

Western Australia

Petroleum Pipelines Regulations 1970

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THE TEXT OF THE LEGISLATION FOLLOWS

Petroleum Pipelines Regulations 1970

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Petroleum Pipelines Regulations 1970

1. Citation

These regulations may be cited as the *Petroleum Pipelines Regulations 1970*¹.

2. Definitions

In these regulations, unless the contrary intention appears —

“**AS Z3-1959**” means the Australian Standard Specification for Men’s Safety Boots and Shoes fitted with Steel Protective Toe Caps approved by the Australian Standards Association² on 19 March 1959;

“**AS Z4-1963**” means the Australian Standard Specification for Industrial Safety Gloves and Mittens of Leather PVC and Rubber (excluding Electrical and Medical Gloves) approved by the Australian Standards Association² on 1 May 1963;

“**AS CZ7-1967**” means the Australian Standard Code of Recommended Practice for Industrial Eye Protection approved by the Standards Association of Australia² on 11 July 1967;

“**AS Z7-1967**” means the Australian Standard Specification for Industrial Eye Protectors approved by the Standards Association of Australia² on 11 July 1967;

“**AS Z45-1967**” means the Australian Standard Specification for Protective Filters against optical Radiation in Welding and Allied operations;

“**AS Z10-1967**” means the Australian Standard Specification for Industrial Safety Helmets approved by the Standards Association of Australia² on 1 June 1967;

“**bell hole**” means an enlargement in a trench of such dimensions that, when a pipe is against the side or bottom of the trench, there is adequate space for any person required to be between the pipe and the side or bottom of the enlargement;

“**construction**” in relation to a pipeline includes alteration or reconstruction of the pipeline and other parts of speech and tenses of the word construction have corresponding meanings;

“**inspector**” means a person appointed an inspector under section 62 of the Act;

“**internal waters**” means inland waters of the State and includes waters on the landward side of the base line from which territorial waters are measured;

“**licence**” means a current licence granted under Part II of the Act;

“**licensee**” in relation to a pipeline means the person who is the registered holder of the licence pursuant to which the pipeline is or is to be constructed or operated;

“**the Act**” means the *Petroleum Pipelines Act 1969*.

[Regulation 2 amended in Gazette 28 Sep 1990 p. 5103.]

[3. *Repealed in Gazette 22 Jul 1994 p. 3780.]*

4. Fees

The several fees set out in the Third Schedule are prescribed for the respective purposes mentioned in that schedule.

[Regulation 4 inserted in Gazette 11 Nov 1983 p. 4543.]

[4A. Repealed in Gazette 22 Jul 1994 p. 3780.]

4B. Prescribed amount for Act s. 29(1)

For the purposes of section 29(1) of the Act, the prescribed amount is an amount of \$115.00.

[Regulation 4B inserted in Gazette 28 Sep 1990 p. 5103; amended in Gazette 27 Jun 2000 p. 3251; 28 June 2002 p. 3096; 28 Feb 2003 p. 671.]

4BA. Licence fee increase to cover GST

- (1) If a licence fee prescribed in regulation 4B is payable for a period any of which is after 30 June 2000, the total amount of the licence fee payable is increased by the amount of the GST component.
- (2) The GST component of the licence fee is to be calculated according to the following formula —
$$\text{GST component} = (\text{AR}/10) \times (\text{GST period}/366)$$

where —

AR is the licence fee prescribed in regulation 4B; and the
GST period is the number of days that are in the period after
30 June 2000.

[Regulation 4BA inserted in Gazette 8 Feb 2000 p. 456.]

4C. Instrument of transfer under Act s. 44(3)(a)

For the purposes of section 44(3)(a) of the Act, the prescribed form of an instrument of transfer is the form set out in the Fourth Schedule.

[Regulation 4C inserted in Gazette 28 Sep 1990 p. 5103.]

