



Western Australia

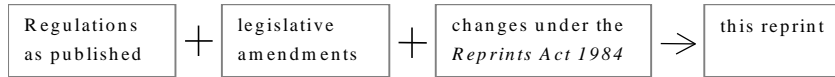
Petroleum (Submerged Lands) Act 1982

Petroleum (Submerged Lands) (Diving Safety) Regulations 2007

Reprint 1: The regulations as at 21 November 2014

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Petroleum (Submerged Lands) (Diving Safety) Regulations 2007

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Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
at 21 November 2014

Petroleum (Submerged Lands) Act 1982

Petroleum (Submerged Lands) (Diving Safety) Regulations 2007

Part 1 — Preliminary

1. Citation

These regulations are the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007*¹.

2. Commencement

These regulations come into operation on the day on which the *Petroleum Legislation Amendment and Repeal Act 2005* Part 4 comes into operation¹.

3. Terms used

In these regulations —

accepted DSMS means a DSMS that has been accepted by the Minister under regulation 8 or 9 and the acceptance has not been withdrawn;

applicable diving project plan, in relation to a diving project, means the diving project plan that has been approved under

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regulation 17 or accepted under regulation 18 in relation to the project;

AS/NZS, followed by a number, means the Australian/New Zealand Standard of that number, as in effect from time to time;

Australian Diver Accreditation Scheme means the scheme of that name administered by the Board of the Australian Diver Accreditation Scheme on behalf of the Department of State of the Commonwealth assisting the Commonwealth Minister in the administration of the Commonwealth Act;

diver means a person who engages in diving as part of a diving operation;

diving has the meaning given by regulation 4;

diving contractor means a person who enters into a contract to conduct a diving project;

diving operation means an offshore petroleum operation comprising one or more dives;

diving project means a project comprising one or more diving operations and includes —

- (a) the identification of hazards, assessment of risks and management of safety and health matters associated with a diving operation; and
- (b) any other activity taken for the purpose of ensuring that a diving operation is carried out in a manner that is safe and without risk to health;

DSMS means a document setting out the diving safety management system and, where the context allows, includes a revised DSMS;

manned submersible craft means a craft that is designed to maintain its occupants, at or near atmospheric pressure while submerged (whether or not it is self-propelled, and whether or not it is supplied with breathing mixture through an umbilical), including a craft in the form of a suit;

operator, in relation to a diving project, means —

- (a) if the facility associated with the project is a pipeline — the person registered as the operator of the pipeline under the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007* regulation 7(3);
- (b) if the facility associated with the project is not a pipeline — the person registered as the operator of the facility under the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007* regulation 7(3).

[Regulation 3 amended in Gazette 30 Dec 2011 p. 5542.]

4. Meaning of diving

- (1) For the purposes of these regulations a person is diving if the person —
 - (a) is in a chamber inside which the ambient pressure is equal to or higher than the hydrostatic pressure at a depth of one metre in seawater (whether or not the chamber is submerged in water or another liquid); or
 - (b) is submerged in water or another liquid and the person's lungs are subjected to a pressure greater than atmospheric pressure (whether or not the person is wearing a wetsuit or other protective clothing); or
 - (c) is in a manned submersible craft that is submerged in water or another liquid.
- (2) For the purposes of these regulations, diving includes diving using a snorkel and diving without the use of any breathing apparatus but does not include —
 - (a) diving using a snorkel for the purpose of conducting an environmental survey; or
 - (b) diving without the use of any breathing apparatus for that purpose.

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5. When diving operation begins and ends

For the purposes of these regulations, a diving operation —

- (a) begins when the diver, or first diver, who takes part in the operation begins to prepare to dive; and
- (b) ends when the diver, or last diver, who takes part in the operation leaves the water or the chamber or environment in which the dive took place and has completed any necessary decompression procedures; and
- (c) includes the time taken for therapeutic recompression if that is necessary.

