

Western Australia

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

As at 30 Nov 2011

No. 57 of 2011

Extract from www.slp.wa.gov.au, see that website for further information

Petroleum (Submerged Lands) Amendment Act 2011

CONTENTS

| | | |
|-----|---|---|
| 1. | Short title | 2 |
| 2. | Commencement | 2 |
| 3. | Act amended | 2 |
| 4. | Section 4 amended | 2 |
| 5. | Section 125 amended | 3 |
| 6. | Section 126 amended | 3 |
| 7. | Section 137A amended | 3 |
| 8. | Part IIIA Division 1 heading deleted | 3 |
| 9. | Section 151A deleted | 3 |
| 10. | Section 151C deleted | 3 |
| 11. | Part IIIA Division 2 heading deleted | 4 |
| 12. | Section 151E amended | 4 |
| 13. | Sections 151F and 151G deleted | 5 |
| 14. | Part IIIA Divisions 3, 4 and 5 deleted | 5 |
| 15. | Schedule 3 Division 2 inserted | 5 |
| | Division 2 — Provisions for <i>Petroleum (Submerged Lands) Amendment Act 2011</i> | 5 |
| 6. | Interpretation of references to Safety Authority in regulations | 5 |
| 16. | Schedule 5 clause 2 amended | 6 |
| 17. | Schedule 5 clause 26 amended | 6 |
| 18. | Schedule 5 clause 33 amended | 6 |
| 19. | Schedule 5 clause 38 amended | 6 |
| 20. | Schedule 5 clause 43 amended | 7 |
| 21. | Schedule 5 clause 45 amended | 7 |
| 22. | Schedule 5 clause 46 amended | 7 |
| 23. | Schedule 5 clause 47 amended | 8 |

Contents

| | | |
|-----|--|----|
| 24. | Schedule 5 Division 4 Subdivision 3 heading amended | 9 |
| 25. | Schedule 5 clause 49 amended | 9 |
| 26. | Schedule 5 clause 50 amended | 9 |
| 27. | Schedule 5 clause 51 amended | 10 |
| 28. | Schedule 5 clause 53 amended | 10 |
| 29. | Schedule 5 clause 54 amended | 10 |
| 30. | Schedule 5 clause 59 amended | 11 |
| 31. | Schedule 5 clause 64 amended | 11 |
| 32. | Schedule 5 Division 4 Subdivision 5 heading amended | 11 |
| 33. | Schedule 5 clause 78 amended | 11 |
| 34. | Various references in Schedule 5 to “OHS inspector” amended | 12 |
| 35. | Various references in Schedule 5 to “Safety Authority” amended | 13 |

Western ustralia

Petroleum (Submerged Lands) Amendment Act 2011

No. 57 of 2011

An Act to amend the *Petroleum (Submerged Lands) Act 1982*.

[Assented to 30 November 2011]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Petroleum (Submerged Lands) Amendment Act 2011*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

3. Act amended

This Act amends the *Petroleum (Submerged Lands) Act 1982*.

4. Section 4 amended

- (1) In section 4 delete the definitions of:

listed OSH law

OHS inspector

Safety Authority

- (2) In section 4 insert in alphabetical order:

listed OSH law means —

- (a) section 124B, to the extent to which that section relates to —
 - (i) damage to, or interference with, a facility; or
 - (ii) interference with any operation or activity being carried out, or any works being executed, on, by means of, or in connection with, a facility;

or

- (b) Schedule 5; or
- (c) a regulation made for the purposes of Schedule 5; or
- (d) a regulation made for the purposes of section 151D; or
- (e) any other written law relating to occupational safety and health matters that is prescribed for the purposes of this paragraph;

5. Section 125 amended

In section 125(1) delete “except Part IIIA”.

6. Section 126 amended

In section 126(1) delete “Act other than Part IIIA,” and insert:

Act,

7. Section 137A amended

In section 137A(2)(c) delete “the Safety Authority or”.

8. Part IIIA Division 1 heading deleted

Delete the heading to Part IIIA Division 1.

9. Section 151A deleted

Delete section 151A.

10. Section 151C deleted

Delete section 151C.

s. 11

11. Part IIIA Division 2 heading deleted

Delete the heading to Part IIIA Division 2.

