

Petroleum (Submerged Lands) (Pipelines) 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) (Pipelines) Regulations 2008*.

2. Commencement

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

3. Object of regulations

The object of these regulations 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.

4. Interpretation

(1) In these regulations, unless the contrary intention appears –

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

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;

listed OHS law has the meaning given by section 150C of the Act;

operator, for a pipeline, means a person registered by the Safety Authority under regulation 9 as the operator for the pipeline;

pipeline –

(a) in Part 5 –

(i) means a pipeline to which clause 3(8) of Schedule 5 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 these regulations, other than Part 5 –

(i) means a pipeline licensed under Division 4 of Part III 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 these regulations (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 these regulations; and

(d) for which the acceptance has not been withdrawn;

pipeline management system description, for a pipeline, means a description of the matters mentioned in regulation 31 in relation to the pipeline;

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 2 of Part 4.

reportable incident means an incident –

(a) that results in significant damage to a pipeline (for example, reducing the capacity of the pipeline to contain petroleum flowing through it); and

(b) that is not a reportable incident within the meaning of the *Petroleum (Submerged Lands) (Management of Environment) Regulations 2002*;

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 5;

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) construct

(d) OHS inspector

(e) Minister

(f) petroleum

(g) pipeline licence

(h) pipeline licensee

(i) Safety Authority

(2) For the purposes of these regulations, 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 the pipeline licensee for the pipeline; or

(b) the pipeline is removed.

5. Meaning of "validation"

(1) A validation of a proposal for a pipeline under these regulations 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.

Note 1: The following proposals are subject to validation under these regulations:

(a) proposals to carry out activities for the design and construction of a pipeline: see [regulations 13\(4\)\(b\) and 14\(3\)\(b\)](#)

(b) proposals for the operation of a pipeline: see [regulations 19\(3\)\(b\) and 20\(3\)\(b\)](#)

(c) proposals for the revision of a pipeline management plan that relates to modification or decommissioning of a pipeline: see [regulation 40\(1\)\(a\)](#).

Note 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 31](#).

(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 the Minister at the following stages:

(a) for a validation about the design and construction of the pipeline - before the licensee applies for a consent to construct the pipeline: see [regulation 12\(b\)](#)

(b) for a validation about the operation of the pipeline - before the licensee applies for a consent to operate the pipeline: see [regulation 18\(b\)](#)

(c) 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 35\(2\)](#).

6. 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

7. 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 4\(1\)](#), a pipeline includes a proposed pipeline.

(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.

8. 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 pipeline; and
- (b) each of the activities mentioned in regulation 10(1).

Note: Under the definition of "pipeline" in regulation 4(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 is to reject the nomination.

(3) If the Safety Authority accepts the nomination, it is to register the nominee as the operator of the pipeline, in accordance with regulation 9.

(4) The Safety Authority is to 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.

9. Register of operators

(1) The Safety Authority is to maintain a 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 10.

Note: Under the definition of "pipeline" in regulation 4(1), a pipeline includes a proposed pipeline.

(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 pipeline and each of the activities mentioned in regulation 10(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 10(1).

10. 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.

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) However, subregulation (1) does not apply to construction, operation, modification or decommissioning that occurs within 3 months after the commencement of this regulation.

Note: It is expected that the period of 3 months will be adequate to ensure that operators can be nominated under this Part.

PART 3 - Consents to Construct and Operate Pipeline

Division 1 - Consent to construct

11. Consent required for construction of pipeline

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

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 30 penalty units.

(2) This regulation does not affect the *Petroleum (Submerged Lands) (Management of Environment) Regulations 2002*.

Note: Under the *Petroleum (Submerged Lands) (Management of Environment) Regulations 2002*, the operator of a petroleum activity (including construction and installation of a pipeline and operation of a pipeline) must not carry out the activity unless there is an environment plan in force for the activity. Those regulations also limit the way a petroleum activity may be carried out and the circumstances in which the activity may be carried out.

12. 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 the 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 13(2).

13. Application for consent to construct

(1) An application for consent to construct a pipeline is to be in writing and lodged with the Minister.

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

(3) The application is to 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 is to 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.

14. Deciding application for consent to construct

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

Note: The Minister may decline to consider an application unless certain information is given: see [regulation 64](#).

(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 is to 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 Minister is to, 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 Minister is to, 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.

15. 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 that part of that plan.

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.

16. 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.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 40 penalty units.

Division 2 - Consent to operate

17. Consent to operate required before pipeline is operated

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

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) This regulation does not affect the *Petroleum (Submerged Lands) (Management of Environment) Regulations 2002*.

Note: Under the *Petroleum (Submerged Lands) (Management of Environment) Regulations 2002*, an operator involved in a petroleum activity (including construction and installation of a pipeline and operation of a pipeline) must not carry out the activity unless there is an environment plan in force for the activity. Those regulations also limit the way a petroleum activity may be carried out and the circumstances in which the activity may be carried out.