Part 2 — Diving safety management systems

6. No diving without current accepted DSMS

- (1) A diving contractor must not carry out any part of a diving operation that is part of a diving project, or allow any part of such an operation to be carried out, unless the diving contractor —
 - (a) has a current accepted DSMS for the project; and
 - (b) has given a copy of the current accepted DSMS to the operator in relation to the diving project (if any).

Penalty: a fine of \$5 500.

- (2) If there is an operator in relation to a diving project, the operator must not allow any part of a diving operation that is part of the diving project to be carried out if the operator has not received a copy of the current accepted DSMS for the project.

Penalty: a fine of \$11 000.

- (3) For the purposes of this regulation a DSMS is not current if, since the most recent acceptance of the DSMS —
 - (a) the acceptance of the DSMS has been withdrawn; or
 - (b) 5 years have elapsed.

7. Contents of DSMS

- (1) A DSMS must meet the minimum standards set out in the document initially published by the Department of Industry, Tourism and Resources (Commonwealth) and known as “*Guidelines for complying with the Petroleum (Submerged Lands) (Diving Safety) Regulations 2002*”, as that document is in effect from time to time.
- (2) A DSMS for a diving project must provide for —
 - (a) all activities connected with the diving project; and
 - (b) the preparation of a diving project plan, in accordance with Part 3, for the project (including consultation with

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- members of the workforce in the preparation of the plan) and the revision of the plan as necessary; and
- (c) the continual and systematic identification of hazards associated with the diving project; and
 - (d) the continual and systematic assessment of —
 - (i) the likelihood of the occurrence, during normal or emergency situations, of injury or damage associated with those hazards; and
 - (ii) the likely nature of any injury or damage;and
 - (e) the elimination of risks to persons involved with the project and associated work including —
 - (i) risks arising during evacuation, escape and rescue in case of emergency; and
 - (ii) risks to persons involved with the operation arising from equipment and hardware,or the reduction of those risks to a level that is as low as reasonably practicable; and
 - (f) the inspection and maintenance of, and testing programs for, equipment and hardware integral to the control of those risks; and
 - (g) communications between persons involved in the diving project; and
 - (h) the performance standards that apply to the DSMS; and
 - (i) a program of continuous improvement.
- (3) A DSMS for a diving project must —
- (a) specify any standard or code of practice that is to be used in the diving project; and
 - (b) require the diving project to be carried out in accordance with that standard or code.

- (4) A DSMS for a diving project must contain —
- (a) any information that is reasonably necessary to demonstrate that the DSMS complies with these regulations; and
 - (b) a system for the management of change.

[Regulation 7 amended in Gazette 30 Dec 2011 p. 5540.]

8. Acceptance of new DSMS

- (1) If a diving contractor does not already have an accepted DSMS for a proposed diving project, the contractor must give a copy of the proposed DSMS for the project to the Minister at least 60 days before the project is expected to begin.
- (2) In accepting a DSMS, the Minister may impose any condition the Minister considers is necessary in the interests of safety and health.
- (3) The Minister must, within 60 days after receiving the DSMS, notify the diving contractor —
- (a) that the DSMS is either accepted or rejected; and
 - (b) of each condition imposed on the acceptance, if relevant.

[Regulation 8 amended in Gazette 30 Dec 2011 p. 5540 and 5542.]

9. Acceptance of revised DSMS

- (1) If a diving contractor has revised a DSMS, the contractor must give a copy of the revised DSMS to the Minister.
- (2) The Minister must notify the diving contractor that the revised DSMS is either accepted or rejected and is to do so within —
- (a) 28 days after receiving the revised DSMS; or
 - (b) another period agreed between the Minister and the diving contractor.

[Regulation 9 amended in Gazette 30 Dec 2011 p. 5542.]

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10. Grounds for rejecting DSMS

The Minister must reject a DSMS if —

- (a) the DSMS does not adequately comply with regulation 7; or
- (b) the Minister is not satisfied that there was effective consultation with divers and other members of the workforce in the preparation of the DSMS, as required by regulation 21.

[Regulation 10 amended in Gazette 30 Dec 2011 p. 5542.]

