



## Q&A

### What is a Safety Case ?

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The following questions and answers assist in explaining the role of the safety case, the requirement for compliance with the safety case and how the safety case can be used to improve safety at facilities.

#### **Q What do we mean by a safety case?**

**A.** A safety case documents the arrangements for health and safety that are used by managers, supervisors and the workforce to understand health and safety issues and their controls.

#### **Q. How are safety cases recognised in law?**

**A.** The occupational health and safety (OHS) laws that apply to offshore petroleum facilities in Commonwealth waters include Schedule 7 of the Petroleum (Submerged Lands) Act 1967 and the Management of Safety on Offshore Facilities (MoSOF) Regulations 1996. The first objective of the MoSOF Regulations is that activities are conducted only in accordance with safety cases that have been accepted by NOPSA.

The law requires that each facility must have an accepted safety case. The safety case sets out the operator's commitments to reducing risks to a level that is as low as reasonably practicable. The safety case must include, amongst other things, a detailed description of the safety management system (SMS) for a facility. The SMS must provide for all activities that will occur at the facility.

These requirements also apply in state waters as they are mirrored in the relevant state legislation.

#### **Q. What happens when I submit a safety case to NOPSA?**

**A.** The safety case is submitted to NOPSA by the operator of a facility. Once a safety case for a facility is accepted by NOPSA, the commitments made by the operator in the safety case for reducing risk at the facility must be complied with. The law requires that work on a facility must comply with the safety case as accepted by NOPSA and that people on a facility must comply with a safety requirement of the safety case that applies to them.

#### **Q. Who owns the safety case?**

**A.** The safety case is a document owned by the operator of the facility. However, the operator must ensure there has been effective consultation with, and participation by, the workforce in the development or revision of a safety case. The safety case must also provide for workforce consultation and participation so the workforce can understand the risks and hazards to which they may be exposed. The safety case must include arrangements for accessing the safety case itself.

**Q. What are the duties of the Operator?**

**A.** The operator has a general duty to take all reasonably practicable steps to ensure that the facility is safe and that all activities are carried out safely. The operator's specific duties also include agreement on an OHS policy that will enable the operator and the workforce to develop measures to ensure health and safety at the facility.

**Q. Can the workforce access the safety case?**

**A.** As the key health and safety document for a facility, access to and understanding of the safety case by the workforce is essential to meet the duties of the operator.

**Q. Can we choose our own health and safety representatives?**

**A.** Work groups may select a health and safety representative (HSR). Subject to certain limitations, the powers of HSRs include access to any information relating to the health and safety of any work group members. This information would include the safety case for the facility.

**Q. What is the role of NOPSA?**

**A.** The operator's risk management arrangements are critically examined by NOPSA during safety case assessment. The commitments made in the safety case are then verified by NOPSA during inspections at facilities. Inspection reports are sent to the operator, who must give copies of the report to the health and safety committee and to the health and safety representatives.

If there are health and safety concerns at a facility, people on a facility should raise these concerns with their supervisors or health and safety representatives, as appropriate. To clarify the health and safety requirements that may apply to a specific situation at a facility, reference can be made to the [OHS laws](#)<sup>1</sup> and to the safety case for the facility, as all work at a facility must comply with the safety case. If in doubt, ask an OHS inspector from NOPSA.

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<sup>1</sup>

<http://www.comlaw.gov.au/ComLaw/Management.nsf/all/bytitle/BA009A9222F4FA9FCA256F710006B5BD?OpenDocument>

**Q. How does a safety case work in practice?**

**A.** The following case study provides an illustration. Under the OHS law the duties of the operator include providing appropriate training and supervision for the workforce to carry out its work safely. A safety case must describe the how the operator will ensure the workforce has the necessary skills and training to undertake tasks that are given to them.

For example, the operator of the facility should develop and implement an offshore crane driver competency system which defines:

1. Competency (knowledge, skills and experience) requirements.
2. Training needs.
3. Competency assessment processes.
4. Re-training and competency re-assessment requirements.
5. Retention and maintenance of training records.
6. Ongoing monitoring and regular review and improvement of the offshore crane driver competency system.
7. Persons responsible for the offshore crane driver competency system.

If an operator has committed to specific arrangements for crane driver competency in the safety case and then does not meet those commitments they may be breaching the legal requirement that all work at a facility must comply with the safety case and so may be subject to enforcement action by NOPSA.

**Q. What is the status of standards under the safety case?**

**A.** The safety case must specify all Australian and international standards that have been applied or will be applied at the facility. This does not mean that a facility must comply with existing Australian or international standards. However, if a specific standard is specified as being applied to the facility in an accepted safety case, then the provisions of that particular standard must be complied with. Not all standards will necessarily be acceptable, as the safety case must also describe how the operator ensures the adequacy of the design, construction, installation, maintenance or modification of the facility. If the safety case does not describe these matters, then the safety case will not be accepted.