



SAFETY STAKEHOLDER GROUP MEETING 5 11 DECEMBER 2020

Skype video conference
13:30 – 16:00 AEDT

When	What	Who
13:30-13:40	1. Welcome and overview <ul style="list-style-type: none">• <i>Update on the Offshore Safety Review</i>• <i>Overview of submission feedback</i>	Chair
13:40-15:45	2. Discussion on feedback to the draft policy framework <i>Safety case and facility operation</i> <ul style="list-style-type: none">• <i>Design notification scheme</i>• <i>Control measures critical to safety and MOC process</i>• <i>Operator registration and deregistration requirements</i>• <i>Titleholder duties in relation to the operator</i>• <i>Additional proposals</i> <i>Workplace Arrangements</i> <ul style="list-style-type: none">• <i>HSRs for short-term or specialist work</i>• <i>Revisions to safety case and safety management-related documents - HSRs</i> <i>General health and safety protections</i> <ul style="list-style-type: none">• <i>Offshore workers - mental health provisions</i>• <i>Avoiding fatigue</i>	SSG members
15:45 – 16:00	3. Next Steps and Next Meeting <ul style="list-style-type: none">• <i>Any other business, next steps in the review process and timing of next meeting</i>	Chair

Welcome and SSG Updates

- The Chair welcomed attendees to the fifth Safety Stakeholder Group (SSG) meeting, confirmed the meeting notes from SSG meeting 4 and outlined the agenda for the meeting.
 - Attendees: DISER (Chair), APPEA, Santos, ACTU, Health and Safety Representative, NSW Resources Regulator, NOPSEMA.
 - Apologies: IADC, AMSA, AGD, WA DMIRS and WorkSafe Victoria.
- 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 by the end of Q1 2021.
- The Chair provided an overview of the submissions received in response to the draft policy framework, and confirmed that the meeting was being held to discuss feedback provided in the submissions.

Discussion on feedback to the draft policy framework

- SSG members discussed the following parts of the department's draft policy framework: safety case and facility operation, workplace arrangements and general health and safety protections.

Safety case and facility operation

Design notification scheme

- SSG members were supportive of having an early engagement mechanism for facility design.
- Issues discussed by members focused on:
 - what type of facilities would require a design notification?
 - whether and how industry would be provided with assurance that the design was acceptable prior to the final investment decision
 - procedural fairness
 - timeframe for review by NOPSEMA, with industry preference for a 90 day limit to ensure project is not delayed
 - workforce consultation on design notification - either with workers or their representatives, and the suggestion that any requirements for consultation should be clearly defined.
- DISER confirmed that the proposal was for a mandatory scheme which would require a design notification to apply to newly-constructed production facilities only and that further clarification on this would be provided to industry.
- NOPSEMA advised that the mechanism for 'assurance' would be detailed written feedback identifying any safety issues, following a review of the design notification, and it would expect that duty holders would consult with the appropriate and relevant stakeholders on design concepts as part of the scheme.

Safety case critical controls and management of change process

- SSG members were supportive of having greater clarity around when a safety case revision is required and when it is more appropriate to use the management of change (MoC) process.
- Issues raised by members:
 - the threshold for a safety case revision and whether NOSEMA could use a discretionary mechanism for revision
 - whether *any change* to critical controls should trigger a safety case revision, not just the loss or removal of a critical control

- changes to procedures and administration should be included in the measure.
- DISER confirmed that guidance providing clear direction on the circumstances that require a safety case revision rather than a MoC would be developed for industry to support the measure and that it would take on board feedback to establish a clear threshold for when a safety case revision is required.
- NOPSEMA advised that further clarification on thresholds for safety case revisions can be included in industry guidance but they did not support using a discretionary mechanism for revisions.

Operator registration and deregistration

- SSG members discussed the drivers for the proposed measures to strengthen operator registration and deregistration and the recommendations of the Walker Review into the circumstances leading to the administration and liquidation of Northern Oil and Gas Australia.
- Issues raised by members:
 - what is the best mechanism to provide assurance that operators are able to fulfil their duties and could NOPTA, under the titles legislation, manage operator registration checks?
 - the condition of the facility should be part of the operator registration and deregistration conditions.
- DISER noted that conducting checks at the point of title registration would not address situations where the titleholder and operator are separate entities.
- NOPSEMA reiterated that the decommissioning and operator registration/deregistration processes are separate regulatory processes.

