Petroleum (Submerged Lands) (Pipelines) Regulations 2001

Statutory Rules 2001 No. 314 as amended
made under the

Petroleum (Submerged Lands) Act 1967

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Part 1 Preliminary

1 Name of Regulations [see Note 1]
These Regulations are the Petroleum (Submerged Lands) (Pipelines) Regulations 2001.

2 Commencement
These Regulations commence on 1 November 2001.

3 Object of Regulations
The object of these Regulations is to ensure, over the operating life of offshore pipelines that are for use in conveying petroleum, that licensees for the pipelines use systems, work practices and procedures that will ensure that:
(a) the pipelines are designed, constructed, operated and modified in ways that are suitable for the purposes for which the pipelines are to be used; and
(b) proposals for decommissioning pipelines are suitable for the purposes for which they are made; and
(c) the risks of significant pipeline accident events, and the risks to the integrity of the pipelines, are reduced to levels as low as reasonably practicable.

4 Interpretation
(1) In these Regulations:
composition of petroleum means a mixture of petroleum with one or more other substances.

independent validator, for a validation, means a person who, to the reasonable satisfaction of the Designated Authority, has the necessary competence and ability, and access to data, in relation to the matters being validated, to arrive at an independent opinion on the matters.
**OHS inspector** means a person appointed as an OHS inspector under section 150YL of the Act.

**operator**, for a pipeline, means a person registered under regulation 6D as the operator for the pipeline by the Safety Authority.

**pipeline**:  
(a) in Part 3A:  
(i) means a pipeline to which subclause 2A (6) of Schedule 7 to the Act applies; and  
(ii) includes a pipeline, that would be a pipeline of that kind, that is:  
(A) proposed to be constructed; or  
(B) proposed to be operated; or  
(C) being constructed; and  
(b) in these Regulations, other than Part 3A:  
(i) means a pipeline licensed under Division 4 of Part III of the Act; and  
(ii) includes a pipeline, that would be a pipeline of that kind, that is:  
(A) proposed to be constructed; or  
(B) proposed to be operated; or  
(C) being constructed.

**pipeline management plan in force for a pipeline** means a pipeline management plan for a pipeline:  
(a) submitted by or for the pipeline licensee; and  
(b) accepted under these Regulations (or, if the pipeline management plan is accepted in part, that part of the pipeline management plan that is accepted); and  
(c) as revised from time to time under these Regulations; and  
(d) for which the acceptance has not been withdrawn.

**pipeline safety management plan** means the components of a pipeline management plan that provide for the health and safety of persons at or near the pipeline.

*Note* The components of a pipeline management plan are set out in Division 3.2 in Part 3.
**pipeline management system description**, for a pipeline, means a description of the matters mentioned in regulation 26 in relation to the pipeline.

**reportable incident** means an incident:
(a) that:
   (i) results in significant damage to a pipeline (for example, reducing the capacity of the pipeline to contain petroleum flowing through it); or
   (ii) is likely to have a result of a kind mentioned in subparagraph (i); or
   (iii) is of a kind that a reasonable pipeline licensee would consider to require immediate investigation; and
(b) that is not a reportable incident within the meaning of the Petroleum (Submerged Lands) (Management of Environment) Regulations 1999.

**Safety Authority** means the National Offshore Petroleum Safety Authority established by section 150XD of the Act.

**significant pipeline accident event** 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, human death (for example, because of hydrocarbon releases).

**validation** has the meaning given by regulation 5, and **validate** has a corresponding meaning.

**Note** The following expressions are defined in the Act (section 5) and have the same meaning in these Regulations:
- adjacent area
- construct
- inspector
- petroleum
- pipeline
- pipeline licence
- pipeline licensee
- the Designated Authority.
Regulation 5

(2) For these Regulations, a pipeline is taken to be decommissioned if:

(a) the pipeline ceases operation, other than:
   (i) temporarily for maintenance; or
   (ii) for a period agreed between the Designated Authority and pipeline licensee for the pipeline; or

(b) the pipeline is removed.

5 Meaning of validation

(1) A validation of a proposal for a pipeline under these Regulations is a statement in writing by an independent validator that:

(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) the proposal is consistent with the pipeline management system description in the pipeline management plan in force for the pipeline; and

(d) the proposal complies with any Australian or international standards that are mentioned in the pipeline management plan as applying to that kind of proposal.

Note 1 The following proposals are subject to validation under these Regulations:

- proposals to carry out activities for the design and construction of a pipeline: see paragraphs 9 (4) (b) and 10 (3) (b)
- proposals for the operation of a pipeline: see paragraphs 15 (3) (b) and 16 (3) (b)
- proposals for the revision of a pipeline management plan that relates to modification or decommissioning of a pipeline: see paragraph 35 (1) (d).

Note 2 A pipeline management system description describes the risk of significant pipeline accident events and other risks to the integrity of the pipeline. The description also describes measures to reduce those risks to levels that are as low as reasonably practicable. See regulation 26.
Regulation 6

(2) A validation must cover the scope of the validation agreed under these Regulations.

Note The scope of a validation must be agreed between a pipeline licensee and Designated Authority at the following stages:

- for a validation about the design and construction of the pipeline — before the licensee applies for a consent to construct the pipeline: see paragraph 8 (b)
- for a validation about the operation of the pipeline — before the licensee applies for a consent to operate the pipeline: see paragraph 14 (b)
- for a validation about a revision of a pipeline management plan for the pipeline — before the licensee submits the revision of the plan: see subregulation 30 (2).

6 Application of the Criminal Code

On and after 1 November 2001, Chapter 2 of the Criminal Code applies to offences against these Regulations.

Note Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.

6A Relationship with other regulations made under the Act

The requirements of these Regulations are in addition to the requirements imposed on a person by any other regulations made under the Act.
Part 1A Operators

6B Nomination of operator

(1) A pipeline licensee may send to the Safety Authority a written notice nominating a person to be the operator for a pipeline.

*Note* Under the definition of *pipeline* in subregulation 4 (1), a pipeline includes a proposed pipeline.

