

**Version No. 003**  
**Petroleum (Submerged Lands) Regulations**  
**2004**

**S.R. No. 175/2004**

Version incorporating amendments as at 28 March 2008

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**Version No. 003**  
**Petroleum (Submerged Lands) Regulations**  
**2004**

**S.R. No. 175/2004**

Version incorporating amendments as at 28 March 2008

**PART 1—PRELIMINARY**

**101 Objective**

The objective of these Regulations is to prescribe—

- (a) fees for the purposes of the **Petroleum (Submerged Lands) Act 1982**;
- (b) a form of transfer of a title;
- (c) particulars for an application for approval of a dealing;
- (d) requirements for data management including the disclosure of documentary information and petroleum mining samples;
- (e) requirements in relation to occupational health and safety;
- (f) requirements in relation to the management of safety on offshore facilities, pipelines and diving operations and the management of the environment;
- (g) other matters authorised by the **Petroleum (Submerged Lands) Act 1982**.

**102 Authorising provision**

These Regulations are made under section 152 of the **Petroleum (Submerged Lands) Act 1982**.

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### 103 Commencement

These Regulations come into operation on 1 January 2005.

### 104 Revocation

The Regulations set out in Schedule 1 are **revoked**.

### 105 Definitions

In these Regulations—

***controlled substance*** means a substance mentioned in—

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

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

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

***registered medical practitioner*** has the same meaning as in the **Medical Practice Act 1994**;

***registered nurse*** has the same meaning as in the **Nurses Act 1993**;

***registered pharmacist*** has the same meaning as in the **Pharmacists Act 1974**;

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

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*therapeutic drug* means a drug that—

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

**106 Forms, notices and reports**

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

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**PART 2—FEES**

**201 General fees**

For the purposes of those sections of the Act specified in Column 1 of Schedule 2, the prescribed fees are specified in Column 3 of that Schedule.

**202 Fees for Register extracts, documents or certificates**

- (1) For the purposes of section 87(2) of the Act, the fee must be calculated at the rate of \$3 per page.
- (2) For the purposes of section 87(3) of the Act, the fee must be calculated at \$39 per certificate.

**203 Permit fees**

For the purposes of section 139 of the Act, the fee payable is—

- (a) \$1100; or
- (b) an amount calculated at a rate of \$55 for each block to which the permit relates at the commencement of the relevant year—

whichever is the greater.

**204 Lease fees**

For the purposes of section 139A(1) of the Act, the fee payable must be calculated at the rate of \$6600 for each block to which the lease relates at the commencement of the relevant year.

**205 Licence fees**

For the purposes of section 140 of the Act, the fee payable must be calculated at the rate of \$19 800 for each block to which the licence relates at the commencement of the relevant year.

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**206 Pipeline licence fees**

For the purposes of section 141 of the Act, the fee payable must be calculated at the rate of \$88 per kilometre or part of a kilometre, of the length of the pipeline as at the commencement of the relevant year.

**207 Infrastructure licence fees**

For the purposes of section 140A of the Act, the fee for an infrastructure licence for a year of the term of the licence is \$19 800.

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**PART 3—TRANSFERS AND DEALINGS**

**301 Form of transfer of a title**

For the purposes of section 78(3) of the Act, the prescribed form of transfer is set out in Schedule 3.

**302 Application for approval of dealing**

- (1) For the purposes of section 81(4)(b) of the Act, the prescribed particulars are—
- (a) a description and date of execution of the instrument evidencing the dealing referred to in section 81(4)(a) of the Act;
  - (b) details of each title (including the type and number of each title) to which the dealing relates;
  - (c) the full name and business address of each party to the dealing;
  - (d) details of the effect or effects, upon registration, of the dealing specified in terms of the relevant paragraphs of section 81(1) of the Act;
  - (e) details of the interest or interests in each title of all parties to the dealing—
    - (i) before the registration of the dealing; and
    - (ii) in the event of approval of the dealing, after the registration of the dealing;
  - (f) in the case of a dealing to which section 92(5)(a) of the Act applies—the value of the consideration;
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- (g) in the case of a dealing relating to an interest in a licence or pipeline licence to which section 92(5)(b) of the Act applies—the value of that interest;
  - (h) whether or not the parties to the dealing have made or propose to make an application for the purposes of section 92(7) of the Act;
  - (i) details of any exploration works referred to in section 92(8) of the Act;
  - (j) in respect of any related dealing under the Act—
    - (i) description and date of execution of the instrument evidencing the dealing;
    - (ii) the date of approval by the Minister;
    - (iii) registration number, if any.
- (2) For the purposes of subregulation (1)(j), ***related dealing*** means any dealing executed, before the execution of the instrument referred to in subregulation (1)(a) by some or all of the parties to that instrument—
- (a) that relates to the title which is the subject of the dealing to which the instrument relates; and
  - (b) that—
    - (i) creates or assigns an option to enter into the dealing referred to in subregulation (1)(a); or
    - (ii) creates or assigns a right to enter into the dealing referred to in subregulation (1)(b); or

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Part 3—Transfers and Dealings

**r. 302**

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(iii) is altered or terminated by the dealing referred to in subregulation (1)(a)—  
and includes any transaction in respect of which an instrument was registered under section 81 of the Act after 14 February 1983.

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**PART 4—INFORMATION REQUIRED**

**401 Particulars relating to a petroleum discovery**

(1) If petroleum is discovered in a permit area or a lease area, the Minister by written notice may require the permittee or lessee to give to the Minister particulars in writing of one or more of the following—

- (a) the chemical composition and physical properties of the petroleum;
- (b) the nature of the subsoil in which the petroleum occurs;
- (c) any other matter relating to the discovery that—
  - (i) the Minister has reason to believe is within the knowledge of the permittee or lessee; and
  - (ii) is specified by the Minister in the notice.

(2) A permittee or lessee must not—

- (a) fail to comply with a requirement made and notified in accordance with this regulation; or
- (b) in purported compliance with a requirement, give information that is false or misleading in a material particular.

Penalty: \$11 000 in the case of a natural person;  
\$55 000 in the case of a body corporate.

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- (3) A notice under subregulation (1) must—
- (a) specify—
    - (i) for particulars of a matter mentioned in subregulation (1)(a) or (b)—a reasonable period within which the particulars must be given; and
    - (ii) for particulars of a matter mentioned in subregulation (1)(c)—a period of at least 14 days within which the particulars must be given; and
  - (b) be served on the permittee or lessee.

**402 Determination of the composition and quantity of petroleum discovered**

- (1) If petroleum is discovered in a permit area or a lease area, the Minister by written notice may require the permittee or lessee to do such things as are reasonably necessary and are set out in the notice to determine—
- (a) the chemical composition and physical properties of the petroleum; and
  - (b) the quantity of petroleum in the petroleum pool to which the discovery relates or, if only part of the petroleum pool is within the permit area or lease area, in the part of the petroleum pool that is within the permit area or lease area.
- (2) A permittee or lessee must not fail to comply with a requirement made and notified in accordance with this regulation.

Penalty: \$11 000 in the case of a natural person;  
\$55 000 in the case of a body corporate.

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- (3) A notice under subregulation (1) must—
- (a) specify a reasonable period within which the things must be done; and
  - (b) be served on the permittee or lessee.

**403 Survey of wells, structures or equipment**

- (1) The Minister by written notice may require a person who is a permittee, lessee, licensee, infrastructure licensee or pipeline licensee to—
- (a) survey the position of the well, pipeline, infrastructure facility, structure or equipment specified in the notice; and
  - (b) give a written report of the survey to the Minister.
- (2) If the Minister is not satisfied with a report given by a person under subregulation (1), the Minister by written notice may require the person to give further information, in writing, about the survey to the Minister.
- (3) A person must not—
- (a) fail to comply with a requirement made and notified in accordance with this regulation; or
  - (b) in purported compliance with a requirement, give information that is false or misleading in a material particular.

Penalty: \$11 000 in the case of a natural person;  
\$55 000 in the case of a body corporate.

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- (4) A notice under subregulation (1) or (2) must—
- (a) specify a reasonable period within which—
    - (i) for a notice under subregulation (1)—  
the survey must be done and the report given; or
    - (ii) for a notice under subregulation (2)—  
the information must be given; and
  - (b) be served on the person.
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## PART 5—DATA MANAGEMENT

### Division 1—Preliminary

#### 501 Objects

The objects of this Part are—

- (a) to provide a framework for encouraging the adequate collection and timely dissemination of petroleum data for the long term benefit of the Australian community; and
- (b) to assist in ensuring the adequacy of the data acquired; and
- (c) to allow for the efficient management of data confidentiality and the disclosure of data on completion of the relevant confidentiality periods.

#### Note

This Part is objective based to allow for data management arrangements to be changed in response to technology and circumstance, as long as key principles are adhered to. An essential part of this flexibility is the development of an agreed data management plan (DMP) which specifies acceptable methods of acquiring, maintaining and submitting data. This includes the possibility of holders being approved to maintain petroleum exploration and development data.

#### 502 Definitions

In this Part—

***accepted DMP*** means a DMP that has been accepted by the Minister under regulation 516;

***activity*** means a petroleum exploration activity or a production activity;

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***applicable document*** means—

- (a) an application made after the commencement of this Part to the Minister under the Act; or
- (b) a document accompanying such an application; or
- (c) a report, return or other document relating to a block that has been given after the commencement of this Part to the Minister;

***contested information*** has the meaning given by regulation 505;

***DMP*** means a data management plan;

***documentary information*** means information contained in an applicable document;

***excluded information*** means—

- (a) protected derivative information; or
- (b) protected confidential information; or
- (c) particulars of—
  - (i) the technical qualifications of an applicant for a permit, lease, licence, infrastructure licence, pipeline licence, special prospecting authority or access authority; or
  - (ii) the technical advice available to such an applicant; or
  - (iii) the financial resources available to such an applicant;

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**holder** means—

- (a) a permittee in relation to an exploration permit; or
- (b) a lessee in relation to a retention lease; or
- (c) a licensee in relation to a production licence; or
- (d) an infrastructure licensee in relation to an infrastructure licence; or
- (e) a pipeline licensee in relation to a pipeline licence; or
- (f) the holder of a special prospecting authority; or
- (g) the holder of an access authority; or
- (h) the holder of a consent under section 123 of the Act;

**nominated address** means the address that is to be used for the purpose of serving correspondence relating to the lodgement and disclosure of data;

**notice inviting objections to the disclosure of information** has the meaning given by regulation 506;

**petroleum mining sample** means—

- (a) a core or cutting from, or a sample of, the sea-bed or subsoil; or
- (b) a sample of petroleum or other fluid recovered—

that has been given, after the commencement of this Part, to the Minister, and includes a portion of such a core, cutting, sample or fluid;

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***protected confidential information*** has the meaning given by regulation 503;

***protected derivative information*** has the meaning given by regulation 504;

***seismic data grid*** means a series of vertical cross-sections of a 3-dimensional processed image of geological strata, being cross-sections that form a grid of which—

- (a) one direction is along the direction of surveying; and
- (b) the other direction is at right angles to the direction mentioned in paragraph (a); and
- (c) the interstices are—
  - (i) 2 kilometres in length by 2 kilometres in breadth; or
  - (ii) such other length and breadth as are prescribed; and
- (d) the vertical axis is scaled in seconds;

***title*** means any of the following—

- (a) an exploration permit;
- (b) a retention lease;
- (c) a production licence;
- (d) an infrastructure licence;
- (e) a pipeline licence;
- (f) a special prospecting authority;
- (g) an access authority;

***vacant area*** means an area for which no title is in force.

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**503 Protected confidential information**

- (1) This regulation sets out the 2 situations in which documentary information is protected confidential information.
  - (2) For the purposes of this Part, documentary information given by a person to the Minister is *protected confidential information* if—
    - (a) when the documentary information was given, the person told the Minister in writing that the person classified the documentary information—
      - (i) as a trade secret; or
      - (ii) as other information the disclosure of which would, or could reasonably be expected to, adversely affect the person in relation to the person's lawful business, commercial or financial affairs; and
    - (b) the Minister did not, within 30 days after receiving the documentary information—
      - (i) tell the person in writing that the Minister disagreed with the person's classification of the information; and
      - (ii) give the person a written notice inviting objections to the disclosure of the information.
  - (3) For the purposes of this Part, documentary information is *protected confidential information* if the Minister considers the documentary information—
    - (a) to be a trade secret; or
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- (b) otherwise to be information the disclosure of which would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs.

**504 Protected derivative information**

- (1) This regulation sets out the 2 situations in which documentary information is protected derivative information.
- (2) For the purposes of this Part, documentary information given by a person to the Minister is *protected derivative information* if—
- (a) when the documentary information was given, the person told the Minister in writing that the person classified the documentary information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
  - (b) the Minister did not, within 30 days after receiving the documentary information—
    - (i) tell the person in writing that the Minister disagreed with the person's classification of the documentary information; and
    - (ii) give the person a written notice inviting objections to the disclosure of the documentary information.
- (3) For the purposes of this Part, documentary information is *protected derivative information* if the Minister considers the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.

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**505 Contested information**

Documentary information given by a person to the Minister is *contested information* if—

- (a) the person told the Minister in writing when the information was given that the person classified the documentary information as—
  - (i) confidential information; or
  - (ii) derivative information; and
- (b) the Minister, within 30 days after receiving the documentary information—
  - (i) told the person in writing that the Minister disagrees with the person's classification of the documentary information; and
  - (ii) gave the person a written notice inviting objections to the disclosure of the documentary information.

**506 Notice inviting objections to the disclosure of information**

- (1) For the purposes of this Part, a *notice inviting objections to the disclosure* of information is a notice that complies with this regulation.
- (2) The notice must state that the person giving the notice (the *proponent*) proposes at a future time to make the information publicly known or make the information available.
- (3) The notice must invite the person who gave the information to the Minister to give the proponent, on or before a day specified in the notice, a notice—

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- (a) objecting to the information, or a specified part of the information, being publicly known or made available on the ground that the Minister should consider the information, or the part of the information, to be protected confidential information as described in regulation 503(3); or
  - (b) objecting to the information, or a specified part of the information, being publicly known or made available before the end of 5 years after the information was given to the Minister on the ground that the Minister should consider the information, or a specified part of the information, to be protected derivative information as described in regulation 504(3).
- (4) The day specified in the notice under subregulation (3) must be later than 45 days after the notice was given.
  - (5) The notice must state that, if the person does not make an objection in accordance with the invitation, the information can be made publicly known or made available under this Part.

#### **507 Application of Part**

- (1) This Part applies in relation to data that a holder is to give to the Minister on or after the commencement of this Part.

##### **Note**

The arrangements in this Part do not apply to all kinds of documentary information in the same way. See Division 4 and the transitional arrangements set out in Division 8.

- (2) Division 7 also applies to documentary information and petroleum mining samples prepared or generated before the commencement of this Part.

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**Division 2—Holder's general duties**

**508 Undertaking activity without DMP or permission**

A holder commits an offence if—

- (a) the holder undertakes an activity in the adjacent area under a title; and
- (b) the holder does not have—
  - (i) a DMP for the management of the information, cores, cuttings or samples obtained during the activity that is accepted and current; or
  - (ii) permission from the Minister under Division 5 to undertake the activity.

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

**509 Undertaking activity with DMP or permission**

(1) A holder commits an offence if the holder—

- (a) undertakes an activity in the adjacent area under a title; and
- (b) has a DMP for the management of the information, cores, cuttings or samples obtained during the activity that is accepted and current; and
- (c) does not comply with the accepted DMP.

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

(2) A holder commits an offence if the holder—

- (a) undertakes an activity in the adjacent area under a title; and
- (b) has permission from the Minister under Division 5 to undertake the activity; and

(c) does not comply with a condition to which the permission is subject.

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

**Note**

A holder must record information, and give information to the Minister, in accordance with the holder's accepted DMP or conditions imposed in relation to a permission under Division 5. The DMP, or the arrangements set out in Division 5, will deal with the times when particular information is to be given. They may include requirements for giving reports about drilling and the conduct of geophysical surveys.

**Division 3—Information requirements**

**510 Information—general**

A holder must record the following information about an activity that is applicable to the activity—

- (a) the location and the period of the activity;
- (b) the persons undertaking the activity;
- (c) the techniques and equipment used to collect, process and interpret the data;
- (d) progress reports;
- (e) a data acquisition report detailing the operations carried out as part of the activity;
- (f) if processing is undertaken as part of the activity—a data processing report;
- (g) if interpretation is undertaken as part of the activity—the interpretation, including maps.

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**511 Information—wells**

- (1) A holder must record the following written information and documents about each well prepared as part of an activity—
  - (a) field and processed digital log data;
  - (b) a display of logs generated;
  - (c) a mudlog;
  - (d) mudlogging digital data;
  - (e) downhole deviation survey data;
  - (f) a report of the purpose, operation and progress of the well;
  - (g) photographs of the well core;
  - (h) a well completion report.
- (2) The information must, if appropriate, be accompanied by—
  - (a) cores, core cuttings and fluid samples; and
  - (b) sample slides; and
  - (c) residues.

**512 Information—geophysical surveys**

A holder must record the following written information and documents about each geophysical survey prepared as part of an activity—

- (a) field and processed digital survey data;
- (b) a report describing the acquisition and processing of the data;
- (c) navigation data.

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**513 Information—geological and geochemical surveys**

A holder must record the following written information and documents about each geological or geochemical survey prepared as part of an activity—

- (a) field and processed digital survey data;
- (b) a report describing the acquisition and processing of the data.

**Division 4—Data Management Plans**

**Subdivision 1—Approval of DMP**

**514 Request for approval of DMP**

- (1) A holder may—
  - (a) give the Minister a DMP (including a DMP that has been prepared as a replacement for an accepted DMP); and
  - (b) ask the Minister to approve the DMP.

**Note**

- 1 There is no compulsory form of request for this regulation.
  - 2 The Minister is not required to approve a particular DMP.
- (2) The DMP must be in writing.
  - (3) The holder must submit the DMP as a single document unless the Minister gives the holder written permission under this subregulation to submit the DMP as 2 or more documents.

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- (4) The holder must submit the entire DMP unless the Minister gives the holder written permission under this subregulation to submit parts of the DMP, for particular stages of the activity, at one or more later times.

**Note**

See regulations 517 and 518.

**515 Contents of DMP**

A DMP must—

- (a) comply with the Act and these Regulations; and
- (b) allow the holder to meet the requirements of Division 3; and
- (c) be appropriate for the nature and scale of the activity; and
- (d) show that the holder is able to carry out the activity in a way that is consistent with the objectives of these Regulations; and
- (e) include the statements and information set out in Schedule 4; and
- (f) undertake to give the Minister the reports mentioned in Part 2 of Schedule 4.

**Note**

The transitional arrangements set out in Division 8 deal with documentary information that is given to the Minister before the commencement of this Part.

**516 Decision on DMP**

- (1) As soon as practicable after a holder gives a DMP to the Minister under regulation 514, the Minister must—
- (a) accept the DMP; or
  - (b) reject the DMP; or

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- (c) notify the holder, in writing, that the Minister is unable to make a decision without further consideration of the DMP.
  - (2) If a DMP does not comply with regulation 515, the Minister must reject the DMP.
  - (3) If one or more parts of a DMP comply with regulation 515, the Minister must accept the part or parts only.

**Example**

The Minister may accept a DMP to the extent that it deals with a particular stage of an activity, but not to the extent that it deals with other stages.

- (4) The Minister must accept the DMP if subregulations (2) and (3) do not apply.
  - (5) If the Minister is unable to make a decision to accept or reject the DMP—
    - (a) the Minister must include in the notification—
      - (i) a proposed timetable for consideration of the DMP that gives the holder a reasonable opportunity to modify or resubmit the DMP; and
      - (ii) a description of any further information the Minister may require to assist it to consider the DMP; and
    - (b) the Minister must, as soon as practicable, decide to accept or reject the DMP.
  - (6) The Minister may accept the DMP, or accept a part of a DMP under subregulation (4), subject to any conditions decided by the Minister.
  - (7) The Minister must notify the holder, in writing, of the following matters as soon as practicable after making a decision to accept or reject the DMP—
    - (a) the terms of the decision; and
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- (b) if the decision is the rejection of the DMP, or an acceptance of a part of the DMP under subregulation (3) the reasons for the decision; and
  - (c) if the decision is the acceptance of the DMP, or a part of the DMP under subregulation (3), subject to a condition—the condition and the reason for making the acceptance subject to the condition.

**517 Status of DMP submitted or accepted in parts**

- (1) If a holder has been permitted under regulation 514(4) to give a DMP in parts—
  - (a) the first part of the DMP that is accepted is taken to be a DMP in its own right; and
  - (b) a part that is given to the Minister after that acceptance is taken to be a revision of the DMP.
- (2) If the Minister accepts a part of a DMP under regulation 516(3)—
  - (a) the part of the DMP that is accepted is taken to be a DMP in its own right; and
  - (b) a part that is given to the Minister after that acceptance is taken to be a revision of the DMP.

**Subdivision 2—Variation of DMP**

**518 Request by holder for variation of DMP**

If a holder wishes to vary a DMP, the holder must—

- (a) give each of the variations to the Minister; and

- (b) ask the Minister to approve each variation.

**Note**

If the holder wishes to replace a DMP, Subdivision 1 applies to the new DMP.

**519 Decision on request for variation**

- (1) As soon as practicable after a holder gives a variation to the Minister under regulation 518, the Minister must—
- (a) accept the variation; or
  - (b) reject the variation; or
  - (c) notify the holder, in writing, that the Minister is unable to make a decision without further consideration of the variation.
- (2) The Minister must reject a variation if the DMP, as revised by the variation, would not adequately comply with regulation 515.
- (3) The Minister must accept a variation if subregulation (2) does not apply.
- (4) If the Minister is unable to make a decision to accept or reject the variation—
- (a) the Minister must include in the notification—
    - (i) a proposed timetable for consideration of the variation that gives the holder a reasonable opportunity to modify or resubmit the variation; and
    - (ii) a description of any further information the Minister may require to assist it to consider the variation; and
  - (b) the Minister must, as soon as practicable, decide to accept or reject the variation.
- (5) The Minister may accept the variation subject to any conditions decided by the Minister.

