

Authorised Version No. 004
Offshore Petroleum and Greenhouse Gas
Storage Regulations 2011

S.R. No. 153/2011

Authorised Version incorporating amendments as at
4 October 2016

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Storage Regulations 2011**

S.R. No. 153/2011

Authorised Version incorporating amendments as at
4 October 2016

Chapter 1—Preliminary

1 Objective

The objective of these Regulations is to provide for the elimination and minimisation, so far as is practicable, of the environmental, health and safety hazards and risks involved in undertaking petroleum and greenhouse gas activities and, in particular, to make provision in relation to—

- (a) the manner in which certain petroleum activities, greenhouse gas activities or greenhouse gas injection and storage activities are carried out in the offshore area; and
- (b) the manner in which certain facilities are designed, constructed, installed, operated, modified and decommissioned in the offshore area; and
- (c) to ensure that operations in the offshore area are carried out in accordance with good oilfield practice and are compatible with optimum long-term recovery of petroleum; and
- (d) to prescribe requirements for various administrative activities, fees and other matters.

2 Authorising provision

These Regulations are made under section 794 of the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**.

3 Commencement

These Regulations come into operation on 1 January 2012.

4 Definitions

In these Regulations—

commencement date means 1 January 2012;

risk means the likelihood of a specific undesired event occurring within a specific period or in specified circumstances and with specified consequences;

Note

A risk may be understood as a frequency (the number of specified events occurring within a period) or a probability (the likelihood of a specific event following another event).

the Act means the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**;

Reg. 4 def. of
the Act
amended by
S.R. No.
160/2012
reg. 5(a).

vary, in relation to an environmental plan or a safety case, includes extend or modify.

Reg. 4 def. of
vary
amended by
S.R. No.
160/2012
reg. 5(b).

Note

Other words and expressions used in these Regulations have the meanings given by the Act (for example, *offshore area*) or in other Chapters of these Regulations.

Chapter 2—Environment

Part 2.1—Preliminary

5 Objects of this Chapter

The objects of this Chapter are to ensure that any petroleum activity or greenhouse gas activity carried out in the offshore area is—

- (a) carried out in a manner consistent with the principles of ecologically sustainable development; and
- (b) carried out in a manner by which the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and
- (c) carried out in a manner by which the environmental impacts and risks of the activity will be of an acceptable level.

Reg. 5(b)
substituted by
S.R. No.
123/2016
reg. 4.

Reg. 5(c)
inserted by
S.R. No.
123/2016
reg. 4.

6 Definitions

In this Chapter—

* * * * *

Reg. 6 def. of
accepted
revoked by
S.R. No.
123/2016
reg. 5(b).

activity means a petroleum activity or a greenhouse gas activity;

control measure means a system, an item of equipment, a person or a procedure that is used as a basis for managing environmental impacts and risks;

Reg. 6 def. of
*control
measure*
inserted by
S.R. No.
123/2016
reg. 5(a).

environment means—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas; and
- (d) the heritage value of places—

and includes—

- (e) the social, economic and cultural features of the matters mentioned in paragraphs (a), (b), (c) and (d);

Reg. 6 def. of *environmental impact* amended by S.R. No. 123/2016 reg. 5(c).

environmental impact means any change to the environment, whether adverse or beneficial, that wholly or partially results from an activity;

Reg. 6 def. of *environmental management system* inserted by S.R. No. 123/2016 reg. 5(a).

environmental management system means the system used by a titleholder to establish and implement its environmental policy and manage the environmental aspects of an activity, and includes organisational structure, planning activities, responsibilities, practices, procedures, processes and resources;

Reg. 6 def. of *environmental performance* substituted by S.R. No. 123/2016 reg. 5(d).

environmental performance means the performance of a titleholder in relation to the environmental performance outcomes and standards mentioned in an environment plan;

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 2.1—Preliminary

* * * * *

Reg. 6 def. of *environmental performance objective* revoked by S.R. No. 123/2016 reg. 5(e).

environmental performance outcome means a measurable level of performance required for the management of environmental aspects of an activity to ensure that environmental impacts and risks will be of an acceptable level;

Reg. 6 def. of *environmental performance outcome* inserted by S.R. No. 123/2016 reg. 5(a).

environmental performance standard means a statement of the performance required of a control measure;

Reg. 6 def. of *environmental performance standard* substituted by S.R. No. 123/2016 reg. 5(f).

environment plan means the document known as an environment plan that is submitted to the Minister under regulation 11;

Reg. 6 def. of *environment plan* substituted by S.R. No. 123/2016 reg. 5(g).

facility includes a structure or installation of any kind;

greenhouse gas activity means operations or works in an offshore area undertaken for the purpose of—

Reg. 6 def. of *greenhouse gas activity* substituted by S.R. No. 123/2016 reg. 5(h).

- (a) exercising a right conferred on a greenhouse gas titleholder under the Act by a greenhouse gas title; or
- (b) discharging an obligation imposed on a greenhouse gas titleholder by the Act or a legislative instrument under the Act;

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 2.1—Preliminary

Reg. 6 def. of
*greenhouse
gas
instrument*
revoked by
S.R. No.
123/2016
reg. 5(i).

* * * * *

Reg. 6 def. of
*greenhouse
gas
instrument
holder*
revoked by
S.R. No.
123/2016
reg. 5(j).

* * * * *

Reg. 6 def. of
*greenhouse
gas title*
inserted by
S.R. No.
123/2016
reg. 5(a).

greenhouse gas title means any of the following—

- (a) a greenhouse gas assessment permit;
- (b) a greenhouse gas holding lease;
- (c) a greenhouse gas injection licence;
- (d) a greenhouse gas search authority;
- (e) a greenhouse gas special authority;
- (f) a greenhouse gas research consent;

Reg. 6 def. of
*greenhouse
gas titleholder*
inserted by
S.R. No.
123/2016
reg. 5(a).

greenhouse gas titleholder means any of the following—

- (a) a greenhouse gas assessment permittee;
- (b) a greenhouse gas holding lessee;
- (c) a greenhouse gas injection licensee;
- (d) a registered holder of a greenhouse gas search authority;
- (e) a registered holder of a greenhouse gas special authority;
- (f) a holder of a greenhouse gas research consent;

in force, in relation to an environment plan, including a revised environment plan, means that—

Reg. 6 def. of *in force* inserted by S.R. No. 123/2016 reg. 5(a).

- (a) the plan has been accepted; and
- (b) the acceptance of the plan has not been withdrawn; and
- (c) the operation of the plan has not ended;

* * * * *

Reg. 6 def. of *instrument holder* revoked by S.R. No. 123/2016 reg. 5(k).

* * * * *

Reg. 6 def. of *nominated address* revoked by S.R. No. 123/2016 reg. 5(l).

* * * * *

Reg. 6 def. of *operator* revoked by S.R. No. 123/2016 reg. 5(m).

petroleum activity means operations or works in an offshore area undertaken for the purpose of—

Reg. 6 def. of *petroleum activity* substituted by S.R. No. 123/2016 reg. 5(n).

- (a) exercising a right conferred on a petroleum titleholder under the Act by a petroleum title; or
- (b) discharging an obligation imposed on a petroleum titleholder by the Act or a legislative instrument under the Act;

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 2.1—Preliminary

Reg. 6 def. of
*petroleum
instrument*
revoked by
S.R. No.
123/2016
reg. 5(o).

* * * * *

Reg. 6 def. of
*petroleum
instrument
holder*
revoked by
S.R. No.
123/2016
reg. 5(p).

* * * * *

Reg. 6 def. of
petroleum title
inserted by
S.R. No.
123/2016
reg. 5(a).

petroleum title means any of the following—

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

Reg. 6 def. of
*petroleum
titleholder*
inserted by
S.R. No.
123/2016
reg. 5(a).

petroleum titleholder means any of the following—

- (a) a petroleum exploration permittee;
- (b) a petroleum retention lessee;
- (c) a petroleum production licensee;
- (d) a pipeline licensee;
- (e) an infrastructure licensee;
- (f) the registered holder of a petroleum access authority;

- (g) the registered holder of a petroleum special prospecting authority;
- (h) the holder of a petroleum scientific investigation consent;

recordable incident, for an activity, means a breach of an environmental performance outcome or environmental performance standard, in the environment plan that applies to the activity, that is not a reportable incident;

Reg. 6 def. of *recordable incident* substituted by S.R. No. 123/2016 reg. 5(q).

reportable incident, in relation to an activity, means an incident relating to the activity, whether or not described in an environment plan in force for the activity, that has caused, or has the potential to cause—

Reg. 6 def. of *reportable incident* amended by S.R. Nos 133/2012 reg. 5, 123/2016 reg. 5(r).

- (a) moderate to catastrophic environmental consequences; and
- (b) a breach of, or non-compliance with—
 - (i) the Act; or
 - (ii) this Chapter; or
 - (iii) the environmental performance outcomes set out in an environment plan in force for the activity;

titleholder means—

- (a) a greenhouse gas titleholder; or
- (b) a petroleum titleholder.

Reg. 6 def. of *titleholder* inserted by S.R. No. 123/2016 reg. 5(a).

7 References to an activity

A reference in this Chapter to an activity includes, where the context permits, a reference to—

- (a) a proposed activity; and
- (b) any stage of an activity.

Part 2.2—Environment plans

Division 1—Requirement for an environment plan

8 Accepted environment plan required for an activity

Reg. 8(1)
amended by
S.R. No.
133/2012
reg. 6,
substituted by
S.R. No.
123/2016
reg. 6.

- (1) A titleholder must not undertake an activity if there is no environment plan in force for that activity.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

- (2) This regulation does not affect any other requirement under these Regulations for a consent to construct or install, or a consent to use, a facility.

9 Operations must comply with the accepted environment plan

Reg. 9(1)
amended by
S.R. Nos
133/2012
reg. 7,
123/2016
reg. 7(1).

- (1) A titleholder must not undertake an activity in a way that is contrary to—

(a) the accepted environment plan in force for the activity; or

(b) any limitation or condition applying to operations for the activity under this Chapter.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

Reg. 9(2)
substituted by
S.R. No.
123/2016
reg. 7(2).

- (2) Subregulation (1) does not apply to a titleholder who undertakes an activity in a manner contrary to the environment plan if the titleholder is acting in accordance with the consent in writing of the Minister to undertake the activity in that manner.

- (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 impact or risk, or significant increase in any existing environmental impact or risk.

10 Operations must not continue if new or increased environmental risk identified

- (1) A titleholder must not undertake an activity after the occurrence of any significant new environmental impact or risk, or any significant increase in an existing environmental impact or risk, arising from the activity if the environment plan in force for the activity does not provide for—

Reg. 10(1)
amended by
S.R. No.
133/2012
reg. 8(1),
substituted by
S.R. No.
123/2016
reg. 8(1).

- (a) the new impact or risk; or
(b) the increase in the impact or risk.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

* * * * *

Reg. 10(2)
amended by
S.R. No.
133/2012
reg. 8(2),
revoked by
S.R. No.
123/2016
reg. 8(1).

- (3) Subregulation (1) does not apply to the titleholder in relation to an activity if the titleholder submits a proposed variation of the environment plan in accordance with regulation 20 and the Minister has not refused to accept the variation.

Reg. 10(3)
amended by
S.R. No.
123/2016
reg. 8(2).

Ch. 2 Pt 2.2
Div. 2
(Heading and
regs 11–13)
substituted as
Ch. 2 Pt 2.2
Div. 2
(Heading and
regs 11–13F)
by S.R. No.
123/2016
reg. 9.

Reg. 11
substituted by
S.R. No.
123/2016
reg. 9.

Division 2—Acceptance of an environment plan

11 Submission of an environment plan¹

- (1) Before commencing an activity, a titleholder must submit an environment plan for the activity to the Minister.
- (2) An applicant for a petroleum access authority, petroleum special prospecting authority, pipeline licence, greenhouse gas search authority or greenhouse gas special authority—
 - (a) may submit an environment plan for an activity under the authority or licence to the Minister; and
 - (b) is taken to be a titleholder for the purposes of this Division and Division 3.

Reg. 12
substituted by
S.R. No.
123/2016
reg. 9.

12 Form of environment plan

- (1) An environment plan must be in writing.
- (2) An environment plan may, if the Minister approves, relate to—
 - (a) one or more stages of an activity; or
 - (b) a specified activity in one or more identified locations specified in the plan; or
 - (c) more than one activity; or
 - (d) an activity or activities to be undertaken under 2 or more titles held by different titleholders.

13 Publication of information about environment plan

If an environment plan is submitted to the Minister, the Minister must, as soon as practicable, publicly disclose—

- (a) the name of the titleholder; and
- (b) a description of the activity or stage of the activity to which the environment plan relates; and
- (c) the location of the activity; and
- (d) details of the titleholder's nominated liaison person for the activity; and
- (e) the decision (if any) made by the Minister in relation to the environment plan.

Reg. 13
substituted by
S.R. No.
123/2016
reg. 9.

13A Withdrawal of submitted environment plan

- (1) A titleholder may, by notice in writing to the Minister, withdraw a submitted environment plan at any time before the Minister has made a decision to accept or refuse to accept the plan.
- (2) If an environment plan is withdrawn, the Minister must publicly disclose the withdrawal.

Reg. 13A
inserted by
S.R. No.
123/2016
reg. 9.

13B Further information

- (1) If a titleholder submits an environment plan, the Minister may request the titleholder to provide further written information about any matter required by these Regulations to be included in an environment plan.
- (2) The request under subregulation (1) must—
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a reasonable period within which the information is to be provided.

Reg. 13B
inserted by
S.R. No.
123/2016
reg. 9.

- (3) If a titleholder receives a request, and provides information requested by the Minister within the period specified or within a longer period agreed to by the Minister—
 - (a) the information becomes part of the environment plan; and
 - (b) the Minister must have regard to the information as if it had been included in the submitted environment plan.

Reg. 13C
inserted by
S.R. No.
123/2016
reg. 9.

13C Making decision on submitted environment plan

- (1) Within 30 days after a titleholder submits an environment plan—
 - (a) if the Minister is reasonably satisfied that the environment plan meets the criteria set out in regulation 13D, the Minister must accept the plan; or
 - (b) if the Minister is not reasonably satisfied that the environment plan meets the criteria set out in regulation 13D, the Minister must give the titleholder notice in writing under subregulation (2); or
 - (c) if the Minister is unable to make a decision on the environment plan within the 30 day period, the Minister must give the titleholder notice in writing and set out a proposed timetable for consideration of the plan.
- (2) A notice to a titleholder under this regulation must—
 - (a) state that the Minister is not reasonably satisfied that the environment plan submitted by the titleholder meets the criteria set out in regulation 13D; and
 - (b) identify the criteria set out in regulation 13D about which the Minister is not reasonably satisfied; and

- (c) set a date by which the titleholder may resubmit the plan.
- (3) The date referred to in subregulation (2)(c) must give the titleholder a reasonable opportunity to modify and resubmit the plan.
- (4) Within 30 days after the titleholder has resubmitted the modified plan—
 - (a) if the Minister is reasonably satisfied that the environment plan meets the criteria set out in regulation 13D, the Minister must accept the plan; or
 - (b) if the Minister is still not reasonably satisfied that the environment plan meets the criteria set out in regulation 13D, the Minister must—
 - (i) give the titleholder a further notice under subregulation (2); or
 - (ii) refuse to accept the plan; or
 - (iii) act under subregulation (6); or
 - (c) if the Minister is unable to make a decision on the environment plan within the 30 day period, the Minister must give the titleholder notice in writing and set out a proposed timetable for consideration of the plan.
- (5) If the titleholder does not resubmit the plan by the date referred to in subregulation (2)(c), or a later date agreed to by the Minister, the Minister must—
 - (a) refuse to accept the plan; or
 - (b) act under subregulation (6).

- (6) For the purposes of subregulation (4)(b)(iii) and (5)(b), the Minister may do either or both of the following—
- (a) accept the plan in part for a particular stage of the activity;
 - (b) accept the plan subject to limitations or conditions applying to operations for the activity.
- (7) 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 the 30 day period in subregulation (1) or (4).

Reg. 13D
inserted by
S.R. No.
123/2016
reg. 9.

13D Criteria for acceptance of environment plan

The criteria for acceptance of an environment plan under regulation 13C are that the plan—

- (a) is appropriate for the nature and scale of the activity; and
- (b) demonstrates that the environmental impacts and risks of the activity will be reduced to as low as reasonably practicable; and
- (c) demonstrates that the environmental impacts and risks of the activity will be of an acceptable level; and
- (d) provides for appropriate environmental performance outcomes, environmental performance standards and measurement criteria; and
- (e) includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
- (f) demonstrates that—
 - (i) the titleholder has carried out the consultation required by regulation 13F; and

- (ii) the measures (if any) that the titleholder has adopted, or proposes to adopt, because of the consultation are appropriate; and

(g) complies with the Act and these Regulations.

13E Notice of decision on environment plan and submission of summary

Reg. 13E
inserted by
S.R. No.
123/2016
reg. 9.

- (1) The Minister must give the titleholder notice in writing of a decision by the Minister to—
 - (a) accept the environment plan; or
 - (b) refuse to accept the plan; or
 - (c) accept the plan in part for a particular stage of the activity, or subject to limitations or conditions.
- (2) A notice of a decision mentioned in subregulation (1)(b) or (c) must set out—
 - (a) the terms of the decision and the reasons for it; and
 - (b) any limitations or conditions that are to apply to operations for the activity.
- (3) Within 10 days after receiving notice that the Minister has accepted an environment plan (whether in full, in part or subject to limitations or conditions), the titleholder must submit a summary of the accepted plan to the Minister for public disclosure.
- (4) The summary—
 - (a) must include the following material from the environment plan—
 - (i) the location of the activity;
 - (ii) a description of the receiving environment;

- (iii) a description of the activity;
- (iv) details of environmental impacts and risks;
- (v) a summary of the control measures for the activity;
- (vi) a summary of the arrangements for ongoing monitoring of the titleholder's environmental performance;
- (vii) a summary of environmental emergency response arrangements;
- (viii) details of consultation already undertaken, and plans for ongoing consultation;
- (ix) details of the titleholder's nominated liaison person for the activity; and

(b) must be to the satisfaction of the Minister.

13F Consultation with relevant authorities, persons and organisations, etc.

- (1) In the course of preparing an environment plan, or a variation of an environment plan, a titleholder must consult each of the following—
- (a) any authority or entity of the State to which the activities to be carried out under the environment plan, or the variation of the environment plan, may be relevant;
 - (b) a person or organisation whose functions, interests or activities may be affected by the activities to be carried out under the environment plan, or the variation of the environment plan;
 - (c) any other person or organisation that the titleholder considers relevant.

Reg. 13F
inserted by
S.R. No.
123/2016
reg. 9.

- (2) For the purpose of the consultation, the titleholder must give each of those consulted sufficient information to allow them to make an informed assessment of the possible consequences of the activity on their functions, interests or activities.
- (3) The titleholder must allow a reasonable period for the consultation.

Division 3—Contents of an environment plan

14 Contents of an environment plan

An environment plan for an activity must include the matters set out in regulations 15, 16, 17, 18 and 19.

15 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 operational details of the activity (for example, seismic surveys, exploration drilling or production) and proposed timetables;
 - (d) any additional information relevant to consideration of environmental impacts and risks of the activity.
- (2) The environment plan must—
 - (a) describe the environment that may be affected by the activity; and
 - (b) include details of the particular relevant values and sensitivities (if any) of that environment.

Reg. 15(3)
substituted by
S.R. No.
123/2016
reg. 10(1).

- (3) The environment plan must—
- (a) describe the requirements, including legislative requirements, that apply to the activity and are relevant to the environmental management of the activity; and
 - (b) demonstrate how those requirements will be met; and
 - (c) include details of the environmental impacts and risks for the activity; and
 - (d) include an evaluation of all the impacts and risks appropriate to the nature and scale of each impact or risk; and
 - (e) specify details of the control measures that will be used to reduce the impacts and risks of the activity to as low as reasonably practicable and an acceptable level.

Reg. 15(4)
amended by
S.R. No.
123/2016
reg. 10(2)(a).

- (4) To avoid doubt, the evaluation mentioned in subregulation (3)(d) must evaluate all the significant impacts and risks arising directly or indirectly from—

Reg. 15(4)(a)
amended by
S.R. No.
123/2016
reg. 10(2)(b).

- (a) all operations of the activity; and
- (b) potential emergency conditions, whether resulting from accident or any other reason.

Reg. 15(5)
substituted by
S.R. No.
123/2016
reg. 10(3).

- (5) The environment plan must—
- (a) set environmental performance standards for the control measures identified under subregulation (3)(e); and
 - (b) set out the environmental performance outcomes against which the performance of the titleholder in protecting the environment is to be measured; and

- (c) include measurement criteria that the titleholder will use to determine whether each environmental performance outcome and environmental performance standard is being met.

* * * * *

Reg. 15(6)
revoked by
S.R. No.
123/2016
reg. 10(3).

16 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—
- (a) state when the titleholder will report to the Minister in relation to the titleholder's environmental performance for the activity; and
- (b) provide that the interval between reports will not be more than one year.

Reg. 16(2)
substituted by
S.R. No.
123/2016
reg. 11(1).

Note

Regulation 31A requires a titleholder to report on environmental performance in accordance with the timetable set out in the environment plan.

- (3) The implementation strategy must contain a description of the environmental management system for the activity, including specific measures to be used to ensure that, for the duration of the activity—
- (a) the environmental impacts and risks of the activity continue to be identified and reduced to a level that is as low as reasonably practicable; and

Reg. 16(3)
substituted by
S.R. No.
123/2016
reg. 11(1).

- (b) control measures detailed in the environment plan are effective in reducing the environmental impacts and risks of the activity to as low as reasonably practicable and an acceptable level; and
- (c) environmental performance outcomes and standards set out in the environment plan are being met.
- Reg. 16(4)
amended by
S.R. No.
123/2016
reg. 11(2).**
- (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, including during emergencies or potential emergencies.
- Reg. 16(5)
amended by
S.R. No.
123/2016
reg. 11(3).**
- (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 plan, including during emergencies or potential emergencies, and has the appropriate competencies and training.
- Reg. 16(6)
substituted by
S.R. No.
123/2016
reg. 11(4).**
- (6) The implementation strategy must provide for sufficient monitoring, recording, audit, management of non-conformance and review of the titleholder's environmental performance and the implementation strategy to ensure that the environmental performance outcomes and standards in the environment plan are being met.
- Reg. 16(7)
substituted by
S.R. No.
123/2016
reg. 11(4).**
- (7) The implementation strategy must provide for sufficient monitoring of, and maintaining a quantitative record of, emissions and discharges (whether occurring during normal operations or otherwise), such that the record can be used to assess whether the environmental performance outcomes and standards in the environment plan are being met.

- (8) The implementation strategy must provide for appropriate ongoing consultation with—
- (a) relevant authorities or entities of the State;
and
 - (b) other relevant interested persons or organisations.
- (9) The implementation strategy must comply with the Act, these Regulations and any other environmental legislation applying to the activity.

Reg. 16(8)(a)
substituted by
S.R. No.
123/2016
reg. 11(5).

17 Environmental emergency response manual

- (1) The implementation strategy mentioned in regulation 16 must include the maintenance of an environmental emergency response manual in accordance with this regulation.
- (2) The environmental emergency response manual must—
- (a) be kept up to date; and
 - (b) include emergency response arrangements.
- (3) The response arrangements in the environmental emergency response manual must be tested—
- (a) when they are introduced; and
 - (b) when they are significantly amended; and
 - (c) not later than 12 months after the most recent test; and
 - (d) for a new location for the activity that is added to the environment plan after the response arrangements have been tested and before the next test is conducted—when the location is added to the plan; and

Reg. 17(1)
amended by
S.R. No.
123/2016
reg. 12.

- (e) for a facility or other structure that becomes operational after the response arrangements have been tested and before the next test is conducted—when the facility or structure becomes operational.

Reg. 18
substituted by
S.R. No.
123/2016
reg. 13.

18 Details of titleholder and liaison person

- (1) The environment plan must include the following details of the titleholder—
 - (a) name;
 - (b) business address;
 - (c) telephone number (if any);
 - (d) fax number (if any);
 - (e) email address (if any);
 - (f) if the titleholder is a body corporate that has an ACN (within the meaning of the Corporations Act)—ACN.
- (2) The environment plan must also include the following details of the titleholder's nominated liaison person—
 - (a) name;
 - (b) business address;
 - (c) telephone number (if any);
 - (d) fax number (if any);
 - (e) email address (if any).
- (3) The environment plan must include arrangements for notifying the Minister of a change in the titleholder's nominated liaison person or a change in the contact details for either the titleholder or the liaison person.

19 Other information in the environment plan

The environment plan must contain the following—

- (a) a statement of the titleholder's corporate environmental policy;
- (b) a report on all consultations between the titleholder and relevant authorities, interested persons and organisations in the course of developing the environment plan;
- (c) details of all reportable incidents in relation to the proposed activity.

Reg. 19(a)
amended by
S.R. No.
123/2016
reg. 14(1).

Reg. 19(b)
amended by
S.R. No.
123/2016
reg. 14(2).

Division 4—Variation of an environment plan²

20 Variation because of a change, or proposed change, of circumstances or operations

- (1) A titleholder may, with the Minister's approval, submit to the Minister a proposed variation of an environment plan before the commencement of a new activity.
- (2) A titleholder must submit to the Minister a proposed variation of the environment plan for an activity before the commencement of any significant modification or new stage of the activity that is not provided for in the environment plan as currently in force.
- (3) A titleholder must submit a proposed variation of the environment plan for an activity before, or as soon as practicable after—
 - (a) the occurrence of any significant new environmental impact or risk, or significant increase in an existing environmental impact or risk, not provided for in the environment plan in force for the activity; or

Reg. 20
substituted by
S.R. No.
123/2016
reg. 15.

(b) the occurrence of a series of new environmental impacts or risks, or a series of increases in existing environmental impacts or risks, which, taken together, amount to the occurrence of—

(i) a significant new environmental impact or risk; or

(ii) a significant increase in an existing environmental impact or risk—

that is not provided for in the environment plan in force for the activity.

(4) If a change in the titleholder will result in a change in the manner in which the environmental impacts and risks of an activity are managed, the new titleholder must submit a proposed variation of the environment plan for the activity as soon as practicable.

21 Variation on request by the Minister³

Reg. 21(1)
substituted by
S.R. No.
123/2016
reg. 16(1).

(1) A titleholder must submit to the Minister a proposed variation of the environment plan for an activity if the Minister requests the titleholder 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 variation;

(b) the proposed date of effect of the variation;

(c) the grounds for the request.

(3) The titleholder may make a submission in writing to the Minister stating the titleholder's reasons for one or more of the following matters—

(a) why the variation should not occur;

Reg. 21(3)
amended by
S.R. No.
123/2016
reg. 16(2).

- (b) why the variation should be in different terms from the terms of the proposed variation;
- (c) why the variation should take effect on a date later than the proposed date.
- (4) A submission by the titleholder must be made within 21 days after receiving the request, or within any longer period that the Minister in writing allows. **Reg. 21(4) amended by S.R. No. 123/2016 reg. 16(3).**
- (5) If the Minister agrees, the titleholder may submit a proposed variation in the form of a variation of a part of the accepted environment plan in force for the activity. **Reg. 21(5) amended by S.R. No. 123/2016 reg. 16(4).**
- (6) If a submission complies with subregulations (3), (4) and (5), the Minister must—
- (a) decide whether to accept one or more of the reasons stated in the submission; and
- (b) give the titleholder notice in writing of the decision; and **Reg. 21(6)(b) amended by S.R. No. 123/2016 reg. 16(5).**
- (c) to the extent (if any) that the Minister accepts the reasons, give the titleholder notice in writing that varies or withdraws the request in accordance with the decision; and **Reg. 21(6)(c) amended by S.R. No. 123/2016 reg. 16(5).**
- (d) to the extent (if any) that the Minister does not accept the reasons, give the titleholder notice in writing of the grounds for not accepting them. **Reg. 21(6)(d) amended by S.R. No. 123/2016 reg. 16(5).**
- (7) An titleholder 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. **Reg. 21(7) amended by S.R. No. 123/2016 reg. 16(5).**

22 Variation at the end of each 5 years⁴

Reg. 22(1)
amended by
S.R. No.
123/2016
reg. 17
(1)(a)(b).

(1) A titleholder must submit to the Minister a proposed variation of the environment plan for an activity at least 14 days before the end of each period of 5 years, commencing on the latest of the following—

- (a) the day on which the environment plan is first accepted under regulation 13 by the Minister;
- (b) the day on which a varied environment plan submitted under this regulation is accepted under regulation 13 by the Minister;
- (c) in relation to a variation of an environment plan submitted under regulation 20 or 21, the day (if any) notified by the Minister under subregulation (2).

Reg. 22(1)(c)
amended by
S.R. No.
123/2016
reg. 17(1)(c).

Reg. 22(2)
amended by
S.R. No.
123/2016
reg. 17(2).

(2) For the purposes of subregulation (1)(c), the Minister may notify the titleholder that the effect of a variation of an environment plan submitted under regulation 20 or 21 is that the period of 5 years mentioned in subregulation (1) starts on the date specified in the notification.

Reg. 23
amended by
S.R. No.
123/2016
reg. 18.

23 Form of proposed variation

A proposed variation of an environment plan must be in the form of a varied environment plan or, if the titleholder and the Minister so agree, a varied part of the environment plan.

Reg. 23A
inserted by
S.R. No.
123/2016
reg. 19.

23A Publication of information about proposed variation

If a proposed variation of an environment plan is submitted to the Minister, the Minister must, as soon as practicable, publicly disclose—

- (a) the name of the titleholder; and

- (b) a description of the activity or stage of the activity to which the revised environment plan or revised part relates; and
- (c) the reason for the variation; and
- (d) the location of the activity; and
- (e) details of the titleholder's nominated liaison person for the activity; and
- (f) the decision (if any) made by the Minister in relation to the revised environment plan or revised part.

24 Acceptance of a varied environment plan

Regulations 12, 13C, 13D and 13E apply to a proposed variation of an environment plan 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 variation; and
- (b) any other reference in those regulations to the environment plan were a reference to the plan as varied by the proposed variation.

Note

These regulations deal with the consideration and acceptance of an environment plan.

Reg. 24
amended by
S.R. No.
123/2016
reg. 20(1).

Note to reg. 24
substituted by
S.R. No.
123/2016
reg. 20(2).

25 Effect of non-acceptance of proposed variation

If a proposed variation of an environment plan is not accepted, the provisions of the environment plan in force for the activity existing immediately before the proposed variation was submitted remain in force, subject to the Act and this Chapter (in particular, the provisions of Division 5), as if the variation had not been proposed.

Division 5—Withdrawal of acceptance of an environment plan

26 Withdrawal of acceptance of environment plan

Reg. 26(1)
amended by
S.R. No.
123/2016
reg. 21(1).

(1) The Minister, by notice in writing to the titleholder for 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—

Reg. 26(2)(a)
amended by
S.R. No.
123/2016
reg. 21(2)(a).

(a) the titleholder has not complied with—

(i) a provision of the Act relating to environmental requirements; or

(ii) a direction given by the Minister under section 623 of the Act; or

Reg. 26(2)(b)
amended by
S.R. No.
123/2016
reg. 21(2)(b).

(b) the titleholder has not complied with regulation 9, 10, 20, 21 or 22; or

Reg. 26(2)(c)
amended by
S.R. No.
123/2016
reg. 21(2)(c).

(c) the Minister has refused to accept a proposed variation of the environment plan; or

Reg. 26(2)(d)
inserted by
S.R. No.
123/2016
reg. 21(2)(d).

(d) the Minister is not reasonably satisfied, after 2 or more requests for modification of a report on environmental performance under regulation 31A, that the titleholder has given the Minister sufficient information to enable the Minister to determine whether the environmental performance outcomes and standards in the environment plan have been met.

(3) A notice under subregulation (1) must set out the reasons for the decision.

27 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 titleholder at least 30 days notice in writing of the Minister's intention to withdraw acceptance of the plan.

Reg. 27(2)
amended by
S.R. No.
123/2016
reg. 22(1).

(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 titleholder (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.

Reg. 27(4)
amended by
S.R. No.
123/2016
reg. 22(1).

(5) The Minister must take into account—

(a) any action taken by the titleholder to remove the ground for withdrawal of acceptance, or to prevent the recurrence of that ground; and

Reg. 27(5)(a)
amended by
S.R. No.
123/2016
reg. 22(2)(a).

(b) any matter submitted to the Minister before the specified date by the titleholder or a person to whom a copy of the notice has been given.

Reg. 27(5)(b)
amended by
S.R. No.
123/2016
reg. 22(2)(b).

28 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 titleholder has not complied with a provision of the Act, or of a regulation mentioned in regulation 26(2)(b), even though the titleholder has been convicted of an offence by reason of the failure to comply with that provision.

Reg. 28(1)
amended by
S.R. No.
123/2016
reg. 23(1).

Reg. 28(2)
substituted by
S.R. No.
123/2016
reg. 23(2).

- (2) If the Minister withdraws the acceptance of an environment plan on the ground that the titleholder has not complied with a provision of the Act, or of a regulation mentioned in regulation 26(2)(b), the titleholder 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.

Reg. 28A
inserted by
S.R. No.
123/2016
reg. 24.

28A Environment plan ends when titleholder notifies completion

The operation of an environment plan ends when—

- (a) the titleholder notifies the Minister that—
- (i) the activity or activities to which the plan relates have ended; and
 - (ii) all of the obligations under the environment plan have been completed; and
- (b) the Minister accepts the notification.

Part 2.3—Incidents, reports and records

29 Notifying reportable incidents

- (1) A titleholder who undertakes an activity must, if there is a reportable incident, notify the reportable incident in accordance with subregulation (3).

Penalty: In the case of a body corporate,
200 penalty units;
In the case of a natural person,
40 penalty units.

Reg. 29(1)
amended by
S.R. No.
133/2012
reg. 9,
substituted by
S.R. No.
123/2016
reg. 25(1).

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

Reg. 29(2)
amended by
S.R. No.
123/2016
reg. 25(2).

- (3) A notification under subregulation (1)—

(a) must be given to the Minister; and

(b) must be given as soon as practicable, and in any case not later than 2 hours after—

(i) the first occurrence of the reportable incident; or

(ii) if the reportable incident was not detected by the titleholder at the time of the first occurrence—the time the titleholder becomes aware of the reportable incident; and

Reg. 29
(3)(b)(ii)
amended by
S.R. No.
123/2016
reg. 25(3)(a).

(c) must be oral; and

Reg. 29(3)(c)
substituted by
S.R. No.
123/2016
reg. 25(3)(b).

(d) must contain—

(i) all material facts and circumstances concerning the reportable incident that the titleholder knows or is able, by reasonable search or enquiry, to find out; and

Reg. 29(3)(d)(i)
amended by
S.R. No.
123/2016
reg. 25(3)(c).

- Reg. 29
(3)(d)(iii)
amended by
S.R. No.
123/2016
reg. 25(3)(d).
- Reg. 29(4)
inserted by
S.R. No.
123/2016
reg. 25(4).
- Reg. 29(5)
inserted by
S.R. No.
123/2016
reg. 25(4).
- (ii) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and
- (iii) the corrective action that has been taken, or is proposed to be taken, to stop, control or remedy the reportable incident.
- (4) As soon as practicable after the titleholder notifies a reportable incident, the titleholder must give a written record of the notification to the Minister.
- (5) The titleholder is not required to include in the record anything that was not included in the notification.

30 Written report of reportable incidents

- Reg. 30(1)
amended by
S.R. No.
133/2012
reg. 10,
substituted by
S.R. No.
123/2016
reg. 26(1).
- Reg. 30(2)
amended by
S.R. No.
123/2016
reg. 26(2).
- (1) A titleholder who undertakes an activity must, if there is a reportable incident, submit a written report of the reportable incident in accordance with subregulation (3).
- Penalty: In the case of a body corporate,
200 penalty units;
- In the case of a natural person,
40 penalty units.
- (2) Subregulation (1) does not apply if the titleholder has a reasonable excuse.
- (3) A written report under subregulation (1)—
- (a) must be given to the Minister; and

(b) must be given as soon as practicable, and in any case—

(i) not later than 3 days after the first occurrence of the reportable incident; or

(ii) if the Minister specifies, within 3 days after the first occurrence of the reportable incident, another period within which the report must be provided—within that period; and

(c) must contain—

(i) all material facts and circumstances concerning the reportable incident that the titleholder knows or is able, by reasonable search or enquiry, to find out; and

Reg. 30(3)(c)(i)
amended by
S.R. No.
123/2016
reg. 26(3)(a).

(ii) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and

(iii) the corrective action that has been taken, or is proposed to be taken, to stop, control or remedy the reportable incident; and

Reg. 30
(3)(c)(iii)
substituted by
S.R. No.
123/2016
reg. 26(3)(b).

(iv) the action that has been taken, or is proposed to be taken, to prevent a similar incident occurring in the future.

Reg. 30
(3)(c)(iv)
inserted by
S.R. No.
123/2016
reg. 26(3)(b).

30A Additional written reports if requested

(1) This regulation applies if a titleholder notifies a reportable incident in accordance with regulation 29.

Reg. 30A
inserted by
S.R. No.
123/2016
reg. 27.

- (2) The Minister may, by notice in writing, require the titleholder to submit one or more written reports of the reportable incident after the written report required under regulation 30.
- (3) The notice must—
 - (a) identify the information to be contained in a report or the matters to be addressed; and
 - (b) specify when the report must be given to the Minister.
- (4) The date or time specified for giving the report must give the titleholder a reasonable time for preparing the report.
- (5) A titleholder must submit a written report of a reportable incident in accordance with a notice given by the Minister to the titleholder under this regulation.

Penalty: In the case of a body corporate,
200 penalty units;
In the case of a natural person,
40 penalty units.
- (6) Subregulation (5) does not apply if the titleholder has a reasonable excuse.

31 Reporting recordable incidents

- (1) A titleholder who undertakes an activity must, if there is a recordable incident, submit a written report of the recordable incident in accordance with this regulation.

Penalty: In the case of a body corporate,
200 penalty units;
In the case of a natural person,
40 penalty units.

Reg. 31(1)
amended by
S.R. No.
133/2012
reg. 11,
substituted by
S.R. No.
123/2016
reg. 28(1).

(2) Subregulation (1) does not apply if the titleholder has a reasonable excuse.

Reg. 31(2)
amended by
S.R. No.
123/2016
reg. 28(2).

(3) A written report under subregulation (1)—

- (a) must be given to the Minister; and
- (b) must relate to a calendar month; and
- (c) must be given as soon as practicable after the end of the calendar month, and in any case not later than 15 days after the end of the calendar month; and

(d) must contain—

- (i) a record of all recordable incidents that occurred during the calendar month; and
- (ii) all material facts and circumstances concerning the recordable incidents that the titleholder knows or is able, by reasonable search or enquiry, to find out; and
- (iii) any action taken to avoid or mitigate any adverse environment impacts of the recordable incidents; and
- (iv) the corrective action that has been taken, or is proposed to be taken, to stop, control or remedy the recordable incident; and
- (v) the action that has been taken, or is proposed to be taken, to prevent a similar incident occurring in the future.

Reg. 31
(3)(d)(ii)
amended by
S.R. No.
123/2016
reg. 28(2).

Reg. 31
(3)(d)(iv)
substituted by
S.R. No.
123/2016
reg. 28(3).

Reg. 31
(3)(d)(iv)
inserted by
S.R. No.
123/2016
reg. 28(3).

Reg. 31A
inserted by
S.R. No.
123/2016
reg. 29.

31A Reporting environmental performance

- (1) A titleholder undertaking an activity must submit a report to the Minister in relation to the titleholder's environmental performance for the activity, at the intervals provided for in the environment plan.

Note

Regulation 16(2) requires an environment plan to state when the titleholder will submit reports.

- (2) If the Minister is not reasonably satisfied that a report is sufficient to enable the Minister to determine whether the environmental performance outcomes and standards in the environment plan have been met, the Minister may ask the titleholder to modify the report.
- (3) The request must—
 - (a) be in writing; and
 - (b) identify the reasons why the Minister is not reasonably satisfied with the report.

Note

If the Minister is still not reasonably satisfied after 2 or more requests for a modified report, this is a ground for the Minister to withdraw acceptance of the environment plan—see regulation 26(2)(d).

32 Storage of records

- (1) A titleholder must store the environment plan in force for an activity in a way that makes retrieval of the environment plan reasonably practicable.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 32
amended by
S.R. No.
133/2012
reg. 12,
substituted by
S.R. No.
123/2016
reg. 30.

- (2) A titleholder must store a version of an environment plan for an activity that was previously in force in a way that makes retrieval of the version reasonably practicable.

Penalty: In the case of a body corporate,
150 penalty units;

In the case of a natural person,
30 penalty units.

- (3) Subregulation (2) does not apply if it is more than 5 years after the day on which the version of the environment plan ceased to be in force (whether because the plan was revised, acceptance of the plan was withdrawn, or the operation of the plan ended).

- (4) A titleholder who creates a document or other record specified in subregulation (6) must store the document or record in a way that makes retrieval of the document or record reasonably practicable.

Penalty: In the case of a body corporate,
150 penalty units;

In the case of a natural person,
30 penalty units.

- (5) Subregulation (4) does not apply if it is more than 5 years after the day on which the document or record was created.

- (6) For the purpose of subregulation (4), the documents or other records are—

(a) written reports (including monitoring, audit and review reports) about environmental performance, or about the implementation strategy, under an environment plan; and

(b) records relating to environmental performance, or the implementation strategy, under an environment plan; and

- (c) records of emissions and discharges into the environment made in accordance with an environment plan; and
- (d) records of calibration and maintenance of monitoring devices used in accordance with an environment plan; and
- (e) records and copies of notifications or reports mentioned in—
 - (i) regulations 29, 30 and 30A, relating to reportable incidents; and
 - (ii) regulation 31, relating to recordable incidents; and
 - (iii) regulation 31A, relating to the titleholder's environmental performance for an activity.

33 Making records available

Reg. 33(1)
amended by
S.R. No.
133/2012
reg. 13,
substituted by
S.R. No.
123/2016
reg. 31(1).

- (1) A titleholder must make available, in accordance with this regulation, copies of the records specified in regulation 32.

Penalty: In the case of a body corporate,
150 penalty units;

In the case of a natural person,
30 penalty units.

Reg. 33(2)
amended by
S.R. No.
123/2016
reg. 31(2)(a).

- (2) The titleholder must make copies of the records available to any of the following persons, on request in writing by the person—
- (a) the Minister;
 - (b) a delegate, under section 792 of the Act, of the Minister;
 - (c) a greenhouse gas project inspector or a petroleum project inspector.

(3) If the person making the request states that copies of the records be made available to an agent of the person, the titleholder must make the copies available to the agent.

Reg. 33(3)
amended by
S.R. No.
123/2016
reg. 31(2)(a).

(4) However, if the titleholder—

Reg. 33(4)
amended by
S.R. No.
123/2016
reg. 31(2)(b).

(a) requests a person who is a delegate of the Minister to produce written evidence of the delegation; or

(b) requests a person who is a greenhouse gas project inspector or a petroleum project inspector to produce written evidence of the person's appointment as a greenhouse gas project inspector or a petroleum project inspector; or

(c) requests a person who is an agent to produce written evidence of the person's appointment as an agent—

the titleholder is not required to make the records available unless the person produces the evidence to the titleholder.

(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 an emergency; or

Reg. 33(5)(a)
amended by
S.R. No.
123/2016
reg. 31(2)(c).

(b) in any other case—during normal business hours on any day at the place where the records are kept, other than a Saturday, a Sunday, or a public holiday appointed under the **Public Holidays Act 1993**.

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

S.R. No. 153/2011

Part 2.3—Incidents, reports and records

Reg. 33(6)
amended by
S.R. No.
123/2016
reg. 31(2)(d).

(6) The copies of the records must be made available at the place where the records are kept or, if agreed between the titleholder 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).

Reg. 33(7)
amended by
S.R. No.
123/2016
reg. 31(2)(e).

(7) If the records are stored on a computer, the records must be made available in printout form or, if the titleholder and the Minister so agree, in electronic form.

