



Western Australia

Petroleum Pipelines Regulations 1970

Compare between:

[18 Jun 2019, 03-b0-01] and [01 Jul 2019, 03-c0-00]

Petroleum Pipelines Regulations 1970

1. Citation

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

[2. Deleted: Gazette 14 May 2010 p. 2019.]

[3. Deleted: 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: Gazette 11 Nov 1983 p. 4543.]

[4A. Deleted: 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 \$~~207~~217.00.

[Regulation 4B inserted: Gazette 28 Sep 1990 p. 5103; amended: Gazette 27 Jun 2000 p. 3251; 28 June 2002 p. 3096; 28 Feb 2003 p. 671; 23 Jun 2009 p. 2479; 9 Feb 2010 p. 269; 11 May 2010 p. 1823; 1 Jul 2011 p. 2740; 12 Jun 2012 p. 2458; 25 Feb 2014 p. 503; 17 Jun 2014 p. 1987; 30 Jun 2015 p. 2351; 24 Jun 2016 p. 2334; 23 Jun 2017 p. 3308; 25 Jun 2018 p. 2323; 18 Jun 2019 p. 2055.]

r. 4C

[4BA. Deleted: Gazette 14 May 2010 p. 2019.]

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: 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 —
 - (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*²) —
 - (i) description and date of execution of the instrument evidencing the dealing; and

- (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); or
 - (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*².

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

[4E, 4F. Deleted: Gazette 14 May 2010 p. 2019.]

[5-8. Deleted: Gazette 11 Nov 1983 p. 4543.]

[9-17. Deleted: Gazette 14 May 2010 p. 2019.]

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 Minister.

Penalty: a fine of \$5 000.

[Regulation 18 amended: Gazette 14 May 2010 p. 2019.]

[19. Deleted: Gazette 14 May 2010 p. 2019.]

20. Pipeline's position to be signposted

- (1) 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.

Penalty applicable to subregulations (1) and (2): a fine of \$5 000.

[Regulation 20 amended: Gazette 22 Jul 1994 p. 3780; 14 May 2010 p. 2019.]

21. Inspector's powers

An inspector, for the purposes of the Act other than a listed OSH law, may examine or inquire into any phase of a construction, modification or reconstruction 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, modification, reconstruction or installation that is not in accord with the Act.

[Regulation 21 amended: Gazette 14 May 2010 p. 2020.]

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) deleted]

- (b) shall take such action as is necessary to 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 Minister giving full information as to —

- (a) the time and place of the escape or ignition of the petroleum; and
- (b) the approximate quantity of petroleum that escaped; and
- (c) the damage resulting from the escape or ignition of the petroleum; and
- (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.

Penalty applicable to subregulations (1) and (2): a fine of \$5 000.

[Regulation 23 amended: Gazette 14 May 2010 p. 2020.]

24. Transitional provision — time for bringing proceedings for offences committed before certain amendments

- (1) In this regulation —

section 29(1) means the *Petroleum Legislation Amendment and Repeal Act 2005* section 29(1) (which inserts section 66BA of the Act).

- (2) The *Criminal Procedure Act 2004* section 21(2) as in effect immediately before the commencement of section 29(1) applies to an offence against the *Petroleum Pipelines Act 1969* committed before that commencement as if section 29(1) had not been enacted.

[Regulation 24 inserted: Gazette 14 May 2010 p. 2020-1.]

[25. Deleted: Gazette 14 May 2010 p. 2021.]

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. Deleted: Gazette 14 May 2010 p. 2021.]

[First Schedule deleted: Gazette 22 Jul 1994 p. 3780.]

[Second Schedule deleted: Gazette 14 May 2010 p. 2021.]

Third Schedule — Fees

[r. 4]

[Heading inserted: Gazette ~~25~~18 Jun ~~2018~~2019 p. ~~2323~~2055.]

Item	Purpose	Provision of Act	Fee (\$)
1.	Application for licence	s. 8(1)(j)	6 519 845. 00
2.	Application for variation of licence	s. 15(2)(d)	6 519 845. 00
3.	Registration of memorandum of transfer and name of transferee	s. 44(9)	129 135.0 0
4.	Registration as licensee on devolution by operation of law	s. 45(2)	129 135.0 0
5.	Application by company licensee for registration of change of name	s. 45(3)	129 135.0 0
6.	Entry on memorial of registration of approval of dealing	s. 47(12)	129 135.0 0
7.	Inspection of register	s. 52(1)	129 135.0 0

Petroleum Pipelines Regulations 1970
Third Schedule Fees

Item	Purpose	Provision of Act	Fee (\$)
8.	Copies of or extracts from the register or of or from an instrument certified by Minister	s. 53(2)	129 135.0 0
9.	Certificate by Minister as to entry, matter or things under the Act	s. 53(3)	129 135.0 0

[Third Schedule inserted: Gazette ~~25~~18 Jun ~~2018~~2019
p. ~~2323-4.~~2055-6.]

