The importance of a perfectly fitted respirator

Respiratory protection is essential for a variety of offshore activities including tank entry, surface preparation, abrasive blasting and welding, among others.

This specialist equipment protects workers against occupational exposure to inhalation of hazardous substances and chemicals.

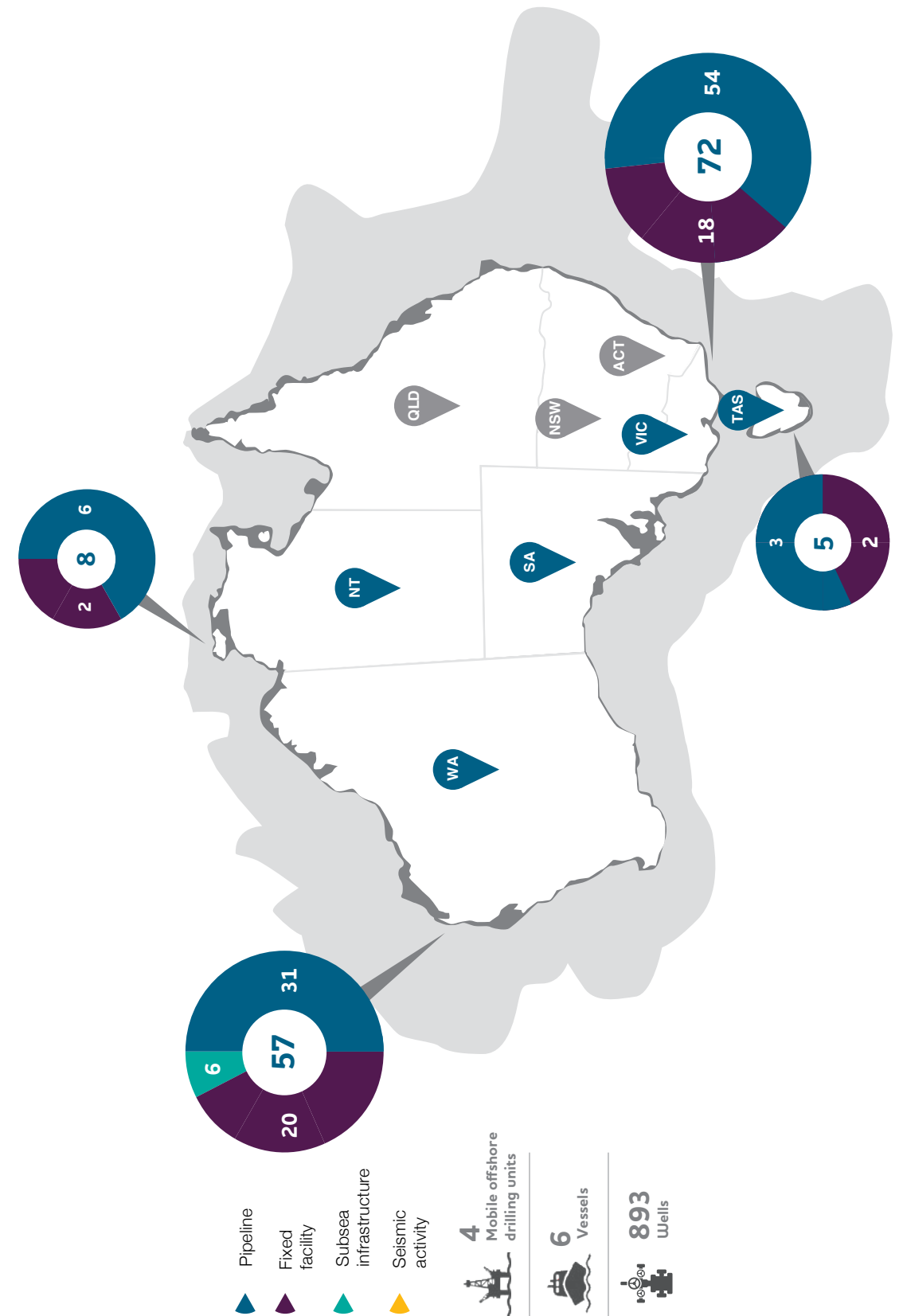
Currently the only means to assess the expected level of protection is for individual workers to pass a respirator fit test.

Without a fit test, the wearer will not be given the optimum level of protection that can be provided by the respirator.

Where respirators are required and Australian New Zealand Standard (AS/NZS) 1715 respiratory protection standard is applied, a respiratory protection program should be implemented.

This program should include individual fit testing employees to verify the respirator can achieve the requisite seal with the wearer's face.

Offshore activity Q3 2023





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