



SAFETY STAKEHOLDER GROUP MEETING 4 14 NOVEMBER 2019

Level 5, 111 Bourke Street,
Melbourne, Victoria
11:00 – 14:30 AEDT

When	What	Who
11:00 – 11:15	1. Welcome and SSG updates <ul style="list-style-type: none">Update on offshore workers surveyUpdate on DIIS Safety Review Discussion Paper and submission responses	Chair
11:15 – 12:30	2. Draft Policy Framework <ul style="list-style-type: none">Design notification schemeSafety caseWorkplace ArrangementsDiving	SSG members
12:30 – 13:00	Lunch break	All
13:00 – 14:15	3. Draft Policy Framework (continued) <ul style="list-style-type: none">Mental healthIntroduction of a civil penalty regime for breaches of obligations in the safety regulationsJurisdictional coverage	SSG members
14:15 – 14:30	4. Next Steps and Next Meeting <ul style="list-style-type: none">Any other business, next steps in the review process and timing of next meeting	Chair

Welcome and SSG Updates

- The Chair welcomed attendees to the fourth Safety Stakeholder Group (SSG) meeting, provided membership updates, confirmed the meeting notes from SSG meeting 3 are available online, and outlined the agenda for the meeting.
 - Attendees included: DIIS (Chair), APPEA, Santos, ACTU, Health and Safety Representative, WorkSafe Victoria, NSW Resources Regulator, WA DMIRS, NOPSEMA, AGD and AMSA.
 - Apologies from: IADC
- The Chair updated SSG members on the progress of the Safety Review and confirmed the department's timeline for having a final policy recommendations to the Minister for approval in mid-2020.
- The Chair provided an update on the offshore workers survey and highlighted the need for members to assist in the distribution of the survey.
 - Several members requested that the survey close date be extended.

Draft policy framework discussion

- SSG members discussed each item in the department's draft policy framework.

Design notification scheme

- SSG members discussed the adoption of a scheme for early engagement on facility design. Issues raised by members included cost recovery for the scheme and how NOPSEMA would be given assurance by operators that advice on facility design would be considered and addressed by operators.
- WA DMIRS advised they are implementing a similar policy using a staged approach that involves greater worker and regulator involvement in the design phase, and offered to provide DIIS with further details on the implementation of that scheme.

Safety case

Safety case critical controls and management of change process

- SSG members discussed the need for greater clarity around when a safety case revision is required for a 'significant change' to a safety critical equipment and when it is more appropriate to use the management of change process.
- Issues raised include:
 - the need for more guidance by the regulator to understand what a 'significant change' means
 - whether the proposal should be expanded to include safety procedural changes that may impact on maintaining the ALARP.

Clarifying administrative arrangements – 5 year revisions and transfer of operator

- SSG members discussed the need for clearer language in relation to the proposed amendment to clarify the 5 year arrangements for small scale, technical safety case revisions.
- Members agreed that the current regulations create an undue administrative burden by creating additional five year revision points for every revision to the safety case.

- Some of the issues raised by members include that HSRs and Designated Work Groups (DWG) should be involved in all safety case revisions and that any workforce involvement must be relevant to the issue the revision is addressing.

Transfer of operator process for a facility

- SSG members discussed the proposal to include the term ‘proposed operator’ into the Act in order to facilitate the transfer of operators in relation to the same facility. An issue raised was that there is already a process in place to facilitate the transfer and the need for a new mechanism is unclear.

Operator deregistration

- SSG members discussed the proposal to empower NOPSEMA to reject deregistration until a new operator for a facility was in place. Members highlighted the need for industry guidance to ensure a clear understanding of the circumstances under which NOPSEMA could reject a deregistration application.

Workplace Arrangements

Health and Safety Representatives (HSRs) for short-term or specialist work

- SSG members discussed the proposal to have a pre-selected HSR for short-term or specialist work groups. An issue raised was that HSRs should be drawn from the workforce and not pre-selected by the operator.