(2) A notice under subregulation (1) must include:

(a) the person’s name; and

(b) the person’s contact details, including:

(i) a business address; and

(ii) telephone and facsimile numbers for the operator during business hours; and

(iii) telephone and facsimile numbers for the operator outside business hours; and

(c) the person’s Australian Company Number (ACN), if applicable; and

(d) the person’s written consent to the nomination.

6C Acceptance or rejection of nomination of operator

(1) The Safety Authority must accept the nomination of a person as an operator if it is satisfied that the person has, or will have, the day-to-day management and control of:

(a) the pipeline; and

(b) each of the activities mentioned in subregulation 6E (1).

*Note* Under the definition of *pipeline* in subregulation 4 (1), a pipeline includes a proposed pipeline.

(2) If the Safety Authority is not satisfied of the matters in paragraphs (1) (a) and (b), it must reject the nomination.

(3) If the Safety Authority accepts the nomination, it must register the nominee as the operator of the pipeline, in accordance with regulation 6D.
(4) The Safety Authority must notify the pipeline licensee who made the nomination, and the nominee:
   (a) of the decision to accept or reject the nomination; and
   (b) if the Safety Authority has decided to reject the nomination — of the reasons for the rejection.

6D Register of operators

(1) The Safety Authority must maintain the register of operators.

(2) A pipeline licensee who has nominated a person to be the operator of the pipeline, or the operator of the pipeline, may notify the Safety Authority, in writing, that the registered operator has ceased to be the person who has, or will have, the day-to-day management and control of:
   (a) the pipeline; and
   (b) each of the activities mentioned in subregulation 6E (1).

Note Under the definition of pipeline in subregulation 4 (1), a pipeline includes a proposed pipeline.

(3) On receipt of a notice under subregulation (2), the Safety Authority must remove the operator’s name from the register.

(4) The Safety Authority may remove an operator’s name from the register if:
   (a) the Safety Authority believes, on reasonable grounds, that the operator does not or will not have day-to-day control of the pipeline and each of the activities mentioned in subregulation 6E (1); and
   (b) the Safety Authority has given notice of intention to remove the operator from the register to:
      (i) the person who nominated the operator; and
      (ii) the operator; and
   (c) the Safety Authority has allowed a period of 30 days for the nominator and the operator to make representations; and
   (d) the Safety Authority has considered those representations and continues to believe on reasonable grounds that the operator does not, or will not, have day-to-day
management and control of the pipeline and each of the activities mentioned in subregulation 6E (1).

**6E Pipeline must have registered operator**

(1) A person must not:

(a) construct a pipeline; or

(b) operate a pipeline (whether or not the pipeline is in use at a particular time); or

(c) modify a pipeline; or

(d) decommission a pipeline;

in Commonwealth waters if there is not an operator in respect of the pipeline.

Penalty: 80 penalty units.

(2) However, subregulation (1) does not apply to construction, operation, modification or decommissioning that occurs within 3 months after the commencement of this regulation.

*Note*  It is expected that the period of 3 months will be adequate to ensure that operators can be nominated under this Part.
Part 2 Consents to construct and operate a pipeline

Division 2.1 Consent to construct

7 Consent to construct required to construct a pipeline

(1) A person must not carry out activities to construct a pipeline unless the Designated Authority has granted a consent to construct for those activities.

Penalty: 50 penalty units.

(2) Subregulation (1) is an offence of strict liability.

Note 1 For strict liability, see section 6.1 of the Criminal Code.

Note 2 A defendant bears an evidential burden in relation to the question whether the Designated Authority has granted a consent to construct for the activities (see subsection 13.3 (3) of the Criminal Code).

Note 3 Subsection 4B (3) of the Crimes Act 1914 allows a court to fine a body corporate up to 5 times the maximum amount the court could fine a natural person convicted of the same offence.

(3) This regulation does not affect the Petroleum (Submerged Lands) (Management of Environment) Regulations 1999.

Note Under the Petroleum (Submerged Lands) (Management of Environment) Regulations 1999, the operator of a petroleum activity (including construction and installation of a pipeline and operation of a pipeline) must not carry out the activity unless there is an environment plan in force for the activity. Those Regulations also limit the way a petroleum activity may be carried out and the circumstances in which the activity may be carried out.
8 Matters to be agreed before pipeline licensee applies for consent to construct

A pipeline licensee may apply for a consent to construct a pipeline only if the licensee and Designated Authority have agreed on:

(a) the matters concerning the activities to which the application relates that are to be dealt with in the pipeline management plan for the pipeline; and

(b) the scope of the validation of the proposal to carry out those activities.

Note An application may relate to all or some of the activities for designing and constructing a pipeline: see subregulation 9 (2).

9 Application for consent to construct

(1) An application for a consent to construct a pipeline must be lodged in writing with the Designated Authority.

(2) An application may relate to all or some of the activities for designing and constructing the pipeline.

(3) The application must include the following information:

(a) the name of the applicant;

(b) an address of the applicant, for communications on matters relating to the pipeline;

(c) a fax number, or e-mail address, within Australia for the applicant.

(4) The application must be accompanied by:

(a) those parts of the pipeline management plan in force for the pipeline that provide for the activities to which the application relates; and

(b) a validation of the proposal to carry out those activities; and

(c) other relevant information that the Designated Authority may require on reasonable grounds.
10 Deciding an application for a consent to construct

(1) Within 28 days after an application for a consent to construct a pipeline is lodged, the Designated Authority must decide whether to grant the consent.

Note The Designated Authority may decline to consider an application unless certain information is provided: see regulation 47.

(2) A failure by the Designated Authority to comply with subregulation (1) in relation to an application does not of itself invalidate a decision by the Designated Authority to grant or to refuse to grant the consent.

(3) The Designated Authority must grant the consent if there are reasonable grounds for believing that:
   (a) a pipeline management plan in force for the pipeline provides for the activities to which the application relates; and
   (b) a validation of the proposal to carry out those activities is in force.

(4) The Designated Authority may grant a consent to construct in relation to all or some of the activities to design and construct the pipeline.

(5) If the Designated Authority decides to grant the consent, the Authority must, as soon as practicable, give to the applicant the consent in writing.