Part 2.4—Miscellaneous

Ch. 2 Pt 2.4
(Heading and
ss 34–39)
amended by
S.R. No.
133/2012
reg. 14,
substituted as
Ch. 2 Pt. 2.4
(Heading and
ss 34, 35) by
S.R. No.
123/2016
reg. 32.

34 Notifying start and end of activity

- (1) A titleholder must notify the Minister that an activity is to commence at least 10 days before the activity commences.
- (2) A titleholder must notify the Minister that an activity is completed within 10 days after the completion.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 34
substituted by
S.R. No.
123/2016
reg. 32.

35 Titleholder may refer to information previously given

- (1) A titleholder who, under these Regulations, is required to give the Minister information, or include information in a document, may refer to the information instead of giving it to the Minister or including it in the document if the information to be given or included is the same information given previously to the Minister for another purpose under the Act or the Regulations.
- (2) Subregulation (1) does not apply if the Minister advises the titleholder that the information is no longer available to the Minister.

Reg. 35
substituted by
S.R. No.
123/2016
reg. 32.

- (3) If the Minister has power to assess whether information is sufficient or adequate for a purpose, the Minister is not required to accept that information is sufficient or adequate for a purpose different from the one for which it was originally given.

Chapter 3—Safety

Part 3.1—Preliminary

40 Objects of this Chapter

- (1) An object of this Chapter is to ensure that facilities are designed, constructed, installed, operated, modified and decommissioned in the offshore area only in accordance with safety cases that have been accepted by NOPSEMA.
- (2) An object of this Chapter is to ensure that safety cases for facilities make provision for the following matters in relation to the health and safety of persons at or near the facilities—
 - (a) the identification of hazards and the assessment of risks;
 - (b) the implementation of measures to eliminate the hazards, or otherwise control the risks;
 - (c) a comprehensive and integrated system for management of the hazards and risks;
 - (d) monitoring, audit, review and continuous improvement.
- (3) An object of this Chapter is to ensure that the risks to the health and safety of persons at facilities are reduced to a level that is as low as reasonably practicable.
- (4) An object of this Chapter is to ensure that diving to which the Act relates is carried out in the offshore area only in accordance with diving safety management systems that have been accepted by NOPSEMA.

Reg. 40(1)
amended by
S.R. No.
160/2012
reg. 6.

Reg. 40(4)
amended by
S.R. No.
160/2012
reg. 6.

- (5) An object of this Chapter is to ensure that diving safety management systems make provision for the following matters in relation to the health and safety of persons—
- (a) the identification of hazards and assessment of risks;
 - (b) the implementation of measures to eliminate the hazards, or otherwise control the risks;
 - (c) a comprehensive and integrated system for management of the hazards and risks;
 - (d) monitoring, audit, review and continuous improvement.
- (6) An object of this Chapter is to ensure that the risks to the health and safety of persons who carry out diving to which the Act relates are reduced to a level that is as low as reasonably practicable.

41 Definitions

In this Chapter—

Reg. 41 def. of
accepted
DSMS
amended by
S.R. No.
160/2012
reg. 7(1).

accepted DSMS means—

- (a) a DSMS that has been accepted by NOPSEMA under regulation 132 or 133; or
- (b) a DSMS mentioned in regulation 364;

ADAS means the Australian Diver Accreditation Scheme administered by the Board of the Australian Diver Accreditation Scheme;

Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment means the Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:1003(1995)] published by the National Occupational Health and Safety

Commission in 1995, as amended from time to time;

Approved Criteria for Classifying Hazardous Substances means the Approved Criteria for Classifying Hazardous Substances [NOHSC:1008(2004)], 3rd Edition, published by the National Occupational Health and Safety Commission in October 2004, as amended from time to time;

AS/NZS 2299.1:2007 means AS/NZS 2299.1:2007, Occupational diving operations, Part 1: Standard Operational Practice, published jointly by Standards Australia and Standards New Zealand on 31 August 2007, as amended from time to time;

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 3 to the Act;

controlled substance means a substance listed in—

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

(b) Schedule 4 to the Customs (Prohibited Imports) Regulations 1956 of the Commonwealth;

dangerous occurrence has the meaning given by regulation 85(2);

designated work group has the meaning given by clause 3 of Schedule 3 to the Act;

diving has the meaning given by regulation 128;

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

diving operation means an offshore petroleum operation or greenhouse gas storage 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;

election means an election for a health and safety representative or a deputy health and safety representative under clause 32 of Schedule 3 to the Act;

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;

employer has the meaning given by clause 3 of Schedule 3 to the Act;

facility has the meaning given by clause 3 of Schedule 3 to the Act;

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

health and safety representative means a person selected as a health and safety representative for a designated work group under clause 31 of Schedule 3 to the Act;

identity card means an identity card issued, under section 681 of the Commonwealth Act, to an OHS inspector;

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

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

Reg. 41 def. of
in force
amended by
S.R. No.
160/2012
reg. 7(2).

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

List of Designated Hazardous Substances means the List of Designated Hazardous Substances [NOHSC:10005(1999)] published by the National Occupational Health and Safety Commission in April 1999, as amended from time to time;

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;

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;

member of the workforce has the meaning given by clause 3 of Schedule 3 to the Act;

National Code of Practice for Noise

Management and Protection of Hearing at Work means the National Code of Practice for Noise Management and Protection of Hearing at Work [NOHSC: 2009(2004)], 3rd Edition, published by the National Occupational Health and Safety Commission in June 2004, as amended from time to time;

National Model Regulations for the Control of Workplace Hazardous Substances means the National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)] published by the National Occupational Health and Safety Commission in 1994, as amended from time to time;

National Standard for Occupational Noise means the National Standard for Occupational Noise [NOHSC: 1007(2000)], 2nd Edition, published by the National Occupational Health and Safety Commission in July 2000, as amended from time to time;

offshore greenhouse gas storage operations has the meaning given by section 703 of the Act;

offshore petroleum operations has the meaning given by section 703 of the Act;

OHS inspector means a person appointed as an OHS inspector under section 680 of the Commonwealth Act;

operator has the meaning given by clause 3 of Schedule 3 to the Act;

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;

pipe—

- (a) means a pipe for the purpose of conveying petroleum or a greenhouse gas substance; and
- (b) includes—
 - (i) a petroleum or greenhouse gas pipeline; and
 - (ii) a secondary line;

registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student); and

registered nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession (other than as a midwife or student); and

registered pharmacist means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);

returning officer means a person appointed as a returning officer under regulation 102;

safety case means the document known as a safety case that is submitted to NOPSEMA under Division 2 of Part 3.2;

Reg. 41 def. of
safety case
amended by
S.R. No.
160/2012
reg. 7(3).

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

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

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

therapeutic drug means a drug that—

- (a) may be prescribed by a registered medical practitioner under a law of a State or Territory; or
- (b) may be sold under that law, without a prescription prepared by a registered medical practitioner;

titleholder means—

- (a) a greenhouse gas assessment permittee;
or
- (b) a greenhouse gas holding lessee; or
- (c) a greenhouse gas injection licensee; or
- (d) an infrastructure licensee; or
- (e) a petroleum exploration permittee; or
- (f) a petroleum production licensee; or
- (g) a petroleum retention lessee; or
- (h) a pipeline licensee;

validation has the meaning given by regulation 84;

voter means a person who is eligible to vote in an election under the Act;

work has the meaning given by clause 3 of Schedule 3 to the Act;

workplace has the meaning given by clause 3 of Schedule 3 to the Act.

42 Vessels and structures that are not facilities

For the purposes of clause 8(d) of Schedule 3 to the Act, the vessels and structures in the following table are not facilities.

Table

<i>Item</i>	<i>Vessel or structure</i>
1	Vessel supporting a remotely-operated vehicle that is being used in connection with— (a) inspection; or (b) cleaning; or (c) non-disturbing span rectification (for example, grout bagging); or (d) the operation of a valve; or (e) the recovery of debris; or (f) valve control unit change out
2	Vessel supporting a diving operation that relates to— (a) inspection; or (b) cleaning; or (c) non-disturbing span rectification (for example, grout bagging); or (d) the operation of a valve; or (e) the recovery of debris; or (f) valve control unit change out

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 3.1—Preliminary

<i>Item</i>	<i>Vessel or structure</i>
3	Vessel supporting a remotely-operated vehicle that is being used in connection with the removal of weight coating from a pipe before hydro-testing
4	Vessel supporting a diving operation that relates to the removal of weight coating from a pipe before hydro-testing
5	Vessel laying an umbilical or a cable
6	Vessel— (a) laying a clump weight anchor or mattress; or (b) conducting rock dumping on a pipe during its construction (before hydro-testing)
7	Vessel placing support structures or foundations on the sea bed for the purpose of a facility, including— (a) foundation supports for a platform jacket, pipe end manifold or another manifold; or (b) foundation piles
8	Vessel undertaking pipe trenching and burial during the construction of a facility (before hydro-testing)
9	Dumb barge that is "hipped-up" to a facility
10	Vessel installing and attaching a short length flexible pipe or jumper if there is no petroleum or greenhouse gas substance contained in the pipe or equipment to which the flexible pipe or jumper is being connected
11	Vessel placing a subsea pipe manifold or pipe end manifold during the construction of a facility (before hydro-testing)
12	Vessel attaching a cathodic protection anode to a pipe if welding is not required

Note

Under clause 8(d) of Schedule 3 to the Act, a vessel or structure is taken not to be a facility for the purposes of that Schedule if the vessel or structure is a vessel or structure used for any purpose such that it is declared by the regulations not to be a facility.

43 Vessels and structures that are not associated offshore places

For the purposes of the definition of *associated offshore place* in clause 3 to Schedule 3 of the Act, the vessels and structures in the following table are not associated offshore places.

Table

<i>Item</i>	<i>Vessel or structure</i>
1	Vessel supporting a remotely-operated vehicle that is being used in connection with— (a) inspection; or (b) cleaning; or (c) non-disturbing span rectification (for example, grout bagging); or (d) the operation of a valve; or (e) the recovery of debris; or (f) valve control unit change out
2	Vessel supporting a remotely-operated vehicle that is being used in connection with the removal of weight coating from a pipe before hydro-testing
3	Vessel laying an umbilical or a cable
4	Vessel— (a) laying a clump weight anchor or mattress; or (b) conducting rock dumping on a pipe during its construction (before hydro-testing)

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 3.1—Preliminary

<i>Item</i>	<i>Vessel or structure</i>
5	Vessel placing support structures or foundations on the sea bed for the purpose of a facility, including— (a) foundation supports for a platform jacket, pipe end manifold or another manifold; or (b) foundation piles
6	Vessel undertaking pipe trenching and burial during the construction of a facility (before hydro-testing)
7	Vessel installing and attaching a short length flexible pipe or jumper if there is no petroleum or greenhouse gas substance contained in the pipe or equipment to which the flexible pipe or jumper is being connected
8	Vessel placing a subsea pipe manifold or pipe end manifold during the construction of a facility (before hydro-testing)
9	Vessel attaching a cathodic protection anode to a pipe if welding is not required

Note

The exclusion of a vessel mentioned in an item in the table does not necessarily mean that a pipe, plant or equipment mentioned in the item is also excluded from the definition of *associated offshore place*.

44 Forms, notices and reports

- (1) A reference in this Chapter to a form by number is a reference to the form with that number in Schedule 2.
- (2) A form must be completed in accordance with a direction specified in, or at the foot of, the form.
- (3) A person who is required for the purposes of the Act or this Chapter—
 - (a) to 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.
- (4) A form, notice or report must be produced clearly and legibly in handwriting or by means of a machine in such a manner as to enable clear and legible reproduction of the contents of the form, notice or report.

Part 3.2—Offshore facilities

Division 1—Operators

45 Nomination of operator—general

Reg. 45(1)
amended by
S.R. No.
160/2012
reg. 8.

- (1) A facility owner or a titleholder may give NOPSEMA a written notice nominating a person to be the operator of a facility or a proposed facility.
- (2) The notice must include—
 - (a) the person's name; and
 - (b) the following contact details for the person—
 - (i) if the person carries on business in Australia—the address of the person's principal place of business in Australia;
 - (ii) if the person does not carry on business in Australia—the address of the person's principal place of business;
 - (iii) telephone and facsimile numbers and an email address for the person at the place of business specified in the notice;
 - (iv) telephone and facsimile numbers and an email address for the person outside business hours at the place of business specified in the notice; and
 - (c) the following details, if applicable—
 - (i) the person's Australian Company Number (ACN);
 - (ii) the person's Australian Business Number (ABN);
 - (iii) the person's Australian Registered Body Number (ARBN);

(iv) the person's Australian Registered Scheme Number (ARSN); and

(d) the person's consent to the nomination.

46 Acceptance or rejection of nomination of operator

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

Reg. 46(1)
amended by
S.R. No.
160/2012
reg. 9(1).

(a) the facility or proposed facility; and

(b) operations at the facility or proposed facility.

(2) NOPSEMA must reject the nomination if NOPSEMA is not satisfied that the nominee has, or will have, the day-to-day management and control of—

Reg. 46(2)
amended by
S.R. No.
160/2012
reg. 9(2).

(a) the facility or proposed facility; and

(b) operations at the facility or proposed facility.

(3) If NOPSEMA accepts the nomination, it must register the nominee as the operator of the facility or proposed facility.

Reg. 46(3)
amended by
S.R. No.
160/2012
reg. 9(3).

(4) NOPSEMA must notify the owner or titleholder who made the nomination, and the nominee—

Reg. 46(4)
amended by
S.R. No.
160/2012
reg. 9(4)(a).

(a) of the decision to accept or reject the nomination; and

(b) if NOPSEMA has decided to reject the nomination—of the reasons for the rejection.

Reg. 46(4)(b)
amended by
S.R. No.
160/2012
reg. 9(4)(b).

47 Register of operators

Reg. 47(1)
amended by
S.R. No.
160/2012
reg. 10(1).

- (1) NOPSEMA must—
 - (a) maintain the register of operators; and
 - (b) publish on its Internet site—
 - (i) the name of each operator; and
 - (ii) the address of each operator, as notified under regulation 45(2)(b)(i) or (ii); and
 - (iii) the name of each facility which the operator operates.

Reg. 47(2)
amended by
S.R. No.
160/2012
reg. 10(2).

- (2) An owner, titleholder or operator of a facility may notify NOPSEMA, in writing, that the 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.

Reg. 47(3)
amended by
S.R. No.
160/2012
reg. 10(2).

- (3) On receipt of a notice under subregulation (2), NOPSEMA must remove the operator's name from the register.

48 Removal of name from register

Reg. 48
amended by
S.R. No.
160/2012
reg. 11(a).

NOPSEMA may remove an operator's name from the register if—

Reg. 48(a)
amended by
S.R. No.
160/2012
reg. 11(b).

- (a) NOPSEMA believes, on reasonable grounds, that the operator does not have, or will not have, day-to-day management and control of the facility and operations at the facility; and

Reg. 48(b)
amended by
S.R. No.
160/2012
reg. 11(b).

- (b) NOPSEMA has given notice of intention to remove the operator from the register to—
 - (i) the owner or titleholder who nominated the operator; and
 - (ii) the operator; and

(c) NOPSEMA has allowed a period of 30 days for the nominator and the operator to make representations; and

Reg. 48(c)
amended by
S.R. No.
160/2012
reg. 11(b).

(d) NOPSEMA has considered any representations and continues to believe on reasonable grounds that the operator does not have, or will not have, day-to-day management and control of the facility and operations at the facility.

Reg. 48(d)
amended by
S.R. No.
160/2012
reg. 11(b).

Division 2—Safety cases

Subdivision 1—Contents of safety cases, safety measures, emergencies and record keeping

49 Facility description, formal safety assessment and safety management system

- (1) The safety case for a facility must contain a description of the facility that gives 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) for a facility that is a pipeline—
 - (i) the route corridor of the pipeline and the pipeline's interface start and end positions; and
 - (ii) the compositions of petroleum or greenhouse gas substance that are to be conveyed through the pipeline when it is operating; and

- (iii) the safe operating limits for conveying those compositions through the pipeline; and
 - (e) any other relevant matters.
- (2) The safety case for the facility must also contain a detailed description of the formal safety assessment for the facility, being 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.

- (3) The safety case for the facility must also contain a detailed description of the safety management system that—
 - (a) is comprehensive and integrated; and
 - (b) provides for all activities that will, or are likely to, take place at, or in connection with, the facility; and
 - (c) provides for the continual and systematic identification of hazards to health and safety of persons at or near the facility; and

- (d) provides 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) provides 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) provides for inspection, testing and maintenance of the equipment and hardware that are the physical control measures for those risks; and
- (g) provides for adequate communications between the facility and any relevant—
 - (i) facility; or
 - (ii) vessel; or
 - (iii) aircraft; or
 - (iv) on-shore installation; and
- (h) provides for any other matter that is necessary to ensure that the safety management system meets the requirements and objects of this Chapter; and

- (i) specifies 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.

Reg. 49(4)
amended by
S.R. No.
160/2012
reg. 12.

- (4) If an operator of a facility submits to NOPSEMA a safety case for a construction or installation stage in the life of the facility, the safety case must contain the matters mentioned in subregulations (1), (2) and (3) 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.

50 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.

51 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.

52 Command structure

- (1) For a facility that is manned, the safety case 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 will apply in the event of an emergency at the facility.

Note

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

- (2) The safety case must also 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.

53 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.

54 Permit to work system for safe performance of various activities

- (1) The safety case for a facility must provide for the operator of the facility to establish and maintain 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

Confined space is defined in regulation 41.

- (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.

55 Involvement of members of the workforce

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

Reg. 55(1)
amended by
S.R. No.
160/2012
reg. 13.

(3) In subregulation (1)—

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 3 to the Act sets out the broad consultative provisions that apply, including provisions for the establishment of designated workgroups, the election of health and safety representatives and the establishment of OHS committees.

The arrangements under these consultative provisions should be used for consultation with members of the workforce about the development, preparation and variation of the safety case.

56 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.

57 Medical and pharmaceutical supplies and services

The safety case for 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.

58 Machinery and equipment

- (1) The safety case for 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 safety case must demonstrate that—
 - (a) the equipment is fit for its function or use in normal operating conditions; and
 - (b) to the extent that the equipment is intended to function, or to be used, in an emergency—the equipment is fit for its function or use in the emergency.

59 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 of controlled substances (other than therapeutic drugs) on the facility; and

- (c) preventing the use of intoxicants on the facility.

60 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.

61 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.

62 Emergency communications systems

- (1) The safety case for a facility must provide for communications systems that, in the event of an emergency in connection with the facility, are adequate for communication—
 - (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.
- (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 required under regulation 49(2).

63 Control systems

The safety case for 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.

64 Emergency preparedness

- (1) The safety case for a facility must—
 - (a) describe a response plan designed to address possible emergencies, the risk of which has been identified in the formal safety assessment for the facility; and
 - (b) provide for the implementation of that plan.
- (2) The plan must—
 - (a) specify all reasonably practicable steps to ensure the facility is safe and without risk to the health of persons likely to be on the facility at the time of the emergency; and
 - (b) specify the performance standards that it applies.
- (3) The safety case 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 for a mobile facility must also specify systems that—
 - (a) in the event of emergency, are adequate to shut down or disconnect all operations on the facility that could adversely affect the health or safety of persons at or near the facility; and
 - (b) are adequate to give appropriate audible and visible warnings of the shutting down or disconnecting of those operations.

65 Pipes

- (1) The safety case for a facility that is—
 - (a) connected to one or more pipes; or
 - (b) proposed to be connected to one or more pipes—

that convey, or will convey, petroleum or greenhouse gas substance to the facility must specify adequate procedures for shutting down or isolating, in the event of emergency, each of those pipes so as to stop the flow of petroleum or greenhouse gas substance into the facility through the pipe.

- (2) In particular, the procedures must include—
 - (a) effective means of controlling and operating all relevant emergency shut-down valves for a pipe; and
 - (b) a fail-safe system of isolating a pipeline in the event of failure of other safety devices for the pipe.
- (3) The safety case for a facility must also specify—
 - (a) adequate means of mitigating, in the event of emergency, the risks associated with each pipe connected to the facility; and
 - (b) a frequency of periodic inspection and testing of pipe emergency shut-down valves that can reasonably be expected to ensure that they will operate correctly in an emergency.
- (4) In this regulation—
 - facility* does not include—
 - (a) a well mentioned in clause 6(4)(a) or (b), or in clause 10(1)(b)(i) or (ii), of Schedule 3 to the Act; or
 - (b) plant and equipment associated with a well mentioned in any of those provisions; or
 - (c) a pipe or system of pipes mentioned in any of those provisions.

66 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 required under regulation 49(2) and be described in the facility's safety management system required under regulation 49(3).
- (3) The equipment and procedures for ensuring safe vessel and aircraft operations must be fit for purpose.

67 Arrangements for records

- (1) This regulation applies to the following documents—
 - (a) the safety case in force for the facility;
 - (b) a variation to the safety case for the facility;
 - (c) a written audit report for the safety case;
 - (d) a copy of each report given to NOPSEMA in accordance with regulation 86(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 NOPSEMA.

Reg. 67(1)(d)
amended by
S.R. No.
160/2012
reg. 14.

Reg. 67(3)
amended by
S.R. No.
160/2012
reg. 14.

(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 NOPSEMA.

Reg. 67(5)
amended by
S.R. No.
160/2012
reg. 14.

Subdivision 2—Submission and acceptance of safety cases

68 Safety case to be submitted to NOPSEMA

Reg. 68
(Heading)
amended by
S.R. No.
160/2012
reg. 15(1).

(1) If an operator wants to have a safety case accepted for a facility, he or she must submit the safety case to NOPSEMA.

Reg. 68(1)
amended by
S.R. No.
160/2012
reg. 15(2).

(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 NOPSEMA have agreed on the scope of the validation for the facility unless the safety case is for a proposed facility that is—

Reg. 68(4)
substituted by
S.R. No.
160/2012
reg. 15(3).

(a) proposed to be or is being constructed at a place outside the coastal waters of Victoria;
and

(b) proposed to be installed and operated within the coastal waters of Victoria.

Reg. 68(5)
amended by
S.R. No.
160/2012
reg. 15(4).

- (5) NOPSEMA may at any time inform the operator that it will not assess the safety case for the proposed facility unless the operator and NOPSEMA have agreed on the scope of the validation for the proposed facility.

Reg. 69
(Heading)
amended by
S.R. No.
160/2012
reg. 16(1).

69 NOPSEMA may request more information

Reg. 69(1)
amended by
S.R. No.
160/2012
reg. 16(2).

- (1) If an operator submits a safety case to NOPSEMA, NOPSEMA may request the operator to provide further written information about any matter required by this Chapter 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.

Reg. 69(3)
amended by
S.R. No.
160/2012
reg. 16(2).

- (3) If an operator receives a request, and provides all information requested by NOPSEMA within the period specified—

Reg. 69(3)(a)
amended by
S.R. No.
160/2012
reg. 16(2).

- (a) the information becomes part of the safety case as if it had been included with the safety case as it was submitted to NOPSEMA; and

Reg. 69(3)(b)
amended by
S.R. No.
160/2012
reg. 16(2).

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

70 Acceptance or rejection of a safety case

- (1) NOPSEMA 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 49 to 66 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 67; and
 - (d) in a case in which NOPSEMA has requested a validation of the facility—
 - (i) the person, or each person, undertaking the validation meets the criteria specified in regulation 84(5); and
 - (ii) the validation complies with regulation 84.
- (2) If a safety case is submitted for more than one stage in the life of the facility, NOPSEMA 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 NOPSEMA rejects a safety case because NOPSEMA is not satisfied with any of the matters mentioned in subregulation (1), NOPSEMA must give the operator a reasonable opportunity to change the safety case and resubmit it.

Reg. 70(1)
amended by
S.R. No.
160/2012
reg. 17(1)(a).

Reg. 70(1)(d)
amended by
S.R. No.
160/2012
reg. 17(1)(b).

Reg. 70(2)
amended by
S.R. No.
160/2012
reg. 17(2).

Reg. 70(3)
amended by
S.R. No.
160/2012
reg. 17(2).

Reg. 70(4)
amended by
S.R. No.
160/2012
reg. 17(3)(a).

(4) NOPSEMA must reject the safety case if—

Reg. 70(4)(a)
amended by
S.R. No.
160/2012
reg. 17(3)(b).

(a) NOPSEMA has given an operator a reasonable opportunity to change and resubmit a safety case; and

Reg. 70(4)(b)
amended by
S.R. No.
160/2012
reg. 17(3)(b).

(b) the operator resubmits the safety case; and

(c) NOPSEMA is not satisfied with any of the matters mentioned in subregulation (1).

Reg. 70(5)
amended by
S.R. No.
160/2012
reg. 17(4).

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

71 Notice of decision on safety case

Reg. 71(1)
amended by
S.R. No.
160/2012
reg. 18.

(1) Within 90 days after receiving a safety case submitted under regulation 68, or resubmitted under regulation 70(3), NOPSEMA must—

Reg. 71(1)(a)
amended by
S.R. No.
160/2012
reg. 18.

(a) notify the operator, in writing, that NOPSEMA has decided—

(i) to accept the safety case; or

(ii) to reject the safety case; or

(iii) to do both of the following—

(A) accept the safety case for one or more specified stages in the life of the facility, but not for every stage in the life of the facility, in respect

of which the safety case was submitted;

- (B) reject the rest of the safety case; or
- (iv) to accept the safety case subject to conditions or limitations; or

(b) notify the operator, in writing, that NOPSEMA 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.

Reg. 71(1)(b)
amended by
S.R. No.
160/2012
reg. 18.

(2) A failure by NOPSEMA to comply with subregulation (1) in relation to a safety case does not affect the validity of a decision by NOPSEMA to accept or reject the safety case.

Reg. 71(2)
amended by
S.R. No.
160/2012
reg. 18.

(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.

72 Consent to undertake work in a manner different from safety case

(1) NOPSEMA may, by notice in writing given to the operator of a facility, consent to the conduct of an activity in a manner that is different from the manner described in the safety case in force in relation to the facility.

Reg. 72(1)
amended by
S.R. No.
160/2012
reg. 19.

(2) NOPSEMA 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 activity in relation to the facility.

Reg. 72(2)
amended by
S.R. No.
160/2012
reg. 19.

73 Duties under Part 2 of Schedule 3 to the Act

The acceptance of a safety case by NOPSEMA, or compliance by an operator or another person with a safety case that has been accepted by

Reg. 73
amended by
S.R. No.
160/2012
reg. 20.

NOPSEMA, does not derogate from the duties of the operator or a person under Part 2 of Schedule 3 to the Act.

Subdivision 3—Variation of safety case

74 Variation of a safety case because of a change of circumstances or operations

Reg. 74(1)
amended by
S.R. No.
160/2012
reg. 21.

- (1) Subject to subregulation (3), an operator of a facility for which a safety case is in force must submit a proposal for a variation of the safety case to NOPSEMA as soon as practicable after the occurrence of any of the following circumstances—
 - (a) the technical knowledge relied upon to formulate the safety case, including the knowledge of systems for identifying hazards and evaluating risks of major accident events, is outdated so that the safety case no longer adequately provides for the matters mentioned in regulations 49 to 66;
 - (b) the operator proposes to modify or decommission the facility, and the proposed modification or decommissioning is not adequately addressed in the safety case;
 - (c) there are reasonable grounds for believing that a series of proposed modifications to the facility would result in a significant cumulative change in the overall level of risk of major accident events;
 - (d) the operator proposes to significantly change the safety management system;
 - (e) for a facility that is a pipeline—the compositions of petroleum or greenhouse gas substance conveyed in the pipeline are different from the compositions contemplated in the safety case;

- (f) the activities to be carried out at the facility are different from the activities contemplated in the safety case.
- (2) The operator must also submit a proposal for a variation of the safety case to NOPSEMA as soon as practicable if there has been—
- (a) a significant increase in the level of risk to the health or safety of persons at or near the facility; or
- (b) a series of increases in the level of risk to the health or safety of persons at or near the facility that, in total, are significant.
- (3) If a circumstance mentioned in subregulation (1) or (2) is satisfied because the operator proposes to modify or decommission the facility the operator must not submit the proposal for a variation of the safety case before the operator and NOPSEMA have agreed on the scope of the validation of the proposed modification or decommissioning of the facility.
- (4) If NOPSEMA agrees, the operator of a facility may submit a proposal for a variation of a safety case under subregulation (1) or (2) in the form of a proposed variation to part of the safety case in force for the facility.

Reg. 74(2)
amended by
S.R. No.
160/2012
reg. 21.

Reg. 74(3)
amended by
S.R. Nos
133/2012
reg. 15,
160/2012
reg. 21.

Reg. 74(4)
amended by
S.R. No.
160/2012
reg. 21.

75 Variation on request by NOPSEMA

Reg. 75
(Heading)
amended by
S.R. No.
160/2012
reg. 22(1).

- (1) NOPSEMA may request the operator of a facility for which a safety case is in force to submit a proposal for a variation of a safety case to NOPSEMA.

Reg. 75(1)
amended by
S.R. No.
160/2012
reg. 22(2).

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 3.2—Offshore facilities

Reg. 75(2)
amended by
S.R. No.
160/2012
reg. 22(3).

(2) If NOPSEMA agrees, the operator of a facility may submit a proposal for a variation of the safety case under subregulation (1) in the form of a proposed variation to part of the safety case in force for the facility.

Reg. 75(3)
amended by
S.R. No.
160/2012
reg. 22(3).

(3) A request by NOPSEMA must be in writing and include the following information—

(a) the matters to be addressed by the proposal;

(b) the date by which the proposal is required to be submitted to NOPSEMA;

(c) the grounds for the request.

Reg. 75(4)
amended by
S.R. No.
160/2012
reg. 22(3).

(4) The operator may make a submission in writing to NOPSEMA requesting the withdrawal of the request and stating the reasons why—

(a) the variation should not occur; or

(b) the variation should be in different terms from the terms proposed; or

(c) the variation 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 NOPSEMA.

Reg. 75(5)(b)
amended by
S.R. No.
160/2012
reg. 22(3).

(6) If NOPSEMA receives a submission that complies with subregulations (4) and (5), NOPSEMA must—

(a) decide whether to accept the submission or part of the submission; and

(b) give the operator written notice of the decision; and

- (c) to the extent that the submission is accepted—give the operator written notice that varies or withdraws the request in accordance with the decision; and
 - (d) to the extent that the submission is rejected—give the operator written notice of the grounds for rejecting the submission or part of the submission.
- (7) Unless the request is withdrawn, the operator must comply with a request, or a varied request.

76 Variation after 5 years

- (1) The operator of a facility for which a safety case is in force must submit a proposal for a variation of the safety case to NOPSEMA—
 - (a) no later than 5 years after the date that the safety case was first accepted under regulation 70; and
 - (b) no later than 5 years after the date of each acceptance of a varied safety case under regulation 78; and
 - (c) if a variation under regulation 74 or 75 has been accepted, no later than a date specified by NOPSEMA by notice in writing given to the operator, being a date no later than 5 years after the acceptance of the variation.
- (2) A proposal for a variation of a 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.

Reg. 76(1)
amended by
S.R. No.
160/2012
reg. 23.

Reg. 76(1)(c)
amended by
S.R. No.
160/2012
reg. 23.

Reg. 77
(Heading)
amended by
S.R. No.
160/2012
reg. 24(1).

77 NOPSEMA may request more information

Reg. 77(1)
amended by
S.R. No.
160/2012
reg. 24(2).

(1) If an operator submits a proposal for a variation of a safety case to NOPSEMA, NOPSEMA may request the operator to provide further written information about any matter required by this Chapter 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.

Reg. 77(3)
amended by
S.R. No.
160/2012
reg. 24(2).

(3) If an operator receives a request and provides all information requested by NOPSEMA within the period specified—

Reg. 77(3)(a)
amended by
S.R. No.
160/2012
reg. 24(2).

(a) the information becomes part of the proposal for a variation of a safety case as if it had been included with the proposal as it was submitted to NOPSEMA; and

Reg. 77(3)(b)
amended by
S.R. No.
160/2012
reg. 24(2).

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

78 Acceptance or rejection of a proposal for a variation of a safety case

Regulation 70 applies to a proposal for a variation of a safety case or part of a safety case as if a reference in that regulation to the acceptance or

rejection of the safety case were a reference to acceptance or rejection of the proposed variation.

79 Notice of decision on proposal for variation of a safety case

(1) Within 30 days after receiving a proposal for a variation of a safety case, or part of a safety case, NOPSEMA must—

Reg. 79(1)
amended by
S.R. No.
160/2012
reg. 25.

(a) notify the operator, in writing, that NOPSEMA has decided—

Reg. 79(1)(a)
amended by
S.R. No.
160/2012
reg. 25.

(i) to accept the proposal; or

(ii) to reject the proposal; or

(iii) to do both of the following—

(A) accept the proposal 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 proposal was submitted;

(B) reject the rest of the proposal; or

(iv) to accept the proposal subject to conditions or limitations; or

(b) notify the operator, in writing, that NOPSEMA is unable to make a decision about the proposal within the period of 30 days, and set out a proposed timetable for its consideration of the proposal.

Reg. 79(1)(b)
amended by
S.R. No.
160/2012
reg. 25.

(2) A failure by NOPSEMA to comply with subregulation (1) in relation to a proposal for variation of a safety case, or a proposal for a variation of a part of a safety case, does not affect the validity of a decision by NOPSEMA to accept or reject the proposal.

Reg. 79(2)
amended by
S.R. No.
160/2012
reg. 25.

- (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.

80 Effect of rejection of a proposal for variation of a safety case

If a proposal for a variation of a safety case or part of a safety case is not accepted, the safety case in force in relation to the facility immediately before the proposal was submitted remains in force subject to the Act and this Chapter, as if the proposal had not been submitted.

Subdivision 4—Withdrawal of acceptance of a safety case

81 Grounds for withdrawal of acceptance

Reg. 81(1)
amended by
S.R. No.
160/2012
reg. 26(a).

- (1) NOPSEMA 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 3 to the Act; or

(ii) a notice issued by an OHS inspector under Schedule 3 to the Act; or

(iii) regulation 74, 75 or 76; or

(b) NOPSEMA has rejected a proposal for a variation of the safety case or part of the safety case under regulation 70 as applying under regulation 78.

Reg. 81(1)(b)
amended by
S.R. No.
160/2012
reg. 26(b).

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

82 Notice before withdrawal of acceptance

- (1) Before withdrawing the acceptance of a safety case for a facility, NOPSEMA must give the operator at least 30 days' notice, in writing, of its intention to withdraw the acceptance. Reg. 82(1)
amended by
S.R. No.
160/2012
reg. 27(1).
- (2) NOPSEMA may give a copy of the notice to such other persons as it thinks fit. Reg. 82(2)
amended by
S.R. No.
160/2012
reg. 27(2).
- (3) NOPSEMA 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 NOPSEMA, in writing, matters that NOPSEMA should take into account when deciding whether to withdraw the acceptance. Reg. 82(3)
amended by
S.R. No.
160/2012
reg. 27(3).
- (4) NOPSEMA must take into account— Reg. 82(4)
amended by
S.R. No.
160/2012
reg. 27(4).
- (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

83 NOPSEMA may give an exemption

NOPSEMA may, by notice in writing, exempt an operator from the operation of one or more provisions of this Division.

Reg. 83
(Heading)
amended by
S.R. No.
160/2012
reg. 28(1).
Reg. 83
amended by
S.R. No.
160/2012
reg. 28(2).

Division 3—Validation

84 Validation of design, construction and installation, significant modification or decommissioning of a facility

Reg. 84(1)
amended by
S.R. No.
160/2012
reg. 29(1).

- (1) NOPSEMA 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.

Reg. 84(2)
amended by
S.R. No.
160/2012
reg. 29(2).

- (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 NOPSEMA and the operator.

Reg. 84(3)
amended by
S.R. No.
160/2012
reg. 29(2).

- (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 NOPSEMA and the operator.

Reg. 84(4)
amended by
S.R. No.
160/2012
reg. 29(2).

- (4) The validation must establish, to the level of assurance reasonably required by NOPSEMA—
 - (a) in the case of a proposed facility—that the design, construction and installation (including instrumentation, process layout and process control systems) of the facility incorporate measures that—
 - (i) will protect the health and safety of persons at the facility; and

- (ii) are consistent with the formal safety assessment for the facility; and
- (b) in the case of an existing facility—that, after any proposed change or changes, the facility incorporates measures that will protect the health and safety of persons at or near the facility.
- (5) An operator who has provided material for a validation must satisfy NOPSEMA 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—

Reg. 84(5)
amended by
S.R. No.
160/2012
reg. 29(2).

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

Division 4—Notifying and reporting accidents and dangerous occurrences

85 Interpretation

- (1) For the purposes of clause 96(1)(b) of Schedule 3 to the Act, the prescribed period in relation to a facility to which this Chapter applies is a period of at least 3 days.
- (2) For the purposes of the definition of *dangerous occurrence* in clause 3 of Schedule 3 to the Act, an occurrence, at a facility, that is specified in the following table is a dangerous occurrence.

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 3.2—Offshore facilities

Table

<i>Item</i>	<i>Occurrence</i>
1	An occurrence that did not cause, but could reasonably have caused— (a) the death of, or serious personal injury to, a person; or (b) a member of the workforce to be incapacitated from performing work for the period mentioned in subregulation (1)
2	A fire or explosion
3	A collision of a marine vessel with the facility
4	An uncontrolled release of hydrocarbon vapour exceeding 1 kilogram
5	An uncontrolled release of petroleum liquids exceeding 80 litres
6	A well kick exceeding 8 cubic metres (or 50 barrels)
7	An unplanned event that required the emergency response plan to be implemented
8	Damage to safety-critical equipment
9	An occurrence to which items 1 to 8 do not apply that— (a) results in significant damage to a pipeline (for example, reducing the capacity of the pipeline to contain petroleum or greenhouse gas substance flowing through it); or (b) is likely to have a result of a kind mentioned in paragraph (a); or (c) is of a kind that a reasonable pipeline licensee would consider to require immediate investigation
10	Any other occurrence of a kind that a reasonable operator would consider to require an immediate investigation

86 Notices and reports of accidents and dangerous occurrences

- (1) For the purposes of clause 96(1) of Schedule 3 to the Act, the notice in relation to a facility to which this Chapter 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 96(4) of Schedule 3 to the Act, the report—
- (a) must be written; and
 - (b) unless otherwise agreed by NOPSEMA— 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

Reg. 86(2)(b)
amended by
S.R. No.
160/2012
reg. 30.

Reg. 86(2)(c)
amended by
S.R. No.
160/2012
reg. 30.

(c) must contain material details concerning the accident or dangerous occurrence of the types determined by NOPSEMA.

- (3) A determination under subregulation (2)(c) must be—
- (a) in writing; and
 - (b) published in the Government Gazette.

Reg. 86(4)
amended by
S.R. No.
160/2012
reg. 30.

- (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 NOPSEMA, 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 5—Penalty provisions

87 Facility must have operator

Reg. 87
amended by
S.R. No.
133/2012
reg. 16.

A person must not—

- (a) construct or install a facility or part of the facility; or
- (b) operate a facility or part of the facility; or
- (c) modify a facility or part of the facility; or
- (d) carry out maintenance on a facility or part of the facility; or
- (e) decommission a facility or part of the facility; or

(f) do any other work at a facility or part of the facility—

in the offshore area unless there is an operator in respect of the facility.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

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

Reg. 88
amended by
S.R. No.
133/2012
reg. 17.

A person must not—

- (a) construct or install a facility or part of the facility; or
- (b) operate a facility or part of the facility; or
- (c) modify a facility or part of the facility; or
- (d) carry out maintenance on a facility or part of the facility; or
- (e) decommission a facility or part of the facility; or
- (f) do any other work at a facility or part of the facility—

in the offshore area unless there is a safety case in force for the facility that provides for the activity.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

89 Work on a facility must comply with the safety case

(1) A person must not—

- (a) construct or install a facility or part of the facility; or

Reg. 89(1)
amended by
S.R. No.
133/2012
reg. 18.

- (b) operate a facility or part of the facility; or
- (c) modify a facility or part of the facility; or
- (d) carry out maintenance on a facility or part of the facility; or
- (e) decommission a facility or part of the facility; or
- (f) do any other work at a facility or part of the facility—

in the offshore area in a manner that is contrary to—

- (g) the safety case in force for the facility; or
- (h) a limitation or condition imposed by regulation 70(5).

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

Reg. 89(2)
amended by
S.R. No.
160/2012
reg. 31.

- (2) Subregulation (1) does not apply to particular conduct if NOPSEMA has given the person a written consent under regulation 72 to engage in that conduct in a manner contrary to the safety case or a limitation or condition imposed by regulation 70(5).

90 New health and safety risk

Reg. 90(1)
amended by
S.R. No.
133/2012
reg. 19(1).

- (1) A person must not—
 - (a) construct or install a facility or part of the facility; or
 - (b) operate a facility or part of the facility; or
 - (c) modify a facility or part of the facility; or
 - (d) carry out maintenance on a facility or part of the facility; or

- (e) decommission a facility or part of the facility; or
- (f) do any other work at a facility or part of the facility—

in the offshore area if—

- (g) 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
- (h) the new risk or increased risk is not provided for—
 - (i) in the safety case in force for the facility; or
 - (ii) in a proposal for a variation of a safety case—
 - (A) submitted to NOPSEMA; and

**Reg. 90
(1)(h)(ii)(A)
amended by
S.R. No.
160/2012
reg. 32.**

- (B) not refused acceptance by NOPSEMA.

**Reg. 90
(1)(h)(ii)(B)
amended by
S.R. No.
160/2012
reg. 32.**

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

- (2) If the titleholder knows about a new risk or increased risk mentioned in subregulation (1)(g), the titleholder must—

**Reg. 90(2)
amended by
S.R. No.
133/2012
reg. 19(2).**

Reg. 90(2)(a)
amended by
S.R. No.
160/2012
reg. 32.

(a) notify the operator and NOPSEMA of the new risk or increased risk as soon as practicable; and

Reg. 90(2)(b)
amended by
S.R. No.
160/2012
reg. 32.

(b) notify the operator and NOPSEMA by telephone, facsimile or email.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

Reg. 91
amended by
S.R. No.
133/2012
reg. 20.

91 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: In the case of a body corporate,
150 penalty units;

In the case of a natural person,
30 penalty units.

Note

Regulation 67 sets out the record keeping requirements in relation to documents.

Reg. 92
amended by
S.R. No.
133/2012
reg. 21.

92 Person on a facility must comply with safety case

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

Penalty: In the case of a body corporate,
50 penalty units;

In the case of a natural person,
10 penalty units.

93 Interference with accident sites

(1) A person must not whether directly or indirectly 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 at least 3 days; or
- (c) a dangerous occurrence—

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

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

(2) Subregulation (1) does not apply if—

- (a) the person was acting with the written or oral authority of an OHS inspector; or
- (b) the person was acting, in a reasonable manner, for any of the following purposes—
 - (i) helping or rescuing a sick, injured or endangered person;
 - (ii) maintaining the safety of the facility or of persons at the facility;
 - (iii) reducing danger to the facility or to persons at the facility;
 - (iv) retrieving, or attempting to retrieve, the body of a dead person; or

Reg. 93(1)
amended by
S.R. No.
133/2012
reg. 22.

Reg. 93(2)(c)
amended by
S.R. No.
160/2012
reg. 33.

- (c) the operator has given NOPSEMA notice of, and a report about, the accident or dangerous occurrence under clause 96 of Schedule 3 to the Act, and an OHS inspector has not entered the facility where the accident or dangerous occurrence occurred in response to the notice within 3 working days of the operator giving notice to NOPSEMA.

Division 6—Miscellaneous

94 Details in applications or submissions

Reg. 94(1)
amended by
S.R. No.
160/2012
reg. 34.

- (1) An application or submission (however described) that a person is required or permitted to make or give to NOPSEMA under this Chapter 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 facsimile number.

Reg. 94(2)
amended by
S.R. No.
160/2012
reg. 34.

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

Reg. 94(3)
amended by
S.R. No.
160/2012
reg. 34.

