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PETROLEUM PIPELINES ACT 1969

**PETROLEUM PIPELINES
(MANAGEMENT OF SAFETY OF
PIPELINE OPERATIONS)
REGULATIONS 2010**

Western Australia

Petroleum Pipelines (Management of Safety of Pipeline Operations) Regulations 2010

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Petroleum Pipelines Act 1969

Petroleum Pipelines (Management of Safety of Pipeline Operations) Regulations 2010

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Petroleum Pipelines (Management of Safety of Pipeline Operations) Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Petroleum Legislation Amendment and Repeal Act 2005* Part 3 (other than section 29(2)) comes into operation.

3. Term used: Schedule 1

In these regulations —

Schedule 1 means Schedule 1 to the Act.

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Division 1 Terms used

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Part 2 — Safety cases

Division 1 — Terms used

4. Terms used

In this Part —

emergency, in relation to a pipeline operation, means an urgent situation that presents, or may present, a risk of death or serious injury to persons engaged in the operation or other protected persons;

major accident event means an event connected with a pipeline operation, including a natural event, having the potential to cause multiple fatalities of persons engaged in the operation or other protected persons;

pipeline operation —

- (a) has the meaning it has in the Act section 4(1); and
- (b) includes an operation in connection with the modification, reconstruction or decommissioning of a pipeline that is carried out on land that is specified in any licence as licence area;

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

safety case in force means a safety case or a revised safety case —

- (a) that has been accepted by the Minister in relation to a pipeline operation; and
- (b) the acceptance of which has not been withdrawn,

and includes each condition imposed under regulation 29(5) or 36(5) in respect of the pipeline operation;

safety management system, in relation to a pipeline operation, means a documented system for securing —

- (a) the occupational safety and health of persons engaged in the operation; and
- (b) the safety and health of other protected persons.

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Division 2 — Duties as to safety cases

5. Safety case required for pipeline operation

A person must not engage in a pipeline operation unless there is a safety case in force for the operation.

Penalty: a fine of \$8 800.

6. New or increased risks

A person must not engage in a pipeline operation if —

- (a) a significant new risk to safety or health, or a significant increase in an existing risk to safety or health, arises or is likely to arise from the operation; and
- (b) the new risk or increased risk is not provided for in the safety case in force for the operation.

Penalty: a fine of \$8 800.

7. Compliance with safety case

- (1) A person who engages in a pipeline operation must do so in accordance with the safety case in force for the operation.

Penalty: a fine of \$8 800.

- (2) Subregulation (1) does not apply to a person who engages in a pipeline operation in accordance with the consent given under regulation 31 for the operation to be carried out in a manner that is different from the requirements of the safety case in force for the operation.

8. Other protected persons to comply with safety case

A person who is at or near a place where a pipeline operation is being carried on at the invitation of, or with the express or implied consent of, a licensee for, or a person in control of a part of, the operation must comply with each provision of the safety case in force for the operation that applies to the person.

Penalty: a fine of \$1 100.

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9. Maintaining records for safety cases

A licensee for a pipeline operation must ensure that all documents required by the safety case in force for the operation to be kept are kept in the manner set out in the safety case.

Penalty: a fine of \$3 300.

Division 3 — Contents of safety cases

Subdivision 1 — Contents of a safety case

10. Pipeline operation description, formal safety assessment and safety management system

- (1) The safety case for a pipeline operation must contain —
 - (a) a description of the operation that complies with subregulation (2); and
 - (b) a detailed description of the formal safety assessment for the operation that provides evidence that the formal safety assessment complies with subregulation (3); and
 - (c) a detailed description of the safety management system that provides evidence that the system complies with subregulation (4).
- (2) The description of the pipeline operation must give details of —
 - (a) the operation; and
 - (b) the configuration of the pipeline or the proposed pipeline; and
 - (c) the measures identified as a result of the formal safety assessment as mentioned in subregulation (3)(c); and
 - (d) any other relevant matters.
- (3) The formal safety assessment for the pipeline operation is a risk assessment that —
 - (a) identifies all hazards that have the potential to cause a major accident event; and