(6) If the Designated Authority decides not to grant the consent in relation to all or some of the activities to design and construct the pipeline, the Authority must, as soon as practicable, give to the applicant, in writing:
   (a) advice that the consent has not been granted for those activities; and
   (b) a statement of the reasons for the decision; and
   (c) in the case of an application for a consent to construct a pipeline in an adjacent area of a Territory mentioned in section 7 of the Act — a statement about the right, under section 152 of the Act, of reconsideration or review of the decision.
11 Construction must comply with pipeline management plan

(1) A pipeline licensee must not construct a pipeline under the licence unless:
   (a) a pipeline management plan, or a part of a pipeline management plan, in force for the pipeline provides for the construction; and
   (b) the pipeline is constructed in a way that complies with that plan or part of that plan.

Penalty: 50 penalty units.

(2) Subregulation (1) is an offence of strict liability.

Note 1 For strict liability, see section 6.1 of the Criminal Code.

Note 2 A defendant bears an evidential burden in relation to the matters in paragraphs (1) (a) and (b) (see subsection 13.3 (3) of the Criminal Code).

12 Notice of route followed by pipeline

(1) As soon as practicable after construction of a pipeline has been completed, but within 3 months after a consent to operate is granted for the pipeline, the pipeline licensee must:
   (a) inform the Designated Authority, in writing, of the exact route followed by the pipeline; and
   (b) inform the Australian Hydrographic Office, in writing, of the exact route followed by the pipeline.

Penalty: 40 penalty units.

(2) Subregulation (1) is an offence of strict liability.

Note For strict liability, see section 6.1 of the Criminal Code.
Part 2  Consents to construct and operate a pipeline
Division 2.2  Consent to operate

Division 2.2  Consent to operate

13  Consent to operate required before a pipeline is operated

(1) A pipeline licensee must not operate a pipeline under the licence unless the Designated Authority has granted a consent to operate the pipeline.

Penalty: 50 penalty units.

(2) Subregulation (1) is an offence of strict liability.

Note 1  For strict liability, see section 6.1 of the Criminal Code.

Note 2  A defendant bears an evidential burden in relation to the question whether the Designated Authority has granted a consent to operate (see subsection 13.3 (3) of the Criminal Code).

(3) This regulation does not affect the Petroleum (Submerged Lands) (Management of Environment) Regulations 1999.

Note  Under the Petroleum (Submerged Lands) (Management of Environment) Regulations 1999, an operator involved in a petroleum activity (including construction and installation of a pipeline and operation of a pipeline) must not carry out the activity unless there is an environment plan in force for the activity. Those Regulations also limit the way a petroleum activity may be carried out and the circumstances in which the activity may be carried out.

14  Matters to be agreed before pipeline licensee applies for consent to operate

A pipeline licensee may apply for a consent to operate a pipeline only if the licensee and Designated Authority have agreed on:

(a) the matters concerning the operation of the pipeline that are to be dealt with in the pipeline management plan for the pipeline; and

(b) the scope of the validation of the proposal to operate the pipeline.
15 **Application for consent to operate**

(1) An application for a consent to operate a pipeline must be lodged in writing with the Designated Authority.

(2) The application must include the following information:
   (a) the name of the applicant;
   (b) an address of the applicant, for communications on matters relating to the pipeline;
   (c) a fax number, or e-mail address, within Australia for the applicant.

(3) The application must be accompanied by:
   (a) those parts of the pipeline management plan in force for the pipeline that provide for the operation of the pipeline; and
   (b) a validation of the proposal to operate the pipeline; and
   (c) information showing that the pipeline licensee is maintaining insurance in compliance with section 97A of the Act; and
   (d) other relevant information that the Designated Authority may require on reasonable grounds.

16 **Deciding an application for a consent to operate**

(1) Within 7 days after an application for a consent to operate a pipeline is lodged, the Designated Authority must decide whether to grant the consent.

   *Note* The Designated Authority may decline to consider an application unless certain information is provided: see regulation 47.

(2) A failure by the Designated Authority to comply with subregulation (1) in relation to an application does not of itself invalidate a decision to grant or to refuse to grant the consent.

(3) The Designated Authority must grant the consent if there are reasonable grounds for believing that:
   (a) a pipeline management plan in force for the pipeline provides for the operation of the pipeline; and
   (b) a validation of the proposal to operate the pipeline is in force; and
(c) the pipeline licensee is maintaining insurance according to section 97A of the Act.

(4) If the Designated Authority decides to grant the consent, the Authority must, as soon as practicable, give the applicant the consent in writing.

(5) If the Designated Authority decides not to grant the consent, the Authority must, as soon as practicable, give the applicant, in writing:
   (a) advice that the consent has not been granted; and
   (b) a statement of the reasons for the decision; and
   (c) in the case of an application for a consent to operate a pipeline in an adjacent area of a Territory mentioned in section 7 of the Act — a statement about the right, under section 152 of the Act, of reconsideration or review of the decision.

17 Operation must comply with pipeline management plan

(1) A pipeline licensee must not operate a pipeline under the licence unless:
   (a) a pipeline management plan in force for the pipeline provides for the operation; and
   (b) the pipeline is operated 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.

   Penalty: 50 penalty units.

(2) However, an offence under subregulation (1) does not arise if:
   (a) the licensee performs an act in compliance with a direction given under:
      (i) the Act; or
      (ii) regulations made under the Act; or
(b) in an emergency in which there is a likelihood of loss or injury, or for the purpose of maintaining the pipeline in good order or repair, the licensee:
   (i) performs an act to avoid the loss or injury, or to maintain the pipeline in good order and repair; and
   (ii) as soon as practicable, but within 3 days, gives written notice to the Designated Authority about the act performed.

(3) Subregulation (1) is an offence of strict liability.

Note 1 For strict liability, see section 6.1 of the Criminal Code.

Note 2 A defendant bears an evidential burden in relation to the matters in paragraphs (1) (a) and (b) and (2) (a) and (b) (see subsection 13.3 (3) of the Criminal Code).