11. Notice of reasons

- (1) If the Minister rejects a DSMS the Minister must give with the notice mentioned in regulation 8(3) or 9(2), written reasons for rejecting the DSMS.
- (2) If the Minister decides to impose a condition on the acceptance of a DSMS, the Minister must give with the notice mentioned in regulation 8(3) or 9(2), written reasons for imposing the condition.

[Regulation 11 amended in Gazette 30 Dec 2011 p. 5542-3.]

12. DSMS register

- (1) The Minister must keep a register of each DSMS and revised DSMS received, in a form that allows public access.
- (2) The Minister is to ensure that there is recorded in the register in relation to a DSMS for a diving project such of the following details as apply to the DSMS —
 - (a) the name of the diving contractor conducting the project;
 - (b) the date of acceptance;
 - (c) each condition on acceptance;
 - (d) the date of rejection;
 - (e) the date that acceptance was withdrawn;
 - (f) the date of any revision notice under regulation 14.

- (3) The Minister is to ensure that there is recorded in the register the following details for each diving project plan received under regulation 18 —
- (a) the name of the diving contractor conducting the project;
 - (b) the diving project to which the plan applies;
 - (c) the proposed commencement date of the project;
 - (d) the date of receipt of the plan.

[Regulation 12 amended in Gazette 30 Dec 2011 p. 5540 and 5542-3.]

13. Revision of DSMS

- (1) A diving contractor must revise a DSMS if any of the following events occurs —
- (a) a development in scientific or technical knowledge, or in the assessment of hazards associated with diving projects, makes it appropriate to revise the DSMS;
 - (b) the diving contractor proposes to make a significant change to the method of operation or to procedures or equipment;
 - (c) a number of minor changes result in the DSMS being significantly different from the most recent version of the DSMS accepted by the Minister;
 - (d) the Minister gives notice in accordance with regulation 14.
- (2) Without affecting subregulation (1), a diving contractor must revise a DSMS —
- (a) at the end of each consecutive period of 5 years starting on the day on which the DSMS was first accepted; or
 - (b) if the DSMS is revised, at the end of each consecutive period of 5 years starting on the day of the most recent acceptance.

[Regulation 13 amended in Gazette 30 Dec 2011 p. 5540 and 5542-3.]

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14. Notice requesting revision of DSMS

- (1) The Minister may, by written notice (a *revision notice*) request a diving contractor to revise a DSMS.
- (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) The Minister may make the request because a circumstance of a kind mentioned in regulation 13(1)(a), (b) or (c) has occurred, or for any other reason.
- (4) The diving contractor may, in writing, inform the Minister of the contractor's opinion that —
 - (a) it is not necessary to revise the DSMS; or
 - (b) if a revision of the DSMS is to occur the revision should be in terms different from those proposed by the Minister; or
 - (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 contractor's reasons in support of the contractor'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 contractor notice in writing affirming, varying or withdrawing the revision notice, setting out reasons

for not accepting the submission or any part of the submission if relevant.

- (7) The contractor must revise the DSMS in accordance with the revision notice as originally given or as varied under subregulation (6), and give a copy of the revised DSMS to the Minister.
- (8) If the contractor does not revise a DSMS in accordance with subregulation (7), the Minister may withdraw its acceptance of the DSMS.

[Regulation 14 amended in Gazette 30 Dec 2011 p. 5541 and 5542-3.]

Part 3 — Diving project plans

15. No diving without approved or accepted diving project plan

A diving contractor must not carry out any part of a diving operation that is part of a diving project, or allow any part of such an operation to be carried out, unless there is an applicable diving project plan for the project.

Penalty: a fine of \$5 500.