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- (b) sets out 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 measures that are necessary to reduce each of those risks to a level that is as low as is reasonably practicable.
- (4) The safety management system for a pipeline operation must —
- (a) contain a detailed explanation of how a licensee for the operation proposes to —
 - (i) comply with its duties under Schedule 1 Division 2 Subdivision 1 in relation to the operation; and
 - (ii) ascertain whether other persons are complying with their duties under Schedule 1 Division 2 Subdivision 1 in relation to the operation, to the extent that it is practicable for the licensee to do so,
including details of the systems and procedures to be used for those purposes; and
 - (b) contain a detailed explanation of how compliance with the safety management system would be measured, evaluated and maintained; and
 - (c) contain a detailed explanation of how the safety management system would be reviewed; and
 - (d) provide for the ongoing and systematic identification of hazards that have the potential to cause a major accident event; and
 - (e) provide for the ongoing and systematic assessment of the risk associated with each of those hazards, including the likelihood and consequences of each potential major accident event; and

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- (f) provide for the reduction to a level that is as low as is reasonably practicable of risks to the safety and health of persons engaged in the operation or other protected persons including, but not limited to, risks arising from equipment and hardware; and
 - (g) provide for inspection, testing and maintenance of the equipment and hardware that are the physical control measures for those risks; and
 - (h) provide for adequate communications between the relevant areas of the operation including transport and other support facilities; and
 - (i) provide for auditing of the operation; and
 - (j) provide for any other matter that is necessary to ensure that the safety management system meets the requirements and purposes of these regulations; and
 - (k) specify the principal performance standards established by a licensee for a pipeline operation for managing the risk of a major accident event connected with the operation.
- (5) If a licensee submits to the Minister a safety case for a pipeline operation that is an operation in connection with the construction of a pipeline, the safety case must contain the matters mentioned in subregulation (1) in relation to —
- (a) the construction of the pipeline; and
 - (b) to the extent that it is practicable — the operation of the pipeline on completion of its construction.

11. Implementation and improvement of the safety management system

The safety case for a pipeline operation must contain evidence showing that there are effective means of ensuring —

- (a) the implementation, and ongoing and systematic improvement, of the safety management system; and

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- (b) ongoing and systematic identification of deficiencies in the safety management system.

Subdivision 2 — Safety measures

12. Standards to be applied

The safety case for a pipeline operation must specify the principal Australian and international standards that apply in relation to the operation and plant used in connection with the operation.

13. Chain of responsibility

- (1) The safety case for a pipeline operation must specify —
 - (a) an office or position the holder of which, when on duty, is the person in charge of, and responsible for, the operation; and
 - (b) an office or position, the holder of which is responsible for implementing and supervising procedures in the event of an emergency; and
 - (c) the chain of responsibility that applies in the event of an emergency.
- (2) Subregulation (1) does not imply that one person cannot hold both of the offices or positions mentioned in it.
- (3) The safety case for a pipeline operation must describe, in detail, the means by which a licensee for the operation will ensure that, as far as is reasonably practicable —
 - (a) the offices or positions mentioned in subregulation (1) are continuously held while the operation is being carried out; and
 - (b) the person who holds 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

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- (c) the identity of the persons who hold each office or position, and the chain of responsibility can, at all times, be readily ascertained by any person engaged in the operation.

14. Competence of members of the workforce

The safety case for a pipeline operation must describe the means by which a licensee for the operation will ensure that each person engaged in the operation 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 operation;and
- (b) to respond and react appropriately, and at the level that might be reasonably required of him or her, during an emergency.

