

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE NATIONAL OFFSHORE PETROLEUM SAFETY AUTHORITY
AND
THE DEPARTMENT OF TRANSPORT AND REGIONAL SERVICES –
OFFICE OF TRANSPORT SECURITY**

This Memorandum of Understanding (MOU) is between:

The National Offshore Petroleum Safety Authority (NOPSA), the statutory authority responsible for administering occupational health and safety under the *Petroleum (Submerged Lands) Act 1967* (Commonwealth), Part IIIC, and any successor legislation, and the corresponding State and Northern Territory *Petroleum (Submerged Lands) Acts*; and any successor legislation,

and

The Department of Transport and Regional Services – Office of Transport Security (OTS), responsible for the *Maritime Transport and Offshore Facilities Security Act 2003* and the *Aviation Transport Security Act 2004*.

1. PURPOSE OF THIS MEMORANDUM

- 1.1 This Memorandum of Understanding (MOU) sets out the common intentions of the parties to contribute to the delivery of a consistent and comprehensive regulatory regime in offshore waters.
- 1.2 The purpose is to guide cooperation between NOPSA and OTS in relation to carrying out their respective statutory functions in the offshore petroleum industry, including how the parties will respond to the interaction between safety and security at offshore petroleum facilities. The MOU is not intended to create legally enforceable obligations between the parties.

2. OPERATION OF THE MOU

- 2.1 The parties agree to operate the MOU under the conditions set out in Attachment 1.
- 2.2 The parties agree to consider the interests of the other party in carrying out their responsibilities offshore and consult the other party in relation to any decision or action that may impact upon the direct legislative responsibilities of the other party.

- 2.3 The parties agree to exchange information, where relevant, relating to their direct legislative roles and responsibilities for offshore facilities in areas of potential overlap and mutual interest. Examples of the information which the parties may share include inspection and audit report summaries, significant enforcement actions, notice of technological developments and relevant changes to legislation or regulations that may impact on the way in which either party carries out its responsibilities offshore.
- 2.4 NOPSA and OTS may exchange information which is required to fulfil each party's legislative responsibilities. If this information includes details relating to a third party, and there are obligations to inform that third party, the third party will be made aware that information collected may be passed on to another party.
- 2.5 The parties will consult each other in the preparation of any materials that affect both safety and security, and are developed to assist operators to meet their legislative obligations. These materials may include, but are not limited to relevant guidelines, codes of practice, guidance notes, protocols, programs or similar material.
- 2.6 Where either party becomes aware of a safety or security incident that may have implications for the other party, it will notify the other party in a timely manner.
- 2.7 Both parties agree to exchange information, and where appropriate work together, on the investigation of incidents that have relevance for the other party, including information on the outcome of investigations, lessons learned and any potential outcome for improvements to industry operational (safety and security) management systems.
- 2.8 Where both parties have an interest in a matter that must be advised to Government, they agree to consult with each other to ensure information communicated is consistent and clear.
- 2.9 NOPSA will advise OTS, as soon as is reasonably practicable, of any additions to its Register of Operators where the Operator of a facility is likely to engage in petroleum production in order that the operator may be made aware of their responsibilities under the *Maritime Transport and Offshore Facilities Security Act 2003*.
- 2.10 Where relevant, NOPSA and OTS will endeavour to coordinate auditing and compliance activities.

Executed on the 10th day of October 2006

[Certified as signed by John Clegg, NOPSA CEO]

.....
John Clegg
Chief Executive Officer
National Offshore Petroleum Safety Authority

[Certified as signed by Michael Taylor, Secretary Department of Transport and Regional Services]

.....
Michael Taylor
Secretary
Department of Transport and Regional Services