

# THE 2024 - Issue 1 REGULATOR



## What to expect from an investigation

A look at NOPSEMA's investigations process



**NOPSEMA**  
Australia's offshore energy regulator

# About NOPSEMA

**T**he 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](http://nopsema.gov.au).

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# Message from the Chief Executive

## Sue McCarrey

**F**ebruary marks the first anniversary of Sue McCarrey's tenure as our CEO. Below Sue looks back at her first 12 months in the role, reflecting on how the rewards have come from the challenges encountered along the way.

“ Reflecting on my first year as CEO, the first thing that will always come to mind for me is the loss of Michael Jurman at Woodside's North Rankin Complex.

Any loss of life affects an industry and we must learn what we can to prevent any further loss of life or injury.

Learning lessons and implementing changes has been something of a theme for the past year, both inside NOPSEMA and across the wider industry.

As you may be aware, NOPSEMA has undergone an internal organisational restructuring to create a greater team approach that will help us achieve our vision to provide a protected offshore workforce and environment.

Coming in as a new CEO, I saw all parts of the organisation doing some great work, but, as opposed to lots of great work happening in the different parts of the organisation, a stronger team approach will be better for NOPSEMA and all of the stakeholders we deal with.

The new structure also provides a continued focus on day-to-day regulatory operations while ensuring we can provide the strategic support internally and externally.

Another central part of the reorg is an increased focus on investigations with a new, experienced investigations team reporting outside of Regulatory Operations through to me.

Working with our inspectors, investigations will provide much greater insight into incidents across the industry and provide input to regulatory action where required but also into the inspection and compliance program.

You can read more from our two Deputy CEOs Cameron Grebe and Graham Blair about their new divisions later in this edition.

Looking to the industry as a whole, a good part of the past year has been a challenge – working to adjust to the changing landscape in relation to the approval of environment plans.

As NOPSEMA has navigated these changes, the many conversations we've had with duty holders have been gratifying. But to me the most rewarding outcome is the development of more productive and stronger relationships with representatives of Australia's First Nations peoples, who we have been working with regarding the changing consultation requirements and NOPSEMA's role.

Likewise, for many of the companies I've been speaking with, this process has strengthened relationships with First Nations representative organisations and communities and provided a richer source of information into management of the environment that perhaps wasn't there in that level of detail before.

But it's undeniable that the changing landscape has caused approvals to be much more complex and time consuming for all those involved - duty holders, NOPSEMA and those being consulted.

Therefore, we welcome the Government's review into the regulations, as it will refine down and give greater clarity to how consultation is undertaken, which will help everybody.



Looking to the future, the development of the offshore renewable sector is very exciting for NOPSEMA in our role as the Offshore Infrastructure Regulator (OIR) and I'm looking forward to the role we will be playing in this crucial new industry.

While it's not new in the sense that we have land-based renewables, the development of the offshore infrastructure in Australia will bring a lot of learning and technology from overseas into Australia, so it's exciting to see how this develops.

My final message to industry must be in relation to the safety of our offshore workers.

The past year has had us strongly focused on the changes to environment plan (EP) approvals, protecting cultural heritage and the environment – which is all important, but we must never forget the safety of people who work on the offshore facilities every day and night.

We need to make sure safety management systems match the risk and tasks being undertaken and that we follow those procedures to ensure the safety of people.

It is when we forget, or do not follow, the basics in good safety management that things go wrong.

During 2024, I will continue my earlier plans to strengthen existing relationships NOPSEMA has with all stakeholders, including industry participants and its workforce, unions and other government organisations and communities that interact with us and the offshore industry.

This will be for the clear purpose of strengthening safety and well management across the industry while ensuring effective environmental management. ”

**Sue McCarrey**  
Chief Executive Officer

# Biologically Important Areas under review

The Department of Climate Change, Energy the Environment and Water (DCCEEW) is reviewing Biologically Important Areas (BIAs) for protected marine species in Australian waters, a process which will have implications for environment plan (EP) and Offshore Project Proposal (OPP) requirements.

BIAs - designated under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) - are areas where protected marine species congregate at certain times for critical life functions, such as reproduction, feeding, migration or resting.