15. Permit to work system for safe performance of work

The safety case for a pipeline operation must provide for a licensee for the operation to establish and maintain a documented permit to work system for coordinating and controlling the safe performance of all work of persons engaged in the operation that —

- (a) identifies the persons having responsibility to authorise and supervise work; and
- (b) ensures that members of the workforce are competent in the application of the system.

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16. Involvement of members of the workforce

- (1) A licensee for a pipeline operation must demonstrate to the Minister, to the reasonable satisfaction of the Minister, that —
 - (a) in the development or revision of the safety case for the operation, 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 when engaged in the operation.
- (2) In subregulation (1) —

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

 - (a) identifiable before the safety case is developed; and
 - (b) engaged in, or likely to be engaged in, the pipeline operation.
- (3) A demonstration for the purposes of subregulation (1) must be supported by adequate documentation.

17. Machinery and equipment

- (1) The safety case for a pipeline operation must specify the principal equipment required for the operation (including process equipment, machinery and electrical and instrumentation systems) that relates to, or may affect, the safety or health of persons engaged in the operation or other protected persons.
- (2) Without limiting subregulation (1), the safety case for a pipeline operation must contain evidence showing that the required equipment is fit for its function or use —
 - (a) in normal operating conditions; and

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- (b) in an emergency (to the extent that it is intended to function, or be used, in an emergency).

18. Structural integrity etc.

The safety case for a pipeline operation must describe the means by which a licensee for the operation will ensure that the pipeline, and the machinery, electrical systems and instrumentation controls to be used in the operation, are kept in good condition and fit for purpose.

19. Drugs and intoxicants

- (1) In this regulation —

controlled substance means a substance mentioned in —

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

intoxicant means a beverage or other substance for human consumption that contains alcohol but does not include a substance for medical or pharmaceutical use;

therapeutic use has the meaning given to that term in the *Health Act 1911* section 3(1).

- (2) The safety case for a pipeline operation must describe the means by which a licensee for the operation will ensure that there is in place, or will be put in place, a method of —
 - (a) securing, supplying, and monitoring the use, during the operation, of controlled substances that have a therapeutic use; and
 - (b) preventing the use, during the operation, of —
 - (i) controlled substances (other than those that have a therapeutic use); and
 - (ii) intoxicants.

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20. Reports during construction of a pipeline

The safety case for a pipeline operation that is an operation in connection with the construction of a pipeline must provide for a licensee for the operation to ensure that during the construction period the Minister is given weekly progress reports, in a form approved by the Minister, on matters relating to —

- (a) the occupational safety and health of persons engaged in the operation; and
- (b) the safety and health of other protected persons.

Subdivision 3 — Emergencies

21. Fire and explosion risk analysis

- (1) The safety case for a pipeline operation must contain a detailed description of a fire and explosion risk analysis.
- (2) The description of a fire and explosion risk analysis in a safety case for a pipeline operation must —
 - (a) identify the types of fires and explosions that could occur during the operation; 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 operation 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

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- (e) consider a range of means of isolating and safely storing hazardous substances, such as fuel, explosives and chemicals, that are used or stored in connection with the operation; 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 is reasonably practicable.

22. Emergency communications systems

- (1) The safety case for a pipeline operation must provide for communications systems that, in the event of an emergency, are adequate for communication between the relevant areas of the operation including transport and other support facilities.
- (2) In particular, the safety case for a pipeline operation must provide for the communications systems for the operation to be —
 - (a) adequate to handle a likely emergency; and
 - (b) protected so as to be capable of working in an emergency to the extent specified by the formal safety assessment for the operation.

23. Emergency control systems

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

- (a) back-up power supply; and
- (b) alarm systems; and
- (c) isolation and emergency shutdown systems.

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24. Emergency preparedness and response plan

- (1) The safety case for a pipeline operation must —
 - (a) describe a response plan designed to deal with possible emergencies, the risk of which has been identified in the formal safety assessment for the operation; and
 - (b) provide for the implementation of that plan.
- (2) The safety case must make adequate provision for exercises to train persons to function in the event of an emergency with an adequate degree of knowledge, preparedness and confidence concerning the relevant emergency procedures.
- (3) The safety case for a pipeline operation must provide for a licensee for the operation to ensure, as far as is reasonably practicable, that escape drill exercises and fire drill exercises are held in accordance with the safety case.