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- (6) The Minister must notify the holder, in writing, of the following matters as soon as practicable after making a decision to accept or reject the variation—
- (a) the terms of the decision;
  - (b) if the decision is the rejection of the variation—the reasons for the decision;
  - (c) if the decision is the acceptance of the variation, subject to a condition—the condition and the reason for making the acceptance subject to the condition.

**520 Requirement by Minister to vary DMP**

The Minister may give a holder a notice, in writing—

- (a) advising the holder that the Minister requires the holder to give to the Minister the variation or variations of the holder's DMP set out in the notice; and
- (b) setting out the reasons for requiring each variation; and
- (c) identifying the proposed date of effect of the revision; and
- (d) advising the holder of the effect of regulation 521.

**521 Objection to requirement to vary**

- (1) If the Minister gives a holder a notice under regulation 520, the holder may give an objection, in writing, to the Minister—
  - (a) stating one or more of the following—
    - (i) that a specified revision should not occur; or
    - (ii) that the revision should be in terms different from the proposed terms; or

- (iii) that the revision should take effect on a date later than the proposed date; and
  - (b) giving reasons for the objection.
- (2) The holder must make the objection within 30 days after receiving the notice.

**Note**

If the holder does not make an objection within 30 days, the revision will take effect on the date of effect mentioned in regulation 520(c).

**522 Decision on objection**

- (1) As soon as practicable after a holder gives an objection to the Minister under regulation 521, the Minister must—
- (a) accept the objection; or
  - (b) reject the objection; or
  - (c) notify the holder, in writing, that the Minister is unable to make a decision without further consideration of the objection.
- (2) If the Minister is unable to make a decision to accept or reject the objection—
- (a) the Minister must include in the notification—
    - (i) a proposed timetable for consideration of the objection that gives the holder a reasonable opportunity to modify or resubmit the objection; and
    - (ii) a description of any further information the Minister may require to assist it to consider the objection; and
  - (b) the Minister must, as soon as practicable, decide to accept or reject the objection.

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- (3) The Minister must notify the holder, in writing, of the following matters as soon as practicable after making a decision to accept or reject the objection—
- (a) the terms of the decision;
  - (b) if the decision is the rejection of the objection—the reasons for the decision.
- (4) If the Minister accepts an objection that a revision should be in terms different from the proposed terms, or that a revision should take effect on a date later than the proposed date—
- (a) the holder must give the Minister the variation required by the Minister, as affected by the objection, as soon as practicable; and
  - (b) the Minister must accept the variation as soon as practicable.
- (5) If the Minister rejects the objection—
- (a) the holder must give the Minister the variation or variations required by the Minister as soon as practicable; and
  - (b) the Minister must accept the variation or variations as soon as practicable.

### **Subdivision 3—Operation of DMP**

#### **523 Commencement of DMP and revisions of DMP**

- (1) A DMP commences on the day on which the Minister accepts it.
- (2) A revision of a DMP commences on the day on which the Minister accepts it.

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**524 Termination of DMP**

A DMP ceases to have effect at the earliest of—

- (a) the day on which the holder withdraws it;  
and
- (b) the day on which the Minister accepts  
another DMP that replaces the DMP; and
- (c) the end of the period of 5 years starting when  
the DMP was accepted—

whether or not the DMP has been varied since  
being accepted.

**Note**

An effect of regulation 524 is that a holder will be required  
to submit another DMP to the Minister after 5 years because  
the existing DMP has ceased to have effect.

**Division 5—Undertaking activity without accepted DMP**

**525 Application for approval to undertake activity  
without accepted DMP**

- (1) A holder that does not have a current accepted  
DMP may apply, in writing, to the Minister for  
permission to undertake an activity in an adjacent  
area under a title, or a consent under section 123  
of the Act, without having a DMP.
- (2) The application must include—
  - (a) an explanation of why it is necessary for the  
holder to undertake the activity without  
having a DMP; and
  - (b) an undertaking that the holder will give the  
Minister a DMP as soon as practicable.

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**526 Decision on application**

- (1) As soon as practicable after a holder gives an application to the Minister under regulation 525, the Minister must—
    - (a) accept the application; or
    - (b) reject the application; or
    - (c) notify the holder, in writing, that the Minister is unable to make a decision without further consideration of the application.
  - (2) If the Minister is unable to make a decision to accept or reject the application—
    - (a) the Minister must include in the notification—
      - (i) a proposed timetable for consideration of the application that gives the holder a reasonable opportunity to modify or resubmit the application; and
      - (ii) a description of any further information the Minister may require to assist it to consider the application; and
    - (b) the Minister must, as soon as practicable, decide to accept or reject the application.
  - (3) The Minister may accept the application subject to any conditions decided by the Minister, including (but not limited to) conditions relating to—
    - (a) the time within which the holder must give a DMP to the Minister; and
    - (b) the way in which the holder must give information or petroleum mining samples to the Minister; and
    - (c) the way in which the holder must keep information or petroleum mining samples to which a DMP would apply.
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- (4) The Minister must notify the holder, in writing, of the following matters as soon as practicable after making a decision to accept or reject the application—
- (a) the terms of the decision;
  - (b) if the decision is the acceptance of the application subject to a condition—the condition;
  - (c) if the decision is the rejection of the application—the reasons for the decision.

**Division 6—Access to documentary information and petroleum mining samples**

**Subdivision 1—Documentary information (other than contested information) and petroleum mining samples**

**527 Making documentary information (other than excluded information) publicly known after relevant day**

- (1) For the purposes of section 151J(2)(c) of the Act, the Minister may—
- (a) make documentary information (other than excluded information) publicly known; or
  - (b) make documentary information available to a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth)—

if the relevant day for the information has passed.

(2) For the purposes of section 151M(2)(c) of the Act, the Victorian Minister may—

- (a) make documentary information (other than excluded information) publicly known; or
- (b) make documentary information available to a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth)—

if the relevant day for the information has occurred.

(3) The relevant days are set out in the following table.

Item	Title to which activity and documentary information relate	Relevant day	
		Documentary information relating to the drilling of a well	Geophysical or geochemical data relating to geophysical or geochemical surveys
1	Permit or lease that— (a) is in force; and (b) was in force when the information was given to the Minister  <i>This item applies unless item 6 applies</i>	The end of 2 years after the activity was completed	The end of 3 years after the activity was completed
2	Licence that— (a) is in force; and (b) was in force when the information was given to the Minister  <i>This item applies unless item 6 applies</i>	The end of 1 year after the activity was completed	The end of 2 years after the activity was completed

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<i>Item</i>	<i>Title to which activity and documentary information relate</i>	<i>Documentary information relating to the drilling of a well</i>	<i>Relevant day</i> <i>Geophysical or geochemical data relating to geophysical or geochemical surveys</i>
3	<p>Title that—</p> <p>(a) has been surrendered, cancelled, determined or terminated; or</p> <p>(b) has expired</p> <p><i>This item applies unless item 6 applies</i></p>	<p>The day of the surrender, cancellation, determination, termination or expiry</p>	<p>The day of the surrender, cancellation, determination, termination or expiry</p>
4	<p>Permit, lease or licence for an area if the area was a vacant area when the activity was completed</p> <p><i>This item applies unless item 5 or 6 applies</i></p>	<p>The end of 2 years after the activity was completed</p>	<p>The end of 3 years after the activity was completed</p>
5	<p>Permit, lease or licence for an area if—</p> <p>(a) the area was a vacant area when the activity was completed; and</p> <p>(b) the documentary information was collected for sale on a non-exclusive basis</p> <p><i>This item applies unless item 6 applies</i></p>	<p>Not applicable</p>	<p>The end of 6 years after the activity was completed</p>

Petroleum (Submerged Lands) Regulations 2004  
S.R. No. 175/2004  
Part 5—Data Management

r. 527

<i>Item</i>	<i>Title to which activity and documentary information relate</i>	<i>Documentary information relating to the drilling of a well</i>	<i>Relevant day</i> <i>Geophysical or geochemical data relating to geophysical or geochemical surveys</i>
6	<p>If—</p> <p>(a) the activity relating to the title is the collection of 3-dimensional (<b>3D</b>) seismic data for the purposes of sale of information on a non-exclusive basis; and</p> <p>(b) a person who buys the 3D data is entitled to reprocess it in any way; and</p> <p>(c) the Minister has been given 2-dimensional (<b>2D</b>) information derived from the 3D seismic survey, contained in a seismic data grid extending over the area of the survey</p>	Not applicable	<p>If either of the 2D or 3D data is licensed as part of a work program—</p> <p>(a) for the derived 2D data—the end of 3 years after the activity was completed; and</p> <p>(b) for the derived 3D data—the end of 9 years after the activity was completed</p> <p>If neither of the 2D or 3D data is licensed as part of a work program—</p> <p>(a) for the derived 2D data—the end of 6 years after the activity was completed; and</p>

Petroleum (Submerged Lands) Regulations 2004  
S.R. No. 175/2004  
Part 5—Data Management

**r. 528**

<i>Item</i>	<i>Title to which activity and documentary information relate</i>	<i>Relevant day</i>	
		<i>Documentary information relating to the drilling of a well</i>	<i>Geophysical or geochemical data relating to geophysical or geochemical surveys</i>
			(b) for the derived 3D data—the end of 9 years after the activity was completed

**Note**

This table describes the relevant day after which certain kinds of documentary information may be made publicly available.

The table does not apply to contested information or excluded information.

Non-confidential derivative information may be made publicly known after 5 years after it was given to the Minister (see regulation 531).

Agreed confidential information, and particulars of applicants, may not be made publicly known except in accordance with the Act and these Regulations.

**528 Making details of petroleum mining samples publicly known after relevant day**

- (1) For the purposes of section 151K(2)(c) of the Act, the Minister may—
  - (a) make publicly known any details of a petroleum mining sample; or
  - (b) permit a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth) to inspect a petroleum mining sample—

if the relevant day for the sample has passed.

- (2) For the purposes of section 151N(2)(c) of the Act, the Victorian Minister may—
- (a) make publicly known any details of a petroleum mining sample; or
  - (b) permit a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth) to inspect a petroleum mining sample—
- if the relevant day for the sample has occurred.
- (3) The relevant days are set out in the following table.

<i>Item</i>	<i>Title to which activity and sample relate</i>	<i>Cores and cuttings relating to the drilling of a well</i>
1	Permit or lease that— <ul style="list-style-type: none"> <li>(a) is in force; and</li> <li>(b) was in force when the information was given to the Minister</li> </ul>	The end of 2 years after the activity was completed
2	Licence that— <ul style="list-style-type: none"> <li>(a) is in force; and</li> <li>(b) was in force when the information was given to the Minister</li> </ul>	The end of 1 year after the activity was completed
3	Title that— <ul style="list-style-type: none"> <li>(a) has been surrendered, cancelled, determined or terminated; or</li> <li>(b) has expired</li> </ul>	The day of the surrender, cancellation, determination, termination or expiry
4	Permit, lease or licence for an area if the area was a vacant area when the activity was completed	The end of 2 years after the activity was completed

**Note**

This table describes the relevant day after which certain kinds of petroleum mining samples may be made publicly available.

The table does not apply to contested information.

Non-confidential derivative information may be made publicly known after 5 years after it was given to the Minister (see regulation 531).

Agreed confidential information may not be made publicly known except in accordance with the Act and these Regulations.

**529 Making documentary information known—prior availability**

- (1) For the purposes of section 151J(2)(c) of the Act, the Minister may—
  - (a) make documentary information publicly known; or
  - (b) make documentary information available to a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth)—

in accordance with the requirements in this regulation.

- (2) For the purposes of section 151M(2)(c) of the Act, the Victorian Minister may—
  - (a) make documentary information publicly known; or
  - (b) make documentary information available to a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth)—

in accordance with the requirements in this regulation.

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- (3) For documentary information relating to a block, it is a requirement that the information was given to the Minister—
- (a) during or for a period during which a permit, lease or licence was in force in respect of the block; or
  - (b) during or for a period during which—
    - (i) a special prospecting authority or access authority was in force in respect of the block; and
    - (ii) no permit, lease or licence was in force in respect of the block.
- (4) It is a requirement that the person who is, or was, the permittee, lessee, licensee or holder of the special prospecting authority or access authority—
- (a) made any of the information publicly known; or
  - (b) consented in writing to any of the information being made publicly known.

**530 Making details of petroleum mining samples known—prior availability**

- (1) For the purposes of section 151K(2)(c) of the Act, the Minister may—
- (a) make publicly known any details of a petroleum mining sample; or
  - (b) permit a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth) to inspect a petroleum mining sample—

in accordance with the requirements in this regulation.

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- (2) For the purposes of section 151N(2)(c) of the Act, the Victorian Minister may—
- (a) make publicly known any details of a petroleum mining sample; or
  - (b) permit a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth) to inspect a petroleum mining sample—
- in accordance with the requirements in this regulation.
- (3) For a sample relating to a block, it is a requirement that the sample was given to the Minister—
- (a) during or for a period during which a permit, lease or licence was in force in respect of the block; or
  - (b) during or for a period during which—
    - (i) a special prospecting authority or access authority was in force in respect of the block; and
    - (ii) no permit, lease or licence was in force in respect of the block.
- (4) It is a requirement that the person who is, or was, the permittee, lessee, licensee or holder of the special prospecting authority or access authority—
- (a) made publicly known any particulars of the sample; or
  - (b) caused to be made publicly known any particulars of the sample; or
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- (c) consented in writing to any of the particulars of the sample being made publicly known; or
  - (d) consented in writing to the sample being made available for inspection.

**531 Making documentary information known—  
non-confidential derivative information**

- (1) For the purposes of section 151J(2)(c) of the Act, the Minister may—
    - (a) make documentary information publicly known; or
    - (b) make documentary information available to a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth)—  
  
in accordance with the requirements in this regulation.
  - (2) It is a requirement that the documentary information—
    - (a) is contained in an applicable document; and
    - (b) is derivative information; and
    - (c) is not protected confidential information; and
    - (d) relates to the sea-bed or subsoil, or to petroleum, in a block.
  - (3) It is a requirement that the Minister was given the applicable document at least 5 years before making the information publicly known.
  - (4) For the purposes of subregulation (3)—
    - (a) cores and cuttings, well data, logs, sample descriptions and other documents, relating to the drilling of a well, are taken to have been given to the Minister not later than one month after the drilling of the well was, in
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the Minister's opinion, substantially completed; and

- (b) geophysical or geochemical data relating to geophysical or geochemical surveys are taken to have been given to the Minister not later than one year after the geophysical or geochemical field work was, in the Minister's opinion, substantially completed; and
- (c) information submitted must, to the satisfaction of the Minister, be sufficient to obtain an understanding of all activities undertaken and all processing and interpretations made as well as a full understanding of data and information collected.

**Note**

Schedule 4 sets out time frames for giving other information to the Minister.

**Subdivision 2—Contested information**

**532 Making documentary information known—contested information**

- (1) For the purposes of section 151J(2)(c) of the Act, the Minister may—
  - (a) make documentary information that is contested information publicly known; or
  - (b) make documentary information that is contested information available to a person (other than another Victorian Minister, a Minister of another State or of the Northern Territory or a Minister of the Commonwealth)—

in accordance with the requirements in this regulation.

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- (2) It is a requirement that the Minister gave the person (*person 1*) who gave to the Minister the applicable document containing the documentary information a notice inviting objections to the disclosure of the documentary information, within 30 days after the Minister received the document.
  - (3) It is a requirement that the notice invited person 1 to object to the disclosure of the documentary information within a period specified in the notice.
  - (4) It is a requirement that—
    - (a) person 1 did not object to the disclosure of the documentary information within the period specified in the notice; or
    - (b) if person 1 objected to the disclosure of the documentary information—the objection has ceased to be in force.

**533 Arrangements relating to objections**

- (1) For the purposes of regulation 532—
  - (a) person 1 may withdraw an objection by written notice given to the Minister; and
  - (b) if person 1 makes an objection, the Minister must, within 45 days after the Minister receives the objection—
    - (i) consider the objection and either allow it wholly or partly or disallow it; and
    - (ii) notify the holder, in writing, of the decision; and

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- (c) if the Minister allows an objection partly, or disallows the objection, the Minister must also notify person 1 that, if person 1 is dissatisfied with the Minister's decision, person 1 may, in accordance with this regulation, request the Minister to review the decision.
- (2) If person 1 is dissatisfied with the Minister's decision, person 1 may, by written notice given to the Minister within 30 days after the day on which person 1 was notified under subregulation (1)(c), request the Minister to review the decision.
- (3) The request must set out the grounds for making the request.
- (4) Person 1 may withdraw the request by written notice given to the Minister.
- (5) The Minister must, within 45 days after the Minister receives the request, review the decision and—
- (a) confirm the decision; or
  - (b) revoke the decision and substitute another decision for it.
- (6) The Minister must notify person 1 of the following matters as soon as practicable after making a decision—
- (a) the terms of the decision;
  - (b) if the decision is the confirmation of the decision of the Minister—the reasons for the decision.
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- (7) An objection ceases to be in force as follows—
- (a) if person 1 withdraws the objection, the objection ceases to be in force when person 1 withdraws the objection;
  - (b) if person 1—
    - (i) does not withdraw the objection; and
    - (ii) does not request the Minister to review the Minister's decision on the objection—the objection ceases to be in force when the Minister notifies person 1 of the Minister's decision;
  - (c) if person 1—
    - (i) requests the Minister, within 30 days, to review the Minister's decision on the objection; and
    - (ii) does not withdraw the request—the objection ceases to be in force when the Minister notifies person 1 of the Minister's decision on review;
  - (d) if person 1—
    - (i) requests the Minister, within 30 days, to review the Minister's decision on the objection; and
    - (ii) withdraws the request—the objection ceases to be in force when person 1 withdraws the request.
- (8) If—
- (a) the Minister disallows an objection, or if the Minister confirms a decision of the Minister on review; and
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- (b) the objection was on the ground that the information was a trade secret—

the documentary information to which that decision relates is taken not to be confidential information, and may be made publicly known or made available.

- (9) If—

- (a) the Minister disallows an objection, or the Minister confirms a decision of the Minister on review; and
- (b) the objection was on the ground that the disclosure of the information would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs—

the documentary information to which that decision relates is taken not to be confidential information or derivative information, and may be made publicly known or made available.

- (10) If the Minister allows an objection, or the Minister's decision on review does not confirm the Minister's decision—

- (a) any documentary information the disclosure of which was objected to on the ground that the information was a trade secret (whether or not the information was also objected to on the ground that the disclosure of the information would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs), and in respect of which the objection is allowed, must not be made publicly known, or made available, by the Minister or the Minister otherwise than in accordance with the Act or these Regulations; and

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(b) any documentary information—

- (i) the disclosure of which was objected to solely on the ground that the disclosure of the information would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs; and
- (ii) in respect of which the objection is allowed—

is taken to be derivative information other than confidential information and may be made publicly known, or made available, under regulation 531; and

(c) any documentary information—

- (i) the disclosure of which was objected to solely on the ground that the information was a trade secret; and
- (ii) in respect of which the objection is disallowed—

is taken not to be confidential information, and may be made publicly known or made available;

(d) any documentary information—

- (i) the disclosure of which was objected to—
  - (A) solely on the ground that the disclosure of the information would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs; or

(B) on both the ground that the information was a trade secret and the ground that the disclosure of the information would, or could reasonably be expected to, adversely affect the person in respect of the person's lawful business, commercial or financial affairs; and

(ii) in respect of which the objection is disallowed—

is taken not to be confidential information or derivative information, and may be made publicly known or made available.

### **Subdivision 3—Fees for release of information and samples**

#### **534 Fees for release of documentary information and samples**

- (1) A fee is payable for documentary information that is made available to a person under regulation 529 or 531.
- (2) The fee is to be calculated in accordance with the following—
  - (a) if the document is lent to the person—an amount calculated at the rate of \$33 per day or part of a day during which the document is on loan to that person;
  - (b) if the document is not readily available and a search is necessary to locate the information—an amount calculated at the rate of \$33 per hour or part of an hour after the first half hour for the time taken to locate the information;

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(c) if any document referred to in paragraph (a) or (b) is, on the application of the person—

(i) copied or reproduced; or

(ii) forwarded or consigned to the person—

an amount equal to all reasonable costs incurred in the copying or reproduction or forwarding or consignment (including the costs of packaging where applicable).

**535 Fees for release of petroleum mining samples**

(1) A fee is payable for inspection of a petroleum mining sample by a person under regulation 530.

(2) The fee is to be calculated in accordance with the following—

(a) an amount calculated at the rate of \$33 per day or part of a day during which the sample is being inspected by the person;

(b) if the petroleum mining sample is not readily available and a search is necessary to locate the sample—an amount calculated at the rate of \$33 per hour after the first half hour for the time taken to locate the sample.

**Division 7—Miscellaneous**

**536 Safe storage of documentary information and petroleum mining samples**

(1) A holder must keep securely documentary information and petroleum mining samples that are in the holder's possession.

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

**Note**

The holder may be in possession of the information or samples in accordance with an accepted DMP or in accordance with conditions imposed under regulation 526(3).

- (2) A holder must keep documentary information and petroleum mining samples in a way that makes retrieval of the document or other sample reasonably practicable.

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

**Note**

The holder may be in possession of the information or samples in accordance with an accepted DMP or in accordance with conditions imposed under regulation 527(3).

- (3) It is a defence to a prosecution under subregulation (1) or (2) if the defendant had a reasonable excuse.

**Division 8—Transitional arrangements**

**537 Documentary information or petroleum mining sample given to the Minister before the commencement of this Part**

- (1) A holder that gave the Minister documentary information, or a petroleum mining sample, before the commencement of this Part is not required to prepare a DMP in relation to the documentary information or petroleum mining sample.
- (2) A holder that—
- (a) had documentary information, or a petroleum mining sample, before the commencement of this Part; and

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(b) did not give the Minister the documentary information or petroleum mining sample before the commencement of this Part—  
must have an accepted DMP in relation to the documentary information or petroleum mining sample not later than 2 years after the commencement of this Part.

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## PART 6—OCCUPATIONAL HEALTH AND SAFETY

### Division 1—Preliminary

#### 601 Object

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

#### 602 Relationship with other Parts

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

#### 603 Definitions

In this Part—

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

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

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

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

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

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

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

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*returning officer* means a person appointed as a returning officer under regulation 611;

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

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

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

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

### **604 Avoiding fatigue**

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

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

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

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**605 Possession or control of drugs or intoxicants**

(1) A person on a facility must not have possession or control of—

(a) a controlled substance; or

(b) an intoxicant.

