

Guidance note

Avoiding obstruction or hindrance to NOPSEMA Inspectors

Context

This guidance note provides advice to interested parties on avoiding obstruction or hindrance to NOPSEMA OHS Inspectors in the course of their duties.

Several issues have arisen during inspections that have highlighted a need for such guidance.

These have occurred because operators or their contractors have tried to apply standardised operational requirements to NOPSEMA OHS Inspectors seeking access to a facility.

Legislation

NOPSEMA Inspectors have powers under the provisions of Schedule 3 to the OPGGS Act to require assistance in connection with the conduct of an inspection and to enter and search facilities and related business premises.

Individuals commit an offence if their conduct obstructs or hinders an Inspector in exercising these powers or if they fail to provide reasonable assistance to an Inspector. Penalties for such offences can include imprisonment. APPEA understands that the evidential burden is borne by the individual to prove their actions did not cause the offence to occur.

In general, operations staff may request Inspectors to comply with standard company requirements and record the response. This will create an audit trail that demonstrates their attempts to deliver duty of care requirements. But in implementing such a process, care should be taken to avoid obstructing or hindering Inspectors in the conduct of inspections.

Training and medical requirements

Inadvertent obstruction can occur at embarkation points through applying checks for compliance with standard and company-specific training requirements.

NOPSEMA recruits staff with significant industry experience and provides pre-employment and periodic medical fitness checks and Basic Offshore Safety Induction & Emergency Training. While an Inspector can be asked for proof of valid certification, he or she is not obliged to provide such proof.

Short facility-specific induction training is appropriate. But specific company requirements – such as extended inductions and permit to work training – are unlikely to be deemed appropriate and Inspectors may refuse to participate.

For more specific guidance, see the next page.

Medical checks

NOPSEMA Inspectors will generally comply with requests for pre-boarding testing. However, they retain the right to refuse, particularly in cases where this is assessed as restricting their access to site and limiting their duties.

Like all visitors to a facility, a NOPSEMA Inspector may be asked to outline medical information to assist onsite medical teams in an emergency, but the Inspector is not obliged to do so.

If an Inspector is clearly unfit to travel, a reasonable person can intervene to stop an unsafe act. However, due care should be exercised that such intervention is justified.

Baggage allowance

NOPSEMA Inspectors require 20kg of baggage allowance where aviation transit limits apply. Unlike the typical traveller, who will transit from home to site and back, Inspectors typically travel between multiple offshore locations. Therefore, their baggage requirements exceed those of most travellers.

Total transit weight should never be used as a reason to deny an inspector access to transportation, even where production-critical shipments are desired at a facility.

Personal protective equipment (PPE)

NOPSEMA understands that there are a variety of PPE requirements, which reflect operational risks and organisational standards. However, the inconsistency of standards being applied makes it unreasonable for NOPSEMA to provide Inspectors with multiple issues of equipment. To address this, NOPSEMA has assessed the PPE needs and provided its inspectors with a level of personal protective equipment that complies with Australian Standards and is appropriate to the nature of their activity. This currently includes:

- Hard hats – typically green to denote inspectors as infrequent visitors to a given facility
- Ear defenders
- Safety glasses
- Overalls – fire retardant overalls (to appropriate standard)
- Safety boots – Steel toe-capped, may be slip-on or lace-up
- Gloves.

As it is unreasonable for inspectors to comply with the diversity of company requirements, operators are advised that insistence on specific PPE types could be determined to be an obstruction or hindrance. Operators may find it helpful to clarify to their staff that the NOPSEMA standard of PPE is appropriate to the nature of the inspection activity, which may be an exception to the operator's general rules.

Where additional PPE requirements (such as H2S monitors, goggles or dust masks etc.) are needed for specific areas, inspectors will normally use the relevant equipment, as supplied by the operator.