

# **National Offshore Petroleum Safety Authority**

## **Transitional Plan**

# Foreword

On behalf of the Offshore Safety Steering Committee, I am pleased to present the National Offshore Petroleum Safety Authority Transitional Plan. The product of extensive collaboration between the Commonwealth, States and the Northern Territory, the Transitional Plan represents a significant milestone towards achieving our vision of world's best practice petroleum safety regulation for Australia.

The Transitional Plan outlines the guiding principles under which the Authority will be established, identifies the key challenges that lie ahead, and records agreement regarding human resources, project governance, organisational design and the regulatory framework. Importantly, it demonstrates the commitment of all jurisdictions to maintain the integrity of the current regulatory framework during the transition process.

I have no doubt that the Authority will be established in accordance with the high standards set for it by the Ministerial Council on Mineral and Petroleum Resources. The Transitional Plan has identified an agreed path ahead—we now face the challenge of delivering on its many promises by further collaboration and extensive engagement with industry and the workforce.

Chrys Papadopoulos  
Chair  
Offshore Safety Steering Committee

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## EXECUTIVE SUMMARY

- The Commonwealth, States and Northern Territory have agreed to establish a National Offshore Petroleum Safety Authority (NOPSA) to improve safety outcomes across the offshore petroleum industry and deliver world's best practice safety regulation for Australia. NOPSA will be a statutory body regulating petroleum safety in Commonwealth, State and Northern Territory coastal waters, with accountability to the relevant Commonwealth, State and Northern Territory Ministers.
- The aim of this Transitional Plan is to outline the processes and principles agreed by all jurisdictions for implementing NOPSA, in order to meet the Ministerial Council on Mineral and Petroleum Resources (MCMPR) objectives.
- NOPSA will operate in accordance with a set of principles agreed by the MCMPR. Project governance is managed by the Offshore Safety Steering Committee, which is chaired by the Commonwealth and consists of representatives from Western Australia (WA), Northern Territory (NT), Victoria (VIC), Queensland (QLD), Tasmania (TAS), New South Wales (NSW) and South Australia (SA).
- The NOPSA Human Resources (HR) Strategy will be developed in accordance with an agreed set of governing principles that reflect the wide range of technical, personal and organisational skills required by regulators in a safety case environment; and the requirement for States and the Northern Territory to undertake ongoing safety regulation in areas other than offshore petroleum.
- NOPSA recruitment will be conducted on a competitive basis using agreed competencies and selection criteria. Every effort will be made by Commonwealth, State and Northern Territory stakeholders to equip existing regulatory staff with the competencies required to satisfy the agreed selection criteria and compete for appointments within NOPSA.
- The NOPSA organisational structure and management framework will be designed in accordance with a number of agreed considerations. The hand-over of responsibilities to NOPSA will address both the responsibilities and reporting arrangements of the new regulatory authority and the continuing safety regulatory service provided by the current Designated Authorities (DA).
- Detailed coordination plans will be developed to address other regulatory functions such as titles, resource management and environmental issues between NOPSA, the DA, Department of Industry, Tourism and Resources (DITR) and other Commonwealth, State and Northern Territory government agencies.
- The safety case regime is the primary method of regulating offshore petroleum safety and this approach provides the assurance on behalf of society, government, industry and the workforce that operators have identified risks to health and safety and put appropriate control measures in place.
- Amendments are required to the Commonwealth Petroleum (Submerged Lands) Act (P(SL)A) and the State and Northern Territory P(SL)A (and other legislation where appropriate) to implement the national scheme in coastal and other relevant waters. Detailed legislative guidance will be developed as part of the implementation process, with some details depending on the States and Northern Territory legislative drafting practices and the drafting of the Commonwealth Bill.

# SECTION ONE

## INTRODUCTION

### **1.1 Background**

Following a number of independent reviews, the Commonwealth, States and Northern Territory agreed to establish a National Offshore Petroleum Safety Authority (NOPSA) to improve safety outcomes across the offshore petroleum industry and deliver world's best practice safety regulation for Australia. NOPSA will be a statutory body regulating petroleum safety in Commonwealth, State and Northern Territory coastal waters, with accountability to the relevant Commonwealth, State and Northern Territory Ministers. The Commonwealth Government has provided \$6.1 million over three years to establish NOPSA by 1 January 2005.

