Petroleum (Submerged Lands) (Diving Safety) Regulations 2002

Statutory Rules 2002 No. 300

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Petroleum (Submerged Lands) Act 1967.

Dated 27 NOV 2002 2002

PETER HOLLINGWORTH
Governor-General

By His Excellency's Command

IAN MACFARLANE
Minister for Industry, Tourism and Resources
Contents

Part 1 Preliminary
1 Name of Regulations 4
2 Commencement 4
3 Application 4
4 Definitions 4
5 Meaning of diving 6
6 When a diving operation begins and ends 7

Part 2 Diving safety management systems
7 No diving without DSMS 8
8 Contents of DSMS 9
9 Acceptance of new DSMS 10
10 Acceptance of revised DSMS 10
11 Grounds for rejecting DSMS 10
12 Notice of reasons 11
13 Register of DSMSs 11
14 Revision of DSMS 12
15 Notice to revise DSMS 12

Part 3 Diving project plans
16 Diving project plan to be approved 14
17 Diving project plan to Designated Authority if there is no operator 14
18 Diving project plan to Designated Authority if requested 15
19 Updating diving project plan 15
20 Contents of diving project plan 15
21 No diving without approved diving project plan 16

Part 4 Involvement of divers and employees
22 Involvement of divers and employees in DSMS and diving project plan 17
<table>
<thead>
<tr>
<th>Part 5</th>
<th>Safety responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Safety responsibilities of diving contractors</td>
</tr>
<tr>
<td>24</td>
<td>Safety in the diving area</td>
</tr>
<tr>
<td>25</td>
<td>Diving depths</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 6</th>
<th>Diving supervisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
<td>Appointment of diving supervisors</td>
</tr>
<tr>
<td>27</td>
<td>Duties of diving supervisors</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 7</th>
<th>Start-up notices</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Start-up notice</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 8</th>
<th>Significant accidents and incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>Obligation to report significant accidents and incidents</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 9</th>
<th>Diving operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Divers in diving operations</td>
</tr>
<tr>
<td>31</td>
<td>Medical certificates</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 10</th>
<th>Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>32</td>
<td>Diving operations record</td>
</tr>
<tr>
<td>33</td>
<td>Divers' log books</td>
</tr>
</tbody>
</table>
Part 1    Preliminary

1 Name of Regulations
These Regulations are the Petroleum (Submerged Lands) (Diving Safety) Regulations 2002.

2 Commencement
These Regulations commence on 27 May 2003.

3 Application
These Regulations apply to a diving operation that is related to a petroleum activity.

4 Definitions
In these Regulations:
accepted DSMS means a DSMS that has been accepted by the relevant Designated Authority under regulation 9 or 10.
ADAS means the Australian Diver Accreditation Scheme administered by the Department.
adjacent area has the same meaning as in section 5A of the Act.
AS/NZS, followed by a number, means the Australian and New Zealand Standard of that number, as existing from time to time.
Designated Authority has the same meaning as in section 14 of the Act.
diving has the meaning given by regulation 5.
diving contractor means a person who enters into a contract to conduct a diving project.
diving operation means an operation consisting of 1 or more dives related to a petroleum activity.
**diving project** means an activity consisting of 1 or more diving operations.

**DSMS** means a diving safety management system.

**facility** has the same meaning as in the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*.

**inspector** means a person appointed under section 125 of the Act.

**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 umbilical), including a craft in the form of a suit.

**operator**, for a diving project, means the operator (within the meaning given by the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*) of the facility associated with the project.

**petroleum activity** means operations in an adjacent area carried out under a petroleum instrument, other authority or consent under the Act or regulations including the following operations:

(a) a seismic or other survey;
(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;
(l) any other operation or work for which a petroleum instrument, other authority or consent is required under the Act or regulations.
petroleum instrument means an authority granted by instrument under the Act for the carrying out of a petroleum activity, including a permit, lease, licence, infrastructure licence, pipeline licence, access authority or special prospecting authority.

regulations means regulations made under the Act, including these Regulations.

relevant Designated Authority, for a diving project, means the Designated Authority for the adjacent area in which the project is located.

Safety Case means the Safety Case (within the meaning given by the Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996) in relation to the facility associated with a diving project.

Note At the commencement of these Regulations, the Department is the Department of Industry, Tourism and Resources, the department administered by the Minister administering the Act. The Minister administering the Act may change. (See subsection 19A (3) of the Acts Interpretation Act 1901.)

