

Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2008

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Petroleum (Submerged Lands) Act 1982*.

16 June 2008

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Energy and Resources

PART 1 - Preliminary

1. Short title

These regulations may be cited as the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2008*.

2. Commencement

These regulations take effect on the day on which the *Petroleum (Submerged Lands) Amendment Act 2004* commences.

3. Object

The object of these regulations 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 the 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.

4. Interpretation

(1) In these regulations –

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

confined space means an enclosed, or partially enclosed, space that –

(a) is not used, or not 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 6 of Schedule 5 to the Act;

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;

dangerous occurrence has the meaning given by regulation 45(2);

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 2 of Schedule 5 to the Act, other than a facility mentioned in clause 3(8) of that Schedule;

Note 1: Clause 2 of Schedule 5 to the Act includes, in the definition of a facility, a facility that is being constructed or installed and, in some circumstances, an associated offshore place in relation to a facility.

Note 2: A facility mentioned in clause 3(8) of Schedule 5 to the Act is a pipeline that is regulated under other legislation.

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;

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

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;

member of the workforce has the meaning given by clause 2 of Schedule 5 to the Act;

operator, for a facility or proposed facility, means a person registered under regulation 7 as the operator of the facility or proposed facility by the Safety Authority;

performance standard means a standard, established by the operator, for 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 case means a safety case prepared and submitted under Part 3;

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;

therapeutic drug means a drug that –

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

titleholder, in relation to a facility, means a permittee, lessee, licensee, pipeline licensee or holder of an infrastructure licence under Part III of the Act;

validation has the meaning given by regulation 44.

(2) A safety case, including a revised safety case, that has been accepted by the Safety Authority and not withdrawn, in relation to a facility, is a safety case in force in relation to the facility.

Note: The following expressions are defined in section 3 of the Act and have the same meaning in these regulations:

- (a) adjacent area
- (b) Commonwealth Act
- (c) OHS inspector
- (d) Safety Authority

5. Relationship with other regulations made under Act

The requirements of these regulations are in addition to the requirements imposed on a person by any other regulations made under the Act.

PART 2 - Operators

6. 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) is to 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.

7. Acceptance or rejection of nomination of operator

(1) The Safety Authority is to 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 is to reject the nomination.

(3) If the Safety Authority accepts the nomination, it is to register the nominee as the operator of the facility or proposed facility.

(4) The Safety Authority is to notify the owner or titleholder who made the nomination, and the nominee –

(a) of the acceptance or rejection of the nomination; and

(b) if the Safety Authority rejects the nomination, of the reasons for the rejection.

8. Register of operators

(1) The Safety Authority is to maintain a register of operators.

(2) An owner or titleholder who has nominated a person to be the operator of a facility, or the operator of a proposed 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 is to 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.

PART 3 - Safety Cases

Division 1 - Contents of safety cases

Subdivision 1 - Contents of safety case

9. Facility description, formal safety assessment and safety management system

- (1) The safety case for a facility is to 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 is to 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 is to –

(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 these regulations; and

(i) specify the performance standards that apply.

Note: The safety management system is to 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 is to 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.

10. Implementation and improvement of safety management system

The safety case for a facility is to 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.

Subdivision 2 - Safety measures

11. Standards to be applied

The safety case for a facility is to 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.

12. Command structure

(1) The safety case for a facility is to 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 is to 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.

13. Members of the workforce to be competent

The safety case for a facility is to 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.

14. Permit to work system for safe performance of various activities

(1) The safety case in respect of a facility is to 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 4(1).

(2) The system is to –

(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 system.

15. Involvement of members of workforce

(1) The operator of a facility is to demonstrate 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) is to 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 5 to the Act sets out the broad 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.

16. Design, construction, installation, maintenance and modification

(1) The safety case for a facility is to 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 is to 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.

17. Medical and pharmaceutical supplies and services

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

18. Machinery and equipment

(1) The safety case in respect of a facility is to 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 is to 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.

19. Drugs and intoxicants

The safety case for a facility is to 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 of –

(i) controlled substances (other than therapeutic drugs); and

(ii) intoxicants –

on the facility.

Subdivision 3 - Emergencies

20. Evacuation, escape and rescue analysis

(1) The safety case for a facility is to contain a detailed description of an evacuation, escape and rescue analysis.

(2) The evacuation, escape and rescue analysis is to –

(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.

21. Fire and explosion risk analysis

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

(2) The fire and explosion risk analysis is to –

(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 otherwise for 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 but not limited to 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.

22. Emergency communications systems

(1) The safety case in respect of a facility is to 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 relation to the facility, are adequate for those kinds of communication.

