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Part I Preliminary

Division 1 Application, Objective and Definitions

1 General

- (1) These regulations are issued for the purposes of elaborating on various parts of the Timor Sea Treaty and its annexes, the Petroleum Mining Code and the Interim Petroleum Mining Code
- (2) For the purpose of these Regulations, all definitions are taken to have the same meaning as the definitions in the Petroleum Mining Code or Interim Petroleum Mining Code as applicable.
- (3) An Operator may apply for a waiver to any clause, or clauses, or part of a clause to these Regulations, if the Operator believes that waiver will not result in an increased risk to people, the environment or production or the creation of a new hazard to people, the environment or production.
- (4) The Designated Authority may, after giving due consideration to an application by an Operator under subclause (3), agree to provide the Operator with a waiver to any clause or clauses, or part of clause, of these Regulations as the Designated Authority deems appropriate.
- (5) The waiver referred in subclause (4) shall be in writing and shall set out the reasons for the consideration.
- (6) The Designated Authority may revoke any waiver at any time without notice.
- (7) The revocation referred in subclause (6) shall be in writing and shall set out the reasons for the revocation.
- (8) The conditions or requirements which prevailed before any approval or waiver given under these Regulations and later revoked under subclause (6) shall be considered to be in effect subsequent to the revocation.

2 Details in applications or submissions

- (1) An application or submission (however described) that a person is required or permitted to make or give to the Designated Authority under these Regulations shall include:
 - (a) the person's name;
 - (b) if applicable, the name of the person's agent;
 - (c) the person's or agent's address in Timor-Leste and/or Australia; and
 - (d) the person's or agent's telephone number and facsimile number.
- (2) If there is a change to any of the details mentioned in subregulation (1), the person or agent shall notify the Designated Authority in writing as soon as practicable.
- (3) Despite any provision of these Regulations the Designated Authority may delay proceeding with an application or submission until the person or agent has complied with these Regulations.

3 Transitional Arrangements

- (1) Any plan accepted prior to these Regulations commencing is taken to be a plan that was accepted by the Designated Authority on the date that it was accepted by the Designated Authority.
- (2) Any approval or consent which was granted prior to these Regulations continues to be in force.

4 Definitions

In these Regulations, unless inconsistent with the context or subject matter, the terms listed below have the meaning or intention as ascribed under Interpretation listed below.

Term	Interpretation
abandonment	means the permanent dismantling of a Facility and, in relation to a well, the permanent plugging in accordance with good oilfield practice.
access authorisation	means an authorisation granted pursuant to sub-section 9.1 of the Petroleum Mining Code
Accident	means an event which results in a loss and includes the contraction of a disease.
AS (followed by a number)	means the latest version of an Australian Standard of that number issued by Standards Australia.
AS/NZS (followed by a number)	means the latest version of a Australian Standard and New Zealand Standard of that number issued conjointly by Standards Australia and Standards New Zealand.
authorisation	means an access authorisation or a Production Sharing Contract, or an agreement (if any) made in respect of such an authorisation or Production Sharing Contract.
authorised activities	means the activities authorised by an Authorisation.
authorised area	means the area from time to time the subject of an authorisation.
bona fide research	means a systematic, investigative or experimental activity conducted for the purpose of: acquiring new knowledge; or creating new or improved materials, products, devices, processes or services; or analysis to identify the kind or quantities of ingredients in a substance.

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business premises	<p>means premises that are:</p> <p>(a) occupied by a person who is the Operator; and</p> <p>(b) used, or proposed to be used, wholly or principally in connection with offshore Petroleum Operations.</p>
classifying authority	<p>means an accepted body qualified to:</p> <p>(a) classify ships, barges or mobile platforms; or</p> <p>(b) verify the design, construction and operating capability of diving plant and equipment.</p>
confined space	<p>means an enclosed, or partially enclosed, space that:</p> <p>(a) is not used or intended for use as a regular workplace; and</p> <p>(b) has, or may have, restricted means of entry and exit; and</p> <p>(c) has, or may have, inadequate ventilation, contaminated atmosphere or oxygen deficiency; and</p> <p>(d) has, or may have, biological, chemical, electrical, mechanical or radiation hazards; and</p> <p>is at atmospheric pressure when occupied.</p>
controlled substance	<p>means a substance mentioned in:</p> <p>(a) Schedule 8 to the Customs (Prohibited Exports) Regulations 1958 (Cth); or</p> <p>(b) Schedule 4 to the Customs (Prohibited Imports) Regulations 1956 (Cth).</p>
dangerous occurrence	<p>Means an occurrence, at a Facility, that:</p> <p>(a) did not cause, but could reasonably have caused:</p> <p>(i) the death of, or serious personal injury to, a person; or</p> <p>(ii) a member of the workforce to be incapacitated from performing work; or</p> <p>was any of the following:</p> <p>(i) a fire or explosion;</p> <p>(ii) a collision of a marine vessel with the Facility;</p> <p>(iii) an uncontrolled release of hydrocarbon vapour exceeding 1 kg;</p> <p>(iv) an uncontrolled release of petroleum liquids exceeding 80 litres;</p> <p>(v) a well kick exceeding 50 barrels;</p> <p>(vi) an unplanned event that required the emergency response plan to be implemented;</p> <p>(vii) damage to safety-critical equipment; or</p> <p>(viii) was of another kind that a reasonable operator would consider to require an immediate investigation.</p>

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decommissioned pipeline	a pipeline is taken to be decommissioned if the pipeline ceases operation, other than: (a) temporarily for maintenance; or (b) for a period agreed between the Designated Authority and the Operator for the pipeline.
Diving	means a person: (a) is submerged in water or another liquid and his or her lungs are subjected to a pressure greater than atmospheric pressure (whether or not he or she is wearing protective clothing); or (b) is inside a chamber in which the pressure is equal to or higher than the hydrostatic pressure at a depth of 1 metre in seawater (whether or not the chamber is submerged in water or another liquid); or (c) is inside a submersible craft that is submerged in water or another liquid; or (d) using a snorkel and diving without the use of any breathing apparatus; but does not include diving using a snorkel without the use of any breathing apparatus for the purpose of conducting an environmental survey.
diving contractor	means a person who enters into a contract to conduct a diving project.
diving notice	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 for the project; (b) the name, address and telephone number of a person who can be contacted by the Designated Authority at any time during the project; (c) the date when diving is expected to begin; (d) the expected duration of the project; (e) the location of the project; (f) the depth to which divers will dive; (g) the purpose of the diving project; (h) the estimated number of people to be engaged in the project; (i) the breathing mixture to be used; and (j) the title, document number and revision number of the diving project plan for the project.
diving operation	means an offshore Petroleum Operation consisting of 1 or more dives.
diving project	means an activity consisting of one or more diving operations.
document	includes any map, book, record, log or writing.

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DSMS	means a diving safety management system.
emergency	in relation to a Facility, means an urgent situation that presents, or may present, a risk of death or serious injury to persons at the Facility, or a major environmental incident.
employee	in relation to an employer, means an employee of that employer.
employer	means an employer who conducts an activity at a Facility.
environment	means: (a) ecosystems and their constituent parts, including people and communities; and (b) natural and physical resources; and (c) the qualities and characteristics of locations, places and areas. and includes the social, economic and cultural features of the matters mentioned in clauses (a), (b) and (c).
environmental impact	means any change to the environment, whether adverse or beneficial, that wholly or partially results from an Operator's petroleum.
environmental performance	means the performance of an operator in relation to the environmental performance objectives and standards mentioned in an Environment Management Plan accepted under these Regulations.
environmental performance objective	means the goals of an Operator that are mentioned in an Environment Management Plan accepted under these Regulations.
environmental performance standard	means a statement of performance required of a system, an item of equipment, a person or a procedure, that is used as a basis for managing an environmental hazard and as set out in an Environment Management Plan accepted under these Regulations.
environment report	means a document submitted by an Operator which reports, annually, on the condition on the environment.
export petroleum	means petroleum which is exported from a Facility.
exposure standard	means an airborne concentration for a substance as set out in the Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:1003 (1995)] published by the National Occupational Health and Safety Commission, as existing from time to time.
Facility	<i>Vessels or structures that are facilities.</i> (1) Subject to subclauses (4) and (5), a vessel or structure (whether floating or fixed) is taken to be a Facility for the purposes of these Regulations, whether or not it is capable of independent navigation, while that vessel or structure: (a) is located at a site in the JPDA; and

	<p>is being used, or prepared for use, at that site:</p> <ul style="list-style-type: none"> (i) for the recovery of petroleum, for the processing of petroleum, or for the storage, transportation and offloading of petroleum, or for any combination of those activities; or (ii) for the provision of accommodation for persons working on another Facility, whether connected by a walkway to that other Facility or not; or (iii) for drilling or servicing a well for petroleum or doing work associated with the drilling or servicing process; or (iv) for laying pipes for petroleum, including any manufacturing of such pipes, or for doing work on an existing pipe; or (v) accommodation; or (vi) for the erection, dismantling or decommissioning of a vessel or structure referred to in a previous sub-clause of this clause; or (vii) for any other purpose related to offshore Petroleum Operations that is prescribed for the purposes of this sub-clause. <p>(2) For the purposes of clause (1), a vessel or structure that is located offshore for the purpose of laying pipes as described in sub-clause (1) (b) (iv) is taken to be located at a site, notwithstanding that the vessel or structure moves as the pipe laying process proceeds.</p> <p>(3) A vessel or structure used for a purpose referred to in sub-clause (1) (b) (i) includes:</p> <ul style="list-style-type: none"> (a) any well and associated plant and equipment by means of which petroleum processed or stored at the vessel or structure is recovered; and (b) any flowline; and (c) any umbilical or secondary line associated with any Facility. <p><i>Vessels or structures that are not facilities.</i></p> <p>(4) Notwithstanding clause (1), a vessel or structure is not a Facility if it is:</p> <ul style="list-style-type: none"> (a) an offshore tanker; or (b) tug or an anchor handler; or (c) a vessel or structure used for supplying a Facility or otherwise travelling between a Facility and the shore; (d) a diving support vessel; or (e) a vessel or structure used for any purpose such that it is declared by these Regulations not to be a Facility. <p>Meaning of use for a particular purpose.</p> <p>(5) In determining when a vessel or structure that has the potential to be used for one or more of the purposes referred to in clause (1) (b) is in fact being so used, the vessel or structure is to be taken:</p> <ul style="list-style-type: none"> (a) to commence to be so used only at the time when it arrives at the site where it is to be so used and any activities necessary to make it operational at that site have begun; and
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	(b) to cease to be so used when operations cease, and the vessel or structure has been returned either to a navigable form or to a form in which it can be towed to another place.
field export point	has the meaning in sub-section 1.1 of the Petroleum Mining Code.
flowline	means any pipe or system of pipes through which petroleum is conveyed from a well to a Facility and is considered to be a component of that Facility.
geographic co-ordinate	includes: (a) a meridian of longitude by itself; and (b) a parallel of latitude by itself.
geophysical survey	means a survey carried out in the search for petroleum using one of the following methods: (a) seismic; (b) gravimetric; (c) magnetic; (d) electrical; (e) geochemical; (f) well logging; and (g) any other accepted method.
group member	means a member of the workforce included in a particular work group.
hazardous substance	means a substance: (a) that is described in the List of Designated Hazardous Substances [NOHSC:10005 (1999)] published by the Australian National Occupational Health and Safety Commission, as existing from time to time; or (b) that has been determined, in writing, to be a hazardous substance by its manufacturer in accordance with the Accepted Criteria for Classifying Hazardous Substances [NOHSC:1008 (1999)] published by the Australian National Occupational Health and Safety Commission, as existing from time to time.
holder	means: (a) a party to a Production Sharing Contract; or (b) the holder of an access authorisation.
identity card	means an identity card issued to an inspector by the Designated Authority.
incident	means an event which does or could have resulted in a loss, including the contraction of a disease, or damage to the environment.

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in force	means: (a) a document or plan has been accepted by the Designated Authority; and (b) the approval has not been withdrawn or revoked.
in situ	in relation to a product that contains asbestos, means that, at the time the use of the form of asbestos in the product is prohibited under regulation 7, the product is fixed or installed: (a) in: (i) a building or any other structure that forms a workplace; or (ii) a plant, a vehicle or any other thing that is for use at a workplace; and (b) in a way that does not constitute a risk to users until the asbestos contained in the product is disturbed.
intoxicant	means a substance that may cause temporary or diminished physical or psychological control.
ISO (followed by a number)	means the latest version of an international standard or technical report of that number issued by the International Organization for Standardization.
Joint Commission	means the Joint Commission for the JPDA established pursuant to Article 6 of the Treaty.
loss	means the incursion of an expense or loss of production, either directly or indirectly to: (a) the Designated Authority, an Operator, an employer, an employee or a third party as the result of any incident or undesirable event which occurred within the JPDA; or a person at a supply location or on a vessel or to a vessel (not within the JPDA) during a time in which the supply location or vessel was contracted to perform work for the Designated Authority, Operator or employer.
major incident	means an event, including a natural occurring event, at or near the Facility or pipeline, that has the potential to cause: (a) a fatality of more than one person; or a major environmental disturbance; or major damage of the Facility or pipeline; or damage to the international reputation of the Designated Authority or an Operator. major accident event means an event connected with a Facility, including a natural event, having the potential to cause multiple fatalities of persons at or near the Facility.

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manned submersible craft	means a craft that is designed to maintain its occupant, or some or all of 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 by an umbilical), including a craft in the form of a suit.
medical practitioner	means a legally qualified medical practitioner.
member of the workforce	means a person who does work at the Facility, whether as an employee of the Operator or of another person, or as a contractor of the Operator.
mobile drilling unit	means a ship, barge or other vessel or floating structure including a structure any part of which may be lowered to the sea-bed for the purpose of supporting the structure that carries or includes equipment for drilling, or carrying out other operations on, a well from the vessel or structure.
natural gas	has the meaning in sub-section 1.1 of the Petroleum Mining Code.
noise exposure standard	means the noise exposure standard set out in the <i>National Standard for Occupational Noise</i> [NOHSC: 1007 (2000)] published by the Australian National Occupational Health and Safety Commission, as existing from time to time.
nominated address	means the address that is to be used for the purpose of serving correspondence relating to the lodgement and disclosure of data.
Operator's Representative	means the person who has day to day management and control of operations at a Facility.
performance standard	means a standard, established by an Operator, of the performance required of a system, item of equipment, person or procedure which is used as a basis for managing the risk of a major incident.
petroleum mining sample	means: (a) a core or cutting from, or a sample of, the sea-bed or subsoil; or (b) a sample of petroleum or other fluid recovered; that has been given, after the commencement of these Regulations, to the Designated Authority, and includes a portion of such a core, cutting, sample or fluid.
platform	means a construction platform, fixed platform, service platform or mobile drilling unit.
produced formation water	means natural aqueous fluid recovered from a petroleum reservoir in association with the petroleum.

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production equipment	means any equipment for the regulation or measurement of the flow of petroleum or other material obtained from a well, the sampling of such petroleum or other material, the storage of such petroleum or other material or the separation of such petroleum from such other material.
production test	in relation to a well means an operation (other than a formation fluid sample test into a container which has been positioned by wireline methods) carried out on that well to recover from that well petroleum or water or a sample of petroleum or water or for or in connection with estimating the rate of recovery of petroleum or water from that well.
prohibition notice	means a notice issued in order to remove an immediate threat to the health or safety of any person or to the environment.
recordable environmental incident	For an operator of a Petroleum Operation means an environmental incident arising from the Petroleum Operation that: (a) breaches a performance objective or standard in the Environment Management Plan that applies to the activity; and (b) is not a reportable environmental incident.
reportable environmental incident	For an operator of a Petroleum Operation means an incident mentioned in the Environment Management Plan for the Petroleum Operation that has caused, or has the potential to result in, moderate to catastrophic environmental consequences as categorised by the risk assessment process undertaken as part of the preparation of the Environment Management Plan.
reservoir	has the meaning in sub-section 1.1 of the Petroleum Mining Code.
revise	in relation to a document or information, means to add, alter, modify, or reduce.
seismic data grid	means a series of vertical cross-sections of a 3-dimensional processed image of geological strata, being cross-sections that form a grid.
significant pipeline incident	means an event that: (a) is connected (whether immediately or after delay) with work carried out on, or in relation to, a pipeline; and (b) causes, or creates a significant risk of causing, serious injury or human death or significant damage to the environment or damage to equipment.
stage in the life of the Facility or pipeline	means: (a) construction of the Facility or pipeline; or (b) installation of the Facility or pipeline; or (c) commissioning of the Facility; or (d) operation of the Facility or pipeline; or (e) modification of the Facility or pipeline; or (f) decommissioning of the Facility or pipeline.

suspended	means, in relation to a well, temporarily sealed or plugged in accordance with good oilfield practice.
therapeutic drug	means a drug that: (a) may be prescribed by a qualified medical practitioner under a law of an Australian State or Territory; or (b) may be sold under that law, without a prescription prepared by a qualified medical practitioner.
validator	means a person who, to the satisfaction of the Designated Authority, has the necessary competence, ability, and access to data, in relation to the matters being validated, to arrive at an independent opinion on those matters.
verifying body	means an accepted body qualified to: (a) verify the design, construction and installation of structures fixed or intended to be fixed to the sea-bed; (b) verify the design, construction and operating condition of cranes; or (c) carry out such verification as the Designated Authority may require.
vessel	means a vessel used in navigation, other than air navigation, and includes a barge, lighter or other floating vessel.
well	means a hole in the sea-bed or subsoil made by drilling, boring or any other means in connection with exploration for petroleum or operations for the recovery of petroleum, but does not include a seismic shot hole.
workforce representative	means a person who is a member of a work group and a registered professional or trade discipline and has been nominated by the members of the work group to represent the interests of the members of the work group.
work group employer	means an employer, other than an Operator, of one or more members of a work group.
workplace	means: (a) in relation to a Facility, the whole or any part of the Facility. (b) in relation to a diving or survey vessel, the whole or any part of the diving or survey vessel.

Division 2 Data, Reporting and Information

Subdivision A General

5 Information – Wells

- (1) An Operator shall record the following written information and documents about each well prepared as part of a Petroleum Operation:
- (a) field and processed digital log data;

- (b) a display of logs generated;
- (c) a mudlog display;
- (d) mudlogging digital data;
- (e) downhole deviation survey data;
- (f) a report of the purpose, operation and progress of the well;
- (g) photographs of the well core;
- (h) a well completion report; and
- (i) a well completion report following interpretation of the data so obtained.

- (2) The information shall, if appropriate, be accompanied by:

- (a) cores, core cuttings and fluid samples;
- (b) sample slides; and
- (c) residues.

6 Information – Geophysical Survey

An Operator shall record the following written information and documents about each geophysical survey prepared as part of a Petroleum Operation:

- (a) field and processed digital survey data in a format acceptable to the Designated Authority;
- (b) a report describing the acquisition, processing and interpretation of the data; and
- (c) navigation data.

7 Information – Geological and Geochemical Survey

An Operator shall record the following written information and documents about each geological or geochemical survey prepared as part of a Petroleum Operation:

- (a) field and processed digital survey data in a format acceptable to the Designated Authority; and
- (b) a report describing the acquisition, processing and interpretation of the data.

8 Safe Storage of Technical Data and Information

- (1) An Operator shall keep secure technical data and information that is in the Operator's possession.
- (2) An Operator shall keep technical data and information in a way that makes retrieval of the document or other sample reasonably practicable.

9 Testing

(1) Except where otherwise specified in these Regulations, any test required under these Regulations shall be carried out in such a manner as will enable the results to be recorded and certified.

- (2) Records of or relating to inspections, surveys, x-rays, or quality surveillance of a Facility shall not be destroyed or otherwise disposed of without approval.

- (3) A record of a test carried out in accordance with item (2) above shall be produced to an inspector upon demand and shall not be destroyed or otherwise disposed of without approval.

Subdivision B Reports

10 Geological or Geophysical Survey Periodic Reports

- (1) The Operator shall submit, in duplicate, to the Designated Authority as soon as practicable at the expiration of the relevant period:
 - (a) a weekly report;
 - (b) a semester report;
 - (c) an annual report; and
 - (d) any other periodic report requested by the Designated Authority.
- (2) A weekly report referred to subclause (1) shall report on all geological or geophysical field survey operations in progress.
- (3) A semester report referred to subclause (1) shall report on operations carried out during a contiguous 6 month period and be submitted within one month after the expiration of the semester.
- (4) A semester report referred to in subclause (1) shall include:
 - (a) a review of operations for exploration for petroleum carried out in the JPDA during the period from 1 December to 30 May each year;
 - (b) an outline of geological and geophysical interpretations made as a result of the exploration operations, including any reprocessing or reinterpretation of basic data;
 - (c) estimated expenditure for the period;
 - (d) survey statistics; and
 - (e) other relevant information as the Designated Authority requires.
- (5) An Annual report referred to in subclause (1) shall be submitted to the Designated Authority not later than one month after the expiration of the relevant period and report on the previous calendar year.
- (6) An annual report referred to in subclause (1) shall:
 - (a) be of a more comprehensive nature than that of the semester report;
 - (b) include a general discussion of operations carried out;
 - (c) give conclusions derived from the operations;
 - (d) mention reports submitted during the year;
 - (e) give an outline of work plans for the next year;
 - (f) include, where appropriate, updated interpretation maps of seismic and potential field data at an appropriate scale; and
 - (g) include a summary of annual expenditure.

11 Drilling Operations Periodic Reports

- (1) The Operator shall send to the Designated Authority before midday, each day, a daily report of the drilling operations for the previous 24 hours.
- (2) The daily report referred to in subclause (1) shall include:

- (a) the name of the well;
- (b) the depth drilled;
- (c) the angle of inclination;
- (d) the work carried out;
- (e) the lithology of formations penetrated;
- (f) any indications of petroleum;
- (g) estimated daily and cumulative well costs;
- (h) a summary of material usage;
- (i) hole geometry;
- (j) results of surveys made in the well bore; and
- (k) any incidents.

(3) The Operator shall submit to the Designated Authority, as soon as practicable after the end of the week to which the report relates, a weekly report on the drilling operations carried out during the previous week.

(4) The operator of a drilling rig shall direct the driller in charge of the well site to maintain a daily drilling log book to accurately record, in a professional manner, not less than once each hour, all the events that take place and encountered during the drilling process.

(5) The weekly report referred to in subclause (3) shall include:

- (a) a summary of the daily drilling reports referred to in subclause (1);
- (b) one copy of the daily driller's logs referred to in subclause (4); and
- (c) a rig inspection report.

12

Reports on Cores and Cuttings

(1) Where an investigation, analysis or study is conducted on cuttings or cores, two copies of the report of the investigation, analysis or study shall be made available as soon as practicable after the completion of the investigation, analysis or study, and distributed as directed by the Designated Authority.

(2) Where approval has been given to the export of cuttings or cores, two copies of the report on the investigation, analysis or study of the cuttings or cores shall be made available upon completion and distributed as directed by the Designated Authority.

(3) Palynological and palaeontological and petrological slides prepared from cuttings or cores shall be stored and maintained in an appropriate manner and shall be lodged with the Designated Authority when requested or in any event prior to the surrender, expiry or cancellation of the contract.

13

Report on Modification, Abandonment or Suspension of a Well

The Operator shall provide the Designated Authority a report providing details of any repair, modification, re-completion, production test, abandonment or suspension of a well within 3 months of the repair, modification, re-completion, test, abandonment or suspension, as appropriate, having occurred.

14

Final Reports on Wells and Surveys

- (1) Unless otherwise determined by the Designated Authority, where a geological or geophysical study or survey or the drilling of a well has been completed, two copies of a report and maps in an appropriate format shall be made available as soon as practicable within 6 months or such other period as is accepted after such completion and distributed as directed by the Designated Authority.
- (2) A report referred to in subclause (1) relating to the drilling of a well shall, where appropriate, include the following particulars:
 - (a) the name and location of the well;
 - (b) the depth of sea water in which the well was drilled;
 - (c) the true vertical depth and measured depth of the well;
 - (d) the dates of the start and finish of the drilling of the well;
 - (e) the name of the drilling unit used;
 - (f) a statement whether the well has been:
 - (i) completed as a producing well;
 - (ii) suspended as a potential producing well; or
 - (iii) abandoned;
 - (g) the results of formation fluid sampling tests, production tests and analyses carried out;
 - (h) the equipment installed in or on the well;
 - (i) the cementing operations carried out in or on the well;
 - (j) the depths and descriptions of geological samples such as cuttings, sidewall and conventional cores;
 - (k) all surveys and measurements made in the well, including any detailed interpretations if made;
 - (l) The geological interpretation of the observations made;
 - (m) where available interpretations of all wireline log data;
 - (n) where available all fluid sample analyses;
 - (o) reports on cores and cuttings required by clause 17; and
 - (p) total aggregate cost of drilling the well, subsequent tests and sampling.
- (3) A report referred to in subclause (1) relating to a geological or geophysical study or survey shall include the following particulars:
 - (a) name and location of the survey;
 - (b) dates of start and finish of the survey;
 - (c) names of the contractors used to carry out the survey;
 - (d) data acquisition report detailing the operations carried out;
 - (e) system and equipment used for positioning and/or navigation;
 - (f) geological/geophysical techniques and equipment used;

- (g) data processing report;
- (h) summary of the costs of the study or survey;
- (i) list of electronic information with index of contents and format; and
- (j) interpretations, including maps, made as a result of the survey in a format acceptable to the Designated Authority.

15 Reports on Wireline Surveys and Subsurface Safety Valves

- (1) The Operator shall submit to the Designated Authority not later than the fifteenth day of each month, unless otherwise accepted, a report:
 - (a) on a survey using wireline techniques conducted on a well during the previous month together with any records made for the survey; and
 - (b) on any subsurface safety valve operations carried out during the previous month.
- (2) A report referred to in subclause (1) shall include the name of the platform, the well number, the date, the time taken and description of work performed, and the condition of equipment removed, and any other matter the Designated Authority may require.

16 Well Completion Report

The Operator shall send to the Designated Authority a report providing details of any completion activities carried out in the contract area no later than 3 months after the end of the completion operation.

Subdivision C Data Submission

17 Discovery of Petroleum and Estimate of Petroleum In-Place

- (1) The Operator shall inform the Designated Authority, in writing, within 3 months of the date of discovery or such further period as the Designated Authority allows, of any discovery of petroleum, the results of the appraisal of the discovery including preliminary estimates of petroleum in-place.
- (2) The requirements of subclause (1) are in addition to the requirements of the Petroleum Mining Code with respect to reporting of a discovery of petroleum.
- (3) In the month of November or such other month as the Designated Authority nominates in each year two copies of a current estimate of the amount of in-place petroleum in a petroleum pool in a contract area shall be made available and supplied to the Designated Authority.
- (4) An estimate referred to in subclause (3) shall be in an accepted form and shall specify:
 - (a) the location of the petroleum pool;
 - (b) the amount of petroleum in-place; and
 - (c) the data upon which the estimate is based and shall be accompanied by any specific reports produced during the period.
- (5) When a field study resulting in a revised estimate of the amount of petroleum in-place in the pool has been carried out, two copies of a report of the study and the revised estimate shall be made available and distributed as directed by the Designated Authority.

18 Annual Estimate of Recoverable and Petroleum In-Place

- (1) The Operator shall submit to the Designated Authority in the month of November, or such other month as the Designated Authority nominates, two copies of a report in accordance with this clause in respect of the amount of recoverable and petroleum in-place in a petroleum pool in the contract area of the Contract Operator.
- (2) A report referred to in subclause (1) shall be in an accepted form and shall specify:
 - (a) the location of the petroleum pool;
 - (b) the estimated amount of recoverable petroleum in a commercial pool or petroleum in-place in a currently non-commercial pool; and
 - (c) the data upon which the estimates used in the report are based:and shall be accompanied by any specific reports made during the last preceding year in connection with reservoir performance and production optimisation.
- (3) The Operator shall submit to the Designated Authority, as soon as practicable, a copy of any report of a study that results in a revised estimate of the amount of recoverable or petroleum in-place in a pool.