- (3) Despite any provision of this Chapter, NOPSEMA may delay proceeding with an application or submission until the person or agent has complied with this regulation.

Part 3.3—Occupational health and safety

Division 1—Health and safety

95 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) A person to whom this regulation applies 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: In the case of a body corporate,
50 penalty units;

In the case of a natural person,
10 penalty units.

Reg. 95(2)
amended by
S.R. No.
133/2012
reg. 23.

96 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

Reg. 96(1)
amended by
S.R. No.
133/2012
reg. 24.

(b) an intoxicant.

Penalty: In the case of a body corporate,
50 penalty units;

In the case of a natural person,
10 penalty units.

(2) Subregulation (1) does not apply if—

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

(b) 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) a registered medical practitioner;
or

(B) a registered nurse; or

(C) a registered pharmacist; or

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

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

97 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 by an instruction in accordance with subregulation (2).

Reg. 97(1)
amended by
S.R. No.
133/2012
reg. 25.

Penalty: In the case of a body corporate,
50 penalty units;

In the case of a natural person,
10 penalty units.

- (2) For the purposes of subregulation (1), an instruction is in accordance with this subregulation if—
- (a) in the case of an emergency—it is given orally or in any other way; or
 - (b) in any other case relevant to occupational health and safety—
 - (i) it is given in writing; and
 - (ii) includes the reason for the instruction.

98 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.

Reg. 98(2)
amended by
S.R. No.
133/2012
reg. 26.

- (2) A person to whom this regulation applies must not allow a hazardous substance, referred to in column 2 of an item in Part 2 or 3 of Schedule 3, to be used in any circumstance other than a circumstance specified in column 3 of the item opposite that substance.

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

Reg. 98(3)
amended by
S.R. No.
160/2012
reg. 35.

- (3) Subregulation (2) does not apply if the use is in accordance with an exemption granted by NOPSEMA under regulation 101.

- (4) Subregulation (2) does not apply to the use of chrysotile asbestos if the chrysotile asbestos is in a product specified in Schedule 2 to the National Model Regulations for the Control of Workplace Hazardous Substances.

99 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) A person to whom this regulation applies 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

Reg. 99(2)
amended by
S.R. No.
133/2012
reg. 27.

a level that exceeds the appropriate exposure standard for the relevant period of time.

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

- (3) Subregulation (2) does not apply if 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 NOPSEMA under regulation 101.

Reg. 99(3)
amended by
S.R. No.
160/2012
reg. 36.

- (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;

hazardous substance means a substance—

- (a) that is described in the List of Designated Hazardous Substances; or
- (b) that has been determined, in writing, to be a hazardous substance by its manufacturer in accordance with the Approved Criteria for Classifying Hazardous Substances; or
- (c) that is mentioned in Part 3 of Schedule 3.

100 Exposure to noise

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

Reg. 100(2)
amended by
S.R. No.
133/2012
reg. 28.

- (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 to whom this regulation applies 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: In the case of a body corporate,
100 penalty units;
In the case of a natural person,
20 penalty units.
- (3) However, it is not an offence for a person to allow a member of the workforce who is under the person's control to be exposed to a level of noise that exceeds the noise exposure standard if—
 - (a) noise exposure is managed in a manner consistent with the provisions of the National Code of Practice for Noise Management and Protection of Hearing at Work; and
 - (b) after allowing for the protection offered by hearing protectors, the level of noise exposure is less than—
 - (i) an $L_{Aeq,8h}$, of 85dB(A); or
 - (ii) an $L_{C,peak}$, of 140dB(C).
- (4) Subregulation (3)(b) applies despite the wording of the noise exposure standard.
- (5) Subregulation (2) does not apply if the level of noise to which the member of the workforce is exposed, is in accordance with an exemption given by NOPSEMA under regulation 101.

Reg. 100(5)
amended by
S.R. No.
160/2012
reg. 37.

(6) In this regulation—

noise exposure standard means the noise exposure standard set out in the National Standard for Occupational Noise.

101 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 to whom this regulation applies may apply to NOPSEMA for an exemption from compliance with regulation 98(2), 99(2) or 100(2).

Reg. 101(2)
amended by
S.R. No.
160/2012
reg. 38(1).

(3) NOPSEMA may grant an exemption if it considers that, in specified circumstances, compliance is not practicable.

Reg. 101(3)
amended by
S.R. No.
160/2012
reg. 38(2).

(4) NOPSEMA may specify conditions and limitations on an exemption.

Reg. 101(4)
amended by
S.R. No.
160/2012
reg. 38(2).

Division 2—Election of health and safety representatives

Subdivision 1—Returning officer

102 Appointment of returning officer

- (1) If, under clause 32(3) of Schedule 3 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 NOPSEMA of the nomination.
- (3) NOPSEMA may—
 - (a) approve the nomination and appoint the nominee as returning officer; or
 - (b) appoint another person as returning officer.

Reg. 102(2)
amended by
S.R. No.
160/2012
reg. 39(1).

Reg. 102(3)
amended by
S.R. No.
160/2012
reg. 39(2).

Subdivision 2—The poll

103 Number of votes

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

104 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.

105 Conduct of poll by secret ballot

- (1) As soon as practicable after a request under regulation 104, the returning officer must issue ballot-papers for the poll to voters.
- (2) The returning officer must conduct the poll in accordance with regulations 108 to 118.

106 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.

107 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

108 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.

109 Distribution of ballot papers

- (1) As soon as practicable after a request under regulation 104 for a secret ballot, the returning officer for an election must give to each voter—
 - (a) a ballot-paper that is initialled by the returning officer; and
 - (b) an envelope that—
 - (i) is addressed to the returning officer; and
 - (ii) shows on its face that it relates to the election.
- (2) The envelope given to a voter by a returning officer—
 - (a) may be pre-paid as to postage; and

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

110 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 109(1)(b) and seal the envelope; and
 - (c) lodge the ballot by—
 - (i) putting the envelope containing the ballot-paper in a locked and sealed ballot box, provided for the election by the returning officer, in a secure part of the workplace where the members of the workforce in the designated work group to which the election relates may place envelopes of that kind; or
 - (ii) sending the envelope to the returning officer so as to reach him or her not later than the close of the poll.

- (3) If, before lodging his or her ballot, a voter—
- (a) claims that he or she has 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 121.

Subdivision 4—The count

111 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.

112 Scrutineers

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

113 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.

114 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 must comply with a direction given to him or her under subregulation (1) unless the person has a reasonable excuse.

Penalty: 5 penalty units.

115 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 112, may be present at the count.
- (3) A returning officer must, as soon as practicable before the count, notify each candidate, or a scrutineer of each candidate, of the place where, and the time when, the count is to occur.
- (4) The candidate who receives the most votes is the successful candidate.
- (5) If 2 or more candidates receive the same number of votes, the successful candidate is to be determined by lots drawn by the returning officer.

116 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.

117 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.

118 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 121, 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

119 Request for recount

- (1) At any time before notification of the result of the poll for an election is given under regulation 121, the returning officer—
 - (a) on his or her own initiative—may conduct a recount of any ballot-papers received in the election; or
 - (b) if a candidate makes a request, either orally or in writing, for a recount of any ballot-papers received in the election and gives reasons for the request—must conduct a recount of the ballot-papers.
- (2) In conducting a recount, the returning officer—
 - (a) in the case of a poll by secret ballot—has the same powers for the purposes of the recount as he or she had in the count; and
 - (b) in any other case—may make any reasonable decision in respect of the allowance and admission, or disallowance and rejection, of a vote cast in the poll.

120 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 121, 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 Part; 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 121 applies as if the election had failed.

121 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) NOPSEMA—

Reg. 121(1)(b)
amended by
S.R. No.
160/2012
reg. 40.

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 117.

Division 3—Advice, investigations and inquiries

122 Taking samples for testing etc.

- (1) If a sample of a substance or thing taken under clause 82(1)(b) of Schedule 3 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 3 to the Act; and
 - (e) retain the remaining part for any further inspection, examination, measuring or testing that is required.
- (2) If a sample of a substance or thing taken under clause 82(1)(b) of Schedule 3 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 the Schedule.

123 Care of samples

An OHS inspector who, under clause 82(1) of Schedule 3 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;
and
- (d) the sample is not contaminated.

124 Form of certain notices

A notice issued by an elected health and safety representative or OHS inspector under any of the following provisions of Schedule 3 to the Act must be in accordance with the form specified in relation to the provision concerned—

- (a) clause 44(2) (provisional improvement notices)—Form 1;
- (b) clause 82(2) (power to take possession of plant, take samples of substances etc.)—Form 2;
- (c) clause 83(1) (power to direct that workplace etc. not be disturbed)—Form 3;
- (d) clause 84(1) (power to issue prohibition notices)—Form 4;
- (e) clause 89(1) (power to issue improvement notices)—Form 5.

Division 4—Exemptions from the requirements in Part 3 of Schedule 3 to the Act

125 Orders under clause 52 of Schedule 3 to the Act

Reg. 125(1)
amended by
S.R. No.
160/2012
reg. 41(1).

- (1) For the purposes of clause 52(1) of Schedule 3 to the Act, a person may apply in writing to NOPSEMA for an order exempting the person from one or more of the provisions of Part 3 of that Schedule.

Reg. 125(2)
amended by
S.R. No.
160/2012
reg. 41(1).

- (2) Within 28 days after NOPSEMA receives an application, NOPSEMA must decide whether or not to make the order.

Reg. 125(3)
amended by
S.R. No.
160/2012
reg. 41(1).

- (3) In making the decision, NOPSEMA 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.

Reg. 125(4)
amended by
S.R. No.
160/2012
reg. 41(1).

- (4) In granting an exemption, NOPSEMA—
- (a) may grant an exemption subject to conditions; and
 - (b) may specify a period of time in which an exemption applies.

Reg. 125(5)
amended by
S.R. No.
160/2012
reg. 41(2).

- (5) NOPSEMA must give reasons for the decision.

Division 5—Laws that do not apply

126 Laws that do not apply

For the purposes of section 63 of the Act, the following Acts are prescribed—

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

Division 6—Miscellaneous

127 Service of notices

- (1) For the purposes of Schedule 3 to the Act and this Chapter, 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 3 to the Act and this Chapter, a notice or report may be given to a person—
 - (a) by facsimile message transmitted to a facsimile facility that is installed at the address of the person last known to the person transmitting the message; or
 - (b) by an email sent to a computer system that is known to be in use by the person, being a message that is—
 - (i) in a form compatible with the computer system; and
 - (ii) capable of being recorded by the computer system.

- (3) If a person gives the notice or report to another person, the person must—
- (a) inform the other person by telephone—
 - (i) before transmission of the message; or
 - (ii) as soon as practicable after transmission of the message—
of the fact that the message will be, or has been, transmitted; and
 - (b) send a copy of the notice or report by pre-paid post to the address of the other person last known to the first-mentioned person.

Part 3.4—Diving

Division 1—Preliminary

128 Meaning of *diving*

- (1) For the purposes of this Chapter, a person is *diving* if he or she—
 - (a) 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
 - (b) 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
 - (c) is in a manned submersible craft that is submerged in water or another liquid.
- (2) For the purposes of this Chapter, *diving* also includes diving using a snorkel and diving without the use of any breathing apparatus.
- (3) For the purposes of this Chapter, *diving* does not include—
 - (a) diving using a snorkel; or
 - (b) diving without the use of any breathing apparatus—
for the purpose of conducting an environmental survey.

129 When a diving operation begins and ends

- (1) For the purposes of this Chapter, a diving operation begins when the diver, or first diver, who takes part in the operation starts to prepare to dive.
- (2) A diving operation 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.
- (3) A diving operation includes the time taken for therapeutic recompression if that is necessary.

Division 2—Diving safety management systems

130 No diving without DSMS

Reg. 130(1)
amended by
S.R. No.
133/2012
reg. 29(1).

- (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: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Reg. 130(2)
amended by
S.R. No.
133/2012
reg. 29(2).

- (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: In the case of a body corporate,
500 penalty units;

In the case of a natural person,
100 penalty units.

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

Reg. 130(3)
amended by
S.R. No.
133/2012
reg. 29(3).

(a) accepted; and

(b) current.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

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

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

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

131 Contents of DSMS

(1) A DSMS must meet the minimum standards set out in guidelines made by NOPSEMA for the purposes of this subregulation, as in force from time to time.

Reg. 131(1)
amended by
S.R. No.
160/2012
reg. 42.

(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 variation of the plan as necessary; and
- (c) the continual and systematic identification of hazards related to a diving project; and
- (d) the continual and systematic assessment of—
 - (i) the likelihood of the occurrence, during normal or emergency situations, of injury or damage associated with those hazards; and
 - (ii) the likely nature of any injury or damage; and
- (e) the elimination of risks to persons involved with the project and associated work including—
 - (i) risks arising during evacuation, escape and rescue in case of emergency; and
 - (ii) risks to persons involved with the operation arising from equipment and hardware—or the reduction of those risks to as low as reasonably practicable; and
- (f) the inspection and maintenance of, and testing programs for, equipment and hardware integral to the control of those risks; and
- (g) communications between persons involved in a diving project; and
- (h) the performance standards that apply to the DSMS; and
- (i) a program of continuous improvement.

- (3) A DSMS must—
 - (a) specify any standard or code of practice that is to be used in a diving project; and
 - (b) require the diving to be carried out in accordance with those standards or codes.
- (4) A DSMS must contain—
 - (a) any information that is reasonably necessary to demonstrate that the DSMS complies with this Chapter; and
 - (b) a system for the management of change.

132 Acceptance of new DSMS

- (1) If a diving contractor does not already have an accepted DSMS, the contractor must give a DSMS to NOPSEMA at least 60 days before a proposed diving project is expected to begin. Reg. 132(1)
amended by
S.R. No.
160/2012
reg. 43.
- (2) Within 60 days after receiving the DSMS, NOPSEMA must accept or reject the DSMS. Reg. 132(2)
amended by
S.R. No.
160/2012
reg. 43.
- (3) As soon as practicable after making a decision under subregulation (2), NOPSEMA must notify the diving contractor of its decision. Reg. 132(3)
amended by
S.R. No.
160/2012
reg. 43.

133 Acceptance of varied DSMS

- (1) If a diving contractor has varied a DSMS, the contractor must give the varied DSMS to NOPSEMA. Reg. 133(1)
amended by
S.R. No.
160/2012
reg. 44(1).
- (2) NOPSEMA must accept or reject the DSMS within—
 - (a) 28 days after receiving the varied DSMS; orReg. 133(2)
amended by
S.R. No.
160/2012
reg. 44(2)(a).

Reg. 133(2)(b)
amended by
S.R. No.
160/2012
reg. 44(2)(b).

(b) another period agreed between NOPSEMA and the diving contractor.

Reg. 133(3)
amended by
S.R. No.
160/2012
reg. 44(3).

(3) As soon as practicable after making a decision under subregulation (2), NOPSEMA must notify the diving contractor of its decision.

Reg. 134
amended by
S.R. No.
160/2012
reg. 45(a).

134 Grounds for rejecting DSMS

NOPSEMA must reject a DSMS if—

Reg. 134(b)
amended by
S.R. No.
160/2012
reg. 45(b).

- (a) the DSMS does not adequately comply with regulation 131; or
- (b) NOPSEMA 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 145.

135 Notice of reasons

Reg. 135(1)
amended by
S.R. No.
160/2012
reg. 46.

(1) If NOPSEMA decides to reject a DSMS, NOPSEMA must set out, in writing, with the notice mentioned in regulation 132(3) or 133(3), the reasons for rejecting the DSMS.

Reg. 135(2)
amended by
S.R. No.
160/2012
reg. 46.

(2) If NOPSEMA decides to impose conditions on a DSMS, NOPSEMA must set out, in writing, with the notice mentioned in regulation 132(3) or 133(3), the reasons for imposing conditions on the DSMS.

136 Register of DSMSs

Reg. 136(1)
amended by
S.R. No.
160/2012
reg. 47.

(1) NOPSEMA must keep a register of each DSMS and varied 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 variation notice under regulation 138.
- (3) NOPSEMA must also record on the register, the following details for each diving project plan it receives under regulation 140—
- (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.

Reg. 136(3)
amended by
S.R. No.
160/2012
reg. 47.

137 Variation of DSMS

A diving contractor must revise a DSMS—

- (a) if developments in scientific or technical knowledge, or in the assessment of hazards, relevant to diving projects make it appropriate to do so; and
- (b) if the diving contractor proposes to make a significant change to the method of operation or to procedures or equipment; and
- (c) if NOPSEMA gives notice in accordance with regulation 138; and

Reg. 137(c)
amended by
S.R. No.
160/2012
reg. 48.

Reg. 137(d)
amended by
S.R. No.
160/2012
reg. 48.

(d) if a number of minor changes result in the DSMS being significantly different from the latest version of the DSMS accepted by NOPSEMA; and

(e) at the end of each period of 5 years commencing on the later of—

Reg. 137(e)(i)
amended by
S.R. No.
160/2012
reg. 48.

(i) the date when the DSMS is first accepted by NOPSEMA; and

Reg. 137(e)(ii)
amended by
S.R. No.
160/2012
reg. 48.

(ii) the date of the most recent acceptance by NOPSEMA of a varied version of the DSMS.

138 Notice to vary DSMS

Reg. 138(1)
amended by
S.R. No.
160/2012
reg. 49(1).

(1) NOPSEMA may give notice (a *variation notice*) to a diving contractor to vary a DSMS.

(2) A variation notice must be in writing and must set out—

(a) the matters to be varied; and

(b) the time within which the variation must be completed; and

(c) the reasons why the variation is necessary.

Reg. 138(3)
amended by
S.R. No.
160/2012
reg. 49(2).

(3) The diving contractor may make a submission in writing to NOPSEMA, within 21 days after receiving the notice or any longer period that NOPSEMA allows in writing, setting out the contractor's reasons for any of the following—

(a) why the variation is not necessary;

(b) why the variation should be in different terms from those proposed;

- (c) whether or not the contractor gives other reasons—why the notice should take effect on a later date than the date set out in the notice.
- (4) If a contractor makes a submission under subregulation (3), NOPSEMA must, within 28 days after receiving the submission—
- Reg. 138(4)
amended by
S.R. No.
160/2012
reg. 49(2).
- (a) decide whether NOPSEMA accepts the reasons in the submission; and
- Reg. 138(4)(a)
amended by
S.R. No.
160/2012
reg. 49(2).
- (b) give the contractor notice in writing affirming, varying or withdrawing the variation notice; and
- (c) if NOPSEMA decides not to accept the reasons or any part of them—set out in the notice the grounds for not accepting them.
- Reg. 138(4)(c)
amended by
S.R. No.
160/2012
reg. 49(2).
- (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 NOPSEMA.
- Reg. 138(5)
amended by
S.R. No.
160/2012
reg. 49(2).
- (6) If the contractor does not revise a DSMS when required by this regulation to do so, NOPSEMA may withdraw its acceptance of the DSMS or its agreement to the use of the DSMS for the project.
- Reg. 138(6)
amended by
S.R. No.
160/2012
reg. 49(2).

Division 3—Diving project plans

139 Diving project plan to be approved

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

- (3) The diving project plan must be approved by the operator for the project before diving can commence on the project.
- (4) If—
 - (a) the operator for the project is the operator of more than one facility; and
 - (b) the diving project relates to more than one such facility—the diving project plan must be approved by the operator in respect of each such facility.
- (5) The operator must not approve the diving project plan unless the operator is satisfied that—
 - (a) the plan complies with regulation 143; and
 - (b) there was effective consultation in the preparation of the plan, as required by regulation 145.

Reg. 140
(Heading)
amended by
S.R. No.
160/2012
reg. 50(1).

140 Diving project plan to NOPSEMA if there is no operator

Reg. 140(2)
amended by
S.R. No.
160/2012
reg. 50(2).

- (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 NOPSEMA.

Reg. 140(3)
amended by
S.R. No.
160/2012
reg. 50(3).

- (3) NOPSEMA must not accept the diving project plan unless it is satisfied that—
 - (a) the plan complies with regulation 143; and
 - (b) there was effective consultation in the preparation of the plan, as required by regulation 145; and

- (c) the diving operations to which the plan relates are appropriate to be covered by a single plan.

141 Diving project plan to NOPSEMA if requested

If NOPSEMA 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 NOPSEMA.

Reg. 141
(Heading)
amended by
S.R. No.
160/2012
reg. 51(1).
Reg. 141
amended by
S.R. No.
160/2012
reg. 51(2).

142 Updating diving project plan

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

Reg. 142(3)
amended by
S.R. No.
160/2012
reg. 52.

143 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 Commonwealth and State legislation (including this Chapter) that the diving contractor considers applies to the project;
 - (c) a list of standards and codes of practice that will be applied in carrying out the project;
 - (d) a hazard identification;
 - (e) a risk assessment;
 - (f) a safety management plan;
 - (g) job hazard analyses for the diving operations;
 - (h) an emergency response plan;
 - (i) the provisions of the DSMS and the safety case that are relevant to the diving project, in particular the arrangements in the DSMS and the safety case 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.

144 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 NOPSEMA if there is no operator.

Reg. 144
amended by
S.R. No.
133/2012
reg. 30.

Reg. 144(b)
amended by
S.R. No.
160/2012
reg. 53.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

Division 4—Involvement of divers and members of the workforce

145 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.

Reg. 145(2)
amended by
S.R. No.
160/2012
reg. 54.

- (2) When submitting a DSMS to NOPSEMA 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

146 Safety responsibilities of diving contractors

Reg. 146(1)
amended by
S.R. No.
133/2012
reg. 31(1).

- (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: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Reg. 146(2)
amended by
S.R. No.
133/2012
reg. 31(2).

- (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: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

147 Safety in the diving area

Reg. 147(1)
amended by
S.R. No.
133/2012
reg. 32(1).

- (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: In the case of a body corporate,
50 penalty units;
In the case of a natural person,
10 penalty units.

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

Reg. 147(2)
amended by
S.R. No.
133/2012
reg. 32(2).

- (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 150(3) given to the person by a diving supervisor for the diving operation.

Penalty: In the case of a body corporate,
50 penalty units;
In the case of a natural person,
10 penalty units.

148 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.

Reg. 148(1)
amended by
S.R. No.
133/2012
reg. 33(1).

Penalty: In the case of a body corporate,
500 penalty units;
In the case of a natural person,
100 penalty units.

Reg. 148(2)
amended by
S.R. No.
133/2012
reg. 33(2).

- (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: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Reg. 148(3)
amended by
S.R. No.
133/2012
reg. 33(3).

- (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: In the case of a body corporate,
500 penalty units;

In the case of a natural person,
100 penalty units.

Reg. 148(4)
amended by
S.R. No.
133/2012
reg. 33(4).

- (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: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Division 6—Diving supervisors

149 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.

Reg. 149(1)
amended by
S.R. No.
133/2012
reg. 34(1).

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

Note

Regulation 143(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.

Reg. 149(2)
amended by
S.R. No.
133/2012
reg. 34(2).

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

150 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 reasonably practicable without risk to the health or safety of anybody taking part in it or of anyone else who may be affected by it; and
 - (ii) in accordance with the law; and

- (iii) in accordance with the accepted DSMS for the operation; and
 - (iv) in accordance with the relevant diving project plan; and
 - (b) to countersign entries about the operation in divers' log books; and
 - (c) if there is an operator for the diving project—to report to the operator, during the operation, any of the following—
 - (i) the death of, or serious personal injury to, a person;
 - (ii) the incapacitation of a person that prevents the person from performing work for a period of 3 or more days;
 - (iii) an event that could reasonably have led to a consequence of the type mentioned in subparagraph (i) or (ii);
 - (iv) a decompression illness;
 - (v) a pulmonary barotrauma;
 - (vi) a case of omitted decompression;
 - (vii) an occurrence for which the standby diver is deployed for an emergency, except for the purposes of training, exercises or drills;
 - (viii) a failure of life support equipment or man riding equipment.
- (2) A diving supervisor must not fail to carry out a duty imposed on him or her by subregulation (1).
- Penalty: In the case of a body corporate,
100 penalty units;
- In the case of a natural person,
20 penalty units.

Reg. 150(2)
amended by
S.R. No.
133/2012
reg. 35(1).

(3) 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).

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

Reg. 150(4)
amended by
S.R. No.
133/2012
reg. 35(2).

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

(5) 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.

Reg. 150(5)
amended by
S.R. No.
133/2012
reg. 35(3).

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

(6) In this regulation—

man riding equipment includes any of the following—

- (a) an air stage;
- (b) a wet bell;
- (c) a closed bell;
- (d) a guide wire system.

Notes

- 1 If there is no operator for a diving project, another law may require the reporting of accidents and incidents.
- 2 Regulation 154 requires a diving supervisor to maintain a diving operations record.

Division 7—Start-up notices

151 Start-up notice

(1) In this regulation—

Reg. 151(1)
def. of
start-up notice
amended by
S.R. No.
160/2012
reg. 55(1).

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

- (a) the name, address and telephone number of the diving contractor for the project;
- (b) the name, address and telephone number of a person who can be contacted by NOPSEMA 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 variation 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 NOPSEMA—

Reg. 151(2)
amended by
S.R. Nos
133/2012
reg. 36(1),
160/2012
reg. 55(2).

- (a) at least 14 days before the day when diving is to begin; or

(b) on another day as agreed between
NOPSEMA and the operator.

Reg. 151(2)(b)
amended by
S.R. No.
160/2012
reg. 55(2).

Penalty: In the case of a body corporate,
500 penalty units;

In the case of a natural person,
100 penalty units.

(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 NOPSEMA—

Reg. 151(3)
amended by
S.R. Nos
133/2012
reg. 36(2),
160/2012
reg. 55(2).

(a) at least 14 days before the day when diving
is to begin; or

(b) on another day as agreed between
NOPSEMA and the diving contractor.

Reg. 151(3)(b)
amended by
S.R. No.
160/2012
reg. 55(2).

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Division 8—Diving operations

152 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.

Reg. 152(1)
amended by
S.R. No.
133/2012
reg. 37(1).

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Reg. 152(2)
amended by
S.R. No.
133/2012
reg. 37(2).

- (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: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

Reg. 152(3)
amended by
S.R. No.
133/2012
reg. 37(3).

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

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Reg. 152(4)
amended by
S.R. No.
133/2012
reg. 37(4).

- (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: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

- (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.

Reg. 152(5)
amended by
S.R. No.
133/2012
reg. 37(5).

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (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.

Reg. 152(6)
amended by
S.R. No.
133/2012
reg. 37(6).

Penalty: In the case of a body corporate,
100 penalty units;

In the case of a natural person,
20 penalty units.

- (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.

153 Medical certificates

- (1) A diver's medical certificate is valid if it satisfies subregulation (2) or (3).
- (2) A diver's medical certificate satisfies this subregulation if—
- (a) it certifies that, at the time it was given, the diver was fit to dive in accordance with the fitness requirements in AS/NZS 2299.1:2007; and

- (b) it is not more than one year old; and
 - (c) the registered medical practitioner who gave it—
 - (i) is accredited by the South Pacific Underwater Medicine Society, the Health and Safety Executive of the United Kingdom or the Underwater Hyperbaric Medicine Society; or
 - (ii) has completed an appropriate course of training conducted by the Royal Australian Navy or the Royal Adelaide Hospital; or
 - (iii) has been approved under ADAS; and
 - (d) before giving it, the registered medical practitioner examined the diver in accordance with the Schedule of Minimum Examination Requirements in AS/NZS 2299.1:2007; and
 - (e) immediately after the examination, the registered medical practitioner entered the certificate in the diver's log book.
- (3) A diver's medical certificate satisfies this subregulation if it is valid for the United Kingdom under any law of the United Kingdom or for the Kingdom of Norway under any law of Norway relating to the medical fitness of persons employed as divers.

Division 9—Records

154 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).

Reg. 154(1)
amended by
S.R. No.
133/2012
reg. 38(1).

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) A diving operations record—
- (a) must be kept in a hard-covered form bound in such a way that its pages cannot easily be removed; or
 - (b) if it is in a form that has multiple copies of each page, must be bound so that at least one copy of each page cannot easily be removed.
- (3) The pages of a diving operations record must be serially numbered.
- (4) The diving supervisor for a diving operation must ensure that an entry is made in the diving operations record for each day when diving for the operation takes place, with the following information about the diving operation on that day—
- (a) the date to which the entry relates;
 - (b) the diving contractor's name and address;
 - (c) the name of the diving supervisor, or the names of the diving supervisors, who supervised the operation;
 - (d) the location of the diving operation (including, if the diving was done from a vessel or installation, its name);
 - (e) the name of each person who took part in the operation (whether as a diver or as a member of a dive team);
 - (f) the name of each person who took part as a diver or stand-by diver in the operation;

Reg. 154(4)
amended by
S.R. No.
133/2012
reg. 38(2).

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

Penalty: In the case of a body corporate,
50 penalty units;
In the case of a natural person,
10 penalty units.

(5) A diving supervisor responsible for a diving operation must sign—

Reg. 154(5)
amended by
S.R. No.
133/2012
reg. 38(3).

(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: In the case of a body corporate,
50 penalty units;

In the case of a natural person,
10 penalty units.

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

Reg. 154(6)
amended by
S.R. No.
133/2012
reg. 38(4).

Penalty: In the case of a body corporate,
25 penalty units;

In the case of a natural person,
5 penalty units.

155 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: 5 penalty units.

- (2) The log book must—
 - (a) have hard covers; and
 - (b) be bound so that pages cannot easily be removed; and
 - (c) have its pages serially numbered; and
 - (d) show the diver's name; and
 - (e) have a clear photograph of the head and shoulders of the diver; and
 - (f) have a specimen of the diver's signature.
- (3) An entry in the log book must contain the following information—
 - (a) the date to which the entry relates;
 - (b) the location of the dive (and, if the dive was from a ship or installation, the name of the ship or installation);
 - (c) the maximum depth reached;
 - (d) the times at which the diver left the surface, reached the bottom, left the bottom and arrived at the surface again, and bottom time;
 - (e) the breathing apparatus and breathing mixture used;
 - (f) the decompression schedule followed;

- (g) the work done and the plant and tools used;
- (h) any decompression illness, barotrauma, discomfort or injury and details of any treatment given;
- (i) details of any emergency or incident;
- (j) anything else relevant to the diver's health or safety.

Chapter 4—Greenhouse gas injection and storage

Part 4.1—Introduction

156 Definitions

In this Chapter—

leakage from the well bore—

- (a) means any leakage of a greenhouse gas substance from a well that forms part of a project, including—
 - (i) an injection well; or
 - (ii) a monitoring well; or
 - (iii) a pressure management well; and
- (b) does not include any leakage that may occur from wells that do not form part of the project (such as old petroleum wells);

Note

Leakage from a well that does not form part of a project is to be regarded as leakage of a stored greenhouse gas substance.

reportable incident means an incident described in regulation 175;

stored greenhouse gas substance—

- (a) means a greenhouse gas substance that—
 - (i) has been injected; and
 - (ii) has left the well bore to enter into the reservoir rock; and

- (b) does not include any greenhouse gas substance that has been part of leakage from the well bore.

Note

risk is defined in regulation 4.

**157 Significant risk of a significant adverse impact—
information**

- (1) This regulation—
 - (a) is made for the purposes of sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act; and
 - (b) sets out—
 - (i) information required for the purpose of determining the question (the *risk question*) described in any of those subsections; and
 - (ii) procedures for obtaining or evaluating the information.

Note

Sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act describe different risk questions. Broadly, a risk question is whether there is a significant risk that an operation that could be carried on under a licence described in the section will have a significant adverse impact on other operations described in the section.

- (2) The person who intends to carry on an operation for which the risk question must be determined (the *main operation*) must give the Minister all information that is relevant to allow the Minister to determine the risk question.
- (3) If the Minister is not satisfied that the person has given the Minister all information that is relevant, the Minister may request the person, in writing, to give the Minister the information specified in the request for the purpose of determining the risk question.

- (4) For the purposes of section 27(1) or 28(1) of the Act, if the title area in which the main operation would be carried on overlaps, in whole or in part, with an area in which an operation is being, or could be, carried on under a greenhouse gas injection licence—
- (a) the Minister may request the injection licensee to give the Minister information in relation to whether there is any potential significant risk that the main operation will have a significant adverse impact on operations under the greenhouse gas injection licence; and
 - (b) the Minister must take any information given by the injection licensee into account when determining the risk question.
- (5) For the purposes of section 29(1), 30(1) or 31(1) of the Act, if the title area in which the main operation would be carried on overlaps, in whole or in part, with an area in which an operation is being, or could be, carried on under a petroleum production licence—
- (a) the Minister may request the production licensee to give the Minister information in relation to whether there is any potential significant risk that the main operation will have a significant adverse impact on the operation under the petroleum production licence; and
 - (b) the Minister must take any information given by the production licensee into account when determining the risk question.

- (6) The Minister may—
- (a) establish an expert advisory committee under section 767 of the Act for the purpose of advising the Minister about the risk question; or
 - (b) refer a risk question to an expert advisory committee that has already been established.
- (7) If the Minister is satisfied that he or she has sufficient information to be able to consider the risk question, the Minister must determine whether there is a significant risk of a significant adverse impact—
- (a) as soon as practicable; and
 - (b) in the manner set out in regulation 158.

**158 Significant risk of a significant adverse impact—
manner of determining risk**

- (1) This regulation—
- (a) is made for the purposes of sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act; and
 - (b) sets out the manner of determining the question (the *risk question*) described in any of those sections.

Note

Sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act describe different risk questions. Broadly, a risk question is whether there is a significant risk that an operation that could be carried on under a licence described in the section will have a significant adverse impact on other operations described in the subsection.

- (2) The Minister must determine the risk question by—
- (a) determining the probability of the occurrence of a particular event that causes an adverse impact; and

- (b) estimating the cost that would accrue if the event occurred, including (but not limited to) estimating the following—
 - (i) any increase in the capital costs of the relevant petroleum operations or the relevant greenhouse gas operations;
 - (ii) any increase in the operating costs of the relevant petroleum operations or the relevant greenhouse gas operations;
 - (iii) the cost of any reduction in the rate of recovery of the petroleum or the rate of injection of the greenhouse gas substance;
 - (iv) the cost of any reduction in the quantity of the petroleum that will be able to be recovered or the greenhouse gas substance that will be able to be stored; and
 - (c) multiplying the probability by the cost; and
 - (d) if it is necessary to determine the probabilities of more than one event occurring—applying the appropriate statistical techniques to the results obtained under paragraph (c).
- (3) The economic consequences of an adverse impact (a *probability weighted absolute impact*) are to be worked out using the formula—

event probability × event absolute value

Note

See subregulation (7).

- (4) The economic consequences of an adverse impact relative to the potential economic value of operations that are being, or could be, carried on (a *probability weighted relative impact*) are to be worked out using the formula—

$$\frac{\text{event probability} \times \text{event absolute value}}{\text{total resource value}}$$

Note

See subregulation (7).

- (5) All costs for a base year that are used, or worked out, under this regulation are to be expressed in real dollars for the base year.

Note

See subregulation (7).

- (6) A cost that relates to a year after the base year (a *nominal cost*) is to be discounted using the formula—

$$\frac{\text{nominal cost}}{(1 + \text{long term bond rate} + 0.05)^{\text{impact year} - \text{base year}}}$$

Note

See subregulation (7).

- (7) The calculations in this regulation rely on the assumptions in the following table.

Table

<i>Item</i>	<i>Assumption</i>
1	The cost of an adverse impact is to be worked out on the basis of the cost that would accrue if the event which causes the adverse impact occurs
2	An impact year is a financial year in which an impact occurs, or would occur
3	The base year is the financial year in which the calculation is made

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<i>Item</i>	<i>Assumption</i>
4	The long-term bond rate is the average, expressed as a decimal fraction, of the assessed secondary market yields in respect of 10-year non-rebate Treasury bonds for the latest available 12 months at the time the calculation is made, as published by the Reserve Bank of Australia
5	<p>The total resource value for the purposes of sections 27 and 28 of the Act is the expected future revenue stream from greenhouse gas injection, taking into account matters including—</p> <p>(a) the amount of greenhouse gas projected to be stored by the operation; and</p> <p>(b) the projected injection profile and projected carbon prices—</p> <p>worked out as the present value of future greenhouse gas substances expected to be produced, and discounted if necessary using the formula in subregulation (6)</p>
6	<p>The total resource value for the purposes of sections 29, 30 and 31 of the Act is the expected future revenue stream from a petroleum resource, taking into account—</p> <p>(a) the amount of petroleum projected to be recoverable by the operation; and</p> <p>(b) the projected production profile and projected petroleum prices—</p> <p>worked out as the present value of future petroleum expected to be produced, discounted if necessary using the formula in subregulation (6)</p>
7	Prescribed costs for the purposes of sections 27(5), 28(5), 29(5), 30(5) and 31(5) of the Act include any costs incurred by a party in analysing possible impacts or developing or providing information to inform the application of a test

**159 Significant risk of a significant adverse impact—
threshold amounts**

- (1) This regulation—
 - (a) is made for the purposes of sections 27(6), 28(6), 29(6), 30(6) and 31(6) of the Act; and
 - (b) sets out the amount that is taken to be the probability-weighted impact cost of an operation for the purposes of those sections; and
 - (c) sets out the amount that is taken to be the threshold amount for the purposes of those sections.
- (2) The probability-weighted impact cost is identified in 2 forms—
 - (a) the cost of the economic consequences of an adverse impact, worked out using the formula in regulation 158(3); and
 - (b) the cost of the economic consequences of an adverse impact relative to the potential economic value of operations that are being, or could be, carried on, worked out using the formula in regulation 158(4).

Note

To be certain of whether a risk is, or is not, to be treated as a significant risk of the occurrence of a significant adverse impact—

- (a) the cost of the economic consequences of an adverse impact is used for the purposes of comparison with the first threshold amount; and
- (b) the cost of the economic consequences of an adverse impact relative to the potential economic value of operations that are being, or could be, carried on, is used for the purposes of comparison with the second threshold amount.

If either cost exceeds its relevant threshold, the risk is to be treated as a significant risk of the occurrence of a significant adverse impact.

- (3) For the purposes of the financial year starting on 1 July 2011—
- (a) the first threshold amount is \$5 000 000; and
 - (b) the first threshold amount is used for comparison with the cost of the economic consequences of an adverse impact, worked out using the formula in regulation 158(3).
- (4) For the purposes of the financial year starting on 1 July 2011—
- (a) the second threshold amount is to be used if the cost of the economic consequences of an adverse impact, worked out using the formula in regulation 158(3), is—
 - (i) less than the first threshold amount; and
 - (ii) more than \$500 000; and
 - (b) the second threshold amount is 0.0015; and
 - (c) the second threshold amount is used for comparison with the cost of the economic consequences of an adverse impact relative to the potential economic value of operations that are being, or could be, carried on, worked out using the formula in regulation 158(4).
- (5) For the purposes of a base year later than 2011, the first threshold mentioned in subregulation (3)(a) is increased using the formula—
- $$\text{amount} \times (1 + \text{GDP deflator})^{\text{base year} - 2010}$$
- where—
- GDP deflator***, for the purposes of the base year, is the Implicit Price Deflator for Expenditure on Gross Domestic Product first published
-

by the Australian Statistician in respect of the base year;

base year is the base year in the table of assumptions in regulation 158(7).

**160 Significant risk of a significant adverse impact—
notification that there is a significant adverse impact**

- (1) This regulation is made for the purposes of sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act.
- (2) If the Minister determines under regulation 157 that there is a significant risk of a significant adverse impact, the Minister must—
 - (a) notify, in writing, the person to whose operations the determination relates of the determination and its terms within 15 days after making the determination; and
 - (b) include in the notification the reasons for making the determination; and
 - (c) include in the notification an explanation of the person's responsibilities under the Act.

Note

Each of sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act refers to a different risk question. Broadly, a risk question is whether there is a significant risk that an operation that could be carried on under a particular licence described in the relevant section will have a significant adverse impact on other operations that are described in the section.

- (3) The Minister must also—
 - (a) notify, in writing, each titleholder that would be affected by the significant risk of the determination and its terms within 15 days after making the determination; and

- (b) include in the notification the reasons for making the determination.

Note

The titleholder will be—

- (a) the holder of a greenhouse gas injection licence (see section 27 or 28 of the Act); or
 - (b) the holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence (see section 29, 30 or 31 of the Act).
- (4) A titleholder mentioned in subregulation (3)(a) may object to the determination.
 - (5) The titleholder must give the objection to the Minister within 60 days after the person is notified of the determination.
 - (6) The Minister must—
 - (a) notify each titleholder mentioned in subregulation (3)(a) within 10 days after the Minister receives the objection; and
 - (b) give each titleholder a notice setting out a proposed timetable for the consideration of the objection.
 - (7) The timetable is not binding on the Minister.

Note

While the intention is that the Minister will act in accordance with the timetable, circumstances may require the timetable to be changed to ensure that the objection will be considered fairly.

161 Significant risk of a significant adverse impact—notification that there is no significant adverse impact

- (1) This regulation is made for the purposes of sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act.

- (2) If the Minister determines under regulation 157 that there is not a significant risk, as described in the sections mentioned in regulation 158(1), the Minister must—
- (a) notify, in writing, the person to whose operations the determination relates of the determination and its terms within 15 days after making the determination; and
 - (b) include in the notification the reasons for making the determination.

Note

Each of sections 27(1), 28(1), 29(1), 30(1) and 31(1) of the Act refers to a different risk question. Broadly, a risk question is whether there is a significant risk that an operation that could be carried on under a particular licence described in the relevant section will have a significant adverse impact on other operations that are described in the section.

- (3) The Minister must also—
- (a) notify each titleholder that would be affected by the significant risk, in writing, of the determination and its terms within 15 days after making the determination; and
 - (b) include in the notification the reasons for making the determination.

Note

The titleholder will be—

- (a) the holder of a greenhouse gas injection licence (see section 27 or 28 of the Act); or
 - (b) the holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence (see section 29, 30 or 31 of the Act).
- (4) A titleholder mentioned in subregulation (3)(a) may object to the determination.

- (5) The titleholder must give the objection to the Minister within 60 days after the person is notified of the determination.
- (6) The Minister must—
 - (a) notify the person mentioned in subregulation (2)(a) within 10 days after the Minister receives the objection; and
 - (b) give the person a notice setting out a proposed timetable for the consideration of the objection.
- (7) The timetable is not binding on the Minister.

Note

While the intention is that the Minister will act in accordance with the timetable, circumstances may require the timetable to be changed to ensure that the objection will be considered fairly.

Part 4.2—Declaration of identified greenhouse gas storage formation

162 Application for declaration of identified greenhouse gas storage formation

For the purposes of section 315(3)(c) of the Act, Schedule 4 specifies information that must be set out in an application for the declaration of a part of a geological formation as an identified greenhouse gas storage formation.

163 Dealing with application for declaration of identified greenhouse gas storage formation

- (1) If the Minister receives an application under section 315 of the Act for the declaration of a part of a geological formation as an identified greenhouse gas storage formation, the Minister must, within 20 days after receiving the application, give the applicant a notice setting out a proposed timetable for the consideration of the application.
- (2) The timetable is not binding on the Minister.

Note

While the intention is that the Minister will act in accordance with the timetable, circumstances may require the timetable to be changed to ensure that the application will be considered fairly.

- (3) If the Minister is not satisfied that that part of the geological formation is suitable for the permanent storage of the greenhouse gas substance, the Minister must, in writing—
 - (a) inform the applicant of each matter for which the Minister is not satisfied; and
 - (b) give the applicant an opportunity to amend the application.

- (4) The Minister may act under subregulation (3) more than once if the Minister—
 - (a) is still not satisfied that that part of the geological formation is suitable for the permanent storage of the greenhouse gas substance; and
 - (b) believes that the applicant is able to amend the application in a way that will satisfy the Minister that that part of the geological formation is suitable.

