

# Safety Case Assessment

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## 1. Purpose

The purpose of this policy is to provide a documented, systematic and consistent approach for the conduct of a safety case assessment.

This policy supports and provides detail to the overarching assessment policy. This policy should therefore be read in conjunction with N-04000-PL0050 – Assessment.

## 2. Scope

This policy applies to the assessment of all safety cases and revised safety cases submitted to NOPSEMA under the Commonwealth Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 [OPGGS(S) Regs] and the relevant state and Northern Territory equivalents.

## 3. Relevant legislation

Commonwealth Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009.

It should be noted that dependant on the location of a facility state or territory legislation may apply which may or may not mirror the Commonwealth legislation. For simplicity this policy only makes explicit reference to the Commonwealth legislation, however, this policy will be applied equally regardless of jurisdiction.

## 4. Safety case engagement plan

NOPSEMA has a legislated function under Section 646 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* to provide advice on occupational health and safety matters relating to offshore petroleum operations or offshore greenhouse gas storage operations. As part of this legislated function, NOPSEMA is committed to being responsive to operators' information needs during the safety case assessment process. This includes engagement with the operator from the early stages of introduction to the regime through to commencing activities. Where appropriate, NOPSEMA will develop a safety case engagement plan in accordance with N-04300-SOP0112 and N-04300-FM0784.

## 5. Pre-assessment

All safety case submissions made to NOPSEMA shall undergo a pre-assessment process to confirm that:

- the requirements of OPGGS(S) Regulation 2.50, or relevant State or NT equivalent, have been met (details of person making submission)

- the basis for making the submission is clear (i.e. under which regulation or sub regulation the submission is being made)
- the submission is being made by an operator
- where applicable, a scope of validation has been agreed
- NOPSEMA's preference for an electronic copy has been met.

An unsuccessful pre-assessment may result in a submission being returned or the commencement of the assessment being delayed.

Operators shall be notified in writing when a safety case submission has been received and the assessment commenced.

## 6. Assumption that information submitted by the operator is correct

In general, a fundamental assumption shall be made that the information provided by the operator in the safety case is correct.

## 7. Assessment conducted on the submission and any requested further written information

The lead assessor will make judgements on the adequacy of the safety case based on the content of the safety case submission [including documentation required under OPGGS(S) Regulation 2.11 (b)] (workforce consultation) and, where applicable, further written information that may be requested by NOPSEMA during the assessment [OPGGS(S) Regulation 2.25 & 2.33], see also section 11 of this policy.

To expedite the assessment, the operator and NOPSEMA should both participate fully and openly in a two-way communication process, before and during the assessment, to ensure that any requirements for further written information, if applicable, are addressed in a timely manner.

## 8. Assessment in accordance with the regulations

NOPSEMA's acceptance decision will be based on a three-part assessment of the safety case against criteria contained in the OPGGS(S) regulations as tabled below. However, NOPSEMA may take into consideration any information that is relevant, providing the information is current and correct.

Part	Assessment area	Safety case assessment criteria overview
1	<b>General</b>	NOPSEMA shall assess whether, in general terms, the safety case is appropriate to the facility and the activities to be conducted at the facility [OPGGS(S) Reg 2.26 (1)(a) or 2.34 (1)(a)] and complies with all items required by subdivisions A, B and C of Division 1 for each stage in the life of the facility in respect to which the safety case is submitted [OPGGS(S) Reg 2.26 (1)(b) or 2.34 (1)(b)] and Subdivision D of Division 1 [OPGGS(S) Reg 2.26(1)(c) or 2.34 (1)(c)].