18 Using pipeline to convey compositions of petroleum

(1) A pipeline licensee must ensure that a composition of petroleum is not conveyed through a pipeline under the licence unless:
   (a) a pipeline management plan in force for the pipeline mentions:
      (i) that the composition is to be conveyed through the pipeline; and
      (ii) the safe operating limits for conveying that composition; and
   (b) the pipeline is operated within those safe operating limits.

Penalty: 50 penalty units.

(2) Subregulation (1) is an offence of strict liability.

Note 1 For strict liability, see section 6.1 of the Criminal Code.

Note 2 A defendant bears an evidential burden in relation to the matters in paragraphs (1) (a) and (b) (see subsection 13.3 (3) of the Criminal Code).
Division 2.3  Modifying or decommissioning a pipeline

19  Modifying or decommissioning a pipeline

(1) A pipeline licensee must not modify a pipeline under the licence unless:
   (a) a pipeline 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.

Penalty: 50 penalty units.

(2) A pipeline licensee must not decommission a pipeline under the licence 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.

Penalty: 50 penalty units.

(3) However, an offence under subregulations (1) and (2) does not arise if:
   (a) the pipeline is modified or decommissioned in accordance with a direction given under:
       (i) the Act; or
       (ii) regulations made under the Act; or
   (b) in an emergency in which there is a likelihood of loss or injury, the licensee performs an act 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.
(4) Subregulations (1) and (2) are offences of strict liability.

Note 1 For strict liability, see section 6.1 of the Criminal Code.

Note 2 A defendant bears an evidential burden in relation to the matters in paragraphs (1) (a) and (b), (2) (a) and (b) and (3) (a) and (b) (see subsection 13.3 (3) of the Criminal Code).
Part 3 Pipeline management plans

Division 3.1 Acceptance of a pipeline management plan

20 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.

Note In making decisions about a pipeline management plan, the Designated Authority is subject to Part 3A.

20A Handling pipeline management plan

The Designated Authority:
   (a) must give a copy of a pipeline management plan to the Safety Authority as soon as practicable after the pipeline licensee gives the plan to the Designated Authority (but not later than 7 days after the pipeline licensee gives the plan); and
   (b) must not act under regulation 21 or 22 unless the Safety Authority has notified the Designated Authority under regulation 39B.

Note The Safety Authority is required to consider the pipeline safety management plan in accordance with Part 3A. The Safety Authority is subject to an initial 21 day timetable for considering the plan: see regulation 39B.
21 Time limit for accepting or not accepting a pipeline management plan

(1) Within 28 days after a pipeline licensee submits a pipeline management plan, the Designated Authority must:
   (a) accept the plan under regulation 22; or
   (b) refuse to accept the plan; or
   (c) 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 28 days, and setting out a proposed timetable for consideration of the plan.

(2) A failure by the Designated Authority to comply with subregulation (1) in relation to a pipeline management plan does not of itself invalidate a decision to accept or to refuse to accept the plan.

(3) This regulation applies to a pipeline management plan resubmitted under subregulation 22 (2) in the same way as it applies to the plan when first submitted.

22 Acceptance of a pipeline management plan

(1) The Designated Authority must accept the pipeline management plan only if:
   (a) there are reasonable grounds for believing that:
      (i) the plan is appropriate for the nature and proposed use of the pipeline; and
      (ii) the plan complies with regulations 24, 25, 26, 27 and 29 for the stages connected with the life of the pipeline mentioned in regulation 20 for which the plan is submitted; and
      (iii) the plan, or a part of a pipeline management plan in force for the pipeline, complies with regulation 28; and
   (b) the Safety Authority has notified the Designated Authority under regulation 39B that the Safety Authority has accepted the pipeline safety management plan.
(1A) If:
   (a) the Safety Authority has accepted the pipeline safety management plan only for 1 or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and
   (b) there are reasonable grounds for believing the matters in paragraph (1) (a) for each of those stages;
   the Designated Authority must accept the pipeline management plan only for those stages.

(2) If the Designated Authority is not reasonably satisfied that the pipeline management plan when first submitted meets the criteria mentioned in subregulation (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 subregulation (1), the Designated Authority must refuse to accept the plan.

(4) Despite subregulation (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 regulation 20;
   (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 paragraph (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; and

(c) if the pipeline is to be designed for, or constructed, operated, modified or decommissioned in, an adjacent area of a Territory mentioned in section 7 of the Act — a statement about the right, under section 152 of the Act, of reconsideration or review of the decision.

Division 3.2 Contents of a pipeline management plan

23 Contents of a pipeline management plan

A pipeline management plan must include information about, or cover:

(a) the matters mentioned in regulations 24, 25, 26, 27 and 29 for the stages connected with the life of the pipeline mentioned in regulation 20 for which the plan is proposed; and

(b) the matters mentioned in regulation 28.

24 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 decommission of the pipeline.

25 Description of pipeline

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 matters agreed under paragraph 8 (a) relating to the design and construction of the pipeline; and
(c) the matters agreed under paragraph 14 (a) relating to 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.

*Note* An offence under regulation 12 is committed if a pipeline licensee fails to inform the Designated Authority of the exact route followed by the pipeline. This information is to be given as soon as practicable after construction of the pipeline is completed, but in any case, within 3 months after a consent to operate the pipeline is granted.

### 26 Description of pipeline management system

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.

### 27 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.
28 Arrangements for documents

(1) The pipeline management plan must include arrangements for:
   (a) recording and making available documents and other records mentioned in subregulation (2) for the pipeline; and
   (b) securely storing those documents and records at the address maintained under subregulation 46 (1) and in a way that makes their retrieval reasonably practicable.

(2) The documents or other records are the following:
   (a) a pipeline management plan in force for the pipeline;
   (b) revisions of the pipeline management plan;
   (c) records of reportable incidents made in compliance with regulation 40.

(3) A document mentioned in paragraph (2) (a) or (b) must be kept for 5 years from the acceptance of the document.

(4) A record mentioned in paragraph (2) (c) must be kept for 5 years from the making of the record.

29 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.