The Ministerial Council on Mineral and Petroleum Resources (MCMPR) recently endorsed the work of the Offshore Safety Steering Committee, which proposed broad changes to the institutional form of the regulator, existing legislation, regulatory policies and procedures. The MCMPR 2 Communiqué of 13 September 2002 directed that an appropriate Transitional Plan be implemented after agreement by all jurisdictions. The Transitional Plan is to maintain the integrity of the current regulatory framework and minimise adverse impacts on staff, industry, regulatory responsibilities and Designated Authority (DA) liabilities.

### **1.2 Aim**

The aim of this Transitional Plan is to outline the processes and principles agreed by all jurisdictions for implementing NOPSA, in order to meet the MCMPR objectives. The detailed aspects of implementation will be the subject of further extensive consultation and collaboration.

### **1.3 Scope**

This Transitional Plan articulates agreements reached on the key elements of NOPSA implementation, including:

- NOPSA's role, tasks and guiding principles.
- Project management and governance.
- The maintenance of an effective regulatory regime during the transition period.
- The minimisation of adverse impacts on staff, industry, regulatory responsibilities and DA liabilities.
- Human resources issues, including staffing, recruitment, competencies, training and development.

- The proposed NOPSA management framework and the approach to be used for process integration.
- The proposed NOPSA technical and regulatory frameworks.

This Transitional Plan provides guidance for all stakeholders and underlines the commitment of all jurisdictions to implement NOPSA in accordance with MCMPR direction. Importantly, it addresses those issues of greatest concern to existing regulatory staff.

## **SECTION TWO**

### **NOPSA's ROLE, TASKS AND GUIDING PRINCIPLES**

#### **2.1 The Role**

The role of NOPSA is to administer offshore petroleum safety legislation. The organisation's primary objectives will include:

- Improving safety outcomes across the offshore petroleum industry.
- Delivering world's best practice safety regulation for Australia.
- Reducing the regulatory burden on the offshore petroleum industry, which operates across multiple jurisdictions, by delivering a consistent and comprehensive safety regime.

#### **2.2 Key Tasks**

NOPSA's key tasks will include:

- Developing effective internal policies and processes that demonstrate consistency, transparency, probity and flexibility.
- The assessment of safety cases.
- Monitoring operator compliance under the safety case regime throughout the lifecycle of projects, through informed judgement, investigation, audit processes and open communication.
- Ensuring operator compliance through a graduated enforcement process.
- Reviewing and providing input into relevant legislation on an ongoing basis.
- Proactively influencing and encouraging cultural and behavioural change at all levels of the workforce and industry.
- Communicating the broad objectives of the regulatory framework to industry.
- Providing information to offshore petroleum stakeholders on issues such as compliance, performance, legislation and lessons learned.
- Providing advice to Government and industry on offshore safety issues.

#### **2.3 Principles For The Regulation Of Offshore Safety In Australia**

MCMPR is supported by a Standing Committee of Officials (SCO) representing each jurisdiction. Ministers agreed on 4 March 2002 that the SCO would examine the improvement of offshore safety outcomes in accordance with the following principles:

- An enhanced and continuing improvement of safety outcomes in the Australian offshore petroleum industry is a priority for Governments, industry and the workforce.
- A consistent national approach to offshore safety regulation in Commonwealth, State and Territory waters is essential for the cost-effective delivery of safety outcomes in the offshore petroleum industry.
- The safety case approach is the most appropriate form of regulation for the offshore petroleum industry to deliver world-class safety by developing appropriate behaviour within the industry.
- Efficient and effective safety regulation requires:
  - A clear and enforceable legislative framework that requires operators to discharge their responsibilities for safety.
  - Competent and experienced personnel forming a critical mass of appropriate skills.
  - An independent, transparent, open and efficient structure and governance framework.
  - An independent approach by the regulator in implementing legislative responsibilities and in dealings with the industry.
  - Agreed performance criteria.
- The industry and its workforce must be empowered to identify and report potential hazards and to ensure that appropriate control measures are implemented.
- Approval processes in safety, titles, environment and resource management must be streamlined and coordinated to ensure no undue delay to project development in the offshore petroleum industry.

## **2.4 The Task Ahead**

Whilst the DAs have made significant improvements to the existing regulatory framework in recent years, much work remains to be done to achieve a regulatory environment that fully reflects the offshore safety principles agreed by all Ministers. This Transitional Plan captures the work undertaken to date, and provides a way forward for the implementation of NOPSAs by 1 January 2005.

## **2.5 Key Challenges**

Key challenges facing Commonwealth, State and Northern Territory stakeholders include:

- The development of a comprehensive project plan addressing all aspects of NOPSAs implementation.
- Simplifying the current mix of acts, regulations and responsibilities.

