



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 30 DECEMBER 2011 No. 251 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.30 PM

© STATE OF WESTERN AUSTRALIA

PROCLAMATION

**Petroleum (Submerged Lands) Amendment  
Act 2011**

---

Petroleum (Submerged Lands) Act 1982

**Petroleum (Submerged Lands) (Diving Safety)  
Amendment Regulations 2011**

---

Petroleum (Submerged Lands) Act 1982

**Petroleum (Submerged Lands) (MSOF)  
Amendment Regulations 2011**

---

Petroleum (Submerged Lands) Act 1982

**Petroleum (Submerged Lands) (Occupational  
Safety and Health) Amendment Regulations 2011**

---

Petroleum (Submerged Lands) Act 1982

**Petroleum (Submerged Lands) (Pipelines)  
Amendment Regulations 2011**



**PETROLEUM (SUBMERGED LANDS) AMENDMENT ACT 2011**

No. 57 of 2011

## PROCLAMATION

Western Australia  
By His Excellency  
Malcolm James McCusker,  
Officer of the Order of Australia,  
Commander of the Royal Victorian Order,  
Queen's Counsel,  
Governor of the State of Western Australia  
M. J. McCUSKER  
Governor

[L.S.]

I, the Governor, acting under the *Petroleum (Submerged Lands) Amendment Act 2011* section 2(b) and with the advice and consent of the Executive Council, fix 1 January 2012 as the day on which the provisions of that Act, other than sections 1 and 2, come into operation.

Given under my hand and the Public Seal of the State on 28 December 2011.

By Command of the Governor,

NORMAN MOORE, Minister for Mines and Petroleum.

---

Notes: Under the *Petroleum (Submerged Lands) (Diving Safety) Amendment Regulations 2011* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Petroleum (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

Under the *Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Petroleum (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

Under the *Petroleum (Submerged Lands) (Occupational Safety and Health) Amendment Regulations 2011* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Petroleum (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

Under the *Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Petroleum (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

---



Petroleum (Submerged Lands) Act 1982

## **Petroleum (Submerged Lands) (Diving Safety) Amendment Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Petroleum (Submerged Lands) (Diving Safety) Amendment Regulations 2011*.

**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 which the *Petroleum (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

**3. Regulations amended**

These regulations amend the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007*.

***Petroleum (Submerged Lands) (Diving Safety) Amendment  
Regulations 2011***

**r. 4**

---

**4. Regulation 7 amended**

In regulation 7(1) delete “published by the Safety Authority” and insert:

initially published by the Department of Industry,  
Tourism and Resources (Commonwealth)

**5. Regulation 8 amended**

In regulation 8(2) delete “that it” and insert:

the Minister

**6. Regulation 12 amended**

(1) In regulation 12(1) delete “it receives,” and insert:

received,

(2) In regulation 12(3) delete “that it receives” and insert:

received

**7. Regulation 13 amended**

In regulation 13(2)(a) delete “accepted by the Safety Authority; or” and insert:

accepted; or

***Petroleum (Submerged Lands) (Diving Safety) Amendment  
Regulations 2011***

**r. 8**

---

**8. Regulation 14 amended**

In regulation 14(6)(b) delete “its”.

**9. Regulation 16 amended**

(1) Delete regulation 16(1)(j) and insert:

(j) the provisions of the DSMS for the project and either the safety case in force or the components of the pipeline management plan in force relevant to the diving project that provide for the safety and health of persons, in particular the arrangements in the DSMS and the safety case or the pipeline management plan for simultaneous operations and emergency response;

(2) In regulation 16(2) delete the definition of ***pipeline safety management plan***.

(3) In regulation 16(2) insert in alphabetical order:

***pipeline management plan in force*** has the meaning given to that term in the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007* regulation 3(1);

**10. Regulation 18 amended**

In regulation 18(2) delete “it is”.

***Petroleum (Submerged Lands) (Diving Safety) Amendment Regulations 2011***

**r. 11**

---

**11. Part 10 replaced**

Delete Part 10 and insert:

**Part 10 — Transitional provisions**

**35. Transitioned DSMS**

(1) In this regulation —

*amendment day* means the day on which the *Petroleum (Submerged Lands) (Diving Safety) Amendment Regulations 2011* regulation 3 comes into operation.

(2) A DSMS in force immediately before the amendment day is, on and from that day, to be taken to be —

- (a) an accepted DSMS for the purposes of these regulations; and
- (b) accepted on the day on which it was originally accepted; and
- (c) in force on the same conditions imposed on the acceptance.

**12. Various references to “Safety Authority” amended**

In the provisions listed in the Table delete “Safety Authority” (each occurrence) and insert:

Minister

**Table**

r. 3 def. of <i>accepted DSMS</i>	r. 8(1), (2) and (3)
r. 9(1) and (2)	r. 10



***Petroleum (Submerged Lands) (Diving Safety) Amendment  
Regulations 2011***

**r. 12**

r. 11(1) and (2)	r. 12(1), (2) and (3)
r. 13(1)(c) and (d)	r. 14(1), (3), (4), (5), (6), (7) and (8)
r. 18(1) and (2)	r. 19
r. 20(3)	r. 21(2)
r. 30(1)(b), (2) and (3)	

Note: The headings to the amended regulations listed in the Table are to read as set out in the Table.