2a	<p><b>General</b> (detailed assessment of specific regulations)</p>	<p>NOPSEMA shall always assess in detail the extent that the safety case complies with the content, and appropriateness requirements with respect to:</p> <ul style="list-style-type: none"> <li>• OPGGS(S) Reg 2.5 (2): the requirement that the description of the formal safety assessment provides evidence that the FSA: identifies all hazards with the potential to cause a Major Accident Event (MAE); is a detailed and systematic assessment of the risk associated with those hazards, including the likelihood and consequence of each MAE; and identifies the technical and other control measures that are necessary to reduce that risk to a level that is as low as reasonably practicable.</li> <li>• OPGGS(S) Reg 2.5 (3)(a): the requirement for the description of the safety management to provide evidence the system is comprehensive and integrated.</li> <li>• OPGGS(S) Reg 2.5 (3)(e): the requirement for the description of the safety management system to provide evidence the system provides for the reduction of risks to health and safety to a level that is as low as reasonably practicable.</li> <li>• In so far as it is impractical to assess in detail every aspect of a safety case with respect to the abovementioned three regulations these will be addressed in detail as part of the sampling component of the assessment described in section 2b below.</li> <li>• OPGGS(S) Reg 2.11 (1)(a): the requirement for effective consultation with, and participation of, members of the workforce in the development of the safety case.</li> <li>• OPGGS(S) Reg 2.11 (1)(b): the requirement for the safety case to adequately provide for effective consultation with, and participation of, members of the workforce so they can arrive at informed opinions about the risks and hazards to which they may be exposed on the facility.</li> <li>• Noting that Reg 2.11 (2) requires documentation to support the demonstration required in Reg 2.11 (1) but that Reg 2.11 (1)(a) is not necessarily a safety case content requirement although an operator may choose to incorporate the documentation into the safety case.</li> </ul>
2b	<p><b>Topic-based</b> (sampling of selected topics)</p>	<p>For new safety case submissions and 5-yearly revisions NOPSEMA shall also conduct a detailed assessment of three or more topic areas. An exception to this could be if the safety case only relates to a small component of a stage in the life of the facility where the number of MAEs identified is limited. This shall be undertaken by considering the extent the safety case adequately addresses the content and appropriateness requirements of an applicable selection of the regulations with respect to the topic area.</p> <p>Wherever possible at least two of the topic areas will be focused on specific MAEs.</p> <p>The scope of this component of the assessment will, where possible, be informed by relevant prior assessments, inspections and investigations and consider factors such as (but not limited to): levels of risk,</p>

		<p>uncertainty, use of novel technology, and the timing and geographical location of particular activities.</p> <p>For assessment of other types of safety case revisions, the selection of specific topics for assessment will be based on the nature of the revision, the extent of the changes to the safety case submission made by the facility operator, and the factors detailed above.</p>
2c	<b>Detailed</b> Disconnectable facilities	<p>For facilities that have the capability to disconnect from the production riser NOPSEMA shall assess if the command structure, proposed in accordance with the requirements of OPGGS(S) Reg 2.8, is appropriate. In conducting this aspect of the assessment NOPSEMA shall, in conjunction with the Australian Maritime Safety Authority, where appropriate, ensure the following criteria is applied:</p> <ul style="list-style-type: none"> <li>• a clear organisation structure for connected mode, planned disconnect, unplanned disconnect, coastal voyage and international voyage is demonstrated</li> <li>• the proposed organisation structure is to consider the IMO's International Convention on Standards of Training, Certification and Watch keeping for Seafarers (STCW) 1978, as amended, regarding qualifications</li> <li>• the proposed organisation structure is in accordance with the requirements of the International Convention on the Safety of Life at Sea and IMO Resolution A890 (21) <i>Principles of Safe Manning</i>.</li> </ul>
3	<b>Validation</b>	<p>In the case in which validation has been requested, NOPSEMA shall assess whether the person(s) undertaking the validation meet the criteria specified and the validation complies with OPGGS(S) Reg 2.40 [OPGGS(S) Reg 2.26 (1)(d)].</p> <p>NOPSEMA policy regarding validation is addressed in Policy N-04200-PL0286 - Validation.</p>

## 9. Revised safety cases shall be appropriately assessed

Assessments of revised safety cases will focus primarily on the basis for the revision and will not, in most cases, encompass a complete reassessment of the safety case. However, given the nature of the detailed component of the assessment process described above a revised safety case may not only be rejected, but NOPSEMA may subsequently request that the safety case in force be revised [as provided for under OPGGS(S) Reg 2.31(1)].

## 10. Concurrent assessments of revised safety cases shall not be undertaken

In cases where an operator has already made a submission under OPGGS(S) Reg 2.24, 2.30, 2.31 or 2.32, and has not yet been notified of a decision and subsequently makes another submission of a revised safety case under the regulations, NOPSEMA shall notify the operator that it is unable to make a decision with regard to the subsequent submission and set out a proposed timetable, if possible, for its consideration of the revised safety case [OPGGS(S) Reg 2.35 (1)(b)].

## **11. Requests for further written information shall be limited**

### **11.1. New safety cases**

For new safety cases with a 90-day notification period, NOPSEMA will limit the number of times further written information is sought from the operator under OPGGS(S) Reg 2.25 (1) to a maximum of two. If there is a requirement for more than two requests for further written information, then it is considered that there is, ostensibly, an inability for the operator to provide the additional information sought. Any further requests are generally not appropriate and if the safety case is still not capable of being accepted then it should be rejected. Note that for new safety cases, NOPSEMA must allow not less than 30 days for an operator to provide the requested further written information each time further written information is sought.