Division 3.3 Revision of a pipeline management plan

30 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 subregulation (3) is satisfied.
(2) However, if a circumstance mentioned in subregulation (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:

(i) the matters mentioned in regulations 24, 25, 26, 27 and 29 for the stages connected with the life of the pipeline mentioned in regulation 20 for which the plan is in force; or

(ii) the matters mentioned in regulation 28; 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) to the integrity of the pipeline; or

(d) 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; or

(ii) significantly change the ranking of factors contributing to those risks; or

(e) the licensee proposes to significantly change the pipeline management system mentioned in regulation 26 for identifying, evaluating and managing risks:

(i) of significant pipeline accident events; or

(ii) to the integrity of the pipeline; or
(f) the compositions of petroleum conveyed in the pipeline are different from the compositions contemplated in the plan; or

(g) the licensee proposes to modify or decommission the pipeline and that proposal is not satisfactorily addressed in the plan; or

(h) developments in environmental conditions that affect design conditions make it appropriate to revise the plan.

31 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 21 days after receiving the request, or within any longer period that the Designated Authority allows in writing.

(5) If a submission complies with subregulations (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
Part 3 Pipeline management plans
Division 3.3 Revision of a pipeline management plan

Regulation 32

(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.

32 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 regulation 30 or 31):
(a) at the end of the 5 years starting on the day the pipeline management plan is first accepted under regulation 22 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.

33 Form of proposed revision

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.
34  **Time limit for accepting or not accepting a proposed revision**

(1) Within 28 days after a pipeline licensee submits a proposed revision, the Designated Authority must:

(a) accept the revision under regulation 35; 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 28 days, and setting out a proposed timetable for consideration of the revision.

(2) A failure by the Designated Authority to comply with subregulation (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 subregulation 35 (2) in the same way as it applies to the revision when first submitted.

35  **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:

(a) there are reasonable grounds for believing that:

   (i) the revision is appropriate for the nature and proposed use of the pipeline; and

   (ii) the pipeline management plan, as revised by the proposed revision, would comply with regulations 24, 25, 26, 27 and 29 for the stages connected with the life of the pipeline mentioned in regulation 20 for which the revision is submitted; and

   (iii) the pipeline management plan, as revised by the proposed revision, would comply with regulation 28; and

   (iv) in the case that the revision relates to a proposal to modify or decommission the pipeline — a validation of the proposal is in force; and
(b) the Safety Authority has notified the Designated Authority under regulation 39B that the Safety Authority has accepted the revision.

(1A) If:

(a) the Safety Authority has accepted the revision only for 1 or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates; and

(b) there are reasonable grounds for believing the matters in paragraph (1) (a) for each of those stages;

the Designated Authority must accept the revision only for those stages.

(2) If the Designated Authority is not reasonably satisfied that the proposed revision when first submitted meets the criteria set out in subregulation (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 subregulation (1), the Designated Authority must refuse to accept the revision.

(4) Despite subregulation (3), the Designated Authority may:

(a) accept the revision in part for a particular stage connected with the life of the pipeline mentioned in regulation 20; 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.
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(6) A notice of a decision under paragraph (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; and
(c) if the pipeline is to be designed for, or constructed, operated, modified or decommissioned in, an adjacent area of a Territory mentioned in section 7 of the Act — a statement about the right, under section 152 of the Act, of reconsideration or review of the decision.

36 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, subject to the Act and these Regulations (in particular, Division 3.4), as if the revision had not been proposed.

Division 3.4 Withdrawal of acceptance of a pipeline management plan

37 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 the Act, or a direction given to the licensee under section 101 of the Act;
(b) the pipeline licensee has not complied with regulation 11 or 17;
(c) the pipeline licensee has not complied with regulation 30, 31 or 32;
(d) the Designated Authority has refused to accept a proposed revision of the pipeline management plan.
(2) A notice under subregulation (1) must include:
   (a) advice of the reasons for the decision; and
   (b) if the pipeline is to be designed for, or constructed, operated, modified or decommissioned in, an adjacent area of a Territory mentioned in section 7 of the Act — a statement about the right, under section 152 of the Act, of reconsideration or review of the decision.

38 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 subregulations (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.

39 Withdrawal of acceptance not affected by other provisions

(1) The Designated Authority may withdraw the acceptance of a pipeline management plan in force for a pipeline on a ground mentioned in subregulation 37 (1) even if the pipeline licensee
has been convicted of an offence because of a failure to comply with a provision of the Act or of these Regulations.

(2) Even if the acceptance of a pipeline management plan has been withdrawn by the Designated Authority on a ground mentioned in subregulation 37 (1), the pipeline licensee for the pipeline may be convicted of an offence because of a failure to comply with a provision of the Act or of these Regulations.
Part 3A Pipeline safety management plans

Division 3A.1 Preliminary

39A Definition for Part 3A

In this Part:

*pipelines safety management plan in force for a pipeline* means the components of a pipeline management plan in force for a pipeline that provide for the health and safety of persons at or near the pipeline.

Division 3A.2 Acceptance of a pipeline safety management plan

39B Consideration of a pipeline safety management plan

(1) This regulation applies if the Designated Authority gives the Safety Authority a copy of a pipeline management plan.

(2) The Safety Authority must, within 21 days:

(a) consider the pipeline safety management plan within the pipeline management plan; and

(b) must decide:

(i) to accept the pipeline safety management plan in full; or

(ii) to refuse to accept the pipeline safety management plan; or

(iii) to do both of the following:

(A) accept the pipeline safety management plan only for 1 or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates;
(B) refuse to accept the rest of the pipeline safety management plan; or

(iv) that it is unable to make a decision on the pipeline safety management plan; and

(c) notify the Designated Authority, in writing, of the Safety Authority’s decision and the reasons for any refusal.

Note See subregulation 20 (2) for the stages connected with the life of the pipeline.

(3) The Safety Authority:

(a) may make an acceptance of a pipeline safety management plan, or of a pipeline safety management plan for 1 or more specified stages connected with the life of the pipeline, subject to conditions or limitations; and

(b) must include any conditions or limitations in the notice under paragraph (2) (c).

(4) If the Safety Authority is unable to make a decision on the pipeline safety management plan, the Safety Authority must include in the notice under paragraph (2) (c):

(a) a proposed timetable for consideration of the pipeline safety management plan that gives the pipeline licensee a reasonable opportunity to modify or resubmit the pipeline safety management plan; and

(b) a description of any further information the Safety Authority may require to assist it to consider the pipeline safety management plan.