**Table**

<b>Amended regulation</b>	<b>Regulation heading</b>
r. 18	<b>Acceptance of diving project plan by Minister if no operator</b>
r. 19	<b>Copy of diving project plan to be given to Minister if requested</b>

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.



Petroleum (Submerged Lands) Act 1982

## **Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011*.

**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 (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

**3. Regulations amended**

These regulations amend the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007*.

***Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011*****r. 4**

---

**4. Regulation 7 amended**

- (1) In regulation 7(1) and (2) delete “it is”.
- (2) In regulation 7(3) delete “it must” and insert:

the Minister must

**5. Regulation 39 amended**

In regulation 39(2) delete “it is”.

**6. Regulation 45 amended**

In regulation 45(1)(b) delete “its”.

**7. Regulation 47 amended**

In regulation 47(1)(a)(ii) delete “OHS”.

**8. Regulation 48 amended**

- (1) In regulation 48(1) delete “its intention” and insert:

the Minister’s intention

- (2) In regulation 48(2) delete “it thinks” and insert:

the Minister thinks

**9. Regulation 54 amended**

In regulation 54(1) and (2)(a) and (c) delete “OHS”.

***Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011***

---

**r. 10**

**10. Part 7 replaced**

Delete Part 7 and insert:

**Part 7 — Transitional provisions**

**56. Term used: amendment day**

In this Part —

***amendment day*** means the day on which the *Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011* regulation 3 comes into operation.

**57. Register of operators**

The register maintained under regulation 8 is a continuation of the register maintained under that regulation before the amendment day.

**58. Requests for information**

A request under regulation 36(1) or 43(1) before the amendment day to provide information about a matter to be included in a safety case, and not complied with before that day, continues in force for any balance of the period specified for complying with it and is to be regarded as having been issued by the Minister.

**59. Existing safety cases remain in force**

A safety case in force immediately before the amendment day is to be taken to be —

- (a) a safety case accepted by the Minister on the day nominated by the Minister; and
- (b) in force on the same terms that applied immediately before the amendment day.

***Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011***

**r. 10**

---

**60. Safety case submitted before amendment day**

- (1) A safety case submitted under regulation 35(1) before the amendment day but not finally dealt with before that day —
  - (a) is to be dealt with as if it had been submitted to the Minister; or
  - (b) if it had been partially dealt with — is to continue to be dealt with as if it had been submitted to, and partially dealt with by, the Minister.
- (2) The time limits for —
  - (a) the power to seek further information in regulation 36; and
  - (b) notification of a decision on the safety case under regulation 38,

continue as if the amendments made by the *Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011* had not been made.

**61. Revised safety case submitted before amendment day**

- (1) A revised safety case submitted under regulation 40, 41 or 42 before the amendment day but not finally dealt with before that day —
  - (a) is to be dealt as if it had been submitted to the Minister; or
  - (b) if it had been partially dealt with — is to continue to be dealt with as if it had been submitted to, and partially dealt with by, the Minister.

***Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011*****r. 11**

- (2) The time limits for —
- (a) the power to seek further information under regulation 43; and
  - (b) notification of a decision on the revised safety case under regulation 45,

continue as if the amendments made by the *Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011* had not been made.

**11. Various references to “Safety Authority” amended**

In the provisions listed in the Table delete “Safety Authority” (each occurrence) and insert:

Minister

**Table**

r. 3 def. of <i>safety case in force</i> par. (a)	r. 6(2)
r. 7(1), (2), (3) and (4)	r. 8(1), (2), (3) and (4)
r. 10(2)	r. 11(2)
r. 15(1) and (3)	r. 16(5)
r. 22(1)	r. 34(1), (2) and (4)
r. 35(1) and (4)	r. 36(1) and (3)
r. 37(1), (2), (3), (4) and (5)	r. 38(1) and (2)
r. 39(1) and (2)	r. 40(1), (2) and (3)

***Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011*****r. 11**

---

r. 41(1), (3), (4), (5) and (6)	r. 42(1)
r. 43(1) and (3)	r. 44(1), (2), (3), (4) and (5)
r. 45(1) and (2)	r. 47(1)
r. 48(1), (2), (3) and (4)	r. 49(2), (3), (4), (5) and (6)
r. 53(1) and (3)	r. 55(1), (2) and (3)

Note: The headings to the amended regulations listed in the Table are to read as set out in the Table.

**Table**

<b>Amended regulation</b>	<b>Regulation heading</b>
r. 15	<b>Minister may determine that safety case is not required for particular facilities</b>
r. 35	<b>Safety case to be submitted to Minister</b>
r. 36	<b>Minister may request more information</b>
r. 41	<b>Revision on Minister's request</b>
r. 43	<b>Minister may request more information</b>

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

---



Petroleum (Submerged Lands) Act 1982

**Petroleum (Submerged Lands) (Occupational  
Safety and Health) Amendment  
Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Petroleum (Submerged Lands) (Occupational Safety and Health) Amendment Regulations 2011*.