(2) In particular, the safety case is to 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.

23. Control systems

The safety case in respect of a facility is to 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.

24. Emergency preparedness

(1) The safety case for a facility is to –

- (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 response plan is to –

- (a)** specify all reasonably practicable steps to ensure the facility is safe and without risk to the health 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 is to make adequate provision for escape drill exercises and fire drill exercises by persons on the facility.

(4) In particular, those exercises are to 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 is to 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 is to 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.

25. Pipelines

(1) The safety case for a facility that is –

(a) connected to one or more operational pipelines; or

(b) proposed to be connected to one or more operational pipelines –

is to 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 are to 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 is to 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 the valves will operate correctly in an emergency.

26. Vessel and aircraft control

(1) The safety case for a facility is to 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 is to –

(a) be able to meet the emergency response requirements identified in the formal safety assessment in relation to the facility; and

(b) be described in the facility's safety management system.

(3) The equipment and procedures for ensuring safe vessel and aircraft operations are to be fit for that purpose.

Subdivision 4 - Record keeping

27. Arrangements for records

(1) This regulation applies to the following documents:

(a) the safety case in force for a facility;

(b) a revision to the safety case in force for a facility;

(c) a written audit report for the safety case in force for a facility;

(d) a copy of each report given to the Safety Authority in accordance with regulation 46(2).

(2) The safety case for a facility is to 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) is to be kept in good condition for a period of 5 years commencing on the day of acceptance of the document by the Safety Authority.

(4) A report mentioned in subregulation (1)(c) is to be kept in good condition for a period of 5 years commencing on the day of receipt by the operator.

(5) A copy mentioned in subregulation (1)(d) is to be kept in good condition for a period of 5 years commencing on the day the report was given to the Safety Authority.

Division 2 - Submission and acceptance of safety cases

28. 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 is to 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) If the Safety Authority has requested a validation for the facility, the operator is not to submit the safety case before the operator and the Safety Authority have agreed on the scope of the validation for the facility.

29. 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 these regulations to be included in a safety case.

(2) A request under subregulation (1) is to –

(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 is to have regard to the information as if it had been so included.

30. Acceptance or rejection of 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 Subdivisions 1, 2 and 3 of Division 1 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 Subdivision 4 of Division 1; 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 criterion specified in regulation 44(5); and

(ii) the validation complies with regulation 44.

(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 is to 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 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) – the Safety Authority is to reject the safety case.

(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.

31. Notice of decision on safety case

(1) Within 90 days after receiving a safety case submitted under regulation 28, or resubmitted under regulation 30(3), the Safety Authority is to –

(a) notify the operator, in writing, that the Safety Authority has decided –

(i) to accept the safety case; or

(ii) to reject the safety case; or

(iii) to 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;

(B) reject the rest of the safety case; or

(iv) accept the safety case, or the safety case for one or more specified stages in the life of the facility, 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 90-day period 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) is to include the terms of the decision (including any limitations or conditions) and the reasons for it.

32. Consent to undertake work outside of requirements of 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 is not to 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.

33. Duties under Part 2 of Schedule 5 to 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 5 to the Act.

Division 3 - Revised safety cases

34. Revision of safety case because of change of circumstances or operations

(1) Subject to subregulation (2), an operator of a facility for which a safety case is in force is to 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 Subdivisions 1, 2 and 3 of Division 1;

(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, and the Safety Authority has requested a validation for the proposal, the operator is not to 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.

35. Revision on request by 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 is to 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 asking for 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 is to 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 is to –

(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 is to comply with a request or a varied request.

36. Revision after 5 years

(1) The operator of a facility for which a safety case is in force is to submit a revised safety case to the Safety Authority –

(a) five years after the day that the safety case was first accepted under regulation 30; and

(b) five years after the day of each acceptance of a revised safety case under regulation 38 which has been submitted under this regulation –

whether or not a revision under regulation 34 or 35 has been accepted within the 5-year period.

(2) A revised safety case submitted under this regulation is to 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.

37. 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) is to –

(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 is to have regard to the information as if it had been so included.

38. Acceptance or rejection of revised safety case

(1) The Safety Authority is to 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 Subdivisions 1, 2 and 3 of Division 1 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 Subdivision 4 of Division 1; and

(d) in a case in which the Safety Authority has requested a validation relating to a proposed modification –

(i) the person, or each person, undertaking the validation meets the criterion specified in regulation 44(5); and

(ii) the validation complies with regulation 44.