25. Pipelines connected to other pipelines, facilities

- (1) This regulation applies to a safety case for a pipeline operation involving a pipeline that —
 - (a) is connected to one or more other operational pipelines or facilities; or
 - (b) is proposed to be connected to one or more other operational pipelines or facilities.
- (2) The safety case must specify adequate procedures for shutting down or isolating, in the event of an emergency, each pipeline or facility connected to the pipeline, so as to stop the flow of hazardous substances to other pipelines or facilities.
- (3) The procedures specified in the safety case must include —
 - (a) effective means of controlling and operating all relevant emergency shutdown valves for a pipeline or facility; and

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

Subdivision 4 — Record keeping

26. Arrangements for records

- (1) The safety case for a pipeline operation must include arrangements for —
 - (a) making a record of —
 - (i) the safety case in force for the operation at any particular time; and
 - (ii) each revision of the safety case; and
 - (iii) each written audit report for the safety case; and
 - (iv) a copy of each report given to the Minister under Schedule 1 clause 70;
 - and
 - (b) making those documents and records available to persons who need to be aware of the contents; and
 - (c) securely storing those documents and records —
 - (i) at an address nominated for the operation; and
 - (ii) in a manner that facilitates their retrieval as soon as practicable.

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- (2) A safety case in force for a pipeline operation must be kept for 5 years after the date of acceptance of the document by the Minister.
- (3) A written audit report for a safety case for a pipeline operation must be kept for a period of 5 years after the date of receipt by a licensee for the operation.
- (4) A copy of each report given to the Minister under Schedule 1 clause 70 must be kept for 5 years after the date the report was given to the Minister.

Division 4 — Submission and acceptance of safety cases

27. Safety case to be submitted to Minister

- (1) If a licensee for a pipeline operation wants to have a safety case accepted for the operation, the licensee must submit the safety case to the Minister.
- (2) A safety case may relate to one or more pipeline operations.
- (3) A safety case may relate to more than one pipeline.

28. Minister may request more information

- (1) If a licensee submits a safety case to the Minister, the Minister may request the licensee to provide further written information about any matter required by these regulations to be included in a safety case.
- (2) A request under subregulation (1) must —
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of at least 30 days within which the information is to be provided.

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Division 4 Submission and acceptance of safety cases

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- (3) If a licensee receives a request and provides all information requested by the Minister within the period specified —
- (a) the information becomes part of the safety case as if it had been included with the safety case as it was submitted to the Minister; and
 - (b) the Minister must have regard to the information as if it had been so included.

29. Acceptance or rejection of a safety case

- (1) The Minister must accept a safety case if —
- (a) the safety case is appropriate to each pipeline operation in respect of which the safety case is submitted; and
 - (b) the safety case complies with Division 3 Subdivisions 1, 2 and 3 for each pipeline operation in respect of which the safety case is submitted; and
 - (c) the safety case complies with Division 3 Subdivision 4; and
 - (d) in a case in which the Minister has, under Division 7, required a validation for a pipeline operation in respect of which the safety case is submitted, the validation has been provided and is in accordance with that Division.
- (2) If a safety case is submitted in relation to more than one pipeline operation, the Minister may accept the safety case in relation to one or more pipeline operations or reject the safety case for one or more pipeline operations.
- (3) If the Minister rejects a safety case because the Minister is not satisfied with any of the matters mentioned in subregulation (1), the Minister must give the licensee who submitted the safety case a reasonable opportunity to change and resubmit the safety case.