- Maintaining the integrity of the current regulatory framework during the transition period.
- Further developing the necessary skills, competencies and capacity of regulatory staff.
- Minimising the impact on DA residual functions post-NOPSA, and ensuring that no significant gaps arise in the management of onshore and offshore safety regulations.
- Developing the Commonwealth's resources, technical expertise, credibility and authority to drive the required changes.
- Engaging industry fully in the NOPSA implementation process.
- Demonstrating that all proposed processes and activities accord with international best practice.
- Designing and implementing a full cost recovery system.
- Passing appropriate legislation through the Commonwealth, State and Northern Territory Governments.
- Developing coordination plans to address the relationship between NOPSA and other agencies.

## **SECTION THREE**

### **PROJECT MANAGEMENT AND GOVERNANCE**

#### ***3.1 Ministerial Oversight***

MCMPR was established by the Council of Australian Governments (CoAG) in June 2001 to deal with issues affecting the minerals and petroleum industries. MCMPR consists of the Commonwealth Minister for Industry, Tourism and Resources, and the State and Northern Territory Ministers responsible for minerals and petroleum. The New Zealand Minister of Energy and the Papua New Guinean Ministers for Mining and Petroleum and Energy have observer status.

#### ***3.2 Offshore Safety Steering Committee***

In March 2002 the SCO, acting on behalf of the Ministerial Council, established an Offshore Safety Steering Committee. The Committee, chaired by the Commonwealth, consists of members representing WA, NT, VIC, QLD, TAS, NSW and SA. The Steering Committee manages several tripartite Working Groups and draws on the resources of the National Oil and Gas Safety Advisory Committee (NOGSAC), the Upstream Petroleum Consultative Committee (UPCC) and the Safety and Environment Administrators Forum (SEAF) to enable it to report to MCMPR on the various aspects of the project. The Steering Committee has agreed to liaise closely with industry and employee representatives.

#### ***3.3 Project Implementation Team***

A National Offshore Safety Implementation Team has been established within DITR to undertake the project management aspects of NOPSAs implementation. NOPSAs implementation is a collaborative effort between DITR, the States, the Northern Territory and the Commonwealth. The Team undertakes activities in accordance with MCMPR directions, under the guidance of the Offshore Safety Steering Committee, and in close consultation and collaboration with DAs, the industry and the workforce.

#### ***3.4 Project Methodology***

The NOPSAs project will be managed in accordance with internationally accepted project management practice. All activities and milestones have been developed in consultation and collaboration with DAs, and all key stages will be presented to the Offshore Safety Steering Committee for endorsement prior to action.

#### ***3.5 Key Milestones***

The MCMPR has agreed a target NOPSAs operational date of 1 January 2005. A schedule outlining key project activities during the period June 2003–February 2004 is attached.

## SECTION FOUR

### HUMAN RESOURCES STRATEGY

#### 4.1 *Governing Principles*

The regulators' role in a safety case environment is a complex and challenging one that requires a broad range of knowledge, experience and abilities. To be effective, regulators must employ technical, managerial, communication, personal and organisational skills to form judgements, test compliance and provide advice. NOPSA must therefore have the capacity to assess systems and procedures in the broadest sense, whilst retaining an ability to address issues of technical detail. Similarly, the States and Northern Territory will be required to maintain technical resources to regulate safety in remaining areas, with consequent implications for Human Resource Management (HRM).

The NOPSA HR Strategy will be developed in accordance with the following governing principles:

- The HR Strategy will reflect wide consultation and early advice will be provided to existing regulatory staff on key issues.
- The HR Strategy will address the requirements of NOPSA and the State and Northern Territory HR authorities; and make due allowance for the ongoing (post-NOPSA) requirements of the State and Northern Territory DAs.
- NOPSA will be staffed by high calibre regulatory staff able to make fundamental judgements about the acceptability or otherwise of an operators' safety case, standards and work practices.
- NOPSA's management team must have the leadership skills to manage and direct a proactive, independent organisation.
- NOPSA's management team must have the knowledge and ability to work within an objective based regulatory regime, managing complex industry issues and inter-governmental legislative processes.
- Remuneration must reflect market conditions in order to attract candidates with the required skills and experience.
- Every effort will be made by Commonwealth, State and Northern Territory stakeholders to equip existing regulatory staff with the competencies required to satisfy the agreed selection criteria and compete for appointments within NOPSA.
- Every effort will be made to assist State and Northern Territory HR authorities to develop individual transition plans for existing regulatory staff.