Protected marine species include those listed nationally as threatened (critically endangered, endangered, vulnerable, conservation dependent), migratory, and all cetaceans (such as whales and dolphins).

BIAs are located anywhere within the Australian marine environment including state, Commonwealth, and adjacent waters.

They can also be designated on land in areas used for biologically important behaviours, for example, nesting habitats for marine turtles and seabirds.

NOPSEMA's Director Geophysical Survey and Installation Rohan Kok said the key advice was that proponents should consider the new BIA data and that new BIA data should be taken into consideration from the time of publication on the DCCEEW's website and the NCVA.

"The new information relating to BIAs is relevant for NOPSEMA assessments, particularly when considering how BIAs have been considered by proponents in undertaking their environmental impact and risk assessments and presenting cases as to whether an EP is not inconsistent with a Recovery Plan," Rohan said.

"NOPSEMA's obligations under the EPBC Act Program require that decisions made must not be inconsistent with a Recovery Plan for a listed threatened species under the EPBC Act where it is determined that the Recovery Plan is relevant to an assessment, therefore all assessments must have regard to the new BIA data as displayed on the NCVA."

DCCEEW's review aims to:

- Clarify and strengthen the definitions for biologically important behaviour categories and the BIA designation process (including the process to submit and assess data).
- Include contemporary behavioural data, Indigenous ecological knowledge, and areas not previously included such as the sub-Antarctic, Antarctic, Christmas, and Cocos (Keeling) Islands.
- Update BIA maps for protected marine species and provide publicly available information on the data and criteria used in the determination of BIAs.
- Increase awareness of the BIAs as decision-support tools for conservation planning and regulatory decision-making in the marine environment.

BIA geospatial data is currently displayed in the National Conservation Values Atlas (NCVA), which provides an interactive platform for viewing maps and querying BIA data.

This platform allows current information to be stored and referenced in a geospatial environment and can be updated by the Australian Government as new information becomes available.

Consequently, the most current BIA information and spatial data layers must be considered and used to inform conservation planning, environmental impact assessments and decision-making.

DCCEEW has clarified how updated BIA data should be used, particularly in circumstances when an in-force Recovery Plan for example does not reflect the same BIAs as designated under the new BIA Protocol.

NOPSEMA expects proponents to identify BIA data for use in preparing an EP or OPP by consulting [DCCEEW's BIA webpage](#).

This approach ensures that titleholders are starting out with the same dataset as that used by NOPSEMA make decisions on EPs and OPPs.

Where a dataset differs between the BIA database held by DCCEEW and that included in EPs, NOPSEMA will provide titleholders an opportunity to address the submission to include the current information.

Proponents should visit the DCCEEW "[Biologically Important Areas for protected marine species](#)" webpage for more information.

For further information on BIA updates contact the DCCEEW BIA review team by email at [biareview@dcceew.gov.au](mailto:biareview@dcceew.gov.au).