18. Matters to be agreed before pipeline licensee applies for consent to operate

A licensee may apply for a consent to operate a pipeline only if the licensee and the 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.

19. Application for consent to operate

(1) An application for a consent to operate a pipeline is to be lodged in writing with the Minister.

(2) The application is to 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 is to 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 97](#) of the Act; and
- (d) other relevant information that the Minister may require on reasonable grounds.

20. Deciding application for consent to operate

(1) Within 7 days after an application for a consent to operate a pipeline is lodged, the Minister is to decide whether to grant the consent.

Note: The Minister may decline to consider an application unless certain information is given: see [regulation 64](#).

(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 is to 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 in compliance with [section 97](#) of the Act.

(4) If the Minister decides to grant the consent, the Authority is to, as soon as practicable, give the applicant the consent in writing.

(5) If the Minister decides not to grant the consent, the Authority is to, 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.

21. 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.

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) 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.

22. 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.

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.

Division 3 - Modifying or decommissioning pipeline

23. Modifying or decommissioning 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.

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) 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 decommissioning; and

(b) the decommissioning is carried out in a way that is not contrary to that plan.

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) 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.

PART 4 - Pipeline Management Plans

Division 1 - Acceptance of pipeline management plan

24. Submission of pipeline management plan

(1) For a pipeline management plan to be accepted for a pipeline, the pipeline licensee is to 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 [Part 5](#).

25. Handling pipeline management plan

The Minister –

(a) is to 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 so gives the plan); and

(b) is not to act under [regulation 26](#) or [27](#) unless the Safety Authority has notified the Minister under [regulation 46](#).

Note: The Safety Authority is required to consider the pipeline safety management plan in accordance with [Part 5](#). The Safety Authority is subject to an initial 21-day timetable for considering the plan: see [regulation 46](#).

26. Time limit for accepting or not accepting pipeline management plan

(1) Within 28 days after a pipeline licensee submits a pipeline management plan, the Minister is to –

(a) accept the plan under [regulation 27](#); 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 27\(3\)](#) in the same way as it applies to the plan when first submitted.

27. Acceptance of pipeline management plan

(1) The Minister is to 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 29, 30, 31, 32 and 34 for the stages connected with the life of the pipeline mentioned in regulation 24 for which the plan is submitted; and

(iii) the plan complies with regulation 33; and

(b) the Safety Authority has notified the Minister under regulation 46 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 is to 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 is to 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 is to 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 24;

(b) impose limitations or conditions applying to the pipeline in respect of any of those stages.

(6) The Minister is to 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) is to 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.

Division 2 - Contents of pipeline management plan

28. Contents of pipeline management plan

A pipeline management plan is to include information about, or cover –

- (a) the matters mentioned in regulations 29, 30, 31, 32 and 34 for the stages connected with the life of the pipeline mentioned in regulation 24 for which the plan is proposed; and
- (b) the matters mentioned in regulation 33.

29. Description of safety policy

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

30. Description of pipeline

The pipeline management plan is to 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 12(a) relating to the design and construction of the pipeline; and
- (c) the matters agreed under regulation 18(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 16 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.

31. Description of pipeline management system

The pipeline management plan is to 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.

32. Statement of standards

The pipeline management plan is to 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.

33. Arrangements for documents

(1) The pipeline management plan is to 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 63(1) and in a way that makes their retrieval reasonably practicable.

(2) The documents and other records are the following:

(a) a pipeline management plan in force for the pipeline;

(b) revisions of a pipeline management plan in force for a pipeline;

(c) records of reportable incidents made in compliance with regulation 57.

(3) A document mentioned in subregulation (2)(a) or (b) is to be kept for 5 years from the acceptance of the document.

(4) A record mentioned in subregulation (2)(c) is to be kept for 5 years from the making of the record.

34. Arrangements for reporting

The pipeline management plan is to 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.

Division 3 - Revision of pipeline management plan

35. Revision because of change, or proposed change, of circumstances or operations

(1) A pipeline licensee for a pipeline for which a pipeline management plan is in force is to 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 is not to 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 29, 30, 31, 32 and 34 for the stages connected with the life of the pipeline mentioned in regulation 24 for which the plan is in force; or

(ii) the matters mentioned in regulation 33; 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 31 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.

36. 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 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.

(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 is to 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 is to –

(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 is to 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.

37. Revision at end of each 5 years

(1) A pipeline licensee for a pipeline for which a pipeline management plan is in force is to submit to the Minister a proposed revision of the plan (whether or not a proposal has been submitted under regulation 35 or 36) –

(a) at the end of the 5 years starting on the day the pipeline management plan is first accepted under regulation 27 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 proposed 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.