- Most, if not all, of the key competencies should be provided from within NOPSA to promote individual and corporate development and facilitate the retention of knowledge and expertise within the Authority.
- NOPSA recruitment will be conducted on a competitive basis using agreed competencies and selection criteria developed in accordance with accepted equity and diversity practices. Where appropriate, such criteria will include knowledge of the legislative framework and processes as they relate to offshore safety.
- The NOPSA recruitment strategy will aim to minimise disruption to the delivery of regulatory services and assist in maintaining the continuity of service to the offshore and onshore petroleum industry.
- In order to attract the highest calibre candidates, recruitment will be open to all elements of the marketplace, including existing DA staff, industry (both petroleum and non-petroleum related), and related or comparable national and international bodies.

#### **4.2 Staffing**

Based on preliminary estimates of current and future workloads, and the need to provide a critical mass of expertise and credibility, the NOPSA establishment will include approximately 24 regulatory specialists supported by approximately 10 professional and administrative staff. Whilst it is intended that all necessary core expertise will reside within the organisation, specialist support may also be acquired through Memoranda of Understanding (MOU) between the States and Northern Territory and by the use of contract support.

#### **4.3 Recruitment**

A professional recruitment agency will develop selection criteria based on agreed competencies and a recruitment strategy. All aspects of the process will be developed in consultation and collaboration with DAs, and proposed competencies and selection criteria will be submitted to the Offshore Safety Steering Committee for endorsement.

#### **4.4 Issues**

Key issues to be addressed in relation to staffing and recruitment include:

- The earliest date at which key personnel, including the Chief Executive Officer (CEO), can be appointed and given the relevant delegations.
- The recruitment timetable for all staff appointments.
- The desirability of trainee positions within the organisation.
- The establishment (structurally) of a career path within the organisation.
- The development of appropriate MOU or agreements to facilitate the use of DA staff as required.
- The skill sets and competencies required by support and professional (non-regulatory) staff within the organisation.

- The establishment of appropriate weighting factors to be applied to individual selection criteria (as developed and agreed by the Commonwealth, States and Northern Territory).
- The role of the CEO and NOPSA Board in the selection process, including participation on selection panels.

#### **4.5 Competencies**

The skill set of a competent offshore petroleum regulatory organisation embraces a variety of knowledge, skills and personal attributes, including operational and engineering knowledge relevant to offshore technology; high order management, communication and negotiating skills; sound judgement; and health and safety regulatory competencies.

#### **4.6 Training**

Training and development of current regulatory staff is a priority for all DAs as part of the NOPSA project. A pilot training course facilitated by the Commonwealth in Perth in April 2003 addressed regulatory skills for offshore petroleum safety regulators. In conjunction with the Western Australian DA draft Training and Development Program, the course provided a sound foundation for the design of a broader training and development plan.

A training and development plan will be developed on the basis of the agreed NOPSA competencies and selection criteria; the additional skills required by existing regulators; and the potential requirement for non-NOPSA safety regulatory staff to provide support under MOU or other agreements. Initially targeted at existing DA staff, the training and development plan will form the basis of the initial NOPSA Training and Development Program.

#### **4.7 Individual Transition**

Every effort will be made by the project, in support of State and Northern Territory HR staff, to assist existing regulatory staff in making the transition to NOPSA or other roles. The approach taken will vary in accordance with individual State and Northern Territory HR policies, but it will address issues such as retraining, the maintenance of entitlements and benefits, and staff relocation arrangements.

## SECTION FIVE

### MANAGEMENT FRAMEWORK AND PROCESS INTEGRATION

#### **5.1 Organisational Design Considerations**

The NOPSA organisational structure and management framework will be designed in accordance with the following considerations:

- NOPSA will operate as a matrix structure, with a minimum number of levels between the most junior member of the Authority and the CEO, and an emphasis on the multi-skilling of staff.
- All staff will have the opportunity to contribute to the development of the organisation.
- The organisation must be structured to deal with matters such as contract management, prosecutions, Service Level Agreements (SLA), MOU and managing relationships with DAs and other external bodies.
- No team, (wherever it is physically located) will be self-contained, and each will draw on support from other teams. Some tasks will require a Project Manager and team drawn from across NOPSA.
- All regulatory staff will have a “front line” role in dealing with the industry and possibly an additional role in providing NOPSA’s core expertise in particular disciplines.
- All regulatory staff, (including the CEO) will be expected to travel offshore regularly and to undertake activities in all States and Territories as required.
- Given the existing and anticipated focus of offshore petroleum activity, it is intended that the NOPSA Headquarters and most regulatory staff will be based in Western Australia, with subsidiary offices located in Victoria and the Northern Territory.
- The potential benefits of co-location with existing DAs, the industry and other relevant organisations.
- Where appropriate, some aspects of the required support functions may be established on a contract basis.
- The potential role for a second-in-charge appointment within the organisation.

