

South Australia

## **Petroleum (Submerged Lands) Regulations 2005**

under the *Petroleum (Submerged Lands) Act 1982*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 3 Definitions
- 4 Forms, notices and reports

#### **Part 2—Occupational health and safety**

##### **Division 1—Preliminary**

- 5 Object
- 6 Relationship with other Parts
- 7 Definitions

##### **Division 2—Regulations relating to health and safety**

- 8 Avoiding fatigue
- 9 Possession or control of drugs or intoxicants
- 10 Person must leave the facility when instructed to do so
- 11 Prohibition on the use of certain hazardous substances
- 12 Limitations on exposure to certain hazardous substances
- 13 Exposure to noise
- 14 Exemptions from hazardous substances and noise requirements

##### **Division 3—Elections of health and safety representatives**

###### **Subdivision 1—Returning officer**

- 15 Appointment of returning officer

###### **Subdivision 2—The poll**

- 16 Number of votes
- 17 Right to secret ballot
- 18 Conduct of poll by secret ballot
- 19 Conduct of poll if no request made for secret ballot
- 20 If no candidate is elected

###### **Subdivision 3—Polling by secret ballot**

- 21 Ballot-papers
- 22 Distribution of ballot papers
- 23 Manner of voting by secret ballot

###### **Subdivision 4—The count**

- 24 Envelopes given to returning officer

- 25 Scrutineers
- 26 Returning officer to be advised of scrutineers
- 27 Persons present at the count
- 28 Conduct of the count
- 29 Informal ballot-papers
- 30 Completion of the count
- 31 Destruction of election material

#### Subdivision 5—Result of election

- 32 Request for recount
- 33 Irregularities at election
- 34 Result of poll

#### Division 4—Advice, investigations and inquiries

- 35 Taking samples for testing etc
- 36 Form of certain notices

#### Division 5—Exemptions from the requirements in Part 3 of Schedule 7 to the Act

- 37 Orders under clause 45 of Schedule 7 to the Act

#### Division 6—State laws that do not apply

- 38 Prescribed occupational health and safety laws

#### Division 7—Miscellaneous

- 39 Service of notices

### Part 3—Management of safety on offshore facilities

#### Division 1—Preliminary

- 40 Object
- 41 Relationship with other Parts
- 42 Definitions

#### Division 2—Operators

- 43 Nomination of operator
- 44 Acceptance or rejection of nomination of operator
- 45 Register of operators

#### Division 3—Safety cases

##### Subdivision 1—Contents of safety case

- 46 Facility description, formal safety assessment and safety management system
- 47 Implementation and improvement of the safety management system
- 48 Standards to be applied
- 49 Command structure
- 50 Members of the workforce must be competent
- 51 "Permit to work" system for safe performance of various activities
- 52 Involvement of members of the workforce
- 53 Design, construction, installation, maintenance and modification
- 54 Medical and pharmaceutical supplies and services
- 55 Machinery and equipment

---

56	Drugs and intoxicants
57	Evacuation, escape and rescue analysis
58	Fire and explosion risk analysis
59	Emergency communications systems
60	Control systems
61	Emergency preparedness
62	Pipelines
63	Vessel and aircraft control
64	Arrangements for records
Subdivision 2—Submission and acceptance of safety cases	
65	Safety case to be submitted to Safety Authority
66	Safety Authority may request more information
67	Acceptance or rejection of a safety case
68	Notice of decision on safety case
69	Consent to undertake work outside of the requirements of the safety case
70	Duties under Part 2 of Schedule 7 to the Act
Subdivision 3—Revised safety cases	
71	Revision of a safety case because of a change of circumstances or operations
72	Revision on request by the Safety Authority
73	Revision after 5 years
74	Safety Authority may request more information
75	Acceptance or rejection of a revised safety case
76	Notice of decision on revised safety case
77	Effect of rejection of revised safety case
Subdivision 4—Withdrawal of acceptance of a safety case	
78	Grounds for withdrawal of acceptance
79	Notice before withdrawal of acceptance
Subdivision 5—Exemptions	
80	Safety Authority may give an exemption
Division 4—Validation	
81	Validation of design, construction and installation, significant modification or decommissioning of a facility
Division 5—Notifying and reporting accidents and dangerous occurrences	
82	Prescribed period of incapacity
83	Meaning of dangerous occurrence
84	Reporting accidents and dangerous occurrences
Division 6—Penalty provisions	
85	Facility must have registered operator
86	Safety case required for the relevant stage in the life of a facility
87	Work on a facility must comply with the safety case
88	New health and safety risk
89	Maintaining records
90	Person on a facility must comply with safety case
91	Interference with accident sites

## Division 7—Miscellaneous

- 92 Details in applications or submissions

## Part 4—Pipelines

### Division 1—Preliminary

- 93 Object  
94 Definitions  
95 Meaning of validation  
96 Relationship with other Parts

### Division 2—Operators

- 97 Nomination of operator  
98 Acceptance or rejection of nomination of operator  
99 Register of operators  
100 Pipeline must have registered operator

### Division 3—Consents to construct and operate a pipeline

#### Subdivision 1—Consent to construct

- 101 Consent to construct required to construct a pipeline  
102 Matters to be agreed before pipeline licensee applies for consent to construct  
103 Application for consent to construct  
104 Deciding an application for a consent to construct  
105 Construction must comply with pipeline management plan  
106 Notice of route followed by pipeline

#### Subdivision 2—Consent to operate

- 107 Consent to operate required before a pipeline is operated  
108 Matters to be agreed before pipeline licensee applies for consent to operate  
109 Application for consent to operate  
110 Deciding an application for a consent to operate  
111 Operation must comply with pipeline management plan  
112 Using pipeline to convey compositions of petroleum

#### Subdivision 3—Modifying or decommissioning a pipeline

- 113 Modifying or decommissioning a pipeline

### Division 4—Pipeline management plans

#### Subdivision 1—Acceptance of a pipeline management plan

- 114 Submission of a pipeline management plan  
115 Handling pipeline management plan  
116 Time limit for accepting or not accepting a pipeline management plan  
117 Acceptance of a pipeline management plan

#### Subdivision 2—Contents of a pipeline management plan

- 118 Contents of a pipeline management plan  
119 Description of safety policy  
120 Description of pipeline  
121 Description of pipeline management system

---

122	Statement of standards
123	Arrangements for documents
124	Arrangements for reporting
Subdivision 3—Revision of a pipeline management plan	
125	Revision because of a change, or proposed change, of circumstances or operations
126	Revision on request by the Minister
127	Revision at the end of each 5 years
128	Form of proposed revision
129	Time limit for accepting or not accepting a proposed revision
130	Acceptance of a proposed revision of a pipeline management plan
131	Effect of non-acceptance of proposed revision
Subdivision 4—Withdrawal of acceptance of a pipeline management plan	
132	Withdrawal of acceptance of a pipeline management plan
133	Steps to be taken before withdrawal of acceptance
134	Withdrawal of acceptance not affected by other provisions
Division 5—Pipeline safety management plans	
Subdivision 1—Preliminary	
135	Definition
Subdivision 2—Acceptance of a pipeline safety management plan	
136	Consideration of a pipeline safety management plan
137	Notice to pipeline licensee about a pipeline safety management plan
138	Revision of a pipeline management plan—request by the Safety Authority concerning a pipeline safety management plan
139	Submission about proposed revision of a pipeline management plan
140	Proposed revision of a pipeline management plan
141	Notice to pipeline licensee about proposed revision of a pipeline safety management plan
Subdivision 3—Withdrawal of acceptance of a pipeline safety management plan	
142	Request for withdrawal of acceptance of a pipeline management plan
143	Steps to be taken before request for withdrawal of acceptance
144	Withdrawal of acceptance of a pipeline management plan on request
Division 6—Notifying and reporting accidents and dangerous occurrences	
145	Prescribed period of incapacity
146	Meaning of dangerous occurrence
147	Reporting accidents and dangerous occurrences
148	Reportable incidents
149	Dealing with documents
150	Reporting to Minister
Division 7—Miscellaneous	
Subdivision 1—Requirements about workers	
151	Competence of workers
152	Awareness of legislation
153	Involvement of workers in pipeline management plan

Subdivision 2—Providing information

- 154 Notice of contact details
- 155 Minister may decline to consider application or submission if information is not given

Part 5—Diving safety

Division 1—Preliminary

- 156 Application
- 157 Definitions
- 158 Meaning of diving
- 159 When a diving operation begins and ends

Division 2—Diving safety management systems

- 160 No diving without DSMS
- 161 Contents of DSMS
- 162 Acceptance of new DSMS
- 163 Acceptance of revised DSMS
- 164 Grounds for rejecting DSMS
- 165 Notice of reasons
- 166 Register of DSMSs
- 167 Revision of DSMS
- 168 Notice to revise DSMS

Division 3—Diving project plans

- 169 Diving project plan to be approved
- 170 Diving project plan to Safety Authority if there is no operator
- 171 Diving project plan to Safety Authority if requested
- 172 Updating diving project plan
- 173 Contents of diving project plan
- 174 No diving without approved diving project plan

Division 4—Involvement of divers and members of the workforce

- 175 Involvement of divers and members of the workforce in DSMS and diving project plan

Division 5—Safety responsibilities

- 176 Safety responsibilities of diving contractors
- 177 Safety in the diving area
- 178 Diving depths

Division 6—Diving supervisors

- 179 Appointment of diving supervisors
- 180 Duties of diving supervisors

Division 7—Start-up notices

- 181 Start-up notice

Division 8—Diving operations

- 182 Divers in diving operations
- 183 Medical certificates

---

**Division 9—Records**

184 Diving operations record

185 Divers' log books

**Part 6—Fees**

186 Fees

**Schedule 1—Hazardous substances****Part 1—Interpretation****Part 2—Permitted circumstances for using certain hazardous substances****Part 3—Permitted circumstances for using certain hazardous substances with carcinogenic properties****Schedule 2—Forms for occupational health and safety purposes****Schedule 3—Fees****Legislative history**

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**Part 1—Preliminary****1—Short title**

These regulations may be cited as the *Petroleum (Submerged Lands) Regulations 2005*.

**3—Definitions**

In these regulations, unless the contrary intention appears—

*Act* means the *Petroleum (Submerged Lands) Act 1982*;

*controlled substance* means a substance mentioned in—

- (a) Schedule 8 to the *Customs (Prohibited Exports) Regulations 1958* of the Commonwealth; or
- (b) Schedule 4 to the *Customs (Prohibited Imports) Regulations 1956* of the Commonwealth;

*intoxicant* means a beverage or other substance for human consumption that contains alcohol (other than a substance for medical or pharmaceutical use);

*member of the workforce*, in relation to a facility, has the meaning given in clause 3 of Schedule 7 to the Act;

*registered medical practitioner* means a person who is registered on the general register or the specialist register (or both) under the *Medical Practice Act 2004*;

*registered nurse* means a person who is registered under the *Nurses Act 1999*;

*registered pharmacist* means a person who is registered as a pharmacist under the *Pharmacists Act 1991*;

*therapeutic drug* means a drug that—

- (a) may be prescribed by a registered medical practitioner; or
- (b) may be sold without a prescription prepared by a registered medical practitioner.

#### **4—Forms, notices and reports**

- (1) A form must be completed in accordance with a direction specified in, or at the foot of, the form.
- (2) A person who is required for the purposes of the Act or these regulations to—
  - (a) complete a form; or
  - (b) give notice or make a report,must complete the form, give notice or make the report in sufficient detail to allow proper consideration of the form, notice or report.
- (3) A form, notice or report must be produced clearly and legibly in handwriting or by means of a machine in such a manner as to enable clear and legible reproduction of the contents of the form, notice or report.

## **Part 2—Occupational health and safety**

### **Division 1—Preliminary**

#### **5—Object**

The object of this Part is to prescribe matters related to occupational health and safety on offshore petroleum facilities.

#### **6—Relationship with other Parts**

The requirements of this Part are in addition to the requirements imposed on a person by any Parts of these regulations.

#### **7—Definitions**

In this Part, unless the contrary intention appears—

*designated work group* has the meaning given in clause 3 of Schedule 7 to the Act;

*election* means an election for a health and safety representative or a deputy health and safety representative under clause 25 or 32 of Schedule 7 to the Act;

*employer* has the meaning given in clause 3 of Schedule 7 to the Act;

*facility* has the meaning given in clause 3 of Schedule 7 to the Act;

*health and safety representative* means a person selected as a health and safety representative for a designated work group under clause 24 of Schedule 7 to the Act;

*identity card* means an identity card issued, under section 150YM of the Commonwealth Act, to an OHS inspector;



*operator* has the meaning given in clause 3 of Schedule 7 to the Act;

*returning officer* means a person appointed as a returning officer under regulation 15;

*voter* means a person who is eligible to vote in an election;

*work* has the meaning given in clause 3 of Schedule 7 to the Act;

*workplace* has the meaning given in clause 3 of Schedule 7 to the Act.

## **Division 2—Regulations relating to health and safety**

### **8—Avoiding fatigue**

- (1) This regulation applies to—
  - (a) an operator; and
  - (b) an employer; and
  - (c) another person in control of—
    - (i) a facility; or
    - (ii) a part of a facility; or
    - (iii) particular work carried out at a facility.
- (2) The person must not allow, or require, a member of the workforce who is under the person's control, to work for—
  - (a) a continuous period; or
  - (b) successive continuous periods,

of a duration that could reasonably be expected to have an adverse effect on the health or safety of the member of the workforce or other persons at or near the facility.

Maximum penalty: \$1 100.

### **9—Possession or control of drugs or intoxicants**

- (1) A person on a facility must not have possession or control of—
  - (a) a controlled substance; or
  - (b) an intoxicant.

Maximum penalty: \$1 100.

- (2) It is a defence to a prosecution under subregulation (1)—
  - (a) that the person had possession or control of a controlled substance that is a therapeutic drug; and
  - (b) that the person had the therapeutic drug under his or her possession or control—
    - (i) in the course of the person's employment; or
    - (ii) in the course of the person's duties or practice as a registered medical practitioner, registered nurse or registered pharmacist; or
    - (iii) in accordance with the law of this State; or

- (iv) if the person had lawfully acquired the therapeutic drug—for the person's bona fide personal use.

### **10—Person must leave the facility when instructed to do so**

- (1) A person on a facility must leave the facility if instructed to do so by a person in command of the facility.  
Maximum penalty: \$1 100.
- (2) An instruction—
  - (a) in the case of an emergency—may be given orally; or
  - (b) in any other case, relevant to occupational health and safety on the facility—
    - (i) must be in writing; and
    - (ii) must include the reason for the instruction.

### **11—Prohibition on the use of certain hazardous substances**

- (1) This regulation applies to—
  - (a) an operator; and
  - (b) an employer; and
  - (c) another person in control of—
    - (i) a facility; or
    - (ii) a part of a facility; or
    - (iii) particular work carried out at a facility.
- (2) The person must not allow a hazardous substance, referred to in column 2 of an item in Part 2 or 3 of Schedule 1, to be used in any circumstance other than a circumstance specified in column 3 of the item.  
Maximum penalty: \$2 200.
- (3) It is a defence to a prosecution against subregulation (2) that the use is in accordance with an exemption granted by the Safety Authority under regulation 14.
- (4) Subregulation (2) does not apply to the use of chrysotile asbestos if the use is permitted under regulation 4D(5) of the *Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993* of the Commonwealth.

### **12—Limitations on exposure to certain hazardous substances**

- (1) This regulation applies to—
  - (a) an operator; and
  - (b) an employer; and
  - (c) another person in control of—
    - (i) a facility; or
    - (ii) a part of a facility; or
    - (iii) particular work carried out at a facility.

- (2) The person must not allow a member of the workforce, under the person's control, to be exposed to an airborne concentration of a hazardous substance in the breathing zone of the member of the workforce at a level that exceeds the appropriate exposure standard for the relevant period of time.

Maximum penalty: \$2 200.

- (3) It is a defence to a prosecution against subregulation (2) that the airborne concentration of the hazardous substance in the breathing zone of the member of the workforce is in accordance with an exemption given by the Safety Authority under regulation 14.
- (4) In this regulation—

***appropriate exposure standard*** means an airborne concentration for a substance as set out in the *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC: 1003(1995)] published by the National Occupational Health and Safety Commission, as existing from time to time;

***hazardous substance*** has the same meaning as in regulation 4E of the *Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993* of the Commonwealth.

### 13—Exposure to noise

- (1) This regulation applies to—
- (a) an operator; or
  - (b) an employer; or
  - (c) another person in control of—
    - (i) a facility; or
    - (ii) a part of a facility; or
    - (iii) particular work carried out at a facility.
- (2) The person must not allow a member of the workforce who is under the person's control to be exposed to a level of noise that is in excess of the noise exposure standard.
- Maximum penalty: \$2 200.
- (3) It is a defence to a prosecution for an offence against subregulation (2) that the level of noise to which the member of the workforce is exposed, is in accordance with an exemption given by the Safety Authority under regulation 14.
- (4) In this regulation—

***noise exposure standard*** means the noise exposure standard set out in the *National Standard for Occupational Noise* [NOHSC: 1007(2000)] published by the National Occupational Health and Safety Commission, as existing from time to time.

### 14—Exemptions from hazardous substances and noise requirements

- (1) This regulation applies to—
- (a) an operator; or
  - (b) an employer; or

- (c) another person in control of—
  - (i) a facility; or
  - (ii) a part of a facility; or
  - (iii) particular work carried out at a facility.
- (2) A person mentioned in subregulation (1) may apply to the Safety Authority for an exemption from compliance with regulation 11(2), 12(2) or 13(2).
- (3) The Safety Authority may grant an exemption if it considers that, in specified circumstances, compliance is not practicable.
- (4) The Safety Authority may specify conditions and limitations on an exemption.

## **Division 3—Elections of health and safety representatives**

### **Subdivision 1—Returning officer**

#### **15—Appointment of returning officer**

- (1) If, under clause 25(3) of Schedule 7 to the Act, an operator is required to conduct an election, or arrange for the conduct of an election, the operator must nominate a person to act as the returning officer for the election.
- (2) The operator must notify the Safety Authority of the nomination.
- (3) The Safety Authority may—
  - (a) approve the nomination and appoint the nominee as returning officer; or
  - (b) appoint another person as returning officer.

### **Subdivision 2—The poll**

#### **16—Number of votes**

Each person eligible to vote in an election is entitled to one vote only in the election.

#### **17—Right to secret ballot**

A person eligible to vote in an election may request the returning officer for the election to conduct the poll for the election by secret ballot.

#### **18—Conduct of poll by secret ballot**

- (1) As soon as practicable after a request under regulation 17, the returning officer must issue ballot-papers for the poll to voters.
- (2) The returning officer must conduct the poll in accordance with Subdivision 3 and 4.

#### **19—Conduct of poll if no request made for secret ballot**

Subject to Subdivision 5, if no request is made for a secret ballot, the returning officer for an election may conduct a poll for the election in a manner determined by him or her to produce a fair result.

#### **20—If no candidate is elected**

If, in an election, no candidate is elected, the election is taken to have failed.

**Subdivision 3—Polling by secret ballot****21—Ballot-papers**

A ballot-paper must—

- (a) state the election to which it relates; and
- (b) set out the name of each candidate in alphabetical order; and
- (c) state the manner of voting.

**22—Distribution of ballot papers**

- (1) As soon as practicable before the close of a poll by secret ballot, the returning officer for an election must give to each voter—
  - (a) a ballot-paper that is initialled by the returning officer; and
  - (b) an envelope that—
    - (i) is addressed to the returning officer; and
    - (ii) shows on its face that it relates to the election.
- (2) The envelope given to a voter by a returning officer—
  - (a) may be pre-paid as to postage; and
  - (b) in that case—may include on its face a statement by the returning officer that the envelope may be posted to the returning officer without expense to the voter.
- (3) The returning officer must ensure that the ballot-paper and envelope are enclosed in a covering envelope that is sealed and addressed to the voter.