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

(2) It is a defence to a prosecution under subregulation (1)—

(a) that the person had possession or control of a controlled substance that is a therapeutic drug; and

(b) that the person had the therapeutic drug under his or her possession or control—

(i) in the course of the person's employment; or

(ii) in the course of the person's duties or practice as a registered medical practitioner, registered nurse or registered pharmacist; or

(iii) in accordance with the law of this State; or

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

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**606 Person must leave the facility when instructed to do so**

- (1) A person on a facility must leave the facility if instructed to do so by a person in command of the facility.

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

- (2) An instruction—

(a) in the case of an emergency—may be given orally; or

(b) in any other case, relevant to occupational health and safety on the facility—

(i) must be in writing; and

(ii) must include the reason for the instruction.

**607 Prohibition on the use of certain hazardous substances**

- (1) This regulation applies to—

(a) an operator; and

(b) an employer; and

(c) another person in control of—

(i) a facility; or

(ii) a part of a facility; or

(iii) particular work carried out at a facility.

- (2) The person must not allow a hazardous substance, referred to in column 2 of an item in Part 2 or 3 of Schedule 5, to be used in any circumstance other than a circumstance specified in column 3 of the item.

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

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- (3) It is a defence to a prosecution against subregulation (2) that the use is in accordance with an exemption granted by the Safety Authority under regulation 610.
- (4) Subregulation (2) does not apply to the use of chrysotile asbestos if the use is permitted under regulation 4D(5) of the Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993 of the Commonwealth.

**608 Limitations on exposure to certain hazardous substances**

- (1) This regulation applies to—
  - (a) an operator; and
  - (b) an employer; and
  - (c) another person in control of—
    - (i) a facility; or
    - (ii) a part of a facility; or
    - (iii) particular work carried out at a facility.
- (2) The person must not allow a member of the workforce, under the person's control, to be exposed to an airborne concentration of a hazardous substance in the breathing zone of the member of the workforce at a level that exceeds the appropriate exposure standard for the relevant period of time.

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.
- (3) It is a defence to a prosecution against subregulation (2) that the airborne concentration of the hazardous substance in the breathing zone of the member of the workforce is in accordance with an exemption given by the Safety Authority under regulation 610.

(4) In this regulation—

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

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

**609 Exposure to noise**

(1) This regulation applies to—

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

(2) The person must not allow a member of the workforce who is under the person's control to be exposed to a level of noise that is in excess of the noise exposure standard.

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

(4) It is a defence to a prosecution for an offence against subregulation (2) that the level of noise to which the member of the workforce is exposed, is in accordance with an exemption given by the Safety Authority under regulation 610.

(5) In this regulation—

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

**610 Exemptions from hazardous substances and noise requirements**

- (1) This regulation applies to—
- (a) an operator; or
  - (b) an employer; or
  - (c) another person in control of—
    - (i) a facility; or
    - (ii) a part of a facility; or
    - (iii) particular work carried out at a facility.
- (2) A person mentioned in subregulation (1) may apply to the Safety Authority for an exemption from compliance with regulation 607(2), 608(2) or 609(2).
- (3) The Safety Authority may grant an exemption if it considers that, in specified circumstances, compliance is not practicable.
- (4) The Safety Authority may specify conditions and limitations on an exemption.

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

**Subdivision 1—Returning officer**

**611 Appointment of returning officer**

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

**Subdivision 2—The poll**

**612 Number of votes**

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

**613 Right to secret ballot**

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

**614 Conduct of poll by secret ballot**

- (1) As soon as practicable after a request under regulation 613, the returning officer must issue ballot-papers for the poll to voters.
- (2) The returning officer must conduct the poll in accordance with Subdivisions 3 and 4.

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**615 Conduct of poll if no request made for secret ballot**

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

**616 If no candidate is elected**

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

**Subdivision 3—Polling by secret ballot**

**617 Ballot-papers**

A ballot-paper must—

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

**618 Distribution of ballot papers**

- (1) As soon as practicable before the close of a poll by secret ballot, the returning officer for an election must give to each voter—
  - (a) a ballot-paper that is initialled by the returning officer; and
  - (b) an envelope that—
    - (i) is addressed to the returning officer; and
    - (ii) shows on its face that it relates to the election.

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- (2) The envelope given to a voter by a returning officer—
    - (a) may be pre-paid as to postage; and
    - (b) in that case—may include on its face a statement by the returning officer that the envelope may be posted to the returning officer without expense to the voter.
  - (3) The returning officer must ensure that the ballot-paper and envelope are enclosed in a covering envelope that is sealed and addressed to the voter.

**619 Manner of voting by secret ballot**

- (1) A voter in a poll by secret ballot must mark the ballot-paper to indicate his or her preference by placing the number 1 in the box printed opposite the name of the candidate for whom that person wishes to vote.
- (2) After marking the ballot-paper, the voter must—
  - (a) fold the ballot-paper so as to conceal the marking; and
  - (b) put the ballot-paper in the envelope referred to in regulation 618(1)(b) and seal the envelope; and
  - (c) lodge the ballot by—
    - (i) putting the envelope containing the ballot-paper in a locked and sealed ballot box, provided for the election by the returning officer, in a secure part of the workplace where the members of the workforce in the designated work group to which the election relates may place envelopes of that kind; or
    - (ii) sending the envelope to the returning officer so as to reach him or her not later than the close of the poll.

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- (3) If, before lodging his or her ballot, a voter—
- (a) claims that he or she has spoiled his or her ballot-paper; and
  - (b) returns the ballot-paper to the returning officer; and
  - (c) requests a further ballot-paper;
- the returning officer must—
- (d) give the voter a fresh ballot-paper; and
  - (e) write the word "spoilt" across the returned ballot-paper and sign and date the writing; and
  - (f) retain the spoiled ballot-paper until the end of 6 months after notification of the result of the poll is given under regulation 631.

#### **Subdivision 4—The count**

##### **620 Envelopes given to returning officer**

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

##### **621 Scrutineers**

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

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**622 Returning officer to be advised of scrutineers**

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

**623 Persons present at the count**

- (1) The returning officer for an election may direct a person to leave the place where the count is being conducted if the person—
  - (a) is not entitled to be present, or to remain present, at the count; or
  - (b) being entitled to be present, interrupts the count, except as provided by subregulation (2).
- (2) A candidate's scrutineer may interrupt the count and so inform the returning officer if the scrutineer—
  - (a) objects to a decision by the returning officer that a ballot paper is formal or informal, as the case may be; or
  - (b) considers that an error has been made in the conduct of the count.
- (3) A person who does not comply with a direction given to him or her under subregulation (1) is guilty of an offence.  
Penalty: \$550 in the case of a natural person;  
\$2750 in the case of a body corporate.
- (4) However, it is a defence to a prosecution for an offence against subregulation (3) if the person has a reasonable excuse.

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**624 Conduct of the count**

- (1) As soon as practicable after the close of the poll, the returning officer must count the votes for each candidate.
- (2) A scrutineer, appointed under regulation 621, may be present at the count.
- (3) A returning officer must, as soon as practicable before the count, notify each candidate, or a scrutineer of each candidate, of the place where, and the time when, the count is to occur.
- (4) The candidate who receives the most votes is the successful candidate.
- (5) If 2 or more candidates receive the same number of votes, the successful candidate is to be determined by lots drawn in the prescribed manner.

**625 Prescribed manner of drawing of lots**

- (1) For the purposes of regulation 624(5), lots are drawn in the prescribed manner if—
  - (a) as soon as practicable before the drawing of lots, the returning officer gives written notice of the time and place of the draw to each candidate; and
  - (b) the draw is carried out in the presence of—
    - (i) subject to subregulation (3)—each candidate, or a scrutineer of each candidate, who received the same number of votes; and
    - (ii) at least one person who is not the returning officer or a candidate or scrutineer mentioned in subparagraph (i); and

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- (c) the returning officer writes the name of each candidate who received the same number of votes on a separate piece of paper of the same colour, texture and size; and
  - (d) the papers and writing are displayed for examination by each person present at the draw; and
  - (e) each paper is folded in the same manner by the returning officer and placed by him or her in a container, the interior surface of which will not snag the papers; and
  - (f) the returning officer shakes or turns the container to mix the papers; and
  - (g) without looking into the container, a person referred to in paragraph (b)(ii) draws a paper from the receptacle.
- (2) The candidate whose name is written on the paper drawn in accordance with subregulation (1)(g) is the successful candidate.
- (3) If a candidate who has been notified in accordance with subregulation (1)(a) of a drawing of lots, or a scrutineer of the candidate, does not attend the draw at the notified time and place, the draw may be conducted in his or her absence.

#### **626 Informal ballot-papers**

A ballot-paper is informal if—

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

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**627 Completion of the count**

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

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

**628 Destruction of election material**

At the end of 6 months after notification of the result of the poll for an election is given under regulation 631 the returning officer may destroy—

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

**Subdivision 5—Result of election**

**629 Request for recount**

- (1) At any time before notification of the result of the poll for an election is given under regulation 631, the returning officer—
  - (a) on his or her own initiative—may conduct a recount of any ballot-papers received in the election; or
  - (b) if a candidate makes a request, either orally or in writing, for a recount of any ballot-papers received in the election and gives reasons for the request—must conduct a recount of the ballot-papers.

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

**630 Irregularities at election**

- (1) Subject to subregulation (2), if the returning officer has reasonable grounds to believe that there has been an irregularity in the conduct of an election, he or she may, at any time before notification of the result of the poll is given under regulation 631, declare the election to be void.
- (2) An election must not be declared to be void only because of—
  - (a) a defect or irregularity in the conduct of the election that did not affect the result of the election; or
  - (b) an error or defect in an instrument or other document made, or purporting to be made, for the purposes of this Division; or
  - (c) an illegal practice, other than bribery or corruption, or attempted bribery or corruption, having been engaged in by a person, unless—
    - (i) it is likely that the result of the election was affected by the practice; and
    - (ii) it is just that the election be declared void.
- (3) If an election is declared void, regulation 631 applies as if the election had failed.

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**631 Result of poll**

- (1) As soon as practicable after the failure of an election, a returning officer must notify in writing—
  - (a) the operator of the facility to which the election relates; and
  - (b) the Safety Authority—  
of the failure of the election.
- (2) As soon as practicable after the close of the poll for an election that has not failed, the returning officer must notify in writing the candidate who is elected and enclose with the notification a copy of the statement prepared under regulation 627.

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

**632 Taking samples for testing etc.**

- (1) If a sample of a substance or thing taken under clause 57(1) of Schedule 7 to the Act is safely and practicably divisible, the OHS inspector who has taken the sample must—
  - (a) divide the sample into 3 parts; and
  - (b) put each part into a container and seal and label the container appropriately; and
  - (c) give one part to the operator or the employer for whom the substance or thing was being used; and
  - (d) provide another part for inspection, examination, measuring or testing for the purposes of Schedule 7 to the Act; and
  - (e) retain the remaining part for any further inspection, examination, measuring or testing that is required.

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

### **633 Form of certain notices**

A notice issued by an elected health and safety representative or OHS inspector under a following provision of Schedule 7 to the Act must be in accordance with the form in Schedule 6 to these Regulations specified in relation to the provision concerned—

- (a) clause 37(2) (provisional improvement notices)—Form 1;
- (b) clause 57(1) (power to take possession of plant, take samples of substances etc.)—Form 2;
- (c) clause 58(1) (power to direct that workplace etc. not be disturbed)—Form 3;

- (d) clause 59(1) (power to issue prohibition notices)—Form 4;
- (e) clause 61(1) (power to issue improvement notices)—Form 5.

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

**634 Orders under clause 45 of Schedule 7 to the Act**

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

**Examples**

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

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- (5) The Safety Authority must give reasons for the decision.

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

**635 Prescribed occupational health and safety laws**

The following laws of this State are prescribed for the purposes of section 15A of the Act—

- (a) the **Dangerous Goods Act 1985**;
- (b) the **Electricity Safety Act 1998**;
- (c) the **Gas Safety Act 1997**;
- (d) the **Occupational Health and Safety Act 2004**.

Reg. 635(d)  
substituted by  
S.R. No.  
80/2005 reg. 4.

**Division 7—Miscellaneous**

**636 Service of notices**

- (1) For the purposes of Schedule 7 to the Act and this Part, a notice that is to be given to a body corporate may be given to a director, principal executive officer or secretary of the body corporate.
- (2) For the purposes of Schedule 7 to the Act and this Part, a notice or report may be given to a person—
  - (a) by fax transmitted to a fax facility that is installed at the address of the person last known to the person transmitting the message; and
  - (b) by email transmitted to a computer system that is known to be in use by the person and installed at the address of the person last known to the person transmitting the message, being an email that is—

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- (i) in a form compatible with the computer system; and
    - (ii) capable of being recorded by the computer system.
  - (3) A person who gives a notice or report to which subregulation (2) applies to another person—
    - (a) must inform the other person by telephone—
      - (i) before transmission of the fax or email; or
      - (ii) as soon as practicable after transmission of the fax or email—  
of the fact that the fax or email will be, or has been, transmitted; and
    - (b) must send a copy of the notice or report by pre-paid post to the address of the other person last known to the first-mentioned person.
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**PART 7—MANAGEMENT OF SAFETY ON OFFSHORE  
FACILITIES**

**Division 1—Preliminary**

**701 Object**

The object of this Part is to ensure that—

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

**702 Relationship with other Parts**

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

### 703 Definitions

In this Part—

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

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

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

***dangerous occurrence*** has the meaning given by regulation 744;

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

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

#### Note

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

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

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

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

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

***operator***, for a facility, or proposed facility, means a person registered under regulation 705 as the operator for the facility or proposed facility by the Safety Authority;

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

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

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

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

- (a) construction of the facility;
- (b) installation of the facility;
- (c) operation of the facility;

- (d) modification of the facility;
- (e) decommissioning of the facility;

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

***validation*** has the meaning given by regulation 742.

### **Division 2—Operators**

#### **704 Nomination of operator**

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

#### **705 Acceptance or rejection of nomination of operator**

- (1) The Safety Authority must accept the nomination of a person as an operator if it is satisfied that the person has, or will have, the day-to-day management and control of—
  - (a) the facility or proposed facility; and

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

#### **706 Register of operators**

- (1) The Safety Authority must maintain the register of operators.
- (2) An owner or titleholder who has nominated a person to be the operator of a facility, or the operator of the facility, may notify the Safety Authority, in writing, that the registered operator has ceased to be the person who has, or will have, the day-to-day management and control of—
  - (a) the facility or proposed facility; and
  - (b) operations at the facility or proposed facility.
- (3) On receipt of a notice under subregulation (2), the Safety Authority must remove the operator's name from the register.

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

### **Division 3—Safety cases**

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

#### **707 Facility description, formal safety assessment and safety management system**

- (1) The safety case for a facility must contain—
- (a) a description of the facility that complies with subregulation (2); and
  - (b) a detailed description of the formal safety assessment for the facility that provides evidence that the formal safety assessment complies with subregulation (3); and
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- (c) a detailed description of the safety management system that provides evidence that the system complies with subregulation (4).
- (2) The description of the facility must give details of—
- (a) the layout of the facility; and
  - (b) the technical and other control measures identified as a result of the formal safety assessment; and
  - (c) the activities that will, or are likely to, take place at, or in connection with, the facility; and
  - (d) any other relevant matters.
- (3) The formal safety assessment is an assessment, or series of assessments, conducted by the operator that—
- (a) identifies all hazards having the potential to cause a major accident event; and
  - (b) is a detailed and systematic assessment of the risk associated with each of those hazards, including the likelihood and consequences of each potential major accident event; and
  - (c) identifies the technical and other control measures that are necessary to reduce that risk to a level that is as low as reasonably practicable.
- Note**
- A formal safety assessment relates only to major accident events.
- (4) The safety management system for a facility must—
- (a) be comprehensive and integrated; and
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- (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
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- (h) provide for any other matter that is necessary to ensure that the safety management system meets the requirements and objects of this Part; and
- (i) specify the performance standards that apply.

**Note**

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

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

**708 Implementation and improvement of the safety management system**

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

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

- (c) continual and systematic improvement of the safety management system.

#### **709 Standards to be applied**

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

#### **710 Command structure**

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

##### **Note**

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

- (2) The safety case must describe, in detail, the means by which the operator will ensure that, as far as reasonably practicable—
- (a) the offices or positions mentioned in subregulation (1) are continuously occupied while the facility is in operation; and

- (b) the person who occupies each office or position mentioned in subregulation (1) has the necessary skills, training and ability to perform the functions of the office or position; and
- (c) the identity of the persons who occupy each office or position, and the command structure can, at all times, be readily ascertained by any person at the facility.

**711 Members of the workforce must be competent**

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

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

**712 Permit to work system for safe performance of various activities**

- (1) The safety case in respect of a facility must provide for the operator of the facility to establish and maintain, in accordance with subregulation (2), a documented system of coordinating and controlling the safe performance of all work activities of members of the workforce at the facility, including in particular—
  - (a) welding and other hot work; and

- (b) cold work (including physical isolation); and
- (c) electrical work (including electrical isolation); and
- (d) entry into, and working in a confined space; and
- (e) procedures for working over water; and
- (f) diving operations.

**Note**

The expression *confined space* is defined in regulation 703.

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

**713 Involvement of members of the workforce**

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

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- (2) A demonstration for the purposes of subregulation (1) must be supported by adequate documentation.
- (3) In this regulation—
- members of the workforce* includes members of the workforce who are—
- (a) identifiable before the safety case is developed; and
  - (b) working, or likely to be working, on the relevant facility.

**Note**

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

**714 Design, construction, installation, maintenance and modification**

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

- (c) adequate means of maintaining the structural integrity of a facility; and
- (d) implementation of the technical and other control measures identified as a result of the formal safety assessment.

#### **715 Medical and pharmaceutical supplies and services**

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

#### **716 Machinery and equipment**

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

#### **717 Drugs and intoxicants**

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

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

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**718 Evacuation, escape and rescue analysis**

- (1) The safety case for a facility must contain a detailed description of an evacuation, escape and rescue analysis.
- (2) The evacuation, escape and rescue analysis must—
  - (a) identify the types of emergency that could arise at the facility; and
  - (b) consider a range of routes for evacuation and escape of persons at the facility in the event of an emergency; and
  - (c) consider alternative routes for evacuation and escape if a primary route is not freely passable; and
  - (d) consider different possible procedures for managing evacuation, escape and rescue in the event of an emergency; and
  - (e) consider a range of means of, and equipment for, evacuation, escape and rescue; and
  - (f) consider a range of amenities and means of emergency communication to be provided in a temporary refuge; and
  - (g) consider a range of life saving equipment, including—
    - (i) life rafts to accommodate safely the maximum number of persons that are likely to be at the facility at any time; and
    - (ii) equipment to enable that number of persons to obtain access to the life rafts after launching and deployment; and

- (iii) in the case of a floating facility—  
suitable equipment to provide a float-free capability and a means of launching; and
- (h) identify, as a result of the above considerations, the technical and other control measures necessary to reduce the risks associated with emergencies to a level that is as low as reasonably practicable.

**Note**

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

**719 Fire and explosion risk analysis**

- (1) The safety case for a facility must contain a detailed description of a fire and explosion risk analysis.
- (2) The fire and explosion risk analysis must—
  - (a) identify the types of fires and explosions that could occur at the facility; and
  - (b) consider a range of measures for detecting those fires and explosions in the event that they do occur; and
  - (c) consider a range of measures for eliminating those potential fires and explosions, or for otherwise reducing the risk arising from fires and explosions; and
  - (d) consider the incorporation into the facility of both automatic and manual systems for the detection, control and extinguishment of—
    - (i) outbreaks of fire; and
    - (ii) leaks or escapes of petroleum; and

- (e) consider a range of means of isolating and safely storing hazardous substances, such as fuel, explosives and chemicals, that are used or stored at the facility; and
- (f) consider the evacuation, escape and rescue analysis, in so far as it relates to fires and explosions; and
- (g) identify, as a result of the above considerations, the technical and other control measures necessary to reduce the risks associated with fires and explosions to a level that is as low as reasonably practicable.

**Note**

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

**720 Emergency communications systems**

- (1) The safety case in respect of a facility must provide for communications systems—
  - (a) within the facility; and
  - (b) between the facility and—
    - (i) appropriate on-shore installations; and
    - (ii) appropriate vessels and aircraft; and
    - (iii) other appropriate facilities—

that, in the event of an emergency in connection with the facility, is adequate for those kinds of communication.

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- (2) In particular, the safety case must provide for the communications systems of the facility to be—
- (a) adequate to handle—
    - (i) a likely emergency on or relating to the facility; and
    - (ii) the operation requirements of the facility; and
  - (b) protected so as to be capable of operation in an emergency to the extent specified by the formal safety assessment relating to the facility.

#### **721 Control systems**

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

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

#### **722 Emergency preparedness**

- (1) The safety case for a facility must—
- (a) describe a response plan designed to address possible emergencies, the risk of which has been identified in the formal safety assessment for the facility; and
  - (b) provide for the implementation of that plan.

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

### **723 Pipelines**

- (1) The safety case in respect of a facility must specify adequate procedures for shutting down or isolating, in the event of emergency, each pipeline connected to the facility, so as to stop the flow of hazardous substances through the pipeline.
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- (2) In particular, the procedures must include—
    - (a) effective means of controlling and operating all relevant emergency shut-down valves for a pipeline; and
    - (b) a fail-safe system of isolating a pipeline in the event of failure of other safety devices for the pipeline.
  - (3) The safety case in respect of a facility must also specify—
    - (a) adequate means of mitigating, in the event of emergency, the risks associated with each pipeline connected to the facility; and
    - (b) a frequency of periodic inspection and testing of pipeline emergency shut-down valves that can reasonably be expected to ensure that they will operate correctly in an emergency.