19 Survey Data Submission

- (1) The Operator shall submit to the Designated Authority, not more than one month after completion of processing of data from a geological or geophysical field survey has been carried out, the following information:
 - (a) where a gravity or magnetic survey has been carried out, and where applicable:
 - (i) two copies of processed magnetic tapes of both located and gridded data in the latest format specified by the Australian Society of Exploration Geophysicists or accepted by the Designated Authority;
 - (ii) two stable base transparent copies of Bouguer gravity, free air gravity, total magnetic intensity and, if prepared, vertical gradient and residual contour maps;
 - (iii) two copies computer generated profile data in a format acceptable to the Designated Authority; and
 - (iv) two copies of analogue monitor records, diurnal records, and altimeter records and any maps or profiles made available pursuant to this clause shall annotate line position, line number, registration marks and processing parameters;
 - (b) where a seismic survey has been carried out, and where applicable:
 - (i) two copies of shotpoint location and bathymetric maps in a format acceptable to the Designated Authority of shotpoints coordinates (geographic and Australian Map Grid) in United Kingdom Offshore Operator Association format if possible and related to the Australian National Spheroid and other formats acceptable to the Designated Authority;two paper print copies in a format acceptable to the Designated Authority of:
 - (A) final processed sections having a vertical scale of not less than 10 centimetres per second; and
 - (B) migrated sections, if prepared; and

- (C) full processed survey results; and
- (iii) for 3D, or simulated 3D surveys, two stable base transparent copies of time slice data over zones and intervals as requested by the Designated Authority; and
- (iv) two copies of velocity analysis data in a format accepted by the Designated Authority;
- (c) where a wireline survey has been carried out, and where appropriate:
 - (i) copies in a format acceptable to the Designated Authority; and
 - (ii) full processed survey results; and
 - (iii) two copies of computer processed interpretation logs; and
 - (d) where a survey, other than a gravity, magnetic, seismic or wireline survey, has been carried out, such information or material as requested by the Designated Authority.
- (2) An Operator shall provide the Designated Authority, no later than six months after the survey was essentially completed, following basic survey data and supporting material:
 - (a) where a seismic survey has been carried out;
 - (i) two copies of field tapes accompanied by observer's logs in an acceptable format; and
 - (ii) full processed survey results; and
 - (b) two copies of post common depth point stack tapes or equivalent, in the latest format specified by the Australian Society of Exploration Geophysicists or accepted by the Designated Authority; and
 - (c) upon request of the Designated Authority, two copies of other processed tapes.
 - (b) where a wireline survey has been carried out, two copies of all available digital form log data, in a format and on a medium accepted by the Designated Authority.
- (3) The Designated Authority may extend the time of lodgement specified in subclause (2) by periods not exceeding three years each provided:
 - (a) the Operator provides and continues to provide access to the data to the Designated Authority and their nominees on request; and
 - (b) the data is stored in conditions accepted by the Designated Authority.
- (4) All data referred to in subclauses (1), (2) and (3) which has not already been lodged with the Designated Authority, shall be lodged with the Designated Authority prior to the surrender, expiry or cancellation of the whole or relevant part of the contract or prospecting approval.

Division 3 Entry into the JPDA

20 Entry into the JPDA to be Accepted

- (1) An Operator shall not permit any person, offshore vessel, other vessel or aircraft to enter the JPDA without approval from the Designated Authority.
- (2) An Operator shall make an application under clause 21, 22, 23 or 24, as appropriate, to the Designated Authority to obtain approval for any:

- (a) personnel;
- (b) offtake vessel;
- (c) other vessel; or
- (d) aircraft

to enter the JPDA for the purposes of Petroleum Operations.

- (3) The Operator shall ensure that the:
 - (a) personnel;
 - (b) offtake vessel;
 - (c) other vessel; or
 - (d) aircraft

referred to in subclause (2) is principally engaged in work for the Operator.

- (4) An Operator may make an application under clause 25 to the Designated Authority to obtain approval to self-manage the entry of:
 - (a) personnel;
 - (b) offtake vessel;
 - (c) other vessel; or
 - (d) aircraftinto the JPDA.

21 Application for Personnel Entry

An application for entry of a person into the JPDA shall include the following information:

- (a) person's full name
- (b) gender
- (c) nationality
- (d) country of residence
- (e) position or occupation
- (f) employer
- (g) passport details including:
 - (h) passport number
 - (i) expiry date
 - (ii) place of issue
 - (iii) place of birth
 - (iv) passport issuing authority

22 Application for Offtake Vessel Entry

- (1) An application for entry of an offtake vessel shall include the:
 - (a) vessel name;

- (b) International Maritime Organisation number;
- (c) port and country of registration;
- (d) name of classification society;
- (e) date of issue, endorsement and expiry, as applicable for all statutory and classification society certification applicable to the vessel; and
- (f) estimated date and time of arrival at the point of loading within a contract area in the JPDA.

23 Application for Other Vessel Entry

- (1) An application for entry of other vessel shall include the following details:
 - (a) vessel name;
 - (b) International Maritime Organisation Number;
 - (c) port and country of registration;
 - (d) estimated date of entry into the JPDA; and
 - (e) summary of activities the vessel is intended to perform.
- (2) An application for entry of a vessel shall include the following documentation:
 - (a) copy of all statutory and classification society certification applicable to the vessel inclusive of endorsements, where applicable;
 - (b) copy of deck plans and profiles;
 - (c) copy of the most recent Operator health, safety and environment audit, inclusive of the status of any deficiencies identified; and
 - (d) copy of the most recent marine suitability survey for the vessel, inclusive of the status of any deficiencies identified.

24 Application for Aircraft Entry

- (1) An application for entry of an aircraft shall include the following details:
 - (a) manufacturer;
 - (b) model;
 - (c) mark;
 - (d) serial number; and
 - (e) summary of activities the aircraft is intended to perform.
- (2) An application for entry of an aircraft shall be supported by:
 - (a) a copy of all statutory certification applicable to the aircraft inclusive of confirmation certificates, where applicable; and
 - (b) a copy of the most recent safety audit of the aircraft operator, inclusive of the status of any deficiencies identified.

25 Application for Self Management of Entry Requirements

- (1) An Operator may make an application to the Designated Authority, consistent with this Division, to obtain an approval to self manage the entry of personnel, offshore vessel, other vessel or aircraft into the JPDA, for the purpose of Petroleum Operations.
- (2) An application referred to in subclause (1) shall include details of the processes to be taken and the records that will be kept.

26 Additional Information on Application for Entry Approval

- (1) The Designated Authority may request the Operator to provide further information about any matter required by this Division to be included in the application for:
 - (a) personnel entry;
 - (b) offshore vessel entry;
 - (c) other vessel entry;
 - (d) aircraft entry; or
 - (e) self management of entry requirements.
- (2) A request under subclause (1) shall:
 - (a) be in writing;
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of at least 7 days within which the information is to be provided.
- (3) If an Operator provides all information requested by the Designated Authority within the specified period:
 - (a) the information becomes part of the application as if it had been included with the application as it was submitted to the Designated Authority; and
 - (b) the Designated Authority shall have regard to the information as if it had been included in the original application.

27 Notice of Decision on Application for Entry Approval

- (1) Within a specified period of not less than 14 days after receiving an application for personnel entry, offshore vessel entry, vessel entry, aircraft entry or self-management entry approval given under clause 21, 22, 23, 24 or 25, as appropriate, or re-submitted under subclause (3) below, the Designated Authority shall:
 - (a) notify the Operator, in writing, that the Designated Authority has decided:
 - (i) to grant the approval; or
 - (ii) to reject the application; or
 - (iii) grant the approval subject to conditions or limitations; or
 - (b) notify the Operator, in writing, that the Designated Authority has insufficient information to make a decision within the specified period and set out a proposed timetable for further consideration of the application.
- (2) A notice of a decision under clause (1) shall include the terms of the decision (including any limitations or conditions) and the reasons for that decision.

- (3) The Designated Authority shall provide the Operator an opportunity to amend and resubmit any application rejected under this clause.

28 Annual Entry Approval

For convenience, the Designated Authority may grant an annual approval to:

- (a) any person who has long term and recurring work in the JPDA; or
- (b) any offtake vessel, vessel or aircraft that will frequently or regularly work within the JPDA.

29 Reporting of Personnel and Movements

- (1) The Operator shall provide the Designated Authority with a report containing the name, employer name and occupation of all personnel in the JPDA conducting Petroleum Operations under their supervision including personnel on or at:

- (a) facilities;
- (b) offtake tankers;
- (c) survey vessels;
- (d) other vessels and aircraft used for supplying or supporting Petroleum Operations or otherwise travelling between a Facility and the shore

such that the Designated Authority kept is aware of all personnel in the JPDA associated with Petroleum Operations on any given day.

- (2) In addition to (1), the Operator shall report to the Designated Authority each time a person arrives into or departs from the JPDA.
- (3) For practical purposes the requirement of (1) and (2) above can be combined into a single report which shall be provided to the Designated Authority each time a person arrives into or departs from the JPDA.

30 Reporting of Vessel and Aircraft Position and Activity

- (1) The Operator shall report position and activity of all vessels and aircraft conducting or supporting Petroleum Operations in the JPDA to the Designated Authority daily.

Part II Health, Safety and Environment

Division 1 General Requirements

31 Operator's Representative

- (1) An Operator shall ensure that the Operator's Representative is present at all times when one or more persons are present at a Facility.
- (2) The Operator shall ensure that the name of the Operator's Representative is displayed in a prominent place at the Facility.
- (3) Where the Operator has contracted the day-to-day management of the Facility, the Operator shall ensure that a contractor's representative, in addition to Operator's Representative, is present on the Facility at all times.

32 Forms, notices and reports

- (1) A form shall be completed in accordance with a direction specified in, or at the foot of, the form.
- (2) A person who is required for the purposes of the Petroleum Mining Code or these Regulations:
 - (a) to complete a form; or
 - (b) give notice or make a report;shall complete the form, give notice or make the report in sufficient detail to allow proper consideration of the form, notice or report.
- (3) A form, notice or report shall be produced clearly and legibly in handwriting or by means of a machine in such a manner as to enable clear and legible reproduction of the contents of the form, notice or report.
- (4) The forms referred to in this clause are set out in Schedule 1 to these regulations.

Division 2 Inspectors

33 Appointment of Inspectors

- (1) The Designated Authority may appoint Inspectors as are necessary for the purpose of enforcing these Regulations.
- (2) The Designated Authority may, by notice in writing, impose restrictions on the powers that are conferred on a particular Inspector by these Regulations.
- (3) The Designated Authority shall issue every Inspector with an identity card:
 - (a) stating that he or she is an Inspector for the purposes of the Petroleum Mining Code and these Regulations; and
 - (b) if the Inspector is appointed for a limited period and in respect only of particular functions—specifying that period and those functions.
- (4) The identity card shall contain a recent photograph of the Inspector.
- (5) An Inspector to whom an identity card is issued under this clause shall carry the identity card at all times when carrying out functions as an Inspector.

34 Inspections

- (1) An Inspector may, at any time, conduct an inspection:
- (a) to ascertain whether the requirements of, or any requirements properly made under the Petroleum Mining Code or these Regulations are being complied with; or
 - (b) concerning a contravention or a possible contravention of the Petroleum Mining Code or these Regulations; or
 - (c) concerning an accident, dangerous occurrence or reportable incident that has happened at or near a Facility.
- (2) The Designated Authority may direct an Inspector to conduct an inspection:
- (a) to ascertain whether the requirements of, or any requirements properly made under the Petroleum Mining Code or these Regulations are being complied with; or
 - (b) concerning a contravention or a possible contravention of the Petroleum Mining Code or these Regulations; or
 - (c) concerning an accident, dangerous occurrence or reportable incident that has happened at or near a Facility;
- (3) Immediately on entering a Facility for the purposes of an inspection, an Inspector shall take reasonable steps to notify the purpose of entering the Facility to:
- (i) the Operator's Representative; and
 - (ii) the health and safety representative, if any, for a work group having a group member likely to be affected by the matter the subject of the inspection;
- (4) and shall, on being requested to do so by the person referred to in clause (a) or (b), produce for inspection by that person:
- (i) the Inspector's identity card; and
 - (ii) a copy of the written direction, if any, by the Designated Authority, or Designated Authority's delegate, to conduct the inspection; and
 - (iii) a copy of the restrictions, if any, imposed on the powers of the Inspector under subclause 33(2).

35 Powers of Entry and Search – Facilities

An Inspector may, for the purposes of an inspection, at any reasonable time during the day or night enter a Facility and may:

- (a) search any workplace on the Facility;
- (b) inspect, examine, take measurements of, or conduct tests concerning, any workplace at the Facility or any plant, substance or object;
- (c) take photographs of, or make sketches of, any workplace or plant, substance or object;
- (d) inspect, take extracts from, or make copies of, any documents that the Inspector believes relate, or are likely to relate, to the subject matter of the inspection; and

- (e) inspect the seabed and subsoil in the vicinity of the Facility to which the inspection relates.

36 Powers of Entry and Search – Business premises

- (1) An Inspector may, for the purposes of an inspection:
 - (a) enter any business premises, other than a Facility, at any reasonable time, if the Inspector has reasonable grounds to believe that there are likely to be at those premises documents that relate to a Facility that is, or to Petroleum Operations that are, the subject of the inspection; and
 - (b) search for, inspect, take extracts from, or make copies of, any such documents at those premises.
- (2) An Inspector shall exercise the powers referred to in subclause (1) with the voluntary consent of the occupier of the premises.
- (3) Immediately on entering premises referred to in subclause (1), an Inspector shall take reasonable steps to notify the purpose of the entry to the occupier of those premises, and shall, on being requested to do so by the occupier, produce for inspection by the occupier:
 - (a) the Inspector's identity card; and
 - (b) a copy of the written direction, if any, by the Designated Authority to conduct the inspection; and
 - (c) a copy of the restrictions, if any, imposed on the powers of the Inspector under subclause 33(2).

37 Taking samples for testing etc

- (1) In conducting an inspection, an Inspector may, to the extent that it is reasonably necessary for the purposes of inspecting, examining, taking measurements of, or conducting tests concerning, any plant, substance or thing at a Facility in connection with the inspection:
 - (a) take possession of the plant, substance or thing and remove it from the Facility; or
 - (b) take a sample of the substance or thing and remove that sample from the Facility.
 - (2) On taking possession of plant, a substance or a thing, or taking a sample of a substance or thing, the Inspector must, by written notice, inform:
 - (a) the operator of the Facility; and
 - (b) if the plant, substance or thing is used for the performance of work by an employer (other than the operator) of a member or members of the workforce at the Facility—that employer; and
 - (c) if the plant, substance or thing is owned by a person other than a person mentioned in clause (a) or (b)—that person; and
 - (d) if there is a health and safety representative for a designated work group that includes a member of the workforce who is affected by the matter to which the inspection relates—that representative;
- of the taking of possession or the taking of the sample, and the reasons for it.

- (3) If the Inspector gives the notice to the operator of the Facility to which the inspection relates, the operator's representative at the Facility must cause the notice to be displayed in a prominent place at the workplace from which the plant, substance or thing was removed.

- (4) If the Inspector takes possession of plant, a substance or a thing at a workplace for the purpose of inspecting, examining, taking measurements of, or conducting tests concerning, the plant, substance or thing, the Inspector must:
- (a) ensure that the inspection, examination, measuring or testing is conducted as soon as practicable; and
 - (b) return it to the workplace as soon as practicable afterwards.
- (5) As soon as practicable after completing any such inspection, examination, measurement or testing, the Inspector must give a written statement setting out the results to each person whom the Inspector is required to notify under subclause (2).

38 Workplace, Plant, Substance or Object Not be Disturbed Notice

- (1) If, in conducting an inspection, an Inspector has reasonable grounds to believe that it is reasonably necessary to give a direction in order to:
- (a) remove an immediate threat to the health or safety of any person; or
 - (b) allow the inspection, examination or taking of measurements of, or conducting of tests concerning, a Facility or any plant, substance or thing at the Facility;
- the Inspector may use Form 3 of Schedule 1, to direct the operator's representative at the Facility to ensure that:
- (c) a particular workplace; or
 - (d) particular plant, or a particular substance or thing;
- not be disturbed for a period specified in the direction.
- (2) The period specified in the direction must be a period that the Inspector has reasonable grounds to believe is necessary in order to remove the threat or to allow the inspection, examination, measuring or testing to take place.
- (3) The direction may be renewed by another direction in the same terms.
- (4) If an Inspector gives a notice to the operator's representative under subclause (1), the operator's representative must cause the notice to be displayed in a prominent place at the workplace:
- (a) that is to be left undisturbed; or
 - (b) where the plant, substance or thing that is to be left undisturbed is located.
- (5) As soon as practicable after giving the direction, the Inspector must take reasonable steps to notify:
- (a) if the workplace, plant, substance or thing to which the direction relates is owned by a person other than the operator of the Facility—that person; and
 - (b) if there is a health and safety representative for a designated work group that includes a group member performing work:
 - (i) at a workplace; or
 - (ii) involving the plant, substance or thing; or
 - (iii) to which the direction relates—that representative;
- of the direction and the reasons for giving it.

- (6) A direction under subclause (1) must be accompanied by a statement setting out the reasons for the direction.

39 Power to require assistance

- (1) An Inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of an inspection, require:
- (a) the operator of a Facility; or
 - (b) the person in charge of operations at a workplace in relation to a Facility; or
 - (c) a member of the workforce at a Facility; or
 - (d) any person representing a person referred to in clause (a) or (b);
- to provide the Inspector with reasonable assistance and facilities:
- (e) that is or are reasonably connected with the conduct of the inspection at or near the Facility; or
 - (f) for the effective exercise of the Inspector's powers under the Petroleum Mining Code or these Regulations in connection with the conduct of the inspection at or near the Facility.
- (2) The reasonable assistance referred to in subclause (1) includes, so far as the operator of the Facility is concerned:
- (a) appropriate transport to or from the Facility for the Inspector and for any equipment required by the Inspector, or any article of which the Inspector has taken possession; and
 - (b) reasonable accommodation and means of subsistence while the Inspector is at the Facility.

40 Power to require the answering of questions and the production of documents

- (1) If:
- (a) an Inspector believes on reasonable grounds that a person is capable of answering a question or producing a document that is reasonably connected with the conduct of an inspection; and
 - (b) the person is:
 - (i) the operator of a Facility; or
 - (ii) the person in charge of operations at a workplace in relation to a Facility; or
 - (iii) a member of the workforce at a Facility; or
 - (iv) any person representing a person referred to in subclause (i) or (ii);
- the Inspector may, to the extent that it is reasonably necessary to do so in connection with the conduct of the inspection, require the person to answer the question put by the Inspector or produce the document requested by the Inspector.

- (2) If, at the time when a requirement under subclause (1) is imposed on a person, the person is not physically present on business premises, the person is not obliged to comply with the requirement unless the requirement:

- (a) is in writing; and

- (b) specifies the day on or before which the question is to be answered.
- (3) The day specified under clause (b) shall be at least 14 days after the day on which the requirement is imposed.
- (4) A person is not excused from answering a question or producing a document or article when required to do so under subclause (1) or (3) on the ground that the answer to the question, or the production of the document or article, may tend to incriminate the person.

41

Prohibition Notice

- (1) An Inspector shall use Form 4 to issue a prohibition notice to an Operator or Operator's Representative if the Inspector believes there is an immediate threat to the health or safety of any person or to the environment.
- (2) An Inspector who issues a prohibition notice shall specify the activity which, in the Inspector's opinion, the health, safety or environment threat has arisen, and set out the reasons for that opinion; and
 - (a) direct the Operator to ensure that the activity which has given rise to the threat ceases immediately; or
 - (b) direct the Operator to ensure that the activity which has given rise to the threat is not engaged in a specified manner, being a manner that may relate to any one or more of the following:
 - (i) any workplace, or part of a workplace, at which the activity is not to be engaged in;
 - (ii) any plant or substance that is not to be used in connection with the activity;
 - (iii) any procedure that is not to be followed in connection with the activity.
- (3) The Operator shall comply with the prohibition notice.
- (4) If an Inspector believes that action taken by the Operator to remove the threat referred to in subclause (2) is not adequate, the Inspector shall inform the Operator accordingly.
- (5) The notice ceases to have effect when an Inspector notifies the Operator that the Inspector is satisfied that the Operator has taken adequate action to remove the threat referred to in subclause (2).
- (6) In making a decision under subclause (5), an Inspector may exercise such of the powers of an Inspector as the Inspector considers necessary for the purposes of making the decision.
- (7) The notice may specify action that may be taken to satisfy an Inspector that adequate action has been taken to remove the threat referred to in subclause (2).
- (8) The Operator's Representative shall:
 - (a) provide a copy of the prohibition notice to a health and safety representative, if any, for any work group having group members performing work that is affected by the notice; and
 - (b) display a copy of the notice at a prominent place at or near each workplace at which the threat referred to in subclause (2) is occurring.
- (9) If the notice relates to any workplace, plant, substance or object that is owned by a person other than the Operator, the Inspector shall, upon issuing the notice, give a copy of the notice to that person.

42 Improvement Notice

- (1) An Inspector shall use Form 5, to issue an improvement notice if, when conducting an inspection, an Inspector believes that a person:
 - (a) is contravening a provision of these Regulations; or
 - (b) has contravened a provision of these Regulations and is likely to contravene that or another provision again.
- (2) If the contravention referred to in subclause (1) is the Operator, the improvement notice may be issued to the Operator's Representative.
- (3) If the contravention referred to in subclause (1) is an employer (other than the Operator) of members of the workforce, the improvement notice shall be issued to:
 - (a) the employer; or
 - (b) where it is not practicable to give the notice to that employer, the Operator or Operator's Representative.
- (4) An Operator or Operator's Representative receiving an improvement notice in accordance with clause (3) (b) shall ensure that a copy of the notice is forwarded to the employer as soon as practicable afterwards.
- (5) The improvement notice shall specify:
 - (a) the contravention that the Inspector believes is occurring or is likely to occur, and set out the reasons for that belief;
 - (b) the period within which to take the action necessary to prevent any further contravention or to prevent the likely contravention, as the case may be.
- (6) The improvement notice may specify action that is to be taken during the period specified in the notice.
- (7) The period specified in the notice must be reasonable.
- (8) The Inspector may, in writing and before the end of the period, extend the period specified in the notice.
- (9) The person receiving an improvement notice shall ensure that the notice is complied with to the extent that it relates to any matter over which the person has control.
- (10) Upon issuing a notice, the Inspector shall give a copy of the improvement notice to:
 - (a) the employer of any employee to whom the inspector gives a notice; and
 - (b) the Operator's Representative, if not done so in accordance with subclause (2) or (3).
- (11) Upon receiving an improvement notice or a copy of an improvement notice, Operator's Representative shall:
 - (a) give a copy of the notice to each health and safety representative for a work group having group members performing work that is affected by the notice; and
 - (b) cause a copy of the notice to be displayed in a prominent place at or near each workplace at which the work is being performed.

43 Notice Not to be Tampered with or Removed

- (1) A person shall not:
- (a) tamper with any notice that has been displayed under clauses while that notice is so displayed; or
 - (b) remove any notice that has been so displayed:
 - (i) in the case of a notice displayed under clause 37—until the plant or object to which the notice relates is returned to the workplace from which it was removed; or
- in the case of a notice displayed under clause 38, clause 41 or clause 42—before the notice has ceased to have effect.

44 Review of a Notice

- (1) An Inspector, while conducting or having conducted an inspection may decide under:
- (a) subclause 60(3), to confirm or to vary a provisional improvement notice; or
 - (b) clause 37, to take possession of plant, a substance or an object at a workplace; or
 - (c) clause 38, to direct that a workplace, a part of a workplace, plant, a substance or an object not be disturbed; or
 - (d) clause 41, to issue a prohibition notice; or
 - (e) clause 59, that the Operator to whom a prohibition notice has been issued has not taken adequate action to remove the threat to health and safety that caused the notice to be issued; or
 - (f) clause 42, to issue an improvement notice.
- An appeal against a decision made in accordance subclause (1) may be made, in writing, to the Designated Authority by:
- (g) an Operator or an employer of a member of a work group who is affected by the decision; or
 - (h) the health and safety representative for a work group having a group member affected by the decision; or
 - (i) a person who is a member of a work group that is affected by the decision; or
 - (j) a person who owns any workplace, plant, substance or object to which the decision referred to in clause (a), (b) or (c) relates.
- (2) If an Inspector, having conducted an inspection:
- (a) decides under clause 60 to cancel a provisional improvement notice; or
 - (b) decides under clause 41 that the Operator to whom a prohibition notice has been issued has taken adequate action to remove the threat to health and safety that caused the notice to be issued;
- an appeal against a decision may be made, by notice in writing, to the Designated Authority by:
- (c) the health and safety representative for a designated work group having a group member affected by the decision; or

- (d) a workforce representative in relation to the work group that includes a group member who is affected by the decision and who has requested the workforce representative to make the appeal; or
 - (e) if there is no such work group, and a member of the workforce affected by the decision has requested a workforce representative in relation to the member to make the appeal—that workforce representative.
- (3) Subject to this clause, the making of an appeal against a decision referred to in subclause (1) or (2) does not affect the operation of the decision or prevent the taking of action to implement the decision, except to the extent that the Designated Authority makes an order to the contrary.
 - (4) If the decision appealed against is a decision, under clause 42, to issue an improvement notice, the operation of the decision is suspended pending determination of the appeal, except to the extent that the Designated Authority makes an order to the contrary.
 - (5) If the decision appealed against is a decision of an Inspector, under subclause 60(3), to confirm or vary a provisional improvement notice whose operation has been suspended pending the inspection of the matter to which the notice relates, the operation of the notice is further suspended pending determination of the appeal, except to the extent that the Designated Authority makes an order to the contrary.
 - (6) Within 14 days the Designated Authority may affirm or revoke the decision appealed against under subclause (1) or (2) and may, if it revokes the decision, substitute such other decision of the kind appealed against as it thinks appropriate.
 - (7) If the decision is varied, revoked, or revoked with the substitution of another decision, the decision is taken to have effect, and always to have had effect, accordingly.
 - (8) If the decision appealed against is a decision, under clause 37, to take possession of plant, substance or object at a workplace, and the decision is not affirmed, the Inspector who made the decision shall ensure that, to the extent that the decision is not affirmed, the plant, substance or object is returned to the workplace as soon as practicable.

45

Report on Inspection

- (1) If an Inspector has conducted an inspection, the Inspector shall, as soon as practicable, prepare a written report relating to the inspection and give the report to the Designated Authority.
- (2) The report shall include:
 - (a) the Inspector's conclusions from conducting the inspection and the reasons for those conclusions; and
 - (b) any recommendations that the Inspector wishes to make arising from the inspection; and
 - (c) such other matters, if any, as are prescribed.
- (3) As soon as practicable after receiving the report, the Designated Authority shall give a copy of the report, together with any written comments that it wishes to make to the Operator of the Facility to which the report relates.

- (4) The Designated Authority may, in writing, request the Operator or any other person to whom the report is given to provide to the Authority, within a reasonable period specified in the request, particulars of:
- (a) any action proposed to be taken as a result of the conclusions or recommendations contained in the report; and
 - (b) if a notice has been issued under clauses 41 or 42 in relation to work being performed for the Operator or that other person—any action taken, or proposed to be taken, in respect of that notice;
- and the Operator or that other person shall comply with the request.
- (5) As soon as practicable after receiving a report, the Operator shall give a copy of the report, together with any written comment made by the Designated Authority on the report:
- (a) if there is a least one health and safety committee in respect of some or all of the members of the workforce—to each such committee; and
 - (b) if there is no such committee in respect of some or all of the members of the workforce, but some or all of those members (in respect of which there is no such committee) are in at least one designated work group for which there is a health and safety representative—to each such health and safety representative.

Division 3 Workplace Arrangements

46 Health and Safety Duties of Operator

- (1) The operator of a Facility shall take all reasonably practicable steps to ensure that:
- (a) the Facility is safe and without risk to the health of any person at or near the Facility; and
 - (b) all work and other activities carried out on the Facility are carried out in a manner that is safe and without risk to the health of any person at or near the Facility.
- (2) The operator of a Facility is taken to be subject, under subclause (1), to each of the following requirements to take all reasonably practicable steps:
- (a) to provide and maintain a physical environment at the Facility that is safe and without risk to health;
 - (b) to provide and maintain adequate facilities for the welfare of all members of the workforce at the Facility;
 - (c) to ensure that any plant, equipment, materials and substances at the Facility are safe and without risk to health;
 - (d) to implement and maintain systems of work at the Facility that are safe and without risk to health;
 - (e) to implement and maintain appropriate procedures and equipment for the control of, and response to, emergencies at the Facility;
 - (f) to provide all members of the workforce, in appropriate languages, with the information, instruction, training and supervision necessary for them to carry out their activities in a manner that does not adversely affect the health and safety of persons at the Facility;

- (g) to monitor the health and safety of all members of the workforce and keep records of that monitoring;
 - (h) to provide appropriate medical and first aid services at the Facility;
 - (i) to develop, in consultation with:
 - (i) members of the workforce; and
 - (ii) if a member of the workforce at the Facility has requested a workforce representative in relation to the member to be involved in those consultations—that workforce representative;a policy, relating to occupational health and safety, that:
 - (iii) will enable the operator and the members of the workforce to cooperate effectively in promoting and developing measures to ensure the occupational health and safety of persons at the Facility; and
 - (iv) will provide adequate mechanisms for reviewing the effectiveness of the measures; and
 - (v) provides for the making of an agreement that complies with subclauses (5) and (6).
- (3) Subclause (2) does not limit subclause (1).
- (4) The agreement referred to in subclause (2)(i)(v) shall be between:
 - (a) on the one hand—the operator; and
 - (b) on the other hand:
 - (i) the members of the workforce; and
 - (ii) if a member of the workforce at the Facility has requested a workforce representative in relation to the member to be a party to that agreement—that workforce representative.
- (5) The agreement referred to in subclause (2)(i)(v) shall provide appropriate mechanisms for continuing consultation between:
 - (a) on the one hand—the operator; and
 - (b) on the other hand:
 - (i) the members of the workforce; and
 - (ii) if a member of the workforce at the Facility has requested a workforce representative in relation to the member to be involved in consultations on a particular occasion—that workforce representative.
- (6) The agreement shall provide for such other matters (if any) as are agreed between the parties to the agreement.