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- (4) The Minister must reject a safety case if —
- (a) the Minister has given the licensee who submitted the safety case a reasonable opportunity to change and resubmit the safety case; and
 - (b) the licensee resubmits the safety case; and
 - (c) the Minister is not satisfied that there is compliance with subregulation (1).
- (5) When accepting a safety case for a pipeline operation, the Minister may impose conditions on the acceptance in respect of the operation.

30. Notice of decision on safety case

- (1) Within 90 days after receiving a safety case submitted under regulation 27, or resubmitted under regulation 29(3), the Minister must in writing notify the licensee who submitted it —
- (a) that the Minister has decided to —
 - (i) accept the safety case; or
 - (ii) reject the safety case; or
 - (iii) accept the safety case in relation to one or more, but not all, pipeline operations and reject the rest of the safety case; or
 - (iv) accept the safety case subject to conditions;or
 - (b) that the Minister is unable to make a decision about the safety case within the period of 90 days, and set out a proposed timetable for his or her consideration of the safety case.
- (2) A failure by the Minister to comply with subregulation (1) in relation to a safety case does not affect the validity of a decision by the Minister to accept or reject the safety case.

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- (3) A notice of a decision under subregulation (1)(a)(ii), (iii) or (iv) must include the terms of the decision (including a decision to impose conditions) and the reasons for it.

31. Consent to undertake operations in a manner different from safety case requirements

- (1) The Minister may, by notice in writing given to a licensee for a pipeline operation, consent to the carrying out of a pipeline operation in a manner that is different from the requirements of the safety case in force for the operation.
- (2) The Minister must not give a consent under subregulation (1) unless he or she is satisfied that a significant new risk to safety or health, or a significant increase in an existing risk to safety or health, is not likely to arise from the operation being carried out in the proposed manner.

Division 5 — Revision of safety cases

32. Revision because of a change of circumstances or operations

- (1) A licensee for a pipeline operation for which a safety case is in force must submit a revised safety case to the Minister 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 Division 3 Subdivisions 1, 2 and 3;
- (b) it is proposed to carry out a particular pipeline operation and the safety case does not provide, or adequately provide, for that operation;
- (c) there are reasonable grounds for believing that a series of proposed modifications to the operation would result

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in a significant cumulative change in the overall level of risk of major accident events;

- (d) a significant new risk to safety or health, or a significant increase in an existing risk to safety or health, arises or is likely to arise from the operation and the new risk or increased risk is not provided for in the safety case in force for the operation;
 - (e) a significant change to the safety case for the operation is proposed.
- (2) If the Minister agrees, a licensee for a pipeline operation may submit a revised safety case under subregulation (1) in the form of a revision of part of the safety case in force for the operation.

33. Revision on Minister's request

- (1) The Minister may, by written notice (a ***revision notice***) request a licensee for a pipeline operation for which a safety case is in force to submit a revised safety case to the Minister.
- (2) A revision notice must set out —
 - (a) the matters to be revised; and
 - (b) the time within which the revision must be completed; and
 - (c) the reasons for the request.
- (3) A licensee who receives a revision notice may, if the Minister agrees, submit a revised safety case under subregulation (1) in the form of a revision of part of the safety case.
- (4) A licensee who receives a revision notice may, in writing, inform the Minister of the licensee's opinion that —
 - (a) it is not necessary to revise the safety case; or
 - (b) if a revision of the safety case is to occur the revision should be in terms different from those proposed by the Minister; or

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- (c) the revision should be completed by a time later than that set out in the notice.
- (5) A submission under subregulation (4) must —
 - (a) contain the licensee's reasons in support of the licensee's opinion; and
 - (b) be given to the Minister within 21 days after receiving a revision notice or any longer period that the Minister allows in writing.
- (6) The Minister must, within 28 days after receiving a submission under subregulation (4) —
 - (a) consider the submission; and
 - (b) give the licensee notice in writing affirming, varying or withdrawing the revision notice, setting out his or her reasons for not accepting the submission or any part of the submission if relevant.
- (7) Unless the revision notice is withdrawn, the licensee must revise the safety case in accordance with the revision notice as originally given or as varied under subregulation (6).