12. Section 151E amended

(1) In section 151E:

(a) delete “The Safety Authority” and insert:

(1) The Minister

(b) delete paragraph (a);

(c) delete paragraph (d) and insert:

(d) to investigate accidents, occurrences and circumstances that affect, or have the potential to affect, the occupational safety and health of persons engaged in offshore petroleum operations;

(d) in paragraph (e) delete “its” and insert:

the Minister’s

(e) in paragraph (e) delete “operations;” and insert:

operations.

(f) delete paragraphs (f) and (g).

(2) At the end of section 151E insert:

- (2) The Minister has power to do all things necessary or convenient to be done for or in connection with the performance of the Minister's functions.

Note: The heading to amended section 151E is to read:

Minister's occupational safety and health functions

13. Sections 151F and 151G deleted

Delete sections 151F and 151G.

14. Part IIIA Divisions 3, 4 and 5 deleted

Delete Part IIIA Divisions 3, 4 and 5.

15. Schedule 3 Division 2 inserted

At the end of Schedule 3 insert:

Division 2 — Provisions for *Petroleum (Submerged Lands) Amendment Act 2011*

6. Interpretation of references to Safety Authority in regulations

- (1) This clause applies to these regulations —
- (a) the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007*;
 - (b) the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007*;
 - (c) the *Petroleum (Submerged Lands) (Occupational Safety and Health) Regulations 2007*;
 - (d) the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007*.

s. 16

- (2) On and from the commencement of the *Petroleum (Submerged Lands) Amendment Act 2011* section 12, a reference in the regulations to which this clause applies to the Safety Authority is to be taken, unless the context otherwise requires, to be a reference to the Minister.
- (3) This clause expires 12 months after the commencement referred to in subclause (2).

16. Schedule 5 clause 2 amended

At the end of Schedule 5 clause 2 delete “Safety Authority.” and insert:

Minister.

17. Schedule 5 clause 26 amended

Delete Schedule 5 clause 26(b)(ii) and insert:

(ii) inspectors.

18. Schedule 5 clause 33 amended

In Schedule 5 clause 33(1)(a)(iii) delete “OHS inspector or to the Safety Authority” and insert:

inspector

19. Schedule 5 clause 38 amended

In Schedule 5 clause 38(1) delete “the Safety Authority or an OHS inspector” and insert:

an inspector

20. Schedule 5 clause 43 amended

- (1) In Schedule 5 clause 43(4) delete “the Safety Authority or an OHS inspector” and insert:

an inspector

- (2) In Schedule 5 clause 43(6) delete “OHS inspector or the Safety Authority” and insert:

inspector

21. Schedule 5 clause 45 amended

In Schedule 5 clause 45(2):

- (a) delete “Safety Authority” and insert:

Minister

- (b) delete “unless it” and insert:

unless the Minister

22. Schedule 5 clause 46 amended

At the end of Schedule 5 clause 46 delete “Safety Authority.” and insert:

Minister.

s. 23

23. Schedule 5 clause 47 amended

- (1) In Schedule 5 clause 47(1) delete “OHS inspector” and insert:

inspector

- (2) In Schedule 5 clause 47(2):

- (a) delete “Safety Authority” and insert:

Minister

- (b) delete “OHS inspectors” (each occurrence) and insert:

inspectors

- (c) delete “it does” and insert:

the Minister does

- (3) In Schedule 5 clause 47(3):

- (a) delete “Safety Authority” and insert:

Minister

- (b) delete “it does” and insert:

the Minister does

- (c) delete “OHS inspector” (each occurrence) and insert:

inspector

Note: The heading to amended Schedule 5 clause 47 is to read:

Powers, functions and duties of inspectors

24. Schedule 5 Division 4 Subdivision 3 heading amended

In the heading to Schedule 5 Division 4 Subdivision 3 delete “OHS”.