39C Notice to pipeline licensee about a pipeline safety management plan

(1) For subregulation 21 (1), if the Safety Authority has given the Designated Authority a timetable under subregulation 39B (4) for consideration of the pipeline safety management plan, the Designated Authority must give written notice to the pipeline licensee explaining the effect of the timetable.
(2) A failure by the Designated Authority to comply with subsection (1) in relation to a pipeline safety management plan does not affect the validity of a decision by the Safety Authority to accept or reject the pipeline safety management plan.

39D Revision of a pipeline management plan — request by the Safety Authority concerning a pipeline safety management plan

(1) The Safety Authority may request the Designated Authority to act under regulation 31 for a pipeline management plan if the Safety Authority believes that the pipeline safety management plan requires revision.

(2) The request must be in writing, and must include the following information:
   (a) the matters, relating to the pipeline safety management plan, to be addressed by the revision;
   (b) the proposed date of effect of the revision;
   (c) the grounds for the request.

(3) If the Designated Authority receives a request under subregulation (1):
   (a) the Designated Authority must act under regulation 31 in accordance with the request; and
   (b) the Designated Authority is not prevented from dealing with other matters under regulation 31 at the same time.

39E Submission about proposed revision of a pipeline management plan

(1) This regulation applies if:
   (a) the Designated Authority gives a request to a pipeline licensee under subregulation 31 (1) (whether or not the request was given after a request from the Safety Authority); and
   (b) the pipeline licensee makes a submission to the Designated Authority under subregulation 31 (3); and
(c) the submission deals in whole or in part with the pipeline safety management plan.

(2) The Designated Authority must give a copy of the submission (to the extent that it deals with the pipeline safety management plan) to the Safety Authority as soon as practicable after the pipeline licensee gives the submission to the Designated Authority (but not later than 7 days after the pipeline licensee gives the submission).

39F Proposed revision of a pipeline management plan

(1) This regulation applies if:
   (a) a pipeline licensee resubmits a revision of a pipeline management plan under regulation 30, 31 or 32; and
   (b) the revision deals in whole or in part with the pipeline safety management plan; and
   (c) the Designated Authority gives the Safety Authority a copy of the pipeline management plan.

(2) The Safety Authority must, within 21 days:
   (a) consider the proposed revision of the pipeline safety management plan; and
   (b) must decide:
      (i) to accept the proposed revision in full; or
      (ii) to refuse to accept the proposed revision; or
      (iii) to do both of the following:
         (A) accept the proposed revision only for 1 or more specified stages connected with the life of the pipeline, but not for all of the stages to which the pipeline management plan relates;
         (B) refuse to accept the rest of the proposed revision; or
      (iv) that it is unable to make a decision on the proposed revision; or
   (c) notify the Designated Authority, in writing, of the Safety Authority’s decision and the reasons for any refusal.

Note: See subregulation 20 (2) for the stages connected with the life of the pipeline.
(3) The Safety Authority:
   (a) may make an acceptance of a proposed revision, or of a proposed revision for 1 or more specified stages connected with the life of the pipeline, subject to conditions or limitations; and
   (b) must include any conditions or limitations in the notice under paragraph (2) (c).

(4) If the Safety Authority is unable to make a decision on the pipeline safety management plan, the Safety Authority must include in the notice under paragraph (2) (c):
   (a) a proposed timetable for consideration of the proposed revision that gives the pipeline licensee a reasonable opportunity to modify or resubmit the proposed revision; and
   (b) a description of any further information the Safety Authority may require to assist it to consider the proposed revision.

39G Notice to pipeline licensee about proposed revision of a pipeline safety management plan

(1) For subregulation 34 (1), if the Safety Authority has given the Designated Authority a timetable under subregulation 39F (4) for consideration of the pipeline safety management plan, the Designated Authority must give written notice to the pipeline licensee explaining the effect of the timetable.

(2) A failure by the Safety Authority to comply with subsection (1) in relation to a pipeline safety management plan does not affect the validity of a decision by the Safety Authority to accept or reject the pipeline safety management plan.
Division 3A.3  
Withdrawal of acceptance of a pipeline safety management plan

39H  
Request for withdrawal of acceptance of a pipeline management plan

(1) The Safety Authority may, by written notice to the Designated Authority, request the Designated Authority to withdraw the acceptance of a pipeline management plan in force for a pipeline on any of the following grounds:
(a) the operator of the pipeline has not complied with:
   (i) Schedule 7 to the Act; or
   (ii) a law mentioned in subsection 140H (2) of the Act; or
   (iii) a law prescribed for that subsection; in relation to the pipeline;
(b) the pipeline licensee has not complied with regulation 11 or 17 in relation to the pipeline safety management plan;
(c) the pipeline licensee has not complied with regulation 30, 31 or 32 in relation to the pipeline safety management plan;
(d) the Safety Authority has refused to accept a proposed revision of the pipeline safety management plan.

(2) The notice must:
(a) be in writing; and
(b) include the grounds for giving the notice.

39I  
Steps to be taken before request for withdrawal of acceptance

(1) Before giving the Designated Authority a notice under subregulation 39H (1):
(a) the Safety Authority must comply with subregulation (2); and
(b) the Designated Authority must comply with subregulations (3), (4) and (5).
(2) The Safety Authority must give the Designated Authority a written notice that the Safety Authority is considering giving the Designated Authority the notice under subregulation 39H (1).

(3) The Designated Authority must give a notice to the pipeline licensee stating:
   (a) that the Safety Authority is considering giving the Designated Authority the notice under subregulation 39H (1); and
   (b) the grounds for giving the notice; and
   (c) 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.

(4) The Designated Authority:
   (a) must give a copy of the notice under subregulation (3) to the operator, if the operator is not the pipeline licensee; and
   (b) may give a copy of the notice to any other person that the Designated Authority thinks appropriate.