#### **5.2 Transitional Regulatory Arrangements**

Detailed coordination plans will be developed to address other regulatory functions such as titles, resource management and environmental issues between NOPSA, the DAs, DITR and other Commonwealth, State and Northern Territory government agencies. The hand-over of responsibilities to NOPSA will address the responsibilities and reporting arrangements of the Authority and the

continuing safety regulatory service provided by DAs in regards to offshore matters; and the services provided by the States and Northern Territory to the non-offshore elements of the industry. Where necessary, such arrangements will be outlined in MOU or similar agreements, as developed in consultation with all jurisdictions. The agreements will cover matters such as:

- Bridging arrangements for work in progress, including the management of outstanding or current issues in each of the jurisdictions, investigations, prosecutions and safety case assessments.
- The explicit responsibilities that NOPSA will assume from 1 January 2005 and the remaining DA responsibilities.
- Communication arrangements between NOPSA, the States, the Northern Territory and other relevant agencies, including:
  - Detailed reciprocal notification considerations.
  - Ministerial servicing provisions.
  - Formal arrangements for regular meetings.
- Related staff issues, including the retention of sufficient staff for ongoing DA (post-NOPSA) activities.
- Protocols for accessing existing DA files and the transference of existing data.
- The formal transfer of offshore petroleum safety regulation authority from the DAs to NOPSA.

### **5.3 Ongoing NOPSA Coordination Issues**

Coordination issues relating to the ongoing operation of NOPSA include:

- Agreement on the management of cross boundary issues.
- Decision making protocols regarding ongoing regulatory matters.
- The maintenance of State and Northern Territory technical resources to regulate safety in remaining areas.
- The establishment of mechanisms to cooperatively share NOPSA, State and Northern Territory resources on a consultancy basis.
- NOPSA and DA communication and coordination responsibilities regarding governments, industry and other relevant agencies and stakeholders.
- Information sharing.
- The management of joint NOPSA/DA projects and other interagency relationships.

#### **5.4 Service Level Agreements With States And Territories**

There is agreement that the States and Northern Territory may contract for services for other areas (such as islands and offshore and onshore areas covered by State and Northern Territory petroleum acts). The proposed structure needs to be developed, with aspects to be addressed in such agreements to include delegation of powers, levels of authority and appropriate fee structures.

## SECTION SIX

### TECHNICAL AND REGULATORY FRAMEWORK

#### **6.1 Introduction**

The safety case regime is the primary method of regulating offshore petroleum safety to provide the assurance on behalf of society, government, industry and the workforce that operators have identified risks to health and safety and put appropriate control measures in place. The safety case regime monitors operator compliance throughout the life cycle of projects through informed judgement, audit processes, investigation of complaints and accidents, and open communication.

A key requirement of the safety case regime is that operators must demonstrate they have identified and assessed all relevant risks and taken all necessary steps to reduce the likelihood and consequences of such risks to as low as is reasonably practicable (ALARP). Regulators have a duty to challenge operators' demonstrations through processes such as safety case assessment, audit and accident investigation.

#### **6.2 Recommendations made by the Technical Working Group (TWG)**

The MCMPR has endorsed recommendations made by the Technical Working Group (TWG) to improve performance and consistency in regulatory activities. These recommendations, which can be implemented as soon as practicable by all jurisdictions without constraint, include:

- Developing a regulatory (quality) management system.
- Gaining consensus on the role of the regulator.
- Ensuring consistency of regulatory systems and processes.
- Ensuring consistency of accident and incident reporting.
- Ensuring consistency of enforcement carried out by regulators.

In addition to the recommendations noted above, the TWG has agreed to a review of the current safety case guidelines and the development of a national database system for accidents and incidents. The TWG has completed work on the accident and incident reporting and reached consensus on the role of the regulator. The outcome of this work will be used in the activities noted below to deliver the remaining recommendations.

#### **6.3 Regulatory Management System**

The TWG agreed that a regulatory (quality) management system is required to govern the activities undertaken by regulators. Substantive work will commence once the regulatory systems recommendations have been completed and the NOPSA management team is in place, but some aspects will be addressed before NOPSA is operational.