#### **724 Vessel and aircraft control**

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

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**725 Arrangements for records**

- (1) This regulation applies to the following documents—
  - (a) the safety case in force for the facility;
  - (b) a revision to the safety case for the facility;
  - (c) a written audit report for the safety case;
  - (d) a copy of each report given to the OHS inspector in accordance with regulation 745(2).
- (2) The safety case for a facility must include arrangements for—
  - (a) making a record of the documents; and
  - (b) securely storing the documents and records—
    - (i) at an address nominated for the facility; and
    - (ii) in a manner that facilitates their retrieval as soon as practicable.
- (3) A document mentioned in subregulation (1)(a) or (b) must be kept for 5 years after the date of acceptance of the document by the Safety Authority.
- (4) A report mentioned in subregulation (1)(c) must be kept for a period of 5 years after the date of receipt by the operator.
- (5) A copy mentioned in subregulation (1)(d) must be kept for a period of 5 years after the date the report was given to the OHS inspector.

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

**726 Safety case to be submitted to Safety Authority**

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

**727 Safety Authority may request more information**

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

- (b) the Safety Authority must have regard to the information as if it had been so included.

**728 Acceptance or rejection of a safety case**

- (1) The Safety Authority must accept a safety case if—
- (a) the safety case is appropriate to the facility and to the activities conducted at the facility; and
  - (b) the safety case complies with regulations 707 to 724 (as applicable) for each stage in the life of the facility in respect of which the safety case is submitted; and
  - (c) the safety case complies with regulation 725; and
  - (d) in a case in which the Safety Authority has requested a validation of the facility—
    - (i) the person, or each person, undertaking the validation meets the criteria specified in regulation 742(5); and
    - (ii) the validation complies with regulation 742.
- (2) If a safety case is submitted for more than one stage in the life of the facility, the Safety Authority may accept the safety case for one or more stages in the life of the facility and reject the safety case for one or more stages in the life of the facility.
- (3) If the Safety Authority rejects a safety case because the Safety Authority is not satisfied with any of the matters mentioned in subregulation (1), the Safety Authority must give the operator a reasonable opportunity to change the safety case and resubmit it.

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

**729 Notice of decision on safety case**

- (1) Within 90 days after receiving a safety case given under regulation 726, or resubmitted under regulation 728(3), the Safety Authority must—
- (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; and
      - (B) reject the rest of the safety case; or
  - (iv) accept the safety case subject to conditions or limitations; or

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- (b) notify the operator, in writing, that the Safety Authority is unable to make a decision about the safety case within the period of 90 days, and set out a proposed timetable for its consideration of the safety case.
  - (2) A failure by the Safety Authority to comply with subregulation (1) in relation to a safety case does not affect the validity of a decision by the Safety Authority to accept or reject the safety case.
  - (3) A notice of a decision under subregulation (1)(a) must include the terms of the decision (including any limitations or conditions) and the reasons for it.

**730 Consent to undertake work outside of the requirements of the safety case**

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

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**731 Duties under Part 2 of Schedule 7 to the Act**

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

**Subdivision 3—Revised safety cases**

**732 Revision of a safety case because of a change of circumstances or operations**

- (1) Subject to subregulation (2), an operator of a facility for which a safety case is in force must submit a revised safety case to the Safety Authority as soon as practicable after the occurrence of any of the following circumstances—
  - (a) the technical knowledge relied upon to formulate the safety case, including the knowledge of systems for identifying hazards and evaluating risks of major accident events, is outdated so that the safety case no longer adequately provides for the matters mentioned in sections 707 to 724;
  - (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;

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- (c) there are reasonable grounds for believing that a series of proposed modifications to the facility would result in a significant cumulative change in the overall level of risk of major accident events;
  - (d) the operator proposes to significantly change the safety management system that is in force at the facility;
  - (e) the activities to be carried out at the facility are different from the activities contemplated in the safety case.
- (2) If a circumstance mentioned in subregulation (1) is satisfied because the operator proposes to modify or decommission the facility the operator must not submit the revised safety case before the operator and the Safety Authority have agreed on the scope of the validation of the proposal.
  - (3) If the Safety Authority agrees, the operator of a facility may submit a revised safety case under subregulation (1) in the form of a revision to part of the safety case in force for the facility.

**733 Revision on request by the Safety Authority**

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

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

**734 Revision after 5 years**

- (1) The operator of a facility for which a safety case is in force must submit a revised safety case to the Safety Authority—
  - (a) 5 years after the date that the safety case was first accepted under regulation 728; and
  - (b) 5 years after the date of each acceptance of a revised safety case under regulation 736—whether or not a revision under regulation 732 or 733 has been accepted within the 5 year period.
- (2) A revised safety case submitted under this regulation must describe the means by which the operator will ensure the ongoing integrity of the technical and other control measures identified by the formal safety assessment for the facility.

**735 Safety Authority may request more information**

- (1) If an operator submits a revised safety case to the Safety Authority, the Safety Authority may request the operator to provide further written information about any matter required by these Regulations to be included in a safety case.
- (2) A request under subregulation (1) must—
  - (a) be in writing; and
  - (b) set out each matter for which information is requested; and

- (c) specify a period of not less than 10 days within which the information is to be provided.
- (3) If an operator receives a request and provides all information requested by the Safety Authority within the period specified—
  - (a) the information becomes part of the revised safety case as if it had been included with the revised safety case as it was submitted to the Safety Authority; and
  - (b) the Safety Authority must have regard to the information as if it had been so included.

**736 Acceptance or rejection of a revised safety case**

- (1) The Safety Authority must accept a revised safety case if—
  - (a) the revised safety case is appropriate to the facility and to the activities conducted at the facility; and
  - (b) the revised safety case complies with regulations 707 to 724 for each stage in the life of the facility in respect of which the revision is submitted; and
  - (c) the revised safety case complies with regulation 725; and
  - (d) in a case on which the Safety Authority has required a validation relating to a proposed modification—
    - (i) the person, or each person, undertaking the validation meets the criteria specified in regulation 742(5); and
    - (ii) the validation complies with regulation 742.

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

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**737 Notice of decision on revised safety case**

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

**738 Effect of rejection of revised safety case**

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

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

**739 Grounds for withdrawal of acceptance**

- (1) The Safety Authority may, by written notice to the operator of a facility, withdraw the acceptance of the safety case for the facility on any of the following grounds—
  - (a) the operator has not complied with—
    - (i) Schedule 7 to the Act; or
    - (ii) a notice issued by an OHS inspector under Schedule 7 to the Act; or
    - (iii) regulation 732, 733 or 734; or
  - (b) the Safety Authority has rejected a revised safety case.
- (2) A notice under subregulation (1) must contain a statement of the reasons for the decision.

**740 Notice before withdrawal of acceptance**

- (1) Before withdrawing the acceptance of a safety case for a facility, the Safety Authority must give the operator at least 30 days notice, in writing, of its intention to withdraw the acceptance.
- (2) The Safety Authority may give a copy of the notice to such other persons as it thinks fit.
- (3) The Safety Authority must specify, in the notice, a date (the *cut-off date*) on or before which the operator (or other person to whom a copy of the notice has been given) may submit to the Safety Authority in writing, matters that the Safety Authority should take into account when deciding to withdraw the acceptance.

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- (4) The Safety Authority must take into account—
- (a) any action taken by the operator—
    - (i) to remove a ground for withdrawal of acceptance; or
    - (ii) to prevent the recurrence of a ground for removal of acceptance; and
  - (b) any matter submitted under subregulation (3) before the cut-off date.

#### **Subdivision 5—Exemptions**

##### **741 Safety Authority may give an exemption**

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

#### **Division 4—Validation**

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

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

**743 Prescribed period of incapacity**

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

**744 Meaning of dangerous occurrence**

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

- (a) did not cause, but could reasonably have caused—
  - (i) the death of, or serious personal injury to, a person; or
  - (ii) a member of the workforce to be incapacitated from performing work for the period mentioned in regulation 743; or
- (b) was any of the following—
  - (i) a fire or explosion;
  - (ii) a collision of a marine vessel with the facility;
  - (iii) an uncontrolled release of hydrocarbon vapour exceeding 1 kg;
  - (iv) an uncontrolled release of petroleum liquids exceeding 80 litres;
  - (v) a well kick exceeding 50 barrels;
  - (vi) an unplanned event that required the emergency response plan to be implemented;
  - (vii) damage to safety-critical equipment; or

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- (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 703.

**745 Reporting accidents and dangerous occurrences**

- (1) For the purposes of clause 67(1) of Schedule 7 to the Act, the notice in relation to a facility to which this Part applies—
  - (a) may be oral or written; and
  - (b) must be provided as soon as practicable after—
    - (i) the first occurrence of the accident or dangerous occurrence; or
    - (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence—the detection of the accident or dangerous occurrence by the operator; and
  - (c) must contain all material details concerning the accident or dangerous occurrence that are reasonably available to the operator at the time of the notification.
- (2) For the purposes of clause 67(1) of Schedule 7 to the Act, the report—
  - (a) must be written; and
  - (b) unless otherwise agreed by the Safety Authority—must be provided within 3 days after—
    - (i) the first occurrence of the accident or dangerous occurrence; or

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- (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence—the detection of the accident or dangerous occurrence by the operator; and
    - (c) must contain material details concerning the accident or dangerous occurrence of the types determined by the Safety Authority.
  - (3) A determination mentioned in subregulation (2) must be—
    - (a) in writing; and
    - (b) published in the Government Gazette.
  - (4) As soon as practicable, but not later than 15 days after the end of each month, the operator of a facility must submit, to the Safety Authority, a written report, for that month, summarising—
    - (a) the number of deaths of persons at the facility; and
    - (b) the number and types of injuries to persons at the facility, other than minor injuries not requiring treatment or requiring treatment only in the nature of first aid.

#### **Division 6—Penalty provisions**

##### **746 Facility must have registered operator**

A person must not—

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

(e) decommission a facility—

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

Penalty: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

**747 Safety case required for the relevant stage in the life of a facility**

(1) A person must not—

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

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

Penalty: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

(2) Subregulation (1) does not apply to a person who is exempt from the requirement to have a safety case in force for the relevant stage in the life of the facility under regulation 741.

**748 Work on a facility must comply with the safety case**

(1) This regulation applies to the following conduct—

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

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- (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 subregulation 728(5) or 736(5).

Penalty: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

- (3) Subregulation (2) does not apply to particular conduct if the Safety Authority has given the person a written consent under regulation 730 to engage in that conduct in a manner contrary to the safety case or a limitation or condition on the safety case.

**749 New health and safety risk**

- (1) This regulation applies to the following conduct—
- (a) constructing a facility;
  - (b) installing a facility;
  - (c) operating a facility;
  - (d) modifying a facility;
  - (e) decommissioning a facility.
- (2) A person must not engage in conduct mentioned in a paragraph of subregulation (1) in the adjacent area if—
- (a) there has been an occurrence of a significant new risk to health and safety or a significant increase in an existing risk to health and safety arising from the construction, installation, operation, modification or decommissioning of the facility; and

(b) the new risk or increased risk is not provided for—

(i) in the safety case in force for the facility; or

(ii) in a revised safety case—

(A) submitted to the Safety Authority; and

(B) not refused acceptance by the Safety Authority.

Penalty: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

(3) Subregulation (2) does not apply if the person is a person who is exempt from the requirement to have a safety case in force for the relevant stage in the life of the facility under regulation 741.

#### **750 Maintaining records**

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

Penalty: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.

#### **Note**

Regulation 725 sets out the record keeping requirements in relation to documents.

#### **751 Person on a facility must comply with safety case**

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

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

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**752 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: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.
- (2) It is a defence to a prosecution for an offence against subregulation (1) that—
- (a) the person was acting with the written or oral authority of an OHS inspector; or
  - (b) the person was acting, in a reasonable manner, for any of the following purposes—
    - (i) helping or rescuing a sick, injured or endangered person; or
    - (ii) maintaining the safety of the facility or of persons at the facility; or
    - (iii) reducing danger to the facility or to persons at the facility; or
    - (iv) retrieving, or attempting to retrieve, the body of a dead person; or
  - (c) the operator has given the Safety Authority notice of, and a report about, the accident or dangerous occurrence under clause 67 of Schedule 7 to the Act, and an OHS inspector has not entered the facility where the

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accident or dangerous occurrence occurred in response to the notice within 3 working days of the operator giving notice to the Safety Authority.

**Division 7—Miscellaneous**

**753 Details in applications or submissions**

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

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## PART 8—PIPELINES

### Division 1—Preliminary

#### 801 Object

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

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

#### 802 Definitions

- (1) In this Part—

*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;

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***operator***, for a pipeline, means a person registered under regulation 807 as the operator for the pipeline by the Safety Authority;

***pipeline***—

(a) in Division 4—

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

(ii) includes a pipeline, that would be a pipeline of that kind, that is—

(A) proposed to be constructed;  
or

(B) proposed to be operated; or

(C) being constructed; and

(b) in this Part, other than Division 4—

(i) means a pipeline licensed under Division 4 of Part 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 this Part (or, if the pipeline management plan is accepted in part, that part of the pipeline management plan that is accepted); and
  - (c) as revised from time to time under this Part; and
  - (d) for which the acceptance has not been withdrawn;

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

**Note**

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

***pipeline management system description***, for a pipeline, means a description of the matters mentioned in regulation 828 in relation to the pipeline;

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

- (a) that—
  - (i) results in significant damage to a pipeline (for example, reducing the capacity of the pipeline to contain petroleum flowing through it); or
  - (ii) is likely to have a result of a kind mentioned in subparagraph (i); or
  - (iii) is of a kind that a reasonable pipeline licensee would consider to require immediate investigation; and
- (b) that is not a reportable incident within the meaning of Part 11.

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***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 803, and ***validate*** has a corresponding meaning.

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

### **803 Meaning of *validation***

- (1) A ***validation*** of a proposal for a pipeline under this Part is a statement in writing by an independent validator that—
  - (a) the proposal is suitable for the purposes for which it is made; and
  - (b) if the proposal includes a modification of the pipeline that may affect the integrity of the pipeline—there are reasonable grounds to believe that the modification will result in the pipeline being suitable for the purposes for which it is to be used; and

- 
- (c) the proposal is consistent with the pipeline management system description in the pipeline management plan in force for the pipeline; and
- (d) the proposal complies with any Australian or international standards that are mentioned in the pipeline management plan as applying to that kind of proposal.

**Note**

- 1 The following proposals are subject to validation under this Part—
- proposals to carry out activities for the design and construction of a pipeline—see regulations 811(4)(b) and 812(3)(b);
  - proposals for the operation of a pipeline—see regulations 817(3)(b) and 818(3)(b);
  - proposals for the revision of a pipeline management plan that relates to modification or decommissioning of a pipeline—see regulation 838(1)(a)(iv).
- 2 A pipeline management system description describes the risk of significant pipeline accident events and other risks to the integrity of the pipeline. The description also describes measures to reduce those risks to levels that are as low as reasonably practicable—see regulation 829.
- (2) A validation must cover the scope of the validation agreed under these Regulations.

**Note**

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

- for a validation about the design and construction of the pipeline—before the licensee applies for a consent to construct the pipeline—see regulation 810(b);
  - for a validation about the operation of the pipeline—before the licensee applies for a consent to operate the pipeline—see regulation 816(b);
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- 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 833(2).

#### **804 Relationship with other Parts**

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

#### **Division 2—Operators**

#### **805 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 802(1), a pipeline includes a proposed pipeline.

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

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**806 Acceptance or rejection of nomination of operator**

- (1) The Safety Authority must accept the nomination of a person as an operator if it is satisfied that the person has, or will have, the day-to-day management and control of—
  - (a) the pipeline; and
  - (b) each of the activities mentioned in regulation 808(1).

**Note**

Under the definition of *pipeline* in regulation 802(1), a pipeline includes a proposed pipeline.

- (2) If the Safety Authority is not satisfied of the matters in subregulation (1)(a) and (b), it must reject the nomination.
- (3) If the Safety Authority accepts the nomination, it must register the nominee as the operator of the pipeline, in accordance with regulation 807.
- (4) The Safety Authority must notify the pipeline licensee who made the nomination, and the nominee—
  - (a) of the decision to accept or reject the nomination; and
  - (b) if the Safety Authority has decided to reject the nomination—of the reasons for the rejection.

**807 Register of operators**

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

- 
- (a) the pipeline; and
  - (b) each of the activities mentioned in regulation 808(1).

**Note**

Under the definition of *pipeline* in regulation 802(1), a pipeline includes a proposed pipeline.

- (3) On receipt of a notice under subregulation (2), the Safety Authority must remove the operator's name from the register.
- (4) The Safety Authority may remove an operator's name from the register if—
  - (a) the Safety Authority believes, on reasonable grounds, that the operator does not or will not have day-to-day management and control of the pipeline and each of the activities mentioned in regulation 808(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 808(1).

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**808 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: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

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

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

**Subdivision 1—Consent to construct**

**809 Consent to construct required to construct a pipeline**

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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- (2) This regulation does not affect Part 11.

**Note**

Under Part 11, 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. That Part also limits the way a petroleum activity may be carried out and the circumstances in which the activity may be carried out.

**810 Matters to be agreed before pipeline licensee applies for consent to construct**

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

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

**Note**

An application may relate to all or some of the activities for designing and constructing a pipeline: see regulation 811(2).

**811 Application for consent to construct**

- (1) An application for a consent to construct a pipeline must be lodged in writing with the Minister.
- (2) An application may relate to all or some of the activities for designing and constructing the pipeline.
- (3) The application must include the following information—
  - (a) the name of the applicant;

- 
- (b) an address of the applicant, for communications on matters relating to the pipeline;
  - (c) a fax number, or e-mail address, within Australia for the applicant.
- (4) The application must be accompanied by—
- (a) those parts of the pipeline management plan in force for the pipeline that provide for the activities to which the application relates; and
  - (b) a validation of the proposal to carry out those activities; and
  - (c) other relevant information that the Minister may require on reasonable grounds.

**812 Deciding an application for a consent to construct**

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

**Note**

The Minister may decline to consider an application unless certain information is provided—see regulation 863.

- (2) A failure by the Minister to comply with subregulation (1) in relation to an application does not of itself invalidate a decision by the Minister to grant or to refuse to grant the consent.
- (3) The Minister must grant the consent if there are reasonable grounds for believing that—
- (a) a pipeline management plan in force for the pipeline provides for the activities to which the application relates; and
  - (b) a validation of the proposal to carry out those activities is in force.
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- (4) The Minister may grant a consent to construct in relation to all or some of the activities to design and construct the pipeline.
  - (5) If the Minister decides to grant the consent, the Authority must, as soon as practicable, give to the applicant the consent in writing.
  - (6) If the Minister decides not to grant the consent in relation to all or some of the activities to design and construct the pipeline, the Authority must, as soon as practicable, give to the applicant, in writing—
    - (a) advice that the consent has not been granted for those activities; and
    - (b) a statement of the reasons for the decision.

**813 Construction must comply with pipeline management plan**

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

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

**814 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: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.

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

#### **815 Consent to operate required before a 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: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

- (2) This regulation does not affect Part 11.

#### **Note**

Under Part 11, 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. That Part also limits the way a petroleum activity may be carried out and the circumstances in which the activity may be carried out.

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

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

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

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**817 Application for consent to operate**

- (1) An application for a consent to operate a pipeline must be lodged in writing with the Minister.
- (2) The application must include the following information—
  - (a) the name of the applicant;
  - (b) an address of the applicant, for communications on matters relating to the pipeline;
  - (c) a fax number, or e-mail address, within Australia for the applicant.
- (3) The application must be accompanied by—
  - (a) those parts of the pipeline management plan in force for the pipeline that provide for the operation of the pipeline; and
  - (b) a validation of the proposal to operate the pipeline; and
  - (c) information showing that the pipeline licensee is maintaining insurance in compliance with section 97A of the Act; and
  - (d) other relevant information that the Minister may require on reasonable grounds.

**818 Deciding an application for a consent to operate**

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

**Note**

The Minister may decline to consider an application unless certain information is provided: see regulation 863.

- (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.

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- (3) The Minister must grant the consent if there are reasonable grounds for believing that—
- (a) a pipeline management plan in force for the pipeline provides for the operation of the pipeline; and
  - (b) a validation of the proposal to operate the pipeline is in force; and
  - (c) the pipeline licensee is maintaining insurance according to section 97A of the Act.
- (4) If the Minister decides to grant the consent, the Authority must, as soon as practicable, give the applicant the consent in writing.
- (5) If the Minister decides not to grant the consent, the Authority must, as soon as practicable, give the applicant, in writing—
- (a) advice that the consent has not been granted; and
  - (b) a statement of the reasons for the decision.

**819 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: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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- (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.

**820 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: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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

**821 Modifying or decommissioning a pipeline**

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

- (2) A pipeline licensee must not decommission a pipeline under the licence unless—
- (a) a pipeline management plan in force for the pipeline provides for the decommission; and
  - (b) the decommission is carried out in a way that is not contrary to that plan.

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

- (3) However, an offence under subregulation (1) or (2) does not arise if—
- (a) the pipeline is modified or decommissioned in accordance with a direction given under—
    - (i) the Act; or
    - (ii) regulations made under the Act; or

- 
- (b) in an emergency in which there is a likelihood of loss or injury, the licensee performs an act to avoid the loss or injury and as soon as practicable, but within 3 days, gives written notice to the Minister about the act performed.

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

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

###### **822 Submission of a pipeline management plan**

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

###### **Note**

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

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### **823 Handling pipeline management plan**

The Minister—

- (a) must give a copy of a pipeline management plan to the Safety Authority as soon as practicable after the pipeline licensee gives the plan to the Minister (but not later than 7 days after the pipeline licensee gives the plan); and
- (b) must not act under regulation 824 or 825 unless the Safety Authority has notified the Minister under regulation 844.

**Note**

The Safety Authority is required to consider the pipeline safety management plan in accordance with Division 5. The Safety Authority is subject to an initial 21 day timetable for considering the plan—see regulation 844.