(5) If, on or before the cut-off date, the pipeline licensee (or any other person to whom a copy of the notice has been given) submits to the Designated Authority, in writing, a matter for the Safety Authority to take into account, the Designated Authority must give a copy of the matter to the Safety Authority as soon as practicable after the pipeline licensee gives the matter to the Designated Authority.
39J Withdrawal of acceptance of a pipeline management plan on request

(1) In deciding whether to give the Designated Authority the notice under subregulation 39H (1), the Safety Authority must take into account:

(a) any action taken by the pipeline licensee or the operator:
   (i) to remove the ground for withdrawal of acceptance; or
   (ii) 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 another person to whom a copy of the notice has been given.

(2) If, after complying with subregulation (1), the Safety Authority gives the Designated Authority a notice under subregulation 39H (1), the Designated Authority:

(a) must withdraw the pipeline management plan under regulation 37; and

(b) must give a copy of the notice withdrawing the pipeline management plan to the operator, if the operator is not the pipeline licensee.
Regulation 39M

Part 4 Notifying and reporting accidents and dangerous occurrences

39M Interpretation

(1) For paragraph 41 (1) (b) of Schedule 7 to the Act, the prescribed period in relation to a pipeline is 3 days.

(2) For the definition of dangerous occurrence in clause 2 of Schedule 7 to the Act, a dangerous occurrence is an occurrence at a pipeline that:
   (a) created a substantial risk of an accident; or
   (b) was of a kind that a reasonable operator would consider to require an immediate investigation.

Note 1 The meaning of pipeline in this Part is explained in subregulation 4 (1).

Note 2 This regulation relates to the reporting of accidents or dangerous occurrences under Schedule 7, and therefore relates to incidents affecting or potentially affecting health and safety. Incidents of that kind must be reported to the Safety Authority by the operator.

39N Reporting accidents and dangerous occurrences

(1) For subclause 41 (1) of Schedule 7 to the Act, a notice of an accident or dangerous occurrence:
   (a) may be oral or written; and
   (b) must 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) must contain all material details concerning the accident or dangerous occurrence that are reasonably available to the operator at the time of the notification.

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(2) For subclause 41 (1) of Schedule 7 to the Act, the report:
   (a) must be written; and
   (b) unless otherwise agreed by the Safety Authority — must 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) must contain material details concerning the accident or dangerous occurrence of the types determined by the Safety Authority.

(3) A determination mentioned in paragraph (2) (c) must be:
   (a) in writing; and
   (b) published in the Gazette.

(4) As soon as practicable, but not later than 15 days after the end of each month, the operator of a pipeline must submit, to the Safety Authority a written report, for that month, identifying:
   (a) the number of deaths of persons at the pipeline; and
   (b) the number and types of injuries to persons at the pipeline, other than minor injuries not requiring treatment or requiring treatment only in the nature of first aid.

(5) The operator of a pipeline must compile and maintain a record of:
   (a) all reports of accidents occurring in, or in connection with, the pipeline; and
   (b) the details of any corrective action taken in each case.

Note This regulation relates to the reporting of accidents or dangerous occurrences under Schedule 7, and therefore relates to incidents affecting or potentially affecting health and safety. Incidents of that kind must be reported to the Safety Authority by the operator.

40 Reportable incidents

(1) A pipeline licensee must give notice (either oral or written) of a reportable incident to the Designated Authority or an inspector,
Regulation 40

including all material details of the incident that are reasonably available to the licensee, as soon as practicable after:

(a) the first occurrence of the incident; or

(b) if the incident is not detected by the licensee at the time of its first occurrence — the detection of the incident by the licensee.

Penalty: 40 penalty units.

(2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.

Note A defendant bears an evidential burden in relation to the matter in subregulation (2) (see subsection 13.3 (3) of the Criminal Code).

(3) Subregulation (1) is an offence of strict liability.

Note For strict liability, see section 6.1 of the Criminal Code.

(4) The pipeline licensee must give a written report, in accordance with subregulation (7), of the incident to the Designated Authority:

(a) as soon as practicable, but within 3 days, after:

(i) the first occurrence of the incident; or

(ii) if the incident is not detected by the licensee at the time of its first occurrence — the detection of the incident by the licensee; or

(b) if the Designated Authority specifies, in writing and within the period mentioned in paragraph (a), another period for giving the report — within that period.

Penalty: 40 penalty units.

(5) It is a defence to a prosecution for an offence against subregulation (4) if paragraph (4) (b) applies in relation to the offence and the period specified by the Designated Authority is not a reasonable period.

Note A defendant bears an evidential burden in relation to the matter in subregulation (5) (see subsection 13.3 (3) of the Criminal Code).

(6) Subregulation (4) is an offence of strict liability.

Note For strict liability, see section 6.1 of the Criminal Code.
(7) For subregulation (4), the report must set out fully:

(a) all the material facts and circumstances of the incident that the licensee is aware of or is able, by reasonable search and inquiry, to find out, including the following:

(i) the date, time and place of the incident;
(ii) the particulars of any loss or damage caused by the incident;
(iii) if petroleum escaped from the pipeline or ignited — the amount of that petroleum and the measures taken to control the escape or fire;
(iv) the cause of the incident;
(v) the repairs (if any) carried out, or proposed to be carried out, on the pipeline; and

(b) the corrective action that has been taken, or is proposed to be taken, to prevent another incident of that kind.

Note This regulation relates to a reportable incident, as defined in these Regulations, which must be reported to the Designated Authority by the pipeline licensee. Incidents related only to health and safety do not need to be reported under this regulation.

41 Dealing with documents

(1) A pipeline licensee must not deal with a document or other record mentioned in regulation 28 in a way that is contrary to the arrangements for the document or record contained in the pipeline management plan in force for the pipeline.

Penalty: 30 penalty units.

Note Regulation 28 requires a pipeline management plan to include such arrangements.

(2) Subregulation (1) is an offence of strict liability.

Note For strict liability, see section 6.1 of the Criminal Code.
Reporting to Designated Authority

(1) A pipeline licensee must report to the Designated Authority in accordance with the arrangements under regulation 29 contained in the pipeline management plan in force for the pipeline under the licence.

Penalty: 30 penalty units.

(2) Subregulation (1) is an offence of strict liability.