Training requirements for HSRs

- SSG members discussed the proposal to expand the HSR training provisions in the safety regime. Issues raised by members include:
 - harmonisation with the WHS Act allowing HSRs to choose their own training
 - that there may be a lack of accredited training available in reasonable timeframes for elected HSRs and that training days were often too long and included too much information to be useful.
- AGD informed members that HSR training was being considered by Ministers as part of the model law consultation direction.

Worker access to the safety case

- SSG members discussed what type of access (electronic or hard copy) HSRs should have to the facility safety case. Issues raised included:
 - there are commercial and security issues with the electronic provision of the safety case documents
 - the complexity of safety cases make it difficult for workers to properly review on a hard copy at facility.

Revisions to safety case and safety management documents – HSRs

- SSG members discussed the proposal for HSRs to have more capacity to review and request revisions to safety management documents and the safety case.
- Members wanted the proposal to have a clearer escalation process starting with a review of the safety related documents and where necessary having an HSR request NOPSEMA to seek an operator to revise its safety case.
- In addition, it was suggested that HSRs should have review rights to safety management documents and to the safety case and that the proposal should be expanded to include scope for a review of documents for procedural changes.

Role of HSRs on the Health and Safety Committee (HSC)

- SSG members discussed the language in this proposal and wanted to ensure that it aligns with the WHS Act. It was also suggested the provision should be expanded so that all HSR are members of the HSC.

HSR general support (non-legislative change)

- SSG members discussed the benefits of having an HSR online portal and continuing the annual HSR forum, and whether these activities should be formalised in the offshore safety regulations.

General health and safety protections

Offshore workers - mental health provisions

- SSG members discussed a range of issues relating to whether a definition of health, that includes mental wellbeing, should be included in offshore legislation or should be adopted as an industry code of practice. Issues raised include:
 - the need to raise the profile of psychological factors facing offshore workers
 - how to actually implement 'mental health' strategies and what would enforcement/compliance look like?
 - underlying factors that impact on mental health including sleeping arrangements and fatigue.
- AGD advised that the health definition issue was under review as part of the model law consultation direction and that AGD has guidance on this issue and can provide this to members on request.

Protection for workers against discrimination

- SSG members discussed including workers who have been HSRs in the language of this proposal to ensure that past, current or future HSRs cannot be discriminated against.

Diving

- SSG members discussed a range of issue relating the Diving Safety Management System, Diving Project Plans and Start-up notices. Issues raised include:
 - an acknowledgment that a change to the way diving is structured was required to ensure operators comply with the DSMS when undertaking dives; with consequential amendments and levies to cover compliance measures.
 - a dive specific HSR role could be developed.
- AMSA advised members that the International Maritime Organization (IMO) are currently reviewing their code of practice and that AMSA will be participating in the review and will keep the SSG informed of the review progress. AMSA suggested that the MOU between NOPSEMA and AMSA may be useful for facilitation diving inspections aboard vessels.

Compliance and enforcement

- SSG members discussed the proposed introduction of a civil penalty regime and changes to the notification and reporting requirements to streamline administration.

Jurisdictional coverage

Definition of facility and associated offshore place (AOP)

- SSG members discussed the possible impact of revising the definitions of facility and associated offshore place to ensure it is clear when a vessel is a facility and when a vessel is an AOP.

- Members asked if they would have the opportunity to comment on regulatory impact of changed definitions. DIIS confirmed they would have the opportunity to provide feedback either via one-on-one meetings or through comments on the draft policy framework.

Vessel activity notification scheme

- SSG members discussed having a joint vessel activity notification scheme which provides visibility to both NOPSEMA and AMSA for vessel/facility activities.
- An issue raised is that the nil activity report could provide an early warning that a facility would be returning to vessel status and that there should be joint reporting for both AMSA and NOPSEMA.

Meeting close and next meeting

- The Chair thanked members for attending the fourth SSG meeting and sharing their views on the draft policy framework, and asked that any written feedback be provided by 6 December 2019.
- The Chair proposed that the fifth SSG meeting be held around April 2020 in Perth, after public consultation on the draft policy framework.