
Notifying and reporting accidents and dangerous occurrences



NOPSA's functions under OPA2006

- Promote
- Secure compliance
- Investigate & report
- Advise on OHS
- Cooperate with other government bodies



OHS Regime characteristics

- Offshore petroleum OHS framework is a general duties regime regulated by a government inspectorate using the **safety case/PSMP** as an approval tool
- A performance based regime, although with prescriptive elements



Relevant legislation

- Schedule 3 to the OPA
- MoSOF Regs 1996, Pipeline Regs 2001, Diving Safety Regs 2002, OHS Regs 1993
- Copies are available on the web at www.comlaw.gov.au



OPA Schedule 3 Clause 82 etc.

- Must notify & report any accident (*death, serious personal injury, incapacitation ≥ 3 days, contraction of disease*) or dangerous occurrence (*as defined by MoSOF Reg. 45*)
- Timing of notice and report set by MoSOF Reg. 46
- Content of report set by Determination in Government Gazette

OPA Schedule 3 Clause 43

- **Records of accidents and dangerous occurrences to be kept**



MoSOF Reg 45

A Dangerous occurrence is one that:

- Did not cause, but could have reasonably caused death, serious personal injury or incapacitation >3 days

OR ...



MoSOF Reg 45: Dangerous occurrence cont'd

- **fire or explosion;**
- **collision of a marine vessel with the facility;**
- **an uncontrolled release of hydrocarbon vapour exceeding 1 kg;**
- **an uncontrolled release of petroleum liquids exceeding 80 litres;**
- **a well kick exceeding 50 barrels;**
- **an unplanned event that required the emergency response plan to be implemented;**
- **damage to safety-critical equipment;**

OR ...



MoSOF Reg 45: Dangerous occurrence cont'd

- was of another kind that a reasonable operator would consider to require an immediate investigation



MoSOF Reg 46(1): Notice

- **may be oral or written; and**
- **must be provided as soon as practicable after:**
 - **detection of the accident or dangerous occurrence by the operator; and**
 - **first occurrence of the accident or dangerous occurrence; or**
- **must contain all material details that are reasonably available at the time of the notification**

MoSOF Reg 46(2): Report

- must be written; and
- unless otherwise agreed by the Safety Authority — must be provided within 3 days after:
 - first occurrence of the accident or dangerous occurrence; or
 - detection of the accident or dangerous occurrence by the operator; and
- must contain material details concerning the accident or dangerous occurrence of the types determined by the Safety Authority

MoSOF 46(3): Determination – All reports must include:

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1. The facility name, site name or location where the incident occurred
 2. Name and business address of registered operator or other person who controls the work site
 3. Time and date of incident
 4. Names and contact details of any witnesses
 5. Name/position/telephone number of person submitting these details
 6. Brief description of incident
 7. Work/activity being undertaken at time of incident
 8. Action taken to make the work-site safe including details of any disturbance of the work site
 9. Was an emergency response initiated?

MoSOF 46(3): Determination – All injuries reports must include:

10. Name of employer of deceased/injured person(s) [if any and if different from answer in item 2]
11. Details of deceased/injured person(s) - including: name, date of birth, sex, residential address and telephone number, occupation/job title and details of injury, details of job being undertaken
12. Day of shift and hour of shift (e.g. 5th day of 7, 1st hour of 12)

MoSOF 46(3): Determination – All fluid escape reports must include

13. Estimated quantity and composition of fluids that escaped or burned, including known toxicity
14. Duration of escape
15. Location and weather conditions



MoSOF 46(3): Determination Serious Damage reports must include:

16. Identify equipment damaged and to what extent.
17. Will the equipment or facility be shutdown and for how long?



MoSOF 46(3): Determination – All reports must include

18. Immediate action taken/intended, if any, to prevent recurrence of incident.
19. Immediate cause analysis
20. Root cause analysis and full report
21. Actions to prevent recurrence of same or similar incident with responsible party and completion date



MoSOF Reg 46(4): Written monthly report

Summarising:

- number of deaths at the facility
- number and types of injuries, other than minor injuries not requiring treatment or first aid



Pipelines Regs 39M, 39N and 40

- Obligations on pipeline operators for notifying and reporting accidents and dangerous occurrences at pipelines to NOPSA are similar to the MoSOF obligations
- Pipeline licensees must notify and report reportable incidents to the Designated Authority



MoSOF Reg 53: Interference

- A person must not interfere with a site, on a facility, where there is:
 - an accident that causes death, or serious personal injury; or
 - an accident that causes incapacitation for ≥ 3 days; or
 - a dangerous occurrence;

before the completion of the inspection of the site by an OHS inspector.

MoSOF Reg 53: Interference defence

- The person was acting with the written or oral authority of an OHS inspector; or
- The person was acting, in a reasonable manner, for any of the following purposes:
 - helping or rescuing a sick, injured or endangered person;
 - maintaining the safety of the facility or of persons at the facility;
 - reducing danger to the facility or to persons at the facility;
 - retrieving, or attempting to retrieve, the body of a dead person; or
- An OHS inspector did not enter the facility within a specified time

Accident + Dangerous Occurrences obligations

- Operators are required to notify and to report
- Investigation and analysis of incidents will improve safety
- Implementation of meaningful remedial actions to prevent recurrence is necessary
- Dissemination of the lessons learned across the industry is vital



Caveat

This material is guidance only, based on NOPSA's current understanding.

This material must not be considered as legal advice. If you are seeking legal advice you should consult your own legal adviser.



Questions?