Note For strict liability, see section 6.1 of the Criminal Code.
Part 5  Miscellaneous

Division 5.1  Requirements about workers

43  Competence of workers

(1) A pipeline licensee must ensure that each person working on, or in connection with, a pipeline under the licence 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.

Penalty: 30 penalty units.

(2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.

(3) Subregulation (1) is an offence of strict liability.

Note 1  For strict liability, see section 6.1 of the Criminal Code.

Note 2  A defendant bears an evidential burden in relation to the matter in subregulation (2) (see subsection 13.3 (3) of the Criminal Code).

44  Awareness of legislation

(1) A pipeline licensee must ensure, as far as reasonably practicable, that each person working on, or in connection with, the pipeline knows about the effect of relevant legislation that relates to the safety of any of the following:
(a) a person working on, or in connection with, the pipeline;
(b) the pipeline;
(c) the environment.
45 Involvement of workers in pipeline management plan

(1) The Designated Authority may ask a pipeline licensee, in writing, to provide the Designated Authority with reasonable grounds for believing that:

(a) in the development or revision of a pipeline management plan for a pipeline under the licence, there has been effective consultation with, and participation of, the classes of persons who:

(i) are identifiable before the pipeline management plan is developed; and

(ii) are working on, or in connection with, the pipeline, or are likely to be working on, or in connection with, the pipeline; and

(b) the pipeline management plan in force for the pipeline 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 pipeline.

(2) A pipeline licensee must, within 21 days after receiving a request under subregulation (1), give the Designated Authority written notice of those grounds.

(3) The Designated Authority must also consult with the Safety Authority in relation to the Designated Authority’s exercise of its powers under this regulation.
Division 5.2 Providing information

46 Notice of contact details

(1) The pipeline licensee, at all times after the licensee applies under these Regulations for a consent to construct a pipeline under the licence, must maintain, and ensure that the Designated Authority has notice of, an address of the licensee for communications on matters relating to the pipeline.

Penalty: 30 penalty units.

(2) Subregulation (1) does not apply if the pipeline licensee has a reasonable excuse.

(3) Also, despite subregulation (1), a pipeline licensee is not required to give information to the Designated Authority under that subregulation if, at any relevant time:

(a) the information has been given according to any other provision of the Act or regulations (including these Regulations) made under the Act; and
(b) the Designated Authority has not advised the licensee that the information has been lost or destroyed.

(4) Subregulation (1) is an offence of strict liability.

Note 1 For strict liability, see section 6.1 of the Criminal Code.

Note 2 A defendant bears an evidential burden in relation to the matters in subregulation (2) and paragraphs (3) (a) and (b) (see subsection 13.3 (3) of the Criminal Code).

47 Designated Authority may decline to consider application or submission if information is not given

(1) Despite any other provision of these Regulations, if a pipeline licensee for a pipeline does not provide information under regulation 46 and the information has not been given under another law, the Designated Authority may decline to consider an application or submission, made by the licensee under these Regulations and relating to the pipeline, until the information is given.
(2) Despite any other provision of these Regulations, if a pipeline licensee does not provide the information required under regulation 9 or 15 for an application for a consent to construct or operate a pipeline and the information has not been given under another law, the Designated Authority may decline to consider the application until the information is given.

48 Service, delivery and lodgment of documents
For these Regulations, unless the contrary intention appears, a notice or other document required or permitted to be given to a person is taken to be given:

(a) in the case of service otherwise than by post on an individual — on the day on which the notice or other document is delivered:
   (i) to the individual in person; or
   (ii) to the individual’s address for service or last address known to the Designated Authority; or
(b) in the case of service otherwise than by post on a body corporate — on the day on which the notice or other document is delivered to the registered office, or the address for service, of the body corporate; or
(c) in the case of service by post on a person — on the day on which the notice or other document would ordinarily be delivered in the due course of post or, if the person establishes that it was delivered on a later day, on that later day.

Division 5.3 Transitional

49 Application of regulations to licences granted before the commencement of these Regulations
(1) If a pipeline licence that was granted before the commencement of these Regulations remains in force, these Regulations do not apply to the pipeline licensee in respect of a pipeline under the licence until 5 years from date of commencement of these Regulations.
(2) However:
   
   (a) if the licensee applies for a consent to construct the pipeline, Part 1, Division 2.1 (except regulations 7, 11 and 12) and Part 3 (except paragraph 37 (1) (b)) apply to the licensee in respect of the pipeline; and
   
   (b) if the licensee applies for a consent to operate the pipeline, Part 1, Division 2.2 (except regulations 13, 17 and 18) and Part 3 (except paragraph 37 (1) (b)) apply to the licensee in respect of the pipeline; and
   
   (c) if the licensee submits a pipeline management plan for the pipeline to the Designated Authority for acceptance, Parts 1 and 3 (except paragraph 37 (1) (b)) apply to the licensee in respect of the pipeline.

Note A pipeline licensee mentioned in subregulation (1) may want to be granted a consent to construct or operate, or to have a pipeline management plan accepted, before the end of 5 years from the commencement date of these Regulations so that the licensee can continue pipeline operations after the end of the 5 year period without committing an offence under these Regulations. Subregulation (2) provides for various provisions of these Regulations to apply to the licensee before the end of the 5 year period to make it possible for the licensee to be granted the consents or have a pipeline management plan accepted within the period.

Division 5.4 Further transitional provisions

50 Applications, records and documents to be given to the Safety Authority

(1) The Designated Authority must give to the Safety Authority the following documents and records:

   (a) pipeline management plans that are in force under Part 3 of these Regulations, as in force immediately before the commencement of this Part;

   (b) current acceptances of pipeline management plans under Part 3 of these Regulations, as in force immediately before the commencement of this Part;
(c) current reports given by pipeline licensees in accordance with the arrangements under regulation 42, as in force immediately before the commencement of this Part, contained in the pipeline management plan in force for the pipeline.

(2) Before giving a report mentioned in paragraph (1) (c) to the Safety Authority, a Designated Authority must consult with the Safety Authority about what is to be given.

(3) The Designated Authority must also give to the Safety Authority:
(a) each pipeline management plan that has been submitted to the Designated Authority under regulation 20, as in force immediately before the