Additional proposals

- SSG members discussed the proposal to amend regulation 2.15 of the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009 (Safety Regulations) to clarify the requirement for managing drugs and intoxicants at pipeline facilities. DISER undertook to consider this measure further.
- SSG members discussed the level of prescription in defining codes and standards for equipment and operations and whether there should be a redefinition of a major accident event (MAE).
- Issues raised by members:
 - as an objective-based regime, to what extent do codes and standards need to be defined in the offshore safety regulatory regime?
 - APPEA and Santos members sought clarification in relation to the specification of codes and standards, and suggested that overly prescriptive codes and standards for all equipment and operations would be contrary to the principles of an objective-based safety regime
 - members discussed and generally did not support the suggestion made in a submission to redefine MAE to an event with 5 or more fatalities
 - clarity on who is in charge of work a facility should be provided in the regulations.
- NOPSEMA confirmed they have not had reports of any issues relating to identifying persons in charge at a facility but will follow up with the inspectors and report back to members. This may be an issue with a particular operator rather than an issue that requires a change to the Regulations.

- NOPEMA advised that listing names of ‘responsible people’ in the safety case along with codes and standards could potentially cause problems as it would require a safety case revision whenever staff changes are made.

Workplace Arrangements

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

- SSG members discussed the proposal to have a HSR for short-term or specialist work groups.
- Issues raised by members:
 - whether the proposed measure should be expanded to all employees not just operators as many workers in the offshore sector are employed by sub-contractors
 - whether having an HSR for short-term or specialist crews is necessary or if this function could be undertaken by another HSR on the facility or through an on-boarding process for workers hired for short-term or specialist crews
 - that this proposed measure should align with WHS Act to ensure workers in the offshore sector have the same level of protection as onshore workers
 - potential for stigma to be attached to being an HSR, which may have negative impact on the relationship between the HSR and the operator.
- An issue of concern is that the HSR function is fundamentally representative, so other possible provisions such as on-boarding for workers in short-term or specialist crews would not fulfil this key role of the HSR.

Worker access to the safety case

- SSG members discussed the accessibility of the safety case and what type of access is most appropriate.
- A concern was raised about the location of the safety case, noting that if it is in or within view of managers’ offices that may be perceived to limit access.
- NOPSEMA advised that this issue had not been raised as an OHS complaint to NOPSEMA.

Revisions to safety case and safety management documents – HSRs

- SSG members discussed and agreed that HSRs should raise any identified safety issue with the operator in the first instance to allow them an opportunity to resolve the issue before the regulator is involved.
- A suggestion was made that timeframes or a limit on response time be included in the measure to ensure that safety issues are managed in a timely way and do not go unaddressed.
- SSG members discussed the difference between a HSR seeking the operator to revise safety management documents and seeking a review of the documents.
- Members agreed that the role of the HSR should be to seek a review of safety related management documents, not direct a revision.
- NOPSEMA advised that this is consistent with the model WHS regulations.
- NOPSEMA advised that all issues raised by HSRs are investigated by NOPSEMA during inspections at facilities.

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

- SSG members supported this proposal.

General health and safety protections

Offshore workers - mental health provisions

- SSG members discussed whether the current regulations already provide sufficient coverage to manage mental health and wellbeing of workers.

- Issues raised by members:
 - guidance should be developed for industry on how to implement strategies to support mental health
 - Industry already considers the meaning of health to include physical and psychological health
 - a provision for identification and reporting of psychological risks and injuries to workers as well as rostering arrangements and minimum handover periods on facilities should be included for this policy.
- APPEA confirmed they were participating in studies participating in mental health studies with NOPSEMA and Curtin University and will be able to share more information regarding the work at the February 2021 SSG meeting.
- DISER confirms that guidance on how to manage mental health will be put out for consultation by the regulator.

Avoiding fatigue

- SSG members discussed whether fatigue as a safety issue was best managed via industry codes of practice or through prescribed regulations.
- Issues raised include:
 - the safety regime already includes adequate provisions for the management of fatigue in safety regulation 3.1
 - the WHS Act provides more specific measures for fatigue.
- NSW advised that they consider fatigue is not a psychological but a safety issue and that NSW has conducted research on the effect of fatigue on safety and have developed fatigue guidelines.

Protection for workers against discrimination

- SSG members discussed whether this proposed measure may duplicate the current WHS Act.
- DISER confirmed that this proposed amendment in the framework will align with the WHS Act and the legislation will not be duplicative as the WHS Act does not apply to offshore workers at a facility.

Next Steps and Next Meeting

- SSG members agreed that additional time was required to discuss all of the items on the agenda and that a follow-up meeting would be arranged by DISER as early as possible in 2021 to continue the discussion.