38. Form of proposed revision

A proposed revision is to 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.

39. Time limit for accepting or not accepting proposed revision

(1) Within 28 days after a pipeline licensee submits a proposed revision, the Minister is to –

(a) accept the revision under regulation 40; 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 40(3) in the same way as it applies to the revision when first submitted.

40. Acceptance of proposed revision of pipeline management plan

(1) The Minister is to 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 29, 30, 31, 32 and 34 for the stages connected with the life of the pipeline mentioned in regulation 24 for which the revision is submitted; and

(iii) the pipeline management plan, as revised by the proposed revision, would comply with regulation 33; 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 46 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 the specified stages –

the Minister is to 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 is to 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 is to 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 24; and

(b) impose limitations or conditions applying to the pipeline in respect of any of those stages.

(6) The Minister is to 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) is to 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.

41. 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 these regulations (in particular, Division 4), as if the revision had not been proposed.

Division 4 - Withdrawal of acceptance of pipeline management plan

42. Withdrawal of acceptance of 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 101 of the Act;

(b) the pipeline licensee has not complied with regulation 15 or 21;

(c) the pipeline licensee has not complied with regulation 35, 36 or 37;

(d) the Minister has refused to accept a proposed revision of the pipeline management plan.

(2) A notice under subregulation (1) is to include advice of the reasons for the decision.

43. 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 is to comply with subregulations (2), (4) and (5).

(2) The Minister is to 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 is to specify in the notice a 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 is to 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.

44. 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 42(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 42(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.

PART 5 - Pipeline Safety Management Plans

Division 1 - Preliminary

45. Definition

In this Part –

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.

Division 2 - Acceptance of pipeline safety management plan

46. Consideration of 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 is to, within 21 days –

(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;

(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 24(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) is to 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 is to 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.

47. Notice to pipeline licensee about pipeline safety management plan

(1) For the purposes of regulation 26(1), if the Safety Authority has given the Minister a timetable under regulation 46(4) for consideration of the pipeline safety management plan, the Minister is to 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.

48. Revision of pipeline management plan — request by Safety Authority concerning pipeline safety management plan

(1) The Safety Authority may request the Minister to act under regulation 36 for a pipeline management plan if the Safety Authority believes that the pipeline safety management plan requires revision.

(2) The request is to be in writing and is to include the following information:

(a) the matters, relating to the pipeline safety management plan, to be addressed by the revision;

(b) the proposed day of effect of the revision;

(c) the grounds for the request.

(3) If the Minister receives a request under subregulation (1) –

(a) the Minister is to act under regulation 36 in accordance with the request; and

(b) the Minister is not prevented from dealing with other matters under regulation 36 at the same time.

49. Submission about proposed revision of pipeline management plan

(1) This regulation applies if –

(a) the Minister gives a request to a pipeline licensee under regulation 36(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 36(3); and

(c) the submission deals in whole or in part with the pipeline safety management plan.

(2) The Minister is to 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).

50. Proposed revision of pipeline management plan

(1) This regulation applies if –

(a) a pipeline licensee resubmits a revision of a pipeline management plan under regulation 35, 36 or 37; 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 is to, within 21 days –

- (a) consider the proposed revision of the pipeline safety management plan; and
- (b) is to 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;
 - (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 24(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) is to 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 is to 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.

51. Notice to pipeline licensee about proposed revision of pipeline safety management plan

(1) For the purposes of regulation 39(1), if the Safety Authority has given the Minister a timetable under regulation 50(4) for consideration of the pipeline safety management plan, the Minister is to 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.

Division 3 - Withdrawal of acceptance of pipeline safety management plan

52. Request for withdrawal of acceptance of 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 15 or 21 in relation to the pipeline safety management plan;

(c) the pipeline licensee has not complied with regulation 35, 36 or 37 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 is to –

(a) be in writing; and

(b) include the grounds for giving the notice.

53. Steps to be taken before request for withdrawal of acceptance

(1) Before giving the Minister a notice under regulation 52(1) –

(a) the Safety Authority is to comply with subregulation (2); and

(b) the Minister is to comply with subregulations (3), (4) and (5).

(2) The Safety Authority is to give the Minister a written notice that the Safety Authority is considering giving the Minister the notice under regulation 52(1).

(3) The Minister is to give a notice to the pipeline licensee stating –

(a) that the Safety Authority is considering giving the Minister the notice under regulation 52(1); and

(b) the grounds for giving the notice; and

(c) a cut-off date on or before which the pipeline licensee, or any other person to whom a copy of the notice has been given under subregulation (4), may submit to the Minister, in writing, any matters for the Minister to take into account.