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: Gazette 28 Sep 1990 p. 5105.]

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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^{1a}. The table also contains information about any reprint.

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
<i>Petroleum Pipelines Amendment Regulations (No. 2) 2009</i>	23 Jun 2009 p. 2478-80	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Petroleum Pipelines Amendment Regulations 2010</i>	9 Feb 2010 p. 269	r. 1 and 2: 9 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Feb 2010 (see r. 2(b))
<i>Petroleum Pipelines Amendment Regulations (No. 3) 2010</i>	11 May 2010 p. 1823-4	r. 1 and 2: 11 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 12 May 2010 (see r. 2(b))

Citation	Gazettal	Commencement
<i>Petroleum Pipelines Amendment Regulations (No. 2) 2010</i>	14 May 2010 p. 2018-21	r. 1 and 2: 14 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 15 May 2010 (see r. 2(b) and <i>Gazette</i> 14 May 2010 p. 2015)
<i>Petroleum Pipelines Amendment Regulations (No. 4) 2010</i>	16 Jul 2010 p. 3363-4	r. 1 and 2: 16 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Jul 2010 (see r. 2(b)(ii))
Reprint 2: The Petroleum Pipelines Regulations 1970 as at 13 Aug 2010 (includes amendments listed above)		
<i>Petroleum Pipelines Amendment Regulations 2011</i>	1 Jul 2011 p. 2739-41	r. 1 and 2: 1 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<i>Petroleum Pipelines Amendment Regulations 2012</i>	12 Jun 2012 p. 2458-9	r. 1 and 2: 12 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
<i>Petroleum Pipelines Amendment Regulations 2014</i>	25 Feb 2014 p. 503	r. 1 and 2: 25 Feb 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Feb 2014 (see r. 2(b))
<i>Petroleum Pipelines Amendment Regulations (No. 2) 2014</i>	17 Jun 2014 p. 1986-7	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
<i>Petroleum Pipelines Amendment Regulations 2015</i>	30 Jun 2015 p. 2350-1	r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
<i>Mines and Petroleum Regulations Amendment (Fees and Levies) Regulations 2016 Pt. 14</i>	24 Jun 2016 p. 2325-34	1 Jul 2016 (see r. 2(b))
<i>Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 16</i>	23 Jun 2017 p. 3279-309	1 Jul 2017 (see r. 2(b))
<i>Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 16</i>	25 Jun 2018 p. 2297-324	1 Jul 2018 (see r. 2(b))

Citation	Gazettal	Commencement
Reprint 3: The <i>Petroleum Pipelines Regulations 1970</i> as at 13 Jul 2018 (includes amendments listed above)		

^{1a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2019</i> Pt. 16 ³	18 Jun 2019 p. 2040-56	1 Jul 2019 (see r. 2(b))

² The day fixed under the *Acts Amendment (Petroleum) Act 1990* s. 2(1) was 1 Oct 1990 (see *Gazette* 28 Sep 1990 p. 5099).

³ ~~On the date as at which this compilation was prepared, the *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2019* Pt. 16 had not come into operation. It reads as follows:~~

~~Part 16 — *Petroleum Pipelines Regulations 1970* amended~~

~~42. — Regulations amended~~

~~— This Part amends the *Petroleum Pipelines Regulations 1970*.~~

~~43. — Regulation 4B amended~~

~~— In regulation 4B delete “\$207.00.” and insert:~~

~~— \$217.00.~~

~~44. — Third Schedule replaced~~

~~— Delete the Third Schedule and insert:~~

Third Schedule — Fees

[r. 4]

Item	Purpose	Provision of Act	Fee (\$)
1.	Application for licence	s. 8(1)(j)	6 845.00
2.	Application for variation of licence	s. 15(2)(d)	6 845.00
3.	Registration of memorandum of transfer and name of transferee	s. 44(9)	135.00
4.	Registration as licensee on devolution by operation of law	s. 45(2)	135.00
5.	Application by company licensee for registration of change of name	s. 45(3)	135.00
6.	Entry on memorial of registration of approval of dealing	s. 47(12)	135.00
7.	Inspection of register	s. 52(1)	135.00
8.	Copies of or extracts from the register or of or from an instrument certified by Minister	s. 53(2)	135.00
9.	Certificate by Minister as to entry, matter or things under the Act	s. 53(3)	135.00