5 Meaning of diving

For these Regulations:

(a) a person is diving if he or she:

(i) is in a chamber inside which the ambient 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

(ii) 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 a wetsuit or other protective clothing); or

(iii) is in a manned submersible craft that is submerged in water or another liquid; and

(b) diving includes diving using a snorkel and diving without the use of any breathing apparatus.
6 When a diving operation begins and ends

For these Regulations, a diving operation:

(a) begins when the diver, or first diver, who takes part in the operation starts to prepare to dive; and

(b) ends when the diver, or last diver, who takes part in the operation leaves the water or the chamber or environment in which the dive took place and has completed any necessary decompression procedures; and

(c) includes the time taken for therapeutic recompression if that is necessary.
Part 2  Diving safety management systems

7  No diving without DSMS

(1) Before beginning diving work that forms part of a diving project, a diving contractor must:
   (a) have a DSMS that is:
       (i) accepted; and
       (ii) current; and
   (b) give the DSMS to the operator of the diving project.

Penalty: 50 penalty units.

(2) The operator of a diving project must 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:
   (a) accepted; and
   (b) current.

Penalty: 100 penalty units.

(3) A diving contractor must not allow diving to continue on a diving project if the DSMS is no longer:
   (a) accepted; and
   (b) current.

Penalty: 50 penalty units.

(4) For this regulation, an accepted DSMS is current if:
   (a) it has not been revised or withdrawn since its latest acceptance; and
   (b) it is not more than 5 years since its latest acceptance.

(5) Strict liability applies to subparagraphs (1) (a) (i) and (ii), paragraphs (2) (a) and (b) and paragraphs (3) (a) and (b).

Note  A person may consult the register mentioned in regulation 13 to find out if a DSMS is accepted and current.
8 Contents of DSMS

(1) A DSMS must meet the minimum standards set out in the Guidelines for complying with the Petroleum (Submerged Lands) (Diving Safety) Regulations 2002, as existing from time to time, published by the Department.

(2) A DSMS must provide for:
   (a) all activities connected with a diving project; and
   (b) the preparation of a diving project plan, in accordance with Part 3, for a project (including consultation with employees 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
   (d) the continual and systematic assessment of:
      (i) the likelihood of the occurrence, during normal or emergency situations, of injury or damage associated with those hazards; and
      (ii) the likely nature of any injury or damage; and
   (e) the elimination of risks to persons involved with the project and associated work including:
      (i) risks arising during evacuation, escape and rescue in case of emergency; and
      (ii) risks to persons involved with the operation arising from equipment and hardware;
      or the reduction of those risks to 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 must:
   (a) specify any standard or code of practice that is to be used in a diving project; and
Regulation 9

(b) require the diving to be carried out in accordance with those standards or codes.

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

9 Acceptance of new DSMS

(1) If a diving contractor does not already have an accepted DSMS, the contractor must give a DSMS to the relevant Designated Authority at least 60 days before a proposed diving project is expected to begin.

(2) Within 60 days after receiving the DSMS, the Designated Authority must notify the diving contractor that it:
(a) accepts the DSMS, subject to any conditions necessary in the interests of safety; or
(b) rejects the DSMS.

10 Acceptance of revised DSMS

(1) If a diving contractor has revised a DSMS, the contractor must give the revised DSMS to the relevant Designated Authority.

(2) The Designated Authority must notify the diving contractor that the revised DSMS has been accepted or rejected within:
(a) 28 days after receiving the revised DSMS; or
(b) another period agreed between the Designated Authority and the diving contractor.

11 Grounds for rejecting DSMS

A Designated Authority must reject a DSMS if:
(a) the DSMS does not adequately comply with regulation 8; or
(b) the Designated Authority is not satisfied that there was consultation with divers and other employees in the preparation of the DSMS, as required by regulation 22.
12 Notice of reasons

(1) If a Designated Authority decides to reject a DSMS the Designated Authority must set out, in writing, with the notice mentioned in subregulation 9 (2) or 10 (2), the reasons for rejecting the DSMS.

(2) If a Designated Authority decides to impose conditions on a DSMS, the Designated Authority must set out, in writing, with the notice mentioned in subregulation 9 (2) or 10 (2), the reasons for imposing conditions on the DSMS.

13 Register of DSMSs

(1) A Designated Authority must keep a register of each DSMS and revised DSMS it receives, in a form that allows public access.

(2) The register must record as many of the following details as apply to the DSMS:
   (a) the name of the diving contractor;
   (b) the date of acceptance;
   (c) any conditions on acceptance;
   (d) the date of rejection;
   (e) the date that acceptance was withdrawn;
   (f) the date of any revision notice under regulation 15.