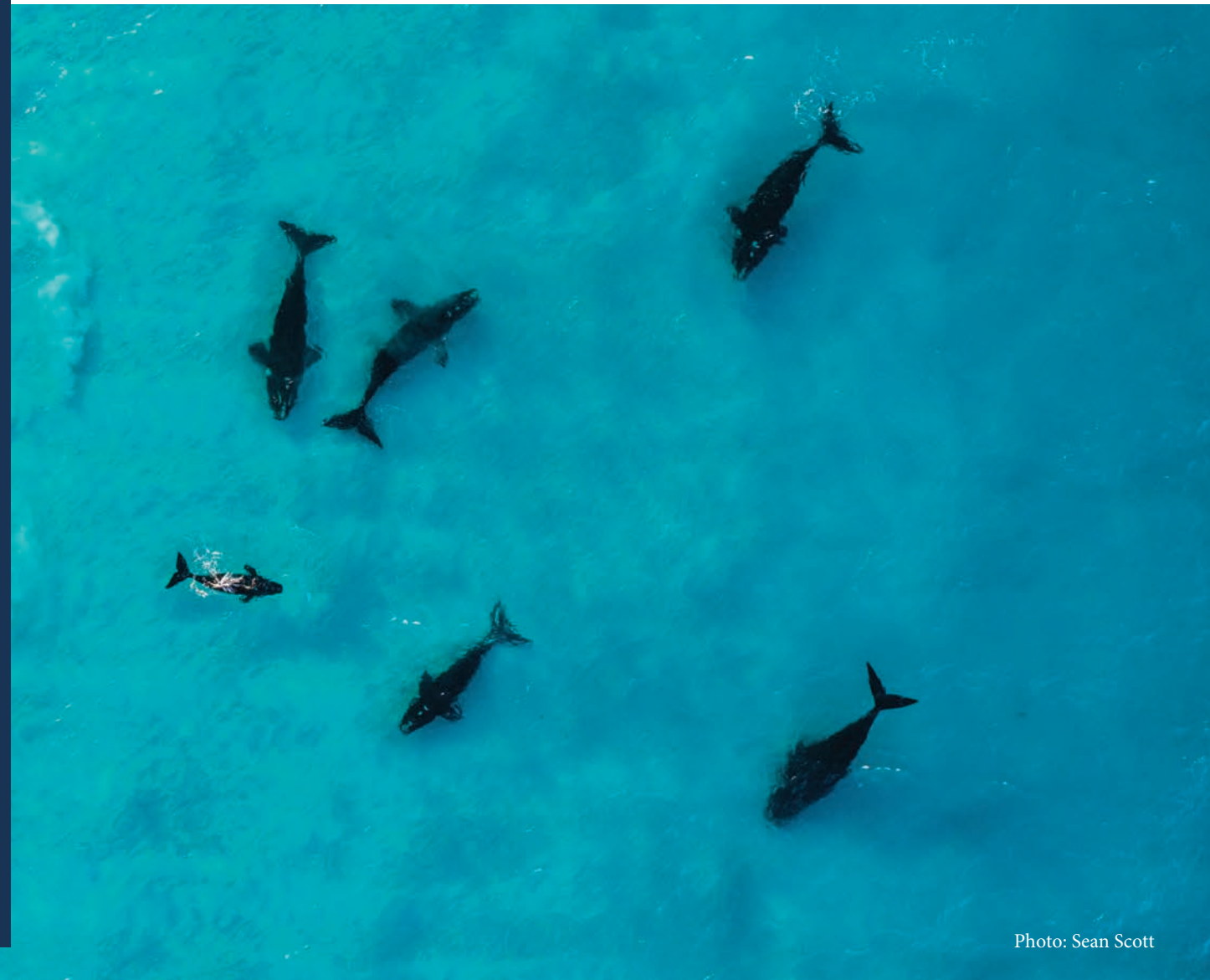


Photo: Sean Scott



# What to expect during a NOPSEMA investigation

**Inspections are one of the principal ways NOPSEMA monitors and secures duty holder compliance and provides the Australian Government and the community with confidence that the offshore petroleum industry is operating responsibly.**

Inspections are carried out for a range of reasons, but often are conducted to monitor duty holder compliance with both the relevant legislation and the commitments they made in their permissioning documents.

An investigation is another form of a compliance response and is initiated when NOPSEMA becomes aware or believes a breach may have occurred. This can occur following the notification of an incident, a complaint or often following an accident or dangerous occurrence.

Paul Sofield, NOPSEMA's Director of Investigations, said the purpose of an investigation goes far beyond simply establishing whether there is non-compliance with the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (OPGGs Act) and/or Regulations.

"Investigations provide NOPSEMA the opportunity to assess whether a duty holder has implemented and maintained systems of work that are safe and without risk to health or the environment," he said.

"The investigation also seeks to identify root causes of accidents and trends to help the industry operate more safely and for the benefit of the environment."

Investigations are scoped depending on the significance of the potential breach and dependent on the potential outcome that may be sought.

Less significant gaps in compliance may be investigated as an additional scope item to a planned inspection, whereas more significant breaches result in NOPSEMA deciding to stand up a major investigation team.

Although not common, major investigations are usually triggered by a notifiable incident, such as an accident or dangerous occurrence and set off a chain of events which needs to be swiftly acted upon.

Once the notification is received, the incident is initially triaged and assessed to determine what has been the consequence of the incident, and what residual risks may remain.