**23—Manner of voting by secret ballot**

- (1) A voter in a poll by secret ballot must mark the ballot-paper to indicate his or her preference by placing the number 1 in the box printed opposite the name of the candidate for whom that person wishes to vote.
- (2) After marking the ballot-paper, the voter must—
  - (a) fold the ballot-paper so as to conceal the marking; and
  - (b) put the ballot-paper in the envelope referred to in regulation 22(1)(b) and seal the envelope; and
  - (c) lodge the ballot by—
    - (i) putting the envelope containing the ballot-paper in a locked and sealed ballot box, provided for the election by the returning officer, in a secure part of the workplace where the members of the workforce in the designated work group to which the election relates may place envelopes of that kind; or
    - (ii) sending the envelope to the returning officer so as to reach him or her not later than the close of the poll.
- (3) If, before lodging his or her ballot, a voter—
  - (a) claims that he or she has spoilt his or her ballot-paper; and

- (b) returns the ballot-paper to the returning officer; and
  - (c) requests a further ballot-paper,
- the returning officer must—
- (d) give the voter a fresh ballot-paper; and
  - (e) write the word "spoilt" across the returned ballot-paper and sign and date the writing; and
  - (f) retain the spoilt ballot-paper until the end of 6 months after notification of the result of the poll is given under regulation 34.

#### **Subdivision 4—The count**

##### **24—Envelopes given to returning officer**

- (1) A returning officer for an election must—
  - (a) keep the ballots received by him or her before the close of the poll secure; and
  - (b) keep the envelopes containing the ballot-papers unopened until the count.
- (2) The returning officer must not admit to the count ballot-papers received by him or her after the close of the poll.

##### **25—Scrutineers**

Each candidate in a poll conducted by secret ballot may appoint one scrutineer to represent him or her at the count.

##### **26—Returning officer to be advised of scrutineers**

A candidate must tell the returning officer for the election the name of his or her scrutineer (if any) before the commencement of the count.

##### **27—Persons present at the count**

- (1) The returning officer for an election may direct a person to leave the place where the count is being conducted if the person—
  - (a) is not entitled to be present, or to remain present, at the count; or
  - (b) being entitled to be present, interrupts the count, except as provided by subregulation (2).
- (2) A candidate's scrutineer may interrupt the count and so inform the returning officer if the scrutineer—
  - (a) objects to a decision by the returning officer that a ballot paper is formal or informal, as the case may be; or
  - (b) considers that an error has been made in the conduct of the count.
- (3) A person who does not comply with a direction given to him or her under subregulation (1) is guilty of an offence.  
Maximum penalty: \$550.
- (4) However, it is a defence to a prosecution for an offence against subregulation (3) if the person has a reasonable excuse.

## **28—Conduct of the count**

- (1) As soon as practicable after the close of the poll, the returning officer must count the votes for each candidate.
- (2) A scrutineer, appointed under regulation 25, may be present at the count.
- (3) A returning officer must, as soon as practicable before the count, notify each candidate, or a scrutineer of each candidate, of the place where, and the time when, the count is to occur.
- (4) The candidate who receives the most votes is the successful candidate.
- (5) If 2 or more candidates receive the same number of votes, the successful candidate is to be determined by lots drawn by the returning officer.

## **29—Informal ballot-papers**

A ballot-paper is informal if—

- (a) it is not initialled by the returning officer; or
- (b) it has no vote marked on it; or
- (c) it is so imperfectly marked that the intention of the person who marked the ballot-paper is not clear; or
- (d) it has any mark or writing on it by which the person who marked the ballot-paper can be identified.

## **30—Completion of the count**

After the count conducted in respect of a poll has been completed, the returning officer must prepare, date and sign a statement setting out—

- (a) the number of valid votes given to each candidate; and
- (b) the number of informal ballot-papers.

## **31—Destruction of election material**

At the end of 6 months after notification of the result of the poll for an election is given under regulation 34 the returning officer may destroy—

- (a) the nominations for that election; and
- (b) the ballot-papers, including any spoilt ballot-papers, for the election.

## **Subdivision 5—Result of election**

### **32—Request for recount**

- (1) At any time before notification of the result of the poll for an election is given under regulation 34, the returning officer—
  - (a) on his or her own initiative—may conduct a recount of any ballot-papers received in the election; or
  - (b) if a candidate makes a request, either orally or in writing, for a recount of any ballot-papers received in the election and gives reasons for the request—must conduct a recount of the ballot-papers.

- (2) In conducting a recount, the returning officer—
  - (a) in the case of a poll by secret ballot—has the same powers for the purposes of the recount as he or she had in the count; and
  - (b) in any other case—may make any reasonable decision in respect of the allowance and admission, or disallowance and rejection, of a vote cast in the poll.

### **33—Irregularities at election**

- (1) Subject to subregulation (2), if the returning officer has reasonable grounds to believe that there has been an irregularity in the conduct of an election, he or she may, at any time before notification of the result of the poll is given under regulation 34, declare the election to be void.
- (2) An election must not be declared to be void only because of—
  - (a) a defect or irregularity in the conduct of the election that did not affect the result of the election; or
  - (b) an error or defect in an instrument or other document made, or purporting to be made, for the purposes of this Division; or
  - (c) an illegal practice, other than bribery or corruption, or attempted bribery or corruption, having been engaged in by a person, unless—
    - (i) it is likely that the result of the election was affected by the practice; and
    - (ii) it is just that the election be declared void.
- (3) If an election is declared void, regulation 34 applies as if the election had failed.

### **34—Result of poll**

- (1) As soon as practicable after the failure of an election, a returning officer must notify in writing—
  - (a) the operator of the facility to which the election relates; and
  - (b) the Safety Authority,of the failure of the election.
- (2) As soon as practicable after the close of the poll for an election that has not failed, the returning officer must notify in writing the candidate who is elected and enclose with the notification a copy of the statement prepared under regulation 30.

## **Division 4—Advice, investigations and inquiries**

### **35—Taking samples for testing etc**

- (1) If a sample of a substance or thing taken under clause 57(1) of Schedule 7 to the Act is safely and practicably divisible, the OHS inspector who has taken the sample must—
  - (a) divide the sample into 3 parts; and
  - (b) put each part into a container and seal and label the container appropriately; and



- (c) give one part to the operator or the employer for whom the substance or thing was being used; and
  - (d) provide another part for inspection, examination, measuring or testing for the purposes of Schedule 7 to the Act; and
  - (e) retain the remaining part for any further inspection, examination, measuring or testing that is required.
- (2) If a sample of a substance or thing taken under clause 57(1) of Schedule 7 to the Act is not safely and practicably divisible, the OHS inspector who has taken the sample must provide the whole sample for inspection, examination, measuring or testing for the purposes of that Schedule.
- (3) An OHS inspector who, under clause 57(1) of Schedule 7 to the Act—
- (a) has taken possession of any plant, substance or thing; or
  - (b) has taken a sample of a substance or thing,
- and removed the plant, substance or thing or the sample from the workplace must take all reasonable steps to ensure that, while in his or her possession or control—
- (c) the plant, substance or thing is not damaged; or
  - (d) the sample is not contaminated.

### **36—Form of certain notices**

A notice issued by an elected health and safety representative or OHS inspector under a following provision of Schedule 7 to the Act must be in accordance with the form in Schedule 2 to these regulations specified in relation to the provision concerned:

- (a) clause 37(2)—Form 1;
- (b) clause 57(1)—Form 2;
- (c) clause 58(1)—Form 3;
- (d) clause 59(1)—Form 4;
- (e) clause 61(1)—Form 5.

## **Division 5—Exemptions from the requirements in Part 3 of Schedule 7 to the Act**

### **37—Orders under clause 45 of Schedule 7 to the Act**

- (1) For the purposes of clause 45(1) of Schedule 7 to the Act, a person may apply in writing to the Safety Authority for an order exempting the person from one or more of the provisions of Part 3 of that Schedule.
- (2) Within 28 days after the Safety Authority receives an application, the Safety Authority must decide whether or not to make the order.
- (3) In making the decision, the Safety Authority must—
  - (a) consult with persons who might be affected by the decision to grant or refuse an exemption; and
  - (b) take into account submissions made by those persons.

**Examples—**

- 1 If an operator applies for an exemption, a health and safety representative might be an affected person.
  - 2 If a health and safety representative applies for an exemption, an operator might be an affected person.
- (4) In granting an exemption, the Safety Authority—
- (a) may grant an exemption subject to conditions; and
  - (b) may specify a period of time in which an exemption applies.
- (5) The Safety Authority must give reasons for the decision.

## **Division 6—State laws that do not apply**

### **38—Prescribed occupational health and safety laws**

The following laws of this State are prescribed for the purposes of section 14A of the Act:

- (a) *Dangerous Substances Act 1979*;
- (b) *Electrical Products Act 2000*;
- (c) *Electricity Act 1996*, to the extent that it relates to occupational health and safety;
- (d) *Occupational Health, Safety and Welfare Act 1986*.

## **Division 7—Miscellaneous**

### **39—Service of notices**

- (1) For the purposes of Schedule 7 to the Act and this Part, a notice that is to be given to a body corporate may be given to a director, principal executive officer or secretary of the body corporate.
- (2) For the purposes of Schedule 7 to the Act and this Part, a notice or report may be given to a person—
  - (a) by fax transmitted to a fax facility that is installed at the address of the person last known to the person transmitting the message; and
  - (b) by email transmitted to a computer system that is known to be in use by the person and installed at the address of the person last known to the person transmitting the message, being an email that is—
    - (i) in a form compatible with the computer system; and
    - (ii) capable of being recorded by the computer system.
- (3) A person who gives a notice or report to which subregulation (2) applies to another person—
  - (a) must inform the other person by telephone—
    - (i) before transmission of the fax or email; or
    - (ii) as soon as practicable after transmission of the fax or email,

- of the fact that the fax or email will be, or has been, transmitted; and
- (b) must send a copy of the notice or report by pre-paid post to the address of the other person last known to the first-mentioned person.

## **Part 3—Management of safety on offshore facilities**

### **Division 1—Preliminary**

#### **40—Object**

The object of this Part is to ensure that—

- (a) offshore petroleum facilities are constructed, installed, operated, modified and decommissioned in the adjacent area only in accordance with safety cases that have been accepted by the Safety Authority; and
- (b) safety cases for offshore petroleum facilities or proposed offshore petroleum facilities make provision for the following matters in relation to the health and safety of persons at or near the facilities:
- (i) the identification of hazards, and assessment of risks;
  - (ii) the implementation of measures to eliminate the hazards, or otherwise control the risks;
  - (iii) a comprehensive and integrated system for management of the hazards and risks;
  - (iv) monitoring, audit, review and continuous improvement; and
- (c) the risks to the health and safety of persons at the facilities are reduced to a level that is as low as reasonably practicable.

#### **41—Relationship with other Parts**

The requirements of this Part are in addition to the requirements imposed on a person by any other Part.

#### **42—Definitions**

In this Part, unless the contrary intention appears—

*confined space* means an enclosed, or partially enclosed, space that—

- (a) is not used or intended for use as a regular workplace; and
- (b) has restricted means of entry and exit; and
- (c) has, or may have, inadequate ventilation, contaminated atmosphere or oxygen deficiency; and
- (d) is at atmospheric pressure when occupied;

*contractor* has the meaning given by clause 3 of Schedule 7 to the Act;

*dangerous occurrence* has the meaning given by regulation 83;

*emergency*, in relation to a facility, means an urgent situation that presents, or may present, a risk of death or serious injury to persons at the facility;

**facility** means a facility described in clause 3 of Schedule 7 to the Act, other than a facility mentioned in clause 4(8) of Schedule 7 to the Act;

**Notes—**

- 1 Clause 3 of Schedule 7 to the Act includes, in the definition of **facility**, a facility that is being constructed or installed and, in some circumstances, an associated offshore place in relation to a facility.
- 2 A facility mentioned in clause 4(8) of Schedule 7 to the Act is a pipeline. Pipelines are regulated under Part 4 of these regulations.

**facility owner** includes an owner, a charterer or a lessee of a facility or a proposed facility;

**in force**, in relation to a safety case, including a revised safety case, means that—

- (a) the safety case has been accepted by the Safety Authority in relation to a facility; and
- (b) the acceptance of the safety case has not been withdrawn;

**major accident event** means an event connected with a facility, including a natural event, having the potential to cause multiple fatalities of persons at or near the facility;

**operator**, for a facility, or proposed facility, means a person registered under regulation 44 as the operator for the facility or proposed facility by the Safety Authority;

**performance standard** means a standard, established by the operator, of the performance required of a system, item of equipment, person or procedure which is used as a basis for managing the risk of a major accident event;

**revise**, in relation to a safety case, includes extend or modify;

**safety management system**, for a facility, means a system for managing occupational health and safety at the facility;

**stage in the life of the facility** means any of the following:

- (a) construction of the facility;
- (b) installation of the facility;
- (c) operation of the facility;
- (d) modification of the facility;
- (e) decommissioning of the facility;

**titleholder**, in relation to a facility means a permittee, lessee, licensee or pipeline licensee under Part 3 of the Act;

**validation** has the meaning given by regulation 81.

## **Division 2—Operators**

### **43—Nomination of operator**

- (1) A facility owner or a titleholder may send to the Safety Authority a written notice nominating a person to be the operator for a facility or a proposed facility.

- (2) A notice under subregulation (1) must include—
  - (a) the person's name; and
  - (b) the person's contact details, including—
    - (i) a business address; and
    - (ii) telephone and facsimile numbers for the operator during business hours; and
    - (iii) telephone and facsimile numbers for the operator outside business hours; and
  - (c) the person's ACN, if applicable; and
  - (d) the person's written consent to the nomination.

#### **44—Acceptance or rejection of nomination of operator**

- (1) The Safety Authority must accept the nomination of a person as an operator if it is satisfied that the person has, or will have, the day-to-day management and control of—
  - (a) the facility or proposed facility; and
  - (b) operations at the facility or proposed facility.
- (2) If the Safety Authority is not satisfied of the matters in subregulation (1)(a) and (b), it must reject the nomination.
- (3) If the Safety Authority accepts the nomination, it must register the nominee as the operator of the facility or proposed facility.
- (4) The Safety Authority must notify the owner or titleholder who made the nomination, and the nominee—
  - (a) of the decision to accept or reject the nomination; and
  - (b) if the Safety Authority has decided to reject the nomination—of the reasons for the rejection.

#### **45—Register of operators**

- (1) The Safety Authority must maintain the register of operators.
- (2) An owner or titleholder who has nominated a person to be the operator of a facility, or the operator of the facility, may notify the Safety Authority, in writing, that the registered operator has ceased to be the person who has, or will have, the day-to-day management and control of—
  - (a) the facility or proposed facility; and
  - (b) operations at the facility or proposed facility.
- (3) On receipt of a notice under subregulation (2), the Safety Authority must remove the operator's name from the register.
- (4) The Safety Authority may remove an operator's name from the register if—
  - (a) the Safety Authority believes, on reasonable grounds, that the operator does not or will not have day-to-day control of the facility and operations at the facility; and

- (b) the Safety Authority has given notice of intention to remove the operator from the register to—
  - (i) the person who nominated the operator; and
  - (ii) the operator; and
- (c) the Safety Authority has allowed a period of 30 days for the nominator and the operator to make representations; and
- (d) the Safety Authority has considered those representations and continues to believe on reasonable grounds that the operator does not, or will not, have day-to-day management and control of the facility and operations at the facility.

## **Division 3—Safety cases**

### **Subdivision 1—Contents of safety case**

#### **46—Facility description, formal safety assessment and safety management system**

- (1) The safety case for a facility must contain—
  - (a) a description of the facility that complies with subregulation (2); and
  - (b) a detailed description of the formal safety assessment for the facility that provides evidence that the formal safety assessment complies with subregulation (3); and
  - (c) a detailed description of the safety management system that provides evidence that the system complies with subregulation (4).
- (2) The description of the facility must give details of—
  - (a) the layout of the facility; and
  - (b) the technical and other control measures identified as a result of the formal safety assessment; and
  - (c) the activities that will, or are likely to, take place at, or in connection with, the facility; and
  - (d) any other relevant matters.
- (3) The formal safety assessment is an assessment, or series of assessments, conducted by the operator that—
  - (a) identifies all hazards having the potential to cause a major accident event; and
  - (b) is a detailed and systematic assessment of the risk associated with each of those hazards, including the likelihood and consequences of each potential major accident event; and
  - (c) identifies the technical and other control measures that are necessary to reduce that risk to a level that is as low as reasonably practicable.

**Note—**

A formal safety assessment relates only to major accident events.

- (4) The safety management system for a facility must—
- (a) be comprehensive and integrated; and
  - (b) provide for all activities that will, or are likely to, take place at, or in connection with, the facility; and
  - (c) provide for the continual and systematic identification of hazards to health and safety of persons at or near the facility; and
  - (d) provide for the continual and systematic assessment of—
    - (i) the likelihood of the occurrence, during normal or emergency situations, of injury or occupational illness associated with those hazards; and
    - (ii) the likely nature of such injury or occupational illness; and
  - (e) provide for the reduction to a level that is as low as reasonably practicable of risks to health and safety of persons at or near the facility including, but not limited to—
    - (i) risks arising during evacuation, escape and rescue in case of emergency; and
    - (ii) risks arising from equipment and hardware; and
  - (f) provide for inspection, testing and maintenance of the equipment and hardware that are the physical control measures for those risks; and
  - (g) provide for adequate communications between the facility and any relevant—
    - (i) facility; or
    - (ii) vessel; or
    - (iii) aircraft; or
    - (iv) on-shore installation; and
  - (h) provide for any other matter that is necessary to ensure that the safety management system meets the requirements and objects of this Part; and
  - (i) specify the performance standards that apply.

**Note—**

The safety management system must provide for all hazards and risks to persons at the facility, not just risks of major accident events.

- (5) If an operator of a facility submits to the Safety Authority a safety case for the construction or installation stage in the life of the facility, the safety case must contain the matters mentioned in subregulation (1) in relation to—
- (a) the facility at that stage in the life of the facility; and
  - (b) the activities that will, or are likely to, take place at, or in connection with, the facility during that stage in the life of the facility; and
  - (c) to the extent that it is practicable—the facility and the activities that will, or are likely to, take place when the facility is in operation.

#### **47—Implementation and improvement of the safety management system**

The safety case for a facility must demonstrate that there are effective means of ensuring—

- (a) the implementation of the safety management system; and
- (b) continual and systematic identification of deficiencies in the safety management system; and
- (c) continual and systematic improvement of the safety management system.

#### **48—Standards to be applied**

The safety case for a facility must specify all Australian and international standards that have been applied, or will be applied, in relation to the facility or plant used on or in connection with the facility for the relevant stage or stages in the life of the facility for which the safety case is submitted.

#### **49—Command structure**

- (1) The safety case for a facility must specify—
  - (a) an office or position at the facility, the occupant of which is in command of the facility and responsible for its safe operation when on duty; and
  - (b) an office or position at the facility, the occupant of which is responsible for implementing and supervising procedures in the event of an emergency at the facility; and
  - (c) the command structure that applies in the event of an emergency at the facility.

**Note—**

The same person may occupy both of the offices or positions mentioned in subregulation (1)(a) and (b).

- (2) The safety case must describe, in detail, the means by which the operator will ensure that, as far as reasonably practicable—
  - (a) the offices or positions mentioned in subregulation (1) are continuously occupied while the facility is in operation; and
  - (b) the person who occupies each office or position mentioned in subregulation (1) has the necessary skills, training and ability to perform the functions of the office or position; and
  - (c) the identity of the persons who occupy each office or position, and the command structure can, at all times, be readily ascertained by any person at the facility.

#### **50—Members of the workforce must be competent**

The safety case for a facility must describe the means by which the operator will ensure that each member of the workforce at the facility has the necessary skills, training and ability—

- (a) to undertake routine and non-routine tasks that might reasonably be given to him or her—



- (i) in normal operating conditions; and
  - (ii) in abnormal or emergency conditions; and
  - (iii) during any changes to the facility; and
- (b) to respond and react appropriately, and at the level that might be reasonably required of him or her, during an emergency.

#### **51—"Permit to work" system for safe performance of various activities**

- (1) The safety case in respect of a facility must provide for the operator of the facility to establish and maintain, in accordance with subregulation (2), a documented system of coordinating and controlling the safe performance of all work activities of members of the workforce at the facility, including in particular—
- (a) welding and other hot work; and
  - (b) cold work (including physical isolation); and
  - (c) electrical work (including electrical isolation); and
  - (d) entry into, and working in a confined space; and
  - (e) procedures for working over water; and
  - (f) diving operations.

**Note—**

The expression *confined space* is defined in regulation 42.

