

Drilling platform deaths result in company fine

By Keith Livingston

ALMOST three years of detailed investigation by members in the AFP's Southern Region Fraud and General Crime Division came to a successful conclusion at the Melbourne Magistrates court on 24 January this year.

The efforts of the members resulted in the AFP proving the guilt of the oil company Esso Australia Limited in its failure to comply with safety regulations on the West Kingfish oil platform in Bass Strait. Dramatic events which occurred on the large West Kingfish platform more than four years ago led eventually to an inquiry by the AFP and subsequent charges being laid.

The platform sits astride four giant legs, firmly anchored to the ocean floor, 73 km off the south Gippsland Coast of Victoria. On 6 November, 1986, two engineers were conducting routine tests on the platform's oil recovery equipment.

One of the engineers, Mr Mark Crossley, was a consultant while his colleague, Ms Jacqueline James, was an Esso employee.

They were standing in front of a control panel when without warning their work area was filled with a volatile mix of hydrocarbon materials, predominantly crude oil and gas.

The deadly mixture which enveloped the engineers' working area did so under extremely high pressure. The violence of the sudden eruption from vents concealed under walkway gratings where the engineers stood thrust the gratings upwards, dislodging them. The hydrocarbons filling the surrounding air then ignited and both engineers were engulfed in flames.

Mr Crossley, enveloped in flames, ran along a walkway on the outside of the rig and leapt into the waters of Bass Strait. Ms James, despite urging from Mr Crossley to jump also, ran around the decking of the oil platform to find a safety shower. Another engineer, Geoff Campbell, rushed to help Ms James and using what is known as a 'bluey jacket', smothered the flames, then led her

to the nearest shower and doused her completely.

Despite Mr Campbell's efforts, the flames caused severe burns to a substantial portion of Ms James' body.

By the time rescuers reached Mr Crossley he was dead.

A later assessment of the events immediately following the fire revealed that during her terrifying ordeal Ms James had run past a safety shower before she was intercepted by Mr Campbell.

The incident was investigated first by the Victoria Police and their brief was put before the Coroner, Mr B. Maher, who headed the inquest which began in September 1987 into Mr Crossley's death. Mr Maher returned a finding of death by drowning on 1 October 1987.

Five months later, and by this time 16 months after the tragedy, the matter was brought to the attention of the AFP for possible investigation.

Offences against Commonwealth Laws

Initial enquiries revealed a prima facie case of non-compliance with safety regulations. This resulted in the relevant Victorian authority referring the matter to the AFP.

Constable Mike Hawley was the informant in the matter. He and his colleagues made up a small but effective team of investigators, who were to gather evidence.

The offences occurred between 6 May and 6 November 1986 during which time correct safety procedures and maintenance were not observed in compliance with the regulations as set out in the Commonwealth's Petroleum (Submerged Lands) Act 1967.

Constable Hawley began the onerous task of compiling a Brief of Evidence, later vigorously defended by Esso, by making himself thoroughly familiar with the Commonwealth laws governing the operations of oil platforms.

"In the early stages, I had about as much knowledge of oil platforms

and the laws governing them as the average person in the street," Constable Hawley said.

His first challenge was to study and become familiar with the Petroleum (Submerged Lands) Act - and to be able to apply his findings to the intent of the laws and ways in which they should be applied. It should be remembered that the AFP was called in to the investigation a long time after the offences had allegedly been committed, so there was an obligation to prove guilt by indirect means. "We were not in a position to have, for example, direct evidence of rust in the platform's flame arrestor, so we had to examine the Company's maintenance records," Constable Hawley said.

The investigation was to become entangled also in its fair share of legal argument. In one instance, following the execution of a search warrant on Esso's Sydney offices, the company challenged the validity of the search warrant over the company name used in the warrant, as there are several subsidiaries with similar names.

When this matter was tested in the Federal Court the judge ruled that the warrant had alleged an impossible offence - that Esso Australia Limited could not have committed the offence, as it could only have been committed by the licensee.

The AFP was, however, permitted to retain the seized documents because they indicated possible offences having been committed by other associated companies.

Oil Platform Expert

Constable Hawley is now, with little doubt, the best-informed AFP member regarding the operations of an oil platform. In fact, he is now something of an expert, having extended his investigations from the West Kingfish incident and its causes to comparisons with similar mishaps on oil platforms overseas. "It was necessary for me to gain a complete understanding of the design, construction methods and operations (including the safety

procedures) which should be followed on board oil platforms at sea," he said.

"I had to gain a complete understanding of the platform to enable me to understand how and where safety procedures were ignored and how Mr Crossley and Ms James were set on fire.