However, if after two cycles the NOPSEMA believes that it is appropriate to seek yet further written information, rather than making a decision to accept or reject a safety case, NOPSEMA may do so but will document the reasons. NOPSEMA will generally only seek a further round of written information in exceptional circumstances, such as where it is clear that there has been a misinterpretation regarding the information being sought or where only minor further clarification is likely to resolve the issue.

### **11.2. Revisions to an existing safety case**

For revised safety cases with a 30-day notification period, NOPSEMA will limit the number of times further written information is sought from the operator under OPGGS(S) Reg 2.33 (1) to a maximum of one. Note for a revised safety case, NOPSEMA must specify a period of not less than 10 days within which the information requested must be provided. As with new safety cases, if after seeking additional information, NOPSEMA believes it is appropriate to seek yet further written information, NOPSEMA may do so but shall document the reasons.

As mentioned above, NOPSEMA will generally only seek a further round of written information in exceptional circumstances, such as where it is clear that there has been a misinterpretation regarding the information being sought or where only minor further clarification is likely to resolve the issue.

## **12. Notice of assessment decisions shall be timely**

NOPSEMA shall ensure that operators are notified of decisions in accordance with the applicable regulation [OPGGS(S) Reg 2.27 (1) or 2.35 (1)]. Where NOPSEMA notifies an operator that it is unable to make a decision and sets out a proposed timetable for consideration of the safety case [OPGGS(S) Reg 2.27 (1)(b) or 2.35 (1)(b)], the reasons for being unable to make a decision shall be included in the notification.

In the absence of any other reasons, the inability to reach a decision to accept a safety case or revised safety case will be considered an indicator of the safety case's quality and hence a notification of a negative decision, within the legislated time frame, is preferred over further requests for written information.

### **13. Acceptance decisions shall be unconditional and without limitations**

Although the regulations make provision for imposing limitations or conditions, in respect of the facility or activities at the facility, on the acceptance of a safety case or revised safety case [OPGGS(S) Reg 2.26 (5) or 2.34 (5)], this will only be done in exceptional circumstances after consultation with, and agreement from, the NOPSEMA CEO. In the absence of any other reasons the inability to reach a decision to accept a safety case without conditions or limitations should be an indicator of the case's quality and hence a negative decision is preferred over imposing limitations or conditions on the acceptance.

### **14. Negative decisions shall be handled consistently**

Where NOPSEMA rejects a safety case under OPGGS(S) Reg 2.26 (3) or a revised safety case under OPGGS(S) Reg 2.34 (3), it has an obligation to provide the operator with a reasonable opportunity to change and resubmit the safety case.

Where an amended safety case is subsequently rejected under OPGGS(S) Reg 2.26 (4) or 2.34 (4), the regulations place no further obligation on NOPSEMA to provide a reasonable opportunity for the operator to further amend and resubmit the safety case. However, there is nothing within the OPGGS(S) Regulations to prevent the operator from making a new submission under OPGGS(S) Reg 2.24, 2.30 or 2.32, as applicable.

If a revised safety case is rejected, OPGGS(S) Reg 2.36 specifies that the original safety case remains in force. However, if a revised safety case is rejected under OPGGS(S) Reg 2.34 (4) NOPSEMA shall consider whether it is appropriate to withdraw acceptance of the safety case in force in accordance with OPGGS(S) Regs 2.37 and 2.38, as guided by the NOPSEMA Enforcement Policy.

Following any rejection of a safety case, the following should be noted regarding the notification period for a resubmitted safety case:

- OPGGS(S) Reg 2.27(1) specifically provides that NOPSEMA has 90 days to notify the operator of a decision whether the submission is of a new safety case under OPGGS(S) Reg 2.24, or of an amended and resubmitted safety case under OPGGS(S) Reg 2.26 (3).
- Likewise, OPGGS(S) Reg 2.35 (1) provides that NOPSEMA has 30 days to notify the operator of a decision whether the submission of revised safety case under OPGGS(S) Reg 2.30, 2.31 or 2.32, or of a revised part of a safety case (as amended and resubmitted) under OPGGS(S) Reg 2.34 (4).

### **15. Validation statements**

If, after completing its assessment of a safety case or revised safety case where a validation has been requested, NOPSEMA does not receive a validation complying with Regulation 2.40 in relation to the safety case or revised safety case assessment within 60 days from completion of its assessment, NOPSEMA will ordinarily reject the safety case. However, NOPSEMA should consider whether any extensions to this time frame are reasonable based on reasons given by the operator.