- (2) The system must—
- (a) form part of the safety management system described in the safety case in force for the facility; and
  - (b) identify the persons having responsibility to authorise and supervise work; and
  - (c) ensure that members of the workforce are competent in the application of the permit to work system.

#### **52—Involvement of members of the workforce**

- (1) The operator of a facility must demonstrate to the Safety Authority, to the reasonable satisfaction of the Safety Authority, that—
- (a) in the development or revision of the safety case in relation to the facility, there has been effective consultation with, and participation of, members of the workforce; and
  - (b) the safety case provides adequately for effective consultation with, and the effective participation of, the members of the workforce, so that they are able to arrive at informed opinions about the risks and hazards to which they may be exposed on the facility.
- (2) A demonstration for the purposes of subregulation (1) must be supported by adequate documentation.

- (3) In this regulation—

*members of the workforce* includes members of the workforce who are—

- (a) identifiable before the safety case is developed; and
- (b) working, or likely to be working, on the relevant facility.

**Note—**

Part 3 of Schedule 7 to the Act sets out consultative provisions that apply, including provisions for the establishment of designated workgroups, the election of health and safety representatives and the establishment of OHS committees. The arrangements under these consultative provisions should be used for consultation with members of the workforce about the development, preparation and revision of the safety case.

### **53—Design, construction, installation, maintenance and modification**

- (1) The safety case for a facility must describe the means by which the operator will ensure the adequacy of the design, construction, installation, maintenance or modification of the facility, for the relevant stage or stages in the life of the facility for which the safety case has been submitted.
- (2) In particular, the design, construction, installation, maintenance and modification of the facility must provide for—
  - (a) adequate means of inventory isolation and pressure relief in the event of an emergency; and
  - (b) adequate means of gaining access for servicing and maintenance of the facility and machinery and other equipment on board the facility; and
  - (c) adequate means of maintaining the structural integrity of a facility; and
  - (d) implementation of the technical and other control measures identified as a result of the formal safety assessment.

### **54—Medical and pharmaceutical supplies and services**

The safety case in respect of a facility must specify the medical and pharmaceutical supplies and services, sufficient for an emergency situation, that must be maintained on, or in respect of, the facility.

### **55—Machinery and equipment**

- (1) The safety case in respect of a facility must specify the equipment required on the facility (including process equipment, machinery and electrical and instrumentation systems) that relates to, or may affect, the safety of the facility.
- (2) The equipment must be fit for its function or use—
  - (a) in normal operating conditions; and
  - (b) to the extent that it is intended to function, or be used, in an emergency—in case of emergency.

## 56—Drugs and intoxicants

The safety case for a facility must describe the means by which the operator will ensure that there is in place, or will be put in place, a method of—

- (a) securing, supplying, and monitoring the use of, therapeutic drugs on the facility; and
- (b) preventing the use on the facility of—
  - (i) controlled substances (other than therapeutic drugs); and
  - (ii) intoxicants.

## 57—Evacuation, escape and rescue analysis

- (1) The safety case for a facility must contain a detailed description of an evacuation, escape and rescue analysis.
- (2) The evacuation, escape and rescue analysis must—
  - (a) identify the types of emergency that could arise at the facility; and
  - (b) consider a range of routes for evacuation and escape of persons at the facility in the event of an emergency; and
  - (c) consider alternative routes for evacuation and escape if a primary route is not freely passable; and
  - (d) consider different possible procedures for managing evacuation, escape and rescue in the event of an emergency; and
  - (e) consider a range of means of, and equipment for, evacuation, escape and rescue; and
  - (f) consider a range of amenities and means of emergency communication to be provided in a temporary refuge; and
  - (g) consider a range of life saving equipment, including—
    - (i) life rafts to accommodate safely the maximum number of persons that are likely to be at the facility at any time; and
    - (ii) equipment to enable that number of persons to obtain access to the life rafts after launching and deployment; and
    - (iii) in the case of a floating facility—suitable equipment to provide a float-free capability and a means of launching; and
  - (h) identify, as a result of the above considerations, the technical and other control measures necessary to reduce the risks associated with emergencies to a level that is as low as reasonably practicable.

### Note—

In so far as it addresses major accident events, the evacuation, escape and rescue analysis forms part of the formal safety assessment.

## 58—Fire and explosion risk analysis

- (1) The safety case for a facility must contain a detailed description of a fire and explosion risk analysis.

- (2) The fire and explosion risk analysis must—
- (a) identify the types of fires and explosions that could occur at the facility; and
  - (b) consider a range of measures for detecting those fires and explosions in the event that they do occur; and
  - (c) consider a range of measures for eliminating those potential fires and explosions, or for otherwise reducing the risk arising from fires and explosions; and
  - (d) consider the incorporation into the facility of both automatic and manual systems for the detection, control and extinguishment of—
    - (i) outbreaks of fire; and
    - (ii) leaks or escapes of petroleum; and
  - (e) consider a range of means of isolating and safely storing hazardous substances, such as fuel, explosives and chemicals, that are used or stored at the facility; and
  - (f) consider the evacuation, escape and rescue analysis, in so far as it relates to fires and explosions; and
  - (g) identify, as a result of the above considerations, the technical and other control measures necessary to reduce the risks associated with fires and explosions to a level that is as low as reasonably practicable.

**Note—**

In so far as it addresses major accident events, the fire and explosion risk analysis forms part of the formal safety assessment.

## **59—Emergency communications systems**

- (1) The safety case in respect of a facility must provide for communications systems—
- (a) within the facility; and
  - (b) between the facility and—
    - (i) appropriate on-shore installations; and
    - (ii) appropriate vessels and aircraft; and
    - (iii) other appropriate facilities,that, in the event of an emergency in connection with the facility, is adequate for those kinds of communication.
- (2) In particular, the safety case must provide for the communications systems of the facility to be—
- (a) adequate to handle—
    - (i) a likely emergency on or relating to the facility; and
    - (ii) the operation requirements of the facility; and
  - (b) protected so as to be capable of operation in an emergency to the extent specified by the formal safety assessment relating to the facility.

## 60—Control systems

The safety case in respect of a facility must make adequate provision for the facility, in the event of an emergency, in respect of—

- (a) back-up power supply; and
- (b) lighting; and
- (c) alarm systems; and
- (d) ballast control; and
- (e) emergency shut-down systems.

## 61—Emergency preparedness

- (1) The safety case for a facility must—
  - (a) describe a response plan designed to address possible emergencies, the risk of which has been identified in the formal safety assessment for the facility; and
  - (b) provide for the implementation of that plan.
- (2) The plan must—
  - (a) ensure, as far as reasonably practicable, the safety of persons likely to be on the facility at the time of the emergency; and
  - (b) specify the performance standards that it applies.
- (3) The safety case must make adequate provision for escape drill exercises and fire drill exercises by persons on the facility.
- (4) In particular, those exercises must ensure that those persons will be trained to function in the event of emergency with an adequate degree of knowledge, preparedness and confidence concerning the relevant emergency procedures.
- (5) The safety case must provide for the operator of the facility to ensure, as far as reasonably practicable, that escape drill exercises and fire drill exercises are held in accordance with the safety case relating to the facility.
- (6) The safety case in respect of a mobile facility must also specify systems that are adequate to—
  - (a) shut down or disconnect, in the event of emergency, all operations on the facility that could adversely affect the safety of the facility; and
  - (b) give appropriate audible and visible warnings of the shutting down or disconnecting of those operations.

## 62—Pipelines

- (1) The safety case in respect of a facility must specify adequate procedures for shutting down or isolating, in the event of emergency, each pipeline connected to the facility, so as to stop the flow of hazardous substances through the pipeline.
- (2) In particular, the procedures must include—
  - (a) effective means of controlling and operating all relevant emergency shut-down valves for a pipeline; and

- (b) a fail-safe system of isolating a pipeline in the event of failure of other safety devices for the pipeline.
- (3) The safety case in respect of a facility must also specify—
  - (a) adequate means of mitigating, in the event of emergency, the risks associated with each pipeline connected to the facility; and
  - (b) a frequency of periodic inspection and testing of pipeline emergency shut-down valves that can reasonably be expected to ensure that they will operate correctly in an emergency.

### **63—Vessel and aircraft control**

- (1) The safety case for a facility must describe a system, that is implemented or will be implemented, as part of the operation of the facility that ensures, as far as reasonably practicable, the safe performance of operations that involve vessels or aircraft.
- (2) The system must be able to meet the emergency response requirements identified in the formal safety assessment in relation to the facility and be described in the facility's safety management system.
- (3) The equipment and procedures for ensuring safe vessel and aircraft operations must be fit for purpose.

### **64—Arrangements for records**

- (1) This regulation applies to the following documents:
  - (a) the safety case in force for the facility;
  - (b) a revision to the safety case for the facility;
  - (c) a written audit report for the safety case;
  - (d) a copy of each report given to the Safety Authority in accordance with regulation 84(2).
- (2) The safety case for a facility must include arrangements for—
  - (a) making a record of the documents; and
  - (b) securely storing the documents and records—
    - (i) at an address nominated for the facility; and
    - (ii) in a manner that facilitates their retrieval as soon as practicable.
- (3) A document mentioned in subregulation (1)(a) or (b) must be kept for 5 years after the date of acceptance of the document by the Safety Authority.
- (4) A report mentioned in subregulation (1)(c) must be kept for a period of 5 years after the date of receipt by the operator.
- (5) A copy mentioned in subregulation (1)(d) must be kept for a period of 5 years after the date the report was given to the Safety Authority.

## **Subdivision 2—Submission and acceptance of safety cases**

### **65—Safety case to be submitted to Safety Authority**

- (1) If an operator for a facility wants to have a safety case accepted for the facility, he or she must submit the safety case to the Safety Authority.
- (2) The safety case may relate to one or more stages in the life of the facility.
- (3) The safety case may relate to more than one facility.
- (4) The operator must not submit the safety case before the operator and the Safety Authority have agreed on the scope of the validation for the facility.

### **66—Safety Authority may request more information**

- (1) If an operator submits a safety case to the Safety Authority, the Safety Authority may request the operator to provide further written information about any matter required by this Part to be included in a safety case.
- (2) A request under subregulation (1) must—
  - (a) be in writing; and
  - (b) set out each matter for which information is requested; and
  - (c) specify a period of at least 30 days within which the information is to be provided.
- (3) If an operator receives a request, and provides all information requested by the Safety Authority within the period specified—
  - (a) the information becomes part of the safety case as if it had been included with the safety case as it was submitted to the Safety Authority; and
  - (b) the Safety Authority must have regard to the information as if it had been so included.

### **67—Acceptance or rejection of a safety case**

- (1) The Safety Authority must accept a safety case if—
  - (a) the safety case is appropriate to the facility and to the activities conducted at the facility; and
  - (b) the safety case complies with regulations 46 to 63 (as applicable) for each stage in the life of the facility in respect of which the safety case is submitted; and
  - (c) the safety case complies with regulation 64; and
  - (d) in a case in which the Safety Authority has requested a validation of the facility—
    - (i) the person, or each person, undertaking the validation meets the criteria specified in regulation 81(5); and
    - (ii) the validation complies with regulation 81.
- (2) If a safety case is submitted for more than one stage in the life of the facility, the Safety Authority may accept the safety case for one or more stages in the life of the facility and reject the safety case for one or more stages in the life of the facility.

- (3) If the Safety Authority rejects a safety case because the Safety Authority is not satisfied with any of the matters mentioned in subregulation (1), the Safety Authority must give the operator a reasonable opportunity to change the safety case and resubmit it.
- (4) The Safety Authority must reject the safety case if—
  - (a) the Safety Authority has given an operator a reasonable opportunity to change and resubmit a safety case; and
  - (b) the operator resubmits the safety case; and
  - (c) the Safety Authority is not satisfied with any of the matters mentioned in subregulation (1).
- (5) When accepting a safety case for a facility, the Safety Authority may impose limitations or conditions on the acceptance in respect of the facility or activities at the facility.

#### **68—Notice of decision on safety case**

- (1) Within 90 days after receiving a safety case given under regulation 65, or resubmitted under regulation 67(3), the Safety Authority must—
  - (a) notify the operator, in writing, that the Safety Authority has decided to—
    - (i) accept the safety case; or
    - (ii) reject the safety case; or
    - (iii) do both of the following:
      - (A) accept the safety case for one or more specified stages in the life of the facility, but not for every stage in the life of the facility, in respect of which the safety case was submitted; and
      - (B) reject the rest of the safety case; or
    - (iv) accept the safety case subject to conditions or limitations; or
  - (b) notify the operator, in writing, that the Safety Authority is unable to make a decision about the safety case within the period of 90 days, and set out a proposed timetable for its consideration of the safety case.
- (2) A failure by the Safety Authority to comply with subregulation (1) in relation to a safety case does not affect the validity of a decision by the Safety Authority to accept or reject the safety case.
- (3) A notice of a decision under subregulation (1)(a) must include the terms of the decision (including any limitations or conditions) and the reasons for it.

#### **69—Consent to undertake work outside of the requirements of the safety case**

- (1) The Safety Authority may, by notice in writing, given to the operator of a facility, consent to—
  - (a) the construction of the facility; or
  - (b) the installation of the facility; or
  - (c) the operation of the facility; or



- (d) the modification of the facility; or
  - (e) the decommissioning of the facility,
- in a manner that is different from the safety case in force in relation to the facility.
- (2) The Safety Authority must not give a consent under subregulation (1) unless it is satisfied that there will not be an occurrence of a significant new risk to health and safety or a significant increase in an existing risk to health and safety arising from the construction, installation, operation, modification or decommissioning of the facility in the relevant manner.

### **70—Duties under Part 2 of Schedule 7 to the Act**

The acceptance of a safety case by the Safety Authority, or compliance by an operator or another person with a safety case that has been accepted by the Safety Authority, does not derogate from the duties of the operator or person under Part 2 of Schedule 7 of the Act.

### **Subdivision 3—Revised safety cases**

#### **71—Revision of a safety case because of a change of circumstances or operations**

- (1) Subject to subregulation (2), an operator of a facility for which a safety case is in force must submit a revised safety case to the Safety Authority as soon as practicable after the occurrence of any of the following circumstances:
- (a) the technical knowledge relied upon to formulate the safety case, including the knowledge of systems for identifying hazards and evaluating risks of major accident events, is outdated so that the safety case no longer adequately provides for the matters mentioned in regulations 46 to 63;
  - (b) the operator proposes to modify or decommission the facility and—
    - (i) the safety case has not been accepted by the Safety Authority for the modification or decommissioning stage in the life of the facility; or
    - (ii) the proposed modification or decommissioning is not adequately addressed in the safety case;
  - (c) there are reasonable grounds for believing that a series of proposed modifications to the facility would result in a significant cumulative change in the overall level of risk of major accident events;
  - (d) the operator proposes to significantly change the safety management system that is in force at the facility;
  - (e) the activities to be carried out at the facility are different from the activities contemplated in the safety case.
- (2) If a circumstance mentioned in subregulation (1) is satisfied because the operator proposes to modify or decommission the facility the operator must not submit the revised safety case before the operator and the Safety Authority have agreed on the scope of the validation of the proposal.

- (3) If the Safety Authority agrees, the operator of a facility may submit a revised safety case under subregulation (1) in the form of a revision to part of the safety case in force for the facility.

## **72—Revision on request by the Safety Authority**

- (1) The Safety Authority may request the operator of a facility for which a safety case is in force to submit a revised safety case to the Safety Authority.
- (2) If the Safety Authority agrees, the operator of a facility may submit a revised safety case under subregulation (1) in the form of a revision to part of the safety case in force for the facility.
- (3) A request by the Safety Authority must be in writing and include the following information:
  - (a) the matters to be addressed by the revision;
  - (b) the proposed date of effect of the revision;
  - (c) the grounds for the request.
- (4) The operator may make a submission in writing to the Safety Authority requesting the variation or withdrawal of the request and stating the reasons why—
  - (a) the revision should not occur; or
  - (b) the revision should be in different terms from the terms proposed; or
  - (c) the revision should take effect on a date after the date proposed.
- (5) The operator must make the submission—
  - (a) within 21 days after receiving the request; or
  - (b) within a longer period specified in writing by the Safety Authority.
- (6) If the Safety Authority receives a submission that complies with subregulations (4) and (5), the Safety Authority must—
  - (a) decide whether to accept the submission or part of the submission; and
  - (b) give the operator written notice of the decision; and
  - (c) to the extent that the submission is accepted—give the operator written notice that varies or withdraws the request in accordance with the decision; and
  - (d) to the extent that the submission is rejected—give the operator written notice of the grounds for rejecting the submission or part of the submission.
- (7) Unless the request is withdrawn, the operator must comply with a request, or a varied request.

## **73—Revision after 5 years**

- (1) The operator of a facility for which a safety case is in force must submit a revised safety case to the Safety Authority—
  - (a) 5 years after the date that the safety case was first accepted under regulation 67; and
  - (b) 5 years after the date of each acceptance of a revised safety case under regulation 75,

whether or not a revision under regulation 71 or 72 has been accepted within the 5 year period.

- (2) A revised safety case submitted under this regulation must describe the means by which the operator will ensure the ongoing integrity of the technical and other control measures identified by the formal safety assessment for the facility.

#### **74—Safety Authority may request more information**

- (1) If an operator submits a revised safety case to the Safety Authority, the Safety Authority may request the operator to provide further written information about any matter required by these regulations to be included in a safety case.
- (2) A request under subregulation (1) must—
  - (a) be in writing; and
  - (b) set out each matter for which information is requested; and
  - (c) specify a period of not less than 10 days within which the information is to be provided.
- (3) If an operator receives a request and provides all information requested by the Safety Authority within the period specified—
  - (a) the information becomes part of the revised safety case as if it had been included with the revised safety case as it was submitted to the Safety Authority; and
  - (b) the Safety Authority must have regard to the information as if it had been so included.

#### **75—Acceptance or rejection of a revised safety case**

- (1) The Safety Authority must accept a revised safety case if—
  - (a) the revised safety case is appropriate to the facility and to the activities conducted at the facility; and
  - (b) the revised safety case complies with regulations 46 to 63 for each stage in the life of the facility in respect of which the revision is submitted; and
  - (c) the revised safety case complies with regulation 64; and
  - (d) in a case on which the Safety Authority has required a validation relating to a proposed modification—
    - (i) the person, or each person, undertaking the validation meets the criteria specified in regulation 81(5); and
    - (ii) the validation complies with regulation 81.
- (2) If a safety case is revised in relation to more than one stage in the life of the facility, the Safety Authority may accept the revised safety case for one or more stages in the life of the facility and reject the revised safety case for one or more stages in the life of the facility.
- (3) If the Safety Authority rejects a safety case because the Safety Authority is not satisfied with any of the matters mentioned in subregulation (1), the Safety Authority must give the operator a reasonable opportunity to change the safety case and resubmit it.

- (4) If—
- (a) the Safety Authority has given an operator a reasonable opportunity to change and resubmit a revised safety case or a revised part of a safety case; and
  - (b) the operator resubmits the revised safety case or revised part of the safety case; and
  - (c) the Safety Authority is not satisfied with any of the matters mentioned in subregulation (1),

the Safety Authority must reject the revised safety case.

- (5) When accepting a revised safety case for a facility, the Safety Authority may impose limitations or conditions on the acceptance in respect of the facility or activities at the facility.

#### **76—Notice of decision on revised safety case**

- (1) Within 30 days after receiving a revised safety case, or a revised part of a safety case, the Safety Authority must—
- (a) notify the operator, in writing, that the Safety Authority has decided to—
    - (i) accept the revised safety case; or
    - (ii) reject the revised safety case; or
    - (iii) accept the revised safety case for one or more stages in the life of the facility, in respect of which the revised safety case was submitted, but not for every stage in the life of the facility; or
    - (iv) accept the revised safety case subject to conditions or limitations; or
  - (b) notify the operator, in writing, that the Safety Authority is unable to make a decision about the revised safety case within the period of 30 days, and set out a proposed timetable for its consideration of the revised safety case.
- (2) A failure by the Safety Authority to comply with subregulation (1) in relation to a revised safety case does not affect the validity of a decision by the Safety Authority to accept or reject the revision.

#### **77—Effect of rejection of revised safety case**

If a revised safety case is not accepted, the safety case in force in relation to the facility immediately before the revised safety case was submitted remains in force subject to the Act and this Part, as if the revised safety case had not been submitted.