Part 4.3—Site plans

164 Object of Part

The object of this Part is to ensure that a greenhouse gas injection and storage activity is undertaken in a way which ensures that the storage—

- (a) is safe and secure; and
- (b) occurs in accordance with an approved site plan that—
 - (i) describes any current injection and storage operations of the applicant; and
 - (ii) describes any proposed injection and storage operations of the applicant; and
 - (iii) identifies risks associated with the proposed project and demonstrates that these risks have been, or will be, eliminated or reduced to as low as practicable; and
 - (iv) provides for the monitoring of the activity in a way which will identify any new or increased risks in a timely manner; and
 - (v) provides for any necessary risk elimination or control measures to be taken.

165 Site plans—obligations

- (1) For the purposes of section 492(1) of the Act, a greenhouse gas injection licensee must not carry on any operations in relation to an identified greenhouse gas storage formation specified in the

Reg. 165(1)
amended by
S.R. No.
133/2012
reg. 39(1).

licence unless an approved site plan is in force in relation to the formation.

Penalty: In the case of a body corporate,
500 penalty units;

In the case of a natural person,
100 penalty units.

Reg. 165(2)
amended by
S.R. No.
133/2012
reg. 39(2).

- (2) For the purposes of section 492(2) of the Act, if an approved site plan is in force in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, the licensee must comply with the approved site plan.

Penalty: In the case of a body corporate,
500 penalty units;

In the case of a natural person,
100 penalty units.

- (3) A draft site plan must be submitted for approval by providing 2 hard copies and one electronic copy.
- (4) A draft site plan must be accompanied by a summary of the plan for use in accordance with regulation 169.
- (5) If additional information is to be provided with a draft site plan, the information may be provided—
- (a) as 2 electronic copies; or
 - (b) in another form approved by the Minister.

Examples

Examples of additional information are details of modelling undertaken, including methodology, types of models and assumptions, any detailed geological, geophysical, geochemical or other geotechnical information.

166 Site plans—approval (general)

- (1) For the purposes of section 492(3) of the Act, the Minister must be satisfied that a site plan complies with the requirements in this regulation before the Minister approves the site plan.
- (2) The site plan must—
 - (a) be appropriate for the nature and scale of the injection and storage operations; and
 - (b) demonstrate—
 - (i) having regard to available data; and
 - (ii) as far as practicable on the basis of current technical knowledge—

that the site is safe and secure for the permanent storage of the greenhouse gas substance if the operations in relation to the identified greenhouse gas storage formation are undertaken in accordance with the site plan; and
 - (c) set out an integrated operations management plan showing clear chains of command where appropriate; and
 - (d) demonstrate that—
 - (i) the risks associated with the operations have been identified; and
 - (ii) new risks or increases in the level of existing risks will be identified as they arise; and
 - (e) demonstrate that the risks associated with the operations will be eliminated or reduced to as low as reasonably practicable; and

- (f) demonstrate that any risk remaining after proposed actions that are designed to remove or eliminate risks will be at an acceptable level; and
- (g) include an appropriate strategy for the implementation of the plan; and
- (h) include appropriate arrangements for monitoring, recording and reporting the operation of the plan and compliance with it; and
- (i) demonstrate that the potential effects on living and non-living resources and other users of the ocean will be as low as practicable, having regard to the existence of any designated agreement mentioned in section 33 of the Act; and

Examples

Examples of resources and uses are petroleum, groundwater and the fishing industry.

- (j) demonstrate that there has been an appropriate level of consultation with authorities, persons and organisations for the purpose of preparing the plan; and
 - (k) comply with any other requirements set out in this Chapter.
- (3) If the Minister is not satisfied that all of the requirements of the Act and this Chapter which must be complied with before the Minister approves a draft site plan have been complied with, the Minister—
- (a) must, in writing—
 - (i) inform the applicant of each matter for which the Minister is not satisfied; and

- (ii) give the applicant an opportunity to amend the draft site plan or provide further information; and
 - (b) is not required to act under regulation 170 until the applicant has provided sufficient information; and
 - (c) is not required to make a decision on the draft site plan until the applicant has amended the application or provided sufficient information.
- (4) The Minister may act under subregulation (3)(a) more than once if the Minister—
- (a) is still not satisfied that all of the requirements have been complied with; and
 - (b) believes that the applicant is able to—
 - (i) amend the application in a way that will satisfy the Minister that all of the requirements have been complied with; or
 - (ii) provide sufficient information to satisfy the Minister that all of the requirements have been complied with.

167 Site plans—approval (Part A of plan)

- (1) For the purposes of section 492(3) of the Act, this regulation sets out requirements which must be complied with before the Minister approves a site plan.
- (2) The site plan must include a part that—
 - (a) is presented as "Part A—Behaviours predicted for the purposes of section 405(1)(e) and (f) of the Act"; and

- (b) sets out predictions relating to the behaviour of each greenhouse gas substance that is, or is to be, stored in the greenhouse gas storage formation.

Notes

- 1 The purpose of Part A is to identify behaviours that will not result in a serious situation set out in section 405(1)(e) and(f) of the Act. If the stored greenhouse gas substance does not behave as predicted in Part A, a serious situation exists and the serious situation powers set out in section 406 of the Act may be exercised by the Minister.
- 2 The predictions mentioned in subregulation (2)(b) must be provided for specific times approved by the Minister. It is intended that these predictions will be required at least—
 - (a) every 5 years during the injection phase of the project or, if more than 50% of the total quantity of the greenhouse gas substance to be injected is expected to occur in a period less than 5 years after injection commences, at a time when approximately 50% of the planned injection has taken place; and
 - (b) the time when injection of the greenhouse gas substance is expected to cease; and
 - (c) 5 years after the time when injection of the greenhouse gas substance ceases.
- (3) Each prediction must be described by reference to—
 - (a) each applicable migration pathway; and
 - (b) each applicable migration rate; and
 - (c) any other matter relevant to the accuracy of the prediction.

Example

Example of a matter for paragraph (c) is a geophysical, geochemical or geophysical and geochemical effect on the greenhouse gas storage formation.

- (4) The Minister must be satisfied that each prediction of a time at which behaviour will occur is soundly based.
- (5) The Minister must be satisfied that the predictions are of a kind that, if they are accurate, will result in outcomes that—
 - (a) are acceptable to the Minister; or
 - (b) can be made acceptable by the use of the control and remediation strategies set out in Part B of the site plan—

assuming that the predicted behaviour, and any related behaviour set out in Part A, occur at the times at which they are predicted to occur.

168 Site plans—approval (Part B of plan)

- (1) For the purposes of section 492(3) of the Act, this regulation sets out requirements which must be complied with before the Minister approves a site plan.
- (2) The site plan must include a part that is presented as "Part B".
- (3) Part B must not be inconsistent with the declaration under section 318 of the Act of the identified greenhouse gas storage formation.

Note

The declaration includes—

- (a) an estimate of the spatial extent of the storage formation; and
 - (b) fundamental suitability determinants.
- (4) Schedule 5 specifies the information that must be set out in Part B.
 - (5) For the purposes of section 501(2) of the Act, the Minister may make publicly available any of the following information held by the State—

- (a) the results of the monitoring of any leakages of a greenhouse gas substance stored in a part of a geological formation as a result of transportation or an injection activity; and
- (b) any raw data collected during the monitoring.

169 Site plans—summary of draft site plan

- (1) Schedule 6 specifies the information that must be set out in a summary of a draft site plan.
- (2) Subject to subregulation (3), the Minister must make the summary available on an Internet site maintained by the Department of Economic Development, Jobs, Transport and Resources within 30 days after receiving it.
- (3) The Minister is not required to make material in the summary available on the Internet site if the material—
 - (a) is commercial in confidence; or
 - (b) discloses intellectual property relating to a proprietary technique or technology.
- (4) The summary must be available on the Internet site for at least 30 days before the Minister makes a decision whether to approve the draft site plan.
- (5) In making a decision whether to approve the draft site plan, the Minister must have regard to any comments received about the summary, to the extent to which they are relevant to—
 - (a) the content of the summary; or
 - (b) the requirements which must be complied with before the Minister approves the site plan.

Reg. 169(2)
amended by
S.R. No.
123/2016
reg. 33.

170 Site plans—approval

- (1) For the purposes of section 492(3) of the Act, this regulation applies if the Minister receives an application for the grant of a greenhouse gas injection licence, accompanied by a draft site plan and a summary of the draft site plan.
- (2) The Minister must, not later than 20 days after receiving the application, give the applicant a notice setting out a proposed timetable for the consideration of the draft site plan.
- (3) The timetable is not binding on the Minister.

Note

While the intention is that the Minister will act in accordance with the timetable, circumstances may require the timetable to be changed to ensure that the draft site plan will be considered fairly.

171 Site plans—duration

For the purposes of section 492(4) of the Act, if the Minister approves a draft site plan, the approved site plan—

- (a) comes into force at the time of the approval;
and
- (b) remains in force—
 - (i) if, under this Part, the Minister withdraws approval of the approved site plan—until the withdrawal; or
 - (ii) if the Minister issues a site closing certificate—until the issue of the certificate; or
 - (iii) otherwise—indefinitely.

172 Site plans—withdrawal of approval

- (1) For the purposes of section 492(5) of the Act, the Minister may withdraw approval of an approved site plan for any of the following reasons—
 - (a) a declaration under section 318 of the Act has been revoked;
 - (b) the greenhouse injection licensee is acting otherwise than in accordance with the approved site plan;
 - (c) the greenhouse injection licensee has failed to review the approved site plan as required by regulation 173;
 - (d) the greenhouse injection licensee has failed to submit a variation of an approved site plan as required by regulation 174;
 - (e) the greenhouse injection licensee has failed to comply with a direction given by the Minister under the Act.
- (2) If the Minister proposes to withdraw approval of an approved site plan, the Minister must—
 - (a) notify the greenhouse injection licensee, in writing, of the following matters at least 30 days before the proposed withdrawal would take effect—
 - (i) the terms of the proposed withdrawal;
 - (ii) the reasons for the proposed withdrawal; and
 - (b) include with the notification a statement or summary of the right, under section 765 of the Act, of reconsideration or review of the decision.

173 Site plans—review of approved site plan

- (1) A greenhouse gas injection licensee must review an approved site plan at least once in every period of 5 years after the approval.

Reg. 173(1)
amended by
S.R. No.
133/2012
reg. 40(1).

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (2) A greenhouse gas injection licensee must review the part of an approved site plan that deals with site closure 5 years before injection is expected to cease.

Reg. 173(2)
amended by
S.R. No.
133/2012
reg. 40(2).

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (3) The Minister may request a greenhouse gas injection licensee to review an approved site plan if—
- (a) the licensee applies for a variation of the declaration of a part of a geological formation as an identified greenhouse gas storage formation under section 317 of the Act; or
 - (b) the licensee applies for a variation of the greenhouse gas injection licence under section 399 of the Act; or
 - (c) a reportable incident occurs; or
 - (d) the Minister believes that it is necessary to remove any inconsistencies in the approved site plan that may arise as a result of a direction by the Minister under section 401, 406 or 410 of the Act.

Reg. 173(4)
amended by
S.R. No.
133/2012
reg. 40(3).

- (4) If the Minister requests a greenhouse gas injection licensee to review an approved site plan, the licensee must review the approved site plan in accordance with the request.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (5) A review must include an update of the plume migration modelling, having regard to—
- (a) experience gained about the modelling; and
 - (b) the conduct of the operations (in particular, the amounts and rates of injection); and
 - (c) the observed behaviour of the plume.
- (6) A review must include consideration of whether the plan referred to in item 1 of Part 7 or program referred to in item 1 of Part 8 of Schedule 5 needs to be revised, having regard to—
- (a) the evolution of industry best practice; and
 - (b) the conduct of the operations.

174 Site plans—variation of approved site plan

- (1) For the purposes of section 402(3) of the Act, if—
- (a) a direction under section 401 of the Act is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from section 401(4) of the Act, the direction would be inconsistent with anything in the approved site plan for the

identified greenhouse gas storage formation specified in the licence—

the licensee must, within 60 days, prepare a draft variation of the approved site plan for the purposes of removing that inconsistency and give the draft variation to the Minister.

- (2) For the purposes of section 407(3) of the Act, if—
- (a) a direction under section 406 of the Act is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from section 406(6) of the Act, the direction would be inconsistent with anything in the approved site plan for the identified greenhouse gas storage formation specified in the licence—

the licensee must, within 60 days, prepare a draft variation of the approved site plan for the purposes of removing that inconsistency and give the draft variation to the Minister.

- (3) For the purposes of section 411(3) of the Act, if—
- (a) a direction under section 410 of the Act is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from section 410(6) of the Act, the direction would be inconsistent with anything in the approved site plan for the identified greenhouse gas storage formation specified in the licence—

the licensee must, within 60 days, prepare a draft variation of the approved site plan for the purposes of removing that inconsistency and give the draft variation to the Minister.

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 4.3—Site plans

Reg. 174(4)
amended by
S.R. No.
133/2012
reg. 41.

- (4) For the purposes of section 493(1) of the Act, if a circumstance mentioned in the following table occurs, the greenhouse gas injection licensee must submit a variation of an approved site plan to the Minister as soon as practicable after the circumstance occurs.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Table

<i>Item</i>	<i>Circumstance</i>
1	<p>The technical knowledge that was relied upon to formulate the matters in site plan, including the knowledge for determining—</p> <ul style="list-style-type: none">(a) the fundamental suitability determinants; or(b) the plume migration path; or(c) the predictions for the behaviour of the injected greenhouse gas substance; or(d) interactions with the storage formation; or(e) any other matter relevant to the secure storage of the greenhouse gas substance— <p>has become outdated to the extent that the site plan no longer provides the best available analysis of those matters</p>
2	<p>The licensee proposes to change the injection and storage operations at the site in a way that will affect—</p> <ul style="list-style-type: none">(a) the behaviour of the greenhouse gas substance in the storage formation; or(b) the risks associated with the project
3	<p>The licensee proposes to make a series of changes to the injection and storage operations at the site that, together, will affect—</p> <ul style="list-style-type: none">(a) the behaviour of the greenhouse gas substance in the storage formation; or(b) the risks associated with the project

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 4.3—Site plans

<i>Item</i>	<i>Circumstance</i>
4	The licensee proposes to make a significant change to the management system operating at the site, including a change to the command structure
5	The licensee identifies any inconsistencies in the site plan after the site plan is reviewed under regulation 173

Part 4.4—General

Division 1—Incident reporting

175 Reportable incidents

An event mentioned in the following table is a reportable incident if it has the potential to cause a serious situation within the meaning of the Act.

Table

<i>Item</i>	<i>Event</i>
1	An event described in Part B of the site plan as a threshold event which will be treated as a reportable incident in relation to the behaviour of the greenhouse gas substance in the storage formation, having regard in particular to the predictions in Part A
	Note See item 3 of Part 7 of Schedule 5
2	A leakage of stored greenhouse gas substance to the seabed
3	An event which a titleholder expects to lead to a leakage of stored greenhouse gas substance to the seabed
4	A leak from the bore of a well forming part of the greenhouse gas injection project

176 Notifying reportable incidents

- (1) If a titleholder becomes aware of the occurrence of a reportable incident, the titleholder must notify the Minister of the reportable incident in accordance with this Division.

Penalty: In the case of a body corporate,
500 penalty units;

In the case of a natural person,
100 penalty units.

Reg. 176(1)
amended by
S.R. No.
133/2012
reg. 42.

- (2) Subregulation (1) does not apply if the titleholder has a reasonable excuse.
- (3) The notification of the reportable incident—
 - (a) may be oral or in writing; and
 - (b) must contain—
 - (i) all material facts and circumstances concerning the reportable incident that the operator knows or is able, by reasonable search or enquiry, to find out; and
 - (ii) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and
 - (iii) the corrective action that has been taken, or is proposed to be taken, to prevent a similar reportable incident.

Note

Regulations 178 and 180 set out additional requirements for particular reportable events.

177 Written report of reportable incident

- (1) If a titleholder becomes aware of the occurrence of a reportable incident, the titleholder must submit a written report of a reportable incident to the Minister in accordance with this Division.

Reg. 177(1)
amended by
S.R. No.
133/2012
reg. 43.

Penalty: In the case of a body corporate,
200 penalty units;

In the case of a natural person,
40 penalty units.

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

- (3) The report must contain—
- (a) all material facts and circumstances concerning the reportable incident that the titleholder knows or is able, by reasonable search or enquiry, to find out; and
 - (b) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and
 - (c) the corrective action that has been taken, or is proposed to be taken, to prevent a similar reportable incident.

Note

Regulations 178 and 180 set out additional requirements for particular reportable events.

178 Additional requirements—behaviour of greenhouse gas substance in the storage formation

- (1) If a reportable incident mentioned in item 1 of the table in regulation 175 occurs, the titleholder must notify the Minister about the incident within 3 days after the titleholder becomes aware that it has occurred.
- (2) The titleholder must give the Minister the report of the incident mentioned in regulation 177 as soon as practicable after the titleholder becomes aware that it has occurred and, in any case, within 10 days after the titleholder becomes aware that it has occurred.

179 Additional requirements—leakage of stored greenhouse gas substance to the seabed

- (1) If a reportable incident mentioned in item 2 or 3 of the table in regulation 175 occurs, the titleholder must notify the Minister about the incident within 2 hours after the titleholder becomes aware that it has occurred.

- (2) The titleholder must give the Minister the report of the incident mentioned in regulation 177 as soon as practicable after the titleholder becomes aware that it has occurred and, in any case, within 3 days after the titleholder becomes aware that it has occurred.
- (3) In addition to the information mentioned in regulation 177, the report must include the information in the following table.

Table

<i>Item</i>	<i>Information</i>
1	An estimate of how much greenhouse gas substance— (a) has leaked to the seabed; or (b) is likely to leak to the seabed— and an explanation of how the estimate was made
2	An estimate of how much greenhouse gas substance would leak to the seabed as a result of the leakage or event if action were taken to avoid or mitigate any adverse environment impacts of the leakage or event, and an explanation of how the estimation was made
3	An estimate of how much greenhouse gas substance would leak to the seabed as a result of the leakage or event if no action were taken to avoid or mitigate any adverse environment impacts of the leakage or event, and an explanation of how the estimation was made

180 Additional requirements—leakage from the bore of a well

- (1) If a reportable incident mentioned in item 4 of the table in regulation 175 occurs, the titleholder must notify the Minister about the incident within 24 hours after the titleholder becomes aware that it has occurred.

- (2) The titleholder must give the Minister the report of the incident mentioned in regulation 177 within 5 days after the titleholder becomes aware that it has occurred.

181 When report under this Division not necessary

If an incident occurs that is—

- (a) a reportable incident within the meaning of Chapter 2; and
- (b) a reportable incident within the meaning of this Chapter—

and the titleholder is an operator who has given the notifications and reports relating to the incident to the Minister in accordance with Part 2.3, the titleholder is not required to give notifications and reports under this Division in relation to the incident.

Division 2—Other matters

182 Decommissioning of structures, equipment and other items of property

- (1) For the purposes of item 21 in Schedule 4 to the Act, this regulation makes provision for the decommissioning of structures, equipment and other items of property.
- (2) An application for the grant of a greenhouse gas injection licence must be accompanied by a plan (a *provisional decommissioning plan*) for—
 - (a) decommissioning structures and equipment; and
 - (b) remediation of the site—

after the injection of the greenhouse gas substance ceases.

- (3) The Minister must not approve the application for the grant of the greenhouse gas injection licence unless the Minister is satisfied that the plan mentioned in subregulation (2) is suitable.

Note

The suitability of a site plan is ultimately dependent on the circumstances of the decommissioning. The Department of Economic Development, Jobs, Transport and Resources is able to assist applicants with information about suitable site plans.

**Note to
reg. 182(3)
amended by
S.R. No.
123/2016
reg. 34.**

- (4) If the Minister approves the plan mentioned in subregulation (2)—
- (a) the Minister must notify the applicant, in writing, within 15 days after approving the plan; and
 - (b) advise the applicant of the effect of subregulation (5).

- (5) A greenhouse gas injection licensee must review a plan approved under subregulation (3)—
- (a) at least once in every 10 years during the injection phase of the project; and
 - (b) at least 5 years before the time when injection of the greenhouse gas substance is expected to cease.

**Reg. 182(5)
amended by
S.R. No.
133/2012
reg. 44(1).**

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (6) A review must include consideration of whether the plan needs to be varied, having regard to—
- (a) the evolution of industry best practice; and
 - (b) the conduct of the operations; and

Reg. 182(7)
amended by
S.R. No.
133/2012
reg. 44(2).

- (c) whether the site plan has been, or is to be, varied to include significant new structures during the injection phase of the project.
- (7) A greenhouse gas injection licensee must give the Minister a final plan for—
- (a) decommissioning structures and equipment; and
- (b) remediation of the site—

at least 12 months before the time when injection of the greenhouse gas substance is expected to cease.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

Note

The final plan for decommissioning will not cover any monitoring wells that are used for monitoring the behaviour of the greenhouse gas substance in storage formation after the site is closed.

- (8) The Minister must not approve the grant of the site closing certificate unless the Minister is satisfied that the final plan mentioned in subregulation (7) is suitable.

183 Discharge of securities

- (1) For the purposes of section 432 of the Act, this regulation makes provision in relation to the discharge, in whole or in part, by the Minister of securities in force in relation to site closing certificates.
- (2) For the purposes of section 491 of the Act, this regulation makes provision in relation to the discharge, in whole or in part, by the Minister of securities in force in relation to—

- (a) greenhouse gas assessment permits; or
 - (b) greenhouse gas holding leases; or
 - (c) greenhouse gas injection licences.
- (3) If the Minister is satisfied that each obligation in respect of which the security was lodged has been met, the Minister must discharge the security to the titleholder.
- (4) If the security is used by the Minister to address a situation for which the security was lodged, the Minister must discharge the amount of the security to the titleholder, reduced by the amount that was used by the Minister.

184 Estimate of total costs and expenses of carrying out program of operations

For the purposes of section 426(5)(a) of the Act, the annual rate at which costs and expenses will increase under the assumption mentioned in section 426(5)(a) is the annual rate of the average, expressed as a decimal fraction, of the assessed secondary market yields in respect of 10-year non-rebate Treasury bonds for the latest available 12 months at the time the calculation is made, as published by the Reserve Bank of Australia.

Chapter 5—Resource management and administration

Part 5.1—Preliminary

185 Objects of this Chapter

- (1) An object of this Chapter is to ensure that operations in the offshore area are—
 - (a) carried out in accordance with good oilfield practice; and
 - (b) compatible with the optimum long-term recovery of petroleum.
- (2) An object of this Chapter is to ensure that the Minister is informed, in a timely and consistent manner, of—
 - (a) exploration for petroleum and greenhouse gas storage formations; and
 - (b) the discovery of petroleum and potential storage formations; and
 - (c) the appraisal of discoveries; and
 - (d) development and production operations in relation to petroleum, and injection operations in relation to greenhouse gas substances; and
 - (e) the results of operations.
- (3) The other objects of this Chapter are—
 - (a) to provide a framework for encouraging the adequate collection, retention and timely dissemination of petroleum and greenhouse gas data; 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.

186 Definitions

In this Chapter—

accepted field development plan means a field development plan that has been accepted by the Minister under regulation 207 and, if varied under regulation 212, as varied from time to time;

accepted well operations management plan means a well operations management plan that has been accepted by the Minister under regulation 228 and, if varied under regulation 234, as varied from time to time;

end of the operation means—

- (a) in relation to a regulated operation related to the drilling of a well—
the date on which the rig is released;
and
- (b) in relation to a regulated operation conducted on a well after the well is completed—the date on which the operation ceased; and
- (c) in relation to a survey—the date on which the acquisition of the data is completed;

excluded information has the meaning given by regulation 187;

greenhouse gas title means—

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or

- (c) a greenhouse gas injection licence; or
- (d) a greenhouse gas search authority; or
- (e) a greenhouse gas special authority; or
- (f) a greenhouse gas research consent;

greenhouse gas titleholder means—

- (a) a greenhouse gas assessment permittee;
or
- (b) a greenhouse gas holding lessee; or
- (c) a greenhouse gas injection licensee; or
- (d) a registered holder of a greenhouse gas search authority; or
- (e) a registered holder of a greenhouse gas special authority; or
- (f) a holder of a greenhouse gas research consent;

named month means one of the 12 months of the calendar year;

non-exclusive data means data that is made available for commercial sale or license;

open information about a survey means any of the following information—

- (a) the name of the survey;
- (b) the title under which the survey is being conducted;
- (c) the name of the titleholder;
- (d) the basin, and sub-basin if applicable, in which the survey is being conducted;
- (e) the type of survey;

- (f) the size of the survey—
 - (i) in relation to a 2-dimensional survey—in kilometres; or
 - (ii) in relation to a 3-dimensional survey—in square kilometres;
- (g) the name of the vessel or aircraft conducting the survey;
- (h) the name of the contractor conducting the survey;
- (i) the dates on which the survey starts and ends or is proposed to start and end;
- (j) whether the survey is exclusive or non-exclusive;
- (k) navigation data for the survey, in the form of—
 - (i) in the case of a 2-dimensional survey—line ends and bends; or
 - (ii) in the case of a 3-dimensional seismic survey—a full fold polygon outline; or
 - (iii) in the case of other 3-dimensional surveys—a polygon outline;

open information about a well means any of the following information—

- (a) the name of the well;
- (b) the basin, and sub-basin if applicable, in which the well is located;
- (c) the well's latitude and longitude;
- (d) the name of the title area in which the well is located;
- (e) the name of the titleholder;

- (f) the purpose of the well (for example, development, appraisal, exploration or stratigraphy);
- (g) if the well is a sidetrack—the name of the parent well;
- (h) the well's spud date;
- (i) the water depth at the well;
- (j) what is being used as the depth reference for the well (for example, the Kelly bushing or the rig floor);
- (k) the height of the depth reference above sea level;
- (l) the name of the rig drilling the well;
- (m) the rig's make and model;
- (n) the name of the rig contractor;
- (o) the rig release date;
- (p) the status of the well (for example, producing, suspended or abandoned);

petroleum title means—

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) a petroleum special prospecting authority; or
- (e) a petroleum access authority; or
- (f) a scientific investigation consent;

petroleum titleholder means—

- (a) a petroleum exploration permittee; or
- (b) a petroleum retention lessee; or
- (c) a petroleum production licensee; or

- (d) the registered holder of a petroleum special prospecting authority; or
- (e) the registered holder of a petroleum access authority; or
- (f) the holder of a scientific investigation consent;

seismic extracted data grid means a series of vertical cross-sections extracted from a 3-dimensional seismic data volume that form a grid of which—

- (a) one direction is along the direction of seismic data acquisition; and
- (b) the other direction is at right angles to the direction of seismic data acquisition; and
- (c) the vertical cross-sections are spaced 5 kilometres apart in both directions;

title means—

- (a) a greenhouse gas title; or
- (b) an infrastructure licence; or
- (c) a pipeline licence; or
- (d) a petroleum title;

title area means—

- (a) in relation to a petroleum exploration permit or greenhouse gas assessment permit—the permit area; and
- (b) in relation to a petroleum retention lease or greenhouse gas holding lease—the lease area; and

- (c) in relation to a petroleum production licence, infrastructure licence, or greenhouse gas injection licence—the licence area; and
- (d) in relation to a petroleum special prospecting authority, petroleum access authority, greenhouse gas search authority or greenhouse gas special authority—the authority area; and
- (e) in relation to a scientific investigation consent or greenhouse gas research consent—the area specified in the consent;

titleholder means—

- (a) a greenhouse gas titleholder; or
- (b) an infrastructure licensee; or
- (c) a pipeline licensee; or
- (d) a petroleum titleholder.

187 Meaning of *excluded information*

- (1) For the purposes of this Chapter, ***excluded information*** is information about the following—
 - (a) the technical qualifications of a titleholder or an applicant for a title;
 - (b) the technical advice available to a titleholder or an applicant for a title;
 - (c) the financial resources available to a titleholder or an applicant for a title.
- (2) In addition, information contained in the following documents is ***excluded information***—
 - (a) an application for a petroleum exploration permit under section 86, 93 or 98 of the Act;

- (b) an application for renewal of a petroleum exploration permit under section 102 of the Act;
- (c) an application for a petroleum retention lease under section 130 or 136 of the Act;
- (d) an application for renewal of a petroleum retention lease under section 142 of the Act;
- (e) the results of a re-evaluation of the commercial viability of petroleum production in a lease area under section 120 of the Act;
- (f) an application for a petroleum production licence under section 164, 166 or 173 of the Act;
- (g) an application for a greenhouse gas assessment permit under section 297 or 306 of the Act;
- (h) an application for renewal of a greenhouse gas assessment permit under section 311 of the Act;
- (i) an application for a greenhouse gas holding lease under section 334, 342, 349 or 357 of the Act;
- (j) an application for renewal of a greenhouse gas holding lease under section 362 of the Act;
- (k) an application for a greenhouse gas injection licence under section 379 or 392 of the Act;
- (l) a report given under Part 5.2 or Part 5.3;
- (m) a field development plan submitted under regulation 206;
- (n) a variation of a field development plan submitted under regulation 210.

- (3) For the purposes of subregulation (2), it does not matter whether a document was prepared or submitted before or after the commencement of this Chapter.
- (4) However, subregulation (2) does not apply to information that is also contained in a document not listed in subregulation (2) that is given to the Minister.

Part 5.2—Notification and reporting of discovery of petroleum

Division 1—Petroleum titleholders

188 Application

This Division applies to a petroleum exploration permittee or petroleum retention lessee who is required, under section 279 of the Act, to notify the Minister of a discovery of petroleum.

Note

Section 279 of the Act applies if petroleum is discovered in a petroleum exploration permit area or a petroleum retention lease area.

189 Requirement to provide information with notification of discovery of petroleum

A petroleum titleholder to whom this Division applies must provide the following information when notifying the Minister—

- (a) the title in which the discovery was made;
- (b) the name of the well through which the discovery was made;
- (c) the blocks in which the discovery is situated;
- (d) if the rate or quantity of production of petroleum and water from the discovery well has been determined—the rate or quantity;
- (e) the physical and chemical properties of the petroleum from the discovery well;
- (f) if the physical properties of the pool from which the petroleum is recovered have been determined—the properties;
- (g) if one or more preliminary estimates of the quantities of petroleum in place have been made—each estimate.

190 Minister may request information to be included in discovery assessment report

- (1) The Minister may, within 7 days after the Minister is notified by a petroleum titleholder of a discovery of petroleum under section 279 of the Act, ask the titleholder in writing to include additional information about the discovery in the titleholder's discovery assessment report under regulation 191.

Note

Section 279 of the Act requires notification of a discovery within 3 days. Regulation 191 requires a further report about the discovery within 90 days after completion of the discovery well.

- (2) The request must specify the information sought and the reasons for the request.
- (3) After receiving the request, the titleholder may give the Minister a written statement that—
- (a) the information is not within the titleholder's knowledge; or
 - (b) the titleholder is unable to obtain the information.
- (4) If the Minister is satisfied (whether or not because of a statement under subregulation (3)) that the titleholder cannot comply with the request because—
- (a) the information is not within the titleholder's knowledge; or
 - (b) the titleholder is unable to obtain the information—

the Minister must, as soon as practicable, give the titleholder a notice in writing withdrawing the request.

191 Requirement to provide discovery assessment report

- (1) A petroleum titleholder who has notified the Minister of a discovery of petroleum in accordance with section 279 of the Act must give the Minister a discovery assessment report for the title area within—
- (a) 90 days after completion of the well that resulted in the discovery; or
 - (b) if the Minister authorises the titleholder to give the report within another period—the other period.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

- (2) In this regulation—

discovery assessment report means a report that includes the following information—

- (a) the title in relation to which the discovery was made;
- (b) a preliminary estimate of the location and areal extent of the petroleum pool;
- (c) details of the geological structure in which the petroleum is located;
- (d) the results of all assessments of the discovery;
- (e) a preliminary estimate of the quantity of petroleum in the petroleum pool;
- (f) the data used to estimate the quantity of petroleum in the petroleum pool;
- (g) a preliminary estimate of the quantity of recoverable petroleum in the petroleum pool;

Reg. 191(1)
amended by
S.R. No.
133/2012
reg. 45.

- (h) details of the petroleum titleholder's plans for further evaluation of the discovery, including the work that the titleholder proposes to carry out in the title area in the next 12 months from the date of the report;
- (i) if the Minister has issued a notice to the petroleum titleholder under regulation 190(4) and the notice has not been withdrawn—the information specified in the notice.

Division 2—Greenhouse gas titleholders

192 Application

This Division applies to a greenhouse gas assessment permittee, greenhouse gas holding lessee or greenhouse gas injection licensee who is required, under section 487 of the Act, to notify the Minister of a discovery of petroleum.

Note

Section 487 of the Act applies if petroleum is discovered in a greenhouse gas assessment permit area, a greenhouse gas holding lease area or a greenhouse gas injection licence area.

193 Requirement to provide petroleum discovery report

- (1) A greenhouse gas titleholder who has notified the Minister of a discovery of petroleum in accordance with section 487 of the Act must give the Minister, within 60 days after completion of the well that resulted in the discovery, a report that includes the information mentioned in subregulation (2).

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

Reg. 193(1)
amended by
S.R. No.
133/2012
reg. 46.

- (2) For the purposes of subregulation (1), the information which the report must include is—
- (a) the location of the petroleum discovery in the title area; and
 - (b) if any production tests have been conducted on the discovered petroleum—the results of the tests.

Part 5.3—Title assessment reports

194 Application

This Part applies to the following titleholders—

- (a) a petroleum exploration permittee;
- (b) a petroleum retention lessee;
- (c) a petroleum production licensee;
- (d) a greenhouse gas assessment permittee;
- (e) a greenhouse gas holding lessee.

195 Requirement to provide annual title assessment report

Reg. 195(1)
amended by
S.R. No.
133/2012
reg. 47.

- (1) A titleholder must give an annual title assessment report, providing the required information for a year of the term of the title, to the Minister within—
 - (a) 30 days after the day on which the year of the term ends; or
 - (b) if the Minister authorises the titleholder to give the report within another period—
the other period.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

Note

See sections 9 and 10 of the Act for what "year of the term" means. A year of the term of a title commences on the day on which the title comes into force or on any anniversary of that day.

- (2) For the purposes of subregulation (1), the required information is—
- (a) from a petroleum exploration permittee—the information mentioned in regulation 198(1);
or
 - (b) from a petroleum retention lessee—the information mentioned in regulation 199(1);
or
 - (c) from a petroleum production licensee—the information mentioned in regulation 200(1);
or
 - (d) from a greenhouse gas assessment permittee—the information mentioned in regulation 201(1); or
 - (e) from a greenhouse gas holding lessee—the information mentioned in regulation 202(1).

196 Reports may be combined with permission

A titleholder with more than one title may combine the annual title assessment reports into a single document with the written agreement of the Minister.

197 Title assessment report for part of a year

- (1) This regulation applies if—
- (a) a title ceases to be in force (whether because the title has expired or because the title has been surrendered, cancelled, revoked or terminated); and
 - (b) the term of the title was not a whole number of years.

Note

This regulation may apply when a title has been renewed. The renewal of a title is taken to be the grant of a new title on the day after the expiry of the previous title—see sections 11 and 12 of the Act.

- (2) The Minister may, by notice in writing, require the titleholder to give a title assessment report to the Minister for the period at the end of the term that was not a year of the term.
- (3) The notice must specify—
 - (a) the information that must be provided in the report, being only information that would be required from the titleholder in an annual title assessment report under regulation 195; and
 - (b) the date by which the report must be given, being a date at least 30 days after the day on which the notice is given.
- (4) A titleholder must comply with a notice given by the Minister under subregulation (2).

Reg. 197(4)
amended by
S.R. No.
133/2012
reg. 48.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

198 Information to be provided in annual title assessment report—petroleum exploration permit

- (1) For the purposes of regulation 195, the required information from a petroleum exploration permittee is—
 - (a) a description of work and expenditure commitments as detailed in the permit; and
 - (b) in relation to all work, evaluations and studies carried out in relation to the permit—
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies, including details about any leads and prospects discovered; and

- (c) a list of the reports submitted to the Minister in accordance with this Chapter during the year; and
 - (d) in relation to the work, evaluations and studies expected to be carried out in relation to the permit during the next year of the permit—
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the permittee to prepare for the work mentioned in subparagraph (i); and
 - (e) any other information that is required to be included in the annual title assessment report by a condition of the permit.
- (2) An annual title assessment report may include any other information that the permittee believes is relevant to the petroleum exploration permit.

199 Information to be provided in annual title assessment report—petroleum retention lease

- (1) For the purposes of regulation 195, the required information from a petroleum retention lessee is—
- (a) a description of work and expenditure commitments as detailed in the lease; and
 - (b) in relation to all work, evaluations and studies carried out in relation to the lease—
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies, including details about any leads and prospects discovered; and
 - (c) a list of the reports submitted to the Minister in accordance with this Chapter during the year; and

- (d) details of the lessee's plans for further evaluation of discoveries, including work that is to be carried out in the lease area; and
- (e) in relation to the work, evaluations and studies expected to be carried out in relation to the lease during the next year of the lease—
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the lessee to prepare for the work mentioned in subparagraph (i); and
- (f) in the case of a report for a year after the first year of the lease—the following information about each petroleum pool situated in the lease area—
 - (i) a description of the pool;
 - (ii) any new information relating to the evaluation of the pool;
 - (iii) an estimate of the quantity of petroleum in the pool at the end of the previous year;
 - (iv) an estimate of recoverable petroleum in the pool at the end of the previous year;
 - (v) any new or revised data upon which the estimates in subparagraphs (iii) and (iv) are based, including a report of any study carried out that has resulted in a revised estimate;
 - (vi) a table summarising the resource and reserve quantities mentioned in subparagraphs (iii) and (iv); and

(g) any other information that is required to be included in the annual title assessment report by a condition of the lease.

(2) An annual title assessment report may include any other information that the lessee believes is relevant to the petroleum retention lease.

200 Information to be provided in annual title assessment report—petroleum production licence

(1) For the purposes of regulation 195, the required information from a petroleum production licensee is—

- (a) details of any activities the licensee plans to undertake in the licence area in compliance with a condition of the licence; and
- (b) a list of the reports submitted to the Minister in accordance with this Chapter during the year; and
- (c) details of the licensee's plans for further evaluation of the licence area, including work that is to be carried out in the licence area and is not covered by paragraph (a); and
- (d) a production forecast for each producing or potential development project; and
- (e) a description of any leads and prospects in the licence area; and
- (f) in the case of a report for a year after the first year of the licence—the following information about each petroleum pool situated in the licence—
 - (i) a description of the pool;
 - (ii) any new information relating to the evaluation of the pool;

- (iii) an estimate of the quantity of petroleum in the pool at the end of the previous year;
 - (iv) an estimate of recoverable petroleum in the pool at the end of the previous year;
 - (v) any new or revised data upon which the estimates in subparagraphs (iii) and (iv) are based, including a report of any study carried out that has resulted in a revised estimate;
 - (vi) a table summarising the resource and reserve quantities mentioned in subparagraphs (iii) and (iv); and
 - (g) the total amount of petroleum produced during the year; and
 - (h) the amount of each substance injected into a reservoir during the year; and
 - (i) the amount of each substance flared or vented during the year; and
 - (j) any other information that is required to be included in accordance with a condition of the petroleum production licence.
- (2) An annual title assessment report may include any other information that the licensee believes is relevant to the petroleum production licence.

201 Information to be provided in annual title assessment report—greenhouse gas assessment permit

- (1) For the purposes of regulation 195, the required information from a greenhouse gas assessment permittee is—
- (a) a description of work and expenditure commitments as detailed in the permit; and

- (b) in relation to all work, evaluations and studies carried out in relation to the permit—
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies, including details about any leads and prospects discovered; and
 - (c) a list of the reports submitted to the Minister in accordance with this Chapter during the year; and
 - (d) in relation to the work, evaluations and studies expected to be carried out in relation to the permit during the next year of the permit—
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the permittee to prepare for the work mentioned in subparagraph (i); and
 - (e) any other information that is required to be included in the annual title assessment report by a condition of the permit.
- (2) An annual title assessment report may include any other information that the permittee believes is relevant to the greenhouse gas assessment permit.

202 Information to be provided in annual title assessment report—greenhouse gas holding lease

- (1) For the purposes of regulation 195, the required information from a greenhouse gas holding lessee is—
- (a) a description of work and expenditure commitments as detailed in the lease; and

- (b) in relation to all work, evaluations and studies carried out in relation to the lease—
 - (i) the total expenditure of the work, evaluation and studies; and
 - (ii) the results of the work, evaluation and studies; and
 - (c) a list of the reports submitted to the Minister in accordance with this Chapter during the year; and
 - (d) details of the lessee's plans for further evaluation work, including work that is to be carried out in the lease area; and
 - (e) in relation to the work, evaluations and studies expected to be carried out in relation to the lease during the next year of the lease—
 - (i) a description of work commitments and expenditure estimates; and
 - (ii) a description of the measures taken by the lessee to prepare for the work mentioned in subparagraph (i); and
 - (f) any other information that is required to be included in the annual title assessment report by a condition of the lease.
- (2) An annual title assessment report may include any other information that the lessee believes is relevant to the greenhouse gas holding lease.

Part 5.4—Field development plans and approvals of petroleum recovery

Division 1—Preliminary

203 Definitions

In this Part—

field, in relation to a field development plan, means an area within the licence area that is subject to the plan;

licence area, in relation to an applicant for a petroleum production licence, means the area constituted by the block or blocks that will be the subject of the petroleum production licence if the licence is granted;

major change, in relation to the recovery of petroleum from a field, includes the following—

- (a) the petroleum production licensee changes the development strategy or management strategy of a field or a petroleum pool;
- (b) the petroleum production licensee changes the plan for the development of additional pools in the field;
- (c) the petroleum production licensee ceases production, permanently or for the long term, before the date proposed in the field development plan;
- (d) the petroleum production licensee introduces new methods for the petroleum recovery, such as enhanced recovery and injection of fluids;

significant event includes the following—

- (a) a change in the understanding of the characteristics of the geology or reservoir that may have a significant impact on the optimum recovery of petroleum;
- (b) a new or increased risk to the recovery of petroleum within the licence area;
- (c) a new or increased risk to the recovery of petroleum outside the licence area caused by the development of pools in the licence area;
- (d) a new or increased risk of activities in the licence area causing effects outside the licence area (for example aquifer depletion caused by hydrocarbon extraction);
- (e) change to the proposed option for development of pools in the licence area, including any tie-in opportunity with nearby licence areas.

Division 2—Field development plan requirements for petroleum production licensees

204 Requirement to have an accepted field development plan

A petroleum production licensee must not undertake the recovery of petroleum from a petroleum pool in the licence area unless—

- (a) the recovery is on an appraisal basis; and

Reg. 204
amended by
S.R. No.
133/2012
reg. 49.

(b) at the time of the recovery of the petroleum, the licensee has—

- (i) an accepted field development plan in force for a field that includes the petroleum pool; or
- (ii) an approval, under regulation 217, to undertake the recovery of petroleum without an accepted field development plan; or
- (iii) an exemption under the transitional provisions of regulation 218.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

Notes

- 1 The Act also requires a licensee to undertake the recovery operation in accordance with good oilfield practice—see section 616.
- 2 This offence applies to a petroleum production licensee. Recovery of petroleum in the offshore area without a petroleum production licence or other authorisation under the Act is an offence under section 149 of the Act.

205 Requirement to undertake activities in accordance with accepted field development plan

A petroleum production licensee must not undertake an activity in a field in the licence area that is not consistent with the accepted field development plan in force for that field.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

Reg. 205
amended by
S.R. No.
133/2012
reg. 50.

Division 3—Obtaining acceptance of field development plan

206 Application for acceptance of field development plan

- (1) A person who is a petroleum production licensee or an applicant for a petroleum production licence may apply to the Minister to accept a field development plan.
- (2) The application must be accompanied by the field development plan.

207 Minister's decision on field development plan

- (1) After receiving the field development plan, the Minister must—
 - (a) accept the plan; or
 - (b) reject the plan; or
 - (c) notify the person in writing that the Minister is unable to make a decision without further assessment of the plan.
- (2) If the Minister issues a notice under subregulation (1)(c), the Minister must specify for inclusion in the notice—
 - (a) any further information the Minister requires to be included in the field development plan; and
 - (b) the date after which the Minister will commence further assessment of the plan.
- (3) The date specified under subregulation (2)(b) must give the person a reasonable opportunity to modify or resubmit the plan.
- (4) If the Minister undertakes further assessment of a field development plan, the Minister must accept or reject the field development plan as soon as practicable.