If the level of severity is assessed as a lower risk threshold, the incident investigation is usually led by a NOPSEMA focal point inspector within the Regulator Operations Division.

The purpose of these investigations is to identify the risk and ensure adequate controls are in place to prevent a reoccurrence, with the intention of bringing the duty holder back into a position of compliance as soon as practicable. This may involve enforcement if the grounds to do so become apparent and necessary.

Incidents of a higher significance are managed by the NOPSEMA Investigations Team, led by Paul.

The purpose of these higher significance investigations is not only to bring a duty holder back into compliance.

"It's also to identify industry trends and to determine whether the duty holder has breached a requirement of the Act sufficiently for the full suite of enforcement actions available to the regulator to be considered," Paul said.

"And this could even include prosecution for the most serious of offences."

"During an investigation, the participation of the workforce is vital."

"Workers may be requested to accompany NOPSEMA inspectors, provide information, answer questions, demonstrate how to operate equipment or execute other procedures, and show requested items of physical plant and equipment," Paul said.

"Before we leave an offshore facility or a duty holder's premises, we'll provide an exit brief with a summary of the inspector's observations which allows the duty holder to take early action, where required, to address any non-compliance identified."

In the normal course of an investigation, the inspector will often require copies of documents from relevant parties and conduct interviews with witnesses to the incident.

Furthermore, if a formal interview is required, the witness can either volunteer to undertake the interview or be compelled by the inspector to answer their questions.

"If a witness is compelled to answer questions at a formal interview, they are offered protections by the OPGGS Act, in that the answer to the questions can't be used in evidence against the individual providing answers," Paul said.

"If a formal interview is required, the witness can decide if they disclose this to their employer – NOPSEMA does not disclose that a witness is undertaking a formal interview without gaining their consent."

Once all the evidence for an investigation is gathered, it is assessed, and can lead to a number of regulatory outcomes.

For lower-consequence investigations, the regulatory outcomes may be the simple provision of guidance to the duty holder or the issuance of enforcements such as improvement notices. For more serious matters the regulatory outcome could escalate up to and include a prosecution.

"The NOPSEMA Compliance Committee has an oversight role which includes reviewing the progress and conclusions of an investigation and deciding the best course of regulatory action in the circumstances", Paul said.

For more guidance on what to expect during an investigation and frequently asked questions, see the NOPSEMA website and our Investigations Policy.

# Message from Cameron Grebe

## Deputy CEO Strategic Regulation and Improvement Division

**W**ith NOPSEMA's organisational restructure officially in place, Cameron Grebe, one of our two new Deputy CEOs, explains the function of the Strategic Regulation and Improvement Division and his role at the helm of it.

“I'm a great believer in working together and keeping it simple.

The Strategic Regulation and Improvement Division is about looking to the future – at the coming problems, challenges, and emerging threats to ensure the industry meets the standards for safety, environment, and well integrity.

We lead NOPSEMA's analysis and longer-term planning and strategy development across the organisation's regulatory functions to ensure we remain a regulator that is fit to oversee a rapidly evolving and changing industry.

This includes strategic inspection programs and satisfying national priorities for improvement in industry performance, while also providing strategic advice to internal and external decision-makers regarding early-stage approval decisions, such as new offshore petroleum projects, carbon capture and storage licencing.

This new division also has oversight of NOPSEMA's investigation framework and major investigations. We will also be supporting the agency's technical skills needs through development and maintenance of expertise across key subject matter disciplines.

We at NOPSEMA have the privilege of having access to a huge wealth of information about performance and issues right from when we start meeting with regulated entities, engage with external stakeholders, and through to the regulated activities such as inspections and assessments.

It starts with examining trends, patterns, and issues, as well as looking externally to ensure we are not just looking at what we need to do today, but looking to future threats to the high safety, structural integrity and environmental standards expected of the industry and NOPSEMA's role as regulator in delivering these.

While I was head of the former Environment, Renewables, and Decommissioning Division – and through my 12 years at the regulator – I've understood and been exposed to the similar challenges on a safety management side.

This role, as with the new Regulatory Operations Division, gives a much better view of the whole of life cycle for offshore energy activities.