4D. Instrument under Act s. 47(4)(b)

- (1) For the purposes of section 47(4)(b) of the Act, the following particulars are prescribed —

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- (a) description and date of execution of the instrument evidencing the dealing referred to in section 47(4)(a) of the Act (in this subregulation referred to as “**the dealing**”);
 - (b) details of the licence (including the number of the licence) to which the dealing relates;
 - (c) full name and business address of each party to the dealing;
 - (d) details of the effect or effects, on registration, of the dealing specified in the relevant paragraph or paragraphs of section 47(1) of the Act;
 - (e) details of the interest or interests in the licence of all parties to the dealing —
 - (i) before the registration of the dealing; and
 - (ii) in the event of approval of the dealing, after the registration of the dealing;
 - (f) in respect of any related dealing in relation to which an entry has been made in the register or an application in writing for approval by the Minister has been lodged (whether before or after the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*³) —
 - (i) description and date of execution of the instrument evidencing the dealing;
 - (ii) date of approval by the Minister (if appropriate); and
 - (iii) registration number (if any).
- (2) In subregulation (1) —
- “**related dealing**” means any dealing executed, before the execution of the instrument evidencing the dealing referred to in subregulation (1)(a), by some or all of the parties to that instrument —

- (a) that affects the licence 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 referred to in subregulation (1)(a);
 - (ii) creates or assigns a right to enter into the dealing referred to in subregulation (1)(a); or
 - (iii) is altered or terminated by the dealing referred to in subregulation (1)(a),

and includes any transaction in respect of which an instrument was registered under section 47 of the Act before the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*³.

[Regulation 4D inserted in Gazette 28 Sep 1990 p. 5103-4.]

4E. Map for Act s. 32B(3)⁴

The map required by section 32B(3) of the Act, shall contain —

- (a) a map of the State or an identifiable portion of the State, drawn to a scale approved by the Minister, which clearly shows the location of the land in respect of which the licence is sought;
- (b) an insertion, drawn to a scale approved by the Minister, which details the coordinates of the boundaries of the land in respect of which the licence is sought; and
- (c) information, on the insertion referred to in paragraph (b), which clearly shows —
 - (i) the route of the proposed pipeline; and
 - (ii) the situation of any proposed pumping and compression stations, terminal facilities and any other proposed permanent appurtenances of a substantial nature.

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[Regulation 4E inserted in Gazette 24 Dec 1993 p. 6833.]

4F. Objection under Act s. 32D⁴

- (1) A written notice of objection by an Aboriginal group under section 32D of the Act to the grant of a licence may be lodged by post, facsimile or delivery in person within 42 days of the day on which a copy of the application was sent to the Aboriginal group under section 32C of the Act.
- (2) The notice of objection shall include the particulars mentioned in section 32E of the Act and any other information that the Aboriginal group considers to be relevant.

[Regulation 4F inserted in Gazette 24 Dec 1993 p. 6833.]

[5-8. Repealed in Gazette 11 Nov 1983 p. 4543.]

9. Licensee to comply with these regulations

- (1) A licensee who constructs or operates a pipeline shall comply with the provisions of these regulations.
- (2) A person who is engaged or concerned in or about the construction or operation of a pipeline shall not authorise or direct another person to do anything which if done by that person would not comply with the provisions of these regulations.

10. Pipeline construction and operation requirements

The construction and operation of a pipeline shall be carried out —

- (a) in a proper and workmanlike manner;
- (b) in accordance with good pipeline construction and operation practice; and
- (c) in such manner as to ensure the safety, health and welfare of persons engaged in the construction or operation.

11. Pipeline construction and operation standards

A pipeline shall be designed, constructed, operated, maintained and tested in accordance with the recommendations contained in the relevant provisions of —

- (a) the U.S.A. Standard Code for Pressure Piping, Gas Transmission and the Distribution Piping Systems USAS B31.8-1968, where the pipeline is for the conveyance of a hydrocarbon in a gaseous state;
- (b) the U.S.A. Standard Code for Pressure Piping, Liquid Petroleum Transportation Piping Systems, USAS B31.4-1966, where the pipeline is for the conveyance of a hydrocarbon in a liquid state;
- (c) Chapter VI of the Institute of Petroleum Code of Safe Practice for Drilling, Production and Pipeline Operations in Marine Areas being Part VIII of the Institute of Petroleum Model Code of Safe Practice in the Petroleum Industry - 1964, where the pipeline is laid or to be laid in internal waters other than rivers or creeks,

except insofar as the Minister pursuant to the Act otherwise directs and, in relation to matters with respect to which there are no such relevant provisions, the pipeline shall be designed, constructed, operated, maintained and tested as the Minister so directs.