### **824 Time limit for accepting or not accepting a pipeline management plan**

- (1) Within 28 days after a pipeline licensee submits a pipeline management plan, the Minister must—
    - (a) accept the plan under regulation 825; 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 825(3) in the same way as it applies to the plan when first submitted.
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**825 Acceptance of a pipeline management plan**

- (1) The Minister must accept the pipeline management plan only if—
- (a) there are reasonable grounds for believing that—
    - (i) the plan is appropriate for the nature and proposed use of the pipeline; and
    - (ii) the plan complies with regulations 827, 828, 829, 830 and 832 for the stages connected with the life of the pipeline mentioned in regulation 822 for which the plan is submitted; and
    - (iii) the plan, or a part of a pipeline management plan in force for the pipeline, complies with regulation 831; and
  - (b) the Safety Authority has notified the Minister under regulation 844 that the Safety Authority has accepted the pipeline safety management plan.
- (2) If—
- (a) the Safety Authority has accepted the pipeline safety management plan only for one or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and
  - (b) there are reasonable grounds for believing the matters in subregulation (1)(a) for each of those stages—

the Minister must accept the pipeline management plan only for those stages.

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- (3) If the Minister is not reasonably satisfied that the pipeline management plan when first submitted meets the criteria mentioned in subregulation (1), the Minister must give the pipeline licensee a reasonable opportunity to change and resubmit the plan.
  - (4) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the pipeline management plan, the Minister is still not reasonably satisfied that the plan meets the criteria mentioned in subregulation (1), the Minister must refuse to accept the plan.
  - (5) Despite subregulation (4), the Minister may do either or both of the following—
    - (a) accept the plan in part for a particular stage connected with the life of the pipeline mentioned in regulation 822;
    - (b) impose limitations or conditions applying to the pipeline in respect of any of those stages.
  - (6) The Minister must give the pipeline licensee written notice of a decision by the Minister—
    - (a) to accept the pipeline management plan; or
    - (b) not to accept the plan; or
    - (c) to accept the plan in part for a particular stage connected with the life of the pipeline, or subject to the imposition of limitations or conditions.
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- (7) A notice of a decision under subregulation (6)(b) or (c) must include—
- (a) advice of the decision and the reasons for it; and
  - (b) if limitations or conditions are to apply to a stage connected with the life of the pipeline—a statement of those limitations or conditions.

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

### **826 Contents of a pipeline management plan**

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

- (a) the matters mentioned in regulations 827, 828, 829, 830 and 832 for the stages connected with the life of the pipeline mentioned in regulation 822 for which the plan is proposed; and
- (b) the matters mentioned in regulation 831.

### **827 Description of safety policy**

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

### **828 Description of pipeline**

The pipeline management plan must include a comprehensive description of—

- (a) the design for the pipeline, the route corridor in which the pipeline is to be constructed, the pipeline's interface start and end positions, and the way in which the pipeline is to be constructed; and

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- (b) the matters agreed under regulation 810(a) relating to the design and construction of the pipeline; and
  - (c) the matters agreed under regulation 816(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 814 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.

**829 Description of pipeline management system**

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

- (a) the risk of significant pipeline accident events and other risks to the integrity of the pipeline associated with the design, construction, modification and decommissioning of the pipeline; and
- (b) measures that have been, or will be, implemented to reduce the risks to levels that are as low as reasonably practicable; and
- (c) the systems used to identify, evaluate and manage the risks and measures; and

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- (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.

**830 Statement of standards**

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

**831 Arrangements for documents**

- (1) The pipeline management plan must include arrangements for—
- (a) recording and making available documents and other records mentioned in subregulation (2) for the pipeline; and
  - (b) securely storing those documents and records at the address maintained under regulation 862(1) and in a way that makes their retrieval reasonably practicable.
- (2) The documents or other records are the following—
- (a) a pipeline management plan in force for the pipeline;
  - (b) revisions of the pipeline management plan;
  - (c) records of reportable incidents made in compliance with regulation 856.
- (3) A document mentioned in subregulation (2)(a) or (b) must be kept for 5 years from the acceptance of the document.
- (4) A record mentioned in subregulation (2)(c) must be kept for 5 years from the making of the record.
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**832 Arrangements for reporting**

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

**Subdivision 3—Revision of a pipeline management plan**

**833 Revision because of a change, or proposed change, of circumstances or operations**

- (1) A pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Minister a proposed revision of the plan as soon as practicable after any of the circumstances mentioned in subregulation (3) is satisfied.
- (2) However, if a circumstance mentioned in subregulation (3) is satisfied because the licensee proposes to modify or decommission the pipeline, the licensee must not submit the proposed revision before the licensee and Minister have agreed on the scope of the validation of the proposal to revise the plan.
- (3) A need to revise a plan arises if—
  - (a) there are reasonable grounds for believing that the technical knowledge relied upon to formulate the plan is outdated and accordingly the plan no longer adequately provides for—

- 
- (i) the matters mentioned in regulations 827, 828, 829, 830 and 832 for the stages connected with the life of the pipeline mentioned in regulation 822 for which the plan is in force; or
    - (ii) the matters mentioned in regulation 831; 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 829 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.

**834 Revision on request by the Minister**

- (1) The Minister may request a pipeline licensee for a pipeline for which a pipeline management plan is in force to submit to the Minister a proposed revision of the plan.
- (2) A request by the Minister must be in writing and include the following information—
  - (a) the matters to be addressed by the revision;
  - (b) the proposed date of effect of the revision;
  - (c) the grounds for the request.
- (3) The licensee may make a submission in writing to the Minister stating the reasons for which the licensee believes—
  - (a) the revision should not occur; or
  - (b) the revision should be in different terms from the proposed terms; or
  - (c) the revision should take effect on a date after the proposed date.

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- (4) A submission by the licensee must be made within 21 days after receiving the request, or within any longer period that the Minister allows in writing.
  - (5) If a submission complies with subregulations (3) and (4), the Minister must—
    - (a) decide whether to accept the reasons stated in the submission; and
    - (b) give the licensee written notice of the decision; and
    - (c) to the extent (if any) that the Minister accepts the reasons, give the licensee written notice that varies or withdraws the request in accordance with the decision; and
    - (d) to the extent (if any) that the Minister does not accept the reasons, give the licensee written notice of the grounds for not accepting them.
  - (6) The licensee must comply with the request (as varied under this regulation) as soon as practicable.
  - (7) However, the licensee is not required to comply with the request if the request is withdrawn under this regulation.

**835 Revision at the end of each 5 years**

- (1) A pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Minister a proposed revision of the plan (whether or not a proposal has been submitted under regulation 833 or 834)—
  - (a) at the end of the 5 years starting on the day the pipeline management plan is first accepted under regulation 825 by the Minister; and

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

**836 Form of proposed revision**

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

**837 Time limit for accepting or not accepting a proposed revision**

- (1) Within 28 days after a pipeline licensee submits a proposed revision, the Minister must—
  - (a) accept the revision under regulation 838; 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 838(3) in the same way as it applies to the revision when first submitted.

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**838 Acceptance of a proposed revision of a pipeline management plan**

- (1) The Minister must accept the proposed revision of the pipeline management plan only if—
- (a) there are reasonable grounds for believing that—
    - (i) the revision is appropriate for the nature and proposed use of the pipeline; and
    - (ii) the pipeline management plan, as revised by the proposed revision, would comply with regulations 827, 828, 829, 830 or 832 for the stages connected with the life of the pipeline mentioned in regulation 822 for which the revision is submitted; and
    - (iii) the pipeline management plan, as revised by the proposed revision, would comply with regulation 831; 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 844 that the Safety Authority has accepted the revision.
- (2) If—
- (a) the Safety Authority has accepted the revision only for one or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and

(b) there are reasonable grounds for believing the matters in subregulation (1)(a) for each of those stages—

the Minister must accept the revision only for those stages.

- (3) If the Minister is not reasonably satisfied that the proposed revision when first submitted meets the criteria set out in subregulation (1), the Minister must give the pipeline licensee a reasonable opportunity to change and resubmit the revision.
- (4) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the proposed revision, the Minister is still not reasonably satisfied that the revision meets the criteria mentioned in subregulation (1), the Minister must refuse to accept the revision.
- (5) Despite subregulation (4), the Minister may—
- (a) accept the revision in part for a particular stage connected with the life of the pipeline mentioned in regulation 822; and
  - (b) impose limitations or conditions applying to the pipeline in respect of any of those stages.
- (6) The Minister must give the pipeline licensee written notice of a decision by the Minister—
- (a) to accept the proposed revision; or
  - (b) not to accept the revision; or
  - (c) to accept the revision in part for a particular stage connected with the life of the pipeline, or subject to the imposition of limitations or conditions.

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- (7) A notice of a decision under subregulation (6)(b) or (c) must include—
- (a) advice of the decision and the reasons for it; and
  - (b) if limitations or conditions are to apply to a stage connected with the life of the pipeline—a statement of those limitations or conditions.

**839 Effect of non-acceptance of proposed revision**

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

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

**840 Withdrawal of acceptance of a pipeline management plan**

- (1) The Minister, by written notice to a pipeline licensee, may withdraw the acceptance of the pipeline management plan in force for the pipeline on any of the following grounds—
- (a) the pipeline licensee has not complied with the Act, or a direction given to the licensee under section 101 of the Act;
  - (b) the pipeline licensee has not complied with regulation 813 or 819;
  - (c) the pipeline licensee has not complied with regulation 833, 834 or 835;
  - (d) the Minister has refused to accept a proposed revision of the pipeline management plan.

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

**841 Steps to be taken before withdrawal of acceptance**

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

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**842 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 840(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 840(1), the pipeline licensee for the pipeline may be convicted of an offence because of a failure to comply with a provision of the Act or of these Regulations.

**Division 5—Pipeline safety management plans**

**Subdivision 1—Preliminary**

**843 Definition**

In this Division—

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

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

**844 Consideration of a pipeline safety management plan**

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

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- (c) notify the Minister, in writing, of the Safety Authority's decision and the reasons for any refusal.

**Note**

See regulation 822(2) for the stages connected with the life of the pipeline.

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

**845 Notice to pipeline licensee about a pipeline safety management plan**

- (1) For the purposes of regulation 824(1), if the Safety Authority has given the Minister a timetable under regulation 844(4) for consideration of the pipeline safety management plan, the Minister must give written notice to the

pipeline licensee explaining the effect of the timetable.

- (2) A failure by the Minister to comply with subregulation (1) in relation to a pipeline safety management plan does not affect the validity of a decision by the Safety Authority to accept or reject the pipeline safety management plan.

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

- (1) The Safety Authority may request the Minister to act under regulation 834 for a pipeline management plan if the Safety Authority believes that the pipeline safety management plan requires revision.
- (2) The request must be in writing, and must include the following information—
  - (a) the matters, relating to the pipeline safety management plan, to be addressed by the revision;
  - (b) the proposed date of effect of the revision;
  - (c) the grounds for the request.
- (3) If the Minister receives a request under subregulation (1)—
  - (a) the Minister must act under regulation 834 in accordance with the request; and
  - (b) the Minister is not prevented from dealing with other matters under regulation 834 at the same time.

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**847 Submission about proposed revision of a pipeline management plan**

- (1) This regulation applies if—
  - (a) the Minister gives a request to a pipeline licensee under regulation 834(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 834(3); and
  - (c) the submission deals in whole or in part with the pipeline safety management plan.
- (2) The Minister must give a copy of the submission (to the extent that it deals with the pipeline safety management plan) to the Safety Authority as soon as practicable after the pipeline licensee gives the submission to the Minister (but not later than 7 days after the pipeline licensee gives the submission).

**848 Proposed revision of a pipeline management plan**

- (1) This regulation applies if—
  - (a) a pipeline licensee resubmits a revision of a pipeline management plan under regulation 833, 834 or 835; and
  - (b) the revision deals in whole or in part with the pipeline safety management plan; and
  - (c) the Minister gives the Safety Authority a copy of the pipeline management plan.
- (2) The Safety Authority, within 21 days, must—
  - (a) consider the proposed revision of the pipeline safety management plan; and

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- (b) decide—
- (i) to accept the proposed revision in full;  
or
  - (ii) to refuse to accept the proposed  
revision; or
  - (iii) to do both of the following—
    - (A) accept the proposed revision only  
for one or more specified stages  
connected with the life of the  
pipeline, but not for all of the  
stages to which the pipeline  
management plan relates; and
    - (B) refuse to accept the rest of the  
proposed revision; or
  - (iv) that it is unable to make a decision on  
the proposed revision; and
- (c) notify the Minister, in writing, of the Safety  
Authority's decision and the reasons for any  
refusal.

**Note**

See regulation 822(2) for the stages connected with the life  
of the pipeline.

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

**849 Notice to pipeline licensee about proposed revision of a pipeline safety management plan**

- (1) For the purposes of regulation 837(1), if the Safety Authority has given the Minister a timetable under regulation 848(4) for consideration of the pipeline safety management plan, the Minister must give written notice to the pipeline licensee explaining the effect of the timetable.
- (2) A failure by the Safety Authority to comply with subregulation (1) in relation to a pipeline safety management plan does not affect the validity of a decision by the Safety Authority to accept or reject the pipeline safety management plan.

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

**850 Request for withdrawal of acceptance of a pipeline management plan**

- (1) The Safety Authority may, by written notice to the Minister, request the Minister to withdraw the acceptance of a pipeline management plan in force for a pipeline on any of the following grounds—
  - (a) the operator of the pipeline has not complied with a listed OHS law in relation to the pipeline;

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- (b) the pipeline licensee has not complied with regulation 813 or 819 in relation to the pipeline safety management plan;
  - (c) the pipeline licensee has not complied with regulation 833, 834 or 835 in relation to the pipeline safety management plan;
  - (d) the Safety Authority has refused to accept a proposed revision of the pipeline safety management plan.
- (2) The notice must—
- (a) be in writing; and
  - (b) include the grounds for giving the notice.

**851 Steps to be taken before request for withdrawal of acceptance**

- (1) Before giving the Minister a notice under regulation 850(1)—
    - (a) the Safety Authority must comply with subregulation (2); and
    - (b) the Minister must comply with subregulations (3), (4) and (5).
  - (2) The Safety Authority must give the Minister a written notice that the Safety Authority is considering giving the Minister the notice under regulation 850(1).
  - (3) The Minister must give a notice to the pipeline licensee stating—
    - (a) that the Safety Authority is considering giving the Minister the notice under regulation 850(1); and
    - (b) the grounds for giving the notice; and
    - (c) a date (the *cut-off date*) on or before which the pipeline licensee (or any other person to whom a copy of the notice has been given)
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may submit to the Minister, in writing, any matters for the Minister to take into account.

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

**852 Withdrawal of acceptance of a pipeline management plan on request**

- (1) In deciding whether to give the Minister the notice under regulation 850(1), the Safety Authority must take into account—
- (a) any action taken by the pipeline licensee or the operator—
    - (i) to remove the ground for withdrawal of acceptance; or
    - (ii) to prevent the recurrence of that ground; and
  - (b) any matter submitted to the Minister before the cut-off date by the pipeline licensee or another person to whom a copy of the notice has been given.
- (2) If, after complying with subregulation (1), the Safety Authority gives the Minister a notice under regulation 850(1), the Minister—

- (a) must withdraw the pipeline management plan under regulation 840; and
- (b) must give a copy of the notice withdrawing the pipeline management plan to the operator, if the operator is not the pipeline licensee.

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

**853 Prescribed period of incapacity**

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

**854 Meaning of *dangerous occurrence***

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

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

**Note**

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

**855 Reporting accidents and dangerous occurrences**

- (1) For the purposes of clause 67(1) of Schedule 7 to the Act, a notice of an accident or dangerous occurrence—
  - (a) may be oral or written; and

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

**Note**

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

**856 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: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.

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- (2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.
- (3) The pipeline licensee must give a written report, in accordance with subregulation (5), of the incident to the Minister—
- (a) as soon as practicable, but within 3 days, after—
    - (i) the first occurrence of the incident; or
    - (ii) if the incident is not detected by the licensee at the time of its first occurrence—the detection of the incident by the licensee; or
  - (b) if the Minister specifies, in writing and within the period mentioned in paragraph (a), another period for giving the report—within that period.
- Penalty: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.
- (4) It is a defence to a prosecution for an offence against subregulation (3) if subregulation (3)(b) applies in relation to the offence and the period specified by the Minister is not a reasonable period.
- (5) For the purposes of subregulation (3), the report must set out fully—
- (a) all the material facts and circumstances of the incident that the licensee is aware of or is able, by reasonable search and inquiry, to find out, including the following—
    - (i) the date, time and place of the incident; and

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- (ii) the particulars of any loss or damage caused by the incident; and
  - (iii) if petroleum escaped from the pipeline or ignited—the amount of that petroleum and the measures taken to control the escape or fire; and
  - (iv) the cause of the incident; and
  - (v) the repairs (if any) carried out, or proposed to be carried out, on the pipeline; and
- (b) the corrective action that has been taken, or is proposed to be taken, to prevent another incident of that kind.

**Note**

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

**857 Dealing with documents**

A pipeline licensee must not deal with a document or other record mentioned in regulation 831 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: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.

**Note**

Regulation 831 requires a pipeline management plan to include such arrangements.

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**858 Reporting to Minister**

A pipeline licensee must report to the Minister in accordance with the arrangements under regulation 832 contained in the pipeline management plan in force for the pipeline under the licence.

Penalty: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.

**Division 7—Miscellaneous**

**Subdivision 1—Requirements about workers**

**859 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: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.

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

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**860 Awareness of legislation**

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

- (2) In this regulation—

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

**861 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

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participation of, those classes of persons, so that they are able to arrive at informed opinions about the risks to which they may be exposed through working on, or in connection with, the pipeline.

- (2) A pipeline licensee must, within 21 days after receiving a request under subregulation (1), give the Minister written notice of those grounds.
- (3) The Minister must also consult with the Safety Authority in relation to the Minister's exercise of its powers under this regulation.

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

##### **862 Notice of contact details**

- (1) A pipeline licensee, at all times after the licensee applies under this Part for a consent to construct a pipeline under the licence, must maintain, and ensure that the Minister has notice of, an address of the licensee for communications on matters relating to the pipeline.  
Penalty: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.
- (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.

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**863 Minister may decline to consider application or submission if information is not given**

- (1) Despite any other provision of these Regulations, if a pipeline licensee for a pipeline does not provide information under regulation 862 and the information has not been given under another law, the Minister may decline to consider an application or submission, made by the licensee under this Part and relating to the pipeline, until the information is given.
- (2) Despite any other provision of this Part, if a pipeline licensee does not provide the information required under regulation 813 or 819 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.

**Subdivision 3—Transitional**

**864 Application of Part to licences granted before 1 November 2001**

- (1) If a pipeline licence that was granted before 1 November 2001 remains in force, this Part does not apply to the pipeline licensee in respect of a pipeline under the licence until 1 November 2006.
- (2) However—
  - (a) if the licensee applies for a consent to construct the pipeline, Division 1, Subdivision 1 of Division 3 (except regulations 809, 813 and 814) and Division 4 (except regulation 840(1)(b)) apply to the licensee in respect of the pipeline; and
  - (b) if the licensee applies for a consent to operate the pipeline, Division 1, Subdivision 2 of Division 3 (except

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- regulations 815, 819 and 820) and Division 4 (except regulation 840(1)(b)) apply to the licensee in respect of the pipeline; and
- (c) if the licensee submits a pipeline management plan for the pipeline to the Minister for acceptance, Divisions 1 and 4 (except regulation 840(1)(b)) apply to the licensee in respect of the pipeline.

**Note**

A pipeline licensee mentioned in subregulation (1) may want to be granted a consent to construct or operate, or to have a pipeline management plan accepted, before 1 November 2006 so that the licensee can continue pipeline operations after that date without committing an offence against this Part. Subregulation (2) provides for various provisions of this Part to apply to the licensee before that date to make it possible for the licensee to be granted the consents or have a pipeline management plan accepted before that date.

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## PART 9—DIVING SAFETY

### Division 1—Preliminary

#### 901 Application

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

#### 902 Definitions

In this Part—

*accepted DSMS* means a DSMS that has been accepted by the Safety Authority under regulation 907 or 908;

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

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

*diving* has the meaning given by regulation 903;

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

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

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

*DSMS* means a diving safety management system;

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

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

**offshore petroleum operations** has the meaning given by section 151ZB of the Act;

**operator**, for a diving project, means—

- (a) if the facility associated with the project is a pipeline—the person registered as the operator of the pipeline under Part 8;
- (b) if the facility associated with the project is not a pipeline—the person registered as the operator of the facility under Part 7;

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

**pipeline safety management plan** has the meaning given in regulation 802(1);

**safety case** means the document known as a safety case submitted to the Safety Authority under Division 4 of Part 7.

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**903 Meaning of *diving***

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

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**904 When a diving operation begins and ends**

For the purposes of this Part, a diving operation—

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

**Division 2—Diving Safety Management Systems**

**905 No diving without DSMS**

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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

(a) accepted; and

(b) current.

Penalty: \$11 000 in the case of a natural person;  
\$55 000 in the case of a body corporate.

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

(a) accepted; and

(b) current.

Penalty: \$5500 in the case of a natural person;  
\$11 000 in the case of a body corporate.

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

(a) the DSMS has not been revised, or the acceptance of the DSMS has not been withdrawn, since its latest acceptance.

(b) it is not more than 5 years since its latest acceptance.

**Note**

A person may consult the register mentioned in regulation 911 to find out if a DSMS is accepted and current.

**906 Contents of DSMS**

(1) A DSMS must meet the minimum standards set out in the Guidelines for complying with the Petroleum (Submerged Lands) (Diving Safety) Regulations 2002 of the Commonwealth, as existing from time to time, published by the Safety Authority.

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- (2) A DSMS must provide for—
- (a) all activities connected with a diving project;  
and
  - (b) the preparation of a diving project plan, in accordance with Division 3, for a project (including consultation with members of the workforce in the preparation of the plan) and the revision of the plan as necessary; and
  - (c) the continual and systematic identification of hazards related to a diving project; and
  - (d) the continual and systematic assessment of—
    - (i) the likelihood of the occurrence, during normal or emergency situations, of injury or damage associated with those hazards; and
    - (ii) the likely nature of any injury or damage; and
  - (e) the elimination of risks to persons involved with the project and associated work including—
    - (i) risks arising during evacuation, escape and rescue in case of emergency; and
    - (ii) risks to persons involved with the operation arising from equipment and hardware—  
or the reduction of those risks to as low as reasonably practicable; and
  - (f) the inspection and maintenance of, and testing programs for, equipment and hardware integral to the control of those risks; and
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- (g) communications between persons involved in a diving project; and
  - (h) the performance standards that apply to the DSMS; and
  - (i) a program of continuous improvement.
- (3) A DSMS must—
- (a) specify any standard or code of practice that is to be used in a diving project; and
  - (b) require the diving to be carried out in accordance with those standards or codes.
- (4) A DSMS must contain—
- (a) any information that is reasonably necessary to demonstrate that the DSMS complies with these Regulations; and
  - (b) a system for the management of change.