16. Contents of diving project plan

- (1) A diving project plan for a diving project must contain the following —
- (a) a description of the project;
 - (b) a description of each diving operation that is part of the project;
 - (c) a list of the Commonwealth and State legislation that would apply to the project;
 - (d) a list of standards and codes of practice that would be applied in carrying out the project;
 - (e) the identification of the hazards associated with the diving operations that are part of the project;
 - (f) a risk assessment in relation to the identified hazards associated with the diving operations that are part of the project;
 - (g) job hazard analyses for the diving operations that are part of the project;
 - (h) a plan for managing the safety and health of persons taking part in the project;
 - (i) an emergency response plan;
 - (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;

- (k) details of consultation with divers and other members of the workforce taking part in the project.
- (2) In subregulation (1)(j) —
- pipeline management plan in force* has the meaning given to that term in the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007* regulation 3(1);
- safety case in force* has the meaning given to that term in the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007* regulation 3.
- (3) A diving project plan for a diving project is to limit each diving operation that is part of the project to a size and nature that can be safely supervised by one diving supervisor at any given time during the operation.
- (4) A diving project plan for a project must provide for adequate communications between persons taking part in the project and any relevant —
- (a) contractor; and
 - (b) facility; and
 - (c) vessel or aircraft; and
 - (d) on-shore installation.

[Regulation 16 amended in Gazette 30 Dec 2011 p. 5541.]

17. Approval of diving project plan by operator

- (1) If there is an operator in relation to a diving project the diving contractor conducting the project must prepare a diving project plan for the project and is to do so in consultation with, and for the approval of, the operator.

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- (2) The operator must not approve the diving project plan unless the operator is satisfied that —
 - (a) the plan complies with regulation 16; and
 - (b) there was effective consultation in the preparation of the plan, as required by regulation 16.

Penalty: a fine of \$5 500.

18. Acceptance of diving project plan by Minister if no operator

- (1) If there is no operator in relation to a diving project the diving contractor conducting the project must prepare a diving project plan for the project and give a copy of the plan to the Minister.
- (2) The Minister must not accept the diving project plan unless satisfied that —
 - (a) the plan complies with regulation 16; and
 - (b) there was effective consultation in the preparation of the plan, as required by regulation 21.

[Regulation 18 amended in Gazette 30 Dec 2011 p. 5541 and 5542-3.]

19. Copy of diving project plan to be given to Minister if requested

The operator in relation to a diving project must give a copy of a diving project plan to the Minister if requested to do so.

[Regulation 19 amended in Gazette 30 Dec 2011 p. 5542-3.]

20. Updating diving project plan

- (1) A diving contractor conducting a diving project must keep the diving project plan for the project up-to-date during the project.
- (2) A diving contractor conducting a diving project must update the diving project plan for the project if —
 - (a) because of modification of the project, there is a significant increase in the overall level of risk, or a

- significant change in the type of risk, to a person taking part in a diving operation that is part of the project; or
- (b) the operator in relation to the project proposes to undertake or permit a modification of the project that is likely to significantly affect the level of specific risks to a person taking part in a diving operation that is part of the project or significantly change the type of risk to such a person.
- (3) If there is not an operator in relation to a diving project and the diving project plan for the project has been updated, the diving contractor must give a copy of the updated plan to the Minister.

[Regulation 20 amended in Gazette 30 Dec 2011 p. 5542-3.]

Part 4 — Involvement of divers and other members of the workforce

21. Involvement of divers and members of workforce in DSMS and diving project plan

- (1) In preparing or revising a DSMS or a diving project plan for a diving project a diving contractor must ensure that there is effective consultation with, and participation of, divers and other members of the workforce who will, or may be, taking part in the project.
- (2) When giving a copy of a DSMS to the Minister for acceptance, the diving contractor must give written details of the consultation that has taken place, including —
 - (a) submissions or comments made during the consultation;
and
 - (b) any changes that have been made to the DSMS as a result of the consultation.

[Regulation 21 amended in Gazette 30 Dec 2011 p. 5542-3.]

Part 5 — Safety responsibilities

22. Compliance with DSMS, diving project plan

A diving contractor conducting a diving project must take all reasonable steps to ensure that a diving operation that is part of the project is carried out —

- (a) in accordance with the accepted DSMS for the project; and
- (b) in accordance with the applicable diving project plan.