- (5) The Minister may accept the field development plan subject to conditions.
- (6) The Minister must notify the person in writing of the following matters as soon as practicable after the Minister has made a decision to accept or reject the field development plan—
 - (a) the terms of the decision;
 - (b) if the Minister rejects the plan—the reasons for the decision;
 - (c) if the Minister accepts the plan—the date on which the plan commences;
 - (d) if the Minister accepts the plan subject to a condition—the condition and the reason for making the acceptance subject to a condition.
- (7) If the Minister accepts the field development plan, the plan commences on the date notified under subregulation (6)(c).

208 Criteria for acceptance of field development plan

- (1) The Minister must accept a field development plan under regulation 207(1)(a) or (4) if the Minister is satisfied that—
 - (a) the plan includes the matters mentioned in regulation 209(1); and
 - (b) the plan demonstrates that the person will conduct pool management in the field in a manner that is—
 - (i) consistent with good oilfield practice; and
 - (ii) compatible with optimum long-term recovery of the petroleum.
- (2) The Minister must not accept a field development plan if the Minister is not satisfied that the plan meets the requirements of subregulation (1).

209 Contents of field development plan

- (1) For the purposes of regulation 208(1)(a), the matters are—
 - (a) evidence and data showing that the field contains petroleum, including details of the structure, extent and location of discovered petroleum pools; and
 - (b) estimates of the volume of petroleum in place and recoverable petroleum, including data supporting the estimates; and
 - (c) a description of—
 - (i) the possible petroleum pools in the field; and
 - (ii) the person's plans (if any) to explore for petroleum pools; and
 - (iii) how any petroleum pools of commercial quantity can be incorporated into the development of the licence area; and
 - (d) a description of—
 - (i) an appropriate strategy for the development of the field, management of the petroleum pool and optimum long-term recovery; and
 - (ii) any proposed and alternative development scenarios; and
 - (e) a description of how the person intends to extract the petroleum over time, including the following information—
 - (i) the estimated positions of wells;
 - (ii) the potential timing of workovers;
 - (iii) possible tie-ins; and

- (f) the project schedule, including an estimated development timetable of production facilities such as wells, platforms and petroleum pipelines; and
- (g) the person's operations or proposals for—
 - (i) the enhanced recovery or recycling of petroleum; and
 - (ii) the processing, storage or disposal of petroleum; and
 - (iii) the injection of petroleum or water into an underground formation; and
- (h) arrangements for—
 - (i) monitoring, recording in writing and reporting on the person's conduct of pool management; and
 - (ii) keeping records and other documents about the person's conduct of pool management; and
- (i) details of—
 - (i) the surface connections and equipment used by the person; and
 - (ii) any production by a well that is from more than one petroleum pool; and
 - (iii) any production from a petroleum pool that is through more than one well; and
- (j) the arrangements (if any) for the transport, injection and storage of greenhouse gas substances that have been obtained from a third party or other external source; and

- (k) arrangements for the maintenance of an accurate quantitative record of events, measurements and actions to which the plan relates.
- (2) A field development plan may include any other information that the person believes is relevant.

Division 4—Variation of field development plan

210 Requirement to apply for variation of field development plan

- (1) A petroleum production licensee must apply to the Minister to accept a variation of a field development plan if—
 - (a) the licensee intends to make a major change in relation to the recovery of petroleum from the field; or
 - (b) there is a new licensee for the licence, unless the new licensee agrees in writing to continue operations in accordance with the current accepted field development plan; or
 - (c) the Minister has requested the licensee, under regulation 213, to vary the accepted field development plan.
- (2) The application must be accompanied by the proposed variation.

211 Application must be made at least 90 days before major change

A petroleum production licensee who—

- (a) undertakes the recovery of petroleum from a petroleum pool in the licence area; and

Reg. 211
amended by
S.R. No.
133/2012
reg. 51.

- (b) at the time of the recovery of the petroleum, has an accepted field development plan for a field that includes the petroleum pool—

must not make a major change in relation to the recovery of petroleum from the field unless, at least 90 days before the occurrence of the major change, the licensee has applied for a variation of the accepted field development plan.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

212 Minister's decision on variation of field development plan

- (1) As soon as practicable after a petroleum production licensee gives a variation of a field development plan to the Minister under regulation 210, the Minister must—
- (a) if the varied field development plan would meet the requirements of regulation 208(1)—accept the variation; or
 - (b) if the varied field development plan would not meet the requirements of regulation 208(1)—reject the variation; or
 - (c) notify the licensee, in writing, that the Minister is unable to make a decision without further assessment of the variation.
- (2) If the Minister issues a notice under subregulation (1)(c), the Minister must specify for inclusion in the notice—
- (a) any further information the Minister requires to be included in the variation; and
 - (b) the date after which the Minister will commence further assessment of the plan.

- (3) The date specified under subregulation (2)(b) must give the licensee a reasonable opportunity to modify or resubmit the plan.
- (4) If the Minister undertakes further assessment of a variation, the Minister must accept or reject the variation as soon as practicable.
- (5) The Minister may accept a variation of a field development plan subject to conditions.
- (6) The Minister must notify the licensee in writing of the following matters as soon as practicable after the Minister has made a decision to accept or reject a variation of a field development plan—
 - (a) the terms of the decision;
 - (b) if the Minister rejects the variation—the reasons for the decision;
 - (c) if the Minister accepts the variation—the date on which the variation commences;
 - (d) if the Minister accepts the variation subject to a condition—the condition and the reason for making the acceptance subject to a condition.
- (7) If the Minister accepts a variation of a field development plan, the plan as varied replaces the existing field development plan as the plan in force for the field on the date notified under subregulation (6)(c).

213 Variation required by Minister

The Minister may give a petroleum production licensee a notice in writing—

- (a) advising the licensee that the Minister requires the licensee to vary a field development plan as set out in the notice; and

- (b) setting out the technical grounds for requiring the variation; and
- (c) identifying the proposed date of effect of the variation; and
- (d) identifying the proposed date by which the licensee must submit a variation of the plan to the Minister; and
- (e) advising the licensee of the effect of regulation 214.

214 Objection to requirement to vary field development plan

- (1) If the Minister gives a petroleum production licensee a notice under regulation 213, the licensee may give an objection, in writing, to the Minister—
 - (a) stating one or more of the following—
 - (i) that the variation should not occur;
 - (ii) that the variation should be in terms different from the proposed terms;
 - (iii) that the varied field development plan should take effect on a date later than the proposed date;
 - (iv) that the date by which the licensee must submit a variation of the plan should be later than the proposed date; and
 - (b) giving reasons for the objection.
- (2) The licensee must make the objection within—
 - (a) 21 days after receiving the notice; or
 - (b) if the Minister, in writing, allows a longer period—that period.

215 Decision on objection

- (1) As soon as practicable after a petroleum production licensee gives an objection to the Minister under regulation 214, the Minister must decide whether to accept or reject the objection.
- (2) The Minister must notify the licensee, in writing, of the following matters as soon as practicable after the Minister has made a decision—
 - (a) the terms of the decision, including—
 - (i) whether the original notice given under regulation 213 is varied or withdrawn; and
 - (ii) if the original notice is varied—the new requirements;
 - (b) if the decision is to reject the objection—the reasons for the decision.

Division 5—Recovery of petroleum before field development plan is accepted

216 Application for approval to undertake the recovery of petroleum without accepted field development plan

- (1) A petroleum production licensee may apply, in writing, to the Minister for permission to undertake the recovery of petroleum from a petroleum pool in the licence area for a period of up to 3 months without having an accepted field development plan in force for a field that includes the pool.
- (2) The application must include—
 - (a) the reason why it is necessary for the licensee to undertake the recovery without having an accepted field development plan; and

- (b) details of any proposed extended production test; and
- (c) the period in respect of which the permission is sought; and
- (d) details of any proposed disposal or flaring of any produced hydrocarbons.

217 Decision on application

- (1) As soon as practicable after the petroleum production licensee gives an application to the Minister under regulation 216, the Minister must—
 - (a) approve the application; or
 - (b) reject the application; or
 - (c) notify the licensee, in writing, that the Minister is unable to make a decision without further information.
- (2) If the Minister issues a notice under subregulation (1)(c), the Minister must specify the further information that the Minister requires.
- (3) After receiving the information, the Minister must, as soon as practicable, do one of the things set out in subregulation (1) in respect of the application.
- (4) The Minister may approve the application subject to conditions.
- (5) If the Minister approves the application, the maximum period for which the Minister may grant the permission is 3 months from the date of the Minister's approval.
- (6) However, the Minister may, on written application by the licensee, extend the period by a maximum of 3 months.

- (7) The Minister may extend permission under subregulation (6) more than once.
- (8) The Minister must notify the licensee in writing of the following matters as soon as practicable after making a decision to approve or reject an application—
 - (a) the terms of the decision;
 - (b) if the Minister approves the application subject to a condition—the condition;
 - (c) if the Minister rejects the application—the reasons for the decision.

Division 6—Transitional provisions about field development plans

218 Recovering petroleum on or before the commencement of this Chapter if a field development plan has been accepted before commencement day

- (1) If—
 - (a) petroleum was being recovered under a petroleum production licence on or before the commencement day; and
 - (b) on the commencement day, the licensee has a field development plan for that recovery that has been accepted by the Minister—that field development plan is in force for the field.
- (2) A petroleum production licensee is taken to have made an application under regulation 206 on the commencement day if—
 - (a) the licensee made an application for a field development plan to be accepted by the Minister before commencement day; and

- (b) the Minister did not make a decision on the application before the commencement day.
- (3) If petroleum was being recovered in an area under a petroleum production licence on or before the commencement day (the *recovery area*) and the recovery after that day is not covered by a field development plan—
 - (a) the licensee must make an application to the Minister under regulation 206 for acceptance of a field development plan for the recovery area before—
 - (i) 2 years after the commencement day; or
 - (ii) if the Minister gives the licensee written approval to extend the period—4 years after the commencement day; and
 - (b) the licensee is exempt from regulation 204 until an accepted field development plan is in force for the recovery area.
- (4) If a licensee exempted by subregulation (3)(b) makes an application under regulation 206 and the plan is rejected by the Minister, the licensee must make another application no later than 90 days after being given notice of the rejection.

Division 7—Approval of rate of recovery of petroleum

219 Requirement to obtain approval of rate of recovery of petroleum

A petroleum production licensee must not undertake the recovery of petroleum from a petroleum pool in a licence area if—

- (a) the licensee has not obtained from the Minister written approval of the rate of recovery of petroleum from the pool; and

Reg. 219
amended by
S.R. No.
133/2012
reg. 52.

- (b) the rate of recovery of petroleum from the pool is not subject to a direction under section 182 of the Act.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

220 Application for approval of rate of recovery from pool in licence area

- (1) This regulation applies if a petroleum production licensee applies to the Minister for written approval of the rate of recovery of petroleum from a petroleum pool in a licence area.
- (2) The Minister must not approve the application unless the application includes the following information—
 - (a) the proposed rate of recovery of petroleum from the pool;
 - (b) the past performance (if any) and a prediction of future performance of production wells in the licence area;
 - (c) an estimate of the ultimate recovery from the pool.
- (3) In making a decision about the rate of recovery of petroleum from the pool, the Minister must ensure that the rate is consistent with the accepted field development plan for the field that includes the pool.

Division 8—Requirement to notify significant event

221 Requirement to notify significant event to Minister

- (1) A petroleum production licensee must provide to the Minister a written notification of a significant event that occurs in, or in relation to, the licence area within 7 days after becoming aware of the event.

Reg. 221(1)
amended by
S.R. No.
133/2012
reg. 53.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

- (2) The notification must include—
- (a) all the material facts and circumstances about the significant event that the licensee is aware of or is able, by reasonable search and inquiry, to find out, including—
 - (i) when the event occurred or was first detected; and
 - (ii) the implications of the event for the reservoir and the optimum long-term recovery of petroleum; and
 - (b) the action the licensee proposes to take in response to the significant event.
- (3) The notification may include any other facts the licensee considers relevant.

Pt 5.5
(Heading)
substituted by
S.R. No.
160/2012
reg. 57.

Part 5.5—Well operations management plans and approval of well activities—greenhouse gas titleholders

Division 1—Preliminary

Reg. 222
amended by
S.R. No.
133/2012
reg. 54,
substituted by
S.R. No.
160/2012
reg. 58.

222 Application

This Part applies to the following titleholders—

- (a) a greenhouse gas assessment permittee;
- (b) a greenhouse gas holding lessee;
- (c) a greenhouse gas injection licensee;
- (d) a registered holder of a greenhouse gas special authority;
- (e) a greenhouse gas-related infrastructure licensee.

223 Definitions

In this Part—

Reg. 223
def. of
*greenhouse
gas-related
infrastructure
licensee*
inserted by
S.R. No.
160/2012
reg. 59(1).

greenhouse gas-related infrastructure licensee
means the registered holder of an
infrastructure licence that authorises the
licensee to construct and operate an
infrastructure facility that relates to a
greenhouse gas substance;

Reg. 223
def. of
integrity
amended by
S.R. No.
160/2012
reg. 59(2).

integrity, in relation to a well, means that the
potential injection zone in the well bore—

- (a) is under control, in accordance with an
accepted well operations management
plan; and
- (b) is able to contain reservoir fluids; and

- (c) is subject only to risks that have been reduced to a level that is as low as reasonably practicable;

well includes all equipment located downhole from a well;

Examples

Equipment leading to a blow-out preventer, equipment leading to a well head, equipment leading to a Christmas tree.

well activity means an activity relating to a well that is carried out during the life of the well;

Examples

Exploratory drilling, production drilling, appraisal drilling, testing a well, well drilling, a wireline operation, a workover operation, a well completion or re-completion, maintenance of a well, abandonment or suspension of a well.

well integrity hazard means—

- (a) an event that—
- (i) may compromise the integrity of a well; and
 - (ii) would, if it occurred, have the consequence of a significant threat to the safety of individuals; or
- (b) an event that may involve a risk of significant damage to the environment or the well reservoir of a well.

224 Part is a listed OHS law

For the purposes of section 700(e) of the Act, this Part is a listed OHS law to the extent it relates to occupational health and safety.

Division 2—Requirements—well operations management plan

225 Requirement to have accepted well operations management plan

Reg. 225(1)
amended by
S.R. No.
133/2012
reg. 55.

- (1) A titleholder who undertakes a well activity in a title area must have an accepted well operations management plan in force for undertaking the well activity in the title area.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

- (2) Subregulation (1) does not apply if—
- (a) there is an emergency in which there is a likelihood of any of the following—
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
 - (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
 - (c) as soon as practicable, the titleholder gives the Minister notice of the emergency; and
 - (d) as soon as practicable, but within 3 days, the titleholder gives written notice to the Minister about the activity undertaken.

Note

A direction under section 623 or 629 of the Act from the Minister has effect and must be complied with despite anything in the Regulations.

**226 Requirement to undertake activities in accordance
with accepted well operations management plan**

- (1) A titleholder who, in a title area, undertakes a well activity that is regulated by one or more requirements of an accepted well operations management plan in force for the title area must undertake the activity in accordance with the requirements of the plan for the activity.

Reg. 226(1)
amended by
S.R. No.
133/2012
reg. 56.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

- (2) Subregulation (1) does not apply if—
- (a) there is an emergency in which there is a likelihood of any of the following—
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
 - (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
 - (c) as soon as practicable, the titleholder gives the Minister notice of the emergency; and
 - (d) as soon as practicable, but within 3 days, the titleholder gives written notice to the Minister about the activity undertaken.

Note

A direction under section 623 or 629 of the Act from the Minister has effect and must be complied with despite anything in the Regulations.

Division 3—Obtaining acceptance of well operations management plan

227 Application for acceptance of well operations management plan

- (1) A titleholder may apply to the Minister for acceptance by the Minister of a well operations management plan.
- (2) The titleholder must give the plan to the Minister—
 - (a) at least 30 days before the proposed start of the well activity; or
 - (b) if the Minister allows, and notifies in writing, another period—within that period.
- (3) The plan—
 - (a) must be in writing; and
 - (b) may apply to well activities for more than one well; and
 - (c) may be submitted, with the approval of the Minister notified in writing, in parts for particular stages of the activity; and
 - (d) if the plan is for undertaking a well activity authorised by a greenhouse gas special authority relating to a deviation well, must be the same as the accepted well operations management plan in force for undertaking that well activity in a title area adjacent to the authority area.

Reg. 227(3)(c)
amended by
S.R. No.
133/2012
reg. 57(1).

Reg. 227(3)(d)
inserted by
S.R. No.
133/2012
reg. 57(2),
amended by
S.R. No.
160/2012
reg. 60.

228 Decision on well operations management plan

- (1) Within 30 days after a titleholder gives a well operations management plan to the Minister, the Minister must—
 - (a) accept the plan, or one or more parts of the plan, as a well operations management plan; or
- Example**
- The Minister may approve a well operations management plan to the extent that it deals with a particular stage of a well activity, but not to the extent that it deals with other stages.
- (b) reject the plan; or
 - (c) notify the titleholder in writing that the Minister is unable to make a decision without further assessment of the plan.
 - (2) The acceptance of one or more parts of a well operations management plan is taken to be the rejection of any other parts of the well operations management plan that are not accepted by the Minister.
 - (3) If the Minister notifies the titleholder that the Minister is unable to make a decision without further assessment of the plan, the notice must include—
 - (a) a description of any further information the Minister requires to be included in the plan; and
 - (b) the date after which the Minister will commence further assessment of the plan.
 - (4) The date specified under subregulation (3)(b) must give the titleholder a reasonable opportunity to modify or resubmit the plan.
-

- (5) If the Minister undertakes further assessment of the plan, the Minister must, as soon as practicable—
 - (a) accept the plan, or one or more parts of the plan, as a well operations management plan; or
 - (b) reject the plan.
- (6) The Minister may accept the well operations management plan subject to conditions.
- (7) The Minister must notify the titleholder in writing of the following matters as soon as practicable after making a decision—
 - (a) the terms of the decision;
 - (b) if the decision is to reject the plan, or to accept one or more parts of the plan—the reasons for the decision;
 - (c) if the decision is to accept the plan, or one or more parts of the plan—the date on which the accepted plan commences;
 - (d) if the decision is to accept the plan, or one or more parts of the plan, subject to a condition—the condition and the reason for making the acceptance subject to a condition.
- (8) If the Minister accepts the well operations management plan, or one or more parts of the plan, the accepted plan commences on the day notified under subregulation (7)(c).

229 Criteria for acceptance of well operations management plan

- (1) The Minister must accept a well operations management plan under regulation 228(1)(a) or (5)(a) if the Minister is satisfied that—
 - (a) the plan is appropriate for the nature and scale of the well activity; and
-

- (b) the plan shows that the risks identified by the titleholder in relation to the well activity will be managed in accordance with sound engineering principles, standards, specifications and good oilfield practice; and
 - (c) the plan includes the matters mentioned in regulation 230; and
 - (d) the way in which the well activity will be carried out—
 - (i) will not result in the occurrence of any significant new detrimental risk or effect to the well activity; and
 - (ii) will not result in any significant increase in a detrimental risk or effect to the well activity that already exists.
- (2) The Minister must not accept a well operations management plan if the Minister is not satisfied that the plan meets the requirements of subregulation (1).

230 Contents of well operations management plan

- (1) For the purposes of regulation 229(1)(c), the matters are—
- (a) information about the conduct of the well activity; and
 - (b) an explanation of—
 - (i) the philosophy of, and criteria for, the design, construction, operational activity and management of the well; and

Reg. 230
(1)(b)(ii)
amended by
S.R. No.
160/2012
reg. 61.

(ii) the possible injection activities of the well—

showing that the well activity, and all associated operational work, will be carried out in accordance with good oilfield practice; and

- (c) performance objectives against which the performance of the well activity is to be measured; and
- (d) measurement criteria that define the performance objectives; and
- (e) an explanation of how the titleholder will deal with—
 - (i) a well integrity hazard; or
 - (ii) a significant increase in an existing risk for the well—

including the possibility of continuing an activity for the purpose of dealing with the well integrity hazard or the risk; and

- (f) details of when and how the titleholder will notify the Minister, and give reports and information, about—
 - (i) the well activity; and
 - (ii) well integrity hazards; and
 - (iii) significant increases in existing risks for the well; and
 - (iv) other matters relevant to the conduct of the well activity; and

- (g) an explanation of the way in which the titleholder will keep information required by the well operations management plan.
- (2) The Minister may give a titleholder permission, notified in writing, not to include matters in a well operations management plan if those matters are regulated in the title.
- (3) A well operations management plan may include any other information that the titleholder believes is relevant.

231 Status of well operations management plan

- (1) If the Minister has given the titleholder permission to give a well operations management plan to the Minister in parts—
 - (a) the first part of the plan that the Minister accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to the Minister after that acceptance is taken to be a variation to which Division 4 applies.
- (2) If the Minister accepts one or more parts of a well operations management plan—
 - (a) the part of the plan that the Minister accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to the Minister after that acceptance is taken to be a variation to which Division 4 applies.
- (3) If the Minister accepts a well operations management plan as a replacement for an accepted well operations management plan, the previous accepted well operations management plan ceases to have effect.

Division 4—Variation of well operations management plan

232 Application for acceptance of variation

- (1) A titleholder may apply to the Minister for acceptance by the Minister of a variation of an accepted well operations management plan.
- (2) The application must be accompanied by the proposed variation.

233 Requirement to apply for variation of well operations management plan

A titleholder must apply to the Minister for a variation of the titleholder's well operations management plan if any of the following circumstances exists—

- (a) a change in the understanding about the characteristics of the geology or reservoir that may have a significant impact on a well activity;
- (b) the occurrence or potential occurrence of a significant new detrimental risk or effect to a well activity;
- (c) a significant increase in a detrimental risk or effect to a well activity.

234 Decision on request for acceptance of varied well operations management plan

- (1) If a titleholder gives a variation to the Minister, the Minister must within 30 days—
 - (a) if the varied well operations management plan would meet the requirements of regulation 229(1)—accept the variation; or
 - (b) reject the variation; or

- (c) notify the titleholder, in writing, that the Minister is unable to make a decision without further assessment of the variation.
- (2) If the Minister notifies the titleholder that the Minister is unable to make a decision without further assessment of the variation, the notice must include—
 - (a) a description of any further information the Minister requires to be included in the variation; and
 - (b) the date after which the Minister will commence further assessment of the variation.
 - (3) The date specified under subregulation (2)(b) must give the titleholder a reasonable opportunity to modify or resubmit the variation.
 - (4) If the Minister undertakes further assessment of a variation, the Minister must accept or reject the variation as soon as practicable.
 - (5) The Minister may approve a variation subject to conditions.
 - (6) The Minister must notify the titleholder in writing of the following matters as soon as practicable after making a decision—
 - (a) the terms of the decision;
 - (b) if the Minister rejects the variation—the reasons for the decision;
 - (c) if the Minister accepts the variation—the date on which the variation commences;
 - (d) if the Minister accepts the variation subject to a condition—the condition and the reason for making the acceptance subject to the condition.

- (7) If the Minister accepts a variation of a well operations management plan, the plan as varied replaces the existing well operations management plan as the plan in force for the title area on the date notified under subregulation (6)(c).

235 Variation required by Minister

The Minister may give a titleholder a notice in writing—

- (a) advising the titleholder that the Minister requires the titleholder to vary a well operations management plan as set out in the notice; and
- (b) setting out the reasons for requiring the variation; and
- (c) identifying the proposed date of effect of the variation; and
- (d) identifying the proposed date by which the titleholder must submit a variation of the plan to the Minister; and
- (e) advising the titleholder of the effect of regulation 236.

236 Objection to requirement to vary

- (1) If the Minister gives a titleholder a notice under regulation 235, the titleholder may give an objection, in writing, to the Minister—
- (a) stating one or more of the following—
 - (i) that the variation should not occur;
 - (ii) that the variation should be in terms different from the proposed terms;
 - (iii) that the varied well operations management plan should take effect on a date later than the proposed date;

- (iv) that the date by which the titleholder must submit a variation of the plan should be later than the proposed date; and
- (b) giving reasons for the objection.
- (2) The titleholder must make the objection within—
 - (a) 21 days after receiving the notice; or
 - (b) if the Minister, in writing, allows a longer period—that period.

237 Decision on objection

- (1) If a titleholder gives an objection to the Minister under regulation 236, the Minister must, within 30 days, decide whether to accept or reject the objection.
- (2) The Minister must notify the titleholder, in writing, of the following matters as soon as practicable after making a decision—
 - (a) the terms of the decision, including—
 - (i) whether the original notice given under regulation 235 is varied or withdrawn; and
 - (ii) if the original notice is varied—the new requirements;
 - (b) if the decision is to reject the objection—the reasons for the decision.

Division 5—Termination of well operations management plan

238 Termination of well operations management plan

An accepted well operations management plan ceases to be in force at the earliest of—

- (a) when the titleholder withdraws the well operations management plan; and

- (b) when the Minister accepts another well operations management plan that replaces the well operations management plan; and
- (c) when the Minister withdraws his or her acceptance of the well operations management plan under Division 6; and
- (d) the end of the period of 5 years starting when the well operations management plan was accepted, whether or not the well operations management plan has been varied since being accepted.

Division 6—Withdrawal of acceptance of well operations management plan

239 Reasons for withdrawal of acceptance

The Minister may withdraw his or her acceptance of a titleholder's well operations management plan if—

- (a) the titleholder has not complied with the Act, this Part or a direction given under section 623 or section 629 of the Act; or
- (b) the titleholder has not complied with the accepted well operations management plan; or
- (c) the Minister is satisfied for any other reason that his or her acceptance of the well operations management plan should be withdrawn.

240 Notice of proposal to withdraw acceptance

- (1) If the Minister believes it may be necessary to withdraw his or her acceptance of a well operations management plan, the Minister must, at least 30 days before the Minister would withdraw his or her acceptance—

- (a) notify the titleholder in writing that the Minister is considering the withdrawal of the acceptance; and
 - (b) include in the notification—
 - (i) an explanation of the reasons why the Minister is considering withdrawing the acceptance; and
 - (ii) a date by which the titleholder may give the Minister any information that the Minister may take into account before deciding whether to withdraw the acceptance; and
 - (iii) any other information that the Minister considers appropriate.
- (2) The Minister may give a copy of the notice to a person other than the titleholder if—
- (a) the Minister considers it appropriate; and
 - (b) the titleholder agrees in writing.

241 Decision to withdraw acceptance

- (1) If the Minister notifies a titleholder under regulation 240(1), the Minister must, as soon as practicable after the date mentioned in regulation 240(1)(b)(ii) has passed—
- (a) withdraw his or her acceptance of the well operations management plan; or
 - (b) decide not to withdraw his or her acceptance.
- (2) The Minister must not withdraw his or her acceptance unless the Minister—
- (a) has taken any information given under regulation 240(1)(b)(ii) into account; and
 - (b) is satisfied that a reason mentioned in regulation 239 exists.

- (3) The Minister must notify the titleholder, in writing, of the following matters as soon as practicable after making a decision—
- (a) the terms of the decision;
 - (b) if the decision is to withdraw his or her acceptance of the well operations management plan—the reasons for the decision.

242 Relationship between withdrawal and other provisions

- (1) The Minister may withdraw his or her acceptance of a well operations management plan for the titleholder, even if the titleholder has been convicted of an offence, because of a failure to comply with a provision of the Act or the Regulations.
- (2) If the Minister withdraws his or her acceptance of a well operations management plan, the withdrawal does not prevent the titleholder from being convicted of an offence because of a failure to comply with a provision of the Act or the Regulations.

Division 7—Approval for specific well activities

243 Requirement for approval of certain well activities that change well bore

- (1) A titleholder—
- (a) who undertakes any one of the following well activities in the title area that leads to the physical change of a well bore—
 - (i) well drilling;
 - (ii) testing;
 - (iii) well completion;

Reg. 243(1)
amended by
S.R. No.
133/2012
reg. 58.

- (iv) abandonment or suspension of a well;
- (v) well intervention; and

- (b) who does not have the approval of the Minister under regulation 246 to undertake that activity—

is guilty of an offence and liable to a penalty not exceeding, in the case of a body corporate, 300 penalty units or, in the case of a natural person, 60 penalty units.

- (2) Subregulation (1) does not apply if—

- (a) there is an emergency in which there is a likelihood of any of the following—
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
- (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
- (c) as soon as practicable, the titleholder gives the Minister notice of the emergency; and
- (d) as soon as practicable, but within 3 days, the titleholder gives written notice to the Minister about the activity undertaken.

Note

A direction under section 623 or 629 of the Act from the Minister has effect and must be complied with despite anything in the regulations.

244 Application for approval to undertake activity

- (1) A titleholder may apply in writing to the Minister for approval to undertake one of the following well activities if the activity will lead to the physical change of a well bore—
 - (a) well drilling;
-

- (b) testing;
 - (c) well completion;
 - (d) abandonment or suspension of a well;
 - (e) well intervention.
- (2) The application must include—
- (a) a description of the well activity; and
 - (b) the titleholder's proposed timetable for carrying out the well activity.

245 Minister may request more information

- (1) If a titleholder makes an application under regulation 244, the Minister may ask the titleholder to provide further written information about the proposed well activity.
- (2) A request under subregulation (1) must be in writing and describe the information that is requested.

246 Decision on application

- (1) As soon as practicable after the Minister is satisfied there is enough information to make a decision on an application under regulation 244, the Minister must notify the titleholder in writing of—
- (a) the Minister's decision to approve or reject the application; and
 - (b) if the Minister has decided to approve the application subject to a condition—the condition; and
 - (c) if the Minister has decided to reject the application—the reasons for the rejection.
- (2) An approval takes effect as soon as the Minister notifies the titleholder of his or her decision.

Division 8—Control of hazards and risks

247 Requirement to control well integrity hazard or risk

A titleholder who is operating a well in a title area must control—

- (a) any well integrity hazard has been identified for the well; and
- (b) any significant increase in an existing risk for the well.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

Note

An explanation of how a titleholder will deal with a well integrity hazard or a significant increase in an existing risk is required to be included in a well operations management plan under regulation 230.

Reg. 247
amended by
S.R. No.
133/2012
reg. 59.

Pt 5.5A
(Headings
and regs
247A–247Z)
inserted by
S.R. No.
160/2012
reg. 62.

Part 5.5A—Well operations management plans and approval of well activities— petroleum titleholders

Division 1—Preliminary

Reg. 247A
inserted by
S.R. No.
160/2012
reg. 62.

247A Application

This Part applies to the following titleholders—

- (a) a petroleum exploration permittee;
- (b) a petroleum retention lessee;
- (c) a petroleum production licensee;
- (d) a registered holder of a petroleum access authority;
- (e) a petroleum-related infrastructure licensee.

Reg. 247B
inserted by
S.R. No.
160/2012
reg. 62.

247B Definitions

In this Part—

integrity, in relation to a well, means that the potential producing or injection zone in the well bore—

- (a) is under control, in accordance with an accepted well operations management plan; and
- (b) is able to contain reservoir fluids; and
- (c) is subject only to risks that have been reduced to a level that is as low as reasonably practicable;

petroleum-related infrastructure licensee means the registered holder of an infrastructure licence that authorises the licensee to construct and operate an infrastructure facility that relates to petroleum;

well includes all equipment located downhole from a well;

Examples

Equipment leading to a blow-out preventer, equipment leading to a well head, equipment leading to a Christmas tree.

well activity means an activity relating to a well that is carried out during the life of the well;

Example

Exploratory drilling, production drilling, appraisal drilling, testing a well, well drilling, a wireline operation, a workover operation, a well completion or re-completion, maintenance of a well, abandonment or suspension of a well.

well integrity hazard means—

- (a) an event that—
 - (i) may compromise the integrity of a well; and
 - (ii) would, if it occurred, have the consequence of a significant threat to the safety of individuals; or
- (b) an event that may involve a risk of significant damage to the environment or the well reservoir of a well.

247C Part is a listed OHS law

For the purposes of section 700(e) of the Act, this Part is a listed OHS law to the extent it relates to occupational health and safety.

Reg. 247C
inserted by
S.R. No.
160/2012
reg. 62.

Division 2—Requirements—well operations management plan

Reg. 247D
inserted by
S.R. No.
160/2012
reg. 62.

247D Requirement to have accepted well operations management plan

- (1) A titleholder who undertakes a well activity in a title area must have an accepted well operations management plan in force for undertaking the well activity in the title area.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

- (2) Subregulation (1) does not apply if—
- (a) there is an emergency in which there is a likelihood of any of the following—
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
 - (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
 - (c) as soon as practicable, the titleholder gives NOPSEMA notice of the emergency; and
 - (d) as soon as practicable, but within 3 days, the titleholder gives written notice to NOPSEMA about the activity undertaken.

Note

A direction under section 623 or 629 of the Act from the Minister has effect and must be complied with despite anything in the Regulations.

**247E Requirement to undertake activities in accordance
with accepted well operations management plan**

Reg. 247E
inserted by
S.R. No.
160/2012
reg. 62.

- (1) A titleholder who, in a title area, undertakes a well activity that is regulated by one or more requirements of an accepted well operations management plan in force for the title area must undertake the activity in accordance with the requirements of the plan for the activity.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

- (2) Subregulation (1) does not apply if—
- (a) there is an emergency in which there is a likelihood of any of the following—
 - (i) injury;
 - (ii) significant discharge of fluids from the well;
 - (iii) damage to a natural resource; and
 - (b) the titleholder undertakes an activity to avoid the injury, discharge or damage; and
 - (c) as soon as practicable, the titleholder gives NOPSEMA notice of the emergency; and
 - (d) as soon as practicable, but within 3 days, the titleholder gives written notice to NOPSEMA about the activity undertaken.

Note

A direction under section 623 or 629 of the Act from the Minister has effect and must be complied with despite anything in the Regulations.

Division 3—Obtaining acceptance of well operations management plan

Reg. 247F
inserted by
S.R. No.
160/2012
reg. 62.

247F Application for acceptance of well operations management plan

- (1) A titleholder may apply to NOPSEMA for acceptance by NOPSEMA of a well operations management plan.
- (2) The titleholder must give the plan to NOPSEMA—
 - (a) at least 30 days before the proposed start of the well activity; or
 - (b) if NOPSEMA allows, and notifies in writing, another period—within that period.
- (3) The plan—
 - (a) must be in writing; and
 - (b) may apply to well activities for more than one well; and
 - (c) may be submitted, with the approval of NOPSEMA notified in writing, in parts for particular stages of the activity; and
 - (d) if the plan is for undertaking a well activity authorised by a petroleum access authority relating to a deviation well, must be the same as the accepted well operations management plan in force for undertaking that well activity in a title area adjacent to the authority area.

Reg. 247G
inserted by
S.R. No.
160/2012
reg. 62.

247G Decision on well operations management plan

- (1) Within 30 days after a titleholder gives a well operations management plan to NOPSEMA, NOPSEMA must—

- (a) accept the plan, or one or more parts of the plan, as a well operations management plan; or

Example

NOPSEMA may approve a well operations management plan to the extent that it deals with a particular stage of a well activity, but not to the extent that it deals with other stages.

- (b) reject the plan; or
 - (c) notify the titleholder in writing that NOPSEMA is unable to make a decision without further assessment of the plan.
- (2) The acceptance of one or more parts of a well operations management plan is taken to be the rejection of any other parts of the well operations management plan that are not accepted by NOPSEMA.
 - (3) If NOPSEMA notifies the titleholder that NOPSEMA is unable to make a decision without further assessment of the plan, the notice must include—
 - (a) a description of any further information NOPSEMA requires to be included in the plan; and
 - (b) the date after which NOPSEMA will commence further assessment of the plan.
 - (4) The date specified under subregulation (3)(b) must give the titleholder a reasonable opportunity to modify or resubmit the plan.
 - (5) If NOPSEMA undertakes further assessment of the plan, NOPSEMA must, as soon as practicable—

- (a) accept the plan, or one or more parts of the plan, as a well operations management plan;
or
 - (b) reject the plan.
- (6) NOPSEMA may accept the well operations management plan subject to conditions.
- (7) NOPSEMA must notify the titleholder in writing of the following matters as soon as practicable after making a decision—
- (a) the terms of the decision;
 - (b) if the decision is to reject the plan, or to accept one or more parts of the plan—the reasons for the decision;
 - (c) if the decision is to accept the plan, or one or more parts of the plan—the date on which the accepted plan commences;
 - (d) if the decision is to accept the plan, or one or more parts of the plan, subject to a condition—the condition and the reason for making the acceptance subject to a condition.
- (8) If NOPSEMA accepts the well operations management plan, or one or more parts of the plan, the accepted plan commences on the day notified under subregulation (7)(c).

Reg. 247H
inserted by
S.R. No.
160/2012
reg. 62.

**247H Criteria for acceptance of well operations
management plan**

- (1) NOPSEMA must accept a well operations management plan under regulation 247G(1)(a) or (5)(a) if NOPSEMA is satisfied that—
- (a) the plan is appropriate for the nature and scale of the well activity; and
 - (b) the plan shows that the risks identified by the titleholder in relation to the well activity will be managed in accordance with sound

- engineering principles, standards, specifications and good oilfield practice; and
- (c) the plan includes the matters mentioned in regulation 247I; and
 - (d) the way in which the well activity will be carried out—
 - (i) will not result in the occurrence of any significant new detrimental risk or effect to the well activity; and
 - (ii) will not result in any significant increase in a detrimental risk or effect to the well activity that already exists.
- (2) NOPSEMA must not accept a well operations management plan if NOPSEMA is not satisfied that the plan meets the requirements of subregulation (1).

247I Contents of well operations management plan

- (1) For the purposes of regulation 247H(1)(c), the matters are—
- (a) information about the conduct of the well activity; and
 - (b) an explanation of—
 - (i) the philosophy of, and criteria for, the design, construction, operational activity and management of the well; and
 - (ii) the possible production or injection activities of the well—showing that the well activity, and all associated operational work, will be carried out in accordance with good oilfield practice; and

Reg. 247I
inserted by
S.R. No.
160/2012
reg. 62.

- (c) performance objectives against which the performance of the well activity is to be measured; and
 - (d) measurement criteria that define the performance objectives; and
 - (e) an explanation of how the titleholder will deal with—
 - (i) a well integrity hazard; or
 - (ii) a significant increase in an existing risk for the well—
including the possibility of continuing an activity for the purpose of dealing with the well integrity hazard or the risk; and
 - (f) details of when and how the titleholder will notify NOPSEMA, and give reports and information, about—
 - (i) the well activity; and
 - (ii) well integrity hazards; and
 - (iii) significant increases in existing risks for the well; and
 - (iv) other matters relevant to the conduct of the well activity; and
 - (g) an explanation of the way in which the titleholder will keep information required by the well operations management plan.
- (2) NOPSEMA may give a titleholder permission, notified in writing, not to include matters in a well operations management plan if those matters are regulated in the title.
- (3) A well operations management plan may include any other information that the titleholder believes is relevant.

247J Status of well operations management plan

Reg. 247J
inserted by
S.R. No.
160/2012
reg. 62.

- (1) If NOPSEMA has given the titleholder permission to give a well operations management plan to NOPSEMA in parts—
 - (a) the first part of the plan that NOPSEMA accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to NOPSEMA after that acceptance is taken to be a variation to which Division 4 applies.
- (2) If NOPSEMA accepts one or more parts of a well operations management plan—
 - (a) the part of the plan that NOPSEMA accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to NOPSEMA after that acceptance is taken to be a variation to which Division 4 applies.
- (3) If NOPSEMA accepts a well operations management plan as a replacement for an accepted well operations management plan, the previous accepted well operations management plan ceases to have effect.

Division 4—Variation of well operations management plan

247K Application for acceptance of variation

Reg. 247K
inserted by
S.R. No.
160/2012
reg. 62.

- (1) A titleholder may apply to NOPSEMA for acceptance by NOPSEMA of a variation of an accepted well operations management plan.
- (2) The application must be accompanied by the proposed variation.

Reg. 247L
inserted by
S.R. No.
160/2012
reg. 62.

**247L Requirement to apply for variation of well
operations management plan**

A titleholder must apply to NOPSEMA for a variation of the titleholder's well operations management plan if any of the following circumstances exists—

- (a) a change in the understanding about the characteristics of the geology or reservoir that may have a significant impact on a well activity;
- (b) the occurrence or potential occurrence of a significant new detrimental risk or effect to a well activity;
- (c) a significant increase in a detrimental risk or effect to a well activity.

Reg. 247M
inserted by
S.R. No.
160/2012
reg. 62.

**247M Decision on request for acceptance of varied well
operations management plan**

- (1) If a titleholder gives a variation to NOPSEMA, NOPSEMA must within 30 days—
 - (a) if the varied well operations management plan would meet the requirements of regulation 247H(1)—accept the variation; or
 - (b) reject the variation; or
 - (c) notify the titleholder, in writing, that NOPSEMA is unable to make a decision without further assessment of the variation.
- (2) If NOPSEMA notifies the titleholder that NOPSEMA is unable to make a decision without further assessment of the variation, the notice must include—

- (a) a description of any further information NOPSEMA requires to be included in the variation; and
 - (b) the date after which NOPSEMA will commence further assessment of the variation.
- (3) The date specified under subregulation (2)(b) must give the titleholder a reasonable opportunity to modify or resubmit the variation.
- (4) If NOPSEMA undertakes further assessment of a variation, NOPSEMA must accept or reject the variation as soon as practicable.
- (5) NOPSEMA may approve a variation subject to conditions.
- (6) NOPSEMA must notify the titleholder in writing of the following matters as soon as practicable after making a decision—
- (a) the terms of the decision;
 - (b) if NOPSEMA rejects the variation—the reasons for the decision;
 - (c) if NOPSEMA accepts the variation—the date on which the variation commences;
 - (d) if NOPSEMA accepts the variation subject to a condition—the condition and the reason for making the acceptance subject to the condition.
- (7) If NOPSEMA accepts a variation of a well operations management plan, the plan as varied replaces the existing well operations management plan as the plan in force for the title area on the date notified under subregulation (6)(c).

Reg. 247N
inserted by
S.R. No.
160/2012
reg. 62.

247N Variation required by NOPSEMA

NOPSEMA may give a titleholder a notice in writing—

- (a) advising the titleholder that NOPSEMA requires the titleholder to vary a well operations management plan as set out in the notice; and
- (b) setting out the reasons for requiring the variation; and
- (c) identifying the proposed date of effect of the variation; and
- (d) identifying the proposed date by which the titleholder must submit a variation of the plan to NOPSEMA; and
- (e) advising the titleholder of the effect of regulation 247O.

Reg. 247O
inserted by
S.R. No.
160/2012
reg. 62.

247O Objection to requirement to vary

- (1) If NOPSEMA gives a titleholder a notice under regulation 247N, the titleholder may give an objection, in writing, to NOPSEMA—
 - (a) stating one or more of the following—
 - (i) that the variation should not occur;
 - (ii) that the variation should be in terms different from the proposed terms;
 - (iii) that the varied well operations management plan should take effect on a date later than the proposed date;
 - (iv) that the date by which the titleholder must submit a variation of the plan should be later than the proposed date; and
 - (b) giving reasons for the objection.

- (2) The titleholder must make the objection within—
 - (a) 21 days after receiving the notice; or
 - (b) if NOPSEMA, in writing, allows a longer period—that period.

247P Decision on objection

- (1) If a titleholder gives an objection to NOPSEMA under regulation 247O, NOPSEMA must, within 30 days, decide whether to accept or reject the objection.
- (2) NOPSEMA must notify the titleholder, in writing, of the following matters as soon as practicable after making a decision—
 - (a) the terms of the decision, including—
 - (i) whether the original notice given under regulation 247N is varied or withdrawn; and
 - (ii) if the original notice is varied—the new requirements;
 - (b) if the decision is to reject the objection—the reasons for the decision.

Reg. 247P
inserted by
S.R. No.
160/2012
reg. 62.