**907 Acceptance of new DSMS**

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

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**908 Acceptance of revised DSMS**

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

**909 Grounds for rejecting DSMS**

The Safety Authority must reject a DSMS if—

- (a) the DSMS does not adequately comply with regulation 906; or
- (b) the Safety Authority is not satisfied that there was consultation with divers and other members of the workforce in the preparation of the DSMS, as required by regulation 920.

**910 Notice of reasons**

- (1) If the Safety Authority decides to reject a DSMS the Safety Authority must set out, in writing, with the notice mentioned in regulation 907(2) or 908(2), the reasons for rejecting the DSMS.
- (2) If the Safety Authority decides to impose conditions on a DSMS, the Safety Authority must set out, in writing, with the notice mentioned in regulation 907(2) or 908(2), the reasons for imposing conditions on the DSMS.

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**911 Register of DSMSs**

- (1) The Safety Authority must keep a register of each DSMS and revised DSMS it receives, in a form that allows public access.
- (2) The register must record as many of the following details as apply to the DSMS—
  - (a) the name of the diving contractor;
  - (b) the date of acceptance;
  - (c) any conditions on acceptance;
  - (d) the date of rejection;
  - (e) the date that acceptance was withdrawn;
  - (f) the date of any revision notice under regulation 913.
- (3) The Safety Authority must also record on the register, the following details for each diving project plan it receives under regulation 915—
  - (a) the name of the diving contractor;
  - (b) the diving project to which the diving project plan applies;
  - (c) the proposed commencement date of the project;
  - (d) the date of receipt of the plan.

**912 Revision of DSMS**

A diving contractor must revise a DSMS—

- (a) if developments in scientific or technical knowledge, or in the assessment of hazards, relevant to diving projects make it appropriate to do so; and
- (b) if the diving contractor proposes to make a significant change to the method of operation or to procedures or equipment; and

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- (c) if the Safety Authority gives notice in accordance with regulation 913; and
  - (d) if a number of minor changes result in the DSMS being significantly different from the latest version of the DSMS accepted by the Safety Authority; and
  - (e) at the end of each period of 5 years commencing on the later of—
    - (i) the date when the DSMS is first accepted by the Safety Authority; and
    - (ii) the date of the most recent acceptance by the Safety Authority of a revised version of the DSMS.

### **913 Notice to revise DSMS**

- (1) The Safety Authority may give notice (a *revision notice*) to a diving contractor to revise a DSMS.
- (2) A revision notice must be in writing and must set out—
  - (a) the matters to be revised; and
  - (b) the time within which the revision must be completed; and
  - (c) the reasons why the revision is necessary.
- (3) The diving contractor may make a submission in writing to the Safety Authority, within 21 days after receiving the notice or any longer period that the Safety Authority allows in writing, setting out the contractor's reasons for any of the following—
  - (a) why the revision is not necessary;
  - (b) why the revision should be in different terms from those proposed;

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- (c) whether or not the contractor gives other reasons—why the notice should take effect on a later date than the date set out in the notice.
  - (4) If a contractor makes a submission under subregulation (3), the Safety Authority must, within 28 days after receiving the submission—
    - (a) decide whether the Safety Authority accepts the reasons in the submission; and
    - (b) give the contractor notice in writing affirming, varying or withdrawing the revision notice; and
    - (c) if the Safety Authority decides not to accept the reasons or any part of them—set out in this notice the grounds for not accepting them.
  - (5) The contractor must revise the DSMS, in accordance with the notice as originally given or as varied under subregulation (4), and submit it to the Safety Authority.
  - (6) If the contractor does not revise a DSMS when required by this regulation to do so, the Safety Authority may withdraw its acceptance of the DSMS or its agreement to the use of the DSMS for the project.

### **Division 3—Diving project plans**

#### **914 Diving project plan to be approved**

- (1) This regulation applies if there is an operator for a diving project.
- (2) The diving contractor must prepare a diving project plan for each diving project in consultation with the operator for the project.

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- (3) The diving project plan must be approved by the operator for the project before diving can commence on the project.
  - (4) The operator must not approve the diving project plan unless the operator is satisfied that—
    - (a) the plan complies with regulation 918; and
    - (b) there was effective consultation in the preparation of the plan, as required by regulation 920.

**915 Diving project plan to Safety Authority if there is no operator**

- (1) This regulation applies if there is no operator for a diving project.
- (2) The diving contractor must prepare a diving project plan for the diving project and give a copy of the plan to the Safety Authority.
- (3) The Safety Authority must not accept the diving project plan unless it is satisfied that—
  - (a) the plan complies with regulation 918; and
  - (b) there was effective consultation in the preparation of the plan, as required by regulation 920.

**916 Diving project plan to Safety Authority if requested**

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

**917 Updating diving project plan**

- (1) A diving contractor for a diving project must keep the diving project plan for the project up to date during the project.

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

**918 Contents of diving project plan**

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

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

**919 No diving without approved diving project plan**

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

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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

**920 Involvement of divers and members of the workforce in DSMS and diving project plan**

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

**Division 5—Safety responsibilities**

**921 Safety responsibilities of diving contractors**

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

**922 Safety in the diving area**

- (1) At each place of diving, before the diving operation begins, the diving contractor must make available a copy of—
- (a) the instrument by which the diving supervisor was appointed; and
  - (b) the DSMS; and
  - (c) the diving project plan that relates to the operation.

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

- (2) A person engaged in a diving operation must comply with—
- (a) an instruction given by a diving supervisor for the diving operation about a matter in the diving project plan; and
  - (b) a direction under regulation 925(3) given to the person by a diving supervisor for the diving operation.

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

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### 923 Diving depths

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

Penalty: \$11 000 in the case of a natural person;  
\$55 000 in the case of a body corporate.

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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

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

Penalty: \$11 000 in the case of a natural person;  
\$55 000 in the case of a body corporate.

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

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

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**Division 6—Diving supervisors**

**924 Appointment of diving supervisors**

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

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

**Note**

Regulation 918(3) limits the scope of a diving operation that can be supervised by one diving supervisor.

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

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

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

**925 Duties of diving supervisors**

- (1) The duties of a diving supervisor for a diving operation are—
- (a) to ensure that the diving operation is carried out—
    - (i) as far as is reasonably practicable without risk to the health or safety of anybody taking part in it or of anyone else who may be affected by it; and
    - (ii) in accordance with the law; and

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- (iii) in accordance with the accepted DSMS for the operation; and
  - (iv) in accordance with the relevant diving project plan; and
  - (b) to countersign entries about the operation in divers' log books; and
  - (c) if there is an operator for the diving project—to report to the operator, during the operation, any of the following—
    - (i) the death of, or serious personal injury to, a person;
    - (ii) the incapacitation of a person that prevents the person from performing work for a period of 3 or more days;
    - (iii) an event that could reasonably have led to a consequence of the type mentioned in subparagraph (i) or (ii);
    - (iv) a decompression illness;
    - (v) a pulmonary barotrauma;
    - (vi) a case of omitted decompression;
    - (vii) an occurrence for which the standby diver is deployed for an emergency, except for the purposes of training, exercises or drills;
    - (viii) a failure of life support equipment or man riding equipment.
- (2) In subregulation (1)(c)(viii), *man riding equipment* includes any of the following—
- (a) an air stage;
  - (b) a wet bell;
  - (c) a closed bell;
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(d) a guide wire system.

**Note**

Regulation 929 requires a diving supervisor to maintain a diving operations record.

(3) A diving supervisor who fails to carry out a duty imposed on him or her by subregulation (1) is guilty of an offence.

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

(4) A diving supervisor, when supervising a diving operation, may give such reasonable directions to any person taking part in the operation as are necessary to enable the diving supervisor to comply with subregulation (1)(a)(i).

(5) A diving supervisor must not dive while he or she is on duty as diving supervisor.

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

(6) A diving supervisor for a diving operation must tell each person who takes part in the operation any instruction, in the diving project plan for the operation, that applies to the person.

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

**Division 7—Start-up notices**

**926 Start-up notice**

(1) In this regulation—

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

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- (a) the name, address and telephone number of the diving contractor for the project;
  - (b) the name, address and telephone number of a person who can be contacted by the Safety Authority at any time during the project;
  - (c) the date when diving is expected to begin;
  - (d) the expected duration of the project;
  - (e) the location of the project;
  - (f) the depth to which divers will dive;
  - (g) the purpose of the diving project;
  - (h) the estimated number of people to be engaged in the project;
  - (i) the breathing mixture to be used;
  - (j) the title, document number and revision number of the diving project plan for the project.
- (2) The operator for a diving project must not allow diving on the project to begin if the operator has not given a start-up notice to the Safety Authority—
- (a) at least 14 days before the day when diving is to begin; or
  - (b) on another day as agreed between the Safety Authority and the operator.

Penalty: \$11 000 in the case of a natural person;  
\$55 000 in the case of a body corporate.

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

Penalty: \$5500 in the case of a natural person;  
\$11 000 in the case of a body corporate.

### **Division 8—Diving operations**

#### **927 Divers in diving operations**

- (1) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

- (2) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

- (3) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person does not have a current diving qualification under ADAS to carry out any

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activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

- (4) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person does not have a current diving qualification under ADAS to carry out any activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: \$2200 in the case of a natural person;  
Penalty: \$11 000 in the case of a body corporate.

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

Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.

**Note**

For the meaning of *valid medical certificate* see regulation 928.

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

Penalty: \$2200 in the case of a natural person;  
\$11 000 in the case of a body corporate.

**Note**

For the meaning of *valid medical certificate* see regulation 928.

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- (7) Subregulations (3), (4), (5) and (6) do not apply if the person—
- (a) is diving in a manned submersible craft; or
  - (b) is diving to provide emergency medical care to an injured person in a chamber.

**928 Medical certificates**

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

**Division 9—Records**

**929 Diving operations record**

- (1) A diving supervisor for a diving operation must ensure that a diving operations record for the operation is maintained in the form required by subregulations (2) and (3).
- Penalty: \$5500 in the case of a natural person;  
\$27 500 in the case of a body corporate.
- (2) A diving operations record—
- (a) must be kept in a hard-covered form bound in such a way that its pages cannot easily be removed; or
  - (b) if it is in a form that has multiple copies of each page, must be bound so that at least one copy of each page cannot easily be removed.
- (3) The pages of a diving operations record must be serially numbered.
- (4) The diving supervisor for a diving operation must ensure that an entry is made in the diving operations record for each day when diving for the operation takes place, with the following

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information about the diving operation on that day—

- (a) the date to which the entry relates;
- (b) the diving contractor's name and address;
- (c) the name of the diving supervisor, or the names of the diving supervisors, who supervised the operation;
- (d) the location of the diving operation (including, if the diving was done from a vessel or installation, its name);
- (e) the name of each person who took part in the operation (whether as a diver or as a member of a dive team);
- (f) the name of each person who took part as a diver or stand-by diver in the operation;
- (g) the purpose of the diving operation;
- (h) for each diver—the breathing apparatus and breathing mixture used;
- (i) for each diver—the times at which the diver left the surface, reached the bottom, left the bottom and arrived at the surface again, and bottom time;
- (j) for each diver—the maximum depth reached;
- (k) the decompression schedule followed including, for each diver, details of the depths and the duration at each depth during decompression;
- (l) details of any emergency or incident of special note that happened during the operation;

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- (m) details of any decompression illness and any treatment given;
  - (n) details of any significant defect or significant failure of diving plant or equipment used in the operation;
  - (o) details of any environmental factors relevant to the operation;
  - (p) anything else that is likely to affect the health or safety of anybody who took part in the operation.

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

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

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

Penalty: \$1100 in the case of a natural person;  
\$5500 in the case of a body corporate.

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

Penalty: \$550 in the case of a natural person;  
\$2750 in the case of a body corporate.

**930 Divers' log books**

- (1) A diver must—

- (a) have a log book in the form required by subregulation (2); and
- (b) for each time he or she dives—
  - (i) make an entry in the log book, in ink, as required by subregulation (3); and
  - (ii) sign the entry; and
  - (iii) have the diving supervisor for the operation countersign the entry; and
- (c) keep the log book for at least 7 years after the date of the last entry in it.

Penalty: \$550 in the case of a natural person;  
\$2750 in the case of a body corporate.

- (2) The log book must—

- (a) have hard covers; and
- (b) be bound so that pages cannot easily be removed; and
- (c) have its pages serially numbered; and
- (d) show the diver's name; and
- (e) have a clear photograph of the head and shoulders of the diver; and
- (f) have a specimen of the diver's signature.

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- (3) An entry in the log book must contain the following information—
- (a) the date to which the entry relates;
  - (b) the location of the dive (and, if the dive was from a ship or installation, the name of the ship or installation);
  - (c) the maximum depth reached;
  - (d) the times at which the diver left the surface, reached the bottom, left the bottom and arrived at the surface again, and bottom time;
  - (e) the breathing apparatus and breathing mixture used;
  - (f) the decompression schedule followed;
  - (g) the work done and the plant and tools used;
  - (h) any decompression illness, barotrauma, discomfort or injury and details of any treatment given;
  - (i) details of any emergency or incident;
  - (j) anything else relevant to the diver's health or safety.
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## PART 10—DATUMS

### 1001 Definition

In this Part—

*Geocentric Datum of Australia* means the datum described in Schedule 7.

#### Note

- 1 For the meaning of *block, datum, geographic co-ordinate* and *register*, see section 4(1) of the Act.
- 2 For the meaning of *current datum, previous datum* and *changeover time*, see section 151T of the Act.
- 3 For the meaning of *instrument under this Act* and *title*, see section 151ZA of the Act.

### 1002 Declaration of current datum (Act s151T)

For the purposes of section 151T(1) of the Act, for the purposes of describing, in a title or other instrument under the Act, the position on the surface of the Earth of a point, line or area—

- (a) the current datum is the Geocentric Datum of Australia; and
- (b) the current datum replaces the previous datum.

### 1003 Variation of instruments (Act s151W)

- (1) For the purposes of section 151W(1) of the Act, the Minister may issue an instrument varying a permit in force immediately before the changeover time for the sole purpose of relabelling the permit area using geographic co-ordinates based on the current datum.

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- (2) For the purposes of section 151W(2) of the Act, the Minister may issue an instrument varying a lease in force immediately before the changeover time for the sole purpose of relabelling the lease area using geographic co-ordinates based on the current datum.
  - (3) For the purposes of section 151W(3) of the Act, the Minister may issue an instrument varying a licence in force immediately before the changeover time for the sole purpose of relabelling the licence area using geographic co-ordinates based on the current datum.
  - (4) For the purposes of section 151W(3A) of the Act, the Minister may issue an instrument varying an infrastructure licence in force immediately before the changeover time for the sole purpose of relabelling the infrastructure licence area using geographic co-ordinates based on the current datum.
  - (5) For the purposes of section 151W(4) of the Act, the Minister may issue an instrument varying a special prospecting authority or an access authority in force immediately before the changeover time for the sole purpose of relabelling the area in respect of which the authority is in force using geographic co-ordinates based on the current datum.
  - (6) For the purposes of section 151W(5) of the Act, the Minister may issue an instrument varying a pipeline licence in force immediately before the changeover time for the sole purpose of relabelling the route of the pipeline using geographic co-ordinates based on the current datum.
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(7) For the purposes of section 151W(6) of the Act, the Minister may issue an instrument varying any other instrument under the Act that—

- (a) sets out a point, line or area; and
- (b) is in force immediately before the changeover time—

for the sole purpose of relabelling the point, line or area using geographic co-ordinates based on the current datum.

**1004 Variation of titles etc. (Act s151W)**

(1) For the purposes of section 151W(7) of the Act, the Minister may issue an instrument (the *amending instrument*) that varies any title or other instrument under the Act for the sole purpose of inserting either of the following into the title or other instrument—

- (a) an annotation about the current datum stating that co-ordinates are shown in GDA94 reference;
- (b) an annotation about the previous datum stating that co-ordinates are shown in AGD66 reference.

(2) If an amending instrument is issued, the Minister must ensure that any paper copy of the title or other instrument that is kept by the Minister in the Register is appropriately amended by—

- (a) attaching an adhesive label of the relevant annotation; or
- (b) imprinting the text of the annotation; or
- (c) replacing the copy with a copy incorporating the annotation.

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- (3) In this regulation, *instrument* means an instrument registered or registrable by a Minister in the Register.

**1005 Variation of applications for titles (Act s151X)**

For the purposes of section 151X of the Act, the Minister may issue an instrument varying an application for a title for the sole purpose of relabelling a point, line or area by reference to geographic co-ordinates that are based on the current datum.

**1006 Documents submitted to Minister**

- (1) This regulation applies to a record or other document, other than a title or other instrument under this Act, that, at any time after the changeover time, a person gives to the Minister or an inspector because it is required by, or serves a purpose under, the Act, or regulations or directions made under the Act.
- (2) If the document refers to a geographic coordinate but does not specify a datum, the Minister or inspector may—
- (a) within 30 days of receiving the record or other document, and by any convenient method, request the person to provide the Minister or inspector, within 14 days, with information in writing about the datum that applies to the geographic co-ordinate; or
  - (b) accept or consider the record or other document as it is.

- (3) If the Minister or an inspector makes a request under subregulation (2)(a) and the person does not provide the information as required, the Minister or inspector may, for that reason, reject or refuse to consider the record or other document.

**Note**

If, for the purposes of a data collection program or an investigation under the Act, a person submits a document that mentions a geographic co-ordinate but does not specify the datum and, after receiving a request under subregulation (2)(a), the person does not provide the requested details about the datum—

- (a) the Minister or an inspector may require that information to be provided under section 115 of the Act; or
- (b) the Minister may require it to be provided under section 122 of the Act.

**1007 Documents made or prepared under Act etc.**

- (1) This regulation applies to a record or other document, other than a title or other instrument under this Act, that—
- (a) is made because it is required by, or serves a purpose under, the Act, or regulations or directions made under the Act; and
  - (b) is made more than 12 months after the changeover time.
- (2) If the document includes information about the position on the surface of the Earth of a point, line or area, and mentions a geographic co-ordinate, the document does not fulfil the requirement, or serve the purpose, mentioned in subregulation (1)(a), unless—
- (a) the geographic co-ordinate refers to the current datum; and

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- (b) the record or other document specifies that the geographic co-ordinate refers to the current datum.

**1008 Transitional provisions (Act s151Z)**

- (1) The conversion of the previous datum to the current datum must be done in accordance with regulation 10 of the Petroleum (Submerged Lands) (Datum) Regulations 2002 of the Commonwealth.
- (2) The conversion of a geographic co-ordinate that is based on the previous datum into a geographic co-ordinate that is based on the current datum must be quoted to 2 decimal places of a second of latitude and of a second of longitude.
- (3) If, after conversion from the previous datum to the current datum, the geographic co-ordinates of a block indicate an area that is not exactly 5 minutes of latitude by 5 minutes of longitude, the area is nonetheless taken to be a block within the meaning of the Act.
- (4) For the purposes of subregulation (2), if the conversion results in a second measured to more than 2 decimal places, it is made accurate to 2 decimal places—
- (a) if the third decimal place is a digit equal to or greater than 5, by increasing the digit in the second decimal place by 1; or
- (b) if the third decimal place is a digit less than 5, by leaving the second decimal place unchanged.
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**PART 11—MANAGEMENT OF THE ENVIRONMENT**

**Division 1—Preliminary**

**1101 Object**

The object of this Part is to ensure that any petroleum activity in an adjacent area is carried out in a way that is consistent with the principles of ecologically sustainable development, in accordance with an environment plan that has appropriate environmental performance objectives and standards as well as measurement criteria for determining whether the objectives and standards are met.

**1102 Definitions**

In this Part—

*activity*—see the definition of *petroleum activity*;

*environment* includes all aspects of the surroundings of human beings, whether affecting human beings as individuals or in social groupings;

*environment plan in force for the activity*, for an operator of a petroleum activity, means an environment plan for the activity submitted by the operator and accepted under this Part (or, if the environment plan is accepted in part, that part of the environment plan that is accepted), as revised from time to time under this Part, but does not include an environment plan for which the acceptance has been withdrawn;

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***nominated address***, for an operator, means the address of the operator of which notice has been given under regulation 1130(3);

***operator***, for a petroleum activity, means the person recorded by the Minister as the operator of the activity under regulation 1133 or, if there is no such person, the person responsible to the petroleum instrument holder for the overall management of operations for the activity (whether or not the operations have commenced);

***petroleum activity*** or ***activity*** means operations in the adjacent area carried out under a petroleum instrument, other authority or consent under the Act or these Regulations and, in particular, any of the following operations—

- (a) seismic or other surveys;
- (b) drilling;
- (c) construction and installation of a facility;
- (d) operation of a facility;
- (e) significant modification of a facility;
- (f) decommissioning, dismantling or removing a facility;
- (g) construction and installation of a pipeline;
- (h) operation of a pipeline;
- (i) significant modification of a pipeline;

- (j) decommissioning, dismantling or removing a pipeline;
- (k) storage, processing or transport of petroleum;
- (l) any other operations or works for which a petroleum instrument, other authority or consent is required under the Act or these Regulations;

***petroleum instrument*** means an authority granted by instrument under the Act for the carrying out of a petroleum activity, and includes a permit, lease, licence, pipeline licence, access authority or special prospecting authority;

***petroleum instrument holder***, for a petroleum activity, means the registered holder of a petroleum instrument for the activity, and includes a permittee, lessee, licensee, pipeline licensee or registered holder of an access authority or special prospecting authority for the activity;

***produced formation water*** means natural aqueous fluid recovered from a petroleum reservoir in association with the petroleum;

***reportable incident***, for the operator of an activity, means an incident arising out of operations for the activity that is not within the parameters of the environmental performance standards in the environment plan in force for the activity;

***revise***, for an environment plan, includes extend or modify.

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**1103 References to a petroleum activity**

A reference in this Part to a petroleum activity includes, where the context permits, a reference to—

- (a) a proposed activity; and
- (b) any stage of an activity.