(3) The Designated Authority must also record on the register, the following details for each diving project plan it receives under regulation 17:
   (a) the name of the diving contractor;
   (b) the diving project to which the diving project plan applies;
   (c) the proposed commencement date of the project;
   (d) the date of receipt of the plan.
14 **Revision of DSMS**

A diving contractor must 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 regulation 15; 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.

15 **Notice to revise DSMS**

(1) A Designated Authority may give notice (a *revision notice*) to a diving contractor to revise a DSMS.

(2) A revision notice must be in writing and must set out:
   (a) the matters to be revised; and
   (b) the time within which the revision must 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 21 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;
Regulation 15

(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 subregulation (3), the Designated Authority must, within 28 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 must revise the DSMS, in accordance with the notice as originally given or as varied under subregulation (4), and submit it to the Designated Authority.

(6) If the contractor does not revise a DSMS when required by this regulation to do so, the relevant Designated Authority may withdraw its acceptance of the DSMS or its agreement to the use of the DSMS for the project.
Part 3  

Diving project plans

16  Diving project plan to be approved

(1) This regulation applies if there is an operator for a diving project.

(2) The diving contractor must prepare a diving project plan for each diving project in consultation with the operator for the project.

(3) The diving project plan must be approved by the operator for the project before diving can commence on the project.

(4) The operator must not approve the diving project plan unless the operator is satisfied that:
   (a) the plan complies with regulation 20; and
   (b) there was effective consultation in the preparation of the plan, as required by regulation 22.

17  Diving project plan to Designated Authority if there is no operator

(1) This regulation applies if there is no operator for a diving project.

(2) The diving contractor must prepare a diving project plan for the diving project and give a copy of the plan to the relevant Designated Authority.

(3) The Designated Authority must not accept the diving project plan unless it is satisfied that:
   (a) the plan complies with regulation 20; and
   (b) there was effective consultation in the preparation of the plan, as required by regulation 22.
18 Diving project plan to Designated Authority if requested

If the Designated Authority asks the operator for a diving project for a copy of the diving project plan, the operator must give a copy of the plan to the Designated Authority.

19 Updating diving project plan

(1) A diving contractor for a diving project must keep the diving project plan for the project up to date during the project.

(2) The diving contractor must 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.

(3) If there is no operator for a diving project and the diving project plan has been updated, the diving contractor must resubmit the updated plan to the relevant Designated Authority for consideration.

20 Contents of diving project plan

(1) A diving project plan must set out the following matters:
   (a) a description of the work to be done;
   (b) a list of the Commonwealth, and State or Territory, legislation (including these Regulations) that the diving contractor considers applies to the project;
   (c) a list of standards and codes of practice that the diving contractor considers apply to 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;
Regulation 21

(i) the provisions of the DSMS and the Safety Case that are relevant to the diving project, in particular the arrangements in the DSMS and the Safety Case for simultaneous operations and emergency response;

(j) details of consultation with divers and other employees working on the project.

(2) The diving project plan must describe each diving operation that is part of the diving project.

(3) The diving project plan must not specify as a diving operation a task that is too complex, or too big, to be supervised safely by 1 supervisor.

(4) The diving project plan must 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.

No diving without approved diving project plan

(1) A diving contractor for a project must 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 approved by the operator or accepted by the relevant Designated Authority if there is no operator.

Penalty: 50 penalty units.

(2) Strict liability applies to paragraphs (1) (a) and (b).
Part 4  Involvement of divers and employees

22  Involvement of divers and employees in DSMS and diving project plan

(1) In developing or revising a DSMS or diving project plan, a diving contractor must ensure that there is effective consultation with, and participation of, divers and other employees 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) A diving contractor may comply with subregulation (1) by consulting effectively with an employee representative body or industrial organisation that represents divers or other employees likely to be employed on such a project.

(3) When submitting a DSMS to the Designated Authority for acceptance, the diving contractor must 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.
Part 5  Safety responsibilities

23  Safety responsibilities of diving contractors

(1) A diving contractor must 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 employees to as low as reasonably practicable.

Penalty: 50 penalty units.

(2) A diving contractor must 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.

Penalty: 50 penalty units.

(3) Strict liability applies to subregulation (2).

24  Safety in the diving area

(1) At each place of diving, before the diving operation begins, the diving contractor must 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.

Penalty: 10 penalty units.

(2) A person engaged in a diving operation must 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 subregulation 27 (3) given to the person by a diving supervisor for the diving operation.

Penalty: 10 penalty units.