47

Duties of employers

- (1) An employer shall take all reasonably practicable steps to protect the health and safety of employees at a Facility.
- (2) An employer is taken to be subject, under subclause (1), to each of the following requirements to take all reasonably practicable steps:

- (a) to provide and maintain a working environment that is safe for employees and without risk to their health;
 - (b) to ensure that any plant, equipment, materials and substances used in connection with the employees' work are safe and without risk to health;
 - (c) to implement and maintain systems of work that are safe and without risk to health;
 - (d) to provide a means of access to, and egress from, the employees' work location that is safe and without risk to health;
 - (e) to provide the employees, in appropriate languages, 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;
 - (f) to monitor the health and safety of employees;
 - (g) to keep records of that monitoring.
- (3) Subclauses (2) does not limit subclause (1).
- (4) A person has, in relation to a contractor of that person, the same obligations that an employer has under subclauses (1) and (2) in relation to an employee of that employer, but only in relation to:
- (a) matters over which the first-mentioned person has control; or
 - (b) matters over which:
 - (i) the first-mentioned person would have had control apart from express provision to the contrary in a contract; and
 - (ii) the first-mentioned person would, in the circumstances, usually be expected to have had control.

48 Health and Safety Duties of Persons at the Workplace

- (1) A person at a Facility shall, at all times, take all reasonably practicable steps:
- (a) to ensure that the person does not take any action, or make any omission, that creates a risk, or increases an existing risk, to the health or safety of that person or of any other person at or near the Facility; and
 - (b) in respect of any obligation imposed on the operator or on any other person by or under these Regulations—to cooperate with the operator or that other person to the extent necessary to enable the operator or that other person to fulfil that obligation; and
 - (c) to use equipment that is:
 - (i) supplied to the person by the operator, an employer of the person or any other person having control of work at a Facility (the equipment supplier); and
 - (ii) necessary to protect the health and safety of the person, or of any other person at or near the Facility;
 - (iii) in accordance with any instructions given by the equipment supplier, consistent with the safe and proper use of the equipment.

(2) Despite subclause (1), the choice or manner of use of equipment of the kind referred to in subclause (1)(c)(ii) is a matter that may be, consistently with the Petroleum Mining Code and any Authorisation:

- (a) agreed on between the equipment supplier and any relevant health and safety representative; or
- (b) agreed on by a health and safety committee.

(3) If an agreement of the kind referred to in clause (2)(a) or (b) provides a process for choosing equipment of a particular kind that is to be provided by the equipment supplier, action shall not be taken against a person for failure to use equipment of that kind that is so provided unless the equipment has been chosen in accordance with that process.

(4) If an agreement of the kind referred to in clause (3)(a) or (b) provides a process for determining the manner of use of equipment of a particular kind, action shall not be taken against a person for failure to use, in the manner required by the equipment supplier, equipment of that kind that is so provided unless the manner has been determined in accordance with that process.

49 Reliance on Information Supplied or Results of Research

(1) An Operator shall obtain current information on the research, testing or examination of any equipment for use.

(2) An Operator shall ensure that equipment is safe for use and it is used in accordance with the information supplied by the manufacturer or the supplier of the equipment.

50 Work Group

(1) An Operator shall establish a work group or work groups, based upon workplace location and or work discipline.

(2) An Operator shall inform the Designated Authority, within 14 days, of the structure and membership of the work group or work groups made in accordance with subclause (1).

(3) The Designated Authority may direct an Operator to revise the arrangements made in accordance with subclause (1).

(4) An Operator shall establish a procedure for any person to request the Operator to vary the representation of a work group;

(5) Any person who is a member of an existing or proposed work group may request the Operator to vary a work group.

(6) An Operator shall notify, within 14 days after the completion of consultations about the variation of a work group, the members of the workforce and establish the work group in accordance with the outcome of the consultations.

(7) Any party to a consultation to varying a work group may refer the matter to the Designated Authority, if the parties are not able to reach agreement on the composition of a work group within 14 days after commencing consultations.

(8) The Designated Authority shall consult with all parties on any disagreement referred to in subclause (7) and decide a resolution.

51 Health and Safety Committee

(1) An Operator shall establish a health and safety committee, if:

- (a) the number of the workforce normally present at the Facility is more than 50 (whether or not those members are all at work at the Facility at the same time); or
 - (b) a health and safety representative requests a committee be established.
- (2) An Operator shall inform the Designated Authority, within 14 days, of the membership of the health and safety committee formed in accordance with subclause (1).
 - (3) An Operator shall establish a procedure for any person to request the Operator to vary the representation of the health and safety committee;
 - (4) Any party to a consultation to varying a health and safety committee may refer the matter to the Designated Authority, if the parties are not able to reach agreement on the composition of a health and safety committee within 14 days after commencing consultations.
 - (5) The Designated Authority shall consult with all parties on any disagreement referred to in subclause (5) and decide a resolution.
 - (6) A health and safety committee shall hold meetings at least once every 3 months.
 - (7) A health and safety committee shall record and retain minutes of its meetings for a period of not less than 3 years.
 - (8) A health and safety committee shall decide the limits of its powers and functions.

52 Designated Authority's Review

- (1) The Designated Authority may review any of the actions decided in accordance with clause 85.
- (2) The Designated Authority may direct, in writing, any person on actions taken in accordance with the powers implied by clause 85.

53 Election of a Health and Safety Representative

- (1) An Operator may establish a procedure for each work group to elect or nominate a person to be the health and safety representative for that work group which must be approved by the Designated Authority.
- (2) If, under subclause (1), an operator is required to conduct an election, or arrange for the conduct of an election, the operator shall nominate a person to act as the returning officer for the election.
- (3) The operator shall notify the Designated Authority of the nomination.
- (4) The Designated Authority may:
 - (a) accept the nomination and appoint the nominee as returning officer; or
 - (b) appoint another person as returning officer.
- (5) The Designated Authority may direct an Operator to revise the arrangements made in accordance with subclause (1).
- (6) Each work group may elect one health and safety representative.
- (7) An Operator shall hold an election for a health and safety representative from a work group, within 14 days of:
 - (a) the work group being established; or
 - (b) the position becoming vacant.

- (8) A person is not eligible for election as the health and safety representative from a work group if the person is not a member of the workforce in the work group.
- (9) A person cannot be a health and safety representative if the person has been disqualified under clause 56.
- (10) A person is considered to have been elected as the health and safety representative for a work group if:
 - (a) the person is elected in accordance with subclause (5); or
 - (b) the members of the workforce in the work group unanimously agree to the nomination.
- (11) The Designated Authority may direct an Operator to appoint a person to the position of health and safety representative.
- (12) An Operator shall maintain a current list of persons appointed as health and safety representative for each work group.
- (13) An Operator shall ensure that the list, referred in subclause (10) is available for inspection, at all reasonable times, by:
 - (a) an Inspector; or
 - (b) any member of the workforce.
- (14) A health and safety representative will hold office for a period not greater than 2 years.
- (15) A health and safety representative may be re-elected.

54

Termination of Office of Health and Safety Representative

A person will cease to be the health and safety representative for a work group if:

- (a) the person resigns as the health and safety representative by giving notice to the Operator or Operator's Representative; or
- (b) the person ceases to be a member of the work group from which he or she was elected; or
- (c) the person's term of office expires; or
- (d) a majority of members of the work group advise the Operator that the health and safety representative position should be re-allocated; or
- (e) the person is disqualified under clause 56.

55

Training of Health and Safety Representative

- (1) The employer of the health and safety representative shall provide the health and safety representative sufficient time off work, without loss of remuneration or other entitlements, as is necessary to attend health and safety training.
- (2) An Operator shall inform the Designated Authority of any course proposed for attendance by a health and safety representative
- (3) The Designated Authority will not recognise attendance at any course not accepted by the Designated Authority.

56 Suspension or Disqualification of Health and Safety Representative

- (1) An application for the suspension or disqualification of a health and safety representative may be made to the Designated Authority by:
- (a) an Operator;
 - (b) an employer of members of a work group; or
 - (c) a workforce representative.
- (2) The Designated Authority shall consider any application for disqualification referred to in subclause (1) on the basis that the action taken by the health and safety representative in the exercise or purported exercise of a power under subclause 57(1) or any other provision of these Regulations was:

- (a) with the intention of causing harm to:
 - (i) the Operator;
 - (ii) a work group employer;
 - (iii) an employee;
 - (iv) the Operator's business; or
 - (v) a work group employer's business.
 - (b) unreasonable, capricious or other than for the purpose for which the power was conferred on the health and safety representative; or
 - (c) intended to use or disclose to another person, for a purpose not connected with the exercise of a power of a health and safety representative, information acquired from the Operator or work group employer.
- (3) If the Designated Authority is satisfied that the health and safety representative has acted in a manner referred to in subclause (2), the Designated Authority shall suspend or disqualify the health and safety representative from the current and any future position of health and safety representative within the JPDA.
- (4) The Designated Authority shall determine the period of suspension or disqualification after having regard to:
- (a) any harm caused as a result of the action by the health and safety representative; and
 - (b) the past record of the health and safety representative in exercising the powers of a health and safety representative; and
 - (c) any effect on the public interest of the action of the health and safety representative; and
 - (d) such other matters as the Designated Authority believes relevant.

57 Powers of Health and Safety Representative

- (1) A health and safety representative may:
- (a) inspect the whole or any part of the workplace where a dangerous occurrence:
 - (i) occurred in the immediate past; or
 - (ii) an immediate threat exists;

- (b) inspect the whole or any part of the workplace if the health and safety representative has given reasonable notice of the inspection to the Operator's Representative;
 - (c) make a request to the Designated Authority or an Inspector that an inspection should be conducted at the workplace;
 - (d) accompany an Inspector during any inspection of the workplace by the Inspector;
 - (e) represent group members in consultations with the Operator and any work group employer about the development, implementation and review of measures to ensure the health and safety of members at the work group;
 - (f) examine any records of the health and safety committee, which represents the work group;
 - (g) investigate complaints made by any member of the work group about the health and safety of any other member of the work group;
 - (h) with the consent of a work group member, be present at any interview about health and safety at work between that work group member and:
 - (i) an Inspector;
 - (ii) the Operator;
 - (iii) the Operator's Representative;
 - (iv) an employee or a person representing an employer of the work group member; and
 - (i) obtain access to any information under the control of the Operator or any work group employer relating to hazards and risks to the health and safety of a work group member; and
 - (j) issue provisional improvement notices in accordance with clause 59.
- (2) This Division does not impose an obligation on a person to exercise any power conferred on the person because the person is a health and safety representative.

58

Duties of an Operator or an Employer to Health and Safety Representative

- (1) An Operator, or work group employer, shall comply with any reasonable request made by a health and safety representative in the conduct of the duty referred in subclause 58.
- (2) The Operator shall consult with the health and safety representative for a work group on the implementation of any changes to the workplace that may affect the health and safety of members of the work group.
- (3) The Operator shall not permit a health and safety representative to have access to information of a confidential medical nature under the control of the Operator, being information relating to a person who is or was a group member, unless:
 - (a) the person has delivered to the employer a written authority permitting the health and safety representative to have access to the information; or
 - (b) the information is in a form that does not identify the person or enable the identity of the person to be discovered.

- (4) The Operator or work group employer is not required to give a health and safety representative access to any information, in respect of which the Operator, or work group employer, is entitled to, or does, claim legal professional privilege.
- (5) The duties imposed by this clause on the Operator in respect of the health and safety representative for a work group apply equally, to the extent that the matters to which the duties relate are within the control of a work group employer of particular work, to that employer.

59

Provisional Improvement Notice

- (1) A health and safety representative shall consult with the Operator, or a work group employer, if the health and safety representative believes that a contravention of these Regulations is, or has, affected the health and safety of a member of the work group and attempt to reach agreement on rectifying or preventing a recurrence of the believed contravention.
- (2) If, in the health and safety representative's opinion, agreement is not reached within a reasonable time, the health and safety representative may issue a provisional improvement notice to the Operator's Representative or the work group employer, or both, as the health and safety representative believes appropriate.
- (3) The notice shall:
 - (a) specify the contravention that is believed to have occurred, or is occurring, or is likely to occur, and set out the reasons for that opinion; and
 - (b) specify a period of not less than 7 days beginning on the day after the notice is issued, being a period that is, in the health and safety representative's opinion, reasonable, within which the person receiving the notice is to take action necessary to prevent any further contravention or to prevent the likely contravention, as the case may be.
- (4) The notice referred to in subclause (3) may specify action that the responsible person may take during the period specified in the notice.
- (5) If, in the health and safety representative's opinion, it is appropriate to do so, the representative may, in writing and before the end of the period, extend the period specified in the notice.
- (6) On issuing the notice, the health and safety representative shall give a copy of the notice to:
 - (a) the Operator or Operator's Representative; and
 - (b) each work group employer other than a work group employer who received the notice in accordance with subclause (2); and
 - (i) if the notice relates to any plant, substance or object that is owned by a person other than the Operator or a work group employer—that owner;
 - (ii) each member of the work group affected by the matter referred to in the Provisional Improvement Notice.

60

Effect of Provisional Improvement Notice

- (1) Within 7 days after a notice is issued under clause 59, the responsible person, or any other person, to whom a copy of the notice has been given under subclause 59(6) may make a request to the Designated Authority that an inspection of the matter be conducted.

- (2) Upon the request being made, the operation of the notice is suspended pending the determination of the matter by an Inspector.
- (3) As soon as possible after a request is made, an Inspector shall inspect the workplace or the matter referred in the Provisional Improvement Notice and shall:
 - (a) confirm, vary or cancel the Provisional Improvement Notice and notify any person to whom a notice or a copy of the notice has been given under subclause 59(2); and
 - (b) make such decisions, and exercise such powers, as the Inspector considers necessary.
- (4) If the Inspector varies a Provisional Improvement Notice, the notice as so varied has effect:
 - (a) so far as the notice concerns obligations imposed on the person or persons that are unaffected by the variation—as if the notice as so varied resumed effect on the day of the variation; and
 - (b) so far as the notice concerns new obligations imposed by virtue of the variation—as if the notice as so varied were a new notice issued on the day of the variation.
- (5) A person receiving a Provisional Improvement Notice shall display a copy of the notice at or near each place where work or the plant, substance or object that is the subject of the notice is located until the Notice ceases to have effect.
- (6) A Provisional Improvement Notice ceases to have effect if:
 - (a) it is cancelled by an Inspector or by the health and safety representative who issued the Notice; or
 - (b) the person who received the Notice takes such action as:
 - (i) specified in the Notice; or
 - (ii) necessary to prevent the further contravention, or likely contravention, concerned.
- (7) Any person receiving a Provisional Improvement Notice shall, as far as is reasonable:
 - (a) comply with the Notice; and
 - (b) inform the health and safety representative, who issued the Notice, of the action taken to comply with the Notice.

61 Members of the Workforce Not to be Levied

The Operator, or an employer of members of the workforce at a Facility, shall not levy, or permit to be levied, on any member of the workforce, any charge in respect of anything done or provided in accordance with these Regulations in order to ensure the health, safety or welfare of persons at or near the Facility.

62 Discrimination Against an Employee

An Operator or employer shall not:

- (a) dismiss an employee; or
- (b) perform an act that results in injury to the employment of an employee; or
- (c) perform an act that prejudicially alters an employee's position, including the deduction or retention of remuneration or by any other means; or

- (d) threaten to do any of those things; because the employee:
- (e) has complained or proposes to complain about a matter concerning the health, safety or welfare of employees at work; or
- (f) has assisted or proposes to assist, by giving information or otherwise, to an Inspector.

Division 4 Health

63 Fatigue

- (1) This clause applies to:
 - (a) an operator; and
 - (b) an employer; and
 - (c) another person in control of:
 - (i) a Facility; or
 - (ii) a part of a Facility; or
 - (iii) particular work carried out at a Facility.
- (2) An Operator shall not allow, or require, a member of the workforce who is under the person's control, to work for:
 - (a) a continuous period; or
 - (b) successive continuous period;

of a duration that could reasonably be expected to have an adverse effect on the health or safety of the member of the workforce or other persons at or near the Facility.

64 Possession or Control of Drugs or Intoxicants

- (1) A person at a Facility shall not be in possession or control of:
 - (a) a controlled substance; or
 - (b) an intoxicant; or
 - (c) any substance not prescribed by a qualified medical practitioner.
- (2) Notwithstanding subclause (1), a person may have possession of a substance referred to in subclause (1) provided:
 - (a) the substance is a therapeutic drug; and
 - (b) that the person has the therapeutic drug under his or her possession or control:
 - (i) in the course of the person's employment; or
 - (ii) in the course of the person's duties or practice as:
 - (A) a qualified medical practitioner; or
 - (B) a qualified nurse; or
 - (C) a qualified pharmacist; or

- (iii) in accordance with the law of an Australian State or Territory, or Timor-Leste; or
- (iv) if the person had lawfully acquired the therapeutic drug — for the person's bona fide personal use; and
- (c) the person declared the substance to the Operator's Representative at the first opportunity.

65 Person Shall Leave the Workplace When Instructed

- (1) A person at a workplace shall leave the workplace if instructed to do so by a person in charge of the workplace.
- (2) An instruction:
 - (a) in the case of an emergency — may be given orally; or
 - (b) in any other case, relevant to occupational health and safety on the Facility:
 - (i) shall be in writing; and
 - (ii) shall include the reason for the instruction.

66 Prohibition on the use of certain Hazardous Substances

- (1) This clause applies to:
 - (a) an operator; and
 - (b) an employer; and
 - (c) another person in control of:
 - (i) a Facility; or
 - (ii) a part of a Facility; or
 - (iii) particular work carried out at a Facility.
- (2) The person shall not allow a hazardous substance, referred to in Schedule 2, to be used in any circumstance other than a circumstances specified.

67 Limitations on exposure to certain hazardous substances

- (1) This clause applies to:
 - (a) an operator; and
 - (b) an employer; and
 - (c) another person in control of:
 - (i) a Facility; or
 - (ii) a part of a Facility; or
 - (iii) particular work carried out at a Facility.
- (2) The person shall not allow a member of the workforce, under the person's control, to be exposed to an airborne concentration of a hazardous substance in the breathing zone of the member of the workforce at a level that exceeds the appropriate exposure standard for the relevant period of time.

68 Exposure to Noise

- (1) This clause applies to:
- (a) an operator; or
 - (b) an employer; or
 - (c) another person in control of:
 - (i) a Facility; or
 - (ii) a part of a Facility; or
 - (iii) particular work carried out at a Facility.

(2) An Operator shall not permit any person to be exposed to a level of noise that is in excess of the noise exposure standard.

(3) However, a person may allow a member of the workforce who is under the person's control to be exposed to a level of noise that exceeds the noise exposure standard if:

- (a) noise exposure is managed in a manner consistent with the noise exposure standard; and
- (b) after allowing for the protection offered by hearing protectors, the level of noise exposure is less than:
 - (i) an LAeq, 8h, of 85 dB(A); or
 - (ii) an LC, peak, of 140 dB(C).

69 Exemptions from hazardous substances and noise requirements

(1) This clause applies to:

- (a) an operator; or
- (b) an employer; or another person in control of:
 - (i) a Facility; or
 - (ii) a part of a Facility; or
 - (iii) particular work carried out at a Facility.
- (2) A person mentioned in subregulation (1) may apply to the Designated Authority for an exemption from compliance with subregulation 75 (2), 76 (2) or 77 (2).
- (3) The Designated Authority may grant an exemption if it considers that, in specified circumstances, compliance is not practicable.
- (4) The Designated Authority may specify conditions and limitations on an exemption.

Division 5 Safety Case

70 Safety Case Required for the Relevant Stage in the Life of a Facility

An Operator shall have a Safety Case in force for the relevant stage of the Facility or pipeline before constructing, installing, operating, modifying or decommissioning a Facility or pipeline,

Subdivision A Safety Case Content

Section 1 Core Components

71 Overview

- (1) The Safety Case for a Facility shall contain:
 - (a) a description of the Facility that complies with clause 72; and
 - (b) a detailed description of the formal safety assessment for the Facility that provides evidence that the formal safety assessment complies with clause 73; and
 - (c) a detailed description of the safety management system that provides evidence that the system complies with clause 74.

72 Facility Description

The description of the Facility shall give details of:

- (a) the layout of the Facility;
- (b) the technical and other control measures identified as a result of the formal safety assessment;
- (c) the activities that will, or are likely to, take place at, or in connection with, the Facility;
- (d) the stage of life of the Facility; and
- (e) any other relevant matters.

73 Formal Safety Assessment

The formal safety assessment is an assessment, or series of assessments, conducted by the Operator that:

- (a) identifies all hazards having the potential to cause a major incident; and
- (b) is a detailed and systematic assessment of the risk associated with each of those hazards, including the likelihood and consequences of each potential major incident; and
- (c) identifies the technical and other control measures that are necessary to reduce that risk to a level that is as low as reasonably practicable.

74 Safety Management System

(1) The safety management system for a Facility shall:

- (a) be comprehensive and integrated; and
- (b) provide for all activities that will, or are likely to, take place at, or in connection with, the Facility; and
- (c) provide for the continual and systematic identification of hazards to health and safety of persons at or near the Facility; and
- (d) provide for the continual and systematic assessment of:
 - (i) the likelihood of the occurrence, during normal or emergency situations, of injury or occupational illness associated with those hazards; and
 - (ii) the likely nature of such injury or occupational illness; and

- (e) provide for the reduction to a level that is as low as reasonably practicable of risks to health and safety of persons at or near the Facility including, but not limited to:
 - (i) risks arising during evacuation, escape and rescue in case of emergency; and
 - (ii) risks arising from equipment and hardware; and
 - (f) provide for inspection, testing and maintenance of the equipment and hardware that are the physical control measures for those risks; and
 - (g) provide for communications between the Facility and any relevant:
 - (i) Facility; or
 - (ii) vessel; or
 - (iii) aircraft; or
 - (iv) on-shore installation.
 - (h) provide for any other matter that is necessary to ensure that the safety management system meets the requirements and objects of these Regulations; and
 - (i) specify the health and safety performance standards that apply.
- (2) If an operator of a Facility submits to the Designated Authority a Safety Case for the construction or installation stage in the life of the Facility, the safety case shall contain the matters mentioned in subregulation (1) in relation to:
- (a) the Facility at that stage in the life of the Facility; and
 - (b) the activities that will, or are likely to, take place at, or in connection with, the Facility during that stage in the life of the Facility; and
 - (c) to the extent that it is practicable — the Facility and the activities that will, or are likely to, take place when the Facility is in operation

75 Implementation and Improvement of Safety Management System

The Safety Case for a Facility shall demonstrate that there are effective means of ensuring:

- (a) the implementation of the safety management system; and
- (b) continual and systematic identification of deficiencies in the safety management system; and
- (c) continual and systematic improvement of the safety management system.

Section 2 Health and Safety Measures

76 Standards to be Applied

The Safety Case for a Facility shall specify all Australian and international standards that have been applied, or will be applied, in relation to the Facility or plant used on or in connection with the Facility for the relevant stage or stages in the life of the Facility for which the Safety Case is submitted.

77 Command Structure

- (1) The Safety Case for a Facility shall specify:
- (a) an office or position at the Facility, the occupant of which is in command of the Facility and responsible for its safe operation when on duty; and

- (b) an office or position at the Facility, the occupant of which is responsible for implementing and supervising procedures in the event of an emergency at the Facility; and
 - (c) the command structure that applies in the event of an emergency at the Facility.
- (2) The Safety Case shall describe, in detail, the means by which the Petroleum Operator will ensure that, as far as reasonably practicable:
- (a) the offices or positions mentioned in subclause (1) are continuously occupied while the Facility is in operation; and
 - (b) the person who occupies each office or position mentioned in subclause (1) has the necessary skills, training and ability to perform the functions of the office or position; and
 - (c) the identity of the persons who occupy each office or position, and the command structure can, at all times, be readily ascertained by any person at the Facility.

78 Members of the Workforce Shall be Competent

The Safety Case for a Facility shall describe the means by which the Operator will ensure that each member of the workforce at the Facility has the necessary skills, training and ability:

- (a) to undertake routine and non-routine tasks that might reasonably be given to him or her:
 - (i) in normal operating conditions; and
 - (ii) in abnormal or emergency conditions; and
 - (iii) during any changes to the Facility; and
- (b) to respond and react appropriately, and at the level that might be reasonably required of him or her, during an emergency.

79 Awareness of Legal Requirements

A Operator shall ensure, as far as reasonably practicable, that each each member of the workforce at the Facility knows about the effect of the Treaty, Petroleum Mining Code, these Regulations any directions given to the Operator under the Petroleum Mining Code that relates to the safety of:

- (a) a person working on, or in connection with, the Facility;
- (b) the Facility.

80 Permit to Work System

(1) The Safety Case in respect of a Facility shall provide for the Operator of the Facility to establish and maintain, in accordance with subclause (2), a documented system of coordinating and controlling the safe performance of all work activities of members of the workforce at the Facility including in particular:

- (a) welding and other hot work; and
- (b) cold work (including physical isolation); and
- (c) electrical work (including electrical isolation); and
- (d) entry into, and working in a confined space; and
- (e) procedures for working over water; and

- (f) working at height; and
- (g) diving operations.

(2) The system shall:

- (a) form part of the Safety Management System described in the Safety Case in force for the Facility; and
- (b) identify the persons having responsibility to authorise and supervise work; and
- (c) ensure that members of the workforce are competent in the application of the permit to work system.

81 Involvement of Members of the Workforce

(1) The Operator shall demonstrate to the reasonable satisfaction of the Designated Authority, that:

- (a) in the development or revision of the Safety Case in relation to the Facility, there has been effective consultation with, and participation of, members of the workforce; and
- (b) the Safety Case provides adequately for effective consultation with, and the effective participation of, the members of the workforce, so that they are able to arrive at informed opinions about the risks and hazards to which they may be exposed on the Facility.

(2) A demonstration for the purposes of subclause (1) shall be supported by adequate documentation.

82 Medical and Pharmaceutical Supplies and Services

The Safety Case in respect of a Facility shall specify the medical and pharmaceutical supplies and services, sufficient for an emergency situation, that shall be maintained on, or in respect of, the Facility

83 Drugs and Intoxicants

The Safety Case for a Facility shall describe the means by which the Operator will ensure that there is in place, or will be put in place, a method of:

- (a) securing, supplying, and monitoring the use of, therapeutic drugs on the Facility; and
- (b) preventing the use of:
 - (i) controlled substances (other than therapeutic drugs); and
 - (ii) intoxicants;

on the Facility.

Section 3 Control of Emergencies

84 Evacuation, Escape and Rescue Analysis

- (1) The Safety Case for a Facility shall contain a detailed description of an evacuation, escape and rescue analysis.
- (2) The evacuation, escape and rescue analysis shall:
 - (a) identify the types of emergency that could arise at the Facility; and

- (b) consider a range of routes for evacuation and escape of persons at the Facility in the event of an emergency; and
- (c) consider alternative routes for evacuation and escape if a primary route is not freely passable; and
- (d) consider different possible procedures for managing evacuation, escape and rescue in the event of an emergency; and
- (e) consider a range of means of, and equipment for, evacuation, escape and rescue; and
- (f) consider a range of amenities and means of emergency communication to be provided in a temporary refuge; and
- (g) consider a range of life saving equipment, including:
 - (i) life rafts to accommodate safely the maximum number of persons that are likely to be at the Facility at any time; and
 - (ii) equipment to enable that number of persons to obtain access to the life rafts after launching and deployment; and
 - (iii) in the case of a floating Facility — suitable equipment to provide a float-free capability and a means of launching; and
- (h) identify, as a result of the above considerations, the technical and other control measures necessary to reduce the risks associated with emergencies to a level that is as low as reasonably practicable.

85 Fire and Explosion Risk Analysis

- (1) The Safety Case for a Facility shall contain a detailed description of a fire and explosion risk analysis.
- (2) The fire and explosion risk analysis shall:
 - (a) identify the types of fires and explosions that could occur at the Facility; and
 - (b) consider a range of measures for detecting those fires and explosions in the event that they do occur; and
 - (c) consider a range of measures for eliminating those potential fires and explosions, or for otherwise reducing the risk arising from fires and explosions; and
 - (d) consider the incorporation into the Facility of both automatic and manual systems for the detection, control and extinguishment of:
 - (i) outbreaks of fire; and
 - (ii) leaks or escapes of petroleum; and
 - (e) consider a range of means of isolating and safely storing hazardous substances, such as fuel, explosives and chemicals, that are used or stored at the Facility; and
 - (f) consider the evacuation, escape and rescue analysis, in so far as it relates to fires and explosions; and
 - (g) identify, as a result of the above considerations, the technical and other control measures necessary to reduce the risks associated with fires and explosions to a level that is as low as reasonably practicable.

86 Emergency Communications

- (1) The Safety Case in respect of a Facility shall provide for communications:
- (a) within the Facility; and
 - (b) between the Facility and:
 - (i) appropriate on-shore installations; and
 - (ii) appropriate vessels and aircraft; and
 - (iii) other appropriate facilities;
- that, in the event of an emergency in connection with the Facility, is adequate for those kinds of communication.
- (2) In particular, the Safety Case shall provide for the communications systems of the Facility to be:
- (a) adequate to handle:
 - (i) a likely emergency on or relating to the Facility; and
 - (ii) the operation requirements of the Facility; and
 - (b) protected so as to be capable of operation in an emergency to the extent specified by the Formal Safety Assessment relating to the Facility.