(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, or a safety case for one or more stages in the life of the facility, because the Safety Authority is not satisfied with any of the matters mentioned in subregulation (1), the Safety Authority is to give the operator a reasonable opportunity to change the safety case or part of it and resubmit the safety case or part.

(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 is to reject the revised safety case or revised safety case for one or more stages in the life of the facility.

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

39. 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 is to –

(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, or revised safety case for one or more stages in the life of the facility, 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 that 30-day period 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.

40. 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 these regulations, as if the revised safety case had not been submitted.

Division 4 - Withdrawal of acceptance of safety case

41. 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 5 to the Act; or

(ii) a notice issued by an OHS inspector under Schedule 5 to the Act; or

(iii) regulation 34, 35 or 36;

(b) the Safety Authority has rejected a revised safety case.

(2) A notice under subregulation (1) is to contain a statement of the reasons for the decision.

42. Notice before withdrawal of acceptance

(1) Before withdrawing the acceptance of a safety case for a facility, the Safety Authority is to 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 is to specify, in the notice, a 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 is to 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.

Division 5 - Exemptions

43. Safety Authority may give exemption

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

PART 4 - Validation

44. Validation of design, construction and installation, significant modification or decommissioning of 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 is to 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 incorporates measures that will protect the health and safety of persons at the proposed facility.

(5) An operator who has provided material for a validation is to 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.

PART 5 - Notifying and Reporting Accidents and Dangerous Occurrences

45. Interpretation

(1) For clause 64(1)(b) of Schedule 5 to the Act, the prescribed period in relation to a facility to which these regulations apply is 3 days.

(2) For the definition of "dangerous occurrence" in clause 2 of Schedule 5 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 subregulation (1); 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 one kilogram;
 - (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 4(1).

46. Reporting accidents and dangerous occurrences

(1) For clause 64(1) of Schedule 5 to the Act, the notice in relation to a facility to which these regulations apply –

- (a) may be oral or written; and
- (b) is to 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) is to 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 clause 64(1) of Schedule 5 to the Act, the report –

- (a) is to be in writing; and
- (b) unless otherwise agreed by the Safety Authority, is to be provided within 3 days after –
 - (i) the first occurrence of the accident or dangerous occurrence; or

(ii) if the accident or 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) is to 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) is to 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 is to 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.

PART 6 - Penalty Provisions

47. 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 for the facility.

Penalty:

In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

48. Safety case required for relevant stage in life of 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.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 50 penalty units.

(2) Subregulation (1) does not apply to a person who is exempt under regulation 43 from the requirement to have a safety case in force for the relevant stage in the life of the facility.

49. Work on facility must comply with 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 30(5) or regulation 38(5).

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 50 penalty units.

(3) Subregulation (2) does not apply to particular conduct if the Safety Authority has given the person a written consent under regulation 32 to engage in that conduct in a manner contrary to the safety case or a limitation or condition on the safety case.

50. 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 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.

Penalty:

In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

(3) Subregulation (2) does not apply if the person is exempt under regulation 43 from the requirement to have a safety case in force for the relevant stage in the life of the facility.

51. Maintaining records

The operator for 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.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 20 penalty units.

Note: Subdivision 4 of Division 1 of Part 3 sets out the record keeping requirements in relation to documents.

52. Person on 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.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 50 penalty units; or
- (b) an individual, a fine not exceeding 10 penalty units.

53. 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.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
 - (b) an individual, a fine not exceeding 20 penalty units.
- (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;
 - (ii) maintaining the safety of the facility or of persons at the facility;

- (iii) reducing danger to the facility or to persons at the facility;
- (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 64 of Schedule 5 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 the notice to the Safety Authority.

PART 7 - Miscellaneous

54. 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 these regulations is to include –

- (a) the person’s name; and
- (b) if applicable, the name of the person’s agent; and
- (c) the person or agent’s address in Australia; and
- (d) the person or agent’s telephone number and facsimile number.

(2) If there is a change to any of the details mentioned in subregulation (1), the person or agent is to notify the Safety Authority in writing as soon as practicable.

(3) Despite any provision of these regulations, the Safety Authority may delay proceeding with an application or submission until the person or agent has complied with this regulation.

55. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

SCHEDULE 1 - Legislation rescinded

Regulation 55

Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2002 (No. 68 of 2002)

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 18 June 2008.

These regulations are administered in the Department of Infrastructure, Energy and Resources.

Table Of Amendments

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| Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2008 | S.R. 2008, No. 60 | 18.6.2008 |

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|---|---------------|----------|
| Health Practitioner Regulation National Law (Tasmania) (Consequential Amendments) Act 2010 | No. 3 of 2010 | 1.7.2010 |
|---|---------------|----------|