Penalty: a fine of \$5 500.

23. Safety before and during diving operations

- (1) A diving contractor conducting a diving project must, before a diving operation that is part of the project begins, make available for the inspection of all persons who are to take part in the diving operation a copy of —

- (a) the instrument by which the diving supervisor for the operation was appointed; and
- (b) the accepted DSMS for the project; and
- (c) the applicable diving project plan.

Penalty: a fine of \$1 100.

- (2) A person who takes part in a diving operation that is part of a diving project must comply with —

- (a) an instruction given by a diving supervisor for the diving operation about a matter in the applicable diving project plan; and
- (b) a direction under regulation 28 given to the person by a diving supervisor for the diving operation.

Penalty: a fine of \$1 100.

24. Diving depths

- (1) The operator in relation to a diving project comprising a surface-oriented diving operation involving the use of air or

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mixed gas as a breathing medium must not allow the operation to be carried out at a depth of more than 50 metres.

Penalty: a fine of \$11 000.

- (2) A diving contractor conducting a diving project comprising a surface-oriented diving operation involving the use of air or mixed gas as a breathing medium must not allow the operation to be carried out at a depth of more than 50 metres.

Penalty: a fine of \$5 500.

- (3) The operator in relation to a diving project comprising a diving operation that is carried out at a depth of more than 50 metres must ensure that the diving operation involves the use of —

- (a) a closed diving bell and a suitable mixed gas breathing medium; or
- (b) a manned submersible craft.

Penalty: a fine of \$11 000.

- (4) A diving contractor conducting a diving project comprising a diving operation that is carried out at a depth of more than 50 metres must ensure that the diving operation involves the use of —

- (a) a closed diving bell and a suitable mixed gas breathing medium; or
- (b) a manned submersible craft.

Penalty: a fine of \$5 500.

25. Duties of diving contractors for diving operations not at facilities

- (1) A diving contractor conducting a diving project who, as part of that project, carries out any part of a diving operation in the adjacent area but not at a facility in the adjacent area must take all reasonably practicable steps to ensure that the diving operation is carried out in a manner that is safe and without risk to health.

Penalty: a fine of \$5 500.

- (2) Without limiting subregulation (1) a diving contractor mentioned in that subregulation must take all reasonably practicable steps to —
- (a) ensure that the physical environment at the place where the diving operation is carried out is safe and without risk to health; and
 - (b) ensure that any plant, equipment, materials and substances used in connection with the diving operation are safe and without risk to health; and
 - (c) implement and maintain systems of work for carrying out the diving operation that are safe and without risk to health; and
 - (d) ensure that there is provided a means of access to, and egress from, the place where the diving operation is carried out that is safe and without risk to health; and
 - (e) provide all the persons taking part in the diving operation with the information, instruction, training and supervision necessary for them to carry out their work in a manner that is safe and without risk to health.

Penalty: a fine of \$5 500.

Part 6 — Diving supervisors

26. Appointment of diving supervisors

- (1) A diving contractor conducting a diving project must appoint, in writing, for each diving operation that is part of the project, such diving supervisors as are necessary to provide for the operation to be safely supervised by one supervisor at any given time during the operation.

Penalty: a fine of \$2 200.

- (2) A diving contractor must not appoint a person to be a diving supervisor for a diving operation if the person is not —
- (a) qualified as a supervisor under the Australian Diver Accreditation Scheme; and
 - (b) competent to supervise the operation.

Penalty: a fine of \$2 200.

27. Duties of diving supervisors

- (1) A diving supervisor for a diving operation that is part of a diving project must —
- (a) ensure that the diving operation is carried out —
 - (i) in accordance with the accepted DSMS for the project; and
 - (ii) in accordance with the applicable diving project plan;
- and
- (b) countersign entries about the operation in divers' log books; and
 - (c) if there is an operator in relation to a diving project, report to the operator, during the operation, the following —
 - (i) the death of, or serious personal injury to, a person;

- (ii) the incapacitation of a person that prevents the person from performing work for 3 or more days;
- (iii) an event that could reasonably have led to a consequence of the type mentioned in subparagraph (i) or (ii);
- (iv) a decompression illness;
- (v) a pulmonary barotrauma;
- (vi) a case of omitted decompression;
- (vii) an occurrence for which the standby diver is deployed for an emergency, except for the purposes of training, exercises or drills;
- (viii) a failure of life support equipment or man riding equipment.