12. Pipelines in water, construction of

Except as the Minister otherwise pursuant to the Act directs, a pipeline laid in internal waters other than rivers or creeks —

- (a) shall be of steel and made by the seamless or double submerged arc process;
- (b) shall be buried below the bed of those waters to a depth of 4 feet;

- (c) shall, with respect to all field welds, be radiographed and evaluated in accordance with the relevant provisions of the American Petroleum Institute Standard 1104 “Standard for Field Welding of Pipelines” 11th Edition, January, 1968, and all welds thereby found to be defective shall be repaired to comply with those provisions or cut out; and
- (d) shall, whatever the contents of the pipeline, have a negative buoyancy with respect to the water or bottom soil in which it is laid.

13. Testing of pipelines

- (1) Subject to subregulation (2), where a test of a pipeline is required to be carried out under these regulations or under a licence —
 - (a) the test shall be carried out in such a manner as will enable a document certifying the results of the test to be given to the licensee; and
 - (b) the certifying document shall be an endorsed “test document within the meaning of the By-laws of the National Association of Testing Authorities, Australia”, and the licensee shall, in respect of the test, obtain such a document.
- (2) Where a test of a pipeline is required to be carried out under these regulations or a licence and is a test that is not included in a class of test in respect of which an endorsed test document of the kind referred to in subregulation (1) can be given, the result of the test shall be recorded and certified as the Minister directs pursuant to the Act.
- (3) Subject to subregulation (4), all test certificates referred to in subregulation (1) or (2) and all radiographs relating to the test shall at all reasonable times be produced to an inspector for inspection on demand being made by him in that behalf.

- (4) Any such test certificates and radiographs shall not be destroyed or disposed of, except with the permission in writing of the Minister.

14. Pipeline trenches etc, safety requirements for

A person shall not enter a trench or other excavation made in connection with the construction or maintenance of a pipeline where —

- (a) the nature of the environment and properties and conditions of the soil in which the trench or excavation is made are such that the walls of the trench or excavation are likely to collapse; or
- (b) the depth of the trench or excavation is greater than 5 feet —

unless the walls of the trench or excavation —

- (c) have been provided with shoring; or
- (d) have been battered —

in such a manner so as to prevent the collapse of the walls.

15. Placing pipelines in trenches, safety requirements for

Where operations in connection with the lowering of a pipeline into a trench or excavation are being carried out, a person shall not enter any part of the trench or excavation in which, or in the vicinity of which the operations are being carried out, unless it is necessary to remove, replace or adjust slings or bracing members supporting shoring; and in such cases the person shall remain above the top of the pipeline.

16. Joining pipelines in trenches, safety requirements for

Where any operation in connection with the aligning, clamping, welding or any other procedure associated with joining sections of pipelines in trenches or excavations is being carried out, a person shall not enter any part of the trench or excavation in

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which or in the vicinity of which the operation or procedure is being carried out unless —

- (a) the pipe is not more than 6 inches above the bottom of the trench or excavation; and
- (b) the part of the trench or excavation is a bell hole.

17. Pipelines to be earthed in some cases

Where induced electrical potential may be caused in a pipeline because it is in the vicinity of high tension electricity transmission lines or other electrical sources, the pipeline shall, at all times, be effectively earthed.

18. Surveys of pipelines to be made and lodged

For the purpose of precisely locating a pipeline, the licensee shall cause to be made a survey to a standard as directed by the Minister, and a copy of such survey shall be lodged by the licensee with the Under Secretary for Mines⁵.