**Division 5—Termination of well operations
management plan**

247Q Termination of well operations management plan

An accepted well operations management plan ceases to be in force at the earliest of—

- (a) when the titleholder withdraws the well operations management plan; and
- (b) when NOPSEMA accepts another well operations management plan that replaces the well operations management plan; and

Reg. 247Q
inserted by
S.R. No.
160/2012
reg. 62.

- (c) when NOPSEMA withdraws its acceptance of the well operations management plan under Division 6; and
- (d) the end of the period of 5 years starting when the well operations management plan was accepted, whether or not the well operations management plan has been varied since being accepted.

Division 6—Withdrawal of acceptance of well operations management plan

247R Reasons for withdrawal of acceptance

NOPSEMA may withdraw its acceptance of a titleholder's well operations management plan if—

- (a) the titleholder has not complied with the Act, this Part or a direction given under section 623 or section 629 of the Act; or
- (b) the titleholder has not complied with the accepted well operations management plan; or
- (c) NOPSEMA is satisfied for any other reason that its acceptance of the well operations management plan should be withdrawn.

247S Notice of proposal to withdraw acceptance

- (1) If NOPSEMA believes it may be necessary to withdraw its acceptance of a well operations management plan, NOPSEMA must, at least 30 days before NOPSEMA would withdraw its acceptance—
 - (a) notify the titleholder in writing that NOPSEMA is considering the withdrawal of the acceptance; and

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inserted by
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- (b) include in the notification—
 - (i) an explanation of the reasons why NOPSEMA is considering withdrawing the acceptance; and
 - (ii) a date by which the titleholder may give NOPSEMA any information that NOPSEMA may take into account before deciding whether to withdraw the acceptance; and
 - (iii) any other information that NOPSEMA considers appropriate.
- (2) NOPSEMA may give a copy of the notice to a person other than the titleholder if—
 - (a) NOPSEMA considers it appropriate; and
 - (b) the titleholder agrees in writing.

247T Decision to withdraw acceptance

- (1) If NOPSEMA notifies a titleholder under regulation 247S(1), NOPSEMA must, as soon as practicable after the date mentioned in regulation 247S(1)(b)(ii) has passed—
 - (a) withdraw its acceptance of the well operations management plan; or
 - (b) decide not to withdraw its acceptance.
- (2) NOPSEMA must not withdraw its acceptance unless NOPSEMA—
 - (a) has taken any information given under regulation 247S(1)(b)(ii) into account; and
 - (b) is satisfied that a reason mentioned in regulation 247R exists.
- (3) NOPSEMA must notify a titleholder, in writing, of the following matters as soon as practicable after making a decision—

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- (a) the terms of the decision;
- (b) if the decision is to withdraw its acceptance of the well operations management plan—the reasons for the decision.

Reg. 247U
inserted by
S.R. No.
160/2012
reg. 62.

247U Relationship between withdrawal and other provisions

- (1) NOPSEMA may withdraw its acceptance of a well operations management plan for the titleholder, even if the titleholder has been convicted of an offence, because of a failure to comply with a provision of the Act or the Regulations.
- (2) If NOPSEMA withdraws its acceptance of a well operations management plan, the withdrawal does not prevent the titleholder from being convicted of an offence because of a failure to comply with a provision of the Act or the Regulations.

Division 7—Approval for specific well activities

Reg. 247V
inserted by
S.R. No.
160/2012
reg. 62.

247V Requirement for approval of certain well activities that change well bore

- (1) A titleholder—
 - (a) who undertakes any one of the following well activities in the title area that leads to the physical change of a well bore—
 - (i) well drilling;
 - (ii) testing;
 - (iii) well completion;
 - (iv) abandonment or suspension of a well;
 - (v) well intervention; and

- (b) who does not have the approval of
NOPSEMA under regulation 247Y to
undertake that activity—

is guilty of an offence and liable to a penalty not
exceeding, in the case of a body corporate,
300 penalty units or, in the case of a natural
person, 60 penalty units.

- (2) Subregulation (1) does not apply if—

- (a) there is an emergency in which there is a
likelihood of any of the following—
- (i) injury;
 - (ii) significant discharge of fluids from the
well;
 - (iii) damage to a natural resource; and
- (b) the titleholder undertakes an activity to avoid
the injury, discharge or damage; and
- (c) as soon as practicable, the titleholder gives
NOPSEMA notice of the emergency; and
- (d) as soon as practicable, but within 3 days, the
titleholder gives written notice to
NOPSEMA about the activity undertaken.

Note

A direction under section 623 or 629 of the Act from the
Minister has effect and must be complied with despite
anything in the regulations.

247W Application for approval to undertake activity

- (1) A titleholder may apply in writing to NOPSEMA
for approval to undertake one of the following
well activities if the activity will lead to the
physical change of a well bore—
- (a) well drilling;
 - (b) testing;
 - (c) well completion;

Reg. 247W
inserted by
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reg. 62.

- (d) abandonment or suspension of a well;
- (e) well intervention.

(2) The application must include—

- (a) a description of the well activity; and
- (b) the titleholder's proposed timetable for carrying out the well activity.

Reg. 247X
inserted by
S.R. No.
160/2012
reg. 62.

247X Minister may request more information

- (1) If a titleholder makes an application under regulation 247W, NOPSEMA may ask the titleholder to provide further written information about the proposed well activity.
- (2) A request under subregulation (1) must be in writing and describe the information that is requested.

Reg. 247Y
inserted by
S.R. No.
160/2012
reg. 62.

247Y Decision on application

- (1) As soon as practicable after NOPSEMA is satisfied there is enough information to make a decision on an application under regulation 247W, NOPSEMA must notify the titleholder in writing of—
 - (a) NOPSEMA's decision to approve or reject the application; and
 - (b) if NOPSEMA has decided to approve the application subject to a condition—the condition; and
 - (c) if NOPSEMA has decided to reject the application—the reasons for the rejection.
- (2) An approval takes effect as soon as NOPSEMA notifies the titleholder of its decision.

Division 8—Control of hazards and risks

247Z Requirement to control well integrity hazard or risk

A titleholder who is operating a well in a title area must control—

- (a) any well integrity hazard that has been identified for the well; and
- (b) any significant increase in an existing risk for the well.

Penalty: In the case of a body corporate,
400 penalty units;

In the case of a natural person,
80 penalty units.

Note

An explanation of how a titleholder will deal with a well integrity hazard or a significant increase in an existing risk is required to be included in a well operations management plan under regulation 247I.

Reg. 247Z
inserted by
S.R. No.
160/2012
reg. 62.

Part 5.6—Authorisation of petroleum titleholders to conduct greenhouse gas exploration

248 Application of Part

This Part applies to a petroleum titleholder who is—

- (a) a petroleum exploration permittee; or
- (b) a petroleum retention lessee; or
- (c) a petroleum production licensee.

249 Definitions

In this Part—

authorised activity means—

- (a) an activity by a petroleum exploration permittee that is authorised by regulation 251; or
- (b) an activity by a petroleum retention lessee that is authorised by regulation 252; or
- (c) an activity by a petroleum production licensee that is authorised by regulation 253.

250 Requirement to notify about authorised activity in title area

A petroleum titleholder who undertakes an authorised activity in a title area must notify the Minister, in writing, within 7 days after the day on which the titleholder began the activity.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

Reg. 250
amended by
S.R. No.
133/2012
reg. 60.

251 Authorisation of petroleum exploration permittee

For the purposes of section 73(3) of the Act, a petroleum exploration permittee is authorised in accordance with the conditions (if any) to which the permit is subject—

- (a) to explore in the permit area for a potential greenhouse gas storage formation; and
- (b) to explore in the permit area for a potential greenhouse gas injection site; and
- (c) to carry out such operations and execute such works in the permit area as are necessary for those purposes.

252 Authorisation of petroleum retention lessee

For the purposes of section 118(3) of the Act, a petroleum retention lessee is authorised in accordance with the conditions (if any) to which the lease is subject—

- (a) to explore in the lease area for a potential greenhouse gas storage formation; and
- (b) to explore in the lease area for a potential greenhouse gas injection site; and
- (c) to carry out such operations and execute such works in the lease area as are necessary for those purposes.

253 Authorisation of petroleum production licensee

For the purposes of section 150(3) of the Act, a petroleum production licensee is authorised in accordance with the conditions (if any) to which the licence is subject—

- (a) to explore in the licence area for a potential greenhouse gas storage formation; and
- (b) to explore in the licence area for a potential greenhouse gas injection site; and

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- (c) to carry out such operations and execute such works in the licence area as are necessary for those purposes.

Part 5.7—Data management—petroleum titleholders

Division 1—Requirements for keeping information

254 Purpose of Division

The purpose of this Division is to set out requirements in accordance with section 721(1)(a) of the Act for and in relation to petroleum titleholders keeping accounts, records and other documents in connection with operations in the offshore area.

255 Requirement to securely retain information

A petroleum titleholder who keeps accounts, records or other documents in connection with an operation in the offshore area must securely retain the accounts, records and other documents.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 255
amended by
S.R. No.
133/2012
reg. 61.

256 Requirement to retain information so that retrieval is reasonably practicable

A petroleum titleholder who keeps accounts, records or other documents in connection with an operation in the offshore area must retain the accounts, records or other documents so that retrieval of the accounts, records or other documents is reasonably practicable.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 256
amended by
S.R. No.
133/2012
reg. 62.

Division 2—Requirements for collection and retention of cores, cuttings and samples

257 Purpose of Division

The purpose of this Division is to set out requirements in accordance with section 721(1)(b) of the Act for and in relation to petroleum titleholders collecting and retaining cores, cuttings and samples in connection with operations in the offshore area.

Reg. 258
amended by
S.R. No.
133/2012
reg. 63.

258 Requirement to retain core, cutting or sample

A petroleum titleholder must retain any core, cutting or sample that the titleholder collects in relation to an operation that the titleholder undertakes in the offshore area.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 259
amended by
S.R. No.
133/2012
reg. 64.

259 Requirement to retain core, cutting or sample in Australia

A petroleum titleholder who collects a core, cutting or sample relating to an operation that the titleholder undertakes in the offshore area must retain the core, cutting or sample in Australia unless the Minister has authorised the titleholder to retain the core, cutting or sample outside Australia.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

260 Requirement to return core, cutting or sample to Australia

Reg. 260
amended by
S.R. No.
133/2012
reg. 65.

A petroleum titleholder who is authorised by the Minister to keep a core, cutting or sample outside Australia must ensure that the core, cutting or sample is returned to Australia within—

- (a) 12 months after the authorisation is given; or
- (b) a longer period authorised by the Minister.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

261 Requirement to provide report about overseas analysis of core, cutting or sample

Reg. 261
amended by
S.R. No.
133/2012
reg. 66.

A petroleum titleholder who is authorised by the Minister to keep a core, cutting or sample outside Australia for the purpose of analysis must give the Minister a report about the progress of the analysis within—

- (a) the period of 12 months beginning when the authorisation is given; and
- (b) the end of each subsequent period of 12 months.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

Reg. 262
amended by
S.R. No.
133/2012
reg. 67.

262 Requirement to securely retain core, cutting or sample

A petroleum titleholder who collects a core, cutting or sample in connection with an operation in the offshore area must securely retain the core, cutting or sample.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 263
amended by
S.R. No.
133/2012
reg. 68.

263 Requirement to retain core, cutting or sample so that retrieval is reasonably practicable

A petroleum titleholder who collects a core, cutting or sample in connection with an operation in the offshore area must retain the core, cutting or sample so that retrieval of the core, cutting or sample is reasonably practicable.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Division 3—Requirements for giving reports and samples

Subdivision 1—Preliminary

264 Purpose of Division

The purpose of this Division is to set out requirements in accordance with section 721(1)(c) of the Act for petroleum titleholders to give reports and cores, cuttings or samples to the Minister.

Subdivision 2—Reports about drilling wells

265 Requirement for daily drilling report

- (1) A petroleum titleholder who undertakes drilling operations in a title area on a day must give the Minister a daily drilling report by midday on the day after the day to which the report relates.

Reg. 265(1)
amended by
S.R. No.
133/2012
reg. 69.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

daily drilling report means a report that includes—

- (a) the name of the well; and
- (b) the location of the well by latitude and longitude; and
- (c) the water depth at the well; and
- (d) the drilled depth; and
- (e) the work carried out; and
- (f) the lithology of formations penetrated; and
- (g) details of any indication of hydrocarbons; and
- (h) a summary of the material used; and
- (i) drilling fluid losses; and
- (j) a leak off test summary; and
- (k) the geometry of the well bore; and
- (l) the results of surveys made in the well bore; and
- (m) the estimated daily and cumulative well costs.

266 Requirement for initial well completion report and data

Reg. 266(1)
amended by
S.R. No.
133/2012
reg. 70.

- (1) A petroleum titleholder who undertakes drilling operations in a title area must give the Minister an initial well completion report and all initial well completion data within—
- (a) 6 months after the rig release date; or
 - (b) if the Minister authorises the titleholder to give the report and data within another period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

initial well completion data means each type of data mentioned in an item in Schedule 7—

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format which the Minister has authorised the petroleum titleholder to use;

initial well completion report means a report that includes all of the information listed in subregulation (3).

- (3) For the purposes of the definition of *initial well completion report* in subregulation (2), the information required is in the following table.

Table

<i>Item</i>	<i>Information required</i>
1	The name of the well
2	The name of the title area in which the well is located
3	The location of the well, in the form of— (a) latitude and longitude; and (b) map sheet name and graticular block number; and (c) seismic line location and shotpoint number
4	The results of a check survey of the location of— (a) for a subsea well—the wellhead; or (b) in any other case—the top of the casing supporting the blow-out preventer
5	If the well is a sidetrack—the name of the parent well
6	The names of the rig contractor and rig operator
7	The name of the rig drilling the well
8	The rig's make and model
9	The names of the contractors for— (a) cementing; and (b) wireline logging; and (c) measurements while drilling (MWD); and (d) logging while drilling (LWD); and (e) mudlogging
10	Names of MWD and LWD tools used
11	List of log runs for wireline logging and velocity surveys
12	The purpose of the well (for example development, appraisal, exploration or stratigraphy)

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Part 5.7—Data management—petroleum titleholders

<i>Item</i>	<i>Information required</i>
13	The outcome of the well operation (for example completion of the well as a producer, suspension or abandonment)
14	Raw pressure-time listings for any formation fluid sample tests and production tests
15	The spud date
16	The rig release date
17	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)
18	The height of the depth reference above sea level
19	The water depth at the well
20	The measured depth of the well
21	The true vertical depth of the well
22	If applicable, the depth of perforation in the petroleum reservoir
23	The date on which the total depth was reached
24	If the well is deviated or horizontal— (a) the surveyed path of the well; and (b) the coordinates of the bottom of the well bore; and (c) if applicable, the coordinates and true vertical depth of the intersection of the well with the reservoir horizon
25	Particulars of equipment and casing installed on or in the well, including schematics
26	If applicable, information on cementing operations and schematics of abandonment
27	Bit records
28	Drilling fluids used
29	Drilling fluid losses
30	List of cores, cuttings and samples taken, and their depths and intervals

267 Requirement for final well completion report and data

- (1) A petroleum titleholder who undertakes drilling operations in a title area must give the Minister a final well completion report and all final well completion data within—

Reg. 267(1)
amended by
S.R. No.
133/2012
reg. 71.

- (a) 12 months after the rig release date; or
(b) if the Minister authorises the titleholder to give the report and data within another period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

final well completion data means each type of data mentioned in an item in Schedule 8—

- (a) presented on a medium and in a format specified in the item; or
(b) presented on another medium or in another format which the Minister has authorised the petroleum titleholder to use;

final well completion report means a report that includes all of the information listed in subregulation (3).

- (3) For the purposes of the definition of *final well completion report* in subregulation (2), the information required is in the following table.

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Part 5.7—Data management—petroleum titleholders

Table

<i>Item</i>	<i>Information required</i>
1	The name of the well
2	The name of the title area in which the well is located
3	The name of the title area in which the well is located— (a) latitude and longitude; and (b) map sheet name and graticular block number; and (c) seismic line location and shotpoint number; and
4	If the well is a sidetrack—the name of the parent well
5	The names of the rig contractor and rig operator
6	The name of the rig drilling the well
7	The rig's make and model
8	The names of the contractors for— (a) cementing; and (b) wireline logging; and (c) measurements while drilling (MWD); and (d) logging while drilling (LWD); and (e) mudlogging
9	The purpose of the well (for example development, appraisal, exploration or stratigraphy)
10	The outcome of the well operation (for example completion of the well as a producer, suspension or abandonment)
11	Raw pressure-time listings for any formation fluid sample tests and production tests
12	The spud date
13	The rig release date
14	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)

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<i>Item</i>	<i>Information required</i>
15	The height of the depth reference above sea level
16	The water depth at the well
17	The measured depth of the well
18	The true vertical depth of the well
19	If applicable, the depth of perforation in the petroleum reservoir
20	The date on which the total depth was reached
21	If the well is deviated or horizontal— <ol style="list-style-type: none">the surveyed path of the well; andthe coordinates of the bottom of the well bore; andif applicable, the coordinates and true vertical depth of the intersection of the well with the reservoir horizon
22	Particulars of equipment and casing installed on or in the well, including schematics
23	Bit records
24	Drilling fluids used
25	Drilling fluid losses
26	List of cores, cuttings and samples taken, and their depths and intervals
27	List of logs acquired
28	Details of any hydrocarbon indications
29	The measured depth and true vertical depth of marker horizons or formation tops
30	Geological interpretations of the observations made as a result of drilling the well, including— <ol style="list-style-type: none">lithology; andstratigraphy; andreservoir properties and quality; andgeochemistry of source rocks if available; andenvironment of deposition if available

<i>Item</i>	<i>Information required</i>
31	Wireline formation test results
32	Production test results
33	Core analysis
34	If the well is an exploration well—the relevance of the observations and interpretations to the evaluation of the hydrocarbon potential of the area

Subdivision 3—Reports about geophysical and geological surveys

268 Requirement for weekly survey report

Reg. 268(1)
amended by
S.R. No.
133/2012
reg. 72.

- (1) A petroleum titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a weekly survey report as soon as practicable after the end of each week of the survey.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

weekly survey report means a report that includes—

- (a) the name of the survey; and
- (b) the title under which the survey is being conducted; and
- (c) the name of the titleholder; and
- (d) the name of the contractor conducting the survey; and
- (e) the name of the vessel or aircraft conducting the survey; and

- (f) a map showing where the survey was conducted during the week; and
- (g) the number of kilometres or square kilometres for which data was acquired during the week; and
- (h) the number of points at which data was acquired during the week; and
- (i) the number of lines of data acquired during the week; and
- (j) the amount of downtime during the week due to equipment problems, bad weather or other circumstances; and
- (k) the percentage of the survey completed at the end of the week;

week of the survey means—

- (a) the week starting on the first day of data acquisition; and
- (b) each subsequent week.

Note

Notice of a geophysical or geological survey is required under regulation 335, and the survey will also require approval as an activity under Chapter 2.

269 Requirement for survey acquisition report and data

- (1) A petroleum titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a survey acquisition report and all survey acquisition data within—
 - (a) for a 2-dimensional seismic survey—12 months after the day on which the acquisition of the data is completed; or
 - (b) in the case of a 3-dimensional seismic survey—18 months after the day on which the acquisition of the data is completed; or

Reg. 269(1)
amended by
S.R. No.
133/2012
reg. 73.

- (c) in the case of any other type of survey—
6 months after the day on which acquisition
of the data is completed; or
- (d) if the Minister authorises the titleholder to
give the report and data within another
period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

(2) In this regulation—

survey acquisition data means—

- (a) in relation to a seismic survey—each
type of data mentioned in an item in
Part 1 of Schedule 9—
 - (i) presented on a medium and in a
format specified in the item; or
 - (ii) presented on another medium or
in another format which the
Minister has authorised the
petroleum titleholder to use; or
- (b) in relation to any other type of
survey—each type of data mentioned in
an item in Part 2 of Schedule 9 and
presented in accordance with paragraph
(a)(i) or (ii);

survey acquisition report means a report that
includes—

- (a) the name of the survey; and
- (b) the title under which the survey was
conducted; and
- (c) the name of the titleholder; and

- (d) the name of the contractor that conducted the survey; and
- (e) the name of the vessel or aircraft that conducted the survey; and
- (f) a map of where the survey was conducted; and
- (g) the dates on which the survey started and ended; and
- (h) details of all data acquisition equipment and systems used; and
- (i) details of all positions and navigation equipment and systems used; and
- (j) the number of lines of data acquired in the survey and the number of data acquisition points along each line; and
- (k) navigation data for the survey, in the form of—
 - (i) in the case of a 2-dimensional survey—line ends and bends; or
 - (ii) in the case of a 3-dimensional seismic survey—a full fold polygon outline; or
 - (iii) in the case of other 3-dimensional surveys—a polygon outline; and
- (l) the geometry of the acquisition parameters; and
- (m) the results of any onboard data processing; and
- (n) the results of any system tests, calibrations and diagnostics.

Reg. 270(1)
amended by
S.R. No.
133/2012
reg. 74.

270 Requirement for survey processing report and data

- (1) A petroleum titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a survey processing report and all processed survey data within—
- (a) in the case of a 2-dimensional seismic survey—12 months after the day on which the acquisition of the data is completed; or
 - (b) in the case of a 3-dimensional seismic survey—18 months after the day on which the acquisition of the data is completed; or
 - (c) in the case of any other type of survey—6 months after the day on which acquisition of the data is completed; or
 - (d) if the Minister authorises the titleholder to give the report and data within another period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

processed survey data means—

- (a) in relation to a 2-dimensional seismic survey—each type of data mentioned in an item in Part 1 of Schedule 10—
 - (i) presented on a medium and in a format specified in the item; or
 - (ii) presented on another medium or in another format which the Minister has authorised the petroleum titleholder to use; or

- (b) in relation to a 3-dimensional seismic survey—each type of data mentioned in an item in Part 2 of Schedule 10 and presented in accordance with paragraph (a)(i) or (ii); or
- (c) in relation to any other type of survey—each type of data mentioned in an item in Part 3 of Schedule 10 and presented in accordance with paragraph (a)(i) or (ii);

survey processing report means a report that includes—

- (a) the name of the survey; and
- (b) the title under which the survey was conducted; and
- (c) the name of the titleholder; and
- (d) the dates on which processing of the survey started and ended; and
- (e) the name of the processing contractor; and
- (f) the purpose of the processing; and
- (g) a summary of the data acquisition parameters; and
- (h) details of all the processing sequences and techniques used; and
- (i) a sample Extended Binary Coded Decimal Interchange Code (EBCDIC) header from the final data set; and
- (j) listings of all processed data; and
- (k) in the case of a 3-dimensional survey—
 - (i) a description of the position of the survey polygon; and

- (ii) a calculation for the 3-dimensional line numbering convention.

271 Requirement for survey interpretation report and data

Reg. 271(1)
amended by
S.R. No.
133/2012
reg. 75.

- (1) A petroleum titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a survey interpretation report and interpretative survey data within—
- (a) in the case of a seismic survey—18 months after the day on which the acquisition of the data is completed; or
 - (b) in the case of any other type of survey—12 months after the day on which the acquisition of the data is completed; or
 - (c) if the Minister authorises the titleholder to give the report and data within another period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

interpretative survey data means each type of data mentioned in an item in Schedule 11—

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format which the Minister has authorised the titleholder to use;

survey interpretation report means a report that includes the following information—

- (a) the name of the survey;
- (b) the title under which the survey was conducted;
- (c) the name of the titleholder;
- (d) a description of the objectives of the interpretation;
- (e) in the case of a seismic survey—
 - (i) a list of the surfaces interpreted;
 - (ii) a justification of the surfaces interpreted, including synthetic seismograms if available;
 - (iii) the velocity field used to convert time to depth (including ASCII data) and the basis for the velocity field;
 - (iv) if available, time slices to describe the environment of deposition;
- (f) a bathymetric map of the survey area;
- (g) an index of the maps created during the interpretation.

Subdivision 4—Other reports

272 Requirement for monthly report from petroleum production licensee

- (1) A petroleum production licensee must give the Minister a monthly production report for a licence area within the period—
 - (a) starting on the last day of the named month to which the report relates; and

Reg. 272(1)
amended by
S.R. No.
133/2012
reg. 76.

(b) ending 15 days after that day.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

(2) In this regulation—

monthly production report means a report that includes—

- (a) in relation to each well in the licence area—
 - (i) the well's identification name and number; and
 - (ii) a summary of all work that has been performed on the well during the month; and
 - (iii) the results of production tests for the well, including the parameters of the test; and
 - (iv) the well's operational status at the end of the month; and
 - (v) the number of days of production during the month; and
 - (vi) the cumulative quantities of water and of liquid and gaseous petroleum produced or injected as at the end of the month; and
- (b) in relation to the licence area, the total quantities of each of the following for the month—

- (i) liquid and gaseous petroleum produced;
 - (ii) liquid and gaseous petroleum used;
 - (iii) liquid and gaseous petroleum injected;
 - (iv) gaseous petroleum flared or vented;
 - (v) liquid petroleum stored;
 - (vi) liquid and gaseous petroleum delivered from the area;
 - (vii) water produced;
 - (viii) water injected; and
- (c) the cumulative quantities of liquid and gaseous petroleum, and of water, that have been produced or injected as at the end of the month.

Subdivision 5—Cores, cuttings and samples

273 Requirement to give core, cutting or sample

- (1) A petroleum titleholder who—
- (a) drills a well or conducts another operation on a well in a title area; and
 - (b) collects a kind of core, cutting or sample mentioned in column 2 of the table in subregulation (4)—

must give the core, cutting or sample to the Minister within the time specified in column 4 of that table for that core, cutting or sample, or if the Minister authorises the titleholder to give that

Reg. 273(1)
amended by
S.R. No.
133/2012
reg. 77.

core, cutting or sample in another period—the other period.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

Note

Division 2 sets out requirements for the collection and keeping of cores, cuttings and samples.

- (2) The titleholder must give the Minister the quantity of the core, cutting or sample specified for that item if that quantity is available.
- (3) If the specified quantity is not available, the titleholder must—
 - (a) give the Minister an explanation why the specified quantity was not sent; and
 - (b) tell the Minister the total amount of the core, cutting or sample that was recovered.
- (4) For the purposes of this regulation, the following table applies.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Sample type</i>	<i>Quantity of core, cutting or sample</i>	<i>Time by which core, cutting or sample must be given</i>
1	Ditch cuttings	2 sets of 200 grams dry weight per sample interval	The day 6 months after the rig release date
2	Full hole conventional cores	1/3 of the core	The day 6 months after the rig release date

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3	Full hole conventional cores	$\frac{2}{3}$ of the core	As soon as practicable after the titleholder completes tests on the core
4	Gaseous hydrocarbon samples	300 cm ³	As soon as practicable after completion of the test during which the sample is collected
5	Fluid hydrocarbon samples	1 litre	Either— (a) if the sample is collected during the drilling of a well—the day 6 months after the rig release date; or (b) if the sample is collected during a test on a completed well—as soon as practicable after collection of the sample
6	Sidewall core material	All material collected	The day 12 months after the rig release date

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7	Palynological slides and residues, Paleontological material and Petrological slides	All material collected	The day 12 months after the rig release date
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Part 5.8—Release of technical information about petroleum

Division 1—Preliminary

274 Definitions

In this Part—

basic information means documentary information that is not interpretative information;

disclosable information means documentary information that is not permanently confidential information;

documentary information has the meaning given by section 733 of the Act;

interpretative information has the meaning given by regulation 276;

permanently confidential information has the meaning given by regulation 275;

petroleum mining sample has the meaning given by section 733 of the Act.

Division 2—Classification of documentary information

275 Meaning of *permanently confidential information*

- (1) This regulation sets out the 4 situations in which documentary information is *permanently confidential information*.
- (2) Despite anything else in this Division, *excluded information* is permanently confidential information.

Note

Excluded information is defined in regulation 187.

- (3) Documentary information given by a person to the Minister is ***permanently confidential information*** if the Minister considers the information to be—
- (a) a trade secret; or
 - (b) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.
- (4) Documentary information given by a person to the Minister is ***permanently confidential information*** if—
- (a) when the information was given, the person told the Minister in writing that the person classified the information as—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and
 - (b) the Minister did not give the person a notice under regulation 277(1) disputing the classification.
- (5) Documentary information given by a person to the Minister is ***permanently confidential information*** if—
- (a) when the information was given, the person told the Minister in writing that the person classified the information as—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's

- business, commercial or financial affairs; and
- (b) the Minister gave the person a notice under regulation 277(1) disputing the classification; and
- (c) either—
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

276 Meaning of *interpretative information*

- (1) This regulation sets out the 3 situations in which documentary information is *interpretative information*.
- (2) Documentary information given by a person to the Minister is *interpretative 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.
- (3) Documentary information given by a person to the Minister is *interpretative information* if—
 - (a) when the information was given, the person told the Minister in writing that the person classified the 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 give the person a notice under regulation 277(2) disputing the classification.

- (4) Documentary information given by a person to the Minister is *interpretative information* if—
- (a) when the information was given, the person told the Minister in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (b) the Minister gave the person a notice under regulation 277(2) disputing the classification; and
 - (c) either—
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

277 Classification dispute notice

- (1) The Minister may give a person a written notice disputing the classification of documentary information as permanently confidential information if—
- (a) the person gave the documentary information to the Minister; and
 - (b) when the information was given, the person told the Minister in writing that the person classified the information as—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and

- (c) the Minister does not consider the information to be—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.
- (2) The Minister may give a person a written notice disputing the classification of documentary information as interpretative information if—
 - (a) the person gave the documentary information to the Minister; and
 - (b) when the information was given, the person told the Minister in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (c) the Minister does not consider the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.
- (3) A notice under subregulation (1) or (2) must be given within 30 days after the Minister receives the documentary information to which it relates.
- (4) The Minister may combine 2 or more notices to the same person under subregulation (1) or (2), or both, into a single notice.
- (5) A notice must include the following—
 - (a) if the notice is given under subregulation (1)—a statement that the Minister considers the information to be disclosable information and proposes to treat it as disclosable information under this Part;

- (b) if the notice is given under subregulation (2)—a statement that the Minister considers the information to be basic information and proposes to treat it as basic information under this Part;
- (c) a statement inviting the person to make a written objection to the Minister's proposal to treat the information as—
 - (i) if the notice is given under subregulation (1)—disclosable information; and
 - (ii) if the notice is given under subregulation (2)—basic information;
- (d) the date by which an objection must be given to the Minister;
- (e) a statement that if the person does not make an objection by the specified date, the information will be taken under this Part to be—
 - (i) if the notice is given under subregulation (1)—disclosable information; and
 - (ii) if the notice is given under subregulation (2)—basic information.
- (6) For the purposes of subregulation (5)(d), the date must be at least 45 days after the date the notice is issued.

278 Making an objection

- (1) If a person has received a notice from the Minister under regulation 277, the person may make an objection to the classification of the information.
- (2) The objection may relate to all of the information described in the notice, or a specified part of the information.

- (3) If the notice is given under both regulation 277(1) and (2), the objection must state whether the objection is—
 - (a) on the ground that the information should be treated as permanently confidential information; or
 - (b) on the ground that the information should be treated as interpretative information; or
 - (c) on both grounds.
- (4) The objection must be made in writing to the Minister on or before the date specified in the notice.
- (5) A valid objection remains in force until it ceases to be in force under regulation 281.

279 Consideration of objection by Minister

- (1) If the Minister receives a valid objection from a person, the Minister must consider the objection and decide whether to allow or disallow the objection.
- (2) The Minister may allow the objection for part of the documentary information to which it relates, and disallow the objection for another part.
- (3) The Minister must notify the person in writing of the Minister's decision within 45 days after the Minister receives the objection.

280 Review of decision by Minister

- (1) For the purposes of section 740(2) of the Act, a person may, in writing, ask the Minister to review a decision of the Minister under regulation 279 to disallow an objection (the *regulation 279 decision*).

- (2) The request—
 - (a) must be given to the Minister within 30 days after the day on which the person was given notice of the regulation 279 decision; and
 - (b) must set out the grounds for making the request.
- (3) The person may withdraw the request by written notice given to the Minister.
- (4) The Minister must, within 45 days after receiving the request, review the regulation 279 decision and make a fresh decision that—
 - (a) confirms the decision to disallow the objection; or
 - (b) revokes the decision and substitutes another decision for it.
- (5) A decision made by the Minister in substitution for the regulation 279 decision may allow the objection for part of the documentary information to which it relates, and disallow the objection for another part.
- (6) The Minister must notify the person of the Minister's decision under this regulation as soon as practicable after making the decision.

Note

The person may seek further review of the Minister's decision—see Part 9.1 of the Act.

281 When objection ceases to be in force

An objection made by a person under regulation 278 ceases to be in force if—

- (a) the person withdraws the objection by notifying the Minister in writing; or

- (b) the Minister disallows the objection and the person does not seek review of the decision within the time allowed for an application for review; or
- (c) the Minister disallows the objection, all reviews of the Minister's decision have been finalised, and the decision standing after all reviews have been finalised is that the objection is disallowed.

Division 3—Release of documentary information

282 Purpose of Division

For the purposes of sections 734(2)(c) and 737(2)(c) of the Act, this Division sets out the circumstances in which the Minister may—

- (a) make documentary information publicly known; or
- (b) make documentary information available to a person (other than another Victorian Minister or a Minister of the Crown in right of another State or the Northern Territory or the Commonwealth).

283 Release of open information about wells and surveys

Despite anything else in this Division, the Minister may make open information about a well or open information about a survey publicly known at any time.

284 Release of basic disclosable information

- (1) The Minister may make documentary information publicly known or make the documentary information available to a person if—
 - (a) it is basic information; and
 - (b) it is disclosable information; and

(c) the relevant day for the information has passed.

(2) Subject to subregulation (3), the relevant days for information relating to seismic surveys are set out in the following table.

Table

<i>Item</i>	<i>Type of seismic survey</i>	<i>Relevant day</i>
1	A survey that collected exclusive data, if the survey was conducted under a petroleum production licence that is still in force	The day 2 years after the acquisition of the data was completed
2	A survey that collected exclusive data, if the survey was conducted under a petroleum title, other than a petroleum production licence, that is still in force	The day 3 years after the acquisition of the data was completed
3	A survey that collected exclusive data, if the survey was conducted under a petroleum title that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry of the term of the title	The day of the expiry, surrender, cancellation, revocation or termination
4	A survey that collected 2D seismic data as non-exclusive data	The day 15 years after the acquisition of the data was completed

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<i>Item</i>	<i>Type of seismic survey</i>	<i>Relevant day</i>
5	A survey that collected 3D seismic data as non-exclusive data if either— (a) the 3D data; or (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid— was required to be produced as a condition of the grant of a petroleum title	For the 3D data—the day 15 years after the acquisition of the data was completed For the extracted 2D data—the day 5 years after the acquisition of the 3D data was completed
6	A survey that collected 3D seismic data as non-exclusive data if neither— (a) the 3D data; nor (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid— was required to be produced as a condition of the grant of a petroleum title	For the 3D data—the day 15 years after the acquisition of the data was completed For the extracted 2D data—the day 6 years after the acquisition of the 3D data was completed

(3) If data from a seismic survey has been reprocessed as a condition of the grant of a petroleum title, the relevant day for the documentary information obtained from the reprocessing is the later of—

- (a) the relevant day under subregulation (2) for the information relating to the original survey; or

- (b) 3 years after the last day of the year of the term of the title during which the reprocessing was done.

Note

See section 9 of the Act for what "year of the term" means. A year of the term of a title commences on the day on which the title comes into force or on any anniversary of that day.

- (4) The relevant days for documentary information relating to wells and to geophysical and geological surveys (other than seismic surveys) are set out in the following table.

Table

<i>Item</i>	<i>Type of survey</i>	<i>Relevant day</i>
1	A survey that was conducted under a petroleum production licence that is still in force	The day 2 years after the acquisition of the data was completed
2	A survey that was conducted under a petroleum exploration permit, petroleum retention lease or scientific investigation consent that is still in force	The day 3 years after the acquisition of the data was completed
3	A survey that was conducted under a petroleum exploration permit, petroleum retention lease, petroleum production licence or scientific investigation consent that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	The day of the expiry, surrender, cancellation, revocation or termination

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<i>Item</i>	<i>Type of survey</i>	<i>Relevant day</i>
4	A survey conducted under a petroleum special prospecting authority or petroleum access authority that collected exclusive data, if the authority is still in force	The day 3 years after the acquisition of the data was completed
5	A survey conducted under a petroleum special prospecting authority or petroleum access authority that collected exclusive data, if the authority— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the authority	The day of the expiry, surrender, cancellation, revocation or termination
6	A survey conducted under a petroleum special prospecting authority or petroleum access authority that collected non-exclusive data	The day 6 years after the acquisition of the data was completed

(5) The relevant days for documentary information relating to wells are set out in the following table.

Table

<i>Item</i>	<i>If the regulated operation to which the information relates was conducted under...</i>	<i>the relevant day is...</i>
1	a petroleum production licence that is still in force	the day one year after the end of the operation
2	a petroleum title, other than a petroleum production licence, that is still in force	the day 2 years after the end of the operation

<i>Item</i>	<i>If the regulated operation to which the information relates was conducted under...</i>	<i>the relevant day is...</i>
3	a petroleum title that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry of the term of the title	the day of the expiry, surrender, cancellation, revocation or termination

Note

End of the operation is defined in regulation 186.

285 Release of interpretative disclosable information

- (1) The Minister may make documentary information publicly known or make documentary information available to a person if—
- (a) it is interpretative information; and
 - (b) it is disclosable information; and
 - (c) the information relates to the seabed or subsoil, or to petroleum, in a block; and
 - (d) it is more than 5 years after the end of the operation to which the information relates.

Note

End of the operation is defined in regulation 186.

- (2) Before the documentary information is made available to a person, the fee worked out under regulation 352 is payable by the person.

286 Release of documentary information—prior availability or consent

- (1) Subject to subregulation (2), the Minister may make documentary information publicly known or make documentary information available to a person if—

- (a) the petroleum titleholder who gave the information to the Minister has made the information publicly known; or
 - (b) the petroleum titleholder who gave the information to the Minister has consented in writing to the information being made publicly known or made available, as the case may be.
- (2) If the documentary information relating to a block was given to the Minister under a petroleum special prospecting authority, a petroleum access authority or a petroleum scientific investigation consent, subregulation (1) applies only if the information relates to a period when no permit, lease or licence was in force over the block.
- (3) Before the documentary information is made available to a person, the fee worked out under regulation 352 is payable by the person.

Division 4—Release of petroleum mining samples

287 Purpose of Division

For the purposes of section 735(2)(c) of the Act, this Division sets out the circumstances in which the Minister may—

- (a) make publicly known any details of a petroleum mining sample; or
- (b) permit a person (other than another Victorian Minister or a Minister of the Crown in right of another State or the Northern Territory or the Commonwealth) to inspect a petroleum mining sample.

288 Release of petroleum mining samples after relevant day

- (1) The Minister may make publicly known details of a petroleum mining sample or permit a person to inspect the sample if the relevant day for the sample has passed.
- (2) The relevant days for petroleum mining samples are set out in the following table.

Table

<i>Item</i>	<i>Regulated operation to which the sample relates was conducted under...</i>	<i>the relevant day is...</i>
1	a petroleum production licence that is still in force	the day one year after the end of the operation
2	a petroleum title, other than a petroleum production licence, that is still in force	the day 2 years after the end of the operation
3	a petroleum title that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry of the term of the title	the day of the expiry, surrender, cancellation, revocation or termination

289 Release of petroleum mining samples—prior availability or consent

- (1) Subject to subregulation (2), the Minister may make publicly known any details of a petroleum mining sample or permit a person to inspect the sample if—
 - (a) the petroleum titleholder who gave the sample to the Minister has made publicly known those details of the sample; or

- (b) the petroleum titleholder who gave the sample to the Minister has caused to be made publicly known those details of the sample; or
 - (c) the petroleum titleholder who gave the sample to the Minister has consented in writing to details of the sample being made publicly known or to the sample being made available for inspection.
- (2) If a petroleum mining sample from a block was given to the Minister under a petroleum special prospecting authority, a petroleum access authority or a petroleum scientific investigation consent, subregulation (1) only applies if the sample was obtained during a period when no permit, lease or licence was in force over the block.
- (3) Before a person is permitted to inspect the sample, the fee worked out under regulation 353 is payable by the person.

Part 5.9—Data management—greenhouse gas titleholders

Division 1—Requirements to keep information

290 Purpose of Division

The purpose of this Division is to set out requirements for the purposes of section 744(1)(a) of the Act for and in relation to greenhouse gas titleholders keeping accounts, records and other documents in connection with operations in the offshore area.

Reg. 291
amended by
S.R. No.
133/2012
reg. 78.

291 Requirement to securely retain information

A greenhouse gas titleholder who keeps accounts, records or other documents in connection with an operation in the offshore area must securely retain the accounts, records and other documents.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 292
amended by
S.R. No.
133/2012
reg. 79.

292 Requirement to retain information so that retrieval is reasonably practicable

A greenhouse gas titleholder who keeps accounts, records or other documents in connection with an operation in the offshore area must retain the accounts, records or other documents so that retrieval of the accounts, records or other documents is reasonably practicable.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Division 2—Requirements for collection and retention of cores, cuttings and samples

293 Purpose of Division

The purpose of this Division is to set out requirements for the purposes of section 744(1)(b) of the Act for and in relation to greenhouse gas titleholders collecting and retaining cores, cuttings and samples in connection with operations in the offshore area.

294 Requirement to retain core, cutting or sample

A greenhouse gas titleholder must retain any core, cutting or sample that the titleholder collects in relation to an operation that the titleholder undertakes in the offshore area.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 294
amended by
S.R. No.
133/2012
reg. 80.

295 Requirement to retain core, cutting or sample in Australia

A greenhouse gas titleholder who collects a core, cutting or sample relating to an operation that the titleholder undertakes in the offshore area must retain the core, cutting or sample in Australia unless the Minister has authorised the titleholder to retain the core, cutting or sample outside Australia.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 295
amended by
S.R. No.
133/2012
reg. 81.

Reg. 296
amended by
S.R. No.
133/2012
reg. 82.

296 Requirement to return core, cutting or sample to Australia

A greenhouse gas titleholder who is authorised by the Minister to keep a core, cutting or sample outside Australia must ensure that the core, cutting or sample is returned to Australia within—

- (a) 12 months after the authorisation is given; or
- (b) a longer period authorised by the Minister.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 297
amended by
S.R. No.
133/2012
reg. 83.

297 Requirement to provide report about overseas analysis of core, cutting or sample

A greenhouse gas titleholder who is authorised by the Minister to keep a core, cutting or sample outside Australia for the purpose of analysis must give the Minister a report about the progress of the analysis within—

- (a) the period of 12 months beginning when the authorisation is given; and
- (b) the end of each subsequent period of 12 months.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

298 Requirement to securely retain core, cutting or sample

A greenhouse gas titleholder who collects a core, cutting or sample in connection with an operation in the offshore area must securely retain the core, cutting or sample.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 298
amended by
S.R. No.
133/2012
reg. 84.

299 Requirement to retain core, cutting or sample so that retrieval is reasonably practicable

A greenhouse gas titleholder who collects a core, cutting or sample in connection with an operation in the offshore area must retain the core, cutting or sample so that retrieval of the core, cutting or sample is reasonably practicable.

Penalty: In the case of a body corporate,
150 penalty units;
In the case of a natural person,
30 penalty units.

Reg. 299
amended by
S.R. No.
133/2012
reg. 85.

Division 3—Requirements for giving reports and samples

Subdivision 1—Preliminary

300 Purpose of Division

The purpose of this Division is to set out requirements in accordance with section 744(1)(c) of the Act for greenhouse gas titleholders to give reports and cores, cuttings or samples to the Minister.

Subdivision 2—Reports about drilling wells

301 Requirement for daily drilling report

Reg. 301(1)
amended by
S.R. No.
133/2012
reg. 86.