Penalty: a fine of \$2 200.

- (2) In subregulation (1)(c)(viii) —

man riding equipment includes any of the following —

- (a) an air stage;
- (b) a wet bell;
- (c) a closed bell;
- (d) a guide wire system.

- (3) A diving supervisor must not engage in diving while he or she is on duty as diving supervisor.

Penalty: a fine of \$2 200.

- (4) A diving supervisor for a diving operation that is part of a diving project must give each person who takes part in the operation the instructions that the person is required to be given under the applicable diving project plan.

Penalty: a fine of \$2 200.

28. Diving supervisor may give directions

A diving supervisor, when supervising a diving operation, may give such directions to any person taking part in the operation as

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are reasonable and necessary to enable the diving supervisor to comply with regulation 29.

29. Duties of diving supervisors for diving operations not at facilities

- (1) A diving supervisor for a diving operation that is carried out in the adjacent area but not at a facility in the adjacent area must take all reasonably practicable steps to ensure that the diving operation is carried out in a manner that is safe and without risk to health.

Penalty: a fine of \$2 200.

- (2) Without limiting subregulation (1) a diving supervisor mentioned in that subregulation must take all reasonably practicable steps to —
- (a) ensure that the working environment at the place where the diving operation is carried out is safe and without risk to health; and
 - (b) ensure that any plant, equipment, materials and substances used in connection with the diving operation are safe and without risk to health; and
 - (c) implement and maintain systems of work for carrying out the diving operation that are safe and without risk to health; and
 - (d) ensure that there is provided a means of access to, and egress from, the place where the diving operation is carried out that is safe and without risk to health; and
 - (e) provide all the persons taking part in the diving operation with the information, instruction, training and supervision necessary for them to carry out their work in a manner that is safe and without risk to health.

Penalty: a fine of \$2 200.

Part 7 — Start-up notices

30. Start-up notice

(1) In this regulation —

start-up notice, in relation to a diving project, means a written notice, signed by or for the person giving it, dated and containing the following information —

- (a) the name, address and telephone number of the diving contractor conducting the project;
- (b) the name, address and telephone number of a person who can be contacted by the Minister at any time during the project;
- (c) the date when the first diving operation that is part of the project is expected to begin;
- (d) the expected duration of the project;
- (e) the location of the project;
- (f) the depth to which it is expected that divers will dive;
- (g) the purpose of the diving project;
- (h) the estimated number of people to take part in the project;
- (i) the breathing mixture to be used;
- (j) the title, document number and revision number of the applicable diving project plan.

(2) The operator in relation to a diving project must not allow the first diving operation that is part of the project to begin if the operator has not given a start-up notice to the Minister —

- (a) at least 14 days before the day on which the operator expects the operation to begin; or
- (b) on another day as agreed between the Minister and the operator.

Penalty: a fine of \$11 000.

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- (3) If there is not an operator in relation to a diving project, the diving contractor conducting the project must not allow the first diving operation that is part of the project to begin if the diving contractor has not given a start-up notice to the Minister —
- (a) at least 14 days before the day on which the diving contractor expects the operation to begin; or
 - (b) on another day as agreed between the Minister and the diving contractor.

Penalty: a fine of \$5 500.

[Regulation 30 amended in Gazette 30 Dec 2011 p. 5542-3.]