19. Protective equipment for pipeline workers

Except insofar as the Minister otherwise directs under the Act —

- (a) a safety helmet that complies with the requirements of the Australian Standard Specification AS Z10-1967, shall be provided for the purpose of protecting a person engaged in, or concerned with, operations being carried on, or works being executed in or in relation to a pipeline, on all occasions when injury to his head is likely to occur;
- (b) a person using, or associated with the use of, electrical welding or oxy cutting plant shall be provided with suitable eye protection that complies with the requirements of Australian Standards AS CZ7-1967, AS Z7-1967 and AS Z45-1967;

- (c) a person engaged in, or concerned with, operations in which his eyes are exposed to risk or injury by flying chips of metal shall be provided with suitable eye protection equipment that complies with the requirements of Australian Standards AS CZ7-1967 and AS Z7-1967;
- (d) a person handling equipment or material that is likely to cause injury to his hands shall be provided with suitable gloves complying with the requirements of Australian Standards Specification AS Z4-1963;
- (e) a person who has been provided with protective equipment under the preceding provisions of this regulation, shall wear it at all times while working under such conditions as require it to be provided;
- (f) a person engaged in, or concerned with, operations in which his feet are exposed to risk of injury, shall wear safety boots complying with the requirements of Australian Standard Specification AS Z3-1969 while working under such conditions as require them to be worn, unless where a legally qualified medical practitioner has certified that the wearing of those safety boots would be injurious to the health of that person.

20. Pipeline's position to be signposted

- (1) Signs designed as indicated in the Second Schedule, or signs of such a kind as the Minister generally or in any special case directs under the Act, shall be erected by the licensee and maintained at each point where a pipeline enters or leaves the limits of a highway, road, railway, river, stream or dry creek bed and at any other point so directed by the Minister.
- (2) When a pipeline that is marked as provided by this regulation or the direction of the Minister is removed from the situation that necessitated its being so marked, the signs shall be removed by the licensee.

[Regulation 20 amended in Gazette 22 Jul 1994 p. 3780.]

21. Inspector's powers

An inspector may examine or inquire into any phase of a construction of a pipeline or the installation of any component part of any pipeline, and may request rectification by the licensee of any part of the construction or installation that is not in accord with the Act or these regulations.

22. Disobeying inspector, consequence of

Where any request by an inspector under regulation 21 is not complied with by the licensee the inspector may recommend that permission to operate the pipeline should be refused by the Minister.

23. Pipeline failures and fires, duties of licensee

- (1) Immediately a licensee becomes aware of the escape or ignition from a pipeline of petroleum being conveyed in the pipeline, the licensee —
 - (a) shall forthwith take steps to notify, by telephone or telegram, an inspector of the escape or ignition; and
 - (b) shall take such action as is necessary to safeguard human life and minimise the loss of the petroleum from the pipeline and the pollution of surrounding lands and water.
- (2) Where the pipeline is repaired after the escape of the petroleum or ignition of petroleum therefrom, the licensee shall forthwith submit a written report to the Under Secretary for Mines⁵ giving full information as to —
 - (a) the time and place of the escape or ignition of the petroleum;
 - (b) the approximate quantity of petroleum that escaped;
 - (c) the damage resulting from the escape or ignition of the petroleum;

- (d) the conditions that caused or contributed to the escape or ignition of the petroleum if they are known; and
- (e) the methods adopted to carry out the repairs to the pipeline.

24. Serious accidents, duties of licensee

- (1) Where, during the construction and operation of the pipeline, any accident occurs directly arising therefrom, wherein death or serious injury is suffered by any person, or any property is seriously damaged, the licensee shall immediately report the accident by telephone or telegram to an inspector.
- (2) The place of the accident shall not be interfered with by any person without the permission of an inspector, except where, and only insofar as it is necessary, for the purposes of providing for the immediate protection or saving of the health or life of any person or the protection of property.
- (3) As soon as possible after the occurrence of the accident the licensee shall submit a written report to the Under Secretary for Mines⁵, giving full information on the accident.

25. Reports to Minister by licensee

The licensee shall submit to the Minister —

- (a) a weekly progress report during the period of construction of the pipeline; and
- (b) such reports on the operation of the pipeline as the Minister may direct under the Act.

26. Plan of operational procedure to be submitted with application under Act s. 36

A licensee shall attach to his application for consent to operate a pipeline under section 36 of the Act, a plan of the operational procedure that the applicant proposes to follow in operating the pipeline.