(3) Strict liability applies to subregulations (1) and (2).
25  Diving depths

(1) The operator for a surface-oriented diving operation, involving the use of air or mixed gas as a breathing medium, must not allow the operation to be carried out at a depth of more than 50 metres.

Penalty: 100 penalty units.

Note Section 10.3 of the Criminal Code provides a defence of sudden or extraordinary emergency.

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

Penalty: 50 penalty units.

Note Section 10.3 of the Criminal Code provides a defence of sudden or extraordinary emergency.

(3) The operator for a diving operation that is carried out at a depth of more than 50 metres must ensure that the diving operation involves the use of:

(a) a closed diving bell and a suitable mixed gas breathing medium; or

(b) a manned submersible craft.

Penalty: 100 penalty units.

Note Section 10.3 of the Criminal Code provides a defence of sudden or extraordinary emergency.

(4) The diving contractor for a diving operation that is carried out at a depth of more than 50 metres must ensure that the diving operation involves the use of:

(a) a closed diving bell and a suitable mixed gas breathing medium; or

(b) a manned submersible craft.

Penalty: 50 penalty units.

Note Section 10.3 of the Criminal Code provides a defence of sudden or extraordinary emergency.
Part 6  Diving supervisors

26  Appointment of diving supervisors

(1) The diving contractor responsible for a diving operation must 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.

Penalty: 20 penalty units.

Note  Subregulation 20 (3) limits the scope of a diving operation that can be supervised by 1 diving supervisor.

(2) A diving contractor must not appoint, as a diving supervisor, a person who is not:

(a) qualified as a supervisor under ADAS; and

(b) competent to supervise the operation.

Penalty: 20 penalty units.

(3) Strict liability applies to subregulation (2).

27  Duties of diving supervisors

(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 law; and

(iii) in accordance with the accepted DSMS for the operation; and

(iv) in accordance with the relevant diving project plan; and

(b) to countersign entries about the operation in divers’ log books; and
(c) to report accidents and significant incidents that occur during the operation to:
   (i) the operator for the project; or
   (ii) if there is no operator for the project — an inspector appointed for the relevant adjacent area.

Note Regulation 32 requires a diving supervisor to maintain a diving operations record.

(2) A diving supervisor who fails to carry out a duty imposed on him or her by subregulation (1) is guilty of an offence.

Penalty: 20 penalty units.

(3) 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 subparagraph (1) (a) (i).

(4) A diving supervisor must not dive while he or she is on duty as diving supervisor.

Penalty: 20 penalty units.

Note Section 10.3 of the Criminal Code provides a defence of sudden or extraordinary emergency.

(5) A diving supervisor for a diving operation must tell each person who takes part in the operation any instruction, in the diving project plan for the operation, that applies to the person.

Penalty: 20 penalty units.
Part 7  Start-up notices

28  Start-up notice

(1) In this regulation:

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

(a) the name, address and telephone number of the diving contractor 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;
(j) the title, document number and revision number of the diving project plan for the project.

(2) The operator for a diving project must not allow diving on the project to begin if the operator has not given a start-up notice to the relevant 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.

Penalty: 100 penalty units.
(3) If there is no operator for a diving project, the diving contractor must not allow diving on the project to begin if the diving contractor has not given a start-up notice to the relevant 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.

Penalty: 50 penalty units.
Part 8  Significant accidents and incidents

29  Obligation to report significant accidents and incidents

(1) This regulation sets out the obligations of a responsible person if a significant accident or incident occurs on, or in connection with, a diving project.

(2) For this regulation, the responsible person is the operator for the diving project or, if there is no operator for the diving project, the diving contractor for the project.

(3) For this regulation, an accident or incident is significant if it:
   (a) results in the death of a person; or
   (b) results in serious injury (that is, injury other than minor injury not requiring treatment and injury requiring only treatment in the nature of first aid) to a person; or
   (c) results in significant damage to equipment; or
   (d) is likely to have had a result of a kind mentioned in paragraph (a), (b) or (c); or
   (e) is of a kind that a reasonable operator would consider to require an immediate investigation.

(4) If a significant accident or incident occurs on, or in connection with, a diving project, the responsible person must give to an inspector for the relevant adjacent area, notice (initial notice) in accordance with subregulation (5).

Penalty: 50 penalty units.

(5) The initial notice:
   (a) may be oral or written; and
   (b) must be given at the earliest practicable opportunity, but within 2 hours, after:
      (i) the first occurrence of the accident or incident; or
(ii) if the accident or incident is not detected by the responsible person at the time of its first occurrence — the detection of the accident or incident by the responsible person; and

(c) must contain all material details about the relevant accident or incident that are available to the person giving the notice at the time the notice is given.