87 Control Systems

- The Safety Case in respect of a Facility shall make adequate provision for the Facility, in the event of an emergency in respect of:
- (a) back-up power supply; and
 - (b) lighting; and
 - (c) alarm systems; and
 - (d) ballast control; and
 - (e) fire fighting equipment and sprinklers; and
 - (f) emergency shut-down systems.

88 Emergency Preparedness

- (1) The Safety Case for a Facility shall:
- (a) describe a response plan designed to address possible emergencies, the risk of which has been identified in the formal safety assessment for the Facility; and
 - (b) provide for the implementation of that plan.
- (2) The plan shall:
- (a) Specify all reasonable practicable steps to ensure the Facility is safe and without risk to the health of persons likely to be on the Facility at the time of the emergency; and
 - (b) specify the performance standards that it applies.
- (3) The Safety Case shall make adequate provision for escape drill exercises and fire drill exercises by persons on the Facility.

- (4) In particular, those exercises shall ensure that those persons will be trained to function in the event of emergency with an adequate degree of knowledge, preparedness and confidence concerning the relevant emergency procedures.
- (5) The Safety Case shall provide for the Operator of the Facility to ensure that escape drill exercises and fire drill exercises are held in accordance with the Safety Case relating to the Facility.
- (6) The Safety Case in respect of a mobile Facility shall also specify systems that are adequate to:
 - (a) shut down or disconnect, in the event of emergency, all operations on the Facility that could adversely affect the safety of the Facility; and
 - (b) give appropriate audible and visible warnings of the shutting down or disconnecting of those operations.

89 Pipelines

- (1) The Safety Case for a Facility that includes:
 - (a) connections to one or more operational pipelines; or
 - (b) proposals to be connected to one or more operational pipelines;shall specify adequate procedures for shutting down or isolating, in the event of emergency, each pipeline connected, so as to stop the flow of hazardous substances through the pipeline.
- (2) In particular, the procedures shall include:
 - (a) effective means of controlling and operating all relevant emergency shut-down valves for a pipeline; and
 - (b) a fail-safe system of isolating a pipeline in the event of failure of other safety devices for the pipeline.
- (3) The Safety Case shall also specify:
 - (a) adequate means of mitigating, in the event of emergency, the risks associated with each pipeline connected to the Facility; and
 - (b) a frequency of periodic inspection and testing of pipeline emergency shut-down valves that can reasonably be expected to ensure that they will operate correctly in an emergency.

90 Vessel and Aircraft Control

- (1) The Safety Case for a Facility shall describe a system, that is implemented or will be implemented, as part of the operation of the Facility that ensures, as far as reasonably practicable, the safe performance of operations that involve vessels or aircraft.
- (2) The system shall be able to meet the emergency response requirements identified in the Formal Safety Assessment in relation to the Facility and be described in the Facility's Safety Management System.
- (3) The equipment and procedures for ensuring safe vessel and aircraft operations shall be fit for purpose.

Section 4 Record Keeping

91 Arrangements for Records

- (1) This clause applies to the following documents:

- (a) the Safety Case in force for the Facility;
 - (b) a revision to the Safety Case for the Facility;
 - (c) a written audit report for the Safety Case;
 - (d) a copy of each report given to the Designated Authority in accordance with clause 115.
- (2) The Safety Case for a Facility shall include arrangements for:
- (a) making a record of the documents; and
 - (b) securely storing the documents and records:
 - (i) at an address nominated for the Facility; and
 - (ii) in a manner that facilitates their retrieval as soon as practicable.
 - (3) A document mentioned in subclause (1)(a) or (b) shall be kept for 5 years after the date of acceptance of the document by the Designated Authority.
 - (4) A report mentioned in subclause (1)(c) shall be kept for a period of 5 years after the date of receipt by the Operator.
 - (5) A copy mentioned in subclause (1)(d) shall be kept for a period of 5 years after the date the report was given to the Designated Authority.

Section 5 Safety Case Required

92 Safety case required for the relevant stage in the life of a Facility

- (1) A person shall not:
- (a) construct a Facility; or
 - (b) install a Facility; or
 - (c) operate a Facility; or
 - (d) modify a Facility; or
 - (e) decommission a Facility;

in JPPDA waters if there is not a safety case in force for the relevant stage in the life of the Facility that corresponds with the conduct.

- (2) Subregulation (1) does not apply to a person who is exempt from the requirement to have a safety case in force for the relevant stage in the life of the Facility under subclause 1(3).

93 Work on a Facility shall comply with the safety case

- (1) These Regulations applies to the following conduct:
- (a) constructing a Facility;
 - (b) installing a Facility;
 - (c) operating a Facility;
 - (d) modifying a Facility;
 - (e) decommissioning a Facility.
- (2) A person shall not engage in conduct mentioned in subregulation (1) in a manner that is contrary to:

- (a) the Safety Case in force for the relevant stage in the life of the Facility; or
- (b) a limitation or condition imposed by subclause 100(3).

94 New health and safety risk

- (1) These Regulations applies to the following conduct:
 - (a) constructing a Facility;
 - (b) installing a Facility;
 - (c) operating a Facility;
 - (d) modifying a Facility;
 - (e) decommissioning a Facility.
- (2) A person shall not engage in conduct mentioned in subclause (1) in JPDA waters if:
 - (a) there has been an occurrence of a significant new risk to health and safety or a significant increase in an existing risk to health and safety arising from the construction, installation, operation, modification or decommissioning of the Facility; and
 - (b) the new risk or increased risk is not provided for:
 - (i) in the safety case in force for the Facility; or
 - (ii) in a revised safety case:
 - (A) submitted to the Designated Authority; and
 - (B) not refused acceptance by the Designated Authority.
- (3) Subregulation (2) does not apply if the person is a person who is exempt from the requirement to have a safety case in force for the relevant stage in the life of the Facility under subclause 1(3).

95 Maintaining records

The operator of a Facility shall keep all documents required by the Safety Case in force for the Facility in the manner set out in the Safety Case.

96 Person on a Facility shall comply with Safety Case

A person on a Facility shall comply with a safety requirement of the Safety Case in force for the Facility that applies to the person.

Subdivision B Initial Submission and Acceptance of Safety Case

97 Submission of Safety Case

- (1) If an operator for a Facility wants to have a Safety Case accepted for the Facility, he or she shall submit the Safety Case to the Designated Authority.
- (2) The Operator shall not submit the Safety Case before the Operator and the Designated Authority have agreed on the scope of the validation for the Facility.
- (3) The Safety Case may relate to one or more stages in the life of the Facility.
- (4) The Safety Case may relate to more than 1 Facility.

98 Additional Information

- (1) If an operator submits a Safety Case to the Designated Authority, the Designated Authority may request the Operator to provide additional written information about any matter required by these Regulations to be included in a Safety Case.
- (2) A request under subclause (1) shall:
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of at least 30 days within which the information is to be provided.
- (3) If an Operator receives a request, and provides all information requested by the Designated Authority within the period specified:
 - (a) the information becomes part of the Safety Case as if it had been included with the Safety Case as it was submitted to the Designated Authority; and
 - (b) the Designated Authority shall have regard to the information as if it had been so included.

99 Acceptance or Rejection of a Safety Case

- (1) The Designated Authority shall accept a Safety Case if:
 - (a) the Safety Case is appropriate to the Facility and to the activities conducted at the Facility; and
 - (b) the Safety Case complies with Division 4, Subdivision A of this Part; and
 - (c) in a case in which the Designated Authority has requested a validation of the Facility:
 - (i) the person, or each person, undertaking the validation meets the criteria specified in subclause 109(5); and
 - (ii) the validation complies with clause 109.
- (2) If the Designated Authority rejects a Safety Case because the Designated Authority is not satisfied with any of the matters mentioned in subclause (1), the Designated Authority shall give the Operator a reasonable opportunity to amend and resubmit the Safety Case.
- (3) If:
 - (a) the Designated Authority has given an Operator a reasonable opportunity to amend and resubmit a Safety Case; and
 - (b) the Operator resubmits the Safety Case; and
 - (c) the Designated Authority is not satisfied with any of the matters mentioned in subclause (1);the Designated Authority shall reject the Safety Case.
- (4) When accepting a Safety Case for a Facility, the Designated Authority may impose limitations or conditions on the acceptance in respect of the Facility or activities at the Facility.

100 Decision on Safety Case

- (1) Within 90 days after receiving a Safety Case given under clause 97 or resubmitted under subclause 97(3), the Designated Authority shall:
 - (a) notify the Operator, in writing, that the Designated Authority has decided:
 - (i) to accept the Safety Case; or
 - (ii) to reject the Safety Case; or
 - (iii) to do both of the following:
 - (A) accept the Safety Case for one or more specified stages in the life of the Facility, but not for every stage in the life of the Facility, in respect of which the Safety Case was submitted;
 - (B) reject the rest of the Safety Case; or
 - (iv) accept the Safety Case subject to conditions or limitations; or
 - (b) notify the Operator, in writing, that the Designated Authority is unable to make a decision about the Safety Case within the period of 90 days, and set out a proposed timetable for its consideration of the Safety Case.
- (2) A failure by the Designated Authority to comply with subsection (1) in relation to a Safety Case does not affect the validity of a decision by the Designated Authority to accept or reject the Safety Case.
- (3) A notice of a decision under clause (1)(a) shall include the terms of the decision (including any limitations or conditions) and the reasons for it.

101 Consent to Undertake Work Outside of the Requirements of the Safety Case

- (1) The Designated Authority may, in writing, consent to the Operator:
 - (a) constructing the Facility; or
 - (b) installing the Facility; or
 - (c) operating the Facility; or
 - (d) modifying the Facility; or
 - (e) decommissioning the Facility;
- (2) in a manner different from the Safety Case in force in relation to the Facility.
- (2) The Designated Authority shall not give a consent under subclause (1) unless it is satisfied that there will not be an occurrence of a significant new risk to health and safety or a significant increase in an existing risk to health and safety arising from the construction, installation, operation, modification or decommissioning of the Facility in the relevant manner.

102 Duties not Derogated From

The acceptance of a Safety Case by the Designated Authority, or compliance by a Operator or another person with a Safety Case that has been accepted by the Designated Authority, does not derogate from the duties in these Regulations.

Subdivision C Revised Safety Case

103 Revision of a Safety Case Arising of a Change of Circumstances or Operation

- (1) Subject to subclause (2), an Operator for which a Safety Case is in force shall submit a revised Safety Case to the Designated Authority as soon as practicable after the occurrence of any of the following circumstances:
 - (a) the technical knowledge relied upon to formulate the Safety Case, including the knowledge of systems for identifying hazards and evaluating risks of major incidents, is obsolete such that the Safety Case no longer adequately provides for the matters mentioned in clauses 72,73 and 74.
 - (b) the Operator proposes to modify or decommission the Facility and:
 - (i) the Safety Case has not been accepted by the Designated Authority for the modification or decommissioning stage in the life of the Facility; or
 - (ii) the proposed modification or decommissioning is not adequately addressed in the Safety Case;
 - (c) there are reasonable ground for believing that a series of proposed modifications to the Facility would result in a cumulative change in the overall level of risk of major accident events;
 - (d) the Operator proposed to significantly change the safety management system that is in force at the Facility;
 - (e) there are new or increased risks at the Facility which were not contemplated in the Safety Case.
- (2) If a circumstance mentioned in subclause (1) is satisfied because the Operator proposes to modify or decommission the Facility the Operator shall not submit the revised Safety Case before the Operator and the Designated Authority have agreed on the scope of the validation of the proposal.
- (3) If the Designated Authority agrees, the Operator may submit a revised Safety Case under subclause (1) in the form of a revision to part of the Safety Case in force for the Facility.

104 Revision on Request by the Designated Authority

- (1) The Designated Authority may request the Petroleum Operator for which a Safety Case is in force to submit a revised Safety Case to the Designated Authority.
- (2) If the Designated Authority agrees, the Operator may submit a revised Safety Case under subclause (1) in the form of a revision to part of the Safety Case in force for the Facility.
- (3) A request by the Designated Authority shall be in writing and include the following information:
 - (a) the matters to be addressed by the revision;
 - (b) the proposed date of effect of the revision; and
 - (c) the grounds for the request.
- (4) The Operator may make a submission in writing to the Designated Authority requesting the variation or withdrawal of the request and stating the reasons why:
 - (a) the revision should not occur; or

- (b) the revision should be in different terms from the terms proposed; or
 - (c) the revision should take effect on a date after the date proposed.
- (5) The Operator shall make the submission:
- (a) within 14 days after receiving the request; or
 - (b) within a longer period specified in writing by the Designated Authority.
- (6) If the Designated Authority receives a submission that complies with subclauses (4) and (5), the Designated Authority shall:
- (a) decide whether to accept the submission or part of the submission;
 - (b) give the Operator written notice of the decision;
 - (c) to the extent that the submission is accepted — give the Operator written notice that varies or withdraws the request in accordance with the decision; and
 - (d) to the extent that the submission is rejected — give the Operator written notice of the grounds for rejecting the submission or part of the submission.
- (7) Unless the request is withdrawn, the Operator shall comply with a request, or a varied request.

105 Revision After Five Years

- (1) The Operator of a Facility for which a Safety Case is in force shall submit a revised Safety Case to the Designated Authority:
- (a) five years after the date that the Safety Case was first accepted under clause 100; and
 - (b) five years after the date of each acceptance of a revised Safety Case under clause 107;

whether or not a revision under clauses 103 or 104 has been accepted within the 5 year period.

- (2) A revised Safety Case submitted under this clause shall describe the means by which the Operator will ensure the ongoing integrity of the technical and other control measures identified by the formal safety assessment for the Facility.

106 Additional Information

- (1) If an Operator submits a revised Safety Case to the Designated Authority, the Designated Authority may request the Operator to provide further written information about any matter required by this clause to be included in a Safety Case.
- (2) A request under subclause (1) shall:
- (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of not less than 10 days within which the information is to be provided.
- (3) If an Operator receives a request and provides all information requested by the Designated Authority within the period specified:
- (a) the information becomes part of the revised Safety Case as if it had been included with the revised Safety Case as it was submitted to the Designated Authority; and

(b) the Designated Authority shall have regard to the information as if it had been so included.

107 Acceptance or Rejection of a Revised Safety Case

- (1) The Designated Authority shall accept a revised Safety Case if:
- (a) the revised Safety Case is appropriate to the Facility and to the activities conducted at the Facility; and
 - (b) the revised Safety Case complies with Subsections 1, 2 and 3 of Subdivision B for each stage in the life of the Facility in respect of which the revision is submitted; and
 - (c) the revised Safety Case complies with Subsection 4 of Subdivision B; and
 - (d) in a case on which the Designated Authority has required a validation relating to a proposed modification:
 - (i) the person, or each person, undertaking the validation meets the criteria specified in subclause 113(5); and
 - (ii) the validation complies with clause 113.
- (2) If a Safety Case is revised in relation to more than 1 stage in the life of the Facility, the Designated Authority may accept the revised Safety Case for 1 or more stages in the life of the Facility and reject the revised Safety Case for 1 or more stages in the life of the Facility.
- (3) If the Designated Authority rejects a Safety Case because the Designated Authority is not satisfied with any of the matters mentioned in subclause (1), the Designated Authority shall give the Operator a reasonable opportunity to change the Safety Case and resubmit it.
- (4) If:
- (a) the Designated Authority has given an Operator a reasonable opportunity to change and resubmit a revised Safety Case or a revised part of a Safety Case; and
 - (b) the Operator resubmits the revised Safety Case or revised part of the Safety Case; and
 - (c) the Designated Authority is not satisfied with any of the matters mentioned in subclause (1);
- the Designated Authority shall reject the revised Safety Case.

(5) When accepting a revised Safety Case for a Facility, the Designated Authority may impose limitations or conditions on the acceptance in respect of the Facility or activities at the Facility.

108 Notice of Decision on Revised Safety Case

- (1) Within 30 days after receiving a revised Safety Case, or a revised part of a Safety Case, the Designated Authority shall:
- (a) notify the Operator, in writing, that the Designated Authority has decided to:
 - (i) accept the revised Safety Case; or
 - (ii) reject the revised Safety Case; or

- (iii) accept the revised Safety Case for 1 or more stages in the life of the Facility, in respect of which the revised Safety Case was submitted, but not for every stage in the life of the Facility; or
- (iv) accept the revised Safety Case subject to conditions or limitations; or
- (b) notify the Operator, in writing, that the Designated Authority is unable to make a decision about the revised Safety Case within the period of 30 days, and set out a proposed timetable for its consideration of the revised Safety Case.
- (2) A failure by the Designated Authority to comply with subclause (1) in relation to a revised Safety Case does not affect the validity of a decision by the Designated Authority to accept or reject the revision.

109 Effect of Rejection of Revised Safety Case

If a revised Safety Case is not accepted, the Safety Case in force in relation to the Facility immediately before the revised Safety Case was submitted remains in force subject to the Petroleum Mining Code and these Regulations, as if the revised Safety Case had not been submitted.

Subdivision D Withdrawal of a Safety Case

110 Reasons for Withdrawal

- (1) The Designated Authority may, by written notice to the operator of a Facility, withdraw the acceptance of the Safety Case for a Facility on the following ground if:
 - (a) the Operator has not complied with:
 - (i) a notice issued by an Inspector under Division 2 of Part II of these Regulations; or
 - (ii) clauses 103, 104, or 105; or
 - (b) the Designated Authority has rejected a revised Safety Case.
- (2) A notice under subclause (1) shall contain a statement of the reasons for the decision.

111 Notice Before Withdrawal of Acceptance

- (1) Before withdrawing the acceptance of a Safety Case for a Facility, the Designated Authority shall give the Operator at least 30 days notice, in writing, of its intention to withdraw the acceptance.
- (2) The Designated Authority may give a copy of the notice to such other persons as it thinks fit.
- (3) The Designated Authority shall specify, in the notice, a date (*the cut-off date*) on or before which the Operator (or other person to whom a copy of the notice has been given) may submit to the Designated Authority in writing, matters that the Designated Authority should take into account when deciding to withdraw the acceptance.
- (4) The Designated Authority shall take into account:
 - (a) any action taken by the Operator:
 - (i) to remove a ground for withdrawal of acceptance; or
 - (ii) to prevent the recurrence of a ground for removal of acceptance; and
 - (b) any matter submitted under subclause (3) before the cut-off date.

112 Designated Authority may give an exemption

The Designated Authority may, by notice in writing, exempt the operator from the operation of 1 or more provisions of this Division.

Subdivision E Validation

113 Validation of a design, construction and installation, significant modification, decommissioning of a Facility

- (1) The Designated Authority may, by notice in writing, require the Operator of a proposed Facility, or an existing Facility, to provide a validation:
 - (a) in respect of the proposed Facility; or
 - (b) in respect of a proposed significant change to an existing Facility.
- (2) A validation of a proposed Facility is a statement in writing by an validator in respect of the design, construction and installation (including instrumentation, process layout and process control systems) of the Facility, to the extent that these matters are covered by the scope of the validation agreed between the Designated Authority and the Operator.
- (3) A validation of a proposed significant change to an existing Facility is a statement in writing by an independent validator in respect of the proposed change, to the extent required by the scope of the validation agreed between the Designated Authority and the Operator.
- (4) The validation shall establish, to the level of assurance reasonably required by the Designated Authority:
 - (a) in the case of a proposed Facility — that the design, construction and installation (including instrumentation, process layout and process control systems) of the Facility incorporate measures that:
 - (i) will protect the health and safety of persons at the proposed Facility; and
 - (ii) are consistent with the formal safety assessment for the Facility; and
 - (b) in the case of an existing Facility — that, after any proposed change or changes, the Facility incorporate measures that will protect the health and safety of persons at the proposed Facility.
- (5) An operator who has provided material for a validation shall satisfy the Designated Authority that each person who undertook the validation had the necessary competence, ability and access to data, in respect of each matter being validated, to arrive at an independent opinion on the matter.

Subdivision F Notifying and reporting accidents and dangerous occurrences

114 Accidents and dangerous occurrences

- (1) If, at or near a facility, there is:
 - (a) an accident that causes the death of, or serious injury to, any individual; or
 - (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period prescribed for the purposes of this clause; or
 - (c) a dangerous occurrence;

the operator must, in accordance with the regulations, give the Designated Authority notice of the accident or dangerous occurrence.

- (2) If, at or near a facility, there is:
- (a) an accident that causes the death of, or serious injury to, any individual; or
 - (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period prescribed for the purposes of this clause; or
 - (c) a dangerous occurrence;

the operator must, in accordance with the regulations, give the Designated Authority a report about the accident or dangerous occurrence.

115 Reporting accidents and dangerous occurrences

- (1) For subclause 114(1), the notice in relation to a Facility to which these Regulations applies:

- (a) may be oral or written; and
- (b) shall be provided as soon as practicable after:
 - (i) the first occurrence of the accident or dangerous occurrence; or
 - (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence — the detection of the accident or dangerous occurrence by the operator; and
- (c) shall contain all material details concerning the accident or dangerous occurrence that are reasonably available to the operator at the time of the notification.

- (2) For subclause 114(2), the report:

- (a) shall be written; and
- (b) unless otherwise agreed by the Designated Authority — shall be provided within 3 days after:
 - (i) the first occurrence of the accident or dangerous occurrence; or
 - (ii) if the accident or dangerous occurrence is not detected by the operator at the time of its first occurrence — the detection of the accident or dangerous occurrence by the operator; and
- (c) shall contain material details concerning the accident or dangerous occurrence of the types determined by the Designated Authority.

- (3) As soon as practicable, but not later than 15 days after the end of each month, the operator of a Facility shall submit, to the Designated Authority, a written report, for that month, summarising:

- (a) the number of deaths of persons at the Facility; and
- (b) the number and types of injuries to persons at the Facility, other than minor injuries not requiring treatment or requiring treatment only in the nature of first aid.

116 Interference with Accident Site

- (1) A person shall not interfere with a site, on a Facility, where there is:
- (a) an accident that causes the death of, or serious personal injury to, any person; or

- (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period of 3 days; or
 - (c) a dangerous occurrence;
 - (d) before the completion of the inspection of the site by an inspector.
- (2) Subclause (1) will not be breached where:
- (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 Facility or of persons at the Facility;
 - (iii) reducing danger to the Facility, surrounding environment, or persons at the Facility;
 - (iv) retrieving, or attempting to retrieve, the body of a dead person; or
 - (c) the Operator has given the Designated Authority notice of, and a report about, the accident or dangerous occurrence, and an Inspector has not entered the Facility where the accident or dangerous occurrence occurred in response to the notice within 3 working days of the Operator giving notice to the Designated Authority.

Division 6 Environment

117 General

For the purpose of this Division, Petroleum Activity means any activity relating to petroleum exploration or development which may have an impact on the environment and includes, for the avoidance of doubt, any of the following operations:

- (a) seismic or other surveys;
- (b) drilling;
- (c) construction and installation of a Facility;
- (d) operation of a Facility;
- (e) significant modification of a Facility;
- (f) decommissioning, dismantling or removing a Facility;
- (g) construction and installation of a pipeline;
- (h) operation of a pipeline;
- (i) significant modification of a pipeline;
- (j) decommissioning, dismantling or removing a pipeline;
- (k) storage, processing or transport of petroleum.

Subdivision A – Environment Impact Assessment

Section 1 Requirements for Environment Impact Assessment

118 Structure of a Environment Impact Assessment

Except with the consent of the Designated Authority a Environment Impact Assessment shall be structured to include:

- (a) description of the proposed Petroleum Activity;
- (b) description of the environment that may be effected by the proposed Petroleum Activity;
- (c) draft impact assessment; and
- (d) draft management strategies.

119 Description of the Activity

A comprehensive description of the proposed Petroleum Activity includes the following:

- (a) the location or locations of the Petroleum Activity;
- (b) an outline of the proposed Petroleum Activity and proposed timetables; and
- (c) any additional information relevant to consideration of environmental effects and risks.

120 Description of Environment

A description of the existing environment that may be affected by the Petroleum Activity including:

- (a) location;
- (b) geology;
- (c) climate, including rainfall, cyclone probability, ambient air temperature, relative humidity and winds;
- (d) oceanography, including sea water temperature, wave data, water depth and information on currents;
- (e) marine and avian life likely to be found in the area affected by the Petroleum Activity; and
- (f) as any relevant cultural, social and economic aspects of the environment that may be affected including the identification relevant values and sensitivities (if any) of that environment.

121 Impact Assessment

An assessment of the potential environmental effects and risks of the Petroleum Activity, including the direct, indirect, acute, chronic, adverse and beneficial effects on the environment by the proposed Petroleum Activity including:

- (a) the effects of the proposed development on the marine life of the area, with information on events which may cause major ecological disruptions, including oil spill trajectory studies;
- (b) any cumulative effect of the proposed Petroleum Activity;
- (c) requirements for further monitoring, research or data collection;
- (d) the effects related to oil discharges from all sources on marine life;
- (e) the quantities and composition of liquid wastes and their disposal;
- (f) the quantities and composition of atmospheric emissions; and
- (g) sea bed disturbances and solid wastes discharges.

122 Draft Management Strategies

Environmental performance objectives, environmental performance standards and measurement criteria that:

- (a) define the objectives, and set the standards, against which performance by the Operator in protecting the environment is to be measured, including measurement criteria for determining whether the objectives and standards have been met;
- (b) a proposed implementation strategy for the Petroleum Activity, including measures to ensure that the environmental performance objectives and standards in the Environment Management Plan are met;
- (c) identifies the specific systems, practices and procedures to be used to ensure that:
 - (i) the environmental effects and risks of the Petroleum Activity are reduced to as low as reasonably practicable; and
 - (ii) the environmental performance objectives and standards in the Environment Management Plan are met;
- (d) establishes a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the Environment Management Plan;
- (e) includes measures to ensure that each employee or contractor working on, or in connection with, the petroleum developments aware of his or her responsibilities in relation to the environment and has the appropriate skills and training;
- (f) provides for the monitoring, audit and review of the Operator's environmental performance and the implementation strategy;
- (g) provides for the maintenance of a quantitative record of emissions and discharges (whether occurring during normal operations or otherwise) to the air, marine, seabed and sub-seabed environment, that is accurate and can be monitored and audited against the environmental performance standards and measurement criteria;
- (h) provides for the maintenance of an up-to-date emergency response manual (including an oil spill contingency plan) including detailed response arrangements;
- (i) provide for appropriate consultation with:
 - (iii) relevant authorities of the Contracting States; and
 - (iv) other relevant interested persons or organisations;
- (j) includes arrangements for recording, monitoring and reporting information about the Petroleum Activity sufficient to enable the Designated Authority to determine whether the environmental performance objectives and standards in the Environment Management Plan are met;
- (k) a statement of the Operator's corporate environmental policy;
- (l) a report on any consultations between the Operator and relevant authorities, interested persons and organisations in the course of preparing the Environment Impact Assessment;
- (m) a list of all environmental legislation of the Contracting States, that may apply to the Petroleum Activity;

- (n) a description of safeguards or standards which are proposed to be adopted to protect the environment;
- (o) an assessment of the effectiveness of, all proposed safeguards or standards for the protection of the environment;
- (p) the proposed implementation strategy that includes measures to ensure that the environmental performance objectives and standards in the Environment Management Plan are met;
- (q) citations of all sources of information relied upon during the preparation of the Environment Impact Assessment.

Section 2 Submission and Acceptance of a Environment Impact Assessment.

123 Additional Information

- (1) If an Operator submits a Environment Impact Assessment to the Designated Authority, the Designated Authority may request the Operator to provide further written information about any matter required to be included in a Environment Impact Assessment.
- (2) A request under subclause (1) shall:
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of not less than 10 days within which the information is to be provided.
- (3) If an Operator receives a request and provides all information requested by the Designated Authority within the period specified:
 - (a) the information becomes part of the Environment Impact Assessment as if it had been included with the Environment Impact Assessment as it was submitted to the Designated Authority; and
 - (b) the Designated Authority shall have regard to the information as if it had been so included.

124 Comment by Contracting States

- (1) The Environment Impact Assessment will be referred by the Designated Authority to relevant Timor-Leste and Australian authorities for comment.
- (2) Each authority will assess the Environment Impact Assessment according to its own procedures.
- (3) These authorities may seek comment from interested parties.
- (4) The Australian environmental authorities may request the Designated Authority to require the Contract Operator to meet the cost of advertising the Environment Impact Assessment for public comment in Australia.
- (5) The Designated Authority shall allow at least 60 days for comment.

125 Acceptance of Environment Impact Assessment

The Designated Authority may direct the contract operator to revise the Environment Impact Assessment where necessary.

Subdivision B – Environment Management Plans

Section 1 Requirement for an Environment Management Plan

126 Accepted Environment Management Plan Required for a Petroleum Activity

- (1) An Operator shall not carry out a Petroleum Activity without an Environment Management Plan in force.
- (2) This clause does not affect any other requirement under these Regulations for a consents to construct or install, or a consents to use, a Facility or pipeline or approvals to undertake specific activities.

127 Operations Shall Comply with the Accepted Environment Management Plan

- (1) The Operator shall not carry out the Petroleum Activity in a way that is contrary to:
 - (a) the Environment Management Plan in force for the Petroleum Activity; or
 - (b) any limitation or condition applying to operations for the Petroleum Activity under these Regulations.