I will be working closely with our other Deputy CEO Graham Blair, who oversees Regulatory Operations, to ensure internal knowledge and leadership is aligned and that there is no loss of continuity for our external stakeholders.”





# Message from Graham Blair

## Deputy CEO of Regulatory Operations Division

**G**raham Blair, NOPSEMA's newest leader - one of our two Deputy CEOs - explains the function of the Regulatory Operations Division and his role at its helm.

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“ Now that I'm (mostly) settled in at NOPSEMA - with formal title and a new division to match - I'd like to start by recognising the amazing work and support from all of the teams that make up the Regulatory Operations Division.

And then next comes a recognition that as the offshore industry changes and evolves, so do we.

The new division which I'm proud to be leading, places the expertise for safety, environment and well integrity into one area which administers the regulatory functions that ensures a protected offshore workforce and environment.

These functions are provided across the entirety of industry lifecycle, from exploration through development, production and eventual decommissioning.

Our teams of subject matter specialists – spanning environment, safety, and well integrity disciplines – ensure that NOPSEMA's legislated functions are fulfilled by undertaking structured assessment, inspection, enforcement, promotion and advisory activities across all duty holders.

Continuing to improve how we do that is all about synergy and simplification, something I relentlessly pursue.

While still relatively new to NOPSEMA, I already have a great deal of pride in the work we do and how we are evolving to meet the opportunities and challenges of a changing industry.

Success will see ongoing optimisation of the organisation and evolving with industry as it undergoes changes.

For the duty holders we work with, we will be forthcoming and supportive, building upon the synergies that we've already created through integration of the two prior divisions.

We are committed to keep working with industry to achieve best outcomes.

For all of our stakeholders, we will be doing what we have always aimed for – working to ensure the safety of the offshore workforce and protection of our environment. ”



# Health and Safety Representatives Forum 2024

**A**lmost 100 health and safety representatives (HSRs) from around the country attended a free, one day seminar in Perth hosted by NOPSEMA, Australian Energy Producers, and the Australian Council of Trade Unions.

The forum, held in March was scheduled to take place the day after a refresher training course, hosted by the WHS Foundation, to enable HSRs to access career enhancing opportunities across both days.

Attendees heard from a range of expert speakers and panellists, presenting on topics such as training, updates on legislation and regulation, psychosocial work hazards and workplace support.

NOPSEMA CEO Sue McCarrey said she was delighted to see how well attended the event was and how engaged the people were.



“HSRs are crucial to ensuring the wellbeing of workers in the offshore energy industry and so we’re delighted to have been able to host the event,” Sue said.

“The Australian offshore oil and gas industry relies on dedicated, trained, experienced and competent personnel to ensure the safe operations and optimal performance of its offshore facilities.

Jason Medd, Director Offshore & Decommissioning at Australian Energy Producers said: “The HSR Forum is a great opportunity for HSR’s to connect and learn from one another and the regulator.”

“We had a great turnout this year and covered a diverse range of topics to assist HSRs in keeping our industry’s workplaces safe.”

ACTU Assistant Director Liam O’Brien said HSRs are the backbone of our industry.

“They work tirelessly in often difficult and challenging environments to keep their workmates safe,” Liam said.

“Events like the HSR forum are about recognising them and acknowledging the huge contribution they make to health and safety.”