**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 (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

**3. Regulations amended**

These regulations amend the *Petroleum (Submerged Lands) (Occupational Safety and Health) Regulations 2007*.

***Petroleum (Submerged Lands) (Occupational Safety and Health)  
Amendment Regulations 2011***

**r. 4**

---

**4. Regulation 4 amended**

In regulation 4 in the Table delete the item commencing “*Explosives and Dangerous Goods Act 1961*”.

**5. Regulation 5 amended**

In regulation 5 delete “Deputy Director General, Resources Group” and insert:

Director Petroleum Safety

**6. Regulation 33 amended**

In regulation 33(a) delete “it” and insert:

the Minister

**7. Part 5 deleted**

Delete Part 5.

**8. Schedule 1 amended**

In Schedule 1 Form 1 Note 1 delete “the Safety Authority or”.

**9. Various references to “Safety Authority” amended**

In the provisions listed in the Table delete “Safety Authority” (each occurrence) and insert:

Minister

**Table**

r. 6(1), (2), (3), (4) and (5)	r. 7(2) and (3)
--------------------------------	-----------------

***Petroleum (Submerged Lands) (Occupational Safety and Health)  
Amendment Regulations 2011***

r. 10

r. 26(1)(b)	r. 30(2)
r. 31(3)	r. 32(5)
r. 33	

**10. Various references to “OHS” deleted**

In the provisions listed in the Table delete “OHS” (each occurrence).

**Table**

r. 34(1), (2) and (3)	Form 1 Notes 1, 3 and 5
Form 2	Form 3
Form 4	Form 5

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.



Petroleum (Submerged Lands) Act 1982

## **Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011*.

**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 (Submerged Lands) Amendment Act 2011* section 12 comes into operation.

**3. Regulations amended**

These regulations amend the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definition of *pipeline safety management plan*.

**Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011****r. 5**

---

- (2) In regulation 3(1) in the definition of *pipeline* delete “*pipeline*, except in Part 5,” and insert:

*pipeline*

**5. Regulation 7 amended**

- (1) In regulation 7(1) and (2) delete “it is”.
- (2) In regulation 7(3) delete “it must” and insert:

the Minister must

**6. Regulation 23 deleted**

Delete regulation 23.

**7. Regulation 25 amended**

- (1) In regulation 25(1):
- (a) in paragraph (a)(iii) delete “regulation 31;” and insert:
- regulation 31.
- (b) after paragraph (a) delete “and”;
- (c) delete paragraph (b).
- (2) Delete regulation 25(2).

***Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011***

---

**r. 8****8. Regulation 31 amended**

- (1) Delete regulation 31(1)(a)(iii) and insert:
- (iii) each report of a kind mentioned in regulation 56 that is made in relation to the pipeline;

- (2) Delete regulation 31(3).

**9. Regulation 38 amended**

- (1) In regulation 38(1):
- (a) in paragraph (a)(iv) delete “force;” and insert:
- force.
- (b) after paragraph (a) delete “and”;
- (c) delete paragraph (b).
- (2) Delete regulation 38(2).

**10. Part 5 deleted**

Delete Part 5.

**11. Regulation 53 amended**

Delete regulation 53(a) and (b) and insert:

- (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; or

***Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011*****r. 12**

---

- (ii) a member of the workforce to be incapacitated from performing work for the period mentioned in regulation 54;
- (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) damage to safety-critical equipment;
- (c) an occurrence of another kind that a reasonable operator would consider to require an immediate investigation.

**12. Regulation 54 amended**

In regulation 54:

- (a) delete “the period” and insert:

a period is

- (b) delete “is 3 or more days.” and insert:

if it is one day or more.



***Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011***

---

**r. 13****13. Regulation 56 amended**

- (1) In regulation 56(2) after “must be” insert:

in writing and be

- (2) In regulation 56(3):

- (a) in paragraph (b) delete “aid.” and insert:

aid; and

- (b) after paragraph (b) insert:

- (c) the total number of hours that persons worked at or near the pipeline during the month; and
- (d) the total number of days not worked as a result of injuries to persons at or near the pipeline that would have been worked if the injuries had not occurred.

**14. Regulation 57 replaced**

Delete regulation 57 and insert:

**57. Interference with accident sites**

- (1) A person must not interfere with a site before an inspector finishes inspecting the site if there has occurred at the site, arising from a pipeline, an accident that caused the death of, or serious personal injury to, any person.

Penalty: a fine of \$8 800.

***Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011*****r. 15**

---

- (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 pipeline or of a person at or near it;
    - (iii) reducing danger to the pipeline or to a person at or near it;
    - (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 clause 71(1) of Schedule 5 to the Act 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.

**15. Regulation 60 amended**

Delete regulation 60(4).

**16. Part 8 deleted**

Delete Part 8.

***Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011***

---

**r. 17****17. Various references to “Safety Authority” amended**

In the provisions listed in the Table delete “Safety Authority” (each occurrence) and insert:

Minister

**Table**

r. 6(2)	r. 7(1), (2), (3) and (4)
r. 8(1), (2), (3) and (4)	r. 56(1)(b) and (c) and (3)

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

---