#### **6.4 Review Of Regulatory Systems**

Existing State and Northern Territory regulatory procedures will be reviewed to improve consistency, procedures, performance standards, competencies and training for adoption by NOPSA. The review will include Safety Case Assessment, Accident & Incident Investigation and Auditing. The Accident and Incident Investigation system will be piloted first, after which the process will be assessed for its utility in developing the other regulatory systems.

#### **6.5 Enforcement And Compliance Framework**

Consistently ensuring compliance with relevant legislation involves the development and maintenance of a formal system for graduated enforcement, including conflict resolution and negotiation mechanisms. A mix of informal and formal enforcement mechanisms exists, ranging from verbal advice to prosecution. The enforcement and compliance framework will be prepared in conjunction with DAs, industry and the workforce.

#### **6.6 Knowledge And Information Systems**

Systems and processes will be developed for the storage of knowledge and data to provide NOPSA with reference information and the capacity to analyse trends. This task includes the development of a national accident and incident database for the offshore petroleum industry; the establishment of a safety case management database; the establishment of knowledge management systems; and the capture of historical data currently managed by individual DAs for adoption by NOPSA.

## **SECTION SEVEN**

### **LEGISLATIVE ISSUES**

#### ***7.1 Amendments To Commonwealth P(SL)A And Mirror Requirements In State Legislation***

Amendments are required to the Commonwealth Petroleum (Submerged Lands) Act (P(SL)A) and the State and Northern Territory P(SL)A (and other legislation where appropriate) to implement the national scheme in coastal waters. This section draws on material provided by the Australian Government Solicitor (AGS) and sets out proposals for amendments to State and Northern Territory P(SL)A and other relevant legislation to provide for the operations of NOPSA in State and Northern Territory coastal and other relevant waters.

This section also proposes State and Northern Territory provisions to mirror (or apply), for coastal waters, the uniform occupational health and safety regime as set out in Schedule 7 of the Commonwealth P(SL)A and in regulations under that Act. The guidance given here needs to be considered against the background of the proposed amendments to the Commonwealth P(SL)A that establish NOPSA, provide for its corporate governance and funding, and confer functions upon it.

#### ***7.2 The Proposed Legislative Arrangements***

The Commonwealth P(SL)A will establish NOPSA as an incorporated statutory body, managed by a Board whose members are selected by MCMPR and responsible to Commonwealth and State Ministers. In accordance with the MCMPR decision dated 13 September 2003, NOPSA will be established by the Commonwealth and these provisions are therefore not proposed to be mirrored in the State and Northern Territory P(SL)A.

In accordance with the Offshore Constitutional Settlement, the substantive occupational health and safety (OH&S) law administered by NOPSA will be enacted by the Commonwealth in relation to Commonwealth waters (outside the 3-mile territorial sea) and enacted by the States and Northern Territory in relation to coastal waters (waters of the 3-mile territorial sea and any waters inside the baseline to which the States and Northern Territory P(SL)A apply).

Accordingly, the Commonwealth P(SL)A will provide that, in Commonwealth waters, NOPSA has the functions conferred on it by Schedule 7 of the P(SL)A and regulations under the P(SL)A relating to safety cases and other OH&S matters. For constitutional reasons, the Commonwealth P(SL)A will also provide that NOPSA has the functions and powers conferred on it by States and Northern Territory P(SL)A and other relevant legislation in relation to coastal and other relevant waters.

The State and Northern Territory P(SL)A and other relevant legislation will confer functions and powers on NOPSA in relation to coastal and other relevant waters, which are set out in Schedule 7 of the P(SL)A and regulations under the P(SL)A relating to safety cases and other OH&S matters. These

Commonwealth provisions will be 'mirrored' by the States and Northern Territory, or 'applied' by the States and Northern Territory legislation as law.

Detailed legislative guidance will be developed as part of the implementation process, with some details depending on the States and Northern Territory legislative drafting practices and the drafting of the Commonwealth Bill. There are also some ancillary matters, such as judicial review and prosecutions, for which policy and constitutional issues are still being addressed. Comments from States and Northern Territory Parliamentary Counsel and Crown Law Offices may also indicate a need for refinements to the scheme.

### ***7.3 State And Northern Territory Laws That Are Disapplied In Coastal Waters***

Specific State and Northern Territory OH&S laws will be disapplied in coastal (and Commonwealth adjacent) waters. The States and Northern Territory will make legislative provisions to give effect to this.