27. Penalties

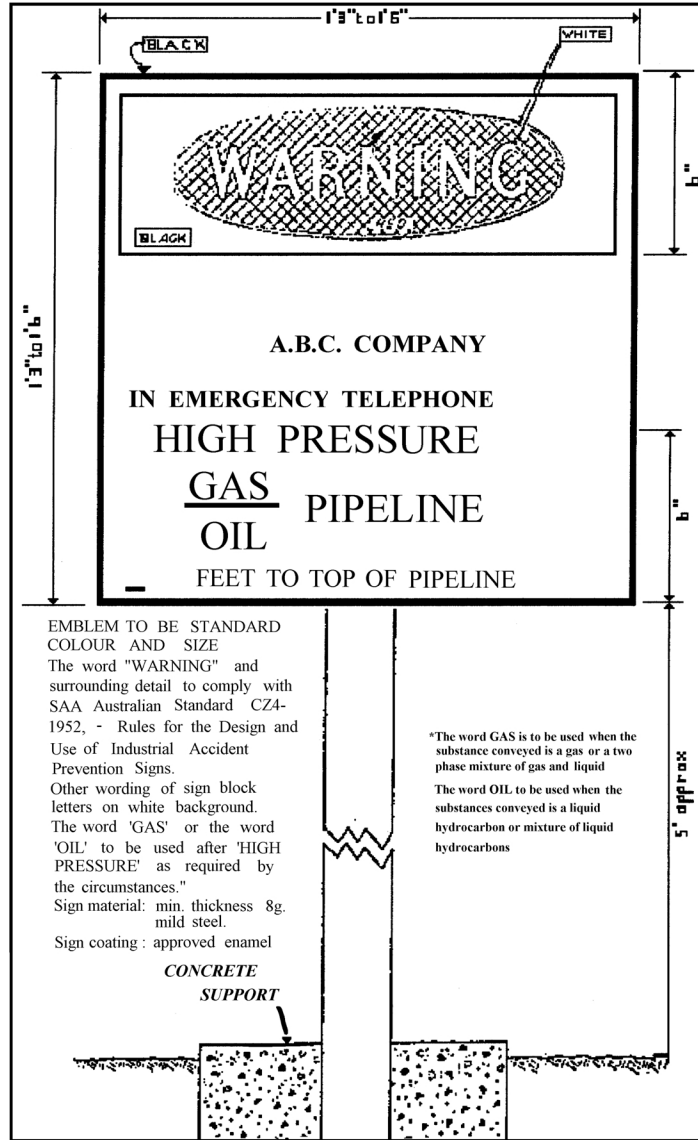
- (1) A person who contravenes or fails to comply with any of these regulations is guilty of an offence and is liable to a fine of \$500, and if the offence is a continuing one, to a further fine of \$500 for every day on which the offence continues.
- (2) Where an offence is committed by a person by reason of his failure to comply with any provision of these regulations by or under which he is required or directed to do anything within a particular period, that offence, without affecting the operation of subregulation (1), for the purposes of that subregulation shall be deemed to continue so long as the thing so required or directed to be done by him remains undone notwithstanding that this particular period has elapsed.

[First Schedule repealed in Gazette 22 Jul 1994 p. 3780.]

Second Schedule

(Regulation 20)

Petroleum Pipelines Act 1969
Section 38



Third Schedule

Third Schedule

[r. 4]

Petroleum Pipelines Act 1969

FEES

| | | | |
|-----|---|-------------|------------|
| 1. | Application for licence | s. 8(1)(j) | \$3 900.00 |
| 2. | Application for Renewal of Licence | s. 11(2)(d) | \$1 560.00 |
| 3. | Application for Variation of Licence | s. 15(2)(d) | \$780.00 |
| 4. | Registration of memorandum of transfer and name of transferee | s. 44(9) | \$78.00 |
| 5. | Registration as licensee on devolution by operation of law | s. 45(2) | \$78.00 |
| 5A. | Application by company licensee for registration of change of name | s. 45(3) | \$78.00 |
| 5B. | Entry on memorial of registration of approval of dealing | s. 47(12) | \$78.00 |
| 6. | Inspection of register | s. 52(1) | \$16.00 |
| 7. | Copies of or extracts from the register or of or from an instrument certified by Minister | s. 53(2) | \$3.00 |
| 8. | Certificate by Minister as to entry, matter or things under the Act | s. 53(3) | \$39.00 |

[Third Schedule inserted in Gazette 28 Feb 2003 p. 671-2.]