**Division 2—Environment plans**

**Subdivision 1—Requirement for an environment plan**

**1104 Accepted environment plan required for a petroleum activity**

The operator of a petroleum activity is guilty of an offence if—

- (a) the operator carries out the activity; and
- (b) there is no environment plan in force for the activity.

Penalty: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

**1105 Operations must comply with the accepted environment plan**

- (1) The operator of a petroleum activity must not carry out the activity in a way that is contrary to—
  - (a) the environment plan in force for the activity; or
  - (b) any limitation or condition applying to operations for the activity under this Part.

Penalty: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

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- (2) Subregulation (1) does not apply to the operator if the operator has the consent in writing of the Minister to carry out the activity in that way.
  - (3) The Minister must not give a consent under subregulation (2) unless there are reasonable grounds for believing that the way in which the activity is to be carried out will not result in the occurrence of any significant new environmental effect or risk, or significant increase in any existing environmental effect or risk.

**1106 Operations must not continue where new environmental risk etc.**

- (1) The operator of a petroleum activity is guilty of an offence if—
  - (a) the operator carries out the activity after the occurrence of—
    - (i) any significant new environmental effect or risk arising from the activity; or
    - (ii) any significant increase in an existing environmental effect or risk arising from the activity; and
  - (b) the new effect or risk, or increase in the effect or risk, is not provided for in the environment plan in force for the activity.

Penalty: \$8800 in the case of a natural person;  
\$44 000 in the case of a body corporate.

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- (2) Subregulation (1) does not apply to the operator if the operator submits a proposed revision of the environment plan in accordance with regulation 1115 and the Minister has not refused to accept the revision.

**Note**

Under regulation 1115 the operator is required to submit a proposed revision of the environment plan before, or as soon as practicable after, the occurrence of a significant new, or significantly increased, environmental effect or risk.

**Subdivision 2—Acceptance of an environment plan**

**1107 Submission of an environment plan**

- (1) Before commencing a petroleum activity the operator of the activity must submit an environment plan for the activity to the Minister.
- (2) An environment plan may be submitted for one or more stages of the activity if the operator and the Minister so agree.

**1108 Time limit for accepting or not accepting an environment plan**

- (1) Within 28 days after an operator submits an environment plan, the Minister must—
- (a) accept the plan under regulation 1109; or
  - (b) refuse to accept the plan; or
  - (c) give notice in writing to the operator 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 decision by the Minister to accept, or refuse to accept, an environment plan is not invalid only because the Minister did not comply with subregulation (1) in relation to the plan.

- (3) This regulation applies to an environment plan resubmitted under regulation 1109(2) in the same way that it applies to the plan when first submitted.

**1109 Acceptance of an environment plan**

- (1) The Minister must accept the environment plan if there are reasonable grounds for believing that the plan—
- (a) is appropriate for the nature and scale of the activity; and
  - (b) demonstrates that the environmental effects and risks of the activity will be reduced to as low as reasonably practicable; and
  - (c) demonstrates that the environmental effects and risks of the activity will be of an acceptable level; and
  - (d) provides for appropriate environmental performance objectives, environmental performance standards and measurement criteria; and
  - (e) includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
  - (f) complies with the Act and these Regulations.
- (2) If the Minister is not reasonably satisfied that the environment plan when first submitted meets the criteria set out in subregulation (1), the Minister must give the operator a reasonable opportunity to modify and resubmit the plan.
- (3) If, after the operator has had a reasonable opportunity to modify and resubmit the environment plan, the Minister is still not reasonably satisfied that the plan meets the criteria set out in subregulation (1), the Minister must refuse to accept the plan.

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- (4) Despite subregulation (3), the Minister may do either or both of the following—
- (a) accept the plan in part for a particular stage of the activity;
  - (b) impose limitations or conditions applying to operations for the activity.
- (5) The Minister must give the operator notice in writing of a decision by the Minister—
- (a) to accept the environment plan; or
  - (b) not to accept the plan; or
  - (c) to accept the plan in part for a particular stage of the activity, or subject to the imposition of limitations or conditions.
- (6) A decision under subregulation (5)(b) or (c) must set out—
- (a) the terms of the decision and the reasons for it; and
  - (b) if limitations or conditions are to apply to operations for the activity—those limitations or conditions.

**Note**

The Minister may decline to consider a submission unless certain details of the operator are given—see regulation 1132.

**Subdivision 3—Contents of an environment plan**

**1110 Contents of an environment plan**

An environment plan for a petroleum activity must include the matters set out in regulations 1111, 1112, 1113 and 1114.

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**1111 Environmental assessment**

- (1) The environment plan must contain a comprehensive description of the activity including the following—
  - (a) the location or locations of the activity;
  - (b) general details of the construction and layout of any facility or other structure;
  - (c) an outline of the proposed operations (for example, seismic surveys, exploration drilling or production) and proposed timetables;
  - (d) any additional information relevant to consideration of environmental effects and risks of the activity.
- (2) The environment plan must—
  - (a) describe the existing environment that may be affected by the activity, as well as any relevant cultural, social and economic aspects of the environment that may be affected; and
  - (b) identify the particular relevant values and sensitivities (if any) of that environment.
- (3) The environment plan must contain an assessment of environmental effects and risks for the activity that—
  - (a) identifies and evaluates environmental effects and risks arising directly or indirectly from the normal operations of the activity (including construction where applicable); and

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- (b) includes an assessment of risk of the potential effects on the environment resulting from reasonably possible operations (whether accidental or otherwise) that are not normal operations for the activity.
  - (4) The environment plan must include environmental performance objectives, environmental performance standards and measurement criteria that—
    - (a) define the objectives, and set the standards, against which performance by the operator in protecting the environment is to be measured; and
    - (b) include measurement criteria for determining whether the objectives and standards have been met.

**1112 Implementation strategy for the environment plan**

- (1) The environment plan must contain an implementation strategy for the activity in accordance with this regulation.
- (2) The implementation strategy must include measures to ensure that the environmental performance objectives and standards in the environment plan are met.
- (3) The implementation strategy must identify the specific systems, practices and procedures to be used to ensure that—
  - (a) the environmental effects and risks of the activity are reduced to as low as reasonably practicable; and
  - (b) the environmental performance objectives and standards in the environment plan are met.

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- (4) The implementation strategy must establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the environment plan.
  - (5) The implementation strategy must include measures to ensure that each employee or contractor working on, or in connection with, the activity is aware of his or her responsibilities in relation to the environment and has the appropriate skills and training.
  - (6) The implementation strategy must provide for the monitoring, audit and review of the operator's environmental performance and the implementation strategy.
  - (7) The implementation strategy must provide for the maintenance of a quantitative record of emissions and discharges (whether occurring during normal operations or otherwise) to the air, marine, seabed and sub-seabed environment, that is accurate and can be monitored and audited against the environmental performance standards and measurement criteria.
  - (8) The implementation strategy must provide for the maintenance of an up-to-date emergency response manual (including an oil spill contingency plan) including detailed response arrangements.
  - (9) The implementation strategy must provide for appropriate consultation with—
    - (a) relevant authorities of the State or the Commonwealth; and
    - (b) other relevant interested persons or organisations.
  - (10) The implementation strategy must comply with the Act, these Regulations and any other environmental legislation applying to the activity.
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**1113 Reporting etc. arrangements**

The environment plan must include arrangements for—

- (a) recording, monitoring and reporting information about the activity (including information required to be recorded under the Act, these Regulations and any other environmental legislation applying to the activity) sufficient to enable the Minister to determine whether the environmental performance objectives and standards in the environment plan are met; and
- (b) reporting to the Minister at intervals agreed with the Minister, but not less often than annually.

**1114 Other information in the environment plan**

The environment plan must contain the following—

- (a) a statement of the operator's corporate environmental policy;
- (b) a report on any consultations between the operator and relevant authorities, interested persons and organisations in the course of developing the environment plan;
- (c) a list of all environmental legislation of the State or the Commonwealth that may apply to the activity.

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**Subdivision 4—Revision of an environment plan**

**1115 Revision because of a change, or proposed change, of circumstances or operations**

- (1) The operator of a petroleum activity must submit to the Minister a proposed revision of the environment plan before the commencement of any new activity, or any significant modification, change, or new stage of an existing activity, not provided for in the environment plan in force for the activity.
- (2) The operator must submit a proposed revision of the environment plan before, or as soon as practicable after—
  - (a) a change in the petroleum instrument holder for, or operator of, the activity; or
  - (b) the occurrence of any significant new environmental effect or risk, or significant increase in an existing environmental effect or risk, not provided for in the environment plan in force for the activity.

**1116 Revision on request by the Minister**

- (1) The operator of a petroleum activity must submit to the Minister a proposed revision of the environment plan if the Minister requests the operator to do so.
- (2) A request by the Minister must be in writing and set out the following—
  - (a) the matters to be addressed by the revision;
  - (b) the proposed date of effect of the revision;
  - (c) the grounds for the request.

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- (3) The operator may make a submission in writing to the Minister stating the operator's reasons for one or more of the following matters—
- (a) why the revision should not occur;
  - (b) why the revision should be in different terms from the proposed terms;
  - (c) whether or not the operator gives other reasons—why the revision should take effect on a date later than the proposed date.
- (4) A submission by the operator must be made within 21 days after receiving the request, or within any longer period that the Minister in writing allows.
- (5) If a submission complies with subregulations (3) and (4), the Minister must—
- (a) decide whether to accept one or more of the reasons stated in the submission; and
  - (b) give the operator notice in writing of the decision; and
  - (c) to the extent (if any) that the Minister accepts the reasons, give the operator notice in writing 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 operator notice in writing of the grounds for not accepting them.
- (6) An operator must comply with a request made by the Minister under this regulation and not withdrawn, or with a request as varied under this regulation, as soon as practicable.
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**1117 Revision at the end of each 5 years**

The operator of a petroleum activity must submit to the Minister a proposed revision of the environment plan (whether or not a proposal has been submitted under regulation 1115 or 1116) at the end of each period of 5 years, commencing on—

- (a) the date when the environment plan is first accepted under regulation 1109 by the Minister; or
- (b) the date of the most recent acceptance, by the Minister, of a revision submitted under this regulation.

**1118 Form of proposed revision**

A proposed revision must be in the form of a revised environment plan or, if the operator and the Minister so agree, a revised part of the environment plan.

**1119 Consideration of proposed revision**

Regulations 1108 and 1109 apply to the proposed revision as if—

- (a) a reference in those regulations to the submission, acceptance or non-acceptance of the environment plan were a reference to the submission, acceptance or non-acceptance of the proposed revision; and
- (b) any other reference in those regulations to the environment plan were a reference to the plan as revised by the proposed revision.

**Note**

Regulation 1108 deals with the consideration by the Minister of an environment plan. Regulation 1109 deals with the acceptance of an environment plan.

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**1120 Effect of non-acceptance of proposed revision**

If a proposed revision is not accepted, the provisions of the environment plan in force for the activity existing immediately before the proposed revision was submitted remain in force, subject to the Act and this Part, (in particular, the provisions of Subdivision 5 of this Division), as if the revision had not been proposed.

**Subdivision 5—Withdrawal of acceptance of an environment plan**

**1121 Withdrawal of acceptance of environment plan**

- (1) The Minister, by notice in writing to the operator of an activity, may withdraw the acceptance of the environment plan in force for the activity on any ground set out in subregulation (2).
- (2) For the purposes of subregulation (1), the grounds are that—
  - (a) the operator or petroleum instrument holder has not complied with a provision of the Act, or a direction given to the operator or petroleum instrument holder under section 101 of the Act; or
  - (b) the operator has not complied with regulation 1105, 1106, 1115, 1116 or 1117; or
  - (c) the Minister has refused to accept a proposed revision of the environment plan.
- (3) A notice under subregulation (1) must set out the reason for the decision.

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**1122 Steps to be taken before withdrawal of acceptance**

- (1) Before withdrawing the acceptance of an environment plan in force for an activity the Minister must comply with subregulations (2), (4) and (5).
- (2) The Minister must give the operator at least one month's notice in writing of the Minister's intention to withdraw acceptance of the plan.
- (3) The Minister may give a copy of the notice to such other persons (if any) as the Minister thinks fit.
- (4) The Minister must specify in the notice a date (the *specified date*) on or before which the operator (or any other person to whom a copy of the notice has been given) may submit to the Minister, in writing, any matters for the Minister to take into account.
- (5) The Minister must take into account—
  - (a) any action taken by the operator or petroleum instrument holder 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 specified date by the operator or a person to whom a copy of the notice has been given.

**1123 Withdrawal of acceptance not affected by other provisions**

- (1) The Minister may withdraw the acceptance of an environment plan in force for an activity on the ground that the operator or petroleum instrument holder has not complied with a provision of the Act, or of a regulation mentioned in regulation 1121(2)(b), even though the operator or petroleum instrument holder has been convicted of an

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offence by reason of the failure to comply with that provision.

- (2) The operator of, or the petroleum instrument holder for, an activity for which the acceptance of an environment plan has been withdrawn by the Minister on the ground that the operator or petroleum instrument holder has not complied with a provision of the Act, or of a regulation mentioned in regulation 1121(2)(b), may be convicted of an offence by reason of the failure to comply with the provision, even though the acceptance of the environment plan has been withdrawn.

### **Division 3—Incidents, reports and records**

#### **1124 Incidents, reports and records**

- (1) The operator of an activity must give notice, orally or in writing, of a reportable incident to the Minister, including all material details of the incident that are reasonably available to the operator as soon as practicable, but within 2 hours, after—
- (a) the first occurrence of the incident; or
  - (b) if the incident is not detected by the operator at the time of its first occurrence—the detection of the incident by the operator.

Penalty: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.

- (2) However, it is a defence to a prosecution for an offence against subregulation (1) if the operator has a reasonable excuse.

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- (3) The operator of an activity must give a written report of a reportable incident to the Minister in accordance with subregulation (5)—
- (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 operator at the time of its first occurrence—the detection of the incident by the operator; or
  - (b) if the Minister specifies, in writing and within the period mentioned in paragraph (a), another period in which the operator may give the report—within that period.
- Penalty: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.
- (4) However, it is a defence to a prosecution for an offence against subregulation (3) if the operator has a reasonable excuse.
- (5) For the purposes of subregulation (4), the written report must set out fully—
- (a) all the material facts and circumstances of the incident that the operator is aware of or is able, by reasonable search and inquiry, to find out; and
  - (b) any action the operator has taken to avoid or mitigate any adverse effects of the incident on the environment; and
  - (c) the corrective action the operator has taken, or proposes to take, to prevent another incident of that kind.

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- (6) The operator must keep a record of reports of each reportable incident, and of the details, in relation to each incident, of any corrective action the operator has taken.

Penalty: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.

### **1125 Storage of records**

- (1) The operator of a petroleum activity must store and maintain a document or other record mentioned in subregulation (2)—
- (a) for the period of 5 years from the making of the document or other record; and
  - (b) in a way that makes retrieval of the document or other record reasonably practicable.

Penalty: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.

- (2) For the purposes of subregulation (1), the documents or other records are the following—
- (a) the environment plan in force for the activity;
  - (b) revisions of the environment plan;
  - (c) written reports (including monitoring, audit and review reports) about environmental performance, or about the implementation strategy, under the environment plan;
  - (d) records of emissions and discharges into the environment made in accordance with the environment plan;
  - (e) records of calibration and maintenance of monitoring devices used in accordance with the environment plan;

- (f) records of reportable incidents kept under regulation 1124(6).

**1126 Making records available**

- (1) The operator of an activity must make available, in accordance with this regulation, copies of the records mentioned in regulation 1125 for the activity.

Penalty: \$3300 in the case of a natural person;  
\$16 500 in the case of a body corporate.

- (2) The operator must make copies of the records available to any of the following persons, on request in writing by the person—
- (a) the Minister;
  - (b) an inspector.
- (3) If the person making the request states that copies of the records be made available to an agent of the person, the operator must make the copies available to the agent.
- (4) However, if the operator requests a person who is, an inspector, or an agent, to produce written evidence of the person's appointment as an inspector or agent, the operator is not required to make the records available unless the evidence is produced to the operator.
- (5) The copies of the records must be made available—
- (a) in the case of an emergency relating to the activity—as soon as possible at any time of the day or night on any day during the emergency; or
  - (b) in any other case—during normal business hours on any day, other than a Saturday, a Sunday, or a public holiday at the place where the records are kept.

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- (6) The copies of the records must be made available at the nominated address or, if agreed between the operator and the person making the request (or the person's agent), at any other place (including by means of electronic transmission to the person or agent at that place).
  - (7) If the records are stored on a computer, the records must be made available in print-out form or, if the operator and the Minister so agree, in electronic form.

#### **Division 4—Miscellaneous**

##### **Subdivision 1—Discharges of produced formation water**

##### **1127 Discharges of produced formation water**

- (1) The operator of an activity must ensure that the concentration of petroleum in any produced formation water discharged into the sea as a result of operations for the activity—
  - (a) is not greater than 50 mg/L at any time; and
  - (b) averages less than 30mg/L during each period of 24 hours.

Penalty: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.
- (2) Nothing in subregulation (1) affects an environmental performance standard, in an environment plan in force for the activity, for a concentration of petroleum in produced formation water discharged into the sea that is less than the concentration mentioned in subregulation (1)(a) or (b).

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**Subdivision 2—Operators of activities**

**1128 Definition**

In this Subdivision—

*contact details*, for an operator or an agent, means the address within Australia, telephone number, facsimile number and electronic address (if any) of the operator or agent.

**1129 Notification of appointment of operator**

- (1) The petroleum instrument holder for an activity must ensure that, at all times, there is an operator of the activity.
- (2) The operator of an activity is the person responsible to the petroleum instrument holder for the overall management and operation of the activity.
- (3) The petroleum instrument holder must notify the Minister in writing of the name and contact details of the operator before the first submission for an activity is lodged under these Regulations.
- (4) The petroleum instrument holder must notify the Minister, in writing, of any change of operator of the activity at the earliest practicable opportunity and, if practicable, at least 28 days before the change takes effect.

**Note**

The operator is not required to give the information if it has already been given in accordance with another requirement of the Act or the regulations—see regulation 1131.

- (5) Nothing in this regulation affects any duty or responsibility of the petroleum instrument holder, under the Act or the regulations, for an activity carried out under the petroleum instrument.

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**1130 Operator to give details**

- (1) The operator of an activity must notify the Minister within 7 days, in writing, of—
- (a) the appointment of an agent of the operator, in relation to the activity, and the contact details of the agent; or
  - (b) any change of agent; or
  - (c) any change of name (where there is no change of identity) or contact details of the operator or the operator's agent.

Penalty: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.

- (2) However, it is a defence to a prosecution for an offence against subregulation (1) if the operator has a reasonable excuse.
- (3) The operator must include, in any submission to the Minister under Division 2, the name and contact details of the operator or the operator's agent.

Penalty: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.

- (4) The operator, at all times after operations for the activity have commenced, must maintain, and ensure that the Minister has notice of—
- (a) an address of the operator, for communications on matters relating to the activity; and

(b) a facsimile number, or electronic mail address, within Australia at which a request for records may be made under regulation 1126.

Penalty: \$4400 in the case of a natural person;  
\$22 000 in the case of a body corporate.

**Note**

The operator is not required to give the information if it has already been given in accordance with another requirement of the Act or the regulations—see regulation 1131.

**1131 No requirement to give information more than once**

- (1) Despite any other provision of this Subdivision, a petroleum instrument holder or operator is not required to give information to the Minister under this Subdivision if, at any relevant time, the information has been given in accordance with any other provision of the Act or the regulations.
- (2) Subregulation (1) does not apply if the information already given has been lost or destroyed.

**1132 Minister may decline to consider submission if information is not given**

Despite any other provision of this Part, if a petroleum instrument holder for an activity, or an operator of the activity, does not give information to the Minister in accordance with this Subdivision, and the information has not been given under another law, the Minister may decline to consider a submission made by the operator under this Part and relating to the activity, until the information is given.

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**1133 Minister to keep register**

The Minister must maintain a register or other record of information about an operator or agent—

- (a) mentioned in this Subdivision; and
  - (b) given (whether under this Subdivision or otherwise) to the Minister.
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**SCHEDULES**

**SCHEDULE 1**

Regulation 104

**REGULATIONS REVOKED**

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<i>S.R. No.</i>	<i>Title</i>
98/2001	Petroleum (Submerged Lands) Regulations 2001
134/2002	Petroleum (Submerged Lands) (Amendment) Regulations 2002
13/2004	Petroleum (Submerged Lands) (Amendment) Regulations 2004

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**SCHEDULE 2**

Regulation 201

**PRESCRIBED FEES**

Column 1	Column 2	Column 3
<i>Section of Act</i>	<i>Description</i>	<i>Fee</i>
		\$
21(1)(f)	Application for permit	3900
24(1)(a)	Application for permit in respect of surrendered etc. blocks	3900
30(2)(c)	Application for renewal of permit	1560
38A(2)(e)	Application by permittee for lease	1560
38BB(2)(d)	Application by licensee for lease	1560
38F(2)(d)	Application for renewal of lease	1560
41(1)(e)	Application for licence	1560
48(1)(a)	Application for licence in respect of surrendered etc. blocks	3900
51(2)(e)	Application for licence in respect of individual blocks	780
59B(2)(d)	Application for infrastructure licence	1560
59K(2)(d)	Application for variation of infrastructure licence	780
64(1)(f)	Application for pipeline licence	3900
71(2)(e)	Application for variation of pipeline licence	780
79(2)	Entries in Register on devolution of title	78
79(3)(b)	Substitution of company name on Register	78
86	Inspection of Register and documents	16
92(2)	Entry in Register and transfer of a title	780
92(3)	Entry in Register of transfer of a title giving effect to a dealing	780

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Column 1 <i>Section of Act</i>	Column 2 <i>Description</i>	Column 3 <i>Fee</i>
		\$
92(4)	Entry in Register and transfer of a title by related corporations	3900
92(6)	Entry in Register of approval of a dealing under section 81 of the Act	780
92(7)	Entry in Register for approval of a dealing by related corporations	3900
111(2)	Application for special prospecting authority	780

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**SCHEDULE 3**

Regulation 301

**FORM OF TRANSFER OF TITLE**

**Petroleum (Submerged Lands) Act 1982**

Petroleum (Submerged Lands) Regulations 2004

**TRANSFER OF TITLE**

\*I/We (insert name of transferor(s))

being the registered \*holder/holders of (insert type and number of permit, lease, licence, pipeline licence or access authority)

in consideration of (insert the value of the consideration for the transfer or the value of the title transferred and reference to any dealing registered under section 81 of the Act which the transfer gives effect to)

hereby transfer all rights, title and interest in (insert type and number of permit, lease, licence, pipeline licence or access authority) to (insert the name and address of the transferee(s))

IN WITNESS of this transfer the parties to the transfer have affixed their respective common seals or signatures below on (insert date).