#### **Subdivision 4—Withdrawal of acceptance of a safety case**

#### **78—Grounds for withdrawal of acceptance**

- (1) The Safety Authority may, by written notice to the operator of a facility, withdraw the acceptance of the safety case for the facility on any of the following grounds:
- (a) the operator has not complied with—
    - (i) Schedule 7 to the Act; or
    - (ii) a notice issued by an OHS inspector under Schedule 7 to the Act; or

- (iii) regulation 71, 72 or 73; or
  - (b) the Safety Authority has rejected a revised safety case.
- (2) A notice under subregulation (1) must contain a statement of the reasons for the decision.

### **79—Notice before withdrawal of acceptance**

- (1) Before withdrawing the acceptance of a safety case for a facility, the Safety Authority must give the operator at least 30 days notice, in writing, of its intention to withdraw the acceptance.
- (2) The Safety Authority may give a copy of the notice to such other persons as it thinks fit.
- (3) The Safety Authority must specify, in the notice, a date (the *cut-off date*) on or before which the operator (or other person to whom a copy of the notice has been given) may submit to the Safety Authority in writing, matters that the Safety Authority should take into account when deciding to withdraw the acceptance.
- (4) The Safety Authority must take into account—
  - (a) any action taken by the operator—
    - (i) to remove a ground for withdrawal of acceptance; or
    - (ii) to prevent the recurrence of a ground for removal of acceptance; and
  - (b) any matter submitted under subregulation (3) before the cut-off date.

### **Subdivision 5—Exemptions**

#### **80—Safety Authority may give an exemption**

The Safety Authority may, by notice in writing, exempt the operator from the operation of one or more provisions of this Division.

### **Division 4—Validation**

#### **81—Validation of design, construction and installation, significant modification or decommissioning of a facility**

- (1) The Safety Authority may, by notice in writing, require the operator of a proposed facility, or an existing facility, to provide a validation—
  - (a) in respect of the proposed facility; or
  - (b) in respect of a proposed significant change to an existing facility.
- (2) A validation of a proposed facility is a statement in writing by an independent validator in respect of the design, construction and installation (including instrumentation, process layout and process control systems) of the facility, to the extent that these matters are covered by the scope of the validation agreed between the Safety Authority and the operator.

- (3) A validation of a proposed significant change to an existing facility is a statement in writing by an independent validator in respect of the proposed change, to the extent required by the scope of the validation agreed between the Safety Authority and the operator.
- (4) The validation must establish, to the level of assurance reasonably required by the Safety Authority—
  - (a) in the case of a proposed facility—that the design, construction and installation (including instrumentation, process layout and process control systems) of the facility incorporate measures that—
    - (i) will protect the health and safety of persons at the facility; and
    - (ii) are consistent with the formal safety assessment for the facility; and
  - (b) in the case of an existing facility—that, after any proposed change or changes, the facility incorporate measures that will protect the health and safety of persons at the proposed facility.
- (5) An operator who has provided material for a validation must satisfy the Safety Authority that each person who undertook the validation had the necessary competence, ability and access to data, in respect of each matter being validated, to arrive at an independent opinion on the matter.
- (6) In this regulation—

*existing facility* means a facility at a location in the adjacent area, if the facility is or has been in use, or is available for use, in that location.

## **Division 5—Notifying and reporting accidents and dangerous occurrences**

### **82—Prescribed period of incapacity**

For the purposes of clause 67(1)(b) of Schedule 7 to the Act, the prescribed period in relation to a facility to which this Part applies is 3 days.

### **83—Meaning of dangerous occurrence**

For the purposes of the definition of *dangerous occurrence* in clause 3 of Schedule 7 to the Act, a dangerous occurrence is an occurrence, at a facility, that—

- (a) did not cause, but could reasonably have caused—
  - (i) the death of, or serious personal injury to, a person; or
  - (ii) a member of the workforce to be incapacitated from performing work for the period mentioned in regulation 82; or
- (b) was any of the following:
  - (i) a fire or explosion;
  - (ii) a collision of a marine vessel with the facility;
  - (iii) an uncontrolled release of hydrocarbon vapour exceeding 1 kg;
  - (iv) an uncontrolled release of petroleum liquids exceeding 80 litres;
  - (v) a well kick exceeding 50 barrels;

- (vi) an unplanned event that required the emergency response plan to be implemented;
- (vii) damage to safety-critical equipment; or
- (c) was of another kind that a reasonable operator would consider to require an immediate investigation.

**Note—**

The meaning of *facility* in this regulation is explained in regulation 42.

## **84—Reporting accidents and dangerous occurrences**

- (1) For the purposes of clause 67(1) of Schedule 7 to the Act, the notice in relation to a facility to which this Part applies—
  - (a) may be oral or written; and
  - (b) must be provided as soon as practicable after—
    - (i) the first occurrence of the accident or dangerous occurrence; or
    - (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence—the detection of the accident or dangerous occurrence by the operator; and
  - (c) must contain all material details concerning the accident or dangerous occurrence that are reasonably available to the operator at the time of the notification.
- (2) For the purposes of clause 67(1) of Schedule 7 to the Act, the report—
  - (a) must be written; and
  - (b) unless otherwise agreed by the Safety Authority—must be provided within 3 days after—
    - (i) the first occurrence of the accident or dangerous occurrence; or
    - (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence—the detection of the accident or dangerous occurrence by the operator; and
  - (c) must contain material details concerning the accident or dangerous occurrence of the types determined by the Safety Authority.
- (3) A determination mentioned in subregulation (2) must be—
  - (a) in writing; and
  - (b) published in the Gazette.
- (4) As soon as practicable, but not later than 15 days after the end of each month, the operator of a facility must submit, to the Safety Authority, a written report, for that month, summarising—
  - (a) the number of deaths of persons at the facility; and
  - (b) the number and types of injuries to persons at the facility, other than minor injuries not requiring treatment or requiring treatment only in the nature of first aid.

## **Division 6—Penalty provisions**

### **85—Facility must have registered operator**

A person must not—

- (a) construct a facility; or
- (b) install a facility; or
- (c) operate a facility; or
- (d) modify a facility; or
- (e) decommission a facility,

in the adjacent area if there is not an operator in respect of the facility.

Maximum penalty: \$8 800.

### **86—Safety case required for the relevant stage in the life of a facility**

(1) A person must not—

- (a) construct a facility; or
- (b) install a facility; or
- (c) operate a facility; or
- (d) modify a facility; or
- (e) decommission a facility,

in the adjacent area if there is not a safety case in force for the relevant stage in the life of the facility that corresponds with the conduct.

Maximum penalty: \$8 800.

(2) Subregulation (1) does not apply to a person who is exempt from the requirement to have a safety case in force for the relevant stage in the life of the facility under regulation 80.

### **87—Work on a facility must comply with the safety case**

(1) This regulation applies to the following conduct:

- (a) constructing a facility;
- (b) installing a facility;
- (c) operating a facility;
- (d) modifying a facility;
- (e) decommissioning a facility.

(2) A person must not engage in conduct mentioned in subregulation (1) in a manner that is contrary to—

- (a) the safety case in force for the relevant stage in the life of the facility; or
- (b) a limitation or condition imposed by regulation 67(5) or regulation 75(5).

Maximum penalty: \$8 800.



- (3) Subregulation (2) does not apply to particular conduct if the Safety Authority has given the person a written consent under regulation 69 to engage in that conduct in a manner contrary to the safety case or a limitation or condition on the safety case.

### **88—New health and safety risk**

- (1) This regulation applies to the following conduct:
- (a) constructing a facility;
  - (b) installing a facility;
  - (c) operating a facility;
  - (d) modifying a facility;
  - (e) decommissioning a facility.
- (2) A person must not engage in conduct mentioned in a paragraph of subregulation (1) in the adjacent area if—
- (a) there has been an occurrence of a significant new risk to health and safety or a significant increase in an existing risk to health and safety arising from the construction, installation, operation, modification or decommissioning of the facility; and
  - (b) the new risk or increased risk is not provided for—
    - (i) in the safety case in force for the facility; or
    - (ii) in a revised safety case—
      - (A) submitted to the Safety Authority; and
      - (B) not refused acceptance by the Safety Authority.

Maximum penalty: \$8 800.

- (3) Subregulation (2) does not apply if the person is a person who is exempt from the requirement to have a safety case in force for the relevant stage in the life of the facility under regulation 80.

### **89—Maintaining records**

The operator of a facility must keep all documents required by the safety case in force for the facility in the manner set out in the safety case.

Maximum penalty: \$3 300.

#### **Note—**

Regulation 64 sets out the record keeping requirements in relation to documents.

### **90—Person on a facility must comply with safety case**

A person on a facility must comply with a safety requirement of the safety case in force for the facility that applies to the person.

Maximum penalty: \$1 100.

## **91—Interference with accident sites**

- (1) A person must not interfere with a site, on a facility, where there is—
- (a) an accident that causes the death of, or serious personal injury to, any person; or
  - (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period of 3 days; or
  - (c) a dangerous occurrence,

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

Maximum penalty: \$2 200.

- (2) It is a defence to a prosecution for an offence against subregulation (1) that—
- (a) the person was acting with the written or oral authority of an OHS inspector; or
  - (b) the person was acting, in a reasonable manner, for any of the following purposes:
    - (i) helping or rescuing a sick, injured or endangered person; or
    - (ii) maintaining the safety of the facility or of persons at the facility; or
    - (iii) reducing danger to the facility or to persons at the facility; or
    - (iv) retrieving, or attempting to retrieve, the body of a dead person; or
  - (c) the operator has given the Safety Authority notice of, and a report about, the accident or dangerous occurrence under clause 67 of Schedule 7 to the Act, and an OHS inspector has not entered the facility where the accident or dangerous occurrence occurred in response to the notice within 3 working days of the operator giving notice to the Safety Authority.

## **Division 7—Miscellaneous**

### **92—Details in applications or submissions**

- (1) An application or submission (however described) that a person is required or permitted to make or give to the Safety Authority under this Part must include—
- (a) the person's name; and
  - (b) if applicable, the name of the person's agent; and
  - (c) the person's or agent's address in Australia; and
  - (d) the person's or agent's telephone number and fax number.
- (2) If there is a change to any of the details mentioned in subregulation (1), the person or agent must notify the Safety Authority in writing as soon as practicable.
- (3) Despite any provision of this Part, the Safety Authority may delay proceeding with an application or submission until the person or agent has complied with this regulation.

## Part 4—Pipelines

### Division 1—Preliminary

#### 93—Object

The object of this Part is to ensure, over the operating life of offshore pipelines that are for use in conveying petroleum, that licensees for the pipelines use systems, work practices and procedures that will ensure that—

- (a) the pipelines are designed, constructed, operated and modified in ways that are suitable for the purposes for which the pipelines are to be used; and
- (b) proposals for decommissioning pipelines are suitable for the purposes for which they are made; and
- (c) the risks of significant pipeline accident events, and the risks to the integrity of the pipelines, are reduced to levels as low as reasonably practicable.

#### 94—Definitions

- (1) In this Part, unless the contrary intention appears—

*composition of petroleum* means a mixture of petroleum with one or more other substances;

*independent validator*, for a validation, means a person who, to the reasonable satisfaction of the Minister, has the necessary competence and ability, and access to data, in relation to the matters being validated, to arrive at an independent opinion on the matters;

*operator*, for a pipeline, means a person registered under regulation 99 as the operator for the pipeline by the Safety Authority;

*pipeline*—

- (a) in Division 4—
  - (i) means a pipeline to which clause 4(8) of Schedule 7 to the Act applies; and
  - (ii) includes a pipeline, that would be a pipeline of that kind, that is—
    - (A) proposed to be constructed; or
    - (B) proposed to be operated; or
    - (C) being constructed; and
- (b) in this Part, other than Division 4—
  - (i) means a pipeline licensed under Division 4 of Part 3 of the Act; and
  - (ii) includes a pipeline, that would be a pipeline of that kind, that is—
    - (A) proposed to be constructed; or
    - (B) proposed to be operated; or
    - (C) being constructed;

***pipeline management plan in force for a pipeline*** means a pipeline management plan for a pipeline—

- (a) submitted by or for the pipeline licensee; and
- (b) accepted under this Part (or, if the pipeline management plan is accepted in part, that part of the pipeline management plan that is accepted); and
- (c) as revised from time to time under this Part; and
- (d) for which the acceptance has not been withdrawn;

***pipeline safety management plan*** means the components of a pipeline management plan that provide for the health and safety of persons at or near the pipeline;

**Note—**

The components of a pipeline management plan are set out in Division 3 Subdivision 2.

***pipeline management system description***, for a pipeline, means a description of the matters mentioned in regulation 114 in relation to the pipeline;

***reportable incident*** means an incident that—

- (a) results in significant damage to a pipeline (for example, reducing the capacity of the pipeline to contain petroleum flowing through it); or
- (b) is likely to have a result of a kind mentioned in paragraph (a); or
- (c) is of a kind that a reasonable pipeline licensee would consider to require immediate investigation;

***significant pipeline accident event*** means an event that—

- (a) is connected (whether immediately or after delay) with work carried out on, or in relation to, a pipeline; and
- (b) causes, or creates a significant risk of causing, human death (for example, because of hydrocarbon releases);

***validation*** has the meaning given by regulation 95, and ***validate*** has a corresponding meaning.

- (2) For the purposes of this Part, a pipeline is taken to be decommissioned if—
  - (a) the pipeline ceases operation, other than—
    - (i) temporarily for maintenance; or
    - (ii) for a period agreed between the Minister and pipeline licensee for the pipeline; or
  - (b) the pipeline is removed.

## 95—Meaning of validation

- (1) A ***validation*** of a proposal for a pipeline under this Part is a statement in writing by an independent validator that—
  - (a) the proposal is suitable for the purposes for which it is made; and

- (b) if the proposal includes a modification of the pipeline that may affect the integrity of the pipeline—there are reasonable grounds to believe that the modification will result in the pipeline being suitable for the purposes for which it is to be used; and
- (c) the proposal is consistent with the pipeline management system description in the pipeline management plan in force for the pipeline; and
- (d) the proposal complies with any Australian or international standards that are mentioned in the pipeline management plan as applying to that kind of proposal.

**Notes—**

- 1 The following proposals are subject to validation under this Part:
  - proposals to carry out activities for the design and construction of a pipeline—see regulations 103(4)(b) and 104(3)(b);
  - proposals for the operation of a pipeline—see regulations 109(3)(b) and 110(3)(b);
  - proposals for the revision of a pipeline management plan that relates to modification or decommissioning of a pipeline—see regulation 130(1)(a)(iv).
- 2 A pipeline management system description describes the risk of significant pipeline accident events and other risks to the integrity of the pipeline. The description also describes measures to reduce those risks to levels that are as low as reasonably practicable—see regulation 121.

- (2) A validation must cover the scope of the validation agreed under these regulations.

**Note—**

The scope of a validation must be agreed between a pipeline licensee and Minister at the following stages:

- for a validation about the design and construction of the pipeline—before the licensee applies for a consent to construct the pipeline—see regulation 102(b);
- for a validation about the operation of the pipeline—before the licensee applies for a consent to operate the pipeline—see regulation 108(b);
- for a validation about a revision of a pipeline management plan for the pipeline—before the licensee submits the revision of the plan—see regulation 125(2).

**96—Relationship with other Parts**

The requirements of this Part are in addition to the requirements imposed on a person by any other Part.

**Division 2—Operators****97—Nomination of operator**

- (1) A pipeline licensee may send to the Safety Authority a written notice nominating a person to be the operator for a pipeline.

**Note—**

Under the definition of *pipeline* in regulation 94(1), a pipeline includes a proposed pipeline.

- (2) A notice under subregulation (1) must include—
- (a) the person's name; and
  - (b) the person's contact details, including—
    - (i) a business address; and
    - (ii) telephone and facsimile numbers for the operator during business hours; and
    - (iii) telephone and facsimile numbers for the operator outside business hours; and
  - (c) the person's Australian Company Number (ACN), if applicable; and
  - (d) the person's written consent to the nomination.

### **98—Acceptance or rejection of nomination of operator**

- (1) The Safety Authority must accept the nomination of a person as an operator if it is satisfied that the person has, or will have, the day-to-day management and control of—
- (a) the pipeline; and
  - (b) each of the activities mentioned in regulation 100(1).

**Note—**

Under the definition of *pipeline* in regulation 94(1), a pipeline includes a proposed pipeline.

- (2) If the Safety Authority is not satisfied of the matters in subregulation (1)(a) and (b), it must reject the nomination.
- (3) If the Safety Authority accepts the nomination, it must register the nominee as the operator of the pipeline, in accordance with regulation 99.
- (4) The Safety Authority must notify the pipeline licensee who made the nomination, and the nominee—
- (a) of the decision to accept or reject the nomination; and
  - (b) if the Safety Authority has decided to reject the nomination—of the reasons for the rejection.

### **99—Register of operators**

- (1) The Safety Authority must maintain the register of operators.
- (2) A pipeline licensee who has nominated a person to be the operator of the pipeline, or the operator of the pipeline, may notify the Safety Authority, in writing, that the registered operator has ceased to be the person who has, or will have, the day-to-day management and control of—
- (a) the pipeline; and
  - (b) each of the activities mentioned in regulation 100(1).

**Note—**

Under the definition of *pipeline* in regulation 94(1), a pipeline includes a proposed pipeline.

- (3) On receipt of a notice under subregulation (2), the Safety Authority must remove the operator's name from the register.
- (4) The Safety Authority may remove an operator's name from the register if—
  - (a) the Safety Authority believes, on reasonable grounds, that the operator does not or will not have day-to-day management and control of the pipeline and each of the activities mentioned in regulation 100(1); and
  - (b) the Safety Authority has given notice of intention to remove the operator from the register to—
    - (i) the person who nominated the operator; and
    - (ii) the operator; and
  - (c) the Safety Authority has allowed a period of 30 days for the nominator and the operator to make representations; and
  - (d) the Safety Authority has considered those representations and continues to believe on reasonable grounds that the operator does not, or will not, have day-to-day management and control of the pipeline and each of the activities mentioned in regulation 100(1).

### **100—Pipeline must have registered operator**

- (1) A person must not—
  - (a) construct a pipeline; or
  - (b) operate a pipeline (whether or not the pipeline is in use at a particular time); or
  - (c) modify a pipeline; or
  - (d) decommission a pipeline,in the adjacent area if there is not an operator in respect of the pipeline.  
Maximum penalty: \$8 800.
- (2) However, subregulation (1) does not apply to construction, operation, modification or decommissioning that occurs within 3 months after the commencement of this regulation.

## **Division 3—Consents to construct and operate a pipeline**

### **Subdivision 1—Consent to construct**

#### **101—Consent to construct required to construct a pipeline**

A person must not carry out activities to construct a pipeline unless the Minister has granted a consent to construct for those activities.

Maximum penalty: \$5 500.

## **102—Matters to be agreed before pipeline licensee applies for consent to construct**

A pipeline licensee may apply for a consent to construct a pipeline only if the licensee and Minister have agreed on—

- (a) the matters concerning the activities to which the application relates that are to be dealt with in the pipeline management plan for the pipeline; and
- (b) the scope of the validation of the proposal to carry out those activities.

### **Note—**

An application may relate to all or some of the activities for designing and constructing a pipeline—see regulation 103(2).

## **103—Application for consent to construct**

- (1) An application for a consent to construct a pipeline must be lodged in writing with the Minister.
- (2) An application may relate to all or some of the activities for designing and constructing the pipeline.
- (3) The application must include the following information:
  - (a) the name of the applicant;
  - (b) an address of the applicant, for communications on matters relating to the pipeline;
  - (c) a fax number, or e-mail address, within Australia for the applicant.
- (4) The application must be accompanied by—
  - (a) those parts of the pipeline management plan in force for the pipeline that provide for the activities to which the application relates; and
  - (b) a validation of the proposal to carry out those activities; and
  - (c) other relevant information that the Minister may require on reasonable grounds.

## **104—Deciding an application for a consent to construct**

- (1) Within 28 days after an application for a consent to construct a pipeline is lodged, the Minister must decide whether to grant the consent.

### **Note—**

The Minister may decline to consider an application unless certain information is provided—see regulation 155.