- (1) A greenhouse gas titleholder who undertakes drilling operations in a title area on a day must give the Minister a daily drilling report by midday on the day after the day to which the report relates.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (2) In this regulation—

daily drilling report means a report that includes—

- (a) the name of the well; and
- (b) the location of the well by latitude and longitude; and
- (c) the water depth at the well; and
- (d) the drilled depth; and
- (e) the work carried out; and
- (f) the lithology of formations penetrated; and
- (g) details of any indication of hydrocarbons; and
- (h) a summary of the material used; and
- (i) drilling fluid losses; and
- (j) a leak off test summary; and
- (k) the geometry of the well bore; and

- (l) the results of surveys made in the well bore; and
- (m) the estimated daily and cumulative well costs.

302 Requirement for initial well completion report and data

- (1) A greenhouse gas titleholder who undertakes drilling operations in a title area must give the Minister an initial well completion report and all initial well completion data within—
 - (a) 6 months after the rig release date; or
 - (b) if the Minister authorises the titleholder to give the report and data within another period—the other period.

Reg. 302(1)
amended by
S.R. No.
133/2012
reg. 87.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

initial well completion data means each type of data mentioned in an item in Schedule 7—

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format which the Minister has authorised the greenhouse gas titleholder to use;

initial well completion report means a report that includes all of the information listed in subregulation (3).

- (3) For the purposes of the definition of *initial well completion report* in subregulation (2), the information required is in the following table.

Table

<i>Item</i>	<i>Information required</i>
1	The name of the well
2	The name of the title area in which the well is located
3	The location of the well, in the form of— (a) latitude and longitude; and (b) map sheet name and graticular block number; and (c) seismic line location and shotpoint number
4	The results of a check survey of the location of— (a) for a subsea well—the wellhead; or (b) in any other case—the top of the casing supporting the blow-out preventer
5	If the well is a sidetrack—the name of the parent well
6	The names of the rig contractor and rig operator
7	The name of the rig drilling the well
8	The rig's make and model
9	The names of the contractors for— (a) cementing; and (b) wireline logging; and (c) measurements while drilling (MWD); and (d) logging while drilling (LWD); and (e) mudlogging
10	Names of MWD and LWD tools used
11	List of log runs for wireline logging and velocity surveys
12	The purpose of the well (for example development, appraisal, exploration or stratigraphy)

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

S.R. No. 153/2011

Part 5.9—Data management—greenhouse gas titleholders

<i>Item</i>	<i>Information required</i>
13	The outcome of the well operation (for example completion of the well as an injector, suspension or abandonment)
14	Raw pressure-time listings for any formation fluid sample tests and production tests
15	The spud date
16	The rig release date
17	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)
18	The height of the depth reference above sea level
19	The water depth at the well
20	The measured depth of the well
21	The true vertical depth of the well
22	If applicable, the depth of perforation in the storage formation
23	The date on which the total depth was reached
24	If the well is deviated or horizontal— (a) the surveyed path of the well; and (b) the coordinates of the bottom of the well bore; and (c) if applicable, the coordinates and true vertical depth of the intersection of the well with the storage formation
25	Particulars of equipment and casing installed on or in the well, including schematics
26	If applicable, information on cementing operations and schematics of abandonment
27	Bit records
28	Drilling fluids used
29	Drilling fluid losses
30	List of cores, cuttings and samples taken, and their depths and intervals

303 Requirement for final well completion report and data

Reg. 303(1)
amended by
S.R. No.
133/2012
reg. 88.

- (1) A greenhouse gas titleholder who undertakes drilling operations in a title area must give the Minister a final well completion report and all final well completion data within—
- (a) 12 months after the rig release date; or
 - (b) if the Minister authorises the greenhouse gas titleholder to give the report and data within another period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

- (2) In this regulation—

final well completion data means each type of data mentioned in an item in Schedule 8—

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format which the Minister has authorised the greenhouse gas titleholder to use;

final well completion report means a report that includes all of the information listed in subregulation (3).

- (3) For the purposes of the definition of *final well completion report* in subregulation (2), the information required is set out in the following table.

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Part 5.9—Data management—greenhouse gas titleholders

Table

<i>Item</i>	<i>Information required</i>
1	The name of the well
2	The name of the title area in which the well is located
3	The location of the well, in the form of— (a) latitude and longitude; and (b) map sheet name and graticular block number; and (c) seismic line location and shotpoint number
4	If the well is a sidetrack—the name of the parent well
5	The names of the rig contractor and rig operator
6	The name of the rig drilling the well
7	The rig's make and model
8	The names of the contractors for— (a) cementing; and (b) wireline logging; and (c) measurements while drilling (MWD); and (d) logging while drilling (LWD); and (e) mudlogging
9	The purpose of the well (for example development, appraisal, exploration or stratigraphy)
10	The outcome of the well operation (for example completion of the well as an injector, suspension or abandonment)
11	Raw pressure-time listings for any formation fluid sample tests and production tests
12	The spud date
13	The rig release date
14	What is being used as the depth reference for the well (for example the Kelly bushing or the rig floor)
15	The height of the depth reference above sea level
16	The water depth at the well

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

S.R. No. 153/2011

Part 5.9—Data management—greenhouse gas titleholders

<i>Item</i>	<i>Information required</i>
17	The measured depth of the well
18	The true vertical depth of the well
19	If applicable, the depth of perforation in the storage formation
20	The date on which the total depth was reached
21	If the well is deviated or horizontal— (a) the surveyed path of the well; and (b) the coordinates of the bottom of the well bore; and (c) if applicable, the coordinates and true vertical depth of the intersection of the well with the storage formation
22	Particulars of equipment and casing installed on or in the well, including schematics
23	Bit records
24	Drilling fluids used
25	Drilling fluid losses
26	List of cores, cuttings and samples taken, and their depths and intervals
27	List of logs acquired
28	Details of any hydrocarbon indications
29	The measured depth and true vertical depth of marker horizons or formation tops
30	Geological interpretations of the observations made as a result of drilling the well, including— (a) lithology; and (b) stratigraphy; and (c) storage formation properties and quality; and (d) geochemistry of formation rocks if available; and (e) environment of deposition if available

Subdivision 3—Reports about geophysical and geological surveys

304 Requirement for weekly survey report

- (1) A greenhouse gas titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a weekly survey report as soon as practicable after the end of each week of the survey.

Reg. 304(1)
amended by
S.R. No.
133/2012
reg. 89.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (2) In this regulation—

weekly survey report means a report that includes—

- (a) the name of the survey; and
- (b) the title under which the survey is being conducted; and
- (c) the name of the titleholder; and
- (d) the name of the contractor conducting the survey; and
- (e) the name of the vessel or aircraft conducting the survey; and
- (f) a map showing where the survey was conducted during the week; and
- (g) the number of kilometres or square kilometres for which data was acquired during the week; and
- (h) the number of points at which data was acquired during the week; and
- (i) the number of lines of data acquired during the week; and

- (j) the amount of downtime during the week due to equipment problems, bad weather or other circumstances; and
- (k) the percentage of the survey completed at the end of the week;

week of the survey means—

- (a) the week starting on the first day of data acquisition; and
- (b) each subsequent week.

Note

Notice of a geophysical or geological survey is required under regulation 335, and the survey will also require approval as an activity under Chapter 2.

305 Requirement for survey acquisition report and data

Reg. 305(1)
amended by
S.R. No.
133/2012
reg. 90.

- (1) A greenhouse gas titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a survey acquisition report and all survey acquisition data within—
 - (a) in the case of a 2-dimensional seismic survey—12 months after the day on which the acquisition of the data is completed; or
 - (b) in the case of a 3-dimensional seismic survey—18 months after the day on which the acquisition of the data is completed; or
 - (c) in the case of any other type of survey—6 months after the day on which acquisition of the data is completed; or
 - (d) if the Minister authorises the titleholder to give the report and data within another period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

(2) In this regulation—

survey acquisition data means—

- (a) in relation to a seismic survey—each type of data mentioned in an item in Part 1 of Schedule 9—
 - (i) presented on a medium and in a format specified in the item; or
 - (ii) presented on another medium or in another format which the Minister has authorised the greenhouse gas titleholder to use; or
- (b) in relation to any other type of survey—each type of data mentioned in an item in Part 2 of Schedule 9 and presented in accordance with paragraph (a)(i) or (ii);

survey acquisition report means a report that includes—

- (a) the name of the survey; and
- (b) the title under which the survey was conducted; and
- (c) the name of the titleholder; and
- (d) the name of the contractor that conducted the survey; and
- (e) the name of the vessel or aircraft that conducted the survey; and
- (f) a map of where the survey was conducted; and
- (g) the dates on which the survey started and ended; and
- (h) details of all data acquisition equipment and systems used; and

- (i) details of all positions and navigation equipment and systems used; and
- (j) the number of lines of data acquired in the survey and the number of data acquisition points along each line; and
- (k) navigation data for the survey, in the form of—
 - (i) in the case of a 2-dimensional survey—line ends and bends; or
 - (ii) in the case of a 3-dimensional seismic survey—a full fold polygon outline; or
 - (iii) in the case of other 3-dimensional surveys—a polygon outline; and
- (l) the geometry of the acquisition parameters; and
- (m) the results of any onboard data processing; and
- (n) the results of any system tests, calibrations and diagnostics.

306 Requirement for survey processing report and data

- (1) A greenhouse gas titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a survey processing report and all processed survey data within—
 - (a) in the case of a 2-dimensional seismic survey—12 months after the day on which the acquisition of the data is completed; or
 - (b) in the case of a 3-dimensional seismic survey—18 months after the day on which the acquisition of the data is completed; or

Reg. 306(1)
amended by
S.R. No.
133/2012
reg. 91.

- (c) in the case of any other type of survey—
6 months after the day on which acquisition
of the data is completed; or
- (d) if the Minister authorises the titleholder to
give the report within another period—the
other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

(2) In this regulation—

processed survey data means—

- (a) in relation to a 2-dimensional seismic
survey—each type of data mentioned in
an item in Part 1 of Schedule 10—
 - (i) presented on a medium and in a
format specified in the item; or
 - (ii) presented on another medium or
in another format which the
Minister has authorised the
greenhouse gas titleholder to use;
or
- (b) in relation to a 3-dimensional seismic
survey—each type of data mentioned in
an item in Part 2 of Schedule 10 and
presented in accordance with paragraph
(a)(i) or (ii); or
- (c) in relation to any other type of
survey—each type of data mentioned in
an item in Part 3 of Schedule 10 and
presented in accordance with
paragraph (a)(i) or (ii);

survey processing report means a report that includes—

- (a) the name of the survey; and
- (b) the title under which the survey was conducted; and
- (c) the name of the titleholder; and
- (d) the dates on which processing of the survey started and ended; and
- (e) the name of the processing contractor; and
- (f) the purpose of the processing; and
- (g) a summary of the data acquisition parameters; and
- (h) details of all the processing sequences and techniques used; and
- (i) a sample Extended Binary Coded Decimal Interchange Code (EBCDIC) header from the final data set; and
- (j) listings of all processed data; and
- (k) in the case of a 3-dimensional survey—
 - (i) a description of the position of the survey polygon; and
 - (ii) a calculation for the 3-dimensional line numbering convention.

307 Requirement for survey interpretation report and data

- (1) A greenhouse gas titleholder who undertakes a geophysical or geological survey in a title area must give the Minister a survey interpretation report and interpretative survey data within—

Reg. 307(1)
amended by
S.R. No.
133/2012
reg. 92.

- (a) in the case of a seismic survey—18 months after the day on which the acquisition of the data is completed; or
- (b) in the case of any other type of survey—12 months after the day on which the acquisition of the data is completed; or
- (c) if the Minister authorises the titleholder to give the report within another period—the other period.

Penalty: In the case of a body corporate,
250 penalty units;
In the case of a natural person,
50 penalty units.

(2) In this regulation—

interpretative survey data means each type of data mentioned in an item in Schedule 11—

- (a) presented on a medium and in a format specified in the item; or
- (b) presented on another medium or in another format which the Minister has authorised the greenhouse gas titleholder to use;

survey interpretation report means a report that includes the following information—

- (a) the name of the survey;
- (b) the title under which the survey was conducted;
- (c) the name of the titleholder;
- (d) a description of the objectives of the interpretation;

- (e) in the case of a seismic survey—
 - (i) a list of the surfaces interpreted;
 - (ii) a justification of the surfaces interpreted, including synthetic seismograms if available;
 - (iii) the velocity field used to convert time to depth (including ASCII data) and the basis for the velocity field;
 - (iv) if available, time slices to describe the environment of deposition;
- (f) a bathymetric map of the survey area;
- (g) an index of the maps created during the interpretation.

Subdivision 4—Other reports

308 Requirement for greenhouse gas injection monthly report—greenhouse gas injection licensee

Reg. 308(1)
amended by
S.R. No.
133/2012
reg. 93.

- (1) A greenhouse gas injection licensee must give the Minister a greenhouse gas injection monthly report for a licence area within the period—
 - (a) starting on the last day of the named month to which the report relates; and
 - (b) ending 15 days after that day.

Penalty: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

(2) In this regulation—

greenhouse gas injection monthly report means a report that includes—

- (a) in relation to each well in the licence area—
 - (i) the well's identification name and number; and
 - (ii) a summary of all work that has been performed on the well during the month; and
 - (iii) the results of any tests conducted during the month; and
 - (iv) the well's operational status at the end of the month; and
 - (v) the average, maximum and minimum values during the month for injection pressure, temperature and flow rate, at both the wellhead and the bottom of the well bore; and
 - (vi) if the well was shut at any time during the month—the shut-in wellhead pressure; and
 - (vii) the number of days of greenhouse gas injection during the month; and
 - (viii) the cumulative quantities of greenhouse gas substance that has been injected, and water that has been produced or injected, as at the end of the month; and

- (b) the total quantities of greenhouse gas substance that has been injected, and water that has been produced or injected, during the month; and
- (c) the average composition of the greenhouse gas substance injected during the month; and
- (d) the sources of the greenhouse gas substances injected; and
- (e) the estimated average pressure in the storage formation.

309 Requirement for greenhouse gas injection annual report—greenhouse gas injection licensee

Reg. 309(1)
amended by
S.R. No.
133/2012
reg. 94.

- (1) A greenhouse gas injection licensee must give a greenhouse gas injection annual report for a licence area to the Minister within the period—
 - (a) starting on the last day of the financial year to which the report relates; and
 - (b) ending on the day 4 months after that day.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

- (2) In this regulation—

greenhouse gas injection annual report means a report that includes, for a year—

- (a) information about the chemical composition and physical properties of the injected greenhouse gas substance and any incidental greenhouse gas-related substances, including isotopic compositions; and

- (b) information about the location and direction of movement of the greenhouse gas substances injected; and
- (c) the results of maintenance operations and well bore integrity tests; and
- (d) history-matched model estimates of remaining storage capacity in the identified greenhouse gas storage formation.

Note

Incidental greenhouse gas-related substance is defined in section 25 of the Act.

310 Requirement for monthly greenhouse gas accounting report—greenhouse gas injection licensee

- (1) A greenhouse gas injection licensee must give a monthly greenhouse gas accounting report for a licence area to the Minister within the period—
 - (a) starting on the last day of the named month to which the report relates; and
 - (b) ending on the day 15 days after that day.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

- (2) In this regulation—

monthly greenhouse gas accounting report
means a report that includes, for a month—

- (a) the quantity of greenhouse gas substance that has been put into the system, as measured at—
 - (i) the source of the greenhouse gas substance; or

Reg. 310(1)
amended by
S.R. No.
133/2012
reg. 95.

- (ii) if the greenhouse gas substance becomes the responsibility of the licensee at a point other than its source—that point; and
- (b) the quantity of greenhouse gas substance measured at the last measuring point before injection; and
- (c) the average composition of the greenhouse gas substance injected; and
- (d) the maximum and minimum injection rates during the month; and
- (e) the quantity of the greenhouse gas substance lost, and emissions of additional greenhouse gases generated, in each of the following processes—
 - (i) compression;
 - (ii) transportation;
 - (iii) injection; and
- (f) an explanation of how each of the quantities mentioned in paragraph (e) was worked out; and
- (g) the quantity of greenhouse gas substance lost from the well bore; and
- (h) the quantity of greenhouse gas substance lost from the storage formation; and
- (i) the quantity of greenhouse gases emitted from the discharge of produced formation fluids.

Note

The Minister must make the information in the report publicly known within 15 days after the Minister receives the report—see regulation 322.

311 Requirement for annual greenhouse gas accounting report greenhouse gas injection licensee

- (1) A greenhouse gas injection licensee must give an annual greenhouse gas accounting report for a licence area to the Minister within the period—
- (a) starting on the last day of the financial year to which the report relates; and
 - (b) ending on the day 4 months after that day.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

- (2) In this regulation—

annual greenhouse gas accounting report means a report that includes, for a year—

- (a) the quantity of greenhouse gas substance injected into the storage formation during the year; and
- (b) the cumulative quantity of greenhouse gas substance that has been stored as at the end of the year; and
- (c) the quantity of greenhouse gas substance lost, and emissions of additional greenhouse gases generated, in the processes of compression, transportation and injection; and
- (d) the quantity of greenhouse gas substance lost from the well bore; and
- (e) the quantity of greenhouse gas substance lost from the storage formation; and

Reg. 311(1)
amended by
S.R. No.
133/2012
reg. 96.

- (f) an explanation of how losses of the greenhouse gas substance were estimated or measured; and
- (g) an assessment of the accuracy of the measurement or estimation of the quantities of the greenhouse gas substance.

Note

The Minister must make the information in the report publicly known within 30 days after the Minister receives the report—see regulation 322.

Subdivision 5—Cores, cuttings and samples

312 Requirement to give core, cutting or sample

Reg. 312(1)
amended by
S.R. No.
133/2012
reg. 97.

- (1) A greenhouse gas titleholder who—
 - (a) drills a well or conducts another operation on a well in a title area; and
 - (b) collects a kind of core, cutting or sample mentioned in column 2 of the table in subregulation (4)—

must give the core, cutting or sample to the Minister within the time specified in column 4 of that table for that core, cutting or sample, or if the Minister authorises the titleholder to give that core, cutting or sample within another period, that other period.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

Note

Division 2 sets out requirements for the collection and keeping of cores, cuttings and samples.

-
- (2) The titleholder must give the Minister the quantity of the core, cutting or sample specified for that item if that quantity is available.
- (3) If the specified quantity is not available, the titleholder must—
- (a) give the Minister an explanation why the specified quantity was not sent; and
 - (b) tell the Minister the total amount of the core, cutting or sample that was recovered.
- (4) For the purposes of this regulation the following table applies.

Table

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Sample type</i>	<i>Quantity of core, cutting or sample</i>	<i>Time by which core, cutting or sample must be given</i>
1	Ditch cuttings	one set of 200 grams dry weight per sample interval	The day 6 months after the rig release date
2	Full hole conventional cores	$\frac{1}{3}$ of the core	The day 6 months after the rig release date
3	Gaseous hydrocarbon samples	300 cm ³	As soon as practicable after completion of the test during which the sample is collected

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

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Part 5.9—Data management—greenhouse gas titleholders

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Item</i>	<i>Sample type</i>	<i>Quantity of core, cutting or sample</i>	<i>Time by which core, cutting or sample must be given</i>
4	Fluid hydrocarbon samples	1 litre	Either— (a) if the sample is collected during the drilling of a well—the day 6 months after the rig release date; or (b) if the sample is collected during a test on a completed well—as soon as practicable after collection of the sample
5	Sidewall core material	All material collected	The day 12 months after the rig release date
6	Palynological slides and residues, Paleontological material and Petrological slides	All material collected	The day 12 months after the rig release date

Part 5.10—Release of technical information about greenhouse gas

Division 1—Preliminary

313 Definitions

In this Part—

basic information means documentary information that is not interpretative information;

disclosable information means documentary information that is not permanently confidential information.

documentary information has the meaning given by section 756 of the Act;

eligible sample has the meaning given by section 756 of the Act;

interpretative information has the meaning given by regulation 315;

permanently confidential information has the meaning given by regulation 314.

Division 2—Classification of documentary information

314 Meaning of *permanently confidential information*

- (1) This regulation sets out the 4 situations in which documentary information is *permanently confidential information*.
- (2) Despite anything else in this Division, excluded information is *permanently confidential information*.

Note

Excluded information is defined in regulation 187.

- (3) Documentary information given by a person to the Minister is ***permanently confidential information*** if the Minister considers the information to be—
- (a) a trade secret; or
 - (b) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.
- (4) Documentary information given by a person to the Minister is ***permanently confidential information*** if—
- (a) when the information was given, the person told the Minister in writing that the person classified the information as—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and
 - (b) the Minister did not give the person a notice under regulation 316(1) disputing the classification.
- (5) Documentary information given by a person to the Minister is ***permanently confidential information*** if—
- (a) when the information was given, the person told the Minister in writing that the person classified the information as—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's

- business, commercial or financial affairs; and
- (b) the Minister gave the person a notice under regulation 316(1) disputing the classification; and
- (c) either—
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

315 Meaning of *interpretative information*

- (1) This regulation sets out the 3 situations in which documentary information is *interpretative information*.
- (2) Documentary information given by a person to the Minister is *interpretative 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.
- (3) Documentary information given by a person to the Minister is *interpretative information* if—
 - (a) when the information was given, the person told the Minister in writing that the person classified the 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 give the person a notice under regulation 316(2) disputing the classification.

- (4) Documentary information given by a person to the Minister is *interpretative information* if—
- (a) when the information was given, the person told the Minister in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (b) the Minister gave the person a notice under regulation 316(2) disputing the classification; and
 - (c) either—
 - (i) the time for making an objection in response to the notice has not elapsed; or
 - (ii) the person has made an objection in response to the notice, and the objection remains in force.

316 Classification dispute notice

- (1) The Minister may give a person a written notice disputing the classification of documentary information as permanently confidential information if—
- (a) the person gave the documentary information to the Minister; and
 - (b) when the information was given, the person told the Minister in writing that the person classified the information as—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs; and

- (c) the Minister does not consider the information to be—
 - (i) a trade secret; or
 - (ii) information the disclosure of which would, or could reasonably be expected to, adversely affect the person's business, commercial or financial affairs.
- (2) The Minister may give a person a written notice disputing the classification of documentary information as interpretative information if—
 - (a) the person gave the documentary information to the Minister; and
 - (b) when the information was given, the person told the Minister in writing that the person classified the information as a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information; and
 - (c) the Minister does not consider the information to be a conclusion drawn wholly or partly from, or an opinion based wholly or partly on, other documentary information.
- (3) A notice under subregulation (1) or (2) must be given within 30 days after the Minister receives the documentary information to which it relates.
- (4) The Minister may combine 2 or more notices to the same person under subregulation (1) or (2), or both, into a single notice.
- (5) A notice must include the following—
 - (a) if the notice is given under subregulation (1)—a statement that the Minister considers the information to be disclosable information and proposes to treat it as disclosable information under this Part;

- (b) if the notice is given under subregulation (2)—a statement that the Minister considers the information to be basic information and proposes to treat it as basic information under this Part;
- (c) a statement inviting the person to make a written objection to the Minister's proposal to treat the information as—
 - (i) if the notice is given under subregulation (1)—disclosable information; and
 - (ii) if the notice is given under subregulation (2)—basic information;
- (d) the date by which an objection must be given to the Minister;
- (e) a statement that if the person does not make an objection by the specified date, the information will be taken under this Part to be—
 - (i) if the notice is given under subregulation (1)—disclosable information; and
 - (ii) if the notice is given under subregulation (2)—basic information.
- (6) For the purposes of subregulation (5)(d), the date must be at least 45 days after the date the notice is issued.

317 Making an objection

- (1) If a person has received a notice from the Minister under regulation 316, the person may make an objection to the classification of the information.
- (2) The objection may relate to all of the information described in the notice, or a specified part of the information.

- (3) If the notice is given under regulation 316(1) and (2), the objection must state whether the objection is—
 - (a) on the ground that the information should be treated as permanently confidential information; or
 - (b) on the ground that the information should be treated as interpretative information; or
 - (c) on both grounds.
- (4) The objection must be made in writing to the Minister, on or before the date specified in the notice.
- (5) A valid objection remains in force until it ceases to be in force under regulation 319.

318 Consideration of objection by Minister

- (1) If the Minister receives a valid objection from a person, the Minister must consider the objection and decide whether to allow or disallow the objection.
- (2) The Minister may allow the objection for part of the documentary information to which it relates, and disallow the objection for another part.
- (3) The Minister must notify the person in writing of the Minister's decision within 45 days after the Minister receives the objection.

Note

The person may seek further review of the Minister's decision—see Part 9.1 of the Act.

319 When objection ceases to be in force

An objection made by a person under regulation 317 ceases to be in force if—

- (a) the person withdraws the objection by notifying the Minister in writing; or

- (b) the Minister disallows the objection, and the person does not seek review of the decision within the time allowed for an application for review; or
- (c) the Minister disallows the objection, all reviews of the Minister's decision have been finalised, and the decision standing after all reviews have been finalised is that the objection is disallowed.

Division 3—Release of documentary information

320 Purpose of Division

For the purposes of section 758(2)(c) of the Act, this Division sets out the circumstances in which the Minister may—

- (a) make documentary information publicly known; or
- (b) make documentary information available to a person (other than another Victorian Minister or a Minister of the Crown in right of another State or the Northern Territory or the Commonwealth).

321 Release of open information about wells and surveys

Despite anything else in this Division, the Minister may make open information about a well or open information about a survey publicly known at any time.

322 Release of information from greenhouse gas accounting reports

Despite anything else in this Division, the Minister must make documentary information contained in the reports mentioned in the following table publicly available within the time specified in the table.

Table

<i>Item</i>	<i>Report</i>	<i>Period in which Minister must make documentary information in the report publicly available</i>
1	A monthly greenhouse gas accounting report given under regulation 310	15 days after the Minister receives the report
2	An annual greenhouse gas accounting report given under regulation 311	30 days after the Minister receives the report

323 Release of basic disclosable information

- (1) The Minister may make documentary information publicly known or make the documentary information available to a person if—
- (a) it is basic information; and
 - (b) it is disclosable information; and
 - (c) the relevant day for the information has passed.
- (2) Subject to subregulation (3), the relevant days for information relating to seismic surveys are set out in the following table.

Table

<i>Item</i>	<i>Type of seismic survey</i>	<i>Relevant day</i>
1	A survey that collected exclusive data, if the survey was conducted under a greenhouse gas injection licence that is still in force	The day 2 years after the acquisition of the data was completed

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

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Part 5.10—Release of technical information about greenhouse gas

<i>Item</i>	<i>Type of seismic survey</i>	<i>Relevant day</i>
2	A survey that collected exclusive data, if the survey was conducted under a greenhouse gas title, other than a greenhouse gas injection licence, that is still in force	The day 3 years after the acquisition of the data was completed
3	A survey that collected exclusive data, if the survey was conducted under a greenhouse gas title that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry of the term of the title	The day of the expiry, surrender, cancellation, revocation or termination
4	A survey that collected 2D seismic data as non-exclusive data	The day 15 years after the acquisition of the data was completed
5	A survey that collected 3D seismic data as non-exclusive data if either— (a) the 3D data; or (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid— was required to be produced as a condition of the grant of a greenhouse gas title	For the 3D data—the day 15 years after the acquisition of the data was completed For the extracted 2D data—the day 5 years after the acquisition of the 3D data was completed

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
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Part 5.10—Release of technical information about greenhouse gas

<i>Item</i>	<i>Type of seismic survey</i>	<i>Relevant day</i>
6	A survey that collected 3D seismic data as non-exclusive data if neither— (a) the 3D data; nor (b) 2D data extracted from the 3D data, contained in a seismic extracted data grid— was required to be produced as a condition of the grant of a greenhouse gas title	For the 3D data—the day 15 years after the acquisition of the data was completed For the extracted 2D data—the day 6 years after the acquisition of the 3D data was completed

- (3) If data from a seismic survey has been reprocessed as a condition of the grant of a greenhouse gas title, the relevant day for the documentary information obtained from the reprocessing is the later of—
- (a) the relevant day under subregulation (2) for the information relating to the original survey; and
 - (b) 3 years after the last day of the year of the term of the title during which the reprocessing was done.

Note

See section 10 of the Act for what "year of the term" means. A year of the term of a title commences on the day on which the title comes into force or on any anniversary of that day.

- (4) The relevant days for documentary information relating to geophysical and geological surveys (other than seismic surveys) are set out in the following table.

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
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Table

<i>Item</i>	<i>Type of survey</i>	<i>Relevant day</i>
1	A survey that was conducted under a greenhouse gas injection licence that is still in force	The day 2 years after the acquisition of the data was completed
2	A survey that was conducted under a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas research consent that is still in force	The day 3 years after the acquisition of the data was completed
3	A survey that was conducted under a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence or greenhouse gas research consent that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the title	The day of the expiry, surrender, cancellation, revocation or termination
4	A survey conducted under a greenhouse gas search authority or greenhouse gas special authority that collected exclusive data, if the authority is still in force	The day 3 years after the acquisition of the data was completed

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<i>Item</i>	<i>Type of survey</i>	<i>Relevant day</i>
5	A survey conducted under a greenhouse gas search authority or greenhouse gas special authority that collected exclusive data, if the authority— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry date of the authority	The day of the expiry, surrender, cancellation, revocation or termination
6	A survey conducted under a greenhouse gas search authority or greenhouse gas special authority that collected non-exclusive data	The day 6 years after the acquisition of the data was completed

(5) The relevant days for documentary information relating to wells are set out in the following table.

Table

<i>Item</i>	<i>If the regulated operation to which the information relates was conducted under...</i>	<i>the relevant day is...</i>
1	a greenhouse gas injection licence that is still in force	the day one year after the end of the operation
2	a greenhouse gas title, other than a greenhouse gas injection licence, that is still in force	the day 2 years after the end of the operation

<i>If the regulated operation to which the information relates was conducted</i>		
<i>Item</i>	<i>under...</i>	<i>the relevant day is...</i>
3	a greenhouse gas title that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry of the term of the title	the day of the expiry, surrender, cancellation, revocation or termination

Note

End of the operation is defined in regulation 186.

324 Release of interpretative disclosable information

- (1) The Minister may make documentary information publicly known or make documentary information available to a person if—
- (a) it is interpretative information; and
 - (b) it is disclosable information; and
 - (c) the information relates to the seabed or subsoil, or to a greenhouse gas substance, in a block; and
 - (d) it is more than 5 years after the end of the operation to which the information relates.

Note

End of the operation is defined in regulation 186.

- (2) Before the documentary information is made available to a person, the fee worked out under regulation 352 is payable by the person.

325 Release of documentary information—prior availability or consent

- (1) Subject to subregulation (2), the Minister may make documentary information publicly known or make documentary information available to a person if—
 - (a) the greenhouse gas titleholder who gave the information to the Minister has made the information publicly known; or
 - (b) the greenhouse gas titleholder who gave the information to the Minister has consented in writing to the information being made publicly known or made available, as the case may be.
- (2) If the documentary information relating to a block was given to the Minister under a greenhouse gas search authority, a greenhouse gas special authority or a greenhouse gas research consent, subregulation (1) applies only if the information relates to a period when no permit, lease or licence was in force over the block.
- (3) Before the documentary information is made available to a person, the fee worked out under regulation 352 is payable by the person.

Division 4—Release of eligible samples

326 Purpose of Division

For the purposes of section 759(2)(c) of the Act, this Division sets out the circumstances in which the Minister may—

- (a) make publicly known any details of an eligible sample; or

- (b) permit a person (other than another Victorian Minister or a Minister of the Crown of another State or the Northern Territory or the Commonwealth) to inspect an eligible sample.

327 Release of eligible samples after relevant day

- (1) The Minister may make publicly known details of an eligible sample or permit a person to inspect the sample if the relevant day for the sample has passed.
- (2) The relevant days for eligible samples are set out in the following table.

Table

<i>Item</i>	<i>If the regulated operation to which the sample relates was conducted under...</i>	<i>the relevant day is....</i>
1	a greenhouse gas injection licence that is still in force	the day one year after the end of the operation
2	a greenhouse gas title, other than a greenhouse gas injection licence, that is still in force	the day 2 years after the end of the operation
3	a greenhouse gas title that— (a) has expired; or (b) has been surrendered, cancelled, revoked or terminated before the expiry of the term of the title	the day of the expiry, surrender, cancellation, revocation or termination

328 Release of eligible samples—prior availability or consent

- (1) Subject to subregulation (2), the Minister may make publicly known any details of an eligible sample or permit a person to inspect the sample if—

- (a) the greenhouse gas titleholder who gave the sample to the Minister has made publicly known those details of the sample; or
 - (b) the greenhouse gas titleholder who gave the sample to the Minister has caused to be made publicly known those details of the sample; or
 - (c) the greenhouse gas titleholder who gave the sample to the Minister has consented in writing to details of the sample being made publicly known or to the sample being made available for inspection, as the case may be.
- (2) If an eligible sample from a block was given to the Minister under a greenhouse gas search authority, a greenhouse gas special authority or a greenhouse gas research consent, subregulation (1) only applies if the sample was obtained during a period when no permit, lease or licence was in force over the block.
- (3) Before a person is permitted to inspect the sample, the fee worked out under regulation 353 is payable by the person.

Part 5.11—Miscellaneous

329 Form of instrument of transfer

For the purposes of sections 510(a) and 568(a) of the Act, an instrument of transfer must be in the form set out in Schedule 12.

330 Prescribed details for supplementary instrument for approval of dealing

- (1) For the purposes of sections 524(2) and 582(2) of the Act, the following details are prescribed—
 - (a) description and date of execution of the instrument evidencing the dealing mentioned in section 524(1) or 582(1) of the Act;
 - (b) details of the title (including the type and number of the title) to which the dealing relates;
 - (c) 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 item of the table in section 521 or 579 of the Act;
 - (e) details of the interest or interests in the 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) if item 1 or 3 of the table in section 558(2) of the Act applies to the dealing—the value of the consideration;

- (g) if the dealing relates to an interest in a title to which item 2 or 4 of the table in section 558(2) of the Act applies—the value of the interest;
 - (h) a statement whether or not the parties to the dealing have made or propose to make an application for the purposes of item 6 of the table in section 558(2) of the Act;
 - (i) in respect of any related dealing for which an entry has been made in the Register or an application in writing for approval by the Minister has been lodged—
 - (i) a description of the instrument evidencing the dealing and the date of execution;
 - (ii) the date of approval by the Minister (if appropriate);
 - (iii) the registration number (if any).
- (2) In this regulation—

related dealing means a dealing executed, before the execution of the instrument evidencing the dealing mentioned in subregulation (1)(a), by some or all of the parties to that instrument—

- (a) that affects the title which is the subject of the dealing to which the instrument referred to in subregulation (1)(a) relates; and
- (b) that—
 - (i) creates or assigns an option to enter into the dealing mentioned in subregulation (1)(a); or

- (ii) creates or assigns a right to enter into the dealing mentioned in subregulation (1)(a); or
- (iii) is altered or terminated by the dealing mentioned in subregulation (1)(a)—

and includes any transaction in relation to which an entry was made in the Register within the meaning of the **Petroleum (Submerged Lands) Act 1982** under section 81 of that Act before 14 February 1983.

Note

14 February 1983 is the date on which the **Petroleum (Submerged Lands) Act 1982** came into operation.

331 Survey of wells, structures or equipment

- (1) The Minister may, in writing, require a titleholder 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) The Minister must specify in a request a reasonable period within which the survey must be done and the report given.
- (3) A titleholder must comply with a request under subregulation (1) within the period required under subregulation (2).

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

Reg. 331(3)
amended by
S.R. No.
133/2012
reg. 98.

332 Notice of route followed by pipeline

A pipeline licensee who constructs a pipeline in the offshore area must inform both the Minister and the Australian Hydrographic Service, in writing, of the exact route followed by the pipeline by the earlier of—

- (a) 14 days after the day on which construction of the pipeline is completed; and
- (b) the day before the pipeline is operated.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

Reg. 332
amended by
S.R. No.
133/2012
reg. 99.

333 Requirement to give notice of pipeline incident

- (1) If a reportable incident occurs in relation to a pipeline under a licence, the pipeline licensee must give notice (oral or written) of the incident to the Minister, a petroleum project inspector or a greenhouse gas project inspector, including all material details of the incident that are reasonably available to the licensee, as soon as practicable after—

- (a) the first occurrence of the incident; or
- (b) if the incident is not detected by the licensee at the time of its first occurrence—the detection of the incident by the licensee.

Penalty: In the case of a body corporate,
300 penalty units;
In the case of a natural person,
60 penalty units.

Reg. 333(1)
amended by
S.R. No.
133/2012
reg. 100.

(2) In this regulation—

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 the substance 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 Chapter 2.

334 Requirement to provide written report about pipeline incident

Reg. 334(1)
amended by
S.R. No.
133/2012
reg. 101.

(1) If a reportable incident occurs in relation to a pipeline under a licence, the pipeline licensee must give the Minister an incident report either—

(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: In the case of a body corporate,
250 penalty units;

In the case of a natural person,
50 penalty units.

- (2) Subregulation (1) does not apply if—
 - (a) the Minister has specified another period for giving the report under subregulation (1)(b); and
 - (b) it was not practicable for the licensee to give the report to the Minister within the specified period.
- (3) In this regulation—

incident report means a report that includes—

- (a) all the material facts and circumstances of the incident that the licensee is aware of or is able, by reasonable search and inquiry, to find out, including the following—
 - (i) the date, time and place of the incident;
 - (ii) the particulars of any loss or damage caused by the incident;
 - (iii) if petroleum or a greenhouse gas substance escaped from the pipeline or ignited—the amount of that substance and the measures taken to control the escape or fire;
 - (iv) the cause of the incident;

(v) the repairs (if any) carried out, or proposed to be carried out, on the pipeline; and

(b) the corrective action that has been taken, or is proposed to be taken, to prevent another incident of that kind;

reportable incident has the same meaning as in regulation 333.

Reg. 335
amended by
S.R. No.
133/2012
reg. 102.

335 Requirement for notice of geophysical or geological survey

A petroleum titleholder or greenhouse gas titleholder who undertakes a geophysical or geological survey in the title area must notify the Minister at least 48 hours before the proposed start of the survey, of the following—

- (a) the proposed date and time that the survey will start;
- (b) the duration of the survey;
- (c) the survey area coordinates;
- (d) in the case of a seismic survey—the length of the streamers to be towed by the survey vessel.

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

336 Requirement to give notice of actions for royalty purposes

- (1) A petroleum titleholder, before sampling a petroleum stream for the purposes of working out the amount of royalty payable under Part 6.7 of the Act, must notify the Minister in writing of the titleholder's intention to sample the petroleum stream.

Reg. 336(1)
amended by
S.R. No.
133/2012
reg. 103(1).

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

- (2) A petroleum titleholder, before proving a meter that is to be used to work out the amount of royalty payable under Part 6.7 of the Act must notify the Minister in writing of the titleholder's intention to prove the meter.

Reg. 336(2)
amended by
S.R. No.
133/2012
reg. 103(2).

Penalty: In the case of a body corporate,
300 penalty units;

In the case of a natural person,
60 penalty units.

Chapter 6—Miscellaneous

Part 6.1—Fees

Division 1—Application fees

337 Application fees

- (1) For the purposes of section 252(2) of the Act, the prescribed fee for an application is the fee specified in Part 1 of Schedule 1 for that application.
- (2) For the purposes of section 459(2) of the Act, the prescribed fee for an application is the fee specified in Part 2 of Schedule 1 for that application.

Division 2—Annual fees

338 Work-bid petroleum permit fee

For the purposes of section 684(1) of the Act, the fee for a work-bid petroleum permit for a year of the term of the permit is the greater of—

- (a) \$1135; or
- (b) \$55 for each block to which the permit relates at the beginning of the year.

339 Special petroleum exploration permit fee

For the purposes of section 684(1) of the Act, the fee for a special petroleum exploration permit for a year of the term of the permit is \$6820 for each block to which the permit relates at the beginning of the year.

340 Petroleum retention lease fee

For the purposes of section 685(1) of the Act, the fee for a petroleum retention lease for a year of the term of the lease is \$6820 for each block to which the lease relates at the beginning of the year.

341 Petroleum production licence fee

For the purposes of section 686(1) of the Act, the fee for a production licence for a year of the term of the lease is \$20 460 for each block to which the lease relates at the beginning of the year.

342 Infrastructure licence fee

For the purposes of section 687(1) of the Act, the fee for an infrastructure licence for a year of the term of the lease is \$13 640.

343 Pipeline licence fee

For the purposes of section 688(1) of the Act, the fee for a pipeline licence for a year of the term of the lease is \$90 per kilometre, or part of a kilometre, of the length of the pipeline at the beginning of the year.

344 Greenhouse gas holding lease fee

For the purposes of section 689(1) of the Act, the fee for a greenhouse gas holding lease for a year of the term of the lease is \$6820 for each block to which the lease relates at the beginning of the year.

345 Greenhouse gas injection licence fee

For the purposes of section 689(1) of the Act, the fee for a greenhouse gas injection licence for a year of the term of the lease is \$20 460 for each block to which the licence relates at the beginning of the year.

Division 3—Other fees

346 Fee for entries in the Register of memoranda of transfers of title

- (1) For the purposes of item 2 in the table to section 557(2) of the Act, the amount prescribed is \$920.
- (2) For the purposes of item 3 in the table to section 557(2) of the Act, the amount prescribed is \$920.
- (3) For the purposes of item 4 in the table to section 557(2) of the Act, the amount prescribed is \$4590.

347 Fee for approval of dealing relating to a petroleum title

- (1) For the purposes of item 5 in the table to section 558(2) of the Act, the amount prescribed is \$920.
- (2) For the purposes of item 6 in the table to section 558(2) of the Act, the amount prescribed is \$4590.

348 Fee for registration of transfer of greenhouse gas title

For the purposes of section 572(3) of the Act, the prescribed fee is \$920.

349 Fee for registration of dealing with greenhouse gas title

For the purposes of section 586(3) of the Act, the prescribed fee is \$920.

350 Register inspection fees

- (1) For the purposes of section 550(1) and (2) of the Act, the prescribed fee is \$19.
- (2) For the purposes of section 607(1) and (2) of the Act, the prescribed fee is \$19.

351 Document and certification fees

- (1) For the purposes of sections 551(2) and 608(2) of the Act, the prescribed fee is \$3.50 per page of the copy or extract.

- (2) For the purposes of sections 552(1) and 609(1) of the Act, the prescribed fee is \$45.

352 Information fees

For the purposes of regulations 285(2), 286(3), 324(2) and 325(3), the fee payable by a person before information is made available to that person is an amount equal to the sum of the following amounts—

- (a) if the information requested is contained in a document and that document is lent to the person who made the request—an amount calculated at the rate of \$38 per day or part of a day during which the document containing the information is on loan to that person;
- (b) if the information requested is contained in a document and that document is not readily available and a search is necessary to locate the information—an amount calculated at the rate of \$38 per hour or part of an hour after the first half hour for the time taken to locate the information;
- (c) if any information referred to in paragraph (a) or (b) is, on the application of the person making the request—
 - (i) copied or reproduced; or
 - (ii) forwarded or consigned to that person—

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

353 Sample inspection fees

For the purposes of regulations 289(3) and 328(3), the fee payable by a person before he or she is permitted to inspect a sample is an amount equal to the sum of the following amounts—

- (a) if the sample is lent to the person who made the request—an amount calculated at the rate of \$38 per day or part of a day during which the sample is on loan to that person;
- (b) if the sample is, on the application of the person making the request, forwarded or consigned to that person—an amount equal to all costs incurred in the forwarding or consignment, including the costs of packaging (if applicable).

Part 6.2—Transitional provisions for Chapter 3—safety

Division 1—Preliminary

354 Definitions

In this Part—

diving contractor has the meaning given by regulation 41;

DSMS has the meaning given by regulation 41;

facility has the meaning given by regulation 41;

former Diving Safety Regulations means Part 9 of the Petroleum (Submerged Lands) Regulations 2004, as in force immediately before 1 January 2012;

former Management of Safety Regulations means Part 7 of the Petroleum (Submerged Lands) Regulations 2004, as in force immediately before 1 January 2012;

former Occupational Health and Safety Regulations means Part 6 of the Petroleum (Submerged Lands) Regulations 2004, as in force immediately before 1 January 2012;

former Pipelines Regulations means Part 8 of the Petroleum (Submerged Lands) Regulations 2004, as in force immediately before 1 January 2012;

operator has the meaning given by regulation 41;

safety case has the meaning given by regulation 41.