(6) If a significant accident or incident occurs on, or in connection with, a diving project, the responsible person must give, to an inspector for the relevant adjacent area, a written report containing all material facts and circumstances concerning the accident or incident:

(a) within the period that the inspector specifies in writing; or

(b) if the inspector does not specify a period — as soon as practicable, but within 3 days after the person gives the initial notice to the inspector.

Penalty: 50 penalty units.

(7) The responsible person must compile and maintain a record of:

(a) reports of each significant accident or incident that occurred on, or in connection with, the project; and

(b) details, in each case, of any corrective action taken.

Penalty: 10 penalty units.

(8) As soon as practicable, but not later than 15 days, after the end of each month, the responsible person must give to an inspector for the relevant adjacent area a written summary of:

(a) all deaths of persons on the project; and

(b) all injuries to persons on the project (other than minor injuries not requiring treatment or requiring only treatment in the nature of first aid).

Penalty: 10 penalty units.
(9) An operator is taken to have complied with an obligation under subregulation (4), (6), (7) or (8) if the operator has complied with the corresponding obligation, in relation to the same incident, under regulation 31 of the Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996.
Part 9  Diving operations

30  Divers in diving operations

(1) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: 50 penalty units.

(2) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person is not competent to carry out safely any activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: 20 penalty units.

(3) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person does not have a current diving qualification under ADAS to carry out any activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: 50 penalty units.

(4) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person does not have a current diving qualification under ADAS to carry out any activity that is reasonably likely to be necessary while the person is taking part in the operation.

Penalty: 20 penalty units.

(5) A diving contractor for a diving operation must not allow a person to dive in the diving operation if the person does not have a valid medical certificate.

Penalty: 50 penalty units.

Note  For the meaning of valid medical certificate see regulation 31.
(6) A diving supervisor for a diving operation must not allow a person to dive in the diving operation if the person does not have a valid medical certificate.

Penalty: 20 penalty units.

*Note* For the meaning of *valid medical certificate* see regulation 31.

(7) Subregulations (3), (4), (5) and (6) 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.

(8) Strict liability applies to the circumstance in subregulations (3), and (4) that the person does not have a current diving qualification under ADAS.

(9) Strict liability applies to the circumstance in subregulations (5) and (6) that the person does not have a valid medical certificate.

### 31 Medical certificates

(1) A diver's medical certificate is valid if it satisfies subregulation (2) or (3).

(2) A diver's medical certificate satisfies this subregulation 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; 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 approved under the Australian Diver Accreditation Scheme; 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.

(3) A diver's medical certificate satisfies this subregulation if it is valid for the United Kingdom under any law of the United Kingdom relating to the medical fitness of persons employed as divers.

Note At present, the relevant law for the United Kingdom is regulation 15 of the Diving at Work Regulations 1997.
Part 10  
Records

32  
Diving operations record

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

Penalty: 50 penalty units.

(2) A diving operations record:

(a) must be kept in a hard-covered form bound in such a way that its pages cannot easily be removed; or

(b) if it is in a form that has multiple copies of each page, must be bound so that at least 1 copy of each page cannot easily be removed.

(3) The pages of a diving operations record must be serially numbered.

(4) The diving supervisor for a diving operation must 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.

Penalty: 10 penalty units.

(5) A diving supervisor responsible for a diving operation must 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;
in the diving operations record for the operation and must print his or her name below the signature.

Penalty: 10 penalty units.

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

Penalty: 5 penalty units.
Regulation 33

33  Divers' log books

(1) A diver must:
   (a) have a log book in the form required by subregulation (2); and
   (b) for each time he or she dives:
      (i) make an entry in the log book, in ink, as required by subregulation (3); and
      (ii) sign the entry; and
      (iii) have the diving supervisor for the operation countersign the entry; and
   (c) keep the log book for at least 7 years after the date of the last entry in it.

Penalty: 5 penalty units.

(2) The log book must:
   (a) have hard covers; and
   (b) be bound so that pages cannot easily be removed; and
   (c) have its pages serially numbered; and
   (d) show the diver's name; and
   (e) have a clear photograph of the head and shoulders of the diver; and
   (f) have a specimen of the diver's signature.

(3) An entry in the log book must contain the following information:
   (a) the date to which the entry relates;
   (b) the location of the 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;
(j) anything else relevant to the diver’s health or safety.

(4) Strict liability applies to subregulation (1).

Note