- (2) A failure by the Minister to comply with subregulation (1) in relation to an application does not of itself invalidate a decision by the Minister to grant or to refuse to grant the consent.
- (3) The Minister must grant the consent if there are reasonable grounds for believing that—
  - (a) a pipeline management plan in force for the pipeline provides for the activities to which the application relates; and



- (b) a validation of the proposal to carry out those activities is in force.
- (4) The Minister may grant a consent to construct in relation to all or some of the activities to design and construct the pipeline.
- (5) If the Minister decides to grant the consent, the Authority must, as soon as practicable, give to the applicant the consent in writing.
- (6) If the Minister decides not to grant the consent in relation to all or some of the activities to design and construct the pipeline, the Authority must, as soon as practicable, give to the applicant, in writing—
  - (a) advice that the consent has not been granted for those activities; and
  - (b) a statement of the reasons for the decision.

### **105—Construction must comply with pipeline management plan**

A pipeline licensee must not construct a pipeline under the licence unless—

- (a) a pipeline management plan, or a part of a pipeline management plan, in force for the pipeline provides for the construction; and
- (b) the pipeline is constructed in a way that complies with that plan or part of that plan.

Maximum penalty: \$5 500.

### **106—Notice of route followed by pipeline**

As soon as practicable after construction of a pipeline has been completed, but within 3 months after a consent to operate is granted for the pipeline, the pipeline licensee must—

- (a) inform the Minister, in writing, of the exact route followed by the pipeline; and
- (b) inform the Australian Hydrographic Office, in writing, of the exact route followed by the pipeline.

Maximum penalty: \$4 400.

## **Subdivision 2—Consent to operate**

### **107—Consent to operate required before a pipeline is operated**

A pipeline licensee must not operate a pipeline under the licence unless the Minister has granted a consent to operate the pipeline.

Maximum penalty: \$5 500.

### **108—Matters to be agreed before pipeline licensee applies for consent to operate**

A pipeline licensee may apply for a consent to operate a pipeline only if the licensee and Minister have agreed on—

- (a) the matters concerning the operation of the pipeline that are to be dealt with in the pipeline management plan for the pipeline; and
- (b) the scope of the validation of the proposal to operate the pipeline.

### **109—Application for consent to operate**

- (1) An application for a consent to operate a pipeline must be lodged in writing with the Minister.
- (2) The application must include the following information:
  - (a) the name of the applicant;
  - (b) an address of the applicant, for communications on matters relating to the pipeline;
  - (c) a fax number, or e-mail address, within Australia for the applicant.
- (3) The application must be accompanied by—
  - (a) those parts of the pipeline management plan in force for the pipeline that provide for the operation of the pipeline; and
  - (b) a validation of the proposal to operate the pipeline; and
  - (c) information showing that the pipeline licensee is maintaining insurance in compliance with section 96A of the Act; and
  - (d) other relevant information that the Minister may require on reasonable grounds.

### **110—Deciding an application for a consent to operate**

- (1) Within 7 days after an application for a consent to operate a pipeline is lodged, the Minister must decide whether to grant the consent.
- Note—**
- The Minister may decline to consider an application unless certain information is provided—see regulation 155.
- (2) A failure by the Minister to comply with subregulation (1) in relation to an application does not of itself invalidate a decision to grant or to refuse to grant the consent.
  - (3) The Minister must grant the consent if there are reasonable grounds for believing that—
    - (a) a pipeline management plan in force for the pipeline provides for the operation of the pipeline; and
    - (b) a validation of the proposal to operate the pipeline is in force; and
    - (c) the pipeline licensee is maintaining insurance according to section 96A of the Act.
  - (4) If the Minister decides to grant the consent, the Authority must, as soon as practicable, give the applicant the consent in writing.
  - (5) If the Minister decides not to grant the consent, the Authority must, as soon as practicable, give the applicant, in writing—
    - (a) advice that the consent has not been granted; and
    - (b) a statement of the reasons for the decision.

**111—Operation must comply with pipeline management plan**

- (1) A pipeline licensee must not operate a pipeline under the licence unless—
- (a) a pipeline management plan in force for the pipeline provides for the operation; and
  - (b) the pipeline is operated in a way that—
    - (i) is consistent with the purposes for which the pipeline was designed to be used; and
    - (ii) is not contrary to that plan.

Maximum penalty: \$5 500.

- (2) However, an offence under subregulation (1) does not arise if—
- (a) the licensee performs an act in compliance with a direction given under—
    - (i) the Act; or
    - (ii) regulations made under the Act; or
  - (b) in an emergency in which there is a likelihood of loss or injury, or for the purpose of maintaining the pipeline in good order or repair, the licensee—
    - (i) performs an act to avoid the loss or injury, or to maintain the pipeline in good order and repair; and
    - (ii) as soon as practicable, but within 3 days, gives written notice to the Minister about the act performed.

**112—Using pipeline to convey compositions of petroleum**

A pipeline licensee must ensure that a composition of petroleum is not conveyed through a pipeline under the licence unless—

- (a) a pipeline management plan in force for the pipeline mentions—
  - (i) that the composition is to be conveyed through the pipeline; and
  - (ii) the safe operating limits for conveying that composition; and
- (b) the pipeline is operated within those safe operating limits.

Maximum penalty: \$5 500.

**Subdivision 3—Modifying or decommissioning a pipeline****113—Modifying or decommissioning a pipeline**

- (1) A pipeline licensee must not modify a pipeline under the licence unless—
- (a) a pipeline management plan in force for the pipeline provides for the modification; and
  - (b) the modification is carried out in a way that—
    - (i) is consistent with the purposes for which the pipeline was designed to be used; and
    - (ii) is not contrary to that plan.

Maximum penalty: \$5 500.

- (2) A pipeline licensee must not decommission a pipeline under the licence unless—
- (a) a pipeline management plan in force for the pipeline provides for the decommission; and
  - (b) the decommission is carried out in a way that is not contrary to that plan.
- Maximum penalty: \$5 500.
- (3) However, an offence under subregulation (1) or (2) does not arise if—
- (a) the pipeline is modified or decommissioned in accordance with a direction given under—
    - (i) the Act; or
    - (ii) regulations made under the Act; or
  - (b) in an emergency in which there is a likelihood of loss or injury, the licensee performs an act to avoid the loss or injury and as soon as practicable, but within 3 days, gives written notice to the Minister about the act performed.

## **Division 4—Pipeline management plans**

### **Subdivision 1—Acceptance of a pipeline management plan**

#### **114—Submission of a pipeline management plan**

- (1) For a pipeline management plan to be accepted for a pipeline, the pipeline licensee must submit the plan to the Minister.
- (2) A pipeline management plan may be submitted for one or more of the following stages connected with the life of the pipeline:
- (a) design and construction;
  - (b) operation;
  - (c) modification;
  - (d) decommissioning.
- (3) A pipeline management plan may be submitted that provides for one or more pipelines.

**Note—**

In making decisions about a pipeline management plan, the Minister is subject to Division 5.

#### **115—Handling pipeline management plan**

The Minister—

- (a) must give a copy of a pipeline management plan to the Safety Authority as soon as practicable after the pipeline licensee gives the plan to the Minister (but not later than 7 days after the pipeline licensee gives the plan); and
- (b) must not act under regulation 116 or 117 unless the Safety Authority has notified the Minister under regulation 136.

**Note—**

The Safety Authority is required to consider the pipeline safety management plan in accordance with Division 5. The Safety Authority is subject to an initial 21 day timetable for considering the plan—see regulation 136.

**116—Time limit for accepting or not accepting a pipeline management plan**

- (1) Within 28 days after a pipeline licensee submits a pipeline management plan, the Minister must—
  - (a) accept the plan under regulation 117; or
  - (b) refuse to accept the plan; or
  - (c) give written notice to the pipeline licensee stating that the Minister is unable to make a decision about the plan within the period of 28 days, and setting out a proposed timetable for consideration of the plan.
- (2) A failure by the Minister to comply with subregulation (1) in relation to a pipeline management plan does not of itself invalidate a decision to accept or to refuse to accept the plan.
- (3) This regulation applies to a pipeline management plan resubmitted under regulation 117(3) in the same way as it applies to the plan when first submitted.

**117—Acceptance of a pipeline management plan**

- (1) The Minister must accept the pipeline management plan only if—
  - (a) there are reasonable grounds for believing that—
    - (i) the plan is appropriate for the nature and proposed use of the pipeline; and
    - (ii) the plan complies with regulations 119, 120, 121, 122 and 124 for the stages connected with the life of the pipeline mentioned in regulation 114 for which the plan is submitted; and
    - (iii) the plan, or a part of a pipeline management plan in force for the pipeline, complies with regulation 123; and
  - (b) the Safety Authority has notified the Minister under regulation 136 that the Safety Authority has accepted the pipeline safety management plan.
- (2) If—
  - (a) the Safety Authority has accepted the pipeline safety management plan only for one or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and
  - (b) there are reasonable grounds for believing the matters in subregulation (1)(a) for each of those stages,the Minister must accept the pipeline management plan only for those stages.
- (3) If the Minister is not reasonably satisfied that the pipeline management plan when first submitted meets the criteria mentioned in subregulation (1), the Minister must give the pipeline licensee a reasonable opportunity to change and resubmit the plan.

- (4) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the pipeline management plan, the Minister is still not reasonably satisfied that the plan meets the criteria mentioned in subregulation (1), the Minister must refuse to accept the plan.
- (5) Despite subregulation (4), the Minister may do either or both of the following:
  - (a) accept the plan in part for a particular stage connected with the life of the pipeline mentioned in regulation 114;
  - (b) impose limitations or conditions applying to the pipeline in respect of any of those stages.
- (6) The Minister must give the pipeline licensee written notice of a decision by the Minister—
  - (a) to accept the pipeline management plan; or
  - (b) not to accept the plan; or
  - (c) to accept the plan in part for a particular stage connected with the life of the pipeline, or subject to the imposition of limitations or conditions.
- (7) A notice of a decision under subregulation (6)(b) or (c) must include—
  - (a) advice of the decision and the reasons for it; and
  - (b) if limitations or conditions are to apply to a stage connected with the life of the pipeline—a statement of those limitations or conditions.

## **Subdivision 2—Contents of a pipeline management plan**

### **118—Contents of a pipeline management plan**

A pipeline management plan must include information about, or cover—

- (a) the matters mentioned in regulations 119, 120, 121, 122 and 124 for the stages connected with the life of the pipeline mentioned in regulation 114 for which the plan is proposed; and
- (b) the matters mentioned in regulation 123.

### **119—Description of safety policy**

The pipeline management plan must include a statement of the pipeline licensee's strategic health and safety objectives for the design, construction, operation, modification and decommission of the pipeline.

### **120—Description of pipeline**

The pipeline management plan must include a comprehensive description of—

- (a) the design for the pipeline, the route corridor in which the pipeline is to be constructed, the pipeline's interface start and end positions, and the way in which the pipeline is to be constructed; and
- (b) the matters agreed under regulation 102(a) relating to the design and construction of the pipeline; and
- (c) the matters agreed under regulation 108(a) relating to the operation of the pipeline; and

- (d) the compositions of petroleum that are to be conveyed through the pipeline when it is operating; and
- (e) the safe operating limits for conveying those compositions through the pipeline.

**Note—**

An offence under regulation 106 is committed if a pipeline licensee fails to inform the Minister of the exact route followed by the pipeline. This information is to be given as soon as practicable after construction of the pipeline is completed, but in any case, within 3 months after a consent to operate the pipeline is granted.

### **121—Description of pipeline management system**

The pipeline management plan must include a comprehensive description or assessment of, or demonstration of the effectiveness of—

- (a) the risk of significant pipeline accident events and other risks to the integrity of the pipeline associated with the design, construction, modification and decommissioning of the pipeline; and
- (b) measures that have been, or will be, implemented to reduce the risks to levels that are as low as reasonably practicable; and
- (c) the systems used to identify, evaluate and manage the risks and measures; and
- (d) the arrangements for monitoring, auditing and reviewing those systems, including the arrangements for continual and systematic identification of deficiencies of those systems and ways in which the systems could be improved.

### **122—Statement of standards**

The pipeline management plan must include a statement about the Australian and international standards applied, or to be applied, to the design, construction, operation, modification and decommissioning of the pipeline.

### **123—Arrangements for documents**

- (1) The pipeline management plan must include arrangements for—
  - (a) recording and making available documents and other records mentioned in subregulation (2) for the pipeline; and
  - (b) securely storing those documents and records at the address maintained under regulation 154 and in a way that makes their retrieval reasonably practicable.
- (2) The documents or other records are the following:
  - (a) a pipeline management plan in force for the pipeline;
  - (b) revisions of the pipeline management plan;
  - (c) records of reportable incidents made in compliance with regulation 148.
- (3) A document mentioned in subregulation (2)(a) or (b) must be kept for 5 years from the acceptance of the document.
- (4) A record mentioned in subregulation (2)(c) must be kept for 5 years from the making of the record.

## 124—Arrangements for reporting

The pipeline management plan must include arrangements for reporting to the Minister about the design, construction, operation, modification and decommissioning of the pipeline, at intervals agreed with the Minister, but not less often than annually.

## Subdivision 3—Revision of a pipeline management plan

### 125—Revision because of a change, or proposed change, of circumstances or operations

- (1) A pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Minister a proposed revision of the plan as soon as practicable after any of the circumstances mentioned in subregulation (3) is satisfied.
- (2) However, if a circumstance mentioned in subregulation (3) is satisfied because the licensee proposes to modify or decommission the pipeline, the licensee must not submit the proposed revision before the licensee and Minister have agreed on the scope of the validation of the proposal to revise the plan.
- (3) A need to revise a plan arises if—
  - (a) there are reasonable grounds for believing that the technical knowledge relied upon to formulate the plan is outdated and accordingly the plan no longer adequately provides for—
    - (i) the matters mentioned in regulations 119, 120, 121, 122 and 124 for the stages connected with the life of the pipeline mentioned in regulation 114 for which the plan is in force; or
    - (ii) the matters mentioned in regulation 123; or
  - (b) developments in systems for identifying and evaluating risks of significant pipeline accident events, or risks to the integrity of the pipeline, make it appropriate to revise the plan; or
  - (c) there are reasonable grounds for believing that a series of proposed modifications to the pipeline would result in a significant cumulative change in the overall level of risk—
    - (i) of significant pipeline accident events; or
    - (ii) to the integrity of the pipeline; or
  - (d) there are reasonable grounds for believing that a proposed modification to the pipeline would—
    - (i) significantly influence the level of a particular risk of a significant pipeline accident event or a risk to the integrity of the pipeline; or
    - (ii) significantly change the ranking of factors contributing to those risks; or
  - (e) the licensee proposes to significantly change the pipeline management system mentioned in regulation 121 for identifying, evaluating and managing risks—
    - (i) of significant pipeline accident events; or
    - (ii) to the integrity of the pipeline; or



- (f) the compositions of petroleum conveyed in the pipeline are different from the compositions contemplated in the plan; or
- (g) the licensee proposes to modify or decommission the pipeline and that proposal is not satisfactorily addressed in the plan; or
- (h) developments in environmental conditions that affect design conditions make it appropriate to revise the plan.

### **126—Revision on request by the Minister**

- (1) The Minister may request a pipeline licensee for a pipeline for which a pipeline management plan is in force to submit to the Minister a proposed revision of the plan.
- (2) A request by the Minister must be in writing and include the following information:
  - (a) the matters to be addressed by the revision;
  - (b) the proposed date of effect of the revision;
  - (c) the grounds for the request.
- (3) The licensee may make a submission in writing to the Minister stating the reasons for which the licensee believes—
  - (a) the revision should not occur; or
  - (b) the revision should be in different terms from the proposed terms; or
  - (c) the revision should take effect on a date after the proposed date.
- (4) A submission by the licensee must be made within 21 days after receiving the request, or within any longer period that the Minister allows in writing.
- (5) If a submission complies with subregulations (3) and (4), the Minister must—
  - (a) decide whether to accept the reasons stated in the submission; and
  - (b) give the licensee written notice of the decision; and
  - (c) to the extent (if any) that the Minister accepts the reasons, give the licensee written notice that varies or withdraws the request in accordance with the decision; and
  - (d) to the extent (if any) that the Minister does not accept the reasons, give the licensee written notice of the grounds for not accepting them.
- (6) The licensee must comply with the request (as varied under this regulation) as soon as practicable.
- (7) However, the licensee is not required to comply with the request if the request is withdrawn under this regulation.

### **127—Revision at the end of each 5 years**

- (1) A pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Minister a proposed revision of the plan (whether or not a proposal has been submitted under regulation 125 or 126)—
  - (a) at the end of the 5 years starting on the day the pipeline management plan is first accepted under regulation 117 by the Minister; and

- (b) at the end of each 5 years starting on the day of the most recent acceptance, by the Minister, of a revision submitted under this regulation.
- (2) A revision submitted under this regulation must include—
  - (a) information about measures for ensuring the ongoing integrity of the pipeline; and
  - (b) details of the maximum allowable operating pressure for the pipeline.

### **128—Form of proposed revision**

A proposed revision must be in the form of a revised pipeline management plan or, if the pipeline licensee and the Minister agree, a revised part of the pipeline management plan.

### **129—Time limit for accepting or not accepting a proposed revision**

- (1) Within 28 days after a pipeline licensee submits a proposed revision, the Minister must—
  - (a) accept the revision under regulation 130; or
  - (b) refuse to accept the revision; or
  - (c) give written notice to the pipeline licensee stating that the Minister is unable to make a decision about the revision within the period of 28 days, and setting out a proposed timetable for consideration of the revision.
- (2) A failure by the Minister to comply with subregulation (1) in relation to a proposed revision does not of itself invalidate a decision to accept or to refuse to accept the revision.
- (3) This regulation applies to a proposed revision resubmitted under regulation 130(3) in the same way as it applies to the revision when first submitted.

### **130—Acceptance of a proposed revision of a pipeline management plan**

- (1) The Minister must accept the proposed revision of the pipeline management plan only if—
  - (a) there are reasonable grounds for believing that—
    - (i) the revision is appropriate for the nature and proposed use of the pipeline; and
    - (ii) the pipeline management plan, as revised by the proposed revision, would comply with regulations 119, 120, 121, 122 or 124 for the stages connected with the life of the pipeline mentioned in regulation 114 for which the revision is submitted; and
    - (iii) the pipeline management plan, as revised by the proposed revision, would comply with regulation 123; and
    - (iv) in the case that the revision relates to a proposal to modify or decommission the pipeline—a validation of the proposal is in force; and
  - (b) the Safety Authority has notified the Minister under regulation 136 that the Safety Authority has accepted the revision.

- (2) If—
- (a) the Safety Authority has accepted the revision only for one or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and
  - (b) there are reasonable grounds for believing the matters in subregulation (1)(a) for each of those stages,
- the Minister must accept the revision only for those stages.
- (3) If the Minister is not reasonably satisfied that the proposed revision when first submitted meets the criteria set out in subregulation (1), the Minister must give the pipeline licensee a reasonable opportunity to change and resubmit the revision.
- (4) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the proposed revision, the Minister is still not reasonably satisfied that the revision meets the criteria mentioned in subregulation (1), the Minister must refuse to accept the revision.
- (5) Despite subregulation (4), the Minister may—
- (a) accept the revision in part for a particular stage connected with the life of the pipeline mentioned in regulation 114; and
  - (b) impose limitations or conditions applying to the pipeline in respect of any of those stages.
- (6) The Minister must give the pipeline licensee written notice of a decision by the Minister—
- (a) to accept the proposed revision; or
  - (b) not to accept the revision; or
  - (c) to accept the revision in part for a particular stage connected with the life of the pipeline, or subject to the imposition of limitations or conditions.
- (7) A notice of a decision under subregulation (6)(b) or (c) must include—
- (a) advice of the decision and the reasons for it; and
  - (b) if limitations or conditions are to apply to a stage connected with the life of the pipeline—a statement of those limitations or conditions.

### **131—Effect of non-acceptance of proposed revision**

If a proposed revision is not accepted, the pipeline management plan in force for the pipeline immediately before the proposed revision was submitted remains in force, subject to the Act and this Part (in particular, Subdivision 4 of this Division), as if the revision had not been proposed.