34. Revision every 5 years

- (1) A licensee for a pipeline operation for which a safety case is in force must submit a revised safety case to the Minister —
 - (a) 5 years after the day on which the safety case was first accepted under regulation 29; and
 - (b) then at 5 yearly intervals, starting on the day on which the revised safety case submitted under paragraph (a) was accepted under regulation 36.
- (2) Subregulation (1) applies despite the revision of a safety case under regulation 32 or 33.
- (3) A revised safety case submitted under subregulation (1) must describe the means by which the licensee will continue to

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ensure that the pipeline, and the machinery, electrical systems and instrumentation controls used in the operation, are kept in good condition and fit for purpose.

35. Minister may request more information

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

36. Acceptance or rejection of revised safety case

- (1) The Minister must accept a revised safety case if —
 - (a) the revised safety case is appropriate to each pipeline operation in respect of which it is submitted; and
 - (b) the revised safety case complies with Division 3 Subdivisions 1, 2 and 3 for each pipeline operation in respect of which the safety case is submitted; and
 - (c) the revised safety case complies with Division 3 Subdivision 5; and

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- (d) the revised safety case, if submitted under regulation 34(1), complies with regulation 34(3); and
 - (e) in a case in which the Minister has, under Division 7, required a validation for a pipeline operation in respect of which the revised safety case is submitted, the validation has been provided and is in accordance with that Division.
- (2) If a safety case is revised in relation to more than one pipeline operation, the Minister may accept the revised safety case in relation to one or more pipeline operations or reject the revised safety case for one or more pipeline operations.
- (3) If the Minister rejects a revised safety case because the Minister is not satisfied that there is compliance with subregulation (1), the Minister must give the licensee who submitted the revised safety case a reasonable opportunity to change and resubmit the safety case.
- (4) The Minister must reject the revised safety case if —
- (a) the Minister has given the licensee who submitted the revised safety case a reasonable opportunity to change and resubmit a revised safety case or a revised part of a safety case; and
 - (b) the licensee resubmits the revised safety case or revised part of the safety case; and
 - (c) the Minister is not satisfied that there is compliance with subregulation (1).
- (5) When accepting a revised safety case for a pipeline operation, the Minister may impose conditions on the acceptance in respect of the operation.

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37. Notice of decision on revised safety case

- (1) Within 30 days after receiving a revised safety case, or a revised part of a safety case, the Minister must in writing notify the licensee who submitted it —
- (a) that the Minister has decided to —
 - (i) accept the revised safety case; or
 - (ii) reject the revised safety case; or
 - (iii) accept the revised safety case in relation to one or more, but not all, pipeline operations and reject the rest of the revised safety case; or
 - (iv) accept the revised safety case subject to conditions;
 - or
 - (b) that the Minister is unable to make a decision about the revised safety case within the period of 30 days, and set out a proposed timetable for his or her consideration of the revised safety case.
- (2) A failure by the Minister to comply with subregulation (1) in relation to a revised safety case does not affect the validity of a decision by the Minister to accept or reject the revision.

38. Effect of rejection of revised safety case

If a revised safety case is not accepted, the safety case in force in relation to the pipeline operation immediately before the revised safety case was submitted remains in force subject to the Act and these regulations, as if the revised safety case had not been submitted.

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Division 6 — Withdrawal of acceptance of a safety case

39. Grounds for withdrawal of acceptance

- (1) The Minister may, by written notice to a licensee for a pipeline operation, withdraw the acceptance of the safety case for the operation on any of the following grounds —
 - (a) a licensee for the operation has not complied with —
 - (i) Schedule 1; or
 - (ii) a notice issued by an inspector under Schedule 1; or
 - (iii) regulation 32, 33(7) or 34;
 - (b) the Minister has rejected a revised safety case.
- (2) A notice under subregulation (1) must contain a statement of the reasons for the decision.