Common Seal and signature(s) of  
transferee

Common Seal and signature(s) of  
transferor

\*Delete whichever is inapplicable.

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**SCHEDULE 4**

Regulation 515

**REQUIREMENTS FOR DMP**

**PART 1—INFORMATION AND STATEMENTS**

- 101 A description of—
- (a) each activity to which the DMP relates; and
  - (b) each location at which each activity will be carried out.

- 102 A description of the reports and information, relevant to the activity, that the holder will make and keep.

**Note**

Part 5 of these Regulations mentions a number of items of information, but not all of the items will be relevant to a particular activity.

- 103 An explanation of—
- (a) whether the holder is to give the information to the Minister without a request by the Minister; and
  - (b) whether the holder will keep any information.

**Note**

Some of the information mentioned in Part 5 of these Regulations must be given to the Minister automatically. Other information will be given to the Minister only if the Minister asks the holder to give it.

- 104 A description of the media and formats in which information, cores, cuttings or samples will be held by the holder.

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- 105 An explanation of how the media and formats mentioned in item 104—
- (a) are appropriate to the type and volume of data collected; and
  - (b) comply with any advice or information published by the Minister; and
  - (c) comply with good industry practice.
- 106 An undertaking to allow reasonable access to any data that is made publicly available under the Act or these Regulations, and an explanation of how the holder will allow access to the data.
- 107 A description of the holder's arrangements to ensure that information is stored and preserved according to good archival practice.
- 108 A statement that the holder will give reports and information in accordance with—
- (a) the standard timetable set out in Parts 2 and 3 of this Schedule; or
  - (b) a timetable proposed in the DMP.

**Note**

The Minister is not required to accept a DMP that proposes a timetable other than the standard timetable.

- 109 A summary of—
- (a) data management performance objectives against which performance by the holder in managing the data is to be measured; and
  - (b) measurement criteria that define those objectives.
- 110 An explanation of how the measurement criteria will confirm whether the data management performance objectives have been met.

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- 111 A summary of the arrangements for—
- (a) securely storing documents and records at an address nominated by the holder; and
  - (b) maintaining the documents and records—  
in a way that makes retrieval of documents and other records reasonably practicable.
- 112 An acknowledgment that the holder is responsible for the collection, storage and submission of information, cores, cuttings and samples obtained during an activity, until the information, cores, cuttings or samples are submitted to the Minister.
- 113 Any other information that is reasonably necessary to demonstrate that the DMP complies with these Regulations.

**PART 2—REPORTS**

**201 Daily report**

- (1) A report must be given about drilling operations carried out on a day.
  - (2) The report must include—
    - (a) the name of the well; and
    - (b) the drilled depth; and
    - (c) the work carried out; and
    - (d) the lithology of formations penetrated; and
    - (e) any indication of petroleum; and
    - (f) a summary of material usage; and
    - (g) a leak off test summary; and
    - (h) hole geometry; and
    - (i) results of surveys made in the well bore; and
    - (j) estimated daily and cumulative well costs.
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- (3) One report in each week must include a rig inspection report.
  - (4) A daily report must be given not later than midday on the day after the day to which the report relates.
  - (5) 2 copies of the report must be given to the Minister.

**202 Weekly report**

- (1) If a geological or geophysical field survey is in progress, a report must be given about survey operations carried out during a week.
- (2) A weekly report must be given as soon as practicable after the end of the week to which the report relates.

**203 Monthly report**

- (1) A report must be given about production during a month.
- (2) The report must include—
  - (a) for each well—
    - (i) its identification name and number; and
    - (ii) a summary of all work that has been performed on each well in the licence area during the previous month; and
    - (iii) the result of production tests, including the choke size used and the tubing and separation pressures observed during the test; and
    - (iv) its status at the end of the month; and
    - (v) the number of days of production; and

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- (vi) the cumulative quantities of liquid and gaseous petroleum, and water, that have been produced or injected as at the end of the month; and
  - (b) the total estimated quantities of liquid and gaseous petroleum, and water, that have been produced or injected during the month; and
  - (c) the total quantities of—
    - (i) liquid and gaseous petroleum, and water, that have been produced; and
    - (ii) liquid and gaseous petroleum that have been used; and
    - (iii) gaseous petroleum that has been flared or vented; and
    - (iv) liquid and gaseous petroleum, and water, that have been injected; and
    - (v) liquid petroleum that has been stored; and
    - (vi) liquid and gaseous petroleum that have been delivered from the area; and
  - (d) the cumulative quantities of liquid and gaseous petroleum, and water, that have been produced or injected as at the end of the month.
- (3) A monthly report must be given not later than the 15th day of the month after the month to which the report relates.
- (4) 2 copies of the report must be given to the Minister.
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#### 204 Quarterly report

- (1) A report must be given for each period of 3 months after the day on which the exploration permit is awarded, about exploration for petroleum carried out in the adjacent area during the period.
- (2) The report must include—
  - (a) a description of the exploration for petroleum that has been carried out; and
  - (b) an outline of all geological and geophysical interpretations made as a result of the exploration, including any reprocessing or reinterpretation of basic data; and
  - (c) an estimate of the holder's expenditure on exploration for the quarter; and
  - (d) statistics relating to the exploration; and
  - (e) any other relevant information required by the holder's accepted DMP.
- (3) A quarterly report must be given not later than one month after the end of the quarter to which the report relates.
- (4) However, a quarterly report is not required if the activity is carried out in an adjacent area under a pipeline licence or a production licence.
- (5) Also, a quarterly report is not required for the fourth quarter in a title year if the holder includes the relevant information in the holder's annual report for item 205.
- (6) 2 copies of the report must be given to the Minister.

## **205 Annual Report**

- (1) A report must be given for each year after the exploration permit is awarded, about exploration for petroleum carried out in the adjacent area during the year.
- (2) The report must include—
  - (a) a description of the exploration for petroleum that has been carried out; and
  - (b) conclusions derived from the exploration; and
  - (c) a list of the reports that the holder has given during the year; and
  - (d) an outline of planned operations for the next year; and
  - (e) if appropriate—updated interpretation maps of seismic and potential field data at an appropriate scale; and
  - (f) a summary of the holder's annual expenditure on exploration.
- (3) An annual report must be given not later than 1 month of the end of the title year to which the report relates.
- (4) 2 copies of the report must be given to the Minister.

## **206 Other reports**

- (1) A report must be given for well completion carried out in the adjacent area.
  - (2) The report must be given not later than 6 months after the end of the activity.
  - (3) 2 copies of the report must be given to the Minister.
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**PART 3—STANDARD TIMETABLE FOR GIVING OTHER  
INFORMATION**

301 Well data must be given not later than 6 months of the date on which the rig is released from the well.

302 Seismic data must be given not later than 18 months after the date of completion of the acquisition of the survey.

303 Other survey data must be given not later than 6 months after the date of completion of acquisition of the survey.

304 Information that—

(a) relates to the carrying out of a work program; and

(b) is not mentioned in Part 2 of this Schedule or items 301 to 303—

must be given not later than the end of the title year in which the information was created.

**Note**

- 1 Information relevant to an activity must be submitted to the Minister according to the standard timetable, unless the Minister accepts a different timetable as part of accepting a DMP.
  - 2 These Regulations mention a number of items of information, but not all of the items in this Part will be relevant to each activity.
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**SCHEDULE 5**

Regulation 607

**HAZARDOUS SUBSTANCES**

**PART 1—INTERPRETATION**

**101 In this Schedule—**

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

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

*in situ*, in relation to a product that contains asbestos, means that, at the time the use of the form of asbestos in the product is prohibited under regulation 608, the product is fixed or installed—

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

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**PART 2—PERMITTED CIRCUMSTANCES FOR USING  
CERTAIN HAZARDOUS SUBSTANCES**

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<i>Item</i>	<i>Substance (identified by substance name)</i>	<i>Permitted circumstance</i>
201	Polychlorinated biphenyls (also known as PCBs)	<ol style="list-style-type: none"><li>1. Handling for storage prior to removal or disposal.</li><li>2. Storage prior to removal or disposal.</li><li>3. Removal or disposal.</li><li>4. Use when contained in existing electrical equipment or construction material.</li><li>5. Repair of existing electrical equipment or construction material.</li></ol>

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**PART 3—PERMITTED CIRCUMSTANCES FOR USING  
CERTAIN HAZARDOUS SUBSTANCES WITH  
CARCINOGENIC PROPERTIES**

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<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
301	2-Acetylaminofluorene [53-96-3]	Bona fide research
302	Aflatoxins	Bona fide research
303	4-Aminodiphenyl [92-67-1]	Bona fide research
304	Amosite (brown asbestos) [12172-73-5]	<ol style="list-style-type: none"><li>1. Bona fide research.</li><li>2. Handling for storage prior to removal or disposal of amosite.</li><li>3. Storage prior to removal or disposal of amosite.</li></ol>

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<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
		<ol style="list-style-type: none"> <li>4. Removal or disposal of amosite in accordance with a law of a State or Territory relating to the removal of asbestos.</li> <li>5. Disturbance of naturally occurring amosite that is incidental to operations not related to the extraction or processing of amosite, for example, roadworks.</li> <li>6. Use (without disturbance) of amosite in products that are in situ.</li> </ol>
305	Benzidine [92-87-5] and its salts, including benzidine dihydrochloride [531-85-1]	Bona fide research
306	bis (Chloromethyl) ether [542-88-1]	Bona fide research
307	Chloromethyl methyl ether (technical grade containing bis (chloromethyl) ether) [107-30-2]	Bona fide research
308	Crocidolite (blue asbestos) [12001-28-4]	<ol style="list-style-type: none"> <li>1. Bona fide research.</li> <li>2. Handling for storage prior to removal or disposal of crocidolite.</li> <li>3. Storage prior to removal or disposal of crocidolite.</li> <li>4. Removal or disposal of crocidolite in accordance with a law of a State or Territory relating to the removal of asbestos.</li> </ol>

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<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
		5. Disturbance of naturally occurring crocidolite that is incidental to operations not related to the extraction or processing of crocidolite, for example, roadworks.
		6. Use (without disturbance) of crocidolite in products that are in situ.
309	4-Dimethylaminoazo-benzene [60-11-7]	Bona fide research
310	2-Naphthylamine [91-59-8] and its salts	Bona fide research
311	4-Nitrodiphenyl [92-93-3]	Bona fide research
312	Actinolite asbestos [77536-66-4]	<ol style="list-style-type: none"> <li>1. Bona fide research.</li> <li>2. Handling for storage prior to removal or disposal of actinolite.</li> <li>3. Storage prior to removal or disposal of actinolite.</li> <li>4. Removal or disposal of actinolite in accordance with a law of a State or Territory relating to the removal of asbestos.</li> <li>5. Disturbance of naturally occurring actinolite that is incidental to operations not related to the extraction or processing of actinolite, for example, roadworks.</li> <li>6. Use (without disturbance) of actinolite in products that are in situ.</li> </ol>

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<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
313	Anthophyllite asbestos [77536-67-5]	<ol style="list-style-type: none"><li>1. Bona fide research.</li><li>2. Handling for storage prior to removal or disposal of anthophyllite.</li><li>3. Storage prior to removal or disposal of anthophyllite.</li><li>4. Removal or disposal of anthophyllite in accordance with a law of a State or Territory relating to the removal of asbestos.</li><li>5. Disturbance of naturally occurring anthophyllite that is incidental to operations not related to the extraction or processing of anthophyllite, for example, roadworks.</li><li>6. Use (without disturbance) of anthophyllite in products that are in situ.</li></ol>
314	Chrysotile (white asbestos) [12001-29-5]	<ol style="list-style-type: none"><li>1. Bona fide research.</li><li>2. Handling for storage prior to removal or disposal of chrysotile.</li><li>3. Storage prior to removal or disposal of chrysotile.</li><li>4. Removal or disposal of chrysotile in accordance with a law of a State or Territory relating to the removal of asbestos.</li></ol>

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<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
315	Tremolite asbestos [77536-68-6]	<ol style="list-style-type: none"><li>5. Disturbance of naturally occurring chrysotile that is incidental to operations not related to the extraction or processing of chrysotile, for example, roadworks.</li><li>6. Use (without disturbance) of chrysotile in products that are in situ.</li></ol> <ol style="list-style-type: none"><li>1. Bona fide research.</li><li>2. Handling for storage prior to removal or disposal of tremolite.</li><li>3. Storage prior to removal or disposal of tremolite.</li><li>4. Removal or disposal of tremolite in accordance with a law of a State or Territory relating to the removal of asbestos.</li><li>5. Disturbance of naturally occurring tremolite that is incidental to operations not related to the extraction or processing of tremolite, for example, roadworks.</li><li>6. Use (without disturbance) of tremolite in products that are in situ.</li></ol>

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

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**SCHEDULE 6**

Regulation 633

**FORMS FOR OCCUPATIONAL HEALTH AND SAFETY PURPOSES**

**FORM 1**

**Petroleum (Submerged Lands) Act 1982**

Petroleum (Submerged Lands) Regulations 2004

**PROVISIONAL IMPROVEMENT NOTICE**

To:

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

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

The contravention is (a brief description):

The contravention is occurring at (location):

The reasons for my opinion are as follows:

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

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

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

Dated

(signature)

Health and safety representative

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NOTES:

1. Under clause 38(1) of Schedule 7 to the Act, a person to whom a provisional improvement notice is given may, within 7 days, request the Safety Authority or an OHS inspector to conduct an investigation into the subject matter of the notice.
2. Clause 38(5) of Schedule 7 to the Act requires a responsible person to whom a provisional improvement notice is given—
  - to notify each group member affected by the notice of the fact that the notice has been issued; and
  - to display a copy of the notice at or near each workplace at which work that is the subject of the notice is being performed.
3. Under clause 38(6) of Schedule 7 to the Act, a provisional improvement notice ceases to have effect when—
  - it is cancelled by the health and safety representative or an OHS inspector; and
  - the responsible person takes the action specified in the notice, or if no action is specified, takes the action that is necessary to prevent the contravention, or likely contravention, with which the notice is concerned.
4. Clause 38(7) of Schedule 7 to the Act requires the responsible person—
  - to ensure, as far as possible, that a provisional improvement notice is complied with; and
  - to inform the health and safety representative who issued the notice of the action taken to comply with the notice.

**Sch. 6**

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5. Under clause 65 of Schedule 7 to the Act, if an OHS inspector has confirmed or varied a provisional improvement notice—
- the operator of the facility or an employer affected by the decision; or
  - the health and safety representative for a designated work group that includes a group member affected by the decision; or
  - the owner of any plant substances or thing to which that decision relates; or
  - the person to whom the notice was issued; or
  - a workforce representative in relation to the designated work group that includes a group member affected by the decision; or
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision—
- may request the Australian Industrial Relations Commission in writing to review the OHS inspector's decision.
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**FORM 2**

**Petroleum (Submerged Lands) Act 1982**

Petroleum (Submerged Lands) Regulations 2004

**NOTICE OF REMOVAL OF PLANT OR SAMPLE**

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

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

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

*(description of item removed)*

from the workplace at:

*(address)*

The reason for this action is:

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

Signed: *(OHS Inspector)*

Dated:

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**NOTES:**

1. This notice must be displayed in a prominent place at the workplace from which the item was removed.
2. Under clause 63 of Schedule 7 to the Act, this notice must not be tampered with or removed until the item has been returned to the workplace.
3. Under clause 63 of Schedule 7 to the Act, a person who tampers with, or removes, a notice, before the item has been returned to the workplace, may be liable to a penalty of not more than \$11 000 in the case of a natural person or \$55 000 in the case of a body corporate.

**Sch. 6**

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4. Under clause 65 of Schedule 7 to the Act, any of the following persons may request the Australian Industrial Relations Commission in writing to review the OHS inspector's decision—
- the operator of the facility or an employer affected by the decision;
  - the health and safety representative for a designated work group that includes a group member affected by the decision;
  - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
  - the owner of any plant, substance or thing to which the inspector's decision relates.
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**FORM 3**

**Petroleum (Submerged Lands) Act 1982**

Petroleum (Submerged Lands) Regulations 2004

**DO NOT DISTURB NOTICE**

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

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

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

is not to be disturbed during the period from \_\_\_\_\_ a.m./p.m.

to \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_ *(date)*.

The reasons for issuing this notice are:

Signed: *(OHS Inspector)*

Dated:

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NOTES:

1. Under clause 58 of Schedule 7 to the Act, an operator of a facility who does not ensure that a notice is complied with may be liable to a penalty of not more than \$27 500 in the case of a natural person and \$137 500 in the case of a body corporate.
  2. This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.
  3. Under clause 65 of Schedule 7 to the Act, any of the following persons may request the Australian Industrial Relations Commission in writing to review the OHS inspector's decision—
    - the operator of the facility or an employer affected by the decision;
    - the health and safety representative for a designated work group that includes a group member affected by the decision;
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- a workforce representative in relation to the designated work group that includes a group member affected by the decision;
  - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
  - the owner of any plant, substance or thing to which the inspector's decision relates.
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**FORM 4**

**Petroleum (Submerged Lands) Act 1982**

Petroleum (Submerged Lands) Regulations 2004

**PROHIBITION NOTICE**

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

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

I THEREFORE PROHIBIT the following activity or activities—

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

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

*(if insufficient space, use additional page)*

Signed: *(OHS Inspector)*

Dated:

[\* Omit if inapplicable]

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**NOTES:**

1. Under clause 60 of Schedule 7 to the Act, an operator who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the operator has control, may be liable to a penalty of not more than \$27 500 in the case of a natural person and \$137 500 in the case of a body corporate.
  2. This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.
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3. Under clause 65 of Schedule 7 to the Act, any of the following persons may request the Australian Industrial Relations Commission, in writing, to review the OHS inspector's decision—
- (a) the operator of the facility or an employer who is affected by the decision;
  - (b) a person to whom a prohibition notice has been issued;
  - (c) the health and safety representative for a designated work group that has a group member affected by the decision;
  - (d) a workforce representative in relation to the designated work group that includes a group member affected by the decision;
  - (e) if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
  - (f) the owner of any plant, substance or thing to which the OHS inspector's decision relates.
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**FORM 5**

**Petroleum (Submerged Lands) Act 1982**

Petroleum (Submerged Lands) Regulations 2004

**IMPROVEMENT NOTICE**

To: *(name of responsible person)*

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

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

at

*(location of workplace).*

The reasons for my opinion are:

*(brief description of contravention)*

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

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

*(If insufficient space, use additional page)*

Signed: *(OHS Inspector)*

Dated:

\*(Omit if inapplicable)

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

Name:

Position:

Address:

Telephone number:

Improvement Notice No.      has been complied with.

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Signed:

This notice was delivered to: *(insert name)*  
in the office or position of *(insert office or position)*  
at: *(insert time, a.m. or p.m.)* on *(insert date)*.

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NOTES:

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

**GEOCENTRIC DATUM OF AUSTRALIA**

1. Reference Ellipsoid

Geodetic Reference System 1980 ellipsoid with a semi-major axis of 6 378 137 metres and an inverse flattening of 298·257 222 101.

2. Reference Frame

The Geocentric Datum of Australia is realised by the co-ordinates of the following Australian Fiducial Network geodetic stations referred to the Geodetic Reference System 1980 ellipsoid determined within the International Earth Rotation Service Terrestrial Reference Frame 1992 at the epoch of 1994·0:

<i>Geodetic station</i>	<i>South latitude</i>	<i>East longitude</i>	<i>Ellipsoidal height (metres)</i>
AU 012 Alice Springs	23° 40' 12·44592"	133° 53' 07·84757"	603·358
AU 013 Karratha	20° 58' 53·17004"	117° 05' 49·87255"	109·246
AU 014 Darwin	12° 50' 37·35839"	131° 07' 57·84838"	125·197
AU 015 Townsville	19° 20' 50·42839"	146° 46' 30·79057"	587·077
AU 016 Hobart	42° 48' 16·98506"	147° 26' 19·43548"	41·126
AU 017 Tidbinbilla	35° 23' 57·15627"	148° 58' 47·98425"	665·440
AU 019 Ceduna	31° 52' 00·01664"	133° 48' 35·37527"	144·802
AU 029 Yaragadee	29° 02' 47·61687"	115° 20' 49·10049"	241·291

## ENDNOTES

### 1. General Information

The Petroleum (Submerged Lands) Regulations 2004, S.R. No. 175/2004 were made on 14 December 2004 by the Governor in Council under section 152 of the **Petroleum (Submerged Lands) Act 1982**, No. 9772/1982 and came into operation on 1 January 2005.

The Petroleum (Submerged Lands) Regulations 2004 will sunset 10 years after the day of making on 14 December 2014 (see section 5 of the **Subordinate Legislation Act 1994**).

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**Endnotes**

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**2. Table of Amendments**

This Version incorporates amendments made to the Petroleum (Submerged Lands) Regulations 2004 by statutory rules, subordinate instruments and Acts.

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Petroleum (Submerged Lands) (Amendment) Regulations 2005, S.R. No. 80/2005

*Date of Making:* 28.6.05

*Date of Commencement:* 1.7.05: reg. 3

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### 3. Explanatory Details

#### Table of Applied, Adopted or Incorporated Matter Required by Subordinate Legislation Regulations 1994

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 608(4)	Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC: 1003(1995)] published by the National Occupational Health and Safety Commission	The whole
Regulation 609(5)	National Standards for Occupational Noise [NOHSC: 1007(2000)] published by the National Occupational Health and Safety Commission	The noise exposure standard
Regulation 906(1)	Guidelines for complying with the Petroleum (Submerged Lands) (Diving Safety) Regulations 2002 of the Commonwealth published by the National Offshore Petroleum Safety Authority	The whole