## **Subdivision 4—Withdrawal of acceptance of a pipeline management plan**

### **132—Withdrawal of acceptance of a pipeline management plan**

- (1) The Minister, by written notice to a pipeline licensee, may withdraw the acceptance of the pipeline management plan in force for the pipeline on any of the following grounds:
  - (a) the pipeline licensee has not complied with the Act, or a direction given to the licensee under section 100 of the Act;
  - (b) the pipeline licensee has not complied with regulation 105 or 111;
  - (c) the pipeline licensee has not complied with regulation 125, 126 or 127;
  - (d) the Minister has refused to accept a proposed revision of the pipeline management plan.
- (2) A notice under subregulation (1) must include advice of the reasons for the decision.

### **133—Steps to be taken before withdrawal of acceptance**

- (1) Before withdrawing the acceptance of a pipeline management plan in force for a pipeline, the Minister must comply with subregulations (2), (4) and (5).
- (2) The Minister must give the pipeline licensee at least one month's written notice of the Minister's intention to withdraw acceptance of the plan.
- (3) The Minister may give a copy of the notice to such other persons (if any) as the Minister thinks fit.
- (4) The Minister must specify in the notice a date (the *cut-off date*) on or before which the pipeline licensee (or any other person to whom a copy of the notice has been given) may submit to the Minister, in writing, any matters for the Minister to take into account.
- (5) The Minister must take into account—
  - (a) any action taken by the pipeline licensee to remove the ground for withdrawal of acceptance, or to prevent the recurrence of that ground; and
  - (b) any matter submitted to the Minister before the cut-off date by the pipeline licensee or a person to whom a copy of the notice has been given.

### **134—Withdrawal of acceptance not affected by other provisions**

- (1) The Minister may withdraw the acceptance of a pipeline management plan in force for a pipeline on a ground mentioned in regulation 132(1) even if the pipeline licensee has been convicted of an offence because of a failure to comply with a provision of the Act or of these regulations.
- (2) Even if the acceptance of a pipeline management plan has been withdrawn by the Minister on a ground mentioned in regulation 132(1), the pipeline licensee for the pipeline may be convicted of an offence because of a failure to comply with a provision of the Act or of these regulations.

## Division 5—Pipeline safety management plans

### Subdivision 1—Preliminary

#### 135—Definition

In this Division—

*pipeline safety management plan in force for a pipeline* means the components of a pipeline management plan in force for a pipeline that provide for the health and safety of persons at or near the pipeline.

### Subdivision 2—Acceptance of a pipeline safety management plan

#### 136—Consideration of a pipeline safety management plan

- (1) This regulation applies if the Minister gives the Safety Authority a copy of a pipeline management plan.
- (2) The Safety Authority, within 21 days, must—
  - (a) consider the pipeline safety management plan within the pipeline management plan; and
  - (b) decide—
    - (i) to accept the pipeline safety management plan in full; or
    - (ii) to refuse to accept the pipeline safety management plan; or
    - (iii) to do both of the following:
      - (A) accept the pipeline safety management plan only for one or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and
      - (B) refuse to accept the rest of the pipeline safety management plan; or
    - (iv) that it is unable to make a decision on the pipeline safety management plan; and
  - (c) notify the Minister, in writing, of the Safety Authority's decision and the reasons for any refusal.

**Note—**

See regulation 114(2) for the stages connected with the life of the pipeline.

- (3) The Safety Authority—
  - (a) may make an acceptance of a pipeline safety management plan, or of a pipeline safety management plan for one or more specified stages connected with the life of the pipeline, subject to conditions or limitations; and
  - (b) must include any conditions or limitations in the notice under subregulation (2)(c).

- (4) If the Safety Authority is unable to make a decision on the pipeline safety management plan, the Safety Authority must include in the notice under subregulation (2)(c)—
- (a) a proposed timetable for consideration of the pipeline safety management plan that gives the pipeline licensee a reasonable opportunity to modify or resubmit the pipeline safety management plan; and
  - (b) a description of any further information the safety authority may require to assist it to consider the pipeline safety management plan.

### **137—Notice to pipeline licensee about a pipeline safety management plan**

- (1) For the purposes of regulation 116(1), if the Safety Authority has given the Minister a timetable under regulation 136(4) for consideration of the pipeline safety management plan, the Minister must give written notice to the pipeline licensee explaining the effect of the timetable.
- (2) A failure by the Minister to comply with subregulation (1) in relation to a pipeline safety management plan does not affect the validity of a decision by the Safety Authority to accept or reject the pipeline safety management plan.

### **138—Revision of a pipeline management plan—request by the Safety Authority concerning a pipeline safety management plan**

- (1) The Safety Authority may request the Minister to act under regulation 126 for a pipeline management plan if the Safety Authority believes that the pipeline safety management plan requires revision.
- (2) The request must be in writing, and must include the following information:
- (a) the matters, relating to the pipeline safety management plan, to be addressed by the revision;
  - (b) the proposed date of effect of the revision;
  - (c) the grounds for the request.
- (3) If the Minister receives a request under subregulation (1)—
- (a) the Minister must act under regulation 126 in accordance with the request; and
  - (b) the Minister is not prevented from dealing with other matters under regulation 126 at the same time.

### **139—Submission about proposed revision of a pipeline management plan**

- (1) This regulation applies if—
- (a) the Minister gives a request to a pipeline licensee under regulation 126(1) (whether or not the request was given after a request from the Safety Authority); and
  - (b) the pipeline licensee makes a submission to the Minister under regulation 126(3); and
  - (c) the submission deals in whole or in part with the pipeline safety management plan.

- (2) The Minister must give a copy of the submission (to the extent that it deals with the pipeline safety management plan) to the Safety Authority as soon as practicable after the pipeline licensee gives the submission to the Minister (but not later than 7 days after the pipeline licensee gives the submission).

#### **140—Proposed revision of a pipeline management plan**

- (1) This regulation applies if—
- (a) a pipeline licensee resubmits a revision of a pipeline management plan under regulation 125, 126 or 127; and
  - (b) the revision deals in whole or in part with the pipeline safety management plan; and
  - (c) the Minister gives the Safety Authority a copy of the pipeline management plan.
- (2) The Safety Authority, within 21 days, must—
- (a) consider the proposed revision of the pipeline safety management plan; and
  - (b) decide—
    - (i) to accept the proposed revision in full; or
    - (ii) to refuse to accept the proposed revision; or
    - (iii) to do both of the following:
      - (A) accept the proposed revision only for one or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and
      - (B) refuse to accept the rest of the proposed revision; or
    - (iv) that it is unable to make a decision on the proposed revision; and
  - (c) notify the Minister, in writing, of the Safety Authority's decision and the reasons for any refusal.

**Note—**

See regulation 114(2) for the stages connected with the life of the pipeline.

- (3) The Safety Authority—
- (a) may make an acceptance of a proposed revision, or of a proposed revision for one or more specified stages connected with the life of the pipeline, subject to conditions or limitations; and
  - (b) must include any conditions or limitations in the notice under subregulation (2)(c).
- (4) If the Safety Authority is unable to make a decision on the pipeline safety management plan, the Safety Authority must include in the notice under subregulation (2)(c)—
- (a) a proposed timetable for consideration of the proposed revision that gives the pipeline licensee a reasonable opportunity to modify or resubmit the proposed revision; and

- (b) a description of any further information the Safety Authority may require to assist it to consider the proposed revision.

### **141—Notice to pipeline licensee about proposed revision of a pipeline safety management plan**

- (1) For the purposes of regulation 129(1), if the Safety Authority has given the Minister a timetable under regulation 140(4) for consideration of the pipeline safety management plan, the Minister must give written notice to the pipeline licensee explaining the effect of the timetable.
- (2) A failure by the Safety Authority to comply with subregulation (1) in relation to a pipeline safety management plan does not affect the validity of a decision by the Safety Authority to accept or reject the pipeline safety management plan.

### **Subdivision 3—Withdrawal of acceptance of a pipeline safety management plan**

#### **142—Request for withdrawal of acceptance of a pipeline management plan**

- (1) The Safety Authority may, by written notice to the Minister, request the Minister to withdraw the acceptance of a pipeline management plan in force for a pipeline on any of the following grounds:
  - (a) the operator of the pipeline has not complied with a listed OHS law in relation to the pipeline;
  - (b) the pipeline licensee has not complied with regulation 105 or 111 in relation to the pipeline safety management plan;
  - (c) the pipeline licensee has not complied with regulation 125, 126 or 127 in relation to the pipeline safety management plan;
  - (d) the Safety Authority has refused to accept a proposed revision of the pipeline safety management plan.
- (2) The notice must—
  - (a) be in writing; and
  - (b) include the grounds for giving the notice.

#### **143—Steps to be taken before request for withdrawal of acceptance**

- (1) Before giving the Minister a notice under regulation 142(1)—
  - (a) the Safety Authority must comply with subregulation (2); and
  - (b) the Minister must comply with subregulations (3), (4) and (5).
- (2) The Safety Authority must give the Minister a written notice that the Safety Authority is considering giving the Minister the notice under regulation 142(1).
- (3) The Minister must give a notice to the pipeline licensee stating—
  - (a) that the Safety Authority is considering giving the Minister the notice under regulation 142(1); and
  - (b) the grounds for giving the notice; and



- (c) a date (the *cut-off date*) on or before which the pipeline licensee (or any other person to whom a copy of the notice has been given) may submit to the Minister, in writing, any matters for the Minister to take into account.
- (4) The Minister—
  - (a) must give a copy of the notice under subregulation (3) to the operator, if the operator is not the pipeline licensee; and
  - (b) may give a copy of the notice to any other person that the Minister thinks appropriate.
- (5) If, on or before the cut-off date, the pipeline licensee (or any other person to whom a copy of the notice has been given) submits to the Minister, in writing, a matter for the Safety Authority to take into account, the Minister must give a copy of the matter to the Safety Authority as soon as practicable after the pipeline licensee gives the matter to the Minister.

#### **144—Withdrawal of acceptance of a pipeline management plan on request**

- (1) In deciding whether to give the Minister the notice under regulation 142(1), the Safety Authority must take into account—
  - (a) any action taken by the pipeline licensee or the operator—
    - (i) to remove the ground for withdrawal of acceptance; or
    - (ii) to prevent the recurrence of that ground; and
  - (b) any matter submitted to the Minister before the cut-off date by the pipeline licensee or another person to whom a copy of the notice has been given.
- (2) If, after complying with subregulation (1), the Safety Authority gives the Minister a notice under regulation 142(1), the Minister—
  - (a) must withdraw the pipeline management plan under regulation 132; and
  - (b) must give a copy of the notice withdrawing the pipeline management plan to the operator, if the operator is not the pipeline licensee.

### **Division 6—Notifying and reporting accidents and dangerous occurrences**

#### **145—Prescribed period of incapacity**

For the purposes of clause 67(1)(b) of Schedule 7 to the Act, the prescribed period in relation to a pipeline is 3 days.

#### **146—Meaning of dangerous occurrence**

For the purposes of the definition of *dangerous occurrence* in clause 3 of Schedule 7 to the Act, a dangerous occurrence is an occurrence at a pipeline that—

- (a) created a substantial risk of an accident; or
- (b) was of a kind that a reasonable operator would consider to require an immediate investigation.

**Note—**

This regulation relates to the reporting of accidents or dangerous occurrences under Schedule 7 to the Act, and therefore relates to incidents affecting or potentially affecting health and safety. Incidents of that kind must be reported to the Safety Authority by the operator.

**147—Reporting accidents and dangerous occurrences**

- (1) For the purposes of clause 67(1) of Schedule 7 to the Act, a notice of an accident or dangerous occurrence—
  - (a) may be oral or written; and
  - (b) must be provided as soon as practicable after—
    - (i) the first occurrence of the accident or dangerous occurrence; or
    - (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence—the detection of the accident or dangerous occurrence by the operator; and
  - (c) must contain all material details concerning the accident or dangerous occurrence that are reasonably available to the operator at the time of the notification.
- (2) For the purposes of clause 67(1) of Schedule 7 to the Act, the report—
  - (a) must be written; and
  - (b) unless otherwise agreed by the Safety Authority—must be provided within 3 days after—
    - (i) the first occurrence of the accident or dangerous occurrence; or
    - (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence—the detection of the accident or dangerous occurrence by the operator; and
  - (c) must contain material details concerning the accident or dangerous occurrence of the types determined by the Safety Authority.
- (3) A determination mentioned in subregulation (2)(c) must be—
  - (a) in writing; and
  - (b) published in the Gazette.
- (4) As soon as practicable, but not later than 15 days after the end of each month, the operator of a pipeline must submit, to the Safety Authority a written report, for that month, identifying—
  - (a) the number of deaths of persons at the pipeline; and
  - (b) the number and types of injuries to persons at the pipeline, other than minor injuries not requiring treatment or requiring treatment only in the nature of first aid.
- (5) The operator of a pipeline must compile and maintain a record of—
  - (a) all reports of accidents occurring in, or in connection with, the pipeline; and
  - (b) the details of any corrective action taken in each case.

**Note—**

This regulation relates to the reporting of accidents or dangerous occurrences under Schedule 7 to the Act, and therefore relates to incidents affecting or potentially affecting health and safety. Incidents of that kind must be reported to the Safety Authority by the operator.

**148—Reportable incidents**

- (1) A pipeline licensee must give notice (either oral or written) of a reportable incident to the Minister or an inspector, including all material details of the incident that are reasonably available to the licensee, as soon as practicable after—
  - (a) the first occurrence of the incident; or
  - (b) if the incident is not detected by the licensee at the time of its first occurrence—the detection of the incident by the licensee.

Maximum penalty: \$4 400.

- (2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.
- (3) The pipeline licensee must give a written report, in accordance with subregulation (5), of the incident to the Minister—
  - (a) as soon as practicable, but within 3 days, after—
    - (i) the first occurrence of the incident; or
    - (ii) if the incident is not detected by the licensee at the time of its first occurrence—the detection of the incident by the licensee; or
  - (b) if the Minister specifies, in writing and within the period mentioned in paragraph (a), another period for giving the report—within that period.

Maximum penalty: \$4 400.

- (4) It is a defence to a prosecution for an offence against subregulation (3) if subregulation (3)(b) applies in relation to the offence and the period specified by the Minister is not a reasonable period.
- (5) For the purposes of subregulation (3), the report must set out fully—
  - (a) all the material facts and circumstances of the incident that the licensee is aware of or is able, by reasonable search and inquiry, to find out, including the following:
    - (i) the date, time and place of the incident; and
    - (ii) the particulars of any loss or damage caused by the incident; and
    - (iii) if petroleum escaped from the pipeline or ignited—the amount of that petroleum and the measures taken to control the escape or fire; and
    - (iv) the cause of the incident; and
    - (v) the repairs (if any) carried out, or proposed to be carried out, on the pipeline; and
  - (b) the corrective action that has been taken, or is proposed to be taken, to prevent another incident of that kind.

**Note—**

This regulation relates to a *reportable incident*, as defined in this Part, which must be reported to the Minister by the pipeline licensee. Incidents related only to health and safety do not need to be reported under this regulation.

### **149—Dealing with documents**

A pipeline licensee must not deal with a document or other record mentioned in regulation 124 in a way that is contrary to the arrangements for the document or record contained in the pipeline management plan in force for the pipeline.

Maximum penalty: \$3 300.

**Note—**

Regulation 123 requires a pipeline management plan to include such arrangements.

### **150—Reporting to Minister**

A pipeline licensee must report to the Minister in accordance with the arrangements under regulation 124 contained in the pipeline management plan in force for the pipeline under the licence.

Maximum penalty: \$3 300.

## **Division 7—Miscellaneous**

### **Subdivision 1—Requirements about workers**

#### **151—Competence of workers**

- (1) A pipeline licensee must ensure that each person working on, or in connection with, a pipeline under the licence is competent to the extent that he or she has the necessary skills, training and ability—
  - (a) to carry out the tasks, both routine and non-routine, that may reasonably be given to the person; and
  - (b) to respond and to react appropriately, and at the level reasonably required of the person, during an emergency.

Maximum penalty: \$3 300.

- (2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.

#### **152—Awareness of legislation**

- (1) A pipeline licensee must ensure, as far as reasonably practicable, that each person working on, or in connection with, the pipeline knows about the effect of relevant legislation that relates to the safety of any of the following:
  - (a) a person working on, or in connection with, the pipeline;
  - (b) the pipeline;
  - (c) the environment.

- (2) In this regulation—

*relevant legislation* means the Act, regulations (including these regulations) made under the Act and any directions given to the licensee under the Act.

### **153—Involvement of workers in pipeline management plan**

- (1) The Minister may ask a pipeline licensee, in writing, to provide the Minister with reasonable grounds for believing that—
  - (a) in the development or revision of a pipeline management plan for a pipeline under the licence, there has been effective consultation with, and participation of, the classes of persons who—
    - (i) are identifiable before the pipeline management plan is developed; and
    - (ii) are working on, or in connection with, the pipeline, or are likely to be working on, or in connection with, the pipeline; and
  - (b) the pipeline management plan in force for the pipeline provides adequately for effective consultation with, and the effective participation of, those classes of persons, so that they are able to arrive at informed opinions about the risks to which they may be exposed through working on, or in connection with, the pipeline.
- (2) A pipeline licensee must, within 21 days after receiving a request under subregulation (1), give the Minister written notice of those grounds.
- (3) The Minister must also consult with the Safety Authority in relation to the Minister's exercise of its powers under this regulation.

### **Subdivision 2—Providing information**

#### **154—Notice of contact details**

- (1) A pipeline licensee, at all times after the licensee applies under this Part for a consent to construct a pipeline under the licence, must maintain, and ensure that the Minister has notice of, an address of the licensee for communications on matters relating to the pipeline.  
Maximum penalty: \$3 300.
- (2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.
- (3) Also, despite subregulation (1), a pipeline licensee is not required to give information to the Minister under that subregulation if, at any relevant time—
  - (a) the information has been given according to any other provision of the Act or regulations (including these regulations) made under the Act; and
  - (b) the Minister has not advised the licensee that the information has been lost or destroyed.

#### **155—Minister may decline to consider application or submission if information is not given**

- (1) Despite any other provision of these regulations, if a pipeline licensee for a pipeline does not provide information under regulation 154 and the information has not been given under another law, the Minister may decline to consider an application or submission, made by the licensee under this Part and relating to the pipeline, until the information is given.

- (2) Despite any other provision of this Part, if a pipeline licensee does not provide the information required under regulation 105 or 111 for an application for a consent to construct or operate a pipeline and the information has not been given under another law, the Minister may decline to consider the application until the information is given.

## Part 5—Diving safety

### Division 1—Preliminary

#### 156—Application

This Part applies to a diving operation that is an offshore petroleum operation.

#### 157—Definitions

In this Part—

*accepted DSMS* means a DSMS that has been accepted by the Safety Authority under regulation 162 or 163;

*ADAS* means the Australian Diver Accreditation Scheme administered by the Board of the Australian Diver Accreditation Scheme on behalf of the Department within the meaning of the Commonwealth Act;

*AS/NZS*, followed by a number, means the Australian and New Zealand Standard of that number, as existing from time to time;

*diving* has the meaning given by regulation 158;

*diving contractor* means a person who enters into a contract to conduct a diving project;

*diving operation* means an offshore petroleum operation consisting of one or more dives;

*diving project* means an activity consisting of one or more diving operations;

*DSMS* means a diving safety management system;

*facility* means a facility described in clause 3 of Schedule 7 to the Act;

*manned submersible craft* means a craft that is designed to maintain its occupant, or some or all of its occupants, at or near atmospheric pressure while submerged (whether or not it is self-propelled, and whether or not it is supplied with breathing mixture by umbilical), including a craft in the form of a suit;

*offshore petroleum operations* has the meaning given by section 150XB of the Commonwealth Act;

*operator*, for a diving project, means—

- (a) if the facility associated with the project is a pipeline—the person registered as the operator of the pipeline under Part 4;
- (b) if the facility associated with the project is not a pipeline—the person registered as the operator of the facility under Part 3;

*pipeline* means a pipeline to which clause 4(8) of Schedule 7 to the Act applies;

*pipeline safety management plan* has the meaning given in regulation 94(1);

*safety case* means the document known as a safety case submitted to the Safety Authority under Division 4 of Part 3.