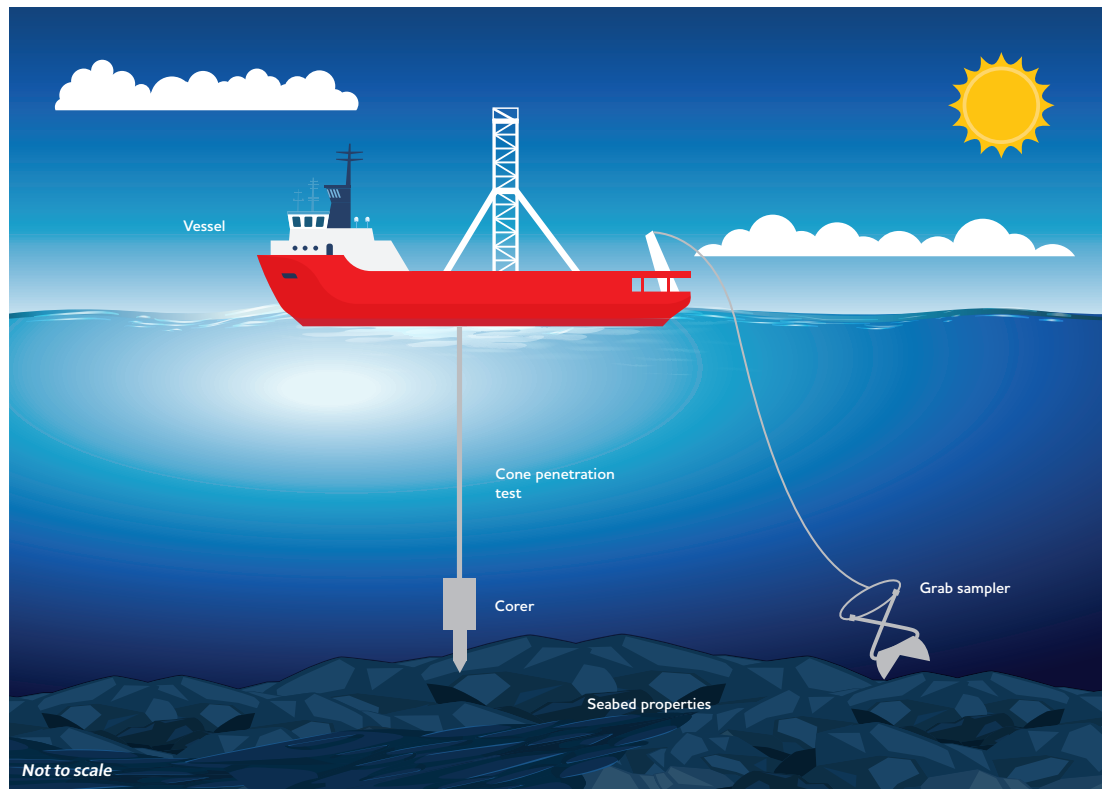


# What are geotechnical investigations for offshore renewables?

## What is a geotechnical investigation?

Typically performed after a geophysical investigation has been completed, geotechnical investigations are carried out to evaluate the physical properties of soil and rock layers along and beneath the seabed by using specialised geotechnical equipment and activities.

Geotechnical investigations are conducted by specialised vessels and drilling units which must be able to position themselves at specific locations, remain stationary at site (see illustration below) and be able to withstand any extreme sea states and weather conditions.



## What activities are typically conducted during geotechnical investigations?

Grab sampling is used to take samples from the seabed surface and can be collected by a diver or remotely operated vehicle using a specialised vessel. A typical grab sampler will close around the sample and transport it to the surface for analysis and testing.

Cone penetration tests and borehole drilling are used to take detailed samples from various depths beneath the seabed and will require a suitable drilling unit. Typical drilling units include drill ships, seafloor drill rigs and jack-up barges. The samples are collected in a core barrel and taken away for analysis and testing.

## Why are geotechnical investigations necessary for offshore renewables developments?

The data collected during a geotechnical investigation is used to determine site suitability and is critical to the design, installation, and operation of the proposed development, within the marine environment.

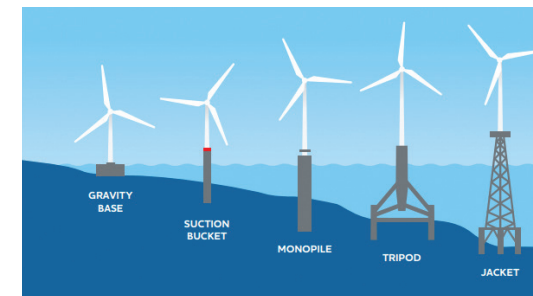
In water depths up to 60 meters, data from geotechnical investigations is used to inform the method for securing fixed foundation turbines to the seabed.

For offshore wind, geotechnical data will inform the deployment of key offshore wind farm components including offshore substations and wind turbine foundations, inter-array and export cables.