- (2) The Designated Authority shall not give a consent under subclause (2) unless there are reasonable grounds for believing that the way in which the Petroleum Activity is to be carried out will not result in the occurrence of any significant new environmental impact or risk, or significant increase in any existing environmental impact or risk.

128 Operations Shall Not Continue if New or Increased Environmental Risk Identified

- (1) The Operator must not carry out the Petroleum Activity after the occurrence of:
 - (a) any significant new environmental impact or risk arising from the Petroleum Activity; or
 - (b) any significant increase in an existing environmental impact or risk arising from the Petroleum Activity; and
 - (c) the new impact or risk, or increase in the impact or risk, is not provided for in the Environment Management Plan in force for the Petroleum Activity.
- (2) Subclause (1) does not apply to the Operator if the Operator submits a proposed revision of the Environment Management Plan in accordance with clause 137 and the Designated Authority has not refused to accept the revision.

Section 2 Acceptance of an Environment Management Plan

129 Submission of an Environment Management Plan

- (1) Before commencing a Petroleum Activity the operator of the activity shall submit an Environment Management Plan for the activity to the Designated Authority for the JPDA.
- (2) An Environment Management Plan may be submitted for 1 or more stages of the Petroleum Activity if the Operator and the Designated Authority so agree.
 - (3) An Environment Management Plan:
 - (a) shall be in writing; or in a form accepted by the Designated Authority; and
 - (b) if the Designated Authority accepts — may relate to a specified activity in one or more identified locations specified in the plan.

130 Time Limit for Accepting or Not Accepting an Environment Management Plan

- (1) Within 30 days after an Operator submits an Environment Management Plan, the Designated Authority shall:
 - (a) accept the plan under clause 131; or
 - (b) refuse to accept the plan; or
 - (c) give notice in writing to the Operator stating that the Designated Authority is unable to make a decision about the plan within the period of 30 days, and setting out a proposed timetable for consideration of the plan.
- (2) A decision by the Designated Authority to accept, or refuse to accept, an Environment Management Plan is not invalid only because the Designated Authority did not comply with subclause (1) in relation to the plan.
- (3) This clause applies to an Environment Management Plan resubmitted under subclause 131(2) in the same way that it applies to the plan when first submitted.

131 Acceptance of an Environment Management Plan

- (1) The Designated Authority shall accept the Environment Management Plan if there are reasonable grounds for believing that the plan:
 - (a) is appropriate for the nature and scale of the Petroleum Activity or proposed use; and
 - (b) demonstrates that the environmental impact and risks of the Petroleum Activity will be reduced to as low as reasonably practicable; and
 - (c) demonstrates that the environmental impact and risks of the Petroleum Activity will be of an acceptable level; and
 - (d) provides for appropriate environmental performance objectives, environmental performance standards and measurement criteria; and
 - (e) includes an appropriate implementation strategy and monitoring, recording and reporting arrangements; and
 - (f) complies with the Petroleum Mining Code and these Regulations; and
 - (g) is compatible with the accepted Environment Impact Assessment.
- (2) If the Designated Authority is not reasonably satisfied that the Environment Management Plan when first submitted meets the criteria set out in subclause (1), the Designated Authority shall give the Operator a reasonable opportunity to modify and resubmit the plan.
- (3) If, after the Operator has had a reasonable opportunity to modify and resubmit the Environment Management Plan, the Designated Authority is still not reasonably satisfied that the plan meets the criteria set out in subclause (1), the Designated Authority shall refuse to accept the plan.
- (4) Despite subclause (3), the Designated Authority may do either or both of the following:
 - (a) accept the plan in part for a particular stage of the Petroleum Activity;
 - (b) impose limitations or conditions applying to operations for the Petroleum Activity.
- (5) The Designated Authority shall give the Operator notice in writing of a decision by the Designated Authority:

- (a) to accept the Environment Management Plan; or
- (b) not to accept the plan; or
- (c) to accept the plan in part for a particular stage of the Petroleum Activity, or subject to the imposition of limitations or conditions.
- (6) A decision under clause (5) (b) or (c) shall set out:
 - (a) the terms of the decision and the reasons for it; and
 - (b) if limitations or conditions are to apply to operations for the Petroleum Activity — those limitations or conditions.
- (7) Within 10 days after receiving a notification that the Designated Authority has accepted an Environment Management Plan under clause (5) (a), the operator shall submit a summary of the plan to the Designated Authority for public disclosure.
- (8) A summary mentioned in subclause (7):
 - (a) shall include the following material from the Environment Management Plan:
 - (i) coordinates of the Petroleum Activity;
 - (ii) a description of the receiving environment;
 - (iii) a description of the action;
 - (iv) details of major environmental hazards and controls;
 - (v) a summary of the management approach;
 - (vi) details of consultation already undertaken, and plans for ongoing consultation;
 - (vii) contact details of the operator's nominated liaison personnel for the operation; and
 - (b) shall be acceptable to the Designated Authority.

132 Contents of an Environment Management Plan

An Environment Management Plan for a Petroleum Activity shall include the matters set out in clauses 133, 134, 135 and 136.

133 Environmental Assessment

- (1) The Environment Management Plan shall contain a comprehensive description of the Petroleum Activity including the following:
 - (a) the location or locations of the Petroleum Activity;
 - (b) general details of the construction and layout of any Facility or other structure;
 - (c) an outline of the operational details of the Petroleum Activities (for example, seismic surveys, exploration drilling or production) and proposed timetables;
 - (d) any additional information relevant to consideration of environmental effects and risks of the Petroleum Activity.
- (2) The Environment Management Plan shall:

- (a) describe the existing environment that may be affected by the Petroleum Activity, as well as any relevant cultural, social and economic aspects of the environment that may be affected; and
 - (b) include details of the particular relevant values and sensitivities (if any) of that environment.
- (3) The Environment Management Plan shall include:
- (a) details of the environmental impacts and risks for the activity; and
 - (b) an evaluation of all the impacts and risks.
- (4) For the avoidance of doubt, the evaluation mentioned in clause (3) (b) shall evaluate all the significant impacts and risks arising directly or indirectly from:
- (a) all Petroleum Activities, including construction; and
 - (b) potential emergency conditions, whether resulting from accident or any other reason.
- (5) The Environment Management Plan shall include environmental performance objectives, environmental performance standards and measurement criteria that:
- (a) address legislative and other controls that manage environmental features of the Petroleum Activities; and
 - (b) define the objectives, and set the standards, against which performance by the operator in protecting the environment is to be measured; and
 - (c) include measurement criteria for determining whether the objectives and standards have been met.
- (6) The Environment Management Plan shall contain a list of all legal, environmental and other requirements that apply to the Petroleum Activities.

134 Implementation Strategy for the Environment Management Plan

- (1) The Environment Management Plan shall contain an implementation strategy for the Petroleum Activity in accordance with these Regulations.
- (2) The implementation strategy shall include measures to ensure that the environmental performance objectives and standards in the Environment Management Plan are met.
- (3) The implementation strategy shall identify the specific systems, practices and procedures to be used to ensure that the environmental impacts and risks of the activity are reduced to as low as reasonably practicable and that the environmental performance objectives and standards in the Environment Management Plan are met.
- (4) The implementation strategy shall establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the Environment Management Plan.
- (5) The implementation strategy shall include measures to ensure that each employee or contractor working on, or in connection with, the Petroleum Activity is aware of his or her responsibilities in relation to the Environment Management Plan and has the appropriate competencies and training.

- (6) The implementation strategy shall provide for the monitoring, audit, management of non-conformance and review of the Operator's environmental performance and the implementation strategy.
- (7) The implementation strategy shall provide for the maintenance of a quantitative record of emissions and discharges (whether occurring during normal operations or otherwise) to the air, marine, seabed and sub-seabed environment, that is accurate and can be monitored and audited against the environmental performance standards and measurement criteria.
- (8) The implementation strategy shall establish and provide for the maintenance of an up-to-date emergency response manual (including a spill contingency plan) including detailed response arrangements which shall be tested:
 - (a) when they are introduced; and
 - (b) when they are significantly amended; and
 - (c) not later than 12 months after the most recent test.
- (9) The implementation strategy shall provide for appropriate consultation with:
 - (a) relevant authorities of the Contracting States; and
 - (b) other relevant interested persons or organisations.
- (10) The implementation strategy shall comply with Petroleum Mining Code, these Regulations and any other environmental legislation applying to the Petroleum Activity.

135 Reporting etc Arrangements

- (1) The Environment Management Plan shall include arrangements for:
 - (a) recording, monitoring and reporting information about the Petroleum Activity (including information required to be recorded under Petroleum Mining Code, the regulations and any other environmental legislation applying to the Petroleum Activity) sufficient to enable the Designated Authority to determine whether the environmental performance objectives and standards in the Environment Management Plan are met; and
 - (b) reporting to the Designated Authority at intervals agreed with the Designated Authority, but not less often than annually.

136 Other Information in the Environment Management Plan

- (1) The Environment Management Plan shall contain the following:
 - (a) a statement of the Operator's corporate environmental policy;
 - (b) a report on all consultations between the Operator and relevant authorities, interested persons and organisations in the course of developing the Environment Management Plan;
 - (c) details of all reportable incidents in relation to the proposed Petroleum Activities.

Section 3 Revision of an Environment Management Plan

137 Revision Because of a Change, or Proposed Change, of Circumstances or Operations

- (1) The Operator of a Petroleum Activity shall submit to the Designated Authority a proposed revision of the Environment Management Plan before the commencement of any new Petroleum Activity, or any significant modification, change, or new stage of an existing Petroleum Activity, not provided for in the Environment Management Plan in force for the Petroleum Activity.
- (2) The Operator shall submit a proposed revision of the Environment Management Plan before, or as soon as practicable after:
 - (a) a change in the petroleum instrument holder for, or Operator of, the Petroleum Activity; or
 - (b) the occurrence of any significant new environmental impact or risk, or significant increase in an existing environmental impact or risk, not provided for in the Environment Management Plan in force for the Petroleum Activity.

138 Revision on Request of the Designated Authority

- (1) The Operator of a Petroleum Activity shall submit to the Designated Authority a proposed revision of the Environment Management Plan if the Designated Authority requests the Operator to do so.
- (2) A request by the Designated Authority shall be in writing and set out the following:
 - (a) the matters to be addressed by the revision;
 - (b) the proposed date of effect of the revision; and
 - (c) the grounds for the request.
- (3) The Operator may make a submission in writing to the Designated Authority stating the Operator's reasons for 1 or more of the following matters:
 - (a) why the revision should not occur;
 - (b) why the revision should be in different terms from the proposed terms; and
 - (c) whether or not the Operator gives other reasons – why the revision should take effect on a date later than the proposed date.
- (4) A submission by the Operator shall be made within 14 days after receiving the request, or within any longer period that the Designated Authority in writing allows.
- (5) If a submission complies with subclauses (3) and (4), the Designated Authority shall:
 - (a) decide whether to accept 1 or more of the reasons stated in the submission; and
 - (b) give the Operator notice in writing of the decision; and
 - (c) to the extent (if any) that the Designated Authority accepts the reasons, give the Operator notice in writing that varies or withdraws the request in accordance with the decision; and
 - (d) to the extent (if any) that the Designated Authority does not accept the reasons, give the Operator notice in writing of the grounds for not accepting them.
- (6) An Operator shall comply with a request made by the Designated Authority under these Regulations and not withdraw, or with a request as varied under these Regulations, as soon as practicable.

139 Revision at the End of Each Five Years

- (1) The Operator of a Petroleum Activity shall submit to the Designated Authority a proposed revision of the Environment Management Plan (whether or not a proposal has been submitted under clause 137 or 138) at the end of each period of 5 years, commencing on:
 - (a) the date when the Environment Management Plan is first accepted under clause 131 by the Designated Authority; or
 - (b) the date of the most recent acceptance, by the Designated Authority, of a revision submitted under this clause.

140 Form of Proposed Revision

A proposed revision shall be in the form of a revised Environment Management Plan or, if the Operator and the Designated Authority so agree, a revised part of the Environment Management Plan.

141 Consideration of Proposed Revision

- (1) Clauses 130 and 131 apply to the proposed revision as if:
 - (a) a reference in those clauses to the submission, acceptance or non-acceptance of the Environment Management Plan were a reference to the submission, acceptance or non-acceptance of the proposed revision; and
 - (b) any other reference in those clauses to the Environment Management Plan were a reference to the plan as revised by the proposed revision.

142 Effect of Non-Acceptance of Proposed Revision

If a proposed revision is not accepted, the provisions of the Environment Management Plan in force for the Petroleum Activity existing immediately before the proposed revision was submitted remain in force, subject to Petroleum Mining Code and these Regulations as if the revision had not been proposed.

Section 4 Withdrawal of Acceptance of an Environment Management Plan

143 Withdrawal of Acceptance of Environment Management Plan

- (1) The Designated Authority, by notice in writing to the Operator of an Petroleum Activity, may withdraw the acceptance of the Environment Management Plan in force for the Petroleum Activity on any ground set out in subclause (2).
- (2) For subclause (1), the grounds are that:
 - (a) the Operator has not complied with a provision of Petroleum Mining Code, or a direction given to the Operator under Petroleum Mining Code; or
 - (b) the Operator has not complied with clause 127,131,137,138 and 139; or
 - (c) the Designated Authority has refused to accept a proposed revision of the Environment Management Plan.
- (3) A notice under subclause (1) shall set out: the reasons for the decision.

144 Steps to be Taken Before Withdrawal of Acceptance

- (1) Before withdrawing the acceptance of an Environment Management Plan in force for an Petroleum Activity the Designated Authority shall comply with subclauses (2), (4) and (5).

- (2) The Designated Authority shall give the Operator at least 30 days notice in writing of the Designated Authority's intention to withdraw acceptance of the plan.
- (3) The Designated Authority may give a copy of the notice to such other persons (if any) as the Designated Authority thinks fit.
- (4) The Designated Authority shall specify in the notice a date (the *specified date*) on or before which the Operator (or any other person to whom a copy of the notice has been given) may submit to the Designated Authority, in writing, any matters for the Designated Authority to take into account.
- (5) The Designated Authority shall take into account:
 - (a) any action taken by the Operator or petroleum instrument holder to remove the ground for withdrawal of acceptance, or to prevent the recurrence of that ground; and
 - (b) any matter submitted to the Designated Authority before the specified date by the Operator or a person to whom a copy of the notice has been given.

145 Notifying reportable incidents

- (1) The operator of an activity shall notify a reportable incident in accordance with these Regulations.
- (2) A notification under subregulation (1):
 - (a) shall be given to the Designated Authority; and
 - (b) shall be given as soon as practicable, and in any case not later than 2 hours after:
 - (i) the first occurrence of the reportable incident; or
 - (ii) if the reportable incident was not detected by the operator at the time of the first occurrence — the time the operator becomes aware of the reportable incident; and
 - (c) may be oral or in writing; and
 - (d) shall contain:
 - (i) all material facts and circumstances concerning the reportable incident that the operator knows or is able, by reasonable search or enquiry, to find out; and
 - (ii) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and
 - (e) the corrective action that has been taken, or is proposed to be taken, to prevent a similar reportable incident.

146 Written report of reportable incidents

- (1) The operator of an activity shall submit a written report of a reportable incident in accordance with these Regulations.
- (2) A written report under subregulation (1):
 - (a) shall be given to the Designated Authority; and
 - (b) shall be given as soon as practicable, and in any case:

- (i) not later than 3 days after the first occurrence of the reportable incident; or
 - (ii) if the Designated Authority specifies, within 3 days after the first occurrence of the reportable incident, another period within which the report shall be provided — within that period; and
- (c) shall contain:
- (i) all material facts and circumstances concerning the reportable incident that the operator knows or is able, by reasonable search or enquiry, to find out; and
 - (ii) any action taken to avoid or mitigate any adverse environment impacts of the reportable incident; and
 - (d) the corrective action that has been taken, or is proposed to be taken, to prevent a similar reportable incident.

147 Reporting recordable incidents

- (1) The operator of an activity shall submit a written report of a recordable incident in accordance with these Regulations.
- (2) A written report under subregulation (1):
 - (a) shall be given to the Designated Authority; and
 - (b) shall relate to a calendar month; and
 - (c) shall be given as soon as practicable after the end of the calendar month, and in any case not later than 15 days after the end of the calendar month; and
 - (d) shall contain:
 - (i) a record of all recordable incidents that occurred during the calendar month; and
 - (ii) all material facts and circumstances concerning the recordable incidents that the operator knows or is able, by reasonable search or enquiry, to find out; and
 - (iii) any action taken to avoid or mitigate any adverse environment impacts of the recordable incidents; and
 - (iv) the corrective action that has been taken, or is proposed to be taken, to prevent similar recordable incidents.

148 Storage of records

- (1) The operator of a petroleum activity shall store and maintain a document or other record mentioned in subregulation (2):
 - (a) for the period of 5 years from the making of the document or other record; and
 - (b) in a way that makes retrieval of the document or other record reasonably practicable.
- (2) For subregulation (1), the documents or other records are the following:
 - (a) the Environment Management Plan in force for the activity;
 - (b) revisions of the Environment Management Plan;

- (c) written reports (including monitoring, audit and review reports) about environmental performance, or about the implementation strategy, under the Environment Management Plan;
- (d) records of emissions and discharges into the environment made in accordance with the Environment Management Plan;
- (e) records of calibration and maintenance of monitoring devices used in accordance with the Environment Management Plan;
- (f) records and copies of reports mentioned in:
 - (i) clauses 145 and 146, relating to reportable incidents; and
 - (ii) clause 147, relating to recordable incidents.

149 Making records available

- (1) The operator of an activity shall make available, in accordance with these Regulations, copies of the records mentioned in clause 148 for the activity.
- (2) The operator shall make copies of the records available to any of the following persons, on request in writing by the person:
 - (a) the Designated Authority;
 - (b) an inspector.
- (3) If the person making the request states that copies of the records be made available to an agent of the person, the operator shall make the copies available to the agent.
- (4) However, if the operator requests a person who is a delegate of the Designated Authority, an inspector, or an agent, to produce written evidence of the delegation, or of the person's appointment as an inspector or agent, the operator is not required to make the records available unless the evidence is produced to the operator.
- (5) The copies of the records shall be made available:
 - (a) in the case of an emergency relating to the activity — as soon as possible at any time of the day or night on any day during the emergency; or
 - (b) in any other case — during normal business hours on any day, other than a Saturday, a Sunday, or a public holiday at the place where the records are kept.
- (6) The copies of the records shall be made available at the nominated address or, if agreed between the operator and the person making the request (or the person's agent), at any other place (including by means of electronic transmission to the person or agent at that place).
- (7) If the records are stored on a computer, the records shall be made available in print-out form or, if the operator and the Designated Authority so agree, in electronic form.

Subdivision C Miscellaneous

150 Discharge of Produced Formation Water

- (1) The operator of an activity shall ensure that the concentration of petroleum in any produced formation water discharged into the sea as a result of the Petroleum Activity is not greater than 30 milligrams per Litre during each period of 24 hours (*specified concentration*).

- (1) Nothing in subclause (1) affects an environmental performance standard, in an Environment Management Plan in force for the Petroleum Activity, for a concentration of petroleum in produced formation water discharged into the sea that is less than the specified concentration.
- (2) Subclause (1) does not apply to an Operator who:
 - (a) has the consent in writing of the Designated Authority in accordance with subclause (4) to exceed the specified concentration; and
 - (b) does not exceed any authorised concentration mentioned in the consent.
- (3) Consent under subclause (3) may be given by the Designated Authority only if:
 - (a) the discharge rate of produced formation water to be authorised by the consent is not greater than 0.5 megalitres per day; or
 - (b) the consent is to apply to a period not greater than 48 hours; or
 - (c) the Designated Authority is satisfied that the purpose of the discharge at the authorised concentration is for operational research that has the potential to improve environmental performance.
- (4) The Designated Authority shall not give a consent under subclause (3) unless the operator demonstrates, to the satisfaction of the Designated Authority, that the proposed discharge will not result in:
 - (a) the occurrence of any significant new environmental impact or risk; or
 - (b) a significant increase in any existing environmental impact or risk.

(5) With respect to the method and the equipment for carrying out the disposal of produced formation water, an Environment Management Plan shall include the following particulars:

- (a) the distance offshore of the proposed point of discharge and the water depth at that point;
- (b) the characteristics of any petroleum in the formation water;
- (c) the average rate of discharge of the treated formation water;
- (d) the description of pollution-sensitive zones and species near the point of discharge; and
- (e) any other matter which the Designated Authority or the Operator considers relevant.

151 Tests and Reports of Discharges of Produced Formation Water

- (1) If produced formation water is discharged into the sea, the operator shall:
 - (a) conduct an accepted test at regular intervals to assess the performance of the monitoring equipment; and
 - (b) record the test results.
- (2) At the request of the Designated Authority, the operator shall produce for inspection the test results mentioned in subclause (1).

152 Approval to Flare and/or Vent

- (1) Except in an emergency, before venting and/of flaring petroleum, the Operator shall obtain written approval from the Designated Authority.

- (2) An application for flaring and/or venting of petroleum shall be made annually and include the following information:
 - (a) the estimated quantity of petroleum to be vented and/or flared per month; and
 - (b) the expected duration of the flaring or venting
- (3) The Designated Authority may approve the venting and/or flaring of petroleum for a period less than the annual period specified in the application.

Divison 7 Diving Safety

Subdivision A Diving Safety Management System (DSMS)

153 No Diving Without DSMS

- (1) Before beginning diving work that forms part of a diving project, a diving contractor shall:
 - (a) have a DSMS that is accepted and current; and
 - (b) give the DSMS to the operator of the diving project.
- (2) The Operator of a diving project shall not allow diving work, that forms part of the diving project, to begin if the diving contractor has not given to the Operator a DSMS that is accepted and current.
- (3) A diving contractor shall not allow diving to continue on a diving project if the DSMS is no longer accepted and current.
- (4) For this clause, an accepted DSMS is current if
 - (a) the DSMS has not been revised, or the acceptance of the DSMS has not been withdrawn, since its latest acceptance; and
 - (b) it is not more than 5 years since its latest acceptance.

154 Contents of DSMS

- (1) A DSMS shall meet the minimum standards set out in the *Guidelines for complying with the Diving Safety Regulations*, as existing from time to time, published by the Designated Authority.
- (2) A DSMS shall provide for:
 - (a) all activities connected with a diving project; and
 - (b) the preparation of a diving project plan, in accordance with Subdivision C, for a project (including consultation with 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 related to a diving project; and
 - (i) the continual and systematic assessment of:
 - (ii) the likelihood of the occurrence, during normal or emergency situations, of injury or damage associated with those hazards; and
 - (d) 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;
 - (iii) or the reduction of those risks to 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 a diving project; and
 - (h) the performance standards that apply to the DSMS; and
 - (i) a program of continuous improvement.
- (3) A DSMS shall:

- (a) specify any standard or code of practice that is to be used in a diving project; and
- (b) require the diving to be carried out in accordance with those standards or codes; and
- (c) a system for the management of change.

155 Acceptance of New DSMS or Revised DSMS

- (1) Within 30 days after receiving the DSMS or revised DSMS, the Designated Authority shall notify the diving contractor that it:
- (a) accepts the DSMS or revised DSMS, subject to any conditions necessary in the interests of safety; or
 - (b) rejects the DSMS.

- (2) If the Designated Authority decides to impose conditions on a DSMS, the Designated Authority shall set out, in writing, the reasons for imposing conditions on the DSMS.

- (3) If the Designated Authority decides to reject the DSMS or revised DSMS, the Designated Authority shall set out, in writing, the reasons for rejecting the DSMS.

156 Register of DSMS

- (1) The Designated Authority shall keep a register of each DSMS and revised DSMS the Designated Authority receives.

- (2) The register shall record as many of the following details as apply to the DSMS:

- (a) the name of the diving contractor;
- (b) the date of acceptance and registration;
- (c) any conditions on acceptance;
- (d) date of rejection;
- (e) the date that acceptance was withdrawn;
- (f) the date of any revision notice under clause 158.

157 Revision of DSMS

- (1) A diving contractor shall revise a DSMS:

- (a) if developments in scientific or technical knowledge, or in the assessment of hazards, relevant to diving projects make it appropriate to do so; and

- (b) if the diving contractor proposes to make a significant change to the method of operation or to procedures or equipment; and
- (c) if the Designated Authority gives notice in accordance with clause 158; and
- (d) if a number of minor changes result in the DSMS being significantly different from the latest version of the DSMS accepted by the Designated Authority; and
- (e) at the end of each period of 5 years commencing on the later of:
 - (i) the date when the DSMS is first accepted by the Designated Authority and
 - (ii) the date of the most recent acceptance by the Designated Authority of a revised version of the DSMS.

158 Notice to Revise DSMS

- (1) The Designated Authority may give notice (a revision notice) to a diving contractor to revise a DSMS.
- (2) A revision notice shall be in writing and shall set out:
 - (a) the matters to be revised; and
 - (b) the time within which the revision shall be completed; and
 - (c) the reasons why the revision is necessary.
- (3) The diving contractor may make a submission in writing to the Designated Authority, within 30 days after receiving the notice or any longer period that the Designated Authority allows in writing, setting out the contractor's reasons for any of the following:
 - (a) why the revision is not necessary;
 - (b) why the revision should be in different terms from those proposed;
 - (c) whether or not the contractor gives other reasons — why the notice should take effect on a later date than the date set out in the notice.
- (4) If a contractor makes a submission under subclause (3), the Designated Authority shall, within 30 days after receiving the submission:
 - (a) decide whether the Designated Authority accepts the reasons in the submission; and
 - (b) give the contractor notice in writing affirming, varying or withdrawing the revision notice; and
 - (c) if the Designated Authority decides not to accept the reasons or any part of them — set out in this notice the grounds for not accepting them.
- (5) The contractor shall revise the DSMS, in accordance with the notice as originally given or as varied under subclause (4), and submit it to the Designated Authority.
- (6) If the contractor does not revise a DSMS when required by this clause to do so, the Designated Authority may withdraw its acceptance of the DSMS or its agreement to the use of the DSMS for the project.

Subdivision B Diving Project Plan

159 Diving Project Plan to be Accepted

- (1) The diving contractor shall prepare a diving project plan for each diving project in consultation with the Operator for the project.

- (2) The diving project plan shall be accepted by the Operator for the project before diving can commence on the project.
- (3) The Operator shall not accept the diving project plan unless the Operator is satisfied that:
 - (a) the plan complies with clause 161; and
 - (b) there was effective consultation in the preparation of the plan with the diving team.

160 Update Diving Project Plan

- (1) The diving contractor shall update the diving project plan if:
 - (a) because of modification of the project, there is a significant increase in the overall level of risk to a diving operation; or
 - (b) the Operator for the project proposes to undertake or permit a modification of the project that might influence significantly the level of specific risks to a diving operation or the ranking of risk contributors.

161 Contents of Diving Project Plan

- (1) A diving project plan shall set out the following matters:
 - (a) a description of the work to be done;
 - (b) a list of any laws (including these Regulations) that the diving contractor considers applies to the project;
 - (c) a list of standards and codes of practice that will be applied in carrying out the project.
 - (d) a hazard identification;
 - (e) a risk assessment;
 - (f) a safety management plan;
 - (g) job hazard analyses for the diving operations;
 - (h) an emergency response plan;
 - (i) the provisions of the DSMS and the Safety Case or the pipeline safety management plan that are relevant to the diving project, in particular the arrangements in the DSMS and the Safety Case or the pipeline safety management plan for simultaneous operations and emergency response;
 - (j) details of consultation the diving team and other members of the workforce on the project.
- (2) The diving project plan shall describe each diving operation that is part of the diving project.
- (3) The diving project plan shall not specify as a diving operation a task that is too complex, or too big, to be supervised safely by one supervisor.
- (4) The diving project plan shall provide for adequate communications between persons undertaking the project and any relevant:
 - (a) contractor; and
 - (b) Facility; and
 - (c) vessel or aircraft; and

- (d) on-shore installation.

162 No Diving Without Accepted Diving Project Plan

A diving contractor shall not allow a person to dive on the project if:

- (a) there is no diving project plan for the project; or
- (b) the diving project plan has not been accepted by the Operator or accepted by the Designated Authority if there is no Operator.

Subdivision C Involvement of Divers and the Workforce

163 Involvement of Divers the Workforce in DSMS and Diving Project Plan

- (1) In developing or revising a DSMS or diving project plan, a diving contractor shall ensure that there is effective consultation with, and participation of, divers and other members of the workforce who will, or may be, working on:
 - (a) the project; or
 - (b) in the case of a DSMS — projects for which the DSMS would be appropriate.
- (2) When submitting a DSMS to the Designated Authority for acceptance, the diving contractor shall set out in writing, 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.

Subdivision D Safety Responsibilities

164 Safety Responsibilities of Diving Contractor

- (1) A diving contractor shall all take all necessary steps to provide and maintain a working environment (including equipment and systems of work) that reduces risks to the health and safety of divers and other members of the workforce to as low as reasonably practicable.
- (2) A diving contractor shall take all necessary steps to ensure that a diving operation for which the diving contractor is responsible is carried out in a way that complies with the accepted DSMS for the project.