Fourth Schedule

(Regulation 4C)

Petroleum Pipelines Act 1969

Petroleum Pipelines Regulations 1970

**Form of Instrument of Transfer of Licence
under section 44 of *Petroleum Pipelines Act 1969***

I/We ⁽¹⁾⁽²⁾
being the registered holder/holders ⁽¹⁾ 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⁾

- (1) Delete whichever is inapplicable.
- (2) Here insert the name of the transferor, or, if there are 2 or more transferors, the name of each transferor.
- (3) Here insert the number of the licence transferred.
- (4) Here insert the value of the consideration for the transfer or the value of the licence transferred. If the transfer of the licence 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) Here insert the name and address of the transferee, or, if there are 2 or more transferees, the name and address of each transferee.
- (6) Here affix the common seal or signature of the transferor or of each transferor, as the case may be.
- (7) Here affix the common seal or signature of the transferee or of each transferee, as the case may be.

[Fourth Schedule inserted in Gazette 28 Sep 1990 p. 5105.]

Notes

- ¹ This is a compilation of the *Petroleum Pipelines Regulations 1970* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

| Citation | Gazettal | Commencement |
|---|---------------------------|---|
| <i>Petroleum Pipelines Regulations 1970</i> | 30 Jul 1970 p. 2242-52 | 30 Jul 1970 |
| <i>Petroleum Pipelines Amendment Regulations 1983</i> | 11 Nov 1983 p. 4543 | 11 Nov 1983 (see r. 2 and <i>Gazette</i> 11 Nov 1983 p. 4503) |
| <i>Petroleum Pipelines Amendment Regulations 1990</i> | 28 Sep 1990 p. 5103-5 | 1 Oct 1990 (see r. 2 and <i>Gazette</i> 28 Sep 1990 p. 5099) |
| <i>Petroleum Pipelines Amendment Regulations 1993</i> | 24 Dec 1993 p. 6832-3 | 24 Dec 1993 |
| <i>Petroleum Pipelines Amendment Regulations 1994</i> | 22 Jul 1994 p. 3780 | 22 Jul 1994 (see r. 2 and <i>Gazette</i> 22 Jul 1994 p. 3728) |
| <i>Petroleum Pipelines Amendment Regulations 2000</i> | 8 Feb 2000 p. 455-6 | 8 Feb 2000 |
| <i>Petroleum Pipelines Amendment Regulations (No. 2) 2000</i> | 27 Jun 2000 p. 3251 | 1 Jul 2000 (see r. 2) |
| Reprint of the <i>Petroleum Pipelines Regulations 1970</i> as at 18 May 2001 (includes amendments listed above) | | |
| <i>Petroleum Pipelines Amendment Regulations 2002</i> | 28 Jun 2002 p. 3095-6 | 1 Jul 2002 (see r. 2) |
| <i>Petroleum Pipelines Amendment Regulations 2003</i> | 28 Feb 2003 p. 671-2 | 28 Feb 2003 |

- ² The Standards Association of Australia has changed its corporate status and its name. It is now Standards Australia International Limited (ACN 087 326 690). It also trades as Standards Australia.
- ³ The *Acts Amendment (Petroleum) Act 1990* was proclaimed on 1 Oct 1990 (see *Gazette* 28 Sep 1990 p. 5099).
- ⁴ *Petroleum Pipelines Act 1969* s. 32B and 32D repealed by *Acts Amendment and Repeal (Native Title) Act 1995* s.44.
- ⁵ Under the *Public Sector Management Act 1994* the names of departments can be changed. The head of a department is now the chief executive officer or chief employee and the title by which that office is known may be changed. At the time of this reprint the former Department of Mines is called the Department of Minerals and Energy and its administrative head is called the Director General.