(4) The Minister –

(a) is to 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 under subregulation (4), submits to the Minister, in writing, a matter for the Safety Authority to take into account, the Minister is to give a copy of the matter to the Safety Authority as soon as practicable after the pipeline licensee (or other person) gives the matter to the Minister.

54. Withdrawal of acceptance of pipeline management plan on request

(1) In deciding whether to give the Minister the notice under regulation 52(1), the Safety Authority is to 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 under regulation 53(3) has been given.

(2) If, after complying with subregulation (1), the Safety Authority gives the Minister a notice under regulation 52(1), the Minister –

(a) is to withdraw the pipeline management plan under regulation 42; and

(b) is to give a copy of the notice withdrawing the pipeline management plan to the operator if the operator is not the pipeline licensee.

PART 6 - Notifying and Reporting Accidents and Dangerous Occurrences

55. Interpretation

(1) For the purposes of clause 64(1)(b) of Schedule 5 to the Act, the prescribed period in relation to a pipeline is 3 days.

(2) For the purposes of the definition of dangerous occurrence in clause 2 of Schedule 5 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 5 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.

56. Reporting accidents and dangerous occurrences

(1) For the purposes of clause 64(1) of Schedule 5 to the Act, a notice of an accident or dangerous occurrence –

(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 the purposes of 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 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 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 pipeline is to 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 is to 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 5 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.

57. 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.

Penalty:

In the case of –

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

(b) an individual, a fine not exceeding 40 penalty units.

(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 other period.

Penalty:

In the case of –

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

(b) an individual, a fine not exceeding 40 penalty units.

(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;

(ii) the particulars of any loss or damage caused by the incident;

(iii) if petroleum escaped from the pipeline or ignited, the amount of that petroleum and the measures taken to control the escape or fire;

(iv) the cause of the incident;

(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 these regulations, 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.

58. Dealing with documents

A pipeline licensee must not deal with a document or other record mentioned in regulation 33 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.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 30 penalty units.

Note: Regulation 33 requires a pipeline management plan to include such arrangements.

59. Reporting to Minister

A pipeline licensee must report to the Minister in accordance with the arrangements under regulation 34 contained in the pipeline management plan in force for the pipeline under the licence.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
- (b) an individual, a fine not exceeding 30 penalty units.

PART 7 - Miscellaneous

Division 1 - Requirements about workers

60. 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.

Penalty:

In the case of –

- (a) a body corporate, a fine not exceeding 100 penalty units; or
 - (b) an individual, a fine not exceeding 30 penalty units.
- (2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.

61. Awareness of legislation

(1) A pipeline licensee is to 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.

62. 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 is to, within 21 days after receiving a request under subregulation (1), give the Minister written notice of those grounds.

(3) The Minister is to also consult with the Safety Authority in relation to the Minister's exercise of his or her powers under this regulation.

Division 2 - Providing information

63. Notice of contact details

(1) The pipeline licensee, at all times after the licensee applies under these regulations 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.

Penalty:

In the case of –

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

(b) an individual, a fine not exceeding 30 penalty units.

(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.

64. Minister may decline to consider application or submission if information not given

(1) Despite any other provision of these regulations, if a pipeline licensee for a pipeline does not provide information under regulation 63 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 these regulations and relating to the pipeline, until the information is given.

(2) Despite any other provision of these regulations, if a pipeline licensee does not provide the information required under regulation 13 or 19 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.

Division 3 - Transitional provisions

65. Applications, records and documents to be given to Safety Authority

(1) The Minister is to give to the Safety Authority copies of the following documents and records:

(a) pipeline management plans in force under Part 3 of the former regulations, as in force immediately before the commencement of these regulations;

(b) current acceptances of pipeline management plans under Part 3 of the former regulations, as in force immediately before the commencement of these regulations;

(c) current reports given by pipeline licensees in accordance with the arrangements under regulation 41 of the former regulations, as in force immediately before the commencement of these regulations.

(2) Before giving a report mentioned in subregulation (1)(c) to the Safety Authority, a Minister is to consult with the Safety Authority about what is to be given.

(3) The Minister is to also give to the Safety Authority –

(a) each pipeline management plan that has been submitted to the Minister under regulation 19 of the former regulations as in force immediately before the commencement of these regulations; and

(b) any related document supplied by the pipeline licensee; and

(c) any report or analysis prepared by the Minister as part of the consideration of the pipeline management plan, to the extent that the report or analysis relates to health and safety.

(4) In this regulation –

former regulations means the *Petroleum (Submerged Lands) (Pipelines) Regulations 2002*.

66. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

SCHEDULE 1 - Legislation rescinded

Regulation 66

Petroleum (Submerged Lands) (Pipelines) Regulations 2002 (No. 66 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

Citation	Serial Number	Date of commencement
Petroleum (Submerged Lands) (Pipelines) Regulations 2008	S.R. 2008, No. 62	18.6.2008