Division 2—Operators

355 Operator of a facility before 1 January 2012

A person whose name is registered in the register maintained under regulation 706 of the former Management of Safety Regulations immediately before 1 January 2012 continues to be registered as the operator of the facility until the Safety Authority removes the person's name from the register under regulation 48.

356 Register of operators

- (1) The register of operators maintained by the Safety Authority under the former Management of Safety Regulations immediately before 1 January 2012, and the register of operators maintained by the Safety Authority under the former Pipelines Regulations immediately before 1 January 2012, are, together, taken to be the register of operators that is to be maintained under regulation 47, unless the Safety Authority decides to create a new register.
- (2) If the register of operators that is to be maintained under regulation 47 does not include information that—
 - (a) is in the possession of the Safety Authority; and
 - (b) should have been included in the register in accordance with the former Management of Safety Regulations or these Regulations—the register is taken to include that information from the time when the Safety Authority receives it.

Division 3—Safety cases

357 Existing safety cases remain in force

- (1) A safety case that—
- (a) was accepted, or was taken to have been accepted, by the Safety Authority under the former Management of Safety Regulations before 1 January 2012; and
 - (b) is in force immediately before 1 January 2012—

is taken to be a safety case that was accepted by the Safety Authority under regulation 70 with effect from the date on which it was accepted, or was taken to have been accepted, under the former Management of Safety Regulations.

Note

The effect of this subregulation is that the safety case will have to be varied at the end of 5 years after its original acceptance under the former Management of Safety Regulations.

- (2) If a safety case—
- (a) is taken to be accepted by the Safety Authority in accordance with subregulation (1); and
 - (b) is subject to a limitation, condition or restriction imposed under the former Management of Safety Regulations—
- the safety case continues to be subject to the limitation, condition or restriction as if it had been imposed by the Safety Authority under these Regulations.

358 Application for acceptance of safety case or varied safety case made before 1 January 2012

- (1) If an application for acceptance of a safety case or a varied safety case was made to the Safety Authority before 1 January 2012, the Safety Authority must—
 - (a) continue the process of considering the application as if it were an application under these Regulations for acceptance of a safety case or a proposal for a variation of a safety case; and
 - (b) give the operator a reasonable opportunity to modify the safety case to meet any new requirements relating to the Act and these Regulations as in force on and after 1 January 2012.
- (2) The time limits for—
 - (a) the consideration of the application for acceptance of the safety case; and
 - (b) the power to seek further information—commence on 1 January 2012 as if the application had been lodged on that day.
- (3) Anything done, or omitted to be done, in relation to the safety case or varied safety case before 1 January 2012 is taken to have been done, or omitted to be done, at that time, in relation to the application under these Regulations for acceptance of the safety case or proposal for a variation of a safety case.

Division 4—Pipelines

359 Existing pipeline management plans remain in force

- (1) A pipeline management plan that was in force in respect of a licensed pipeline under the former Pipelines Regulations immediately before 1 January 2012 is taken to be a safety case that was accepted by the Safety Authority under regulation 70 with effect from the date on which—
 - (a) the pipeline management plan was accepted by the Minister under regulation 825 of the former Pipelines Regulations; or
 - (b) a varied pipeline management plan was accepted by the Minister under regulation 838 of the former Pipelines Regulations.
- (2) Subregulation (1) applies to a pipeline management plan or a variation of a pipeline management plan—
 - (a) that was accepted for one or more specified stages in the life of the pipeline; or
 - (b) that was accepted subject to conditions or limitations.

360 Application for acceptance of pipeline management plan or varied pipeline management plan made before 1 January 2012

- (1) If an application for acceptance of a pipeline management plan was made to the Minister before 1 January 2012, the Minister must—
 - (a) continue the process of considering the application as if it were an application for acceptance of a safety case or a proposal for a variation of a safety case; and

- (b) give the operator a reasonable opportunity to modify the pipeline management plan to meet any new requirements relating to the Act and these Regulations as in force on and after 1 January 2012.
- (2) If an application for acceptance of a varied pipeline management plan which includes a matter affecting the health and safety of persons was made to the Minister before 1 January 2012, the Minister must—
 - (a) continue the process of considering the application as if it were an application for acceptance of a safety case or a proposal for a variation of a safety case; and
 - (b) give the operator a reasonable opportunity to modify the varied pipeline management plan to meet any new requirements relating to the Act and these Regulations as in force on and after 1 January 2012.
- (3) The time limits for—
 - (a) the consideration of the application for acceptance of the pipeline management plan or varied pipeline management plan; and
 - (b) the power to seek further information—commence on 1 January 2012 as if the application had been lodged on that day.
- (4) Anything done, or omitted to be done, in relation to the pipeline management plan or varied pipeline management plan before 1 January 2012 is taken to have been done, or omitted to be done, at that time, in relation to the application for acceptance of a safety case or a proposal for a variation of a safety case.

361 Operator of a pipeline before 1 January 2012

A person whose name is registered in the register maintained under regulation 807 of the former Pipelines Regulations immediately before 1 January 2012 continues to be registered as the operator of the facility until the Safety Authority removes the person's name from the register under regulation 48.

Division 5—Diving safety management systems and diving project plans

362 Register of DSMSs and varied DSMSs

- (1) The register of DSMSs maintained by the Safety Authority under the former Diving Safety Regulations immediately before 1 January 2012 is taken to be the register of DSMSs and varied DSMSs that is to be maintained under regulation 136, unless the Safety Authority decides to create a new register.
- (2) If the register of DSMSs and varied DSMSs that is to be maintained under regulation 136 does not include information that—
 - (a) is in the possession of the Safety Authority; and
 - (b) should have been included in the register in accordance with the former Diving Safety Regulations or these Regulations—

the register is taken to include that information from the time when the Safety Authority receives it.

363 Existing DSMS remain in force

A DSMS that—

- (a) was accepted, or was taken to have been accepted, by the Safety Authority under the former Diving Safety Regulations before 1 January 2012; and
- (b) is in force immediately before 1 January 2012—

is taken to be a DSMS that was accepted by the Safety Authority under regulation 132 or 133 with effect from the date on which it was accepted, or was taken to have been accepted, under the former Diving Safety Regulations.

364 Application for acceptance of DSMS or varied DSMS made before 1 January 2012

- (1) If an application for acceptance of a DSMS or a varied DSMS was made to the Safety Authority before 1 January 2012, the Safety Authority must—
 - (a) continue the process of considering the application as if it were an application for acceptance of a safety case or a proposal for a variation of a safety case; and
 - (b) give the operator a reasonable opportunity to modify the DSMS or varied DSMS to meet any new requirements relating to the Act and these Regulations as in force on and after 1 January 2012 for the acceptance of a safety case or a proposal for the variation of a safety case.
- (2) The time limits for—
 - (a) the consideration of the application for acceptance of the DSMS or varied DSMS; and

(b) the power to seek further information—
commence on 1 January 2012 as if the application
had been lodged on that day.

- (3) Anything done, or omitted to be done, in relation to the DSMS or varied DSMS before 1 January 2012 is taken to have been done, or omitted to be done, at that time, in relation to the application for acceptance of a safety case or a proposal for a variation of a safety case.

365 Notices taken to be given by Safety Authority

- (1) A variation notice given to a diving contractor by the Safety Authority under regulation 913 of the former Diving Safety Regulations is taken to be a variation notice given by the Safety Authority under regulation 138 with effect from the date on which it was given to the diving contractor under the former Diving Safety Regulations.
- (2) A notice given to a diving contractor by the Safety Authority under regulation 913(4) of the former Diving Safety Regulations is taken to be a notice given by the Safety Authority under regulation 138(4) with effect from the date on which it was given to the diving contractor under the former Diving Safety Regulations.

366 Existing diving project plans remain in force

A diving project plan that—

- (a) was accepted, or was taken to have been accepted, by the Safety Authority under the former Diving Safety Regulations before 1 January 2012; and
- (b) is in force immediately before 1 January 2012—

is taken to be a diving project plan that was accepted by the Safety Authority under regulation 140 with effect from the date on which

it was accepted, or was taken to have been accepted, under the former Diving Safety Regulations.

Division 6—Administrative actions taken before 1 January 2012

367 Actions

- (1) This regulation applies to an action that was taken—
 - (a) by the Safety Authority, an OHS inspector, a facility operator or any other person; and
 - (b) under, or for the purposes of, a provision of—
 - (i) the former Diving Safety Regulations; or
 - (ii) the former Management of Safety Regulations; or
 - (iii) the former Occupational Health and Safety Regulations; or
 - (iv) the former Pipelines Regulations; and
 - (c) in the course of a process that was incomplete or continuing on 1 January 2012.
- (2) For the purposes of these Regulations, the action is taken to have the effect it would have if it were taken under the corresponding provision of these Regulations.

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

368 Existing exemptions remain in force

An order issued by the Safety Authority under clause 45 of Schedule 7 to the **Petroleum (Submerged Lands) Act 1982** that is in force

immediately before 1 January 2012, exempting a person from one or more of the provisions of Part 3 of that Schedule, is taken—

- (a) to be an order under clause 52 of Schedule 3 to the Act; and
- (b) to remain subject to any conditions or time limitations to which the order was subject.

369 Application for exemption made before 1 January 2012

- (1) If an application for an order exempting a person from one or more of the provisions of Part 3 of Schedule 7 to the **Petroleum (Submerged Lands) Act 1982** was made to the Safety Authority under the former Occupational Health and Safety Regulations before 1 January 2012, the Safety Authority must—
 - (a) continue the process of considering the application; and
 - (b) give the applicant a reasonable opportunity to modify the application to meet any new requirements relating to the Act and these Regulations as in force on and after 1 January 2012.
- (2) The time limits for—
 - (a) the consideration of the application; and
 - (b) the power to seek further information—commence on 1 January 2012 as if the application had been lodged on that day.

Schedules

Schedule 1

Regulation 337

Part 1—Application fees for petroleum applications

<i>Item</i>	<i>Type of application</i>	<i>Fee (\$)</i>
1	Work-bid petroleum exploration permit	4 590
2	Special petroleum exploration permit	4 590
3	Cash-bid petroleum exploration permit	1 835
4	Renewal of petroleum exploration permit (all types)	1 835
5	Petroleum retention lease (all types)	1 835
6	Renewal of petroleum retention lease (all types)	1 835
7	Petroleum production licence over a surrendered block	4 590
8	Petroleum production licence over an individual block	920
9	Petroleum production licence (other than a licence in items 7 and 8)	1 835
10	Renewal of petroleum production licence (all types)	1 835
11	Infrastructure licence	1 835
12	Pipeline licence	4 590
13	Variation of pipeline licence	920
14	Petroleum special prospecting authority	920

Part 2—Application fees for greenhouse gas applications

<i>Item</i>	<i>Type of application</i>	<i>Fee (\$)</i>
1	Work-bid greenhouse gas assessment permit	0
2	Cash-bid greenhouse gas assessment permit	0
3	Renewal of greenhouse gas assessment permit	0
4	Greenhouse gas holding lease (all types)	1 835
5	Renewal of greenhouse gas holding lease	1 835
6	Greenhouse gas injection licence	1 835
7	Greenhouse gas search authority	0
8	Greenhouse gas site closing certificate	4 590

Schedule 2—Forms

Sch. 2 Form 1
amended by
S.R. No.
160/2012
reg. 56.

FORM 1

Regulations 44 and 124(a)

Offshore Petroleum and Greenhouse Gas Storage Act 2010

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

PROVISIONAL IMPROVEMENT NOTICE

To:

*(the responsible person within the meaning of clause 44(2) of
Schedule 3 to the Act)*

I, *(name of the health and safety representative issuing the notice)*, elected as the health and safety representative under clause 31 of Schedule 3 to the Act for *(description of the designated work group)*, after consultation in accordance with clause 44(1) of Schedule 3 to the Act, believe that the following provision*/provisions* of the Act*/Regulations*/Act and Regulations* is*/are* being contravened or is*/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 44(5)(b) of Schedule 3 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 44(6) of Schedule 3 to the Act, I specify the following action to be taken:

Dated:

(signature)

Health and safety representative

[*Omit if inapplicable]

NOTES:

1. Under clause 45(1) of Schedule 3 to the Act, a person to whom a provisional improvement notice is given may, within 7 days, request NOPSEMA or an OHS inspector to conduct an investigation into the subject matter of the notice.
 2. Clause 45(5) of Schedule 3 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 45(6) of Schedule 3 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 45(7) of Schedule 3 to the Act requires the responsible person—
 - to ensure, as far as possible, that a provisional improvement notice is complied with; and
 - to inform the health and safety representative who issued the notice of the action taken to comply with the notice.
 5. Under clause 95 of Schedule 3 to the Act, if an OHS inspector has confirmed or varied a provisional improvement notice any of the following persons may request Fair Work Australia in writing to review the OHS inspector's decision—
 - the operator of the facility or an employer affected by the decision;
 - the person to whom the notice was issued;
 - 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 substances or thing to which that decision relates.

FORM 2

Regulations 44 and 124(b)

Offshore Petroleum and Greenhouse Gas Storage Act 2010

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

**NOTICE OF REMOVAL*/SAMPLING* OF PLANT, SUBSTANCE
OR THING**

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 appointed under section 680 of
the Offshore Petroleum and Greenhouse Gas Storage Act 2006 of the
Commonwealth, in the course of conducting an inspection under clause 55 of
Schedule 3 to the Act, have taken possession*/ a sample* of:

(description of item removed or substance or thing sampled)

from the workplace at:

(address)

The reason for this action is:

(explanation of why removal or sampling was necessary)

Signed: *(OHS Inspector)*

Dated:

[*Omit if inapplicable]

NOTES:

1. Under clause 93 of Schedule 3 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 60 penalty units.
2. Under clause 82(3) of Schedule 3 to the Act, if a notice is issued to the operator or to an employer of members of the workforce, the operator's representative at the facility must cause a copy of the notice to be displayed in a prominent place at or near each workplace from which the item was removed.

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3. Under clause 95 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia in writing to review the OHS inspector's decision—
- the operator of the facility or an employer affected by the decision;
 - the health and safety representative for a designated work group that includes a group member affected by the decision;
 - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
 - if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
 - the owner of any plant, substance or thing to which the OHS inspector's decision relates.

FORM 3

Regulations 44 and 124(c)

Offshore Petroleum and Greenhouse Gas Storage Act 2010

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

DO NOT DISTURB NOTICE

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

I, *(name of OHS inspector)* an OHS inspector appointed under section 680 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 of the Commonwealth, direct that *(name of operator)* must ensure that:

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

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

The reasons for giving this direction are:

Signed: *(OHS Inspector)*

Dated:

NOTES:

1. Under clause 83(6) of Schedule 3 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 120 penalty units.
2. Under clause 83(4) of Schedule 3 to the Act, this notice must be displayed in a prominent place at the workplace.
3. Under clause 93 of Schedule 3 to the Act, a person who tampers with or removes this notice before it ceases to have effect may be liable to a penalty of 60 penalty units.
4. Under clause 95 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia 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;

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- if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
- the owner of any plant, substance or thing to which the OHS inspector's decision relates.

FORM 4

Regulations 44 and 124(d)

Offshore Petroleum and Greenhouse Gas Storage Act 2010

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

PROHIBITION NOTICE

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

I, *(name of OHS inspector)*, an OHS inspector appointed under section 680 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 of the Commonwealth, 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 am of the opinion that the following activity is a threat to the health or safety of a person:

(specify activity)

I THEREFORE DIRECT that the operator ensure that

*the activity is not engaged in.

*the activity is not engaged in in the following manner: *(specify the manner in which it is not to be engaged. If insufficient space, use additional page)*

The reasons why I am satisfied that the activity has caused the threat to health or safety are:

(if insufficient space, use additional page)

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

(if insufficient space, use additional page)

Signed: *(OHS Inspector)*

Dated:

[*Omit if inapplicable]

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NOTES:

1. Under clause 87 of Schedule 3 to the Act, an operator who fails to ensure that this notice is complied with may be liable to a penalty of 240 penalty units.
2. Under clause 88(1) of Schedule 3 to the Act, a notice ceases to have effect when an OHS inspector notifies the operator that the OHS inspector is satisfied that the operator has taken adequate action to remove the threat to health or safety.
3. Under clause 86(2) of Schedule 3 to the Act, 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.
4. Under clause 93 of Schedule 3 to the Act, a person who tampers with or removes this notice before it ceases to have effect may be liable to a penalty of 60 penalty units.
5. Under clause 95 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia in writing to review the OHS inspector's decision—
 - the operator of the facility or an employer who is 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.

FORM 5

Regulations 44 and 124(e)

Offshore Petroleum and Greenhouse Gas Storage Act 2010

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

IMPROVEMENT NOTICE

To: *(name of responsible person)*

I, *(name of OHS inspector)*, an OHS inspector appointed under section 680 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006 of the Commonwealth, 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 3 to the Act; or
- (b) regulation ; or
- (c) section 654*/663* of the Act;

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*/regulation*/section*.

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

(If insufficient space, use additional page)

You are directed to sign and return the declaration on the bottom of this Improvement Notice once the required improvement has been completed.

Signed: *(OHS Inspector)*

Dated:

[*Omit if inapplicable]

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

Name:

Position:

Address:

Telephone number:

Improvement Notice No. has been complied with.

Signed:

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

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

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

(See notes below)

NOTES

1. Under clause 92 of Schedule 3 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 120 penalty units.
 2. If this notice is displayed at a workplace by the operator's representative in accordance with clause 91(2) of Schedule 3 to the Act, clause 93 of that Schedule provides that the notice must not be tampered with or removed before it has ceased to have effect.
 3. Under clause 91(2) of Schedule 3 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.
 4. Under clause 95 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia to review the OHS inspector's decision—
 - the operator of the facility or an employer who is affected by the decision;
 - the person to whom the improvement notice has been issued;
-

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Schedule 2—Forms

- the health and safety representative for a designated work group that includes a group member affected by the decision;
- a workforce representative in relation to the designated work group that includes a group member affected by the decision;
- if there is no designated work group—a workforce representative in relation to a member of the workforce affected by the decision;
- the owner of any plant, substance or thing to which the OHS inspector's decision relates.

Schedule 3—Hazardous substances

Regulation 98(2)

Part 1—Interpretation

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 means—

- (a) in relation to a facility that contains asbestos—that the asbestos was fixed or installed in the facility—
 - (i) before 1 January 2005; and
 - (ii) in such a way that the asbestos does not constitute a risk to any person unless the asbestos is disturbed; and
- (b) in relation to an item of plant—that the asbestos was fixed or installed in the item of plant—
 - (i) before 1 January 2005; and
 - (ii) in such a way that the asbestos does not constitute a risk to any person unless the asbestos is disturbed.

Part 2—Permitted circumstances for using certain hazardous substances

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

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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
1	2-Acetylaminofluorene [53-96-3]	Bona fide research
2	Aflatoxins	Bona fide research
3	4-Aminodiphenyl [92-67-1]	Bona fide research
4	Amosite (brown asbestos) [12172-73-5]	1 Bona fide research 2 Handling for storage prior to removal or disposal of amosite 3 Storage prior to removal or disposal of amosite

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
		4 Removal or disposal of amosite in accordance with a law relating to the removal of asbestos
		5 Disturbance of naturally occurring amosite that is incidental to operations not related to the extraction or processing of amosite, for example, roadworks
		6 Use of a facility that contains amosite, or use of an item of plant that is attached to a facility and that contains amosite, where— (a) the amosite is in situ; and (b) the use does not disturb the amosite
5	Benzidine [92-87-5] and its salts, including benzidine dihydrochloride [531-85-1]	Bona fide research
6	bis(Chloromethyl) ether [542-88-1]	Bona fide research
7	Chloromethyl methyl ether (technical grade containing bis(chloromethyl) ether) [107-30-2]	Bona fide research

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
8	Crocidolite (blue asbestos) [12001-28-4]	1 Bona fide research 2 Handling for storage prior to removal or disposal of crocidolite 3 Storage prior to removal or disposal of crocidolite 4 Removal or disposal of crocidolite in accordance with a law relating to the removal of asbestos 5 Disturbance of naturally occurring crocidolite that is incidental to operations not related to the extraction or processing of crocidolite, for example, roadworks 6 Use (without disturbance) of crocidolite in products that are in situ
9	4-Dimethylaminoazo-benzene [60-11-7]	Bona fide research
10	2-Naphthylamine [91-59-8] and its salts	Bona fide research
11	4-Nitrodiphenyl [92-93-3]	Bona fide research
12	Actinolite asbestos [77536-66-4]	1 Bona fide research 2 Handling for storage prior to removal or disposal of actinolite

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Substance (identified by substance name, with chemical abstract number in square brackets)</i>	<i>Permitted circumstance</i>
13	Anthophyllite asbestos [77536-67-5]	<ul style="list-style-type: none"> 3 Storage prior to removal or disposal of actinolite 4 Removal or disposal of actinolite in accordance with a law relating to the removal of asbestos 5 Disturbance of naturally occurring actinolite that is incidental to operations not related to the extraction or processing of actinolite, for example, roadworks 6 Use (without disturbance) of actinolite in products that are in situ 1 Bona fide research 2 Handling for storage prior to removal or disposal of anthophyllite 3 Storage prior to removal or disposal of anthophyllite 4 Removal or disposal of anthophyllite in accordance with a law relating to the removal of asbestos

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

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Schedule 3—Hazardous substances

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

Schedule 4—Information to be set out in application for declaration of a part of a geological formation as an identified greenhouse gas storage formation

Regulation 162

Part 1—Information about the storage formation

- 1 A description of the geological features of the storage formation, including the effective sealing mechanism.
- 2 A detailed analysis of the geological features, including the effective sealing mechanism.
- 3 (1) Information relating to the integrity of the storage formation, set out in sufficient detail to satisfy the Minister that the applicant has an understanding of the geological environment that is sufficient to allow the applicant to identify all risks.
(2) The information must, as a minimum, identify or refer to the following matters—
 - (a) the stratigraphy of the storage formation and its rock types;
 - (b) the structure of the storage formation and its rock types;
 - (c) any faults in the structure of the storage formation or the seal rocks;
 - (d) the porosity and permeability of the storage formation and the seal rocks of the reservoir;
 - (e) the reactivity of the rock types of the reservoir and the seal rocks with the greenhouse gas substance to be stored;
 - (f) a geomechanical analysis of the storage formation, including an assessment of—
 - (i) the local stress regime; and
 - (ii) fracture gradients; and
 - (iii) fault stability; and
 - (iv) the geomechanical response of the storage formation to injection;
 - (g) the fluid parameters of the storage formation, including data about chemical composition, pressure and temperature;

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Schedule 4—Information to be set out in application for declaration of a part
of a geological formation as an identified greenhouse gas storage formation

- (h) seismic information about the area, including the history of seismic activity in the area;
 - (i) the conduct of any previous exploration activity in the area of the storage formation for petroleum or greenhouse gas substances;
 - (j) the existence of abandoned wells, including a map showing the location of each abandoned well, and any information available to the applicant about—
 - (i) their location; and
 - (ii) the history of their construction; and
 - (iii) how they were plugged; and
 - (iv) the kind of cement that was used to plug them; and
 - (v) other aspects of the nature of the wells.
- 4 A depositional model of the storage formation, relating to the reservoir and the seal rocks.
- 5 Any other geological information that may be relevant to the long-term safe and secure storage of the greenhouse gas substance, including information that relates to an area outside the permit area, lease area or licence area.

Part 2—Information about plume migration

- 1 (1) A description of what the applicant predicts to be each expected migration pathway relating to the storage formation for which the applicant has estimated the probability of occurrence to be more than 10%.

Note

See section 23(5) of the Act.

- (2) The prediction must be set out and explained in sufficient detail to satisfy the Minister that the prediction is likely to be sound.
- (3) The prediction must be based on—
 - (a) the particular amount of greenhouse gas injected; and
 - (b) the particular greenhouse gas substance; and
 - (c) the particular point or points of injection; and

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Schedule 4—Information to be set out in application for declaration of a part
of a geological formation as an identified greenhouse gas storage formation

(d) the particular injection period—

which form the fundamental suitability determinants of the storage
formation.

Note

See section 23(8) of the Act.

- 2 Details of any modelling undertaken to make the prediction, including
details of—
 - (a) the methodology used; and
 - (b) the types of models used; and
 - (c) any assumptions made in the course of the modelling.
- 3 The probability distributions associated with the prediction.

Part 3—Information about engineering enhancements

- 1 (1) A description of any proposed engineering enhancements that will
be made in relation to the storage formation.
(2) The description must be set out in sufficient detail to satisfy the
Minister that any risks relating to the containment of the
greenhouse gas substance in the storage formation are likely to be
acceptable, taking into account the proposed engineering
enhancements.
- 2 Details of the risk assessment analysis used by the applicant to support
the proposed engineering enhancements, including, for each risk
factor—
 - (a) a description of the risks associated with the storage formation;
and
 - (b) the possible consequences of each risk factor; and
 - (c) an assessment of the probabilities of occurrence and possible
consequences; and
 - (d) an explanation of how the risk has been, or will be eliminated or
reduced to as low as practicable.

Part 4—Information about estimated spatial extent of the storage formation

- 1 (1) A description of each graticular block in the offshore area which the applicant believes will be occupied by the injected greenhouse gas substance during the period starting when the injection of the greenhouse gas substance commences and ending at the earliest time at which a closing certificate could be issued for the project.
- (2) The description must include the location of each injection point.

Note

A factor in identifying the appropriate graticular blocks is the location of what the applicant predicts to be each expected migration pathway relating to the storage formation for which the applicant has estimated the probability of occurrence to be more than 10%.

- 2 A description of each graticular block in the offshore area—
 - (a) to which item 1 of this Part does not apply; and
 - (b) which is within the permit area; and
 - (c) which is contiguous with a graticular block to which item 1 of this Part applies; and
 - (d) to which the applicant will require access for the purpose of managing the project.
- 3 An explanation of the three-dimensional extent of the effective sealing mechanism within the spatial extent of the storage formation.

Schedule 5—Information that must be set out in Part B of site plan

Regulation 168(4)

Part 1—Information about project planning and management

- 1 Sufficient information to satisfy the Minister that—
 - (a) adequate planning has taken place in relation to the operations; and
 - (b) the greenhouse gas injection licensee has access to sufficient resources to manage the financial and technical aspects of the project; and
 - (c) the greenhouse gas injection licensee intends to deploy those resources to manage the financial and technical aspects of the project.
- 2 Details of—
 - (a) any joint venture arrangements between the applicants for the greenhouse gas injection licence; and
 - (b) any operator that has been appointed to represent the titleholders in relation to the proposed injection licence; and
 - (c) any commercial agreements or negotiations undertaken with suppliers of greenhouse gas substances for injection.

Note

Information marked as commercial-in-confidence will not be made available publicly.

- 3 The name of the person who is to be the single point of contact on matters relating to the project, and—
 - (a) clear chains of command; and
 - (b) the person's contact details.

Note

There may be different chains of command for different elements of the project.

Part 2—Information about overview of operations

- 1 A description of the facilities.
- 2 A description of the proposed rates of injection.
- 3 A description of the injection pressures.
- 4 A description of the number and location of injection wells.
- 5 The source, composition and other relevant physical and chemical properties of each greenhouse gas substance proposed for storage.
- 6 A project schedule.
- 7 An explanation of the indicative timing proposed for each major milestone of the operations.
- 8 Information about significant works and upgrades that are planned over the life of the operations.

Part 3—Information about storage formation integrity

- 1 The information relating to integrity of the storage formation that was included in the application for the declaration of the part of the geological formation as an identified greenhouse gas storage formation.

Part 4—Information about plume migration modelling

- 1 The information relating to plume migration that was included in the application for the declaration of the part of the geological formation as an identified greenhouse gas storage formation.

Part 5—Information about predictions relating to the behaviour of each greenhouse gas substance

- 1 Sufficient information to satisfy the Minister that the predictions presented in Part A of the site plan are soundly based.
- 2 Information demonstrating that the information in item 1 of this Part has been prepared having regard to all identified behaviours of each greenhouse gas substance that is, or is to be, stored in the greenhouse

gas storage formation, whether or not the behaviour has been identified in Part A.

- 3 An undertaking to provide revised predictions at times approved by the Minister.

Part 6—Information about risk assessment, analysis and control and remediation strategies

- 1 The information relating to—
 - (a) risk assessments; and
 - (b) analysis and control relating to the containment of the greenhouse gas substance that is, or is to be, stored in the greenhouse gas storage formation; and
 - (c) remediation strategies relating to the containment of the greenhouse gas substance that is, or is to be, stored in the greenhouse gas storage formation—

that was included in the application for the declaration of the part of the geological formation as an identified greenhouse gas storage formation.

- 2 Sufficient information about any identified risk factors that were not included in the application for the declaration of the part of the geological formation as an identified greenhouse gas storage formation to satisfy the Minister that residual risks, after taking into account proposed risk control and remediation strategies have been taken into account, are acceptable.

Examples

Leakages from well bores, leakages during transport and injection, any abandoned wells that could adversely affect the storage formation.

- 3 Details of the risk assessment analysis used by the applicant to identify the risk factors, including, for each risk factor—
 - (a) a description of the risk factor; and
 - (b) the possible consequences of each risk factor; and
 - (c) an assessment of the probabilities of occurrence and possible consequences; and
 - (d) an explanation of how the risk factor has been eliminated or reduced to as low as practicable.

- 4 A description of any emergency response plan that may be needed, additional to the emergency response plans included in the safety case or the environment plan, including details of any strategies to be adopted and action to be taken under that plan.

Part 7—Information about monitoring behaviour of the stored greenhouse gas substance in the storage formation

- 1 A plan for monitoring the behaviour of the greenhouse gas substance in the reservoir that is sufficient to satisfy the Minister that—
- (a) significant events in the reservoir will be detected in a timely fashion to enable any necessary mitigation and remediation activities to be initiated; and
 - (b) the timing and nature of the monitoring will detect any variations from the predictions included in Part A of the site plan.
- 2 Details of—
- (a) any substance that is proposed to be used as a tracer for addition to the greenhouse gas substance; and
 - (b) the concentration of the substance as used with the greenhouse gas substance.
- 3 A description of the threshold events which will be treated as reportable incidents in relation to the behaviour of the greenhouse gas substance in the storage formation, being—
- (a) departures from the predicted plume migration path or paths; or
 - (b) migration rates; or
 - (c) any other event that may be relevant.
- 4 A suitable plan for monitoring and detecting the leakage of the stored greenhouse gas substance to the seabed.

Part 8—Information about monitoring greenhouse gas substance losses from transport and injection activities

- 1 A suitable program for monitoring and detecting any leakages as a result of transportation or an injection activity.
- 2 An undertaking that a report of the results of monitoring, and any raw data collected during monitoring, will be provided to the Minister as soon as practicable after the completion of the monitoring.

Part 9—Information about monitoring greenhouse as substance losses from well bore

- 1 A suitable program for monitoring and detecting leakages from any well bore that forms part of the operations.
- 2 An undertaking that a report of the results of monitoring, and any raw data collected during monitoring, will be provided to the Minister as soon as practicable after the completion of the monitoring.

Part 10—Information about monitoring effects on petroleum industry

- 1 A description of the potential effect of the operations on the petroleum industry.
- 2 A summary of the contents of any designated agreement between the applicant and a petroleum titleholder.

Part 11—Information about effect on other resources

- 1 A description of the potential effect of the operations on—
 - (a) resources other than petroleum; and
 - (b) the rights and interests of other users of the sea—including a description of any effect that could arise from injection and storage operations the applicant intends to undertake in the injection licence area and a suitable plan for reducing the potential effect of the operations to an acceptable level.

Part 12—Information about site closure

- 1 A suitable plan for carrying out any work that is required to remediate the storage formation, including—
 - (a) plugging of wells; or
 - (b) stabilising the subsurface; or
 - (c) remediating any abandoned wells or other features that could pose a risk of leakage of the greenhouse gas substance after a closing certificate has been issued.
- 2 A suitable plan for monitoring activities that are to be undertaken after injection ceases.

Part 13—Information about consultation

- 1 A description of—
 - (a) any consultations that have taken place with stakeholders, including other users of the sea that might be affected by the proposed operations; and
 - (b) the outcomes of the consultations.
- 2 A suitable strategy for consultation with stakeholders to establish mechanisms for interaction with stakeholders over the life of the operations.

Schedule 6—Information that must be set out in summary of site plan

Regulation 169(1)

- 1 A short description of—
 - (a) the project; and
 - (b) the size of its footprint; and
 - (c) the schedule for carrying on the project.
- 2 The project's location, including—
 - (a) the latitude and longitude; and
 - (b) the distance of the location from the nearest point of the Australian mainland; and
 - (c) the distance of the location from the nearest Australian town and the nearest Australian capital city.
- 3 A description of the title.
- 4 The name of each current titleholder.
- 5 For the project—
 - (a) its storage capacity; and
 - (b) the proposed injection amount and the period of injection for each greenhouse gas substance to be injected; and
 - (c) the number and location of the proposed injection wells.
- 6 Details of the proposed monitoring program that will verify plume behaviour.

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Schedule 7—Initial well completion data

Schedule 7—Initial well completion data

Regulations 266 and 302

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Raw data, edited field data and processed data for all wireline logs, MWD or LWD tools	CD-ROM, DVD or portable hard drive	LIS, DLIS or LAS
2	Log displays	CD-ROM, DVD or portable hard drive	PDS, META, PDF or TIF
3	Edited field data and processed data for borehole deviation surveys	CD-ROM, DVD or portable hard drive	LIS, DLIS, ASCII, LAS or XLS
4	Mudlogging data	CD-ROM, DVD or portable hard drive	ASCII or LAS
5	Mudlog display	CD-ROM, DVD or portable hard drive	TIF or PDF
6	If generated, data from velocity surveys including— (a) raw data; and (b) processed data; and (c) checkshot and time/depth analysis	CD-ROM, DVD or portable hard drive	DLIS or SEG-Y for raw data and processed data DLIS, SEG-Y or ASCII for checkshot data
7	Velocity survey displays	CD-ROM, DVD or portable hard drive	TIF, JPEG, PDF or PDS
8	Photography of the core and sidewall core, in both natural and UV light	CD-ROM, DVD or portable hard drive	JPEG, PNG or TIF

Schedule 8—Final well completion data

Regulations 267 and 303

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Interpretative log analysis	CD-ROM, DVD or portable hard drive	LIS, DLIS, ASCII, LAS or XLS
2	Composite well log	CD-ROM, DVD or portable hard drive	TIF, JPEG or PDF
3	Well index sheet	CD-ROM, DVD or portable hard drive	PDF
4	Petrophysical, geochemical or other sample analyses	CD-ROM, DVD or portable hard drive	ASCII or XLS

Schedule 9—Survey acquisition data

Regulations 269 and 305

Part 1—For seismic surveys

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Raw navigation data	CD-ROM, DVD, portable hard drive or 3592 cartridge	UKOOA (P2/94 or later)
2	Seismic field data	3592 cartridge	SEG Standard
3	Seismic support data	CD-ROM, DVD or portable hard drive	PDF
4	Itemised field tape listing showing— (a) tape number; and (b) survey name; and (c) line number; and (d) shotpoint range; and (e) data type	CD-ROM, DVD or portable hard drive	ASCII

Part 2—For other surveys

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Field data	CD-ROM, DVD or portable hard drive	ASCII
2	Field support and navigation data	CD-ROM, DVD or portable hard drive	ASCII

Schedule 10—Processed survey data

Regulations 270 and 306

Part 1—For 2D seismic surveys

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Raw and final stacked data, including near/mid/far sub-stacks if generated	3592 cartridge	SEG-Y
2	Raw and final migrated data, including— (a) pre-stack time migration (PSTM); and (b) pre-stack depth migration (PSDM); and (c) near/mid/far sub-stacks	3592 cartridge	SEG-Y
3	Final processed navigation, elevation and bathymetry data	CD-ROM, DVD or portable hard drive	UKOOA (P1/90 or later)
4	Shotpoint to common depth point (CDP) relationship	CD-ROM, DVD or portable hard drive	ASCII
5	Data for both stacked and migrated velocities, including— (a) line number; and (b) shotpoint; and (c) time versus root mean square (RMS) pairs	CD-ROM, DVD or portable hard drive	ASCII

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S.R. No. 153/2011
Schedule 10—Processed survey data

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
6	Itemised process tape listing showing— (a) tape number; and (b) survey name; and (c) line number; and (d) shotpoint range; and (e) common depth points (CDPs); and (f) data type	CD-ROM, DVD or portable hard drive	ASCII

Part 2—For 3D seismic surveys

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Raw and final stacked data, including near/mid/far sub-stacks if generated	3592 cartridge	SEG-Y
2	Raw and final migrated data, including— (a) pre-stack time migration (PSTM); and (b) pre-stack depth migration (PSDM); and (c) near/mid/far sub-stacks	3592 cartridge	SEG-Y
3	Final processed navigation, elevation and bathymetry data	CD-ROM, DVD or portable hard drive	UKOOA (P1/90 or later)

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Schedule 10—Processed survey data

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
4	Final navigation data in the form of— (a) final processed (grid) bin coordinates; and (b) polygonal position data (outline of the full fold area)	CD-ROM, DVD or portable hard drive	UKOOA (P6/98 or later)
5	Data for both stacked and migrated velocities, including— (a) bin number; and (b) time versus root mean square (RMS) pairs	CD-ROM, DVD or portable hard drive	ASCII
6	2D data subset, if production is required as a condition of the grant of a title	3592 cartridge	SEG-Y
7	Itemised process tape listing showing— (a) tape number; and (b) survey name; and (c) in-lines and crosslines; and (d) data type	CD-ROM, DVD or portable hard drive	ASCII

Part 3—For other surveys

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Final processed data	CD-ROM, DVD or portable hard drive	ASCII or ASEG-GDF2
2	Final processed images	CD-ROM, DVD or portable hard drive	PDF

Schedule 11—Interpretative survey data

Regulations 271 and 304

<i>Item</i>	<i>Type of data</i>	<i>Standard media</i>	<i>Standard formats</i>
1	Digital images of interpretation maps	CD-ROM, DVD or portable hard drive	Georeferenced TIF or PDF

Schedule 12—Transfer of title

Regulation 329

State of Victoria

Transfer of title under Part 4.3 or Part 5.3 of the Offshore Petroleum and Greenhouse Gas Storage Act 2010

I/We ^{(1) (2)}

being the registered holder/holders ^{(1) (3)} of ⁽³⁾

in consideration of ⁽⁴⁾

hereby transfer all right, title and interest in that ⁽³⁾

to ⁽⁵⁾

IN WITNESS of this transfer the parties to the transfer have affixed their respective common seals or signatures below on this day of 20 .

⁽⁶⁾

⁽⁷⁾

NOTES:

- (1) *Delete whichever is inapplicable.*
 - (2) *Insert the name of the transferor, or where there are two or more transferors, the name of each transferor.*
 - (3) *Insert the type (e.g. exploration permit, production licence), and number, of the property transferred that is a title within the meaning of section 503 or 561 of the Act.*
 - (4) *Insert the value of the consideration for the transfer or the value of the title transferred. Where the transfer of the title is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.*
 - (5) *Insert the name and address of the transferee, or where there are two or more transferees, the name and address of each transferee.*
 - (6) *Affix the common seal or signature of the transferor or of each transferor, as the case may be.*
 - (7) *Affix the common seal or signature of the transferee or of each transferee, as the case may be.*
-
-

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Offshore Petroleum and Greenhouse Gas Storage Regulations 2011, S.R. No. 153/2011 were made on 13 December 2011 by the Governor in Council under section 794 of the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**, No. 10/2010 and came into operation on 1 January 2012: regulation 3.

The Offshore Petroleum and Greenhouse Gas Storage Regulations 2011 will sunset 10 years after the day of making on 13 December 2021 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011
S.R. No. 153/2011
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Offshore Petroleum and Greenhouse Gas Storage Regulations 2011 by statutory rules, subordinate instruments and Acts.

Offshore Petroleum and Greenhouse Gas Storage Amendment Regulations 2012,
S.R. No. 133/2012

Date of Making: 27.11.12

Date of Commencement: 1.12.12: reg. 3

Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA)
Regulations 2012, S.R. No. 160/2012

Date of Making: 19.12.12

Date of Commencement: 1.1.13: reg. 3

Offshore Petroleum and Greenhouse Gas Storage Amendment Regulations 2016,
S.R. No. 123/2016

Date of Making: 4.10.16

Date of Commencement: 4.10.16

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

- ¹ Reg. 11: The revocation of regulation 11 through its substitution by regulation 9 of the Offshore Petroleum and Greenhouse Gas Storage Amendment Regulations 2016 does not affect the previous operation of that regulation or anything duly done under that regulation: see section 28(2)(d) of the **Interpretation of Legislation Act 1984**.
- ² Reg. 20: The revocation of regulation 20 through its substitution by regulation 15 of the Offshore Petroleum and Greenhouse Gas Storage Amendment Regulations 2016 does not affect the previous operation of that regulation or anything duly done under that regulation: see section 28(2)(d) of the **Interpretation of Legislation Act 1984**.
- ³ Reg. 21: The amendment of regulation 21 by regulation 16 of the Offshore Petroleum and Greenhouse Gas Storage Amendment Regulations 2016 does not affect the previous operation of that regulation or anything duly done under that regulation: see section 28(2)(d) of the **Interpretation of Legislation Act 1984**.
- ⁴ Reg. 22: The amendment of regulation 22 by regulation 17 of the Offshore Petroleum and Greenhouse Gas Storage Amendment Regulations 2016 does not affect the previous operation of that regulation or anything duly done under that regulation: see section 28(2)(d) of the **Interpretation of Legislation Act 1984**.
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Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 153/2011 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 41, definition of <i>Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment</i> and regulation 99(4), definition of <i>appropriate exposure standard</i>	Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:1003(1995)] published by the National Occupational Health and Safety Commission in 1995, as amended from time to time	The whole
Regulation 41, definition of <i>Approved Criteria for Classifying Hazardous Substances</i> and regulation 99(4), definition of <i>hazardous substance</i> , paragraph (b)	Approved Criteria for Classifying Hazardous Substances [NOHSC:1008(2004)], 3rd Edition, published by the National Occupational Health and Safety Commission in October 2004, as amended from time to time	The whole
Regulation 41, definition of <i>AS/NZS 2299.1:2007</i> and regulation 153(2)(a) and (2)(d)	AS/NZS 2299.1:2007, Occupational diving operations, Part 1: Standard Operational Practice, published jointly by Standards Australia and Standards New Zealand on 31 August 2007, as amended from time to time	The whole

Offshore Petroleum and Greenhouse Gas Storage Regulations 2011

S.R. No. 153/2011

Endnotes

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 41, definition of <i>List of Designated Hazardous Substances</i> and regulation 99(4), definition of <i>hazardous substance</i> , paragraph (a)	List of Designated Hazardous Substances [NOHSC:10005(1999)] published by the National Occupational Health and Safety Commission in April 1999, as amended from time to time	The whole
Regulation 41, definition of <i>National Code of Practice for Noise Management and Protection of Hearing at Work</i> and regulation 100(3)(a)	National Code of Practice for Noise Management and Protection of Hearing at Work [NOHSC: 2009(2004)], 3rd Edition, published by the National Occupational Health and Safety Commission in June 2004, as amended from time to time	The whole
Regulation 41, definition of <i>National Model Regulations for the Control of Workplace Hazardous Substances</i> and regulation 98(4)	National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005(1994)] published by the National Occupational Health and Safety Commission in 1994, as amended from time to time	The whole
Regulation 41, definition of <i>National Standard for Occupational Noise</i> and regulation 100(6), definition of <i>noise exposure standard</i>	National Standard for Occupational Noise [NOHSC: 1007(2000)], 2nd Edition, published by the National Occupational Health and Safety Commission in July 2000, as amended from time to time	The whole