"Apart from anything else, once I learned about the complex workings of the platform, I had to be able to place all this information before legal representatives in clear, precise terms so that they would understand the complexities of the situation and what went wrong," Constable Hawley said. "Make no mistake, oil platforms are extremely large structures - here you have what is virtually a small city - completely self-contained and West Kingfish is no exception.

"At any time there are up to 60 personnel on board to operate the thing," he said.

The AFP investigators made three trips to the oil platform. This meant travelling about 200km from Melbourne to Longford on the coast, south of Sale, from where they were flown by helicopter to the West Kingfish platform.

On the first and third of these journeys the investigators were accompanied by a member of the AFP Physical Evidence Unit. He took along both video and 35mm cameras to make a pictorial record of the areas relevant to the investigation. Constable Hawley and Constable Andrew Bryce then used the video footage, still pictures and graphics to explain the workings of the platform to their colleagues and the AFP's legal advisers so they could understand what the AFP needed to prove.

They produced a self-contained video which enabled those involved in the matter to gain an excellent understanding of the case the AFP was building against Esso and what the brief of evidence should reveal about the failure of safety devices. This proved invaluable as a briefing aid to new members of the investigation and legal teams working on the case.

Initial legal proceedings were handled by the Director of Public Prosecutions and senior officer Harold Cottee said of the Brief of Evidence prepared by Constable Hawley, "It was a really well-done

job which Mike approached professionally and with great enthusiasm. "He and his colleagues were painstaking in pursuing detail in what was an exhaustive investigation. You know - his Brief filled 13 lever-arch folders!"

Compiling such a sizeable Brief demanded a well-organised recording and reference system and these duties were given to Constable Bradley Marden.

As the enquiries continued, the list of exhibits grew also. The team realised swift retrieval of key elements

So effective was Constable Hawley's assessment of the matters leading up to that fateful moment on the day of the blow-back and fire that Esso Australia Limited agreed with the Summary of Facts

of the investigation would be vital. Detailed descriptions of the large number of technical exhibits which grew with the investigation were committed to a computer database. Constable Marden's work led to a much more efficient analysis of material that formed the foundation on which the AFP team built its case against the company.

Undeniable Facts

So effective was Constable Hawley's assessment of the matters leading up to that fateful moment on the day of the blow-back and fire that Esso Australia Limited agreed with the Summary of Facts.

The document had been compiled by Constable Hawley and his colleagues who worked closely during the investigation with officers from the Melbourne office of the Commonwealth Director of Public Prosecutions.

Esso Australia Limited pleaded guilty to three charges, each carrying a maximum fine of \$10,000.

The briefing by Constable Hawley was used by the counsel for the Commonwealth who was able to tell Magistrate Fred Duthie in the Melbourne Magistrates Court that the back flow of oil and gas occurred because of blockages in the platform's vent system.

The counsel said that it had been found that the flame arrestor and a piece of equipment described as a

Y-strainer on the flare vent (used to burn off excess gas) were 90 per cent blocked with rust.

There was no clear chain of command between engineers carrying out tests and there had been no provision for visual or oral communication between them, the counsel said.

He told the Magistrate that the test program which Mr Crossley and Ms James had attempted to undertake had not been reviewed by more senior Esso staff to evaluate its validity or safety features.

He said that although the test team was given considerable information about safety procedures in emergencies the members were not told what to do if they caught fire.

They had not been told of the dangers of jumping overboard - and if that was their only alternative, they had not been instructed in the correct way to jump, nor were they told of the locations of the safety

showers on board the platform.

Esso had pleaded guilty to three offences:

- Being knowingly concerned in having failed to secure the safety health and welfare of persons engaged in the recovery of petroleum;
- Being knowingly concerned in having failed to maintain in good condition and repair the deluge (sprinkler) system used for fire-fighting purposes on the West Kingfish Oil Platform, and;
- Being knowingly concerned in having failed to maintain in good condition and repair the vent to flare including associated valves, strainers and arresters from the skimmer pile on the West Kingfish Oil Platform.

Mr Duthie had before him the option of a maximum fine of \$10,000 on each of three counts. He took into consideration the fact that it was the company's first offence - a point raised by counsel for the company, Ken Hayne, who said Esso was "rightly proud of attention to occupational health and safety issues". In 21 years of Bass Strait operations, the company had not been charged with any offence under the Act, the defence counsel said.

Mr Duthie fined the company \$5,000 on each of the three offences for a total of \$15,000 and also ordered Esso to pay the prosecution's costs of \$100,000.