Part 8 — Diving operations

31. Persons taking part in diving operations

- (1) A diving contractor conducting a diving project must not allow a person to take part in a diving operation that is part of the project if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.
Penalty: a fine of \$5 500.
- (2) A diving supervisor for a diving operation must not allow a person to take part in the operation if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.
Penalty: a fine of \$2 200.
- (3) A diving contractor conducting a diving project must not allow a person to take part in a diving operation that is part of the project if the person does not have a current diving qualification under the Australian Diver Accreditation Scheme to carry out any activity that is reasonably likely to be necessary while the person is taking part in the operation.
Penalty: a fine of \$5 500.
- (4) A diving supervisor for a diving operation must not allow a person to take part in the operation if the person does not have a current diving qualification under the Australian Diver Accreditation Scheme to carry out any activity that is reasonably likely to be necessary while the person is taking part in the operation.
Penalty: a fine of \$2 200.
- (5) A diving contractor conducting a diving project must not allow a person to take part in a diving operation that is part of the project if the person does not have a medical certificate that complies with regulation 32.
Penalty: a fine of \$5 500.

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- (6) A diving supervisor for a diving operation must not allow a person to take part in the diving operation if the person does not have a medical certificate that complies with regulation 32.

Penalty: a fine of \$2 200.

- (7) Subregulations (3), (4), (5) and (6) do not apply to a person who is taking part in a diving operation —

- (a) in a manned submersible craft; or
- (b) to provide emergency medical care to an injured person in a chamber.

32. Medical certificates

- (1) For the purposes of regulation 31(5) or (6) a medical certificate is to satisfy the requirements of subregulation (2) or (3).

- (2) A medical certificate in relation to a diver —

- (a) is to certify that, at the time it was given, the diver was fit to dive in accordance with the fitness requirements in AS/NZS 2299; and
- (b) is to be not more than one year old; and
- (c) is to be given by a medical practitioner who —
 - (i) is accredited by the South Pacific Underwater Medicine Society, the Health and Safety Executive of the United Kingdom or the Underwater Hyperbaric Medicine Society; or
 - (ii) has completed an appropriate course of training conducted by the Royal Australian Navy or the Royal Adelaide Hospital; or
 - (iii) has been approved under the Australian Diver Accreditation Scheme;

and

- (d) is to be given after the medical practitioner examined the diver in accordance with the Schedule of Minimum Examination Requirements in AS/NZS 2299; and

- (e) is to be —
 - (i) entered by the medical practitioner in the diver's log book immediately after the examination; or
 - (ii) if comprising a separate document, attached by the medical practitioner to the diver's log book immediately after the examination.
- (3) A medical certificate in relation to a diver is to be a medical certificate that has effect in the United Kingdom under any law of the United Kingdom relating to the medical fitness of persons employed as divers.

Part 9 — Records

33. Diving operations record

- (1) A diving supervisor for a diving operation must ensure that a diving operations record for the operation is maintained in the form required by subregulations (2) and (3).
Penalty: a fine of \$5 500.
- (2) A diving operations record —
 - (a) must be kept in a hard-covered form bound in such a way that its pages cannot easily be removed; or
 - (b) if it is in a form that has multiple copies of each page, must be bound so that at least one copy of each page cannot easily be removed.
- (3) The pages of a diving operations record must be serially numbered.
- (4) A diving supervisor for a diving operation must ensure that an entry is made in the diving operations record for each day on which the operation is carried out, with the following information about the operation for that day —
 - (a) the date to which the entry relates;
 - (b) the name and address of the diving contractor conducting the diving project of which the operation is a part;
 - (c) the name of each diving supervisor who supervised the operation;
 - (d) the location of the diving operation (including, if the diving was done from a vessel or installation, the name of the vessel or installation);
 - (e) the name of each person who took part in the operation (whether as a diver or as a member of a dive team);

- (f) the name of each person who took part in the operation as a diver or stand by diver;
- (g) the purpose of the diving operation;
- (h) for each diver, the breathing apparatus and breathing mixture used;
- (i) for each diver, the times at which the diver left the surface, reached the bottom, left the bottom and arrived at the surface again, and bottom time;
- (j) for each diver, the maximum depth reached;
- (k) the decompression schedule followed including, for each diver, details of the depths and the duration at each depth during decompression;
- (l) details of any emergency or incident of special note that happened during the operation;
- (m) details of any decompression illness and any treatment given;
- (n) details of any significant defect or significant failure of diving plant or equipment used in the operation;
- (o) details of any environmental factors relevant to the operation;
- (p) anything else that is likely to affect the health or safety of anybody who took part in the operation.