40. Notice before withdrawal of acceptance

- (1) Before withdrawing the acceptance of a safety case for a pipeline operation, the Minister must give the licensee who submitted it at least 30 days notice, in writing, of his or her intention to withdraw the acceptance.
- (2) The Minister may give a copy of the notice to such other persons as he or she thinks fit.
- (3) The Minister must specify, in the notice, a date on or before which the licensee, or other person, to whom a copy of the notice has been given may submit to the Minister in writing, matters that the Minister should take into account when deciding whether to withdraw the acceptance.

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- (4) The Minister must take into account —
- (a) any action taken by a licensee for the operation —
 - (i) to comply with the provision or notice mentioned in regulation 39(1)(a) in respect of which non-compliance is alleged; and
 - (ii) to prevent any further non-compliance with that provision or notice;
 - and
 - (b) the submissions of persons mentioned in subregulation (3) made before the date mentioned in that subregulation.

Division 7 — Validation

41. Validation of proposed or existing pipeline operations

- (1) The Minister may, by notice in writing, require a licensee for a proposed pipeline operation or a pipeline operation that is currently being carried out to provide a validation for the operation.
- (2) A validation for the purposes of this Division —
- (a) is to be given by a person who is —
 - (i) suitably qualified and competent; and
 - (ii) not employed by the licensee; and
 - (iii) not engaged by the licensee except for the purpose of providing the validation;
 - and
 - (b) is about matters proposed by the licensee and accepted by the Minister; and
 - (c) comprises a statement in writing to the effect that the subject of the validation complies with the description given in the safety case and is fit for the purpose proposed by the licensee.

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Part 3 — Accidents and dangerous occurrences arising from pipeline operations

42. Dangerous occurrence

For the purposes of the definition of *dangerous occurrence* in Schedule 1 clause 3, the following occurrences that arise from a pipeline operation are declared to be dangerous occurrences —

- (a) an occurrence that did not cause, but could reasonably have been expected to cause —
 - (i) the death of, or serious personal injury to, a person engaged in the operation or other protected person; or
 - (ii) a member of the workforce to be incapacitated from performing work for the period mentioned in regulation 43;
- (b) an occurrence that was, or resulted in, or could have potentially resulted in, any of the following events —
 - (i) a fire or explosion;
 - (ii) the release of an amount of hydrocarbon vapour that is likely to constitute a hazard in the surrounding environment;
 - (iii) the release of an amount of petroleum liquid that is likely to constitute a hazard in the surrounding environment;
 - (iv) an unplanned event that required the emergency response plan mentioned in regulation 24(1) to be implemented;
 - (v) damage to safety-critical equipment;
- (c) an occurrence of another kind that a reasonable licensee would consider to require an immediate investigation.

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43. Period of incapacity for work caused by accident arising from pipeline operation

For the purposes of Schedule 1 clause 70(1)(b) the period prescribed in relation to an accident arising from a pipeline operation is one or more days.

44. Notices of accidents and dangerous occurrences

For the purposes of Schedule 1 clause 70(2)(a), notice of an accident or dangerous occurrence that arises from a pipeline operation —

- (a) may be oral or written; and
 - (b) must be provided as soon as practicable —
 - (i) after the first occurrence of the accident or dangerous occurrence; or
 - (ii) in the event that the accident or dangerous occurrence is not detected by a licensee at the time of its first occurrence, after a licensee detects the accident or dangerous occurrence;
- and
- (c) must contain all material details concerning the accident or dangerous occurrence that are reasonably available to a licensee at the time of the notification.