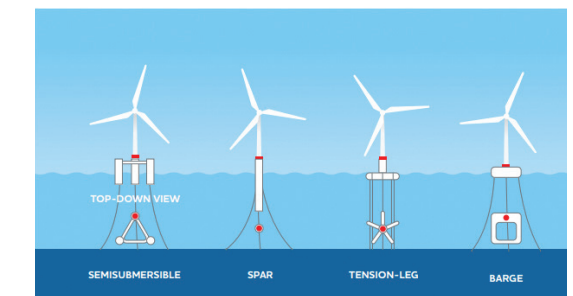
Floating offshore wind turbines have the ability to be installed in deeper water and require multiple moorings. The design of the mooring system for floating offshore wind turbines will rely on the results of the geotechnical investigation.

The scope of a geotechnical investigation will depend on the types of foundation being considered and variability in seabed characteristics.

Geotechnical investigations for offshore renewables developments will require authorisations and approvals under the Offshore Electricity Infrastructure Act framework.

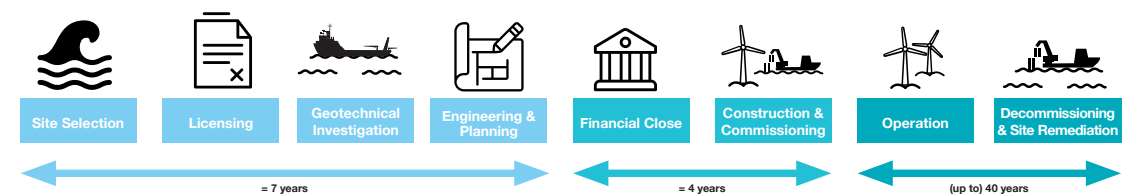


Typical fixed foundations (not to scale)



Typical floating foundations (not to scale)

## Timeframe for a typical offshore wind farm development



# NOPSEMA's revised Decommissioning Compliance Strategy

**N**OPSEMA has published its revised five-year **Decommissioning Compliance Strategy 2024 – 2029**, consistent with our vision that decommissioning of offshore petroleum wells, structures and property is completed in a timely, safe, and environmentally responsible manner.

This Strategy outlines the actions NOPSEMA will take to achieve its vision for decommissioning all petroleum wells, structures, equipment and property in Commonwealth waters.

NOPSEMA's objectives are to ensure titleholders have appropriate plans in place for decommissioning, provide certainty to industry regarding their obligations relating to decommissioning, improve understanding and build capacity in safe and responsible decommissioning, and encourage knowledge sharing with all stakeholders.

To achieve our vision, NOPSEMA has set a range of targets that provide simple, time-based expectations for decommissioning.

These targets aim to minimise uncertainty, support the transparency of NOPSEMA's regulatory actions and help ensure consistent, transparent and risk-based regulatory decisions.

You can read the strategy and more on our **Decommissioning strategy, plan and performance** webpage.

# Australian Energy Producers Conference and Exhibition 2024

**The great and the good of the energy industry will converge on Perth in May for the annual Australian Energy Producers (formerly APPEA) Conference and Exhibition - billed as the country's largest and most anticipated energy event.**

The event provides an unmatched opportunity for our regulatory experts to meet with Australian and global leaders from the oil and gas industry.

This year's theme - Delivering the New Energy Economy - sets an ambitious standard for discussions, knowledge sharing and partnerships as the industry seeks to lead the energy transition.

Some of the most significant figures across industry, government, energy users and geopolitics will come together to advance the sector's central role in establishing the 'new normal' aligned with net zero, sharing experiences and insights on the major challenges and opportunities for the industry.