### 158—Meaning of diving

- (1) For the purposes of this Part—
  - (a) a person is *diving* if he or she—
    - (i) is in a chamber inside which the ambient pressure is equal to or higher than the hydrostatic pressure at a depth of 1 metre in seawater (whether or not the chamber is submerged in water or another liquid); or
    - (ii) is submerged in water or another liquid and his or her lungs are subjected to a pressure greater than atmospheric pressure (whether or not he or she is wearing a wetsuit or other protective clothing); or
    - (iii) is in a manned submersible craft that is submerged in water or another liquid; and
  - (b) *diving* includes diving using a snorkel and diving without the use of any breathing apparatus.
- (2) For the purposes of this Part, *diving* does not include—
  - (a) diving using a snorkel for the purpose of conducting an environmental survey; or
  - (b) diving without the use of any breathing apparatus for that purpose.

### 159—When a diving operation begins and ends

For the purposes of this Part, a diving operation—

- (a) begins when the diver, or first diver, who takes part in the operation starts to prepare to dive; and
- (b) ends when the diver, or last diver, who takes part in the operation leaves the water or the chamber or environment in which the dive took place and has completed any necessary decompression procedures; and
- (c) includes the time taken for therapeutic recompression if that is necessary.

## Division 2—Diving safety management systems

### 160—No diving without DSMS

- (1) Before beginning diving work that forms part of a diving project, a diving contractor must—
  - (a) have a DSMS that is—
    - (i) accepted; and
    - (ii) current; and
  - (b) give the DSMS to the operator of the diving project.

Maximum penalty: \$5 500.

- (2) The operator of a diving project must not allow diving work, that forms part of the diving project, to begin if the diving contractor has not given to the operator a DSMS that is—

- (a) accepted; and
- (b) current.

Maximum penalty: \$10 000.

- (3) A diving contractor must not allow diving to continue on a diving project if the DSMS is no longer—

- (a) accepted; and
- (b) current.

Maximum penalty: \$10 000.

- (4) For the purposes of this regulation, an accepted DSMS is current if—

- (a) the DSMS has not been revised, or the acceptance of the DSMS has not been withdrawn, since its latest acceptance;
- (b) it is not more than 5 years since its latest acceptance.

**Note—**

A person may consult the register mentioned in regulation 166 to find out if a DSMS is accepted and current.

## **161—Contents of DSMS**

- (1) A DSMS must meet the minimum standards set out in the Guidelines for complying with the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2002* of the Commonwealth, as existing from time to time, published by the Safety Authority.
- (2) A DSMS must provide for—
- (a) all activities connected with a diving project; and
  - (b) the preparation of a diving project plan, in accordance with Division 3, for a project (including consultation with members of the workforce in the preparation of the plan) and the revision of the plan as necessary; and
  - (c) the continual and systematic identification of hazards related to a diving project; and
  - (d) the continual and systematic assessment of—
    - (i) the likelihood of the occurrence, during normal or emergency situations, of injury or damage associated with those hazards; and
    - (ii) the likely nature of any injury or damage; and
  - (e) the elimination of risks to persons involved with the project and associated work including—
    - (i) risks arising during evacuation, escape and rescue in case of emergency; and
    - (ii) risks to persons involved with the operation arising from equipment and hardware,



- or the reduction of those risks to as low as reasonably practicable; and
- (f) the inspection and maintenance of, and testing programs for, equipment and hardware integral to the control of those risks; and
  - (g) communications between persons involved in a diving project; and
  - (h) the performance standards that apply to the DSMS; and
  - (i) a program of continuous improvement.
- (3) A DSMS must—
- (a) specify any standard or code of practice that is to be used in a diving project; and
  - (b) require the diving to be carried out in accordance with those standards or codes.
- (4) A DSMS must contain—
- (a) any information that is reasonably necessary to demonstrate that the DSMS complies with these regulations; and
  - (b) a system for the management of change.

### **162—Acceptance of new DSMS**

- (1) If a diving contractor does not already have an accepted DSMS, the contractor must give a DSMS to the Safety Authority at least 60 days before a proposed diving project is expected to begin.
- (2) Within 60 days after receiving the DSMS, the Safety Authority must notify the diving contractor that it—
  - (a) accepts the DSMS, subject to any conditions necessary in the interests of safety; or
  - (b) rejects the DSMS.

### **163—Acceptance of revised DSMS**

- (1) If a diving contractor has revised a DSMS, the contractor must give the revised DSMS to the Safety Authority.
- (2) The Safety Authority must notify the diving contractor that the revised DSMS has been accepted or rejected within—
  - (a) 28 days after receiving the revised DSMS; or
  - (b) another period agreed between the Safety Authority and the diving contractor.

### **164—Grounds for rejecting DSMS**

The Safety Authority must reject a DSMS if—

- (a) the DSMS does not adequately comply with regulation 161; or
- (b) the Safety Authority is not satisfied that there was consultation with divers and other members of the workforce in the preparation of the DSMS, as required by regulation 175.

### **165—Notice of reasons**

- (1) If the Safety Authority decides to reject a DSMS the Safety Authority must set out, in writing, with the notice mentioned in regulation 162(2) or 163(2), the reasons for rejecting the DSMS.
- (2) If the Safety Authority decides to impose conditions on a DSMS, the Safety Authority must set out, in writing, with the notice mentioned in regulation 162(2) or 163(2), the reasons for imposing conditions on the DSMS.

### **166—Register of DSMSs**

- (1) The Safety Authority must keep a register of each DSMS and revised DSMS it receives, in a form that allows public access.
- (2) The register must record as many of the following details as apply to the DSMS:
  - (a) the name of the diving contractor;
  - (b) the date of acceptance;
  - (c) any conditions on acceptance;
  - (d) the date of rejection;
  - (e) the date that acceptance was withdrawn;
  - (f) the date of any revision notice under regulation 168.
- (3) The Safety Authority must also record on the register, the following details for each diving project plan it receives under regulation 170:
  - (a) the name of the diving contractor;
  - (b) the diving project to which the diving project plan applies;
  - (c) the proposed commencement date of the project;
  - (d) the date of receipt of the plan.

### **167—Revision of DSMS**

A diving contractor must revise a DSMS—

- (a) if developments in scientific or technical knowledge, or in the assessment of hazards, relevant to diving projects make it appropriate to do so; and
- (b) if the diving contractor proposes to make a significant change to the method of operation or to procedures or equipment; and
- (c) if the Safety Authority gives notice in accordance with regulation 168; and
- (d) if a number of minor changes result in the DSMS being significantly different from the latest version of the DSMS accepted by the Safety Authority; and
- (e) at the end of each period of 5 years commencing on the later of—
  - (i) the date when the DSMS is first accepted by the Safety Authority; and
  - (ii) the date of the most recent acceptance by the Safety Authority of a revised version of the DSMS.

**168—Notice to revise DSMS**

- (1) The Safety Authority may give notice (a *revision notice*) to a diving contractor to revise a DSMS.
- (2) A revision notice must be in writing and must set out—
  - (a) the matters to be revised; and
  - (b) the time within which the revision must be completed; and
  - (c) the reasons why the revision is necessary.
- (3) The diving contractor may make a submission in writing to the Safety Authority, within 21 days after receiving the notice or any longer period that the Safety Authority allows in writing, setting out the contractor's reasons for any of the following:
  - (a) why the revision is not necessary;
  - (b) why the revision should be in different terms from those proposed;
  - (c) whether or not the contractor gives other reasons—why the notice should take effect on a later date than the date set out in the notice.
- (4) If a contractor makes a submission under subregulation (3), the Safety Authority must, within 28 days after receiving the submission—
  - (a) decide whether the Safety Authority accepts the reasons in the submission; and
  - (b) give the contractor notice in writing affirming, varying or withdrawing the revision notice; and
  - (c) if the Safety Authority decides not to accept the reasons or any part of them—set out in this notice the grounds for not accepting them.
- (5) The contractor must revise the DSMS, in accordance with the notice as originally given or as varied under subregulation (4), and submit it to the Safety Authority.
- (6) If the contractor does not revise a DSMS when required by this regulation to do so, the Safety Authority may withdraw its acceptance of the DSMS or its agreement to the use of the DSMS for the project.

**Division 3—Diving project plans****169—Diving project plan to be approved**

- (1) This regulation applies if there is an operator for a diving project.
- (2) The diving contractor must prepare a diving project plan for each diving project in consultation with the operator for the project.
- (3) The diving project plan must be approved by the operator for the project before diving can commence on the project.
- (4) The operator must not approve the diving project plan unless the operator is satisfied that—
  - (a) the plan complies with regulation 173; and
  - (b) there was effective consultation in the preparation of the plan, as required by regulation 175.

### **170—Diving project plan to Safety Authority if there is no operator**

- (1) This regulation applies if there is no operator for a diving project.
- (2) The diving contractor must prepare a diving project plan for the diving project and give a copy of the plan to the Safety Authority.
- (3) The Safety Authority must not accept the diving project plan unless it is satisfied that—
  - (a) the plan complies with regulation 173; and
  - (b) there was effective consultation in the preparation of the plan, as required by regulation 175.

### **171—Diving project plan to Safety Authority if requested**

If the Safety Authority asks the operator for a diving project for a copy of the diving project plan, the operator must give a copy of the plan to the Safety Authority.

### **172—Updating diving project plan**

- (1) A diving contractor for a diving project must keep the diving project plan for the project up to date during the project.
- (2) The diving contractor must update the diving project plan if—
  - (a) because of modification of the project, there is a significant increase in the overall level of risk to a diving operation; or
  - (b) the operator for the project proposes to undertake or permit a modification of the project that might influence significantly the level of specific risks to a diving operation or the ranking of risk contributors.
- (3) If there is no operator for a diving project and the diving project plan has been updated, the diving contractor must resubmit the updated plan to the Safety Authority for consideration.

### **173—Contents of diving project plan**

- (1) A diving project plan must set out the following matters:
  - (a) a description of the work to be done;
  - (b) a list of the South Australian and Commonwealth legislation (including these regulations) that the diving contractor considers applies to the project;
  - (c) a list of standards and codes of practice that will be applied in carrying out the project;
  - (d) a hazard identification;
  - (e) a risk assessment;
  - (f) a safety management plan;
  - (g) job hazard analyses for the diving operations;
  - (h) an emergency response plan;

- (i) the provisions of the DSMS and the safety case or the pipeline safety management plan that are relevant to the diving project, in particular the arrangements in the DSMS and the safety case or the pipeline safety management plan for simultaneous operations and emergency response;
  - (j) details of consultation with divers and other members of the workforce working on the project.
- (2) The diving project plan must describe each diving operation that is part of the diving project.
  - (3) The diving project plan must not specify as a diving operation a task that is too complex, or too big, to be supervised safely by one supervisor.
  - (4) The diving project plan must provide for adequate communications between persons undertaking the project and any relevant—
    - (a) contractor; and
    - (b) facility; and
    - (c) vessel or aircraft; and
    - (d) on-shore installation.

#### **174—No diving without approved diving project plan**

A diving contractor for a project must not allow a person to dive on the project if—

- (a) there is no diving project plan for the project; or
- (b) the diving project plan has not been approved by the operator or accepted by the Safety Authority if there is no operator.

Maximum penalty: \$5 500.

### **Division 4—Involvement of divers and members of the workforce**

#### **175—Involvement of divers and members of the workforce in DSMS and diving project plan**

- (1) In developing or revising a DSMS or diving project plan, a diving contractor must ensure that there is effective consultation with, and participation of, divers and other members of the workforce who will, or may be, working on—
  - (a) the project; or
  - (b) in the case of a DSMS—projects for which the DSMS would be appropriate.
- (2) When submitting a DSMS to the Safety Authority for acceptance, the diving contractor must set out in writing, details of the consultation that has taken place, including—
  - (a) submissions or comments made during the consultation; and
  - (b) any changes that have been made to the DSMS as a result of the consultation.

## **Division 5—Safety responsibilities**

### **176—Safety responsibilities of diving contractors**

- (1) A diving contractor must take all necessary steps to provide and maintain a working environment (including equipment and systems of work) that reduces risks to the safety and health of divers and other members of the workforce to as low as reasonably practicable.

Maximum penalty: \$5 500.

- (2) A diving contractor must take all necessary steps to ensure that a diving operation for which the diving contractor is responsible is carried out in a way that complies with the accepted DSMS for the project.

Maximum penalty: \$5 500.

### **177—Safety in the diving area**

- (1) At each place of diving, before the diving operation begins, the diving contractor must make available a copy of—

- (a) the instrument by which the diving supervisor was appointed; and
- (b) the DSMS; and
- (c) the diving project plan that relates to the operation.

Maximum penalty: \$1 100.

- (2) A person engaged in a diving operation must comply with—

- (a) an instruction given by a diving supervisor for the diving operation about a matter in the diving project plan; and
- (b) a direction under regulation 180(3) given to the person by a diving supervisor for the diving operation.

Maximum penalty: \$1 100.

### **178—Diving depths**

- (1) The operator for a surface-oriented diving operation, involving the use of air or mixed gas as a breathing medium, must not allow the operation to be carried out at a depth of more than 50 metres.

Maximum penalty: \$10 000.

- (2) The diving contractor for a surface-oriented diving operation, involving the use of air or mixed gas as a breathing medium, must not allow the operation to be carried out at a depth of more than 50 metres.

Maximum penalty: \$5 500.

- (3) The operator for a diving operation that is carried out at a depth of more than 50 metres must ensure that the diving operation involves the use of—

- (a) a closed diving bell and a suitable mixed gas breathing medium; or
- (b) a manned submersible craft.

Maximum penalty: \$10 000.

- (4) The diving contractor for a diving operation that is carried out at a depth of more than 50 metres must ensure that the diving operation involves the use of—
- (a) a closed diving bell and a suitable mixed gas breathing medium; or
  - (b) a manned submersible craft.

Maximum penalty: \$5 500.

## **Division 6—Diving supervisors**

### **179—Appointment of diving supervisors**

- (1) The diving contractor responsible for a diving operation must appoint, in writing, one or more diving supervisors to ensure that there is a diving supervisor to supervise all diving that is carried out as part of the operation.

Maximum penalty: \$2 200.

**Note—**

Regulation 173(3) limits the scope of a diving operation that can be supervised by one diving supervisor.

- (2) A diving contractor must not appoint, as a diving supervisor, a person who is not—
- (a) qualified as a supervisor under ADAS; and
  - (b) competent to supervise the operation.

Maximum penalty: \$2 200.

- (3) Strict liability applies to subregulation (2).

### **180—Duties of diving supervisors**

- (1) The duties of a diving supervisor for a diving operation are—
- (a) to ensure that the diving operation is carried out—
    - (i) as far as is reasonably practicable without risk to the health or safety of anybody taking part in it or of anyone else who may be affected by it; and
    - (ii) in accordance with the law; and
    - (iii) in accordance with the accepted DSMS for the operation; and
    - (iv) in accordance with the relevant diving project plan; and
  - (b) to countersign entries about the operation in divers' log books; and
  - (c) if there is an operator for the diving project—to report to the operator, during the operation, any of the following:
    - (i) the death of, or serious personal injury to, a person;
    - (ii) the incapacitation of a person that prevents the person from performing work for a period of 3 or more days;
    - (iii) an event that could reasonably have led to a consequence of the type mentioned in subparagraph (i) or (ii);
    - (iv) a decompression illness;

- (v) a pulmonary barotrauma;
  - (vi) a case of omitted decompression;
  - (vii) an occurrence for which the standby diver is deployed for an emergency, except for the purposes of training, exercises or drills;
  - (viii) a failure of life support equipment or man riding equipment.
- (2) In subregulation (1)(c)(viii), *man riding equipment* includes any of the following:
- (a) an air stage;
  - (b) a wet bell;
  - (c) a closed bell;
  - (d) a guide wire system.

**Note—**

Regulation 184 requires a diving supervisor to maintain a diving operations record.

- (3) A diving supervisor who fails to carry out a duty imposed on him or her by subregulation (1) is guilty of an offence.  
Maximum penalty: \$2 200.
- (4) A diving supervisor, when supervising a diving operation, may give such reasonable directions to any person taking part in the operation as are necessary to enable the diving supervisor to comply with subregulation (1)(a)(i).
- (5) A diving supervisor must not dive while he or she is on duty as diving supervisor.  
Maximum penalty: \$2 200.
- (6) A diving supervisor for a diving operation must tell each person who takes part in the operation any instruction, in the diving project plan for the operation, that applies to the person.  
Maximum penalty: \$2 200.

## **Division 7—Start-up notices**

### **181—Start-up notice**

- (1) In this regulation—

*start-up notice*, for a diving project, means a written notice, signed by or for the person giving it, dated and containing the following information:

- (a) the name, address and telephone number of the diving contractor for the project;
- (b) the name, address and telephone number of a person who can be contacted by the Safety Authority at any time during the project;
- (c) the date when diving is expected to begin;
- (d) the expected duration of the project;
- (e) the location of the project;
- (f) the depth to which divers will dive;



- (g) the purpose of the diving project;
  - (h) the estimated number of people to be engaged in the project;
  - (i) the breathing mixture to be used;
  - (j) the title, document number and revision number of the diving project plan for the project.
- (2) The operator for a diving project must not allow diving on the project to begin if the operator has not given a start-up notice to the Safety Authority—
- (a) at least 14 days before the day when diving is to begin; or
  - (b) on another day as agreed between the Safety Authority and the operator.

Maximum penalty: \$10 000.

- (3) If there is no operator for a diving project, the diving contractor must not allow diving on the project to begin if the diving contractor has not given a start-up notice to the Safety Authority—
- (a) at least 14 days before the day when diving is to begin; or
  - (b) on another day as agreed between the Safety Authority and the diving contractor.

Maximum penalty: \$5 500.

## **Division 8—Diving operations**

### **182—Divers in diving operations**

- (1) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.  
Maximum penalty: \$5 500.
- (2) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.  
Maximum penalty: \$2 200.
- (3) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person does not have a current diving qualification under ADAS to carry out any activity that is reasonably likely to be necessary while the person is taking part in the operation.  
Maximum penalty: \$5 500.
- (4) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person does not have a current diving qualification under ADAS to carry out any activity that is reasonably likely to be necessary while the person is taking part in the operation.  
Maximum penalty: \$2 200.
- (5) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person does not have a valid medical certificate.  
Maximum penalty: \$5 500.

**Note—**

For the meaning of *valid medical certificate*—see regulation 183.

- (6) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person does not have a valid medical certificate.

Maximum penalty: \$2 200.

**Note—**

For the meaning of *valid medical certificate*—see regulation 183.

- (7) Subregulations (3), (4), (5) and (6) do not apply if the person—

- (a) is diving in a manned submersible craft; or
- (b) is diving to provide emergency medical care to an injured person in a chamber.

### **183—Medical certificates**

A diver's medical certificate is valid if it satisfies regulation 31(2) or (3) of the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2002* of the Commonwealth.

## **Division 9—Records**

### **184—Diving operations record**

- (1) A diving supervisor for a diving operation must ensure that a diving operations record for the operation is maintained in the form required by subregulations (2) and (3).

Maximum penalty: \$5 500.

- (2) A diving operations record—

- (a) must be kept in a hard-covered form bound in such a way that its pages cannot easily be removed; or
- (b) if it is in a form that has multiple copies of each page, must be bound so that at least one copy of each page cannot easily be removed.

- (3) The pages of a diving operations record must be serially numbered.

- (4) The diving supervisor for a diving operation must ensure that an entry is made in the diving operations record for each day when diving for the operation takes place, with the following information about the diving operation on that day:

- (a) the date to which the entry relates;
- (b) the diving contractor's name and address;
- (c) the name of the diving supervisor, or the names of the diving supervisors, who supervised the operation;
- (d) the location of the diving operation (including, if the diving was done from a vessel or installation, its name);
- (e) the name of each person who took part in the operation (whether as a diver or as a member of a dive team);

- (f) the name of each person who took part as a diver or stand by diver in the operation;
- (g) the purpose of the diving operation;
- (h) for each diver—the breathing apparatus and breathing mixture used;
- (i) for each diver—the times at which the diver left the surface, reached the bottom, left the bottom and arrived at the surface again, and bottom time;
- (j) for each diver—the maximum depth reached;
- (k) the decompression schedule followed including, for each diver, details of the depths and the duration at each depth during decompression;
- (l) details of any emergency or incident of special note that happened during the operation;
- (m) details of any decompression illness and any treatment given;
- (n) details of any significant defect or significant failure of diving plant or equipment used in the operation;
- (o) details of any environmental factors relevant to the operation;
- (p) anything else that is likely to affect the health or safety of anybody who took part in the operation.