Penalty: a fine of \$1 100.

- (5) A diving supervisor for a diving operation must sign in the diving operations record for the operation —
 - (a) either —
 - (i) if the record is in a form that has multiple copies of each page, the original of each page of each entry; or
 - (ii) in any other case, each page of each entry;
- or

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- (b) if there were 2 or more diving supervisors for the operation, each entry that relates to the parts of the operation that the diving supervisor supervised,

and must print his or her name below the signature.

Penalty: a fine of \$1 100.

- (6) A diving contractor must keep a diving operations record for at least 7 years after the last entry in it.

Penalty: a fine of \$550.

34. Divers' log books

- (1) A diver must —

- (a) have a log book in the form required by subregulation (2); and
- (b) for each time the diver engages in diving as part of a diving operation —
 - (i) make an entry in the log book, in ink, as required by subregulation (3); and
 - (ii) sign the entry; and
 - (iii) have the diving supervisor for the operation countersign the entry;

and

- (c) keep the log book for at least 7 years after the date of the last entry in it.

Penalty: a fine of \$550.

- (2) The log book must —

- (a) have hard covers; and
- (b) be bound so that pages cannot easily be removed; and
- (c) have its pages serially numbered; and
- (d) show the diver's name; and
- (e) have a clear photograph of the head and shoulders of the diver; and

- (f) have a specimen of the diver's signature.
- (3) An entry in the log book must contain the following information —
- (a) the date to which the entry relates;
 - (b) the location of the diving operation (including, if the diving was done from a vessel or installation, the name of the vessel or installation);
 - (c) the maximum depth reached;
 - (d) the times at which the diver left the surface, reached the bottom, left the bottom and arrived at the surface again, and bottom time;
 - (e) the breathing apparatus and breathing mixture used;
 - (f) the decompression schedule followed;
 - (g) the work done and the plant and tools used;
 - (h) details of any decompression illness, barotrauma, discomfort or injury and details of any treatment given;
 - (i) details of any emergency or incident;
 - (j) anything else relevant to the diver's safety or health.

Part 10 — Transitional provisions

[Heading inserted in Gazette 30 Dec 2011 p. 5542.]

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 operation¹.
- (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.

[Regulation 35 inserted in Gazette 30 Dec 2011 p. 5542.]

Notes

- ¹ This reprint is a compilation as at 21 November 2014 of the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|---|---------------------------|--|
| <i>Petroleum (Submerged Lands) (Diving Safety) Regulations 2007</i> | 27 Mar 2007 p. 1313-49 | 28 Mar 2007 (see r. 2 and <i>Gazette</i> 27 Mar 2007 p. 1405) |
| <i>Petroleum (Submerged Lands) (Diving Safety) Amendment Regulations 2011</i> | 30 Dec 2011 p. 5539-43 | r. 1 and 2: 30 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2012 (see r. 2(b) and <i>Gazette</i> 30 Dec 2011 p. 5537) |

Reprint 1: The *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007* as at 21 Nov 2014 (includes amendments listed above)

Defined terms

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined term | Provision(s) |
|---|---------------------|
| accepted DSMS | 3 |
| amendment day | 35(1) |
| applicable diving project plan | 3 |
| AS/NZS | 3 |
| Australian Diver Accreditation Scheme | 3 |
| diver | 3 |
| diving | 3 |
| diving contractor | 3 |
| diving operation | 3 |
| diving project | 3 |
| DSMS | 3 |
| man riding equipment | 27(2) |
| manned submersible craft | 3 |
| operator | 3 |
| pipeline management plan in force | 16(2) |
| revision notice | 14(1) |
| safety case in force | 16(2) |
| start-up notice | 30(1) |