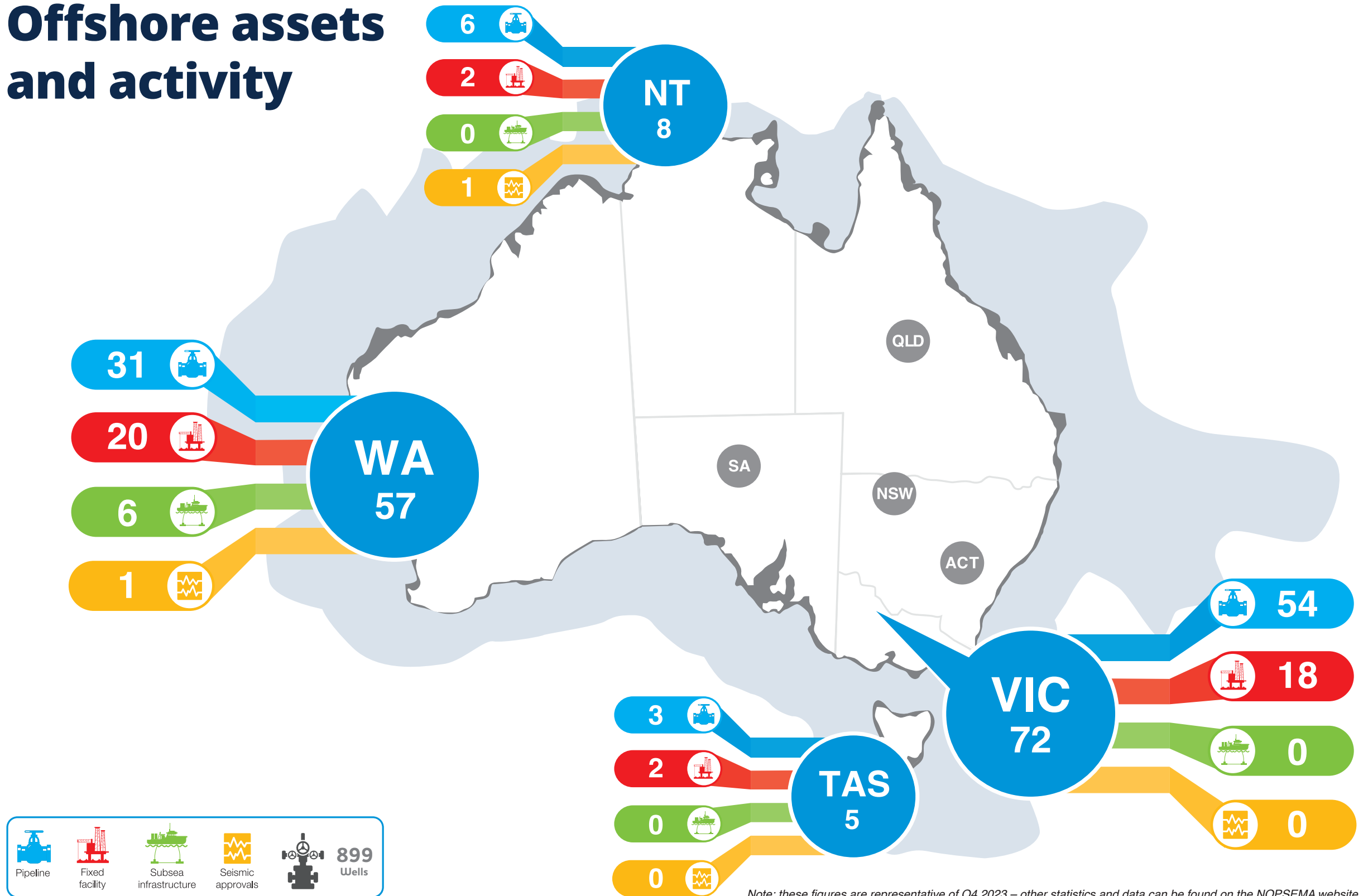
Australian Energy Producers Conference and Exhibition is a chance for us to engage with industry to inform, educate and challenge to ensure we consistently adapt to the changing horizons we are experiencing in the Offshore oil and gas sector.

Attracting around 2,500 delegates and presenters from across the globe, the conference agenda will focus on the issues facing energy producers, customers, and policymakers to come together in one place.

Visit the NOPSEMA booth at the Perth Convention and Exhibition Centre 20 – 23 May 2024 and learn about our regulatory functions and powers and also hear from our speakers participating in the conference programme.

For more information visit  
[www.energyproducersconference.au](http://www.energyproducersconference.au)

# Offshore assets and activity



Note: these figures are representative of Q4 2023 – other statistics and data can be found on the NOPSEMA website.



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Australia's offshore energy regulator

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