25. Schedule 5 clause 49 amended

In Schedule 5 clause 49(2):

- (a) in paragraph (c) delete “OHS inspector’s” and insert:

inspector’s

- (b) in paragraph (d) delete “Safety Authority’s” and insert:

Minister’s

26. Schedule 5 clause 50 amended

In Schedule 5 clause 50(2):

- (a) in paragraph (a) delete “OHS inspector’s” and insert:

inspector’s

- (b) in paragraph (b) delete “Safety Authority’s” and insert:

Minister’s

s. 27

27. Schedule 5 clause 51 amended

In Schedule 5 clause 51(3):

- (a) in paragraph (b) delete “OHS inspector’s” and insert:

inspector’s

- (b) in paragraph (c)(i) delete “Safety Authority’s” and insert:

Minister’s

28. Schedule 5 clause 53 amended

In Schedule 5 clause 53:

- (a) delete “OHS inspector” and insert:

inspector

- (b) delete “OHS inspector’s” and insert:

inspector’s

Note: The heading to amended Schedule 5 clause 53 is to read:

Obstructing or hindering inspector

29. Schedule 5 clause 54 amended

In Schedule 5 clause 54(1)(f) delete “OHS inspector’s” and insert:

inspector’s

30. Schedule 5 clause 59 amended

In Schedule 5 clause 59(3)(a) delete “OHS inspector’s” and insert:

inspector’s

31. Schedule 5 clause 64 amended

- (1) In Schedule 5 clause 64(2)(a) delete “OHS inspector’s” and insert:

inspector’s

- (2) In Schedule 5 clause 64(3):

- (a) delete “Safety Authority” and insert:

Minister

- (b) delete “it wishes” and insert:

the Minister wishes

32. Schedule 5 Division 4 Subdivision 5 heading amended

In the heading to Schedule 5 Division 4 Subdivision 5 delete “OHS”.

33. Schedule 5 clause 78 amended

- (1) Delete Schedule 5 clause 78(1) and insert:

- (1) Proceedings for an offence against a listed OSH law may be instituted by an inspector, but an inspector is not to be

s. 34

personally responsible for any costs incurred by or awarded against the inspector in connection with any proceeding for an offence against a listed OSH law.

- (2) In Schedule 5 clause 78(2) delete “the Safety Authority” and insert:

an inspector

- (3) In Schedule 5 clause 78(3) delete “the Safety Authority” (each occurrence) and insert:

an inspector

- (4) In Schedule 5 clause 78(5) delete “The Safety Authority” and insert:

An inspector

34. Various references in Schedule 5 to “OHS inspector” amended

In Schedule 5 in the provisions listed in the Table delete “OHS inspector” (each occurrence) and insert:

inspector

Table

| | |
|---------------------|--|
| Sch. 5 cl. 2 | Sch. 5 cl. 33(1)(a)(iv) and (c)(i) |
| Sch. 5 cl. 34(4)(a) | Sch. 5 cl. 38(2), (3), (4), (6)(a) and (8) |

| | |
|---|---|
| Sch. 5 cl. 39(1)(b)(i) | Sch. 5 cl. 43(5) |
| Sch. 5 cl. 44(b)(ii) | Sch. 5 cl. 46 |
| Sch. 5 cl. 48(1) and (2) | Sch. 5 cl. 49(1), (2) and (3) |
| Sch. 5 cl. 50(1) and (2) | Sch. 5 cl. 51(1), (2), (3), (4) and (5) |
| Sch. 5 cl. 52(1) | Sch. 5 cl. 54(1) and (2) |
| Sch. 5 cl. 55(1) and (3) | Sch. 5 cl. 57(1), (2), (3), (4) and (5) |
| Sch. 5 cl. 58(1), (2), (3), (5) and (6) | Sch. 5 cl. 59(1), (5) and (7) |
| Sch. 5 cl. 60(2), (3) and (4) | Sch. 5 cl. 61(1), (4)(a), (5) and (8) |
| Sch. 5 cl. 64(1) and (2)(b) | Sch. 5 cl. 65(1), (3) and (9) |
| Sch. 5 cl. 77(1)(g)(ii) | |

Note: The heading to amended Schedule 5 clause 65 is to read:

Reviews of decisions of inspectors

35. Various references in Schedule 5 to “Safety Authority” amended

In Schedule 5 in the provisions listed in the Table delete “Safety Authority” (each occurrence) and insert:

Minister

s. 35

Table

| | |
|--------------------------|-------------------------------|
| Sch. 5 cl. 25(2) and (8) | Sch. 5 cl. 29(1) |
| Sch. 5 cl. 34(2) | Sch. 5 cl. 45(1) |
| Sch. 5 cl. 48(2) | Sch. 5 cl. 64(1), (4) and (5) |
| Sch. 5 cl. 71(1) | Sch. 5 cl. 72(1) |

=====