45. Reports of accidents and dangerous occurrences

- (1) For the purposes of Schedule 1 clause 70(2)(b), a report of an accident or dangerous occurrence arising from a pipeline operation —
 - (a) must be in writing; and
 - (b) unless otherwise agreed by the Minister, must be provided —
 - (i) within 3 days after the first occurrence of the accident or dangerous occurrence; or

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(ii) in the event that the accident or dangerous occurrence is not detected by a licensee at the time of its first occurrence, within 3 days after a licensee detects the accident or dangerous occurrence;

and

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

(2) A determination mentioned in subregulation (1)(c) must be —

- (a) in writing; and
- (b) published in the *Gazette*.

(3) As soon as practicable, but not later than 15 days after the end of each month, a licensee for a pipeline operation must submit, to the Minister, a written report, for that month, stating —

- (a) the number of deaths of persons arising from the pipeline operation; and
- (b) the number and types of injuries to persons engaged in the operation and other protected persons, other than minor injuries not requiring treatment or requiring treatment only in the nature of first aid; and
- (c) the total number of hours that persons engaged in the operation and other protected persons worked during the month; and
- (d) the total number of days not worked as a result of injuries to persons engaged in the operation and other protected persons that would have been worked if the injuries had not occurred.

46. Interference with accident sites

(1) A person must not interfere with a site before an inspector has finished inspecting the site if there had occurred at the site,

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arising from a pipeline operation, an accident that caused the death of, or serious personal injury to, any person.

Penalty: a fine of \$2 200.

- (2) It is a defence to a prosecution for an offence under subregulation (1) that —
- (a) the person was acting with the written or oral authority of an 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 operation or of a person engaged in the operation or other protected person;
 - (iii) reducing danger to the operation or of a person engaged in the operation or other protected person;
 - (iv) retrieving, or attempting to retrieve, the body of a dead person;
- or
- (c) notice of, and a report about, the accident had been given under Schedule 1 clause 70(1) but an inspector had not entered the site where the accident occurred in response to the notice within 3 working days of notice being given.

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Part 4 Miscellaneous

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Part 4 — Miscellaneous

47. Details in applications or submissions

- (1) An application or submission (however described) that a person is required or permitted to make or give to the Minister under these regulations 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.
- (2) If there is a change to any of the details mentioned in subregulation (1), the person or agent must notify the Minister in writing as soon as practicable.
- (3) Despite any provision of these regulations, the Minister may delay proceeding with an application or submission until the person or agent has complied with this regulation.

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Part 5 — Transitional provisions

48. Terms used

In this Part —

commencement day means the day mentioned in regulation 2(b);

Director means the person holding, or for the time being acting in, the office of Director, Petroleum Safety Branch in the department of the Public Service principally assisting the Minister in the administration of these regulations;

pre-amendment safety case means a safety management system or a safety case under a condition to which a licence is subject.

49. Certain pre-amendment safety cases remain in force

A pre-amendment safety case that was in force immediately before commencement day is to be taken to be —

- (a) a safety case accepted by the Minister under regulation 29 for the pipeline operation that is the subject of the pre-amendment safety case; and
- (b) accepted on the day on which the pre-amendment safety case was accepted, or if the pre-amendment safety case has been revised, on the day on which the latest revision of the pre-amendment safety case was accepted; and
- (c) in force on the same terms that applied immediately before commencement day.

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50. Pre-amendment safety case submitted before commencement day

- (1) If a pre-amendment safety case in relation to a pipeline operation was submitted to the Director before commencement day for acceptance but the Director was not satisfied, before that day, that the pre-amendment safety case was acceptable —
- (a) the pre-amendment safety case is to be taken to be submitted under regulation 27 as a safety case for the pipeline operation that is the subject of the pre-amendment safety case; and
 - (b) the Minister must give the licensee a reasonable opportunity to change and resubmit the pre-amendment safety case to meet any new requirements arising from the enactment of the *Petroleum Legislation Amendment and Repeal Act 2005* Part 3 and these regulations.
- (2) The time limits for —
- (a) the power to seek further information in regulation 28; and
 - (b) notification of a decision on the safety case under regulation 30,

commence on commencement day as if the safety case were submitted on that day.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.