

OHS Improvement Notice

Offshore Petroleum and Greenhouse Gas Storage Act 2006, Schedule 3 clauses 78, 78A and 78B

Notice No: **Enforcement No. 1989**

Date: 20/03/2025

To: McDermott Australia Pty. Ltd.

In conducting an OHS inspection in relation to the DLV2000 facility ("facility"), I [REDACTED], a NOPSEMA inspector appointed under section 602 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* ("the Act"), am satisfied on reasonable grounds that:

McDermott Australia Pty Ltd ("McDermott") 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 facility.

The contravention that I am satisfied has been contravened and is likely to be contravened again is clause 9(1) of schedule 3 of the Act.

The reasons for my opinion are:

McDermott had failed to take all reasonably practicable steps to ensure that the portable generator ("generator") was safe and without risk to the health and safety of any person at or near the facility by failing to secure the generator in accordance with the Facility Cargo Securing Manual ("Manual") and the International Maritime Organisation Code of Safe Practice for Cargo Stowage and Securing ("IMO Code of Safe Practice").

I attended an inspection at the facility which commenced on 5 March 2025 and observed that:

- The incorrect securing of the generator resulted in the generator shifting, when the generator was used as a secure point for belaying a tag line, subsequently the tag line became snagged. The Manual does not describe the assurance procedure to ensure the generator has suitable sea fastening.
- The sea fastening of the generator at the facility consisted of only a single vertical dog on the starboard forward side and an anti-skid plate on the aft side, with no transverse port or starboard anti-skid plates, and therefore did not take into account transverse or vertical acceleration. The Manual and the IMO's Code of Safe Practice require, in the sea fastening of cargo such as the generator, that securing devices takes into account transverse and vertical acceleration.
- McDermott did not provide me with a copy of the following information for securing the cargo at the time of the incident:
 - i. the deck loading calculations for the generator or sign-off, to indicate that calculations and securing were completed in accordance with the Manual; and
 - ii. procedures such as the cargo securing sign-off procedure for light ships verification.


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:

Failure to adequately secure facility cargo in accordance with the Manual and the IMO Code of Safe Practice may result in increased risks to the health or safety of persons at the facility and a serious incident. This eventuated when a crew member was seriously injured when, during lifting operations, a generator tipped onto the crew member likely as a result of it not being adequately sea fastened.

I am satisfied on reasonable grounds that the following action(s) must be taken by the responsible person to reduce or prevent the risk:

1. Implement an oversight process, which includes but is not limited to the inspection and sign-off of cargo securing by a designated authority, to ensure that cargo is secured at the facility in accordance with the Manual and IMO Code of Safe Practice;
2. Implement training at the facility for cargo securing requirements in alignment with the IMO Code of Safe Practice.
3. Maintain records of compliance for the implementation of action items 1 and 2.

You are required to take action to reduce or prevent the risk within **30** days from the date of this notice.


NOPSEMA INSPECTOR
wA945154

20 March 2025

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

Post: Level 10, 58 Mounts Bay Road
PERTH WA 6000

Email: submissions@nopsema.gov.au

Name: [REDACTED]
Position: **NOPSEMA INSPECTOR**
Contact number: +61 8 6188 8700

By signing below, I confirm on behalf of McDermott Australia Pty Ltd ("McDermott") that the specified action described in Improvement Notice No. 1989 has been undertaken within the period specified.

Signed:

Date:

(to be signed by responsible person only when the notice has been complied with)

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 which 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 78b 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.