Maximum penalty: \$1 100.

- (5) A diving supervisor responsible for a diving operation must sign—
  - (a) either—
    - (i) if the record is in a form that has multiple copies of each page—the original of each page of each entry; or
    - (ii) in any other case—each page of each entry; or
  - (b) if there are 2 or more diving supervisors for the operation—those parts of the entry that relate to diving work that he or she supervised,

in the diving operations record for the operation and must print his or her name below the signature.

Maximum penalty: \$1 100.

- (6) A diving contractor must keep a diving operations record for at least 7 years after the last entry in it.

Maximum penalty: \$550.

### **185—Divers' log books**

- (1) A diver must—
  - (a) have a log book in the form required by subregulation (2); and
  - (b) for each time he or she dives—
    - (i) make an entry in the log book, in ink, as required by subregulation (3); and
    - (ii) sign the entry; and

- (iii) have the diving supervisor for the operation countersign the entry; and
      - (c) keep the log book for at least 7 years after the date of the last entry in it.
- Maximum penalty: \$550.
- (2) The log book must—
    - (a) have hard covers; and
    - (b) be bound so that pages cannot easily be removed; and
    - (c) have its pages serially numbered; and
    - (d) show the diver's name; and
    - (e) have a clear photograph of the head and shoulders of the diver; and
    - (f) have a specimen of the diver's signature.
  - (3) An entry in the log book must contain the following information:
    - (a) the date to which the entry relates;
    - (b) the location of the dive (and, if the dive was from a ship or installation, the name of the ship or installation);
    - (c) the maximum depth reached;
    - (d) the times at which the diver left the surface, reached the bottom, left the bottom and arrived at the surface again, and bottom time;
    - (e) the breathing apparatus and breathing mixture used;
    - (f) the decompression schedule followed;
    - (g) the work done and the plant and tools used;
    - (h) any decompression illness, barotrauma, discomfort or injury and details of any treatment given;
    - (i) details of any emergency or incident;
    - (j) anything else relevant to the diver's health or safety.

## **Part 6—Fees**

### **186—Fees**

- (1) The fees set out in Schedule 3 are payable as specified in that Schedule.
- (2) For the purpose of determining the registration of fees payable under section 91 of the Act—
  - (a) the prescribed amount for the purposes of section 91(1), (2) and (5) is \$810;
  - (b) the prescribed amount for the purposes of section 91(3) and (6) is \$4 040.

## **Schedule 1—Hazardous substances**

### **Part 1—Interpretation**

- 1 In this Schedule—

***bona fide research*** means a systematic, investigative or experimental activity conducted for the purpose of—

- (a) acquiring new knowledge; or
- (b) creating new or improved materials, products, devices, processes or services;  
or
- (c) analysis to identify the kind or quantities of ingredients in a substance;

***in situ***, in relation to a product that contains asbestos, means that, at the time the use of the form of asbestos in the product is prohibited under regulation 12, the product is fixed or installed—

- (a) in—
  - (i) a building or any other structure that forms a workplace; or
  - (ii) a plant, a vehicle or any other thing that is for use at a workplace;  
and
- (b) in a way that does not constitute a risk to users until the asbestos contained in the product is disturbed.

## Part 2—Permitted circumstances for using certain hazardous substances

Item	Substance (identified by substance name)	Permitted circumstance
201	Polychlorinated biphenyls (also known as PCBs)	1 Handling for storage prior to removal or disposal. 2 Storage prior to removal or disposal. 3 Removal or disposal. 4 Use when contained in existing electrical equipment or construction material. 5 Repair of existing electrical equipment or construction material.

## Part 3—Permitted circumstances for using certain hazardous substances with carcinogenic properties

Item	Substance (identified by substance name, with chemical abstract number in square brackets)	Permitted circumstances
301	2-Acetylaminofluorene [53-96-3]	Bona fide research
302	Aflatoxins	Bona fide research
303	4-Aminodiphenyl [92-67-1]	Bona fide research
304	Amosite (brown asbestos) [12172-73-5]	1 Bona fide research. 2 Handling for storage prior to removal or disposal of amosite. 3 Storage prior to removal or disposal of amosite. 4 Removal or disposal of amosite in accordance with a law of a State or Territory relating to the removal of asbestos. 5 Disturbance of naturally occurring amosite that is incidental to operations not related to the extraction or processing of amosite, for example, roadworks. 6 Use (without disturbance) of amosite in products that are in situ.
305	Benzidine [92-87-5] and its salts, including benzidine dihydrochloride [531-85-1]	Bona fide research
306	bis (Chloromethyl) ether [542-88-1]	Bona fide research
307	Chloromethyl methyl ether (technical grade containing bis (chloromethyl) ether) [107-30-2]	Bona fide research
308	Crocidolite (blue asbestos) [12001-28-4]	1 Bona fide research.

**1.7.2010 to 30.6.2011—Petroleum (Submerged Lands) Regulations 2005**  
 Hazardous substances—Schedule 1

Item	Substance (identified by substance name, with chemical abstract number in square brackets)	Permitted circumstances
		2 Handling for storage prior to removal or disposal of crocidolite.
		3 Storage prior to removal or disposal of crocidolite.
		4 Removal or disposal of crocidolite in accordance with a law of a State or Territory relating to the removal of asbestos.
		5 Disturbance of naturally occurring crocidolite that is incidental to operations not related to the extraction or processing of crocidolite, for example, roadworks.
		6 Use (without disturbance) of crocidolite in products that are in situ.
309	4-Dimethylaminoazo-benzene [60-11-7]	Bona fide research
310	2-Naphthylamine [91-59-8] and its salts	Bona fide research
311	4-Nitrodiphenyl [92-93-3]	Bona fide research
312	Actinolite asbestos [77536-66-4]	1 Bona fide research.
		2 Handling for storage prior to removal or disposal of actinolite.
		3 Storage prior to removal or disposal of actinolite.
		4 Removal or disposal of actinolite in accordance with a law of a State or Territory relating to the removal of asbestos.
		5 Disturbance of naturally occurring actinolite that is incidental to operations not related to the extraction or processing of actinolite, for example, roadworks.
		6 Use (without disturbance) of actinolite in products that are in situ.
313	Anthophyllite asbestos [77536-67-5]	1 Bona fide research.
		2 Handling for storage prior to removal or disposal of anthophyllite.
		3 Storage prior to removal or disposal of anthophyllite.
		4 Removal or disposal of anthophyllite in accordance with a law of a State or Territory relating to the removal of asbestos.
		5 Disturbance of naturally occurring anthophyllite that is incidental to operations not related to the extraction or processing of anthophyllite, for example, roadworks.
		6 Use (without disturbance) of anthophyllite in products that are in situ.

**Petroleum (Submerged Lands) Regulations 2005—1.7.2010 to 30.6.2011**  
 Schedule 1—Hazardous substances

<b>Item</b>	<b>Substance (identified by substance name, with chemical abstract number in square brackets)</b>	<b>Permitted circumstances</b>
314	Chrysotile (white asbestos) [12001-29-5]	1 Bona fide research.
		2 Handling for storage prior to removal or disposal of chrysotile.
		3 Storage prior to removal or disposal of chrysotile.
		4 Removal or disposal of chrysotile in accordance with a law of a State or Territory relating to the removal of asbestos.
		5 Disturbance of naturally occurring chrysotile that is incidental to operations not related to the extraction or processing of chrysotile, for example, roadworks.
		6 Use (without disturbance) of chrysotile in products that are in situ.
315	Tremolite asbestos [77536-68-6]	1 Bona fide research.
		2 Handling for storage prior to removal or disposal of tremolite.
		3 Storage prior to removal or disposal of tremolite.
		4 Removal or disposal of tremolite in accordance with a law of a State or Territory relating to the removal of asbestos.
		5 Disturbance of naturally occurring tremolite that is incidental to operations not related to the extraction or processing of tremolite, for example, roadworks.
		6 Use (without disturbance) of tremolite in products that are in situ.

**Note—**

This Part sets out the prohibitions and permitted uses that apply to all Australian workplaces under a national agreement. However, not all items and permitted uses are relevant to offshore petroleum operations.



## Schedule 2—Forms for occupational health and safety purposes

### Form 1

*Petroleum (Submerged Lands) Act 1982*

#### Provisional improvement notice

To:

*(the responsible person within the meaning of clause 37(2) of Schedule 7 to the Act)*

I, *(name of the health and safety representative issuing the notice)*, selected as the health and safety representative under clause 24 or 25 of Schedule 7 to the Act for *(description of the designated work group)*, after consultation in accordance with clause 37(1) of Schedule 7 to the Act, believe that the following provision, or provisions, of the Act or regulations is, or are, being contravened or is, or are, likely to continue to be contravened:

The contravention is *(a brief description)*:

The contravention is occurring at *(location)*:

The reasons for my opinion are as follows:

In accordance with clause 37(5)(b) of Schedule 7 to the Act, action necessary to prevent the contravention, or the likely contravention, of the provision or provisions referred to above must be taken before (the date of a day that is—

- (a) not less than 7 days after the day when the notice is issued; and
- (b) reasonable in the opinion of the health and safety representative).

In accordance with clause 37(6) of Schedule 7 to the Act, I specify the following action to be taken:

Dated

*(signed)*  
Health and safety representative

Notes—

- 1 Under clause 38(1) of Schedule 7 to the Act, a person to whom a provisional improvement notice is given may, within 7 days, request the Safety Authority or an OHS inspector to conduct an investigation into the subject matter of the notice.
- 2 Clause 38(5) of Schedule 7 to the Act requires a responsible person to whom a provisional improvement notice is given—
  - to notify each group member affected by the notice of the fact that the notice has been issued; and
  - to display a copy of the notice at or near each workplace at which work that is the subject of the notice is being performed.
- 3 Under clause 38(6) of Schedule 7 to the Act, a provisional improvement notice ceases to have effect when—
  - it is cancelled by the health and safety representative or an OHS inspector; and
  - the responsible person takes the action specified in the notice, or if no action is specified, takes the action that is necessary to prevent the contravention, or likely contravention, with which the notice is concerned.
- 4 Clause 38(7) of Schedule 7 to the Act requires the responsible person—
  - to ensure, as far as possible, that a provisional improvement notice is complied with; and
  - to inform the health and safety representative who issued the notice of the action taken to comply with the notice.
- 5 Under clause 65 of Schedule 7 to the Act, if an OHS inspector has confirmed or varied a provisional improvement notice—
  - the operator of the facility or an employer affected by the decision; or
  - the health and safety representative for a designated work group that includes a group member affected by the decision; or
  - the owner of any plant substances or thing to which that decision relates; or
  - the person to whom the notice was issued; or
  - a workforce representative in relation to the designated work group that includes a group member affected by the decision; or
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision,may request the Australian Industrial Relations Commission in writing to review the OHS inspector's decision.

## Form 2

*Petroleum (Submerged Lands) Act 1982*

### Notice of removal of plant or sample

To:

*(name of operator, employer or owner of the plant, substance or thing (if applicable))*

and

*(name of health and safety representative for designated workgroup)*

I, *(name of OHS inspector)*, an OHS inspector within the meaning of the Act, in the course of conducting an inspection under clause 48 of Schedule 7 to the Act, have taken possession of:

*(description of item removed)*

from the workplace at:

*(address)*

The reason for this action is:

*(explanation of why removal of item was necessary)*

Dated:

*(signed)*  
OHS Inspector

Notes—

- 1 This notice must be displayed in a prominent place at the workplace from which the item was removed.
- 2 Under clause 63 of Schedule 7 to the Act, this notice must not be tampered with or removed until the item has been returned to the workplace.
- 3 Under clause 63 of Schedule 7 to the Act, a person who tampers with, or removes, a notice, before the item has been returned to the workplace, may be liable to a penalty of not more than \$11 000 in the case of a natural person or \$55 000 in the case of a body corporate.
- 4 Under clause 65 of Schedule 7 to the Act, any of the following persons may request the Australian Industrial Relations Commission in writing to review the OHS inspector's decision—
  - the operator of the facility or an employer affected by the decision;
  - the health and safety representative for a designated work group that includes a group member affected by the decision;
  - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
  - the owner of any plant, substance or thing to which the OHS inspector's decision relates.

## Form 3

*Petroleum (Submerged Lands) Act 1982*

### Do not disturb notice

To:

*(name of operator's representative at the facility)*

I, *(name of OHS inspector)* an OHS inspector within the meaning of the Act, direct that:

*(description of the affected workplace or part of workplace, plant, substance or thing)*

is not to be disturbed during the period from                      a.m./p.m. to                      a.m./p.m.  
on                                              *(date)*.

The reasons for issuing this notice are:

Dated:

*(signed)*

OHS Inspector

Notes—

- 1 Under clause 58 of Schedule 7 to the Act, an operator of a facility who does not ensure that a notice is complied with may be liable to a penalty of not more than \$27 500 in the case of a natural person and \$137 500 in the case of a body corporate.
- 2 This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.
- 3 Under clause 65 of Schedule 7 to the Act, any of the following persons may request the Australian Industrial Relations Commission in writing to review the OHS inspector's decision—
  - the operator of the facility or an employer affected by the decision;
  - the health and safety representative for a designated work group that includes a group member affected by the decision;
  - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
  - the owner of any plant, substance or thing to which the OHS inspector's decision relates.

## Form 4

*Petroleum (Submerged Lands) Act 1982*

### Prohibition notice

To:

*(name of operator's representative at the facility)*

I, *(name of OHS inspector)*, an OHS inspector within the meaning of the Act, am satisfied that it is necessary to issue a prohibition notice to the operator of *(name of the facility)* in order to remove an immediate threat to the health or safety of a person.

I THEREFORE PROHIBIT the following activity or activities—

- (a) at this workplace or part of workplace: *(specify workplace, or part, as the case may be)*
- (b) using this plant or substance: *(specify plant or substance, if applicable)*
- (c) following this procedure: *(specify procedure, if applicable)*

\*Action that may be taken that will be adequate to remove the threat to health and safety is:

*(if insufficient space, use additional page)*

Dated:

*(signed)*  
OHS Inspector

*[\* Omit if inapplicable]*

Notes—

- 1 Under clause 60 of Schedule 7 to the Act, an operator who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the operator has control, may be liable to a penalty of not more than \$27 500 in the case of a natural person and \$137 500 in the case of a body corporate.
- 2 This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.
- 3 Under clause 65 of Schedule 7 to the Act, any of the following persons may request the Australian Industrial Relations Commission, in writing, to review the OHS inspector's decision—
  - the operator of the facility or an employer who is affected by the decision;
  - a person to whom a prohibition notice has been issued;
  - the health and safety representative for a designated work group that has a group member affected by the decision;
  - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
  - the owner of any plant, substance or thing to which the OHS inspector's decision relates.

## **Form 5**

*Petroleum (Submerged Lands) Act 1982*

### **Improvement notice**

To:

*(name of responsible person)*

I, *(name of OHS inspector)*, an OHS inspector within the meaning of the Act, am satisfied that the person named above as the responsible person is contravening, or has contravened, and is likely to contravene:

- (a) clause            of Schedule 7 to the Act; or
- (b) regulation            ;

at

*(location of workplace).*

The reasons for my opinion are:

*(brief description of contravention)*

You are required to take action within *(insert number)* days of the date of this notice to prevent any further contravention or likely contravention of the clause or regulation.

\*The following action must be taken by the responsible person within the period specified above:

*(If insufficient space, use additional page)*

Dated:

*(signed)*  
OHS Inspector

*\*(Omit if inapplicable)*

When the required improvement has been completed, return this part of the notice to the following person at the address below:

Name:

Position:

Address:

Telephone number:

Improvement Notice No.            has been complied with.

Signed:

This notice was delivered to: *(insert name)*

in the office or position of *(insert office or position)*

at: *(insert time, a.m. or p.m.)* ON *(insert date)*.

Notes—

- 1 Under clause 62 of Schedule 7 to the Act, a person who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the person has control, may be liable to a penalty of not more than \$11 000 in the case of a natural person and \$55 000 in the case of a body corporate.
- 2 This notice must be displayed in a prominent place at the workplace and, under clause 63 of Schedule 7 to the Act, must not be tampered with or removed before the notice has ceased to have effect.
- 3 This notice ceases to have effect when the OHS inspector notifies the responsible person that he or she is satisfied that the responsible person has taken adequate action to remove the threat to health and safety that caused the notice to be issued. If the OHS inspector has specified action that the responsible person should take to remove the threat, the responsible person should advise the OHS inspector as soon as the action has been taken.
- 4 Under clause 61(7) of Schedule 7 to the Act, an operator, or an employer of a member of the workforce to whom this notice is given must—
  - (a) give a copy of the notice to each health and safety representative for a designated workgroup having group members performing work that is affected by the notice; and
  - (b) display a copy of the notice in a prominent place at or near each workplace at which the work is being performed.
- 5 Under clause 65 of Schedule 7 to the Act, any of the following persons may request the Australian Industrial Relations Commission to review the OHS inspector's decision—
  - the operator of the facility or an employer affected by the decision;
  - any person to whom an improvement notice has been issued;
  - the health and safety representative for a designated work group that includes a group member affected by the decision;
  - a workforce representative in relation to a designated work group that includes a group member affected by the decision;
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
  - the owner of any plant, substance or thing to which the OHS inspector's decision relates.

### Schedule 3—Fees

- 1 Application fees, payable on application for—
  - (a) an exploration permit (section 20(1)(f)) \$4 590.00
  - (b) an exploration permit in respect of a surrendered etc block (section 23(1)(a)) \$4 590.00
  - (c) renewal of an exploration permit (section 29(2)(c)) \$1 835.00
  - (d) a retention lease (section 37A(2)(e)) \$1 835.00
  - (e) renewal of a retention lease (section 37F(2)(d)) \$1 835.00
  - (f) a production licence (section 40(1)(e)) \$1 835.00
  - (g) a production licence in respect of a surrendered etc block (section 47(1)(a)) \$4 590.00
  - (h) 2 or more production licences in exchange for original production licence (section 50(2)(e)) \$920.00
  - (i) renewal of a production licence (section 53(2)(d)) \$1 835.00
  - (j) a pipeline licence (section 63(1)(f)) \$4 590.00
  - (k) renewal of a pipeline licence (section 67(2)(c)) \$1 835.00

**Petroleum (Submerged Lands) Regulations 2005—1.7.2010 to 30.6.2011**  
 Schedule 3—Fees

(l)	variation of a pipeline licence (section 70(2)(e))	\$920.00
(m)	registration of devolution of title (section 78(2))	\$92.00
(n)	registration of change of company name (section 78(3)(b))	\$92.00
(o)	special prospecting authority (section 110(2)(d))	\$920.00
2	For inspection of register and all instruments or copies subject to inspection (section 85(1))	\$19.00
3	For certified copy or extract from register etc (section 86(2))—per page	\$3.50
4	For Minister's certificate as to registration etc (section 86(3))	\$45.00
5	For access to information, or cores, cuttings or samples, under section 117(1b)(b), (2)(b), (3)(b), (5)(c), (5)(d) or (5a)(b)—per day	\$38.00
6	Annual exploration permit fee, payable in respect of each block to which the permit relates at the commencement of each year of the term of the permit (section 138)	\$55.00 (Minimum fee \$1 135.00)
7	Annual retention lease fee, payable in respect of each block to which the lease relates at the commencement of each year of the term of the lease (section 138)	\$6 820.00
8	Annual production licence fee, payable in respect of each block to which the licence relates at the commencement of each year of the term of the licence (section 138)	\$20 460.00
9	Annual pipeline licence fee, payable in respect of each kilometre (or part kilometre) of the length of the pipeline at the commencement of each year of the term of the pipeline licence (section 138)	\$90.00



## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Petroleum (Submerged Lands) Regulations 2005* revoked the following:

*Petroleum (Submerged Lands) (Fees) Regulations 1994*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	150	<i>Gazette 30.6.2005 p2108</i>	1.7.2005: r 2
<b>2010</b>	<b>105</b>	<b><i>Gazette 10.6.2010 p2879</i></b>	<b>1.7.2010: r 2</b>
2011	154	<i>Gazette 9.6.2011 p2419</i>	1.7.2011: r 2

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2010</i>
Sch 3	substituted by 105/2010 r 4	1.7.2010
<i>Sch 4</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2010</i>