165 Safety in the Diving Area

- (1) At each place of diving, before the diving operation begins, the diving contractor shall make available a copy of:
 - (a) the instrument by which the diving supervisor was appointed; and
 - (b) the DSMS; and
 - (c) the diving project plan that relates to the operation.
- (2) A person engaged in a diving operation shall comply with:
 - (a) an instruction given by a diving supervisor for the diving operation about a matter in the diving project plan; and
 - (b) a direction under subclause 168(3) given to the person by a diving supervisor for the diving operation.

166 Diving Depth

- (1) The Operator for a surface-oriented diving operation, involving the use of air or mixed gas as a breathing medium, shall not allow the operation to be carried out at a depth of more than 50 metres.
- (2) The diving contractor for a surface-oriented diving operation, involving the use of air or mixed gas as a breathing medium, shall not allow the operation to be carried out at a depth of more than 50 metres.
- (3) The Operator for a diving operation that is carried out at a depth of more than 50 metres shall 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.
- (4) The diving contractor for a diving operation that is carried out at a depth of more than 50 metres shall 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.

Subdivision E Diving Supervisor

167 Appointment of Diving Supervisor

- (1) The diving contractor responsible for a diving operation shall appoint, in writing, 1 or more diving supervisors to ensure that there is a diving supervisor to supervise all diving that is carried out as part of the operation.
- (2) A diving contractor shall not appoint, as a diving supervisor, a person who is not:
 - (a) qualified as a supervisor under an organisation recognised by the Designated Authority; and
 - (b) competent to supervise the operation.

168 Duties of Diving Supervisor

- (1) The duties of a diving supervisor for a diving operation are:
 - (a) to ensure that the diving operation is carried out:
 - (i) as far as reasonably practicable without risk to the health or safety of anybody taking part in it or of anyone else who may be affected by it; and
 - (ii) in accordance with the accepted DSMS for the operation; and
 - (iii) in accordance with the relevant diving project plan; and
 - (b) to countersign entries about the operation in divers' log books; and
 - (c) if there is an Operator for the diving project — to report to the Operator, during the operation, any of 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 more than 1 day;

- (iii) an event that could reasonably have led to a consequence of the type mentioned in sub-clause (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.
- (2) A diving supervisor, when supervising a diving operation, may give such reasonable directions to any person taking part in the operation as are necessary to enable the diving supervisor to comply with subclause (1) (a) (i).
- (3) A diving supervisor shall not dive while he or she is on duty as diving supervisor.

Subdivision F Safety Responsibilities for Diving Contractor.

169 Safety responsibilities of diving contractors

A diving contractor shall take all necessary steps to provide and maintain a working environment (including equipment and systems of work) that reduces risks to the safety and health of divers and other members of the workforce to as low as reasonably practicable.

170 Safety in the Diving Area

- (1) At each place of diving, before the diving operation commences, the diving contractor shall make available to the Operator a copy of:
- (a) the instrument by which the diving supervisor was appointed; and
 - (b) the DSMS; and
 - (c) the diving project plan that relates to the operation.
- (2) A person engaged in a diving operation shall comply with an instruction given by a diving supervisor.

Subdivision G Diving Notice

171 Diving Notice

- (1) The Operator for a diving project shall not allow diving on the project to begin if the Operator has not given a start-up notice to the Designated Authority:
- (a) at least 14 days before the day when diving is to begin; or
 - (b) on another day as agreed between the Designated Authority and the Operator.
- (2) If there is no Operator for a diving project, the diving contractor shall not allow diving on the project to begin if the diving contractor has not given a start-up notice to the Designated Authority:
- (a) at least 14 days before the day when diving is to begin; or
 - (b) on another day as agreed between the Designated Authority and the diving contractor.

Subdivision H Diving Operations

172 Divers in Diving Operations

- (1) A diving contractor or diving supervisor for a diving operation shall not allow a person to dive in the diving operation if the person is not competent to carry out safely any petroleum operation that is reasonably likely to be necessary while the person is taking part in the operation.
- (2) A diving contractor or diving supervisor for a diving operation shall not allow a person to dive in the diving operation if the person does not have a current diving qualification under a scheme recognised by the Designated Authority to carry out any petroleum operation that is reasonably likely to be necessary while the person is taking part in the operation.
- (3) A diving contractor or diving supervisor for a diving operation shall not allow a person to dive in the diving operation if the person does not have a valid medical certificate.
- (4) A diving supervisor or diving supervisor for a diving operation shall not allow a person to dive in the diving operation if the person does not have a valid medical certificate.
- (5) Subclauses (2) and (3) do not apply if the person:
 - (a) is diving in a manned submersible craft; or
 - (b) is diving to provide emergency medical care to an injured person in a chamber.

173 Medical Certificate

A diver's medical certificate is valid if:

- (a) it certifies that, at the time it was given, the diver was fit to dive in accordance with the fitness requirements in AS/NZS 2299 or equivalent; and
- (b) it is not more than 1 year old; and
- (c) the medical practitioner who gave it:
 - (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 accepted under a diver accreditation scheme recognised by the Designated Authority; and
- (d) before giving it, the medical practitioner examined the diver in accordance with the Schedule of Minimum Examination Requirements in AS/NZS 2299; and
- (e) immediately after the examination, the medical practitioner entered the certificate in the diver's log book.

Subdivision I Records

174 Diving Operations Record

- (1) A diving supervisor for a diving operation shall ensure that a diving operations record for the operation is maintained in the form required by subclauses (2) and (3).
- (2) A diving operations record:

- (a) shall 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, shall be bound so that at least 1 copy of each page cannot easily be removed.
- (3) The pages of a diving operations record shall be serially numbered.
- (4) The diving supervisor for a diving operation shall ensure that an entry is made in the diving operations record for each day when diving for the operation takes place, with the following information about the diving operation on that day:
- (a) the date to which the entry relates;
 - (b) the diving contractor's name and address;
 - (c) the name of the diving supervisor, or the names of the diving supervisors, who supervised the operation;
 - (d) the location of the diving operation (including, if the diving was done from a vessel or installation, its name);
 - (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 as a diver or stand-by diver in the operation;
 - (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.
- (5) A diving supervisor responsible for a diving operation shall sign:
- (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
 - (b) if there are 2 or more diving supervisors for the operation — those parts of the entry that relate to diving work that he or she supervised;

- (c) in the diving operations record for the operation and shall print his or her name below the signature; and
- (d) A diving contractor shall keep a diving operations record for at least 7 years after the last entry in it.

175 Divers' Log Book

- (1) A diver shall:
 - (a) have a log book in the form required by subclause (2); and
 - (b) how the diver's name; and
 - (c) have a clear photograph of the head and shoulders of the diver; and
 - (d) have a specimen of the diver's signature.
- (2) An entry in the log book shall contain:
 - (a) the date to which the entry relates;
 - (b) the location of the dive (and, if the dive was from a ship or installation, the name of the ship 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) any decompression illness, barotrauma, discomfort or injury and details of any treatment given;
 - (i) details of any emergency or incident; and
 - (j) anything else relevant to the diver's health or safety.

Part III Petroleum Operations

Divison 1 Survey Safety Management Plan

Subdivision A Requirement for a Survey Safety Management Plan

176 Work to Comply with the Survey Safety Management Plan

An Operator shall not conduct a survey in a way that is contrary to the survey safety management plan in force for the survey.

177 Identification of New Hazard or Increased Risk To Health and Safety

An Operator shall not conduct a survey if:

- (a) there has been an occurrence of a significant new hazard to health and safety or a significant increase in an existing risk to health and safety arising from the conduct of the survey; and
- (b) the new hazard or increased risk is not provided for in the survey safety management plan in force.

Subdivision B Contents of a Survey Safety Management Plan

178 Contents of a Survey Safety Management Plan

A survey safety management plan shall include:

- (a) description of safety policy;
- (b) description of the survey;
- (c) description of the survey safety management system; and
- (d) a survey risk assessment.

179 Description of Safety Policy

The survey safety management plan shall include a statement of the survey Operator's strategic health and safety objectives for the survey.

180 Description of Survey

The survey safety management plan shall include a comprehensive description of the survey including details of the:

- (a) survey route inclusive of survey area map complete with proposed transects;
- (b) equipment; and
- (c) vessel.

181 Description of Survey Safety Management System

The Survey Safety Management System shall include a description of:

- (a) the interfaces between the Operator's and vessels's safety management systems;
- (b) the interfaces between the Operator's and vessels's emergency response arrangements; and
- (c) the interfaces between the Operator's and vessels's spill response arrangements.

182 Survey Risk Assessment

The survey safety management plan shall include a comprehensive description or assessment of, or demonstration of the effectiveness of:

- (a) the risk of significant accident events during the conduct of the survey;
- (b) measures that have been, or will be, implemented to reduce the risks to levels that are as low as reasonably practicable;
- (c) the systems used to identify, evaluate and manage the risks and measures; and
- (d) the arrangements for monitoring, auditing and reviewing those systems, including the arrangements for continual and systematic identification of deficiencies of those systems and ways in which the systems could be improved.

Subdivision C Submission and Acceptance of a Survey Safety Management Plan

183 Time Limit for Accepting or Not Accepting a Survey Safety Management Plan

- (1) Within 30 days after a survey Operator submits a survey safety management plan, the Designated Authority shall:
 - (a) accept the plan; or
 - (b) reject the plan; or
 - (c) give written notice to the survey Operator stating that the Designated Authority is unable to make a decision about the plan within the period of 30 days, and setting out a proposed timetable for consideration of the plan.
- (2) A failure by the Designated Authority to comply with subclause (1) in relation to a survey safety management plan does not of itself invalidate a decision to accept or to refuse to accept the plan.

184 Acceptance of a Survey Safety Management Plan

- (1) The Designated Authority shall accept the survey safety management plan only if there are reasonable grounds for believing that the plan is appropriate for the nature and proposed use of the survey;
- (2) If the Designated Authority is not satisfied that the survey safety management plan when first submitted meets the criteria mentioned in subclause (1), the Designated Authority shall give the survey Operator 14 days to change and resubmit the plan.
- (3) If, after the survey Operator has had a reasonable opportunity to change and resubmit the survey safety management plan, the Designated Authority is still not reasonably satisfied that the plan meets the criteria mentioned in subclause (1), the Designated Authority shall reject the plan.
- (4) The Designated Authority shall give the survey Operator written notice of a decision by the Designated Authority:
 - (a) to accept the survey safety management plan; or
 - (b) reject the plan; or
 - (c) to accept the plan in part for a particular part of the survey, or subject to the imposition of limitations or conditions.
- (5) A notice of a decision under clause (4) (b) or (c) shall include:

- (a) advice of the decision and the reasons for it; and
- (b) if limitations or conditions are to apply – a statement of those limitations or conditions.

Subdivision D Revision and Withdrawal of a Survey Safety Management Plan

185 Revision Because of a Change or Proposed Change of Circumstances or Operation

- (1) A survey Operator for which a survey safety management plan is in force shall submit to the Designated Authority a proposed revision of the plan within 14 days after any of the circumstances mentioned in subclause (2) is satisfied.
- (2) A need to revise a plan arises if:
 - (a) there are reasonable grounds for believing that the technical knowledge relied upon to formulate the plan is outdated and accordingly the plan no longer adequately provides for:
 - (i) the matters mentioned in Subdivision B for which the plan is in force; or
 - (ii) developments in systems for identifying and evaluating hazards and risks of significant survey incidents, or risks to the integrity of the survey, make it appropriate to revise the plan; or
 - (b) there are reasonable grounds for believing that a series of proposed modifications to the survey would result in a significant cumulative change in the overall level of risk:
 - (i) of significant survey accident events; or
 - (ii) to the integrity of the survey; or
 - (c) developments in environmental conditions that affect the conduct of the survey make it appropriate to revise the plan.

186 Revision on Request by the Designated Authority

- (1) The Designated Authority may request an Operator for which a survey safety management plan is in force to submit to the Designated Authority a proposed revision of the plan.
- (2) A request by the Designated Authority shall be in writing and include the following information:
 - (a) the matters to be addressed by the revision;
 - (b) the proposed date of effect of the revision;
 - (c) the grounds for the request.
- (3) The Operator may make a submission in writing to the Designated Authority stating the reasons for which the Operator believes:
 - (a) the revision should not occur; or
 - (b) the revision should be in different terms from the proposed terms; or
 - (c) the revision should take effect on a date after the proposed date.
- (4) A submission by the Operator shall be made within 14 days after receiving the request, or within any longer period that the Designated Authority allows in writing.
- (5) If a submission complies with subclauses (3) and (4), the Designated Authority shall:

- (a) decide whether to accept the reasons stated in the submission; and
- (b) give the Operator written notice of the decision; and
- (c) to the extent (if any) that the Designated Authority accepts the reasons, give the Operator written notice that varies or withdraws the request in accordance with the decision; and
- (d) to the extent (if any) that the Designated Authority does not accept the reasons, give the Operator written notice of the grounds for not accepting them.

(6) The Operator shall comply with the request (as varied under this clause) as soon as practicable.

187 Form of Proposed Revision

A proposed revision shall be in the form of a revised survey safety management plan.

188 Time Limit for Accepting or Not Accepting a Proposed Revision

- (1) Within 30 days after a survey Operator submits a proposed revision, the Designated Authority shall:
 - (a) accept the revision under clause 189; or
 - (b) refuse to accept the revision; or
 - (c) give written notice to the survey Operator stating that the Designated Authority is unable to make a decision about the revision within the period of 30 days, and setting out a proposed timetable for consideration of the revision.

(2) A failure by the Designated Authority to comply with subclause (1) in relation to a proposed revision does not of itself invalidate a decision to accept or to refuse to accept the revision.

189 Acceptance of a Revision of a Survey Safety Management Plan

- (1) The Designated Authority shall accept the proposed revision of the survey safety management plan if there are grounds for believing that:
 - (a) the revision is appropriate for the nature and proposed use of the survey; and
 - (b) the survey safety management plan complies with Subdivision B of this Division.
- (2) If the Designated Authority is not satisfied that the proposed revision when first submitted meets the criteria set out in subclause (1), the Designated Authority shall give the survey Operator 14 days to amend and resubmit the revision.
- (3) If, after the survey Operator has had 14 days to change and resubmit the proposed revision, the Designated Authority is still not reasonably satisfied that the revision meets the criteria mentioned in subclause (1), the Designated Authority shall reject the revision.
- (4) The Designated Authority shall give the survey Operator written notice of a decision by the Designated Authority:
 - (a) to accept the proposed revision; or
 - (b) reject the revision; or
 - (c) to accept the revision in part for a particular stage connected with the life of the survey, or subject to the imposition of limitations or conditions.
- (5) A notice of a decision under clause (5) (b) or (c) shall include:

- (a) advice of the decision and the reasons for it; and
- (b) if limitations or conditions are to apply to a stage connected with the life of the survey – a statement of those limitations or conditions.

190 Effect of Rejection of Proposed Revision

If a proposed revision is not accepted, the survey safety management plan in force for the survey immediately before the proposed revision was submitted remains in force, as if the revision had not been proposed.

191 Withdrawal of Acceptance of a Survey Safety Management Plan

- (1) The Designated Authority, by written notice to a survey Operator, may withdraw the acceptance of the survey safety management plan in force for the survey on any of the following grounds:
 - (a) the survey Operator has not complied with Petroleum Mining Code, or a direction given to the Operator under Petroleum Mining Code;
 - (b) the survey Operator has not complied with clause 184 and 189; or
 - (c) the Designated Authority has refused to accept a proposed revision of the survey safety management plan.
- (2) A notice under subclause (1) shall include advice of the reasons for the decision.

192 Actions to be Taken Before Revocation

- (1) Before withdrawing the acceptance of a survey safety management plan in force for a survey, the Designated Authority shall comply with subclauses (2), (4) and (5).
- (2) The Designated Authority shall give the survey Operator at least 1 month's notice, in writing, of the Designated Authority's intention to revoke a survey safety management plan.
- (3) The Designated Authority may give a copy of the notice to such other persons (if any) as the Designated Authority thinks fit.
- (4) The Designated Authority shall specify in the notice a date (the cut-off date) on or before which the survey Operator (or any other person to whom a copy of the notice has been given) may submit to the Designated Authority, in writing, any matters for the Designated Authority to consider.
- (5) The Designated Authority shall take into account:
 - (a) any action taken by the survey Operator to remove the ground for withdrawal of acceptance, or to prevent the recurrence of that ground; and
 - (b) any matter submitted to the Designated Authority before the cut-off date by the survey Operator or a person to whom a copy of the notice has been given.

Subdivision E Miscellaneous

193 Competence of Workers

- (1) An Operator shall ensure that each person working on, or in connection with, a survey is competent to the extent that he or she has the necessary skills, training and ability:
 - (a) to carry out the tasks, both routine and non-routine, that may reasonably be given to the person; and

(b) to respond and to react appropriately, and at the level reasonably required of the person, during an emergency.

(2) The operator shall keep records to demonstrate competence in subclause (1).

194 Involvement of Workers in Survey Safety Management Plan

(1) The Designated Authority may ask a survey Operator, in writing, to provide the Designated Authority with reasonable grounds for believing that the survey provides adequately for effective consultation with, and the effective participation of, those classes of persons, so that they are able to arrive at informed opinions about the risks to which they may be exposed through working on, or in connection with, the survey.

(2) An Operator shall, within 14 days after receiving a request under subclause (1), give the Designated Authority written notice of those grounds.

Division 2 Well Operations

Subdivision A General Requirements

Section 1 Drilling a Well

195 Drilling of Well to be Accepted

The drilling of a well shall not be carried out without prior approval of the Designated Authority.

196 Application for Approval to Drill

(1) If an Operator wants to obtain an approval to drill a new exploration or development well, or to re-enter an existing exploration or development well in the JPPDA they shall make an application to the Designated Authority.

(2) An application for approval pursuant to subclause (1) shall include the particulars of:

(a) proposed well name and number;

(b) location and water depth;

(c) programmed depth;

(d) estimated spud-in date;

(e) estimated drilling time;

(f) a summary of number and type of attendant craft, including aircraft, to be used in servicing the mobile drilling unit;

(g) name and address of drilling contractor;

(h) a summary of the type of rig and blow-out prevention equipment;

(i) names and addresses of other contractors involved in the operations and the nature of the services they will perform;

(j) detail of the drilling program, including particulars of coring, casing (including design parameters, assumptions and rationale), drilling fluid and logging;

(k) name of person employed by the Operator responsible for communications with the Designated Authority;

(l) deviation and/or directional survey program designed to ensure that the location of the well trajectory is recorded during drilling with sufficient accuracy to allow for relief well drilling; and proposed well path;

- (m) drilling procedures manual;
- (n) geological prognosis of the area and the objectives of the well; and
- (o) accepted Environment Management Plan for the drilling of the well.

197 Additional Information on an Application for Approval to Drill

- (1) If an Operator submits an application for Approval to Drill to the Designated Authority, the Designated Authority may request the Operator to provide further written information about any matter required by these Regulations to be included in an application for approval to Drill.
- (2) A request under subclause (1) shall:
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of at least 7 days within which the information is to be provided.
- (3) If an Operator receives a request, and provides all information requested by the Designated Authority within the period specified:
 - (a) the information becomes part of the application for approval to Drill as if it had been included with the application for approval to Drill as it was submitted to the Designated Authority; and
 - (b) the Designated Authority shall have regard to the information as if it had been so included in an application under clause 196.

198 Notice of Decision on Application for Approval to Drill

- (1) Within 30 days after receiving an application for Approval to Drill under clause 196, or resubmitted under subclause 197(3), the Designated Authority shall:
 - (a) notify the Operator, in writing, that the Designated Authority has decided:
 - (i) to accept the application; or
 - (ii) to reject the application; or
 - (iii) accept the application subject to conditions or limitations; or
 - (b) notify the Operator, in writing, that the Designated Authority is unable to make a decision about approving the application within the period of 30 days, and set out a proposed timetable for consideration of the application.
- (2) A failure by the Designated Authority to comply with subsection (1) in relation to an application for Approval to Drill does not affect the validity of a decision by the Designated Authority to accept or reject the application.
- (3) A notice of a decision under clause (1) (a) shall include the terms of the decision (including any limitations or conditions) and the reasons for it.

199 Revision of an Application for Approval to Drill

- (1) An Operator for which an Approval to Drill has been granted shall submit a revised application to Drill to the Designated Authority as soon as practicable after the decision to:
 - (a) propose a change of well location;
 - (b) propose changes to programmed depth or target;

- (c) proposed changes to the drilling program, including particulars of coring, casing (including design parameters, assumptions and rationale), drilling fluid or logging.
- (2) If the Designated Authority agrees, the Petroleum Operator may submit a revised application under subclause (1) in the form of a revision to part of the application.

200 Approval or Rejection of a Revised Application for Approval to Drill

The Designated Authority shall accept the revised application to Drill only if there are reasonable grounds for believing that:

- (a) the revised application is appropriate for the stated objectives of the well; and
- (b) the revised application complies with all aspects of clause 196.

201 Decision on a Revised Application for Approval to Drill

- (1) Within 5 days after receiving a revised application to Drill under clause 199, or resubmitted under subclause 200(3), the Designated Authority shall:
 - (a) notify the Operator, in writing, that the Designated Authority has decided:
 - (i) to accept the revised application; or
 - (ii) to reject the revised application; or
 - (iii) accept the revised application subject to conditions or limitations; or
 - (b) notify the Operator, in writing, that the Designated Authority is unable to make a decision about approving the revised application within the period of 5 days, and set out a proposed timetable for consideration of the revised application.
- (2) A notice of a decision under subclause (1)(a) shall include the terms of the decision (including any limitations or conditions) and the reasons for it.

Section 2 Well Testing

202 Non-Producing Well Tests to be Accepted

- (1) A drill stem test on a well, not being a producing well, shall not be conducted without prior approval of the Designated Authority.
- (2) Open hole drill stem testing shall not be permitted.
- (3) The drill stem test for which approval has been given for the purpose of this clause shall not be conducted unless the Designated Authority has been given not less than 24 hours notice of the date and time of that test.
- (4) A production or drill stem test on a well shall not commence between sunset and sunrise except with prior approval, or unless the zone being tested or another zone in the same reservoir has previously been tested and the reservoir pressure and formation fluids in the zone of the reservoir have been determined by such earlier testing.
- (5) All formation fluids which are produced into the test string shall be reverse circulated from the test string or displaced back into the formation before pulling the test string.

203 Application for Approval to Test a Non-Producing Well

- (1) An Operator shall gain approval of the Designated Authority if it intends to conduct a drill stem test on a well, not being a producing well.
- (2) An application for approval pursuant to (1) shall include the particulars of:

- (a) the equipment to be used;
- (b) the testing program;
- (c) the intervals in the well to be tested;
- (d) the expected duration of the test;
- (e) the method of disposal of the produced fluids; and
- (f) the extension of the well testing.

204 Decision on Application for Approval to Well Test

- (1) Within 7 days after receiving an application for Approval to Test a Well under clause 203, or resubmitted under subclause 203(3), the Designated Authority shall:
 - (a) notify the Operator, in writing, that the Designated Authority has decided:
 - (i) to accept the application; or
 - (ii) to reject the application; or
 - (iii) accept the application subject to conditions or limitations; or
 - (b) notify the Operator, in writing, that the Designated Authority is unable to make a decision about the accept the application within the period of 7 days, and set out a proposed timetable for its consideration of the application.
 - (2) A notice of a decision under clause (1) (a) shall include the terms of the decision (including any limitations or conditions) and the reasons for it.

205 Revision of an Application for Approval to Well Test

- (1) Subject to subclause (2), an Operator for which an Approval to Test a Well has been granted shall submit a revised application for Approval to Test a Well to the Designated Authority as soon as practicable after the decision to:
 - (a) propose modifications which constitute a significant change to the testing objectives including (but not limited to) proposed change to intervals to be tested
 - (b) propose changes to the method of disposal of produced fluids.
- (2) If the Designated Authority agrees, the Operator may submit a revised application under subclause (1) in the form of a revision to part of the application.

206 Approval or rejection of a revised application for Approval to Well Test

The Designated Authority shall accept the revised application for Approval to Test a Well only if there are reasonable grounds for believing that:

- (a) the revised application is appropriate for the stated objectives of the well test; and
- (b) the revised application complies with all aspects of clause 203.

207 Decision on a Revised Application for Approval to Well Test

- (c) Within 5 days after receiving a revised application for Approval to Test a Well under clause 205, or resubmitted under subclause 205(3), the Designated Authority shall:
 - (a) notify the Operator, in writing, that the Designated Authority has decided:

- (i) to accept the revised application; or
- (ii) to reject the revised application; or
- (iii) accept the revised application subject to conditions or limitations; or
- (b) notify the Operator, in writing, that the Designated Authority is unable to make a decision about the accept the revised application within the period of 5 days, and set out a proposed timetable for its consideration of the revised application.

Section 3 Completing Wells

208 Completion of Wells to be Approved

- (1) An application for approval to complete a well shall be made in writing to the Designated Authority. An Operator shall not complete a well without prior approval.
- (2) An application for approval shall include the particulars of:
 - (a) current status of the well;
 - (b) completion objectives;
 - (c) intervals which are to be opened for production, injection or observation; and
 - (d) equipment which is to be installed in the well.

209 Additional Information on an Application for Approval to Complete Wells

- (1) The Designated Authority may request the Operator to provide further written information about any matter specified in clause 208(2).
- (2) A request under subclause (1) shall:
 - (a) be in writing;
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of at least 7 days within which the information is to be provided.
- (3) If an Operator receives a request, and provides all information requested by the Designated Authority within the period specified:
 - (a) the information becomes part of the application for approval to Complete Wells as if it had been included with the application for approval to Complete Wells as it was submitted to the Designated Authority; and
 - (b) the Designated Authority shall have regard to the information as if it had been so included in an application under clause 208.

210 Approval or Rejection of an Application for Approval to Complete Wells

The Designated Authority shall accept the application for Approval to Complete Wells only if there are reasonable grounds for believing that:

- (a) the application is appropriate for the stated objectives of the well completion; and
- (b) the application complies with all aspects of clause 208.

211 Decision on Application for Approval to Complete Wells

- (1) Within 7 days after receiving an application for Approval to Complete Wells under clause 208, or resubmitted under subclause 209(3), the Designated Authority shall notify the Operator, in writing, that the Designated Authority has decided:

- (a) to accept the application; or
- (b) to reject the application; or
- (c) accept the application subject to conditions or limitations.

- (2) A notice of a decision under clause (1) shall include the terms of the decision (including any limitations or conditions) and the reasons for it.

Section 4 Abandon or Suspension of Wells

212 Abandon or Suspension of a Well to be Approved

- (1) A well shall not be abandoned or suspended without prior approval of the Designated Authority.
 - (2) While drilling operations are being undertaken on a Facility, a well shall not be left in a condition which in the decision of the person in command of the Facility or the Designated Authority, is unsafe. In the event of an emergency or adverse weather conditions requiring, in the opinion of the person in command of the Facility or the Designated Authority, cessation of drilling operations, the well shall be made secure and safe in accordance with good oilfield practice, even if the cessation is temporary.
 - (3) Where casing is being installed, if a well encounters or has encountered:
 - (a) hydrocarbons;
 - (b) abnormally pressured water;
 - (c) unstable coals or shales; or
 - (d) lost returns;
- the drilling operations shall be continued to the next scheduled casing point at which point the hole will be logged, cased and secured at the surface.

213 Application for Approval to Abandon or Suspend a Well

- (1) An application for approval to abandon or suspend a well shall be made in writing to the Designated Authority.
- (2) An application for approval pursuant to (1) shall include the particulars of:
 - (a) the name of the well;
 - (b) the reason for abandonment or suspension;
 - (c) the proposed abandonment or suspension program including the method by which the well shall be made safe; and
 - (d) such further information as the Designated Authority may require.
- (3) The abandonment or suspension program referred to in subclause (2)(c) shall conform with the relevant requirements of clause 212 unless otherwise accepted.

214 Additional Information

- (1) If an Operator submits an application for Approval to Abandon or Suspend a Well to the Designated Authority, the Designated Authority may request the Operator to provide further written information about any matter required by these Regulations to be included in such an application.
- (2) A request under subclause (1) shall:

- (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of at least 7 days within which the information is to be provided.
- (3) If an Operator receives a request, and provides all information requested by the Designated Authority within the period specified:
- (a) the information becomes part of the application for approval to Abandon or Suspend a Well as if it had been included with the application for approval to Abandon or Suspend a Well as it was submitted to the Designated Authority; and
 - (b) the Designated Authority shall have regard to the information as if it had been so included in an application under clause 213.

215 Decision on Application for Approval to Abandon or Suspend a Well

- (1) Within 14 days after receiving an application for Approval to Abandon or Suspend a Well under clause 213, or resubmitted under subclause 214(3), the Designated Authority shall notify the Operator, in writing, that the Designated Authority has decided:
- (a) to accept the application; or
 - (b) to reject the application; or
 - (c) accept the application subject to conditions or limitations.
- (2) A notice of a decision under clause (1)(a) shall include the terms of the decision (including any limitations or conditions) and the reasons for it.

Section 5 Well Intervention

216 Well Workover

- (1) An Operator shall notify the Designated Authority of an intention to workover a well at least seven days prior to the planned commencement of workover activities.
- (2) The Designated Authority may require an application for approval to workover a well as provided in clause 217.
- (3) If within, 48 hours of the notification by the Operator, the Designated Authority has not requested an application for approval to workover a well, the Operator may proceed without approval.
- (4) Workover under these Regulations includes workovers on wells for the purposes of:
- (a) water and gas shut-off from events such as coning/fingering in a petroleum pool, watered out or gassed out petroleum pool(s) of a reservoir unit, or communication behind casing;
 - (b) re-completion to another petroleum pool or reservoir unit;
 - (c) accommodating artificial lift;
 - (d) accommodating enhanced oil recovery including conversion into injectors;
 - (e) accommodating stimulation of well inflow performance such as acidising, hydraulic fracturing, bottom-hole heating, steam-soak process;
 - (f) well repair to remove/replace down-hole equipment.

217 Application for Approval to Workover Wells

- (1) An Operator required under subclause 216(1) to obtain an approval to Workover a well shall make an application to the Designated Authority.
- (2) An application for approval pursuant to (1) shall include the particulars of:
 - (a) the purpose of the workover;
 - (b) the process of how the workover is going to be undertaken including the economic justification; and
 - (c) the sequential steps of activities programmed to be undertaken on the well.

218 Additional Information on an Application for Approval to Workover Wells

- (1) If an Operator submits an application for Approval to Workover Wells to the Designated Authority, the Designated Authority may request the Operator to provide further written information about any matter required by these Regulations to be included in such an application.
- (2) A request under subclause (1) shall:
 - (a) be in writing; and
 - (b) set out each matter for which information is requested; and
 - (c) specify a period of at least 48 hours within which the information is to be provided.
- (3) If an Operator receives a request and provides all information requested by the Designated Authority within the period specified:
 - (a) the information becomes part of the application for approval to Workover of Wells, as if it had been included with the application for approval to Workover of Wells, as it was submitted to the Designated Authority; and
 - (b) the Designated Authority shall have regard to the information as if it had been so included in an application under clause 216.

219 Decision on Application for Approval to Workover of Wells

- (1) Within 7 days after receiving an application for Approval to Workover Wells under clause 217, or resubmitted under subclause 218(3), the Designated Authority shall notify the Operator, in writing, that the Designated Authority has decided:
 - (a) to accept the application; or
 - (b) to reject the application; or
 - (c) accept the application subject to conditions or limitations.
- (2) A notice of a decision under clause (1) (a) shall include the terms of the decision (including any limitations or conditions) and the reasons for it.

220 Wireline Operations in Wells

- (1) Except in an emergency, the Designated Authority shall be given 48 hours notice of an intention to conduct a wireline survey in a well or to move an item of subsurface equipment in a well.
- (2) Wireline operations shall be conducted in such a way as to minimise leakage.

Subdivision B Well Operations Management

Section 1 Well Operations Management Plan

221 Request for Approval of Well Operations Management Plan

- (1) The Operator shall give the well operations management plan to the Designated Authority:
 - (a) at least 30 days before the proposed start of the well petroleum operation; or
 - (b) if the Designated Authority allows, in writing, another period — within that period.
- (2) The well operations management plan may apply to well activities for more than 1 well.
- (3) The Operator shall submit the well operations management plan as a single document unless the Designated Authority has given the Operator permission, in writing, to submit the well operations management plan as 2 or more documents.
- (4) The Operator shall submit the entire well operations management plan unless the Designated Authority has given the Operator permission, in writing, to submit parts of the well operations management plan, for particular stages of the petroleum operation, at one or more later times.

222 Contents of Well Operations Management Plan

- (1) A well operations management plan shall:
 - (a) comply with Petroleum Mining Code and these Regulations; and
 - (b) be appropriate for the nature and scale of the well petroleum operation; and
 - (c) show that the risks identified by the Operator in relation to the well petroleum operation will be managed in accordance with sound engineering principles, standards, specifications and good oil-field practice.
- (2) The well operations management plan shall include the following material, unless the Designated Authority has given the Operator permission, in writing, not to include material specified in the permission:
 - (a) information about the conduct of the well petroleum operation;
 - (b) an explanation of:
 - (iv) the philosophy of, and criteria for, the design, construction, operational petroleum operation and management of the well; and
 - (v) the possible production activities of the well;
 - (c) showing that the well petroleum operation, and all associated operational work, will be carried out in accordance with good oil-field practice;
 - (d) performance objectives against which the performance of the well petroleum operation is to be measured;
 - (e) measurement criteria that define the performance objectives;
 - (f) an explanation of how the Operator will deal with:
 - (i) a well integrity hazard; or
 - (ii) a significant increase in an existing risk in relation to the well including the possibility of continuing an petroleum operation for the purpose of dealing with the well integrity hazard or the risk;

- (g) details of when and how the Operator will notify the Designated Authority, and give reports and information, about:
 - (i) the well petroleum operation; and
 - (ii) well integrity hazards; and
 - (iii) significant increases in existing risks in relation to the well; and
 - (iv) other matters relevant to the conduct of the well petroleum operation;
- (h) an explanation of the way in which the Operator will keep information required by the well operations management plan;
- (i) The well operations management plan may include other material.

223 Acceptance of Well Operations Management Plan

- (1) A well operations management plan may be accepted only if:
 - (a) it complies with clause 222; and
 - (b) the Designated Authority is satisfied that the way in which the well petroleum operation will be carried out:
 - (i) will not result in the occurrence of any significant new detrimental risk or effect to the well petroleum operation; and
 - (ii) will not result in any significant increase in a detrimental risk or effect to the well petroleum operation that already exists.
- (2) A well operations management plan shall not be accepted unless subclause (1) applies.

224 Decision on Well Operations Management Plan

- (1) The Designated Authority shall, within 30 days after receiving an operator's well operations management plan:
 - (a) accept one or more parts or all of the well operations management plan; or
 - (b) reject the well operations management plan; or
 - (c) decide that there is insufficient information to make a decision without further assessment of the well operations management plan.
- (2) If the Designated Authority further assesses a well operations management plan in accordance with subclause (2), the Designated Authority shall, as soon as practicable:
 - (a) accept the well operations management plan, or one or more parts of the well operations management plan; or
 - (b) reject the well operations management plan.
- (3) The acceptance of one or more parts of a well operations management plan is taken to be the rejection of all other parts of the well operations management plan.
- (4) The Designated Authority shall notify the Operator, in writing, of the following decision as soon as practicable after making a decision:
 - (a) to accept the well management plan; or
 - (b) to reject all, or one or more parts, of the well management plan and the reasons for the decision; or

- (c) if the decision is to accept the well operations management plan, or one or more parts of the well operations management plan, subject to a condition:
 - (i) the terms of the condition; and
 - (ii) the reason for making the acceptance subject to the condition.

225 Status of Well Operations Management Plan

- (1) If An Operator has been given permission to give a well operations management plan in parts:
 - (a) the first part of the well operations management plan that the Designated Authority accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to the Designated Authority after that acceptance is taken to be a variation to which Section 3 applies.
- (2) If the Designated Authority accepts one or more parts of a well operations management plan:
 - (a) the part of the well operations management plan that the Designated Authority accepts is taken to be an accepted well operations management plan in its own right; and
 - (b) a part that is given to the Designated Authority after that acceptance is taken to be a variation to which Part 3 applies.
- (3) If the Designated Authority accepts a well operations management plan as a replacement for an accepted well operations management plan, the previous accepted well operations management plan ceases to have effect.

Section 3 Variation of Well Operations Management Plan

Subsection 1 Variation by Operator

226 Request for Variation of Accepted Well Operations Management Plan

- (1) An Operator that wishes to vary an accepted well operations management plan shall:
 - (a) give each of the variations to the Designated Authority; and
 - (b) ask the Designated Authority to accept each variation.
- (2) The variation shall be in writing.
- (3) The Designated Authority shall notify the Operator that the Operator's accepted well operations management plan is not varied unless the Designated Authority accepts the variation.

227 Decision on Request for Variation

- (1) As soon as practicable after an Operator gives a variation to the Designated Authority, the Designated Authority shall:
 - (a) accept the variation if the well operations management plan, as varied, would comply with clause 217; or
 - (b) reject the variation; or
 - (c) notify the Operator, in writing, that the Designated Authority is unable to make a decision without further assessment of the variation.

- (2) The Designated Authority shall notify the Operator, in writing, of the following matters as soon as practicable after making a decision:
- (a) the terms of the decision;
 - (b) if the decision is to reject the variation the reasons for the decision; and
 - (c) if the decision is to accept the variation, subject to a condition:
 - (i) the terms of the condition; and
 - (ii) the reason for making the acceptance subject to the condition;
 - (iii) the effect of clause 229.

Subsection 2 *Variation at request of Designated Authority*

228 **Requirement to Vary Well Operations Management Plan**

The Designated Authority may give an Operator a notice, in writing:

- (a) advising the Operator that the Designated Authority requires the Operator to give to the Designated Authority the variation or variations of the Operator's well operations management plan set out in the notice; and
- (b) setting out the reasons for requiring the variation or variations; and
- (c) identifying the proposed date of effect of the variation; and
- (d) advising the Operator of the effect of clause 229.

Subsection 3 *Operation of Well Operations Management Plan*

229 **Commencement or Variation of Well Operations Management Plan**

- (1) A well operations management plan commences on the day on which the Designated Authority accepts it.
- (2) A variation of a well operations management plan commences on the day on which the Designated Authority accepts it.

230 **Termination of Well Operations Management Plan**

An accepted well operations management plan ceases to have effect at the earliest of:

- (a) when the Operator withdraws the well operations management plan; or
- (b) when the Designated Authority accepts another well operations management plan that replaces the well operations management plan; or
- (c) when the Designated Authority withdraws its acceptance of the well operations management plan under Part 5; or
- (d) the end of the period of 5 years starting when the well operations management plan was accepted; or
- (e) whether or not the well operations management plan has been varied since being accepted.

Subsection 4 **Requirements for Specific Well Activities**

231 Approval

- (1) An Operator shall not commence any of the following well activities, that lead to the physical change of a wellbore, without the approval of the Designated Authority:
- (a) well drilling;
 - (b) testing;
 - (c) well completion;
 - (d) abandonment or suspension of a well;
 - (e) well intervention.
- (2) Subclause (1) applies whether or not:
- (a) the Operator has a current accepted well operations management plan relating to the petroleum operation; or
 - (b) a new well integrity hazard exists that requires the Operator to vary the Operator's accepted well operations management plan.
- (3) An application for approval to commence a well petroleum operation shall include:
- (a) a description of the well petroleum operation; and
 - (b) the Operator's proposed timetable for carrying out the well petroleum operation.

Subsection 5 Withdrawal of Acceptance of Well Operations Management Plan

232 Reasons for Revocation

The Designated Authority may withdraw its acceptance of an Operator's well operations management plan if:

- (a) the Operator has not complied with Petroleum Mining Code, these Regulations, or a direction; or
- (b) the Operator has not complied with the accepted well operations management plan; or
- (c) the Designated Authority that acceptance of the well operations management plan should be withdrawn.

233 Notice of Proposal to Revoke Well Operations Plan

(1) If the Designated Authority believes it may be necessary to revoke of a well operations management plan, the Designated Authority shall, at least 30 days before the Designated Authority would withdraw its acceptance:

- (a) notify the Operator, in writing, that the Designated Authority is considering the withdrawal of the acceptance; and
 - (i) include in the notification:
 - (ii) an explanation of the reasons why the Designated Authority is intending to withdraw the acceptance; and
- (b) a date by which the Operator may give the Designated Authority any information that the Designated Authority may take into account before deciding whether to withdraw the acceptance; and

(c) any other information that the Designated Authority considers appropriate.

- (2) The Designated Authority may give a copy of the notice to a person other than the Operator if:
- the Designated Authority considers it appropriate; and
- the Operator agrees in writing.

234 Decision to Withdraw Acceptance

(1) If the Designated Authority notifies an Operator under subclause 233(1), the Designated Authority shall, as soon as practicable after the date mentioned in subclause 233(1)(b)(ii) has passed:

- (a) withdraw its acceptance of a well operations management plan; or
- (b) decide not to withdraw its acceptance.

(2) The Designated Authority shall not withdraw its acceptance unless the Designated Authority:

- (a) has taken any information given under subclause 233(1)(b)(ii) into account; and
- (b) is satisfied that a reason mentioned in clause 232 exists.

(3) The Designated Authority shall notify the Operator, in writing, of the following matters as soon as practicable after making a decision:

- (a) the terms of the decision;
- (b) if the decision is to withdraw its acceptance of a well operations management plan the reasons for the decision.

Subsection 6 Operator's General Duties

235 Undertaking Petroleum Operation

An Operator shall not undertake a well petroleum operation unless the Operator has a well operations management plan for the well petroleum operation that is accepted and current

236 Compliance with Accepted Well Operations Management Plan and Regulation

(1) An Operator that has an accepted well operations management plan shall carry out well activities for the well in accordance with:

- (a) the accepted well operations management plan; and
- (b) any requirements set out in these Regulations.

237 Impact of Well Integrity Hazard or Increased Risk Not Identified in Well Operations Management Plan

(1) An Operator shall not commence a well petroleum operation if:

- (a) either:
- (i) a well integrity hazard has been identified in relation to the well; or
- (ii) there has been a significant increase in an existing risk in relation to the well; and
- (b) the Operator has not controlled the well integrity hazard or the risk.

(2) An Operator shall not continue a well petroleum operation if:

- (a) either:
 - (i) a well integrity hazard has been identified in relation to the well; or
 - (ii) there has been a significant increase in an existing risk in relation to the well; and
- (b) the Operator has not controlled the well integrity hazard or the risk.

Division 3 Development Plan

Subdivision A Acceptance and Variation of Development Plan

238 Application for Development Plan Approval

- (1) If an Operator wants to obtain an approval for a Development Plan they shall make an application to the Designated Authority.
- (2) A Development Plan shall include all items required under the Petroleum Mining Code and any Authorisations.
- (3) Without limiting the generality of subclause (2) the Operator shall also include details of:
 - (a) information on management systems, including information on the planning, organising and implementation of the development;
 - (b) information on operation and maintenance in accordance with good oil field practice;
 - (c) information on economic aspects; and
 - (d) details on the operational communication systems.

239 Decision on Development Plan

- (1) As soon as practicable after the Operator submits a Development Plan for approval, the Designated Authority shall give the Development Plan to the Joint Commission
- (2) After consulting with the Joint Commission and concluding a Decommissioning Security Agreement, within 90 days of receiving the Development Plan the Designated Authority shall:
 - (a) Accept the plan; or
 - (b) Reject the plan; or
 - (c) Notify the Operator, in writing, a decision can not be made without further information and specify the further information required.
- (3) The Designated Authority may accept the plan subject to any conditions it imposes.
- (4) The Designated Authority shall notify the Operator, in writing, of the following matters as soon as practicable after making a decision to accept or reject the Development Plan:
 - (a) The terms of the decision;
 - (b) If the Development Plan is rejected, the reasons for the decision.
 - (c) If the Development Plan is accepted, the reasons for any conditions imposed.

240 Operator Must Notify Significant Events

An Operator must notify the following events to the Designated Authority:

- (a) A change in understanding of the a pool in the Contract Area, including a change to the quantity of petroleum;
- (b) A new or increased risk to the recovery of petroleum in the Contract Area;
- (c) A change to the proposed option for the development of pools in the contract area, including any tie-in option with nearby contract areas.

241 Request for Amendment of Development Plan

- (1) An operator shall make a request to the Designated Authority to amend the Development Plan if a major change has occurred in relation to the recovery of petroleum, the request shall include the Development Plan as amended.
- (2) A major change in relation to the recovery of petroleum includes, but is not limited to, any of the following:
 - (a) The operator intends to make a change to the:
 - (i) The maximum production rate;
 - (ii) The number of wells;
 - (iii) The location of wells;
 - (iv) The proposed timing for drilling wells;
 - (b) The operator intends to change the management of a pool, including monitoring arrangements;
 - (c) There is a change to the plan for the development of any additional pools in the Contract area;
 - (d) It is intended to cease production before the date proposed in the Development Plan; and
 - (e) The operator introduces a new methods for petroleum recovery such as enhanced recovery and injection of fluids.

242 Decision on request for amended Development Plan

- (1) As soon as practicable after the Operator gives an amended Development Plan to the Designated Authority, the Designated Authority shall give the amended Development Plan to the Joint Commission.
- (2) After consulting with the Joint Commission, within 30 days of receiving the amended Development Plan the Designated Authority shall:
 - (a) Accept the plan; or
 - (b) Reject the plan; or
 - (c) Notify the Operator, in writing, a decision can not be made without further information and specify the further information required.
- (3) The Designated Authority may accept the plan subject to any conditions it imposes.
- (4) The Designated Authority shall notify the Operator, in writing, of the following matters as soon as practicable after making a decision to accept or reject the Development Plan:
 - (a) The terms of the decision;
 - (b) If the Development Plan is rejected, the reasons for the decision;

- (c) If the Development Plan is accepted, the reasons for any conditions imposed.
- 243 Variation at the request of the Designated Authority**

The Designated Authority may give an Operator a notice:

- (a) Advising the Operator that the Designated Authority requires the Operator to vary the Development Plan as set out in the notice; and
- (b) Setting out the technical grounds for requiring the variation; and
- (c) Identifying the proposed date of effect of the varied Development Plan.

244 Objection to Requirement to vary Development Plan

- (1) If the Designated Authority gives the Operator a notice under clause 243, the Operator may give an objection, in writing, to the Designated Authority:
 - (a) stating one or more of the following:
 - (i) that the variation should not occur;
 - (ii) that the variation should be in terms different from the proposed terms;
 - (iii) that the varied Development Plan should take effect on a date later than proposed date;
 - (b) giving reasons for the objection.
- (2) The Operator shall make the objection within:
 - (a) 14 days after receiving the notice; or
 - (b) If the Designated Authority, in writing, allows a longer period- that period.

245 Decision on Objection

- (1) Within 21 days of an Operator giving an objection to the Designated Authority under clause 244, the Designated Authority shall:
 - (a) accept the objection; or
 - (b) reject the objection.
- (2) The Designated Authority shall notify the Operator of the following matters as soon as practicable after making a decision:
 - (a) the terms for the decision; and
 - (b) if the decision is to reject the objection, the reasons for the decision.
- (3) If the Designated Authority accepts an objection that a varied Development Plan should be in different terms, or that the varied plan should take effect on a date later than the proposed date:
 - (a) the Operator must give the Designated Authority the varied Development Plan as soon as practicable; and
 - (b) within 21 days of receiving, the Designated Authority shall accept the varied Development Plan.
- (4) If the Designated Authority rejects the objection:
 - (a) the Operator must give the Designated Authority the varied Development Plan as soon as practicable; and

(b) within 21 days of receiving the varied Development Plan, the Designated Authority shall accept the varied Development Plan.

246 Operator Must Comply with Development Plan

- (1) An Operator must not undertake the recovery of petroleum in a Contract Area unless:
- (a) the Operator has a Development Plan in force; and
 - (b) the Operator has a waiver under subclause (1)(3) for the requirement to have a Development Plan.

Subdivision B Withdrawal of Development Plan

247 Grounds for Withdrawal of Development Plan

The Designated Authority may withdraw its acceptance of a Development Plan in force if the Operator has not complied with the Development Plan.

248 Notice of Proposal to Withdraw Acceptance

- (1) If the Designated Authority believes that it is necessary to withdraw acceptance of the Development Plan under clause 247, the Designated Authority must give the Operator 30 days notice before the Designated Authority withdraws acceptance.
- (2) The notice must include:
- (a) an explanation of the reasons why the Designated Authority is considering withdrawing acceptance;
 - (b) an invitation to the Operator to provide the Designated Authority with any information that the Operator would like the Designated Authority to take into account prior to withdrawing the Development Plan;
 - (c) a date by which the Operator may give the Designated Authority the information;
 - (d) any other information the Designated Authority considers appropriate.

249 Decision to Withdraw Acceptance

- (1) After complying with clause 248 and taking into account any information provided by the Operator under that clause, the Designated Authority may withdraw acceptance of the Development Plan
- (2) As soon as practicable after making a decision to withdraw a Development Plan the Designated Authority shall notify the Operator of:
- (a) the terms of the decision; and
 - (b) the reasons for the decision.

Subdivision C Decommissioning Plan

250 Decommissioning Plan to be submitted

- (1) Twelve months prior to the planned decommissioning of a Facility, the Operator shall resubmit to the Decommissioning Plan to the Designated Authority which shall include, but is no limited to:
- (a) the field history;
 - (b) the Facility details including:

- (i) location;
- (ii) depth;
- (iii) types of materials.
- (c) production history and pool details;
- (d) the possibility for continued production;
- (e) relevant disposal alternatives; and
- (f) other aspects of importance to the choice of disposal solution.

Subdivision D Measurement

251 Measures to Obtain Information

The Designated Authority may require that special measures shall be taken to obtain, if it is considered necessary to judge whether the operation of a pool is conducted in a prudent matter.

252 Metering of Petroleum Produced

- (1) The Operator shall meter and analyse petroleum produced, including petroleum sold, in accordance with generally accepted procedures.
- (2) If it is demonstrated that the volume of petroleum produced or sold has been incorrectly calculated, the licensee shall inquire into the matter and provide to the Designated Authority, documentation that provides the basis for determining the correct volume.

253 Monitoring of the Petroleum Pool

- (1) The Operator shall continually monitor the pool during production including:
 - (a) pressure and flow conditions;
 - (b) produced or injected volumes per well and pool; and
 - (c) the composition of components of petroleum.
- (2) The total monthly production and injection volumes of the field shall be apportioned to each individual well on a monthly basis according to the recognised norm.
- (3) The Facility shall be monitored in such a way to achieve optimal operation.

Division 4 Pipelines

Subdivision A Pipeline Management Plan

254 Submission of a pipeline management plan

- (1) For a pipeline management plan to be accepted for a pipeline, the pipeline licensee must submit the plan to the Designated Authority.
- (2) A pipeline management plan may be submitted for 1 or more of the following stages connected with the life of the pipeline:
 - (a) design and construction;
 - (b) operation;
 - (c) modification;

(d) decommissioning.

(3) A pipeline management plan may be submitted that provides for 1 or more pipelines.

255 Time limit for accepting or not accepting a pipeline management plan

(1) Within 30 days after a pipeline licensee submits a pipeline management plan, the Designated Authority must:

(a) accept the plan under clause ; or

(b) refuse to accept the plan; or

(a) give written notice to the pipeline licensee stating that the Designated Authority is unable to make a decision about the plan within the period of 30 days, and setting out a proposed timetable for consideration of the plan.

(2) This regulation applies to a pipeline management plan resubmitted under subclause 256(2) in the same way as it applies to the plan when first submitted.

256 Acceptance of a pipeline management plan

(1) The Designated Authority must accept the pipeline management plan only if there are reasonable grounds for believing that:

(a) the plan is appropriate for the nature and proposed use of the pipeline; and

(b) the plan complies with clauses 258, 259, 260, 261 and 262 for the stages connected with the life of the pipeline mentioned in clause 243 for which the plan is submitted.

(2) If the Designated Authority is not reasonably satisfied that the pipeline management plan when first submitted meets the criteria mentioned in subclause (1), the Designated Authority must give the pipeline licensee a reasonable opportunity to change and resubmit the plan.

(3) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the pipeline management plan, the Designated Authority is still not reasonably satisfied that the plan meets the criteria mentioned in subclause (1), the Designated Authority must refuse to accept the plan.

(4) Despite subclause (3), the Designated Authority may do either or both of the following:

(a) accept the plan in part for a particular stage connected with the life of the pipeline mentioned in clause 267;

(b) impose limitations or conditions applying to the pipeline in respect of any of those stages.

(5) The Designated Authority must give the pipeline licensee written notice of a decision by the Designated Authority:

(a) to accept the pipeline management plan; or

(b) not to accept the plan; or

(c) to accept the plan in part for a particular stage connected with the life of the pipeline, or subject to the imposition of limitations or conditions.

(6) A notice of a decision under clause (5) (b) or (c) must include:

(a) the decision and the reasons for it; and

- (b) if limitations or conditions are to apply to a stage connected with the life of the pipeline — a statement of those limitations or conditions.

257 Contents of a pipeline management plan

A pipeline management plan must include information about, or cover the matters mentioned in clauses 258, 259, 260 and 261 for the stages connected with the life of the pipeline mentioned in regulation first for which the plan is proposed.

258 Description of safety policy

The pipeline management plan must include a statement of the pipeline licensee's strategic health and safety objectives for the design, construction, operation, modification and decommissioning of the pipeline.

259 Description of pipeline

- (1) The pipeline management plan must include a comprehensive description of:
 - (a) the design for the pipeline, the route corridor in which the pipeline is to be constructed, the pipeline's interface start and end positions, and the way in which the pipeline is to be constructed; and
 - (b) the design and construction of the pipeline; and
 - (c) the operation of the pipeline; and
 - (d) the compositions of petroleum that are to be conveyed through the pipeline when it is operating; and
 - (e) the safe operating limits for conveying those compositions through the pipeline.

260 Description of pipeline management system

- (1) The pipeline management plan must include a comprehensive description or assessment of, or demonstration of the effectiveness of:
 - (a) the risk of significant pipeline accident events and other risks to the integrity of the pipeline associated with the design, construction, modification and decommissioning of the pipeline; and
 - (b) measures that have been, or will be, implemented to reduce the risks to levels that are as low as reasonably practicable; and
 - (c) the systems used to identify, evaluate and manage the risks and measures; and
 - (d) the arrangements for monitoring, auditing and reviewing those systems, including the arrangements for continual and systematic identification of deficiencies of those systems and ways in which the systems could be improved.

261 Statement of standards

The pipeline management plan must include a statement about the Australian and international standards applied, or to be applied, to the design, construction, operation, modification and decommissioning of the pipeline.

262 Arrangements for reporting

The pipeline management plan must include arrangements for reporting to the Designated Authority about the design, construction, operation, modification and decommissioning of the pipeline, at intervals agreed with the Designated Authority, but not less often than annually.

263 Revision because of a change, or proposed change, of circumstances or operations

- (1) A pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Designated Authority a proposed revision of the plan as soon as practicable after any of the circumstances mentioned in subclause (3) is satisfied.
- (2) However, if a circumstance mentioned in subclause (3) is satisfied because the licensee proposes to modify or decommission the pipeline, the licensee must not submit the proposed revision before the licensee and Designated Authority have agreed on the scope of the validation of the proposal to revise the plan.
- (3) A need to revise a plan arises if:
 - (a) there are reasonable grounds for believing that the technical knowledge relied upon to formulate the plan is outdated and accordingly the plan no longer adequately provides for the matters mentioned in clauses 258, 259, 260, 261 and 262 for the stages connected with the life of the pipeline mentioned in clause 243 for which the plan is in force; or
 - (b) developments in systems for identifying and evaluating risks of significant pipeline accident events, or risks to the integrity of the pipeline, make it appropriate to revise the plan; or
 - (c) there are reasonable grounds for believing that a series of proposed modifications to the pipeline would result in a significant cumulative change in the overall level of risk:
 - (i) of significant pipeline accident events; or
 - (ii) the integrity of the pipeline; or
 - (a) There are reasonable grounds for believing that a proposed modification to the pipeline would:
 - (i) significantly influence the level of a particular risk of a significant pipeline accident event or a risk to the integrity of the pipeline;
 - (ii) significant change to the ranking of factors contributing to those risks; or
 - (b) the licensee proposes to significantly change the pipeline management system mentioned in clause 273 for identifying, evaluating and managing risks:
 - (i) of significant pipeline accident events; or
 - (ii) to the integrity of the pipeline; or
 - (c) the compositions of petroleum conveyed in the pipeline are different from the compositions contemplated in the plan; or
 - (d) the licensee proposes to modify or decommission the pipeline and that proposal is not satisfactorily addressed in the plan; or
 - (e) developments in environmental conditions that affect design conditions make it appropriate to revise the plan.

264 Revision on request by the Designated Authority

- (1) The Designated Authority may request a pipeline licensee for a pipeline for which a pipeline management plan is in force to submit to the Designated Authority a proposed revision of the plan.

- (2) A request by the Designated Authority must be in writing and include the following information:
 - (a) the matters to be addressed by the revision;
 - (b) the proposed date of effect of the revision;
 - (c) the grounds for the request.
- (3) The licensee may make a submission in writing to the Designated Authority stating the reasons for which the licensee believes:
 - (a) the revision should not occur; or
 - (b) the revision should be in different terms from the proposed terms; or
 - (c) the revision should take effect on a date after the proposed date.
- (4) A submission by the licensee must be made within 14 days after receiving the request, or within any longer period that the Designated Authority allows in writing.
- (5) If a submission complies with subclauses (3) and (4), the Designated Authority must:
 - (a) decide whether to accept the reasons stated in the submission; and
 - (b) give the licensee written notice of the decision; and
 - (c) to the extent (if any) that the Designated Authority accepts the reasons, give the licensee written notice that varies or withdraws the request in accordance with the decision; and
 - (d) to the extent (if any) that the Designated Authority does not accept the reasons, give the licensee written notice of the grounds for not accepting them.
- (6) The licensee must comply with the request (as varied under this regulation) as soon as practicable.
- (7) However, the licensee is not required to comply with the request if the request is withdrawn under this regulation.

265 Revision at the end of each 5 years

- (1) A pipeline licensee for a pipeline for which a pipeline management plan is in force must submit to the Designated Authority a proposed revision of the plan (whether or not a proposal has been submitted under clause 263 and 264):
 - (a) at the end of the 5 years starting on the day the pipeline management plan is first accepted under clause 256 by the Designated Authority; and
 - (b) at the end of each 5 years starting on the day of the most recent acceptance, by the Designated Authority, of a revision submitted under this regulation.
- (2) A revision submitted under this regulation must include:
 - (a) information about measures for ensuring the ongoing integrity of the pipeline; and
 - (b) details of the maximum allowable operating pressure for the pipeline.
- (3) A proposed revision must be in the form of a revised pipeline management plan or, if the pipeline licensee and the Designated Authority agree, a revised part of the pipeline management plan.

266 Time limit for accepting or not accepting a proposed revision

- (1) Within 30 days after a pipeline licensee submits a proposed revision, the Designated Authority must:
 - (a) accept the revision under clause 267; or
 - (b) refuse to accept the revision; or
 - (c) give written notice to the pipeline licensee stating that the Designated Authority is unable to make a decision about the revision within the period of 30 days, and setting out a proposed timetable for consideration of the revision.
- (2) A failure by the Designated Authority to comply with subclause (1) in relation to a proposed revision does not of itself invalidate a decision to accept or to refuse to accept the revision.
- (3) This regulation applies to a proposed revision resubmitted under subclause below (2) in the same way as it applies to the revision when first submitted.

267 Acceptance of a proposed revision of a pipeline management plan

- (1) The Designated Authority must accept the proposed revision of the pipeline management plan only if there are reasonable grounds for believing that:
 - (a) the revision is appropriate for the nature and proposed use of the pipeline; and
 - (b) the pipeline management plan, as revised by the proposed revision, would comply with clauses 258, 259, 260 and 261 for the stages connected with the life of the pipeline mentioned in clause 243 for which the revision is submitted; and
 - (c) in the case that the revision relates to a proposal to modify or decommission the pipeline — a validation of the proposal is in force.
- (2) If the Designated Authority is not reasonably satisfied that the proposed revision when first submitted meets the criteria set out in subclause (1), the Designated Authority must give the pipeline licensee a reasonable opportunity to change and resubmit the revision.
- (3) If, after the pipeline licensee has had a reasonable opportunity to change and resubmit the proposed revision, the Designated Authority is still not reasonably satisfied that the revision meets the criteria mentioned in subclause (1), the Designated Authority must refuse to accept the revision.
- (4) Despite subclause (3), the Designated Authority may:
 - (a) accept the revision in part for a particular stage connected with the life of the pipeline mentioned in clause 254; and
 - (b) impose limitations or conditions applying to the pipeline in respect of any of those stages.
- (5) The Designated Authority must give the pipeline licensee written notice of a decision by the Designated Authority:
 - (a) to accept the proposed revision; or
 - (b) not to accept the revision; or
 - (c) to accept the revision in part for a particular stage connected with the life of the pipeline, or subject to the imposition of limitations or conditions.
- (6) A notice of a decision under subclause (5) (b) or (c) must include:

- (a) advice of the decision and the reasons for it; and
- (b) if limitations or conditions are to apply to a stage connected with the life of the pipeline — a statement of those limitations or conditions.

268 Effect of non-acceptance of proposed revision

If a proposed revision is not accepted, the pipeline management plan in force for the pipeline immediately before the proposed revision was submitted remains in force as if the revision had not been proposed.

269 Withdrawal of acceptance of a pipeline management plan

- (1) The Designated Authority, by written notice to a pipeline licensee, may withdraw the acceptance of the pipeline management plan in force for the pipeline on any of the following grounds:
 - (a) the pipeline licensee has not complied with clauses 263, 264 and 265;
 - (b) the Designated Authority has refused to accept a proposed revision of the pipeline management plan.

- (2) A notice under subclause (1) must include the reasons for the decision.

270 Steps to be taken before withdrawal of acceptance

- (1) Before withdrawing the acceptance of a pipeline management plan in force for a pipeline, the Designated Authority must comply with subclauses (2), (4) and (5).
- (2) The Designated Authority must give the pipeline licensee at least 1 month's written notice of the Designated Authority's intention to withdraw acceptance of the plan.
- (3) The Designated Authority may give a copy of the notice to such other persons (if any) as the Designated Authority thinks fit.
- (4) The Designated Authority must specify in the notice a date (the *cut-off date*) on or before which the pipeline licensee (or any other person to whom a copy of the notice has been given) may submit to the Designated Authority, in writing, any matters for the Designated Authority to take into account.
- (5) The Designated Authority must take into account:
 - (a) any action taken by the pipeline licensee to remove the ground for withdrawal of acceptance, or to prevent the recurrence of that ground; and
 - (b) any matter submitted to the Designated Authority before the cut-off date by the pipeline licensee or a person to whom a copy of the notice has been given.

Subdivision B Modifying or Decommissioning a Pipeline

271 Modifying or Decommissioning a Pipeline

- (1) A pipeline Operator shall not modify a pipeline unless:
 - (a) a pipeline safety management plan in force for the pipeline provides for the modification; and
 - (b) the modification is carried out in a way that:
 - (i) is consistent with the purposes for which the pipeline was designed to be used; and

- (ii) is not contrary to that plan.
- (2) A Operator shall not decommission a pipeline unless:
 - (a) a pipeline management plan in force for the pipeline provides for the decommission; and
 - (b) the decommission is carried out in a way that is not contrary to that plan.
- (3) However, a breach of subclauses (1) and (2) does not arise if:
 - (a) the pipeline is modified or decommissioned in accordance with a direction given under these Regulations; or
 - (b) in an emergency in which there is a likelihood of loss or injury, the Operator performs an activity to avoid the loss or injury and as soon as practicable, but within 3 days, gives written notice to the Designated Authority about the act performed.

Subdivision C Validation

272 Validation of Stage in the Life of a Pipeline

- (1) The Designated Authority may, by notice in writing, require the Operator of a proposed pipeline, or an existing pipeline, to provide a validation:
 - (a) in respect of the proposed pipeline; or
 - (b) in respect of a proposed significant change to an existing pipeline.
- (2) A validation of a proposed Facility is a statement in writing by an independent validator in respect of the design, construction and installation (including instrumentation, process layout and process control systems) of the pipeline, to the extent that these matters are covered by the scope of the validation agreed between the Designated Authority and the Operator.
- (3) A validation of a proposed significant change to an existing pipeline is a statement in writing by an independent validator in respect of the proposed change, to the extent required by the scope of the validation agreed between the Designated Authority and the Operator.
- (4) The validation shall establish:
 - (a) the proposal is suitable for the purposes for which it is made; and
 - (b) if the proposal includes a modification of the pipeline that may affect the integrity of the pipeline — there are reasonable grounds to believe that the modification will result in the pipeline being suitable for the purposes for which it is to be used; and
 - (c) that the proposal is consistent with the pipeline management system description in the pipeline management plan in force for the pipeline; and
 - (d) that the proposal complies with any Australian or international standards that are mentioned in the pipeline management plan as applying to that kind of proposal.

Division 5 Consents and Approvals for Petroleum Operations

Subdivision A Consents for Facilities

273 General

For the purpose of this Division only, a Facility does not include any pipeline over which a pipeline management plan in place.

274 Consent to Construct and Install

- (1) The operator shall obtain a consent to construct and install a Facility from the Designated Authority.
- (2) The Designated Authority may grant a consent to construct and install a Facility if:
 - (d) the following has been accepted for the Facility:
 - (i) a safety case;
 - (ii) an environment management plan;
 - (iii) a development plan;
 - (iv) a well operations management plan;
 - (v) if a pipeline is connected to the facility, a pipeline management plan; and
 - (a) the Designated Authority is satisfied that the construction and installation of the Facility will be undertaken in accordance with all of the material requirements of the Petroleum Mining Code and any Authorisations.
- (3) If the Designated Authority decides to grant a consent to construct and install a Facility the consent may be subject to conditions specified in the consent.
- (4) If the Designated Authority decides not to grant the consent to construct and install a Facility, the Designated Authority shall notify the operator, in writing as soon as practicable setting out:
 - (a) the terms of the decision; and
 - (b) the reasons for the decision.

275 Consent to Use

- (1) The operator shall obtain a consent to use a Facility from the Designated Authority
- (2) The Designated Authority may grant a consent to construct and install a Facility if:
 - (a) the following are in accepted for the Facility:
 - (i) the a safety case;
 - (ii) an environment management plan;
 - (iii) a development plan;
 - (iv) a well operations management plan; and
 - (b) the Designated Authority is satisfied that the Facility will be used in accordance with all of the material requirements of the Petroleum Mining Code and any Authorisations.
- (3) If the Designated Authority decides to grant a consent to use a Facility the consent may be subject to conditions specified in the consent.
- (4) If the Designated Authority decides not to grant the consent to use a Facility, the Designated Authority shall notify the operator, in writing as soon as practicable setting out:
 - (a) the terms of the decision; and
 - (b) the reasons for the decision.

Subdivision B Consents for Petroleum Production

276 Consent Required for Petroleum Recovery

The recovery of petroleum, other than recovery of petroleum during a production test of a well, shall not be carried out unless accepted by the Designated Authority.

277 Application for Consent to Recover of Petroleum

(1) The recovery of petroleum, other than recovery of petroleum during a production test of a well, shall not be carried out unless accepted production equipment, have been constructed, and:

- (a) the production equipment, personnel emergency facilities and accommodation have been verified in such manner (if any) as the Designated Authority determines and have been accepted by the Designated Authority as suitable for use in operations for the recovery of petroleum;
- (b) the Designated Authority has given consent for the operation of a pipeline or a secondary line, or there are in the contract area accepted storage tanks, or accepted facilities for the conveyance of petroleum from the contract area otherwise than by means of a pipeline; and
- (c) the Designated Authority has given consent in writing to the recovery of petroleum from the field in the contract area using a specific offshore Facility.

(2) The construction, alteration or reconstruction of production equipment, safety systems, personnel emergency facilities and accommodation shall not be undertaken without approval and, where applicable, verification by the verifying body.

(3) Equipment, systems, facilities and accommodation so constructed, altered or reconstructed shall not be used unless the construction, alteration or reconstruction has been completed to the satisfaction of the Designated Authority.

(4) An application for approval to construct, alter or reconstruct production equipment, safety systems, personnel emergency facilities and accommodation shall be accompanied by descriptions, plans and drawings containing such details as the Designated Authority requires.

278 Rate of Recovery of Petroleum

(1) An application for approval of commingling or sequentially producing one or more petroleum pools or reservoir units should include, where applicable:

- (a) the best available delineation of pools to be included in the plan;
- (b) maps showing:
- (c) the boundaries of the pools, and
- (d) the structure, thickness, extent and fluid interfaces of the pools; and
 - (i) the boundaries of the pools, and
 - (ii) the structure, thickness, extent and fluid interfaces of the pools; and
- (e) discussions of:
 - (i) geological and reservoir characteristics, hydrocarbon reserves, production and injection history, production capacity and pool pressures,

- (ii) the economics involved if it is claimed that either sequential or separate production from a pool is sub-optimal, and
- (iii) the reduction in recovery which may result from the pools being in communication through the wellbore.

279 Rate of Recovery of Petroleum

- (1) For a fully developed petroleum pool or reservoir unit, whichever is the case, the annual rate of recovery of petroleum from that petroleum pool or reservoir unit shall be subject to approval unless the rate of recovery of petroleum from that petroleum pool or reservoir unit is the subject of a direction given to the Contract Operator by the Designated Authority.
- (2) The Contract Operator's application under subclause (1) for approval of the rate of recovery of petroleum from a fully developed petroleum pool or reservoir unit, whichever is the case, shall include a proposed rate of recovery, past performance of wells and the petroleum pool or reservoir unit, prediction of future performance and estimate of ultimate recovery from the petroleum pool or reservoir unit.
- (3) For a petroleum pool or reservoir unit whichever is the case, under development, a periodic review of the petroleum Pool or reservoir unit description, production policy and current petroleum pool or reservoir unit performance shall be submitted at the request of the Designated Authority to demonstrate that it is being developed in a manner consistent with sound petroleum pool or reservoir unit management practices and compatible with optimum long-term recovery.

280 Other Operations

Operations for:

- (a) the enhanced recovery or recycling of petroleum; or
- (b) the processing, storage or disposal of petroleum; or
- (c) the injection of petroleum or water into an underground formation:

shall not be carried out unless the method and the equipment for carrying out those operations have been accepted.

Subdivision C Consent to Decommission a Facility or Pipeline

281 Consent to Decommission Required

- (1) The operator shall obtain a consent to decommission a Facility or pipeline from the Designated Authority.
- (2) The Designated Authority may grant a consent decommission a Facility or pipeline if:
 - (a) the following are in accepted for the Facility or pipeline:
 - (i) a decommissioning plan;
 - (ii) an environment management plan; and
 - (b) the Designated Authority is satisfied that the decommissioning of the Facility or pipeline will be undertaken in accordance with all of the material requirements of the Petroleum Mining Code and any Authorisations.
- (3) If the Designated Authority decides to grant a consent decommission a Facility or pipeline it may be subject to conditions specified in the consent.

- (4) If the Designated Authority decides not to decommission a Facility or pipeline, the Designated Authority shall notify the operator, in writing as soon as practicable setting out:
- (a) the terms of the decision; and
 - (b) the reasons for the decision.

Part IV Commercial

282 Contract Fees

- (1) A Operator shall pay the contract fee in full at the start of contract year.
- (2) The amount of the fee is specified in Item 1 of the table in Schedule 3 to these Regulations.

283 Retention Fees

- (1) After Contract Year Seven (7), if the Operator has a declared Gas or Oil Retention Area, a retention fee will apply in addition to the contract fee until the earlier of:
 - (a) the relinquishment of the entire contract area; or
 - (b) the time when a Commercial Discovery is declared.
- (2) The amount of the retention fee is specified in Item 2 of the table in Schedule 3 to these Regulations.
- (3) The Retention fee is payable in full at the start of the contract year.

284 Development Fee

- (1) A Development Fee shall apply at the time a Commercial Discovery is declared.
- (2) The amount of the fee is shall be calculated on the basis specified:
 - (a) in relation to liquids, item 3 of the table in Schedule 3 to these Regulations;
 - (b) in relation to gas, item 4 of the table in Schedule 3 to these Regulations.
- (3) If the Development Fee calculated in subclause (2) is less than:
 - (a) in relation to liquids, \$250,000;
 - (b) in relation to gas, \$560,000then the Development Fee payable shall be the amounts specified in subparagraphs (a) and (b) of this clause.
- (4) The Development Fee shall be payable quarterly in advance on a calendar year basis.
- (5) Where a Development Fee is payable for only part of a year, the fee shall be calculated on a pro-rata basis.

285 Re-assessment of the Development Fee

- (1) The Development Fee shall remain in place for the duration of the Production Sharing Contract provided that the Recoverable Reserves do not vary by more than ten (10) percent.
- (2) If the reserves vary by more than ten (10) percent, then the Development Fee shall be recalculated in accordance with subclause 284(2).

286 Reporting on Shipments of Petroleum

The Operator shall report to the Designated Authority not later than the tenth (10th) day of each month on shipments of petroleum made during the period of the preceding month, which will include:

- (a) The quantities of petroleum sold and lifted at each shipment;

- (b) for each shipment, the price, the sales proceeds received copies of the relevant invoice and evidence of settlement thereof;
- (c) attachments comprising shipping documents relevant to each such shipment, e.g. bill of lading, certificates of quantity and quality, cargo manifest, certificate of origin, dry certificate/ ullage report, notice of readiness, tanker time sheet, and master's receipt;
- (d) opening and ending stock for the month of contract Operator's petroleum storage Facility, and the discharge of bottom sediments and water and sludge there from;
- (e) storage and transfer losses of petroleum for the month at contract Operator's storage Facility, which shall be elucidated.

Schedule 1 Forms

Form 1 Provisional Improvement Notice

Technical Regulations for the Joint Petroleum Development Area

PROVISIONAL IMPROVEMENT NOTICE

To: (Operator)

I, (name of the health and safety representative issuing the notice), appointed as the health and safety representative under clause 53 for (the designated work group), after consultation in accordance with subclause 59 (1), believe that the following provision, or provisions, of the Petroleum Mining Code or this Regulation is, or are, being contravened and that the contravention may continue:

The contravention is: (a brief description)

The contravention occurred/is occurring at: (location)

The reasons for my opinion are as follows:

In accordance with clause 59 (4) (b) of the Technical Regulations for the Joint Petroleum Development Area, I request the action specified above to be taken by (a date which is reasonable to the health and safety representative, but not less than 7 days from the date the notice is issued).

(signature)

Health and Safety Representative

Dated

NOTES

1. Pursuant to subclause 60 (1), a person, to whom a provisional improvement notice has given may, may request within 7 days, the Designated Authority or an Inspector to conduct an investigation into the subject matter of the notice.
2. Pursuant to subclause 60 (5) a responsible person to whom a provisional improvement notice is given, is required to:
 - notify each group member affected by the notice of the fact that the notice has been issued; and
 - display a copy of the notice at or near each workplace at which work that is the subject of the notice is being performed.
3. A provisional improvement notice issued under subclause 60 (6), ceases to have effect when:
 - it is cancelled by the health and safety representative or an Inspector; and
 - the responsible person takes the action specified in the notice, or if no action is specified, takes the action that is necessary to prevent the contravention, or likely contravention, with which the notice is concerned.
4. Subclause 60 (7) requires the responsible person:
 - to comply, as far as possible, with a provisional improvement notice; and
 - to inform the health and safety representative who issued the notice of the action taken to comply with the notice.
5. Pursuant to clause 60, if an Inspector confirms or varies a provisional improvement notice:
 - the Operator or an employer affected by the decision; or
 - the health and safety representative for a designated work group that includes a group member affected by the decision; or
 - the owner of any plant substances or thing to which that decision relates; or
 - the person to whom the notice was issued; or
 - a workforce representative in relation to the designated work group that includes a group member affected by the decisionmay request the Designated Authority in writing to review the Inspector's decision.

Form 2 Removal of Plant or Substance

Technical Regulations for the Joint Petroleum Development Area

NOTICE OF REMOVAL OF PLANT OR SUBSTANCE

To: (name of Operator, employer or owner of the plant, substance or thing, as applicable) and (name of health and safety representative for designated workgroup)

I, *(name of Inspector)* being an Inspector appointed under (Article 15 of the Petroleum Mining Code or Article 34 of the Interim Petroleum Mining Code), in the course of conducting an inspection under clause 34, have taken possession of: (description of item removed)

from the workplace at: (location or address of workplace)

for the following reasons: (explanation of why removal of item was necessary)

Signed: (Inspector)

Inspector, Designated Authority under the Timor Sea Treaty

Dated:

NOTES:

1. This notice must be displayed in a prominent place at the workplace from which the item was removed.
2. In accordance with clause 43, a person who tampers with or removes a notice, before the item has been returned to the workplace, may be liable to a financial penalty.
3. In accordance with subclause 37(3), the Operator's representative shall ensure a copy of the notice issued to the Operator or to an employer, is displayed in a prominent place at or near each workplace.
4. In accordance with clause 44, the following persons may request, in writing, the Designated Authority to review the Inspector's decision:
 - the Operator or an employer affected by the decision;
 - the health and safety representative for a designated work group that includes a group member affected by the decision;
 - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
 - the owner of any plant, substance or thing to which the Inspector's decision relates.

Form 2, page 2 of 2

Form 3 Workplace Not To Be Disturbed

Technical Regulations for the Joint Petroleum Development Area

WORKPLACE NOT TO BE DISTURBED

To: (name of Operator's Representative)

I, (name of Inspector), being an Inspector appointed under (Article 15 of the Petroleum Mining Code or Article 34 of the Interim Petroleum Mining Code), direct that (description of the affected workplace or part of workplace, plant, substance or thing) is not to be disturbed:

from..... am/pm

to..... am/pm

on (date)

for the following reasons: (explanation of why it is necessary to not interfere or disturb the site)

Signed: (*Inspector*)

Dated:

NOTES

1. This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.
2. Under clause 44, any of the following persons may request the Designated Authority, in writing to review the Inspector's decision:
 - the Operator of the facility or an employer affected by the decision;
 - the health and safety representative for a designated work group that includes a group member affected by the decision;
 - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
 - the owner of any plant, substance or thing to which the Inspector's decision relates.

Form 3, page 2 of 2

Form 4 Prohibition Notice

Technical Regulations for the Joint Petroleum Development Area

PROHIBITION NOTICE

To: (name of Operator's Representative)

At facility: (name of facility)

I, (*name of Inspector*), being an Inspector appointed under (Article 15 of the Petroleum Mining Code or Article 34 of the Interim Petroleum Mining Code), am satisfied that it is necessary to issue a prohibition notice in order to remove an immediate threat to the health or safety of persons or to the environment.

I therefore PROHIBIT the following:

- (a) the use of the following plant or substance: (specify plant or substance, as appropriate)
- (b) at the use of the workplace or part of workplace: (specify workplace, or part, as appropriate)

*Action that may be taken that will be adequate to remove the threat to health and safety to persons and/or threat to the environment is:

(if insufficient space, use additional page)

Signed: (Inspector)

Dated:

[* Omit if not applicable]

NOTES

1. This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.
2. Under clause 44, any of the following persons may request the Designated Authority, in writing to review the Inspector's decision:
 - the Operator of the facility or an employer who is affected by the decision;
 - the health and safety representative for a designated work group that includes a group member affected by the decision;
 - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
 - if there is no designated work group — a workforce representative in relation to a member of the workforce affected by the decision.

Form 4, page 2 of 2

Form 5 Improvement Notice

Technical Regulations for the Joint Petroleum Development Area

IMPROVEMENT NOTICE

To: (name of responsible person)

I, (*name of Inspector*), being an Inspector appointed (Article 15 of the Petroleum Mining Code or Article 34 of the Interim Petroleum Mining Code), am satisfied that the person named above as the responsible person is contravening, or has contravened, or is likely to contravene: (clause or clauses of the Technical Regulations for the Joint Petroleum Development Area);

- (A) at workplace (location of workplace).
- (B) The reasons for my opinion are: (brief description of contravention)
- (C)
- (D)

(E) You are required to take action within (insert number) days of the date of this notice to prevent any further contravention or likely contravention of the clause.

(F) *The following action shall be taken by the responsible person within the period specified above:

(G) (If insufficient space, use additional page)

(H)

(I)

(J) Signed: (Inspector)

(K) Dated:

(L) *(Omit if not applicable)

When the required improvement has been completed, return this part of the notice to the following person at the address below:

Name:

Position:

Address:

Telephone number:

The actions specified on the reverse of this Improvement Notice has been complied with.

Signed:

This notice was delivered to: *(insert name)*

in the office or position of *(insert office or position)*

at: *(insert time, am or pm)* on *(insert date)*.

(See notes on page 3)

NOTES

1. This notice must be displayed in a prominent place at the workplace and, under clause 44, must not be tampered with or removed before the notice has ceased to have effect.
2. This notice ceases to have effect when the Inspector notifies the responsible person that he or she is satisfied that the responsible person has taken adequate action to remove the threat to health and safety that caused the notice to be issued. If the Inspector has specified action that the responsible person should take to remove the threat, the responsible person should advise the Inspector as soon as the action has been taken.
3. An Operator or an employer of a member of the workforce to whom this notice is given shall, in accordance with subclause 42(8):
 - (a) give a copy of the notice to each health and safety representative for a designated workgroup having group members performing work that is affected by the notice; and
 - (b) display a copy of the notice in a prominent place at or near each workplace at which the work is being performed.
4. In accordance with clause 44, any of the following persons may request, in writing, the Designated Authority to review an Inspector's decision:
 - the Operator or an employer who is affected by the decision;
 - any person to whom an improvement notice has been issued;
 - the health and safety representative for a designated work group that includes a group member affected by the decision;
 - a workforce representative in relation to the designated work group that includes a group member affected by the decision;
 - the owner of any plant, substance or thing to which the Inspector's decision relates.

Form 5, page 3 of 3

Schedule 2 Hazardous Substances

Permitted Circumstances for Using Certain Hazardous Substances

Item	Substance	Permitted Circumstance
1	Polychlorinated biphenyls (PCBs)	<ol style="list-style-type: none"> 1. Handling for storage prior to removal or disposal. 2. Storage prior to removal or disposal. 3. Removal or disposal. 4. Use when contained in existing electrical equipment or construction material. 5. Repair of existing electrical equipment or construction material.

Permitted circumstances for using certain hazardous substances with carcinogenic properties

Item	Substance (identified by substance name, with chemical abstract number in square brackets)	Permitted Circumstance
301	2Acetylaminofluorene [53-96-3]	Bona fide research
302	Aflatoxins	Bona fide research
303	4-Aminodiphenyl [92-67-1]	Bona fide research
304	Amosite (brown asbestos) [12172-73-5]	<ol style="list-style-type: none"> 1. Bona fide research. 2. Handling for storage prior to removal or disposal of amosite. 3. Storage prior to removal or disposal of amosite. 4. Removal or disposal of amosite in accordance with a law of a State or Territory relating to the removal of asbestos. 5. Disturbance of naturally occurring amosite that is incidental to operations not related to the extraction or processing of amosite, for example, roadworks. 6. Use (without disturbance) of amosite in products that are in situ.
305	Benzidine [92-87-5] and its salts, including benzidine dihydrochloride [531-85-1]	Bona fide research
306	bis(Chloromethyl) ether [542-88-1]	Bona fide research
307	Chloromethyl methyl ether (technical grade containing bis(chloromethyl) ether) [107-30-2]	Bona fide research

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308	Crocidolite (blue asbestos) [12001-28-4]	<ol style="list-style-type: none"> 1. Bona fide research. 2. Handling for storage prior to removal or disposal of crocidolite. 3. Storage prior to removal or disposal of crocidolite. 4. Removal or disposal of crocidolite in accordance with a law of a State or Territory relating to the removal of asbestos. 5. Disturbance of naturally occurring crocidolite that is incidental to operations not related to the extraction or processing of crocidolite, for example, roadworks. 6. Use (without disturbance) of crocidolite in products that are in situ.
309	4-Dimethylaminoazobenzene [60-11-7]	Bona fide research
310	2-Naphthylamine [91-59-8] and its salts	Bona fide research
311	4-Nitrodiphenyl [92-93-3]	Bona fide research
312	Actinolite asbestos [77536-66-4]	<ol style="list-style-type: none"> 1. Bona fide research. 2. Handling for storage prior to removal or disposal of actinolite. 3. Storage prior to removal or disposal of actinolite. 4. Removal or disposal of actinolite in accordance with a law of a State or Territory relating to the removal of asbestos. 5. Disturbance of naturally occurring actinolite that is incidental to operations related to the extraction or processing of actinolite, for example, roadworks. 6. Use (without disturbance) of actinolite in products that are in situ.
313	Anthophyllite asbestos [77536-67-5]	<ol style="list-style-type: none"> 1. Bona fide research. 2. Handling for storage prior to removal or disposal of anthophyllite. 3. Storage prior to removal or disposal of anthophyllite. 4. Removal or disposal of anthophyllite in accordance with a law of a State or Territory relating to the removal of asbestos. 5. Disturbance of naturally occurring anthophyllite that is incidental to operations not related to the extraction or processing of anthophyllite, for example, roadworks. 6. Use (without disturbance) of anthophyllite in products that are in situ.
314	Chrysotile (white asbestos) [12001-29-5]	<ol style="list-style-type: none"> 1. Bona fide research. 2. Handling for storage prior to removal or disposal of chrysotile. 3. Storage prior to removal or disposal of chrysotile. 4. Removal or disposal of chrysotile in accordance with a law of a State or Territory relating to the removal of asbestos. 5. Disturbance of naturally occurring chrysotile that is incidental to operations not related to the extraction or processing of chrysotile, for example, roadworks. 6. Use (without disturbance) of chrysotile in products that are in situ.
315	Tremolite asbestos [77536-68-6]	<ol style="list-style-type: none"> 1. Bona fide research. 2. Handling for storage prior to removal or disposal of tremolite. 3. Storage prior to removal or disposal of tremolite. 4. Removal or disposal of tremolite in accordance with a law of a State or Territory relating to the removal of asbestos. 5. Disturbance of naturally occurring tremolite that is incidental to operations related to the extraction or processing of tremolite, for example, roadworks. 6. Use (without disturbance) of tremolite in products that are in situ.

Technical Regulations for the Joint Petroleum Development Area

Schedule 3 Fees

Item	Application	Fee
1	Annex F PSC's All other PSC's	\$160,000 \$80,000
2	Annex F PSC's All other PSC's	Nil \$80,000
3	Liquids	1. Recoverable Reserves ¹ divided by the number of full or partial blocks within the development area (round to two decimal places). 2. Multiply the result in 1 by 1,560 (and round to the nearest 1,000). 3. Multiply the result in 2 by the total number of blocks in the Development Area.
4	Gas	1. Recoverable Reserves ² divided by the number of full or partial blocks within the development area (round to two decimal places). 2. Multiply the result in 1 by 485 (and round to the nearest 1,000). 3. Multiply the result in 2 by the total number of blocks in the Development Area.

¹ Recoverable Reserves for Liquids is calculated by adding the volume already recovered (MM bbls) with the remaining P50 recoverable reserves (MM bbls).

² Recoverable Reserves for gas is calculated by adding the volume already recovered (Bcf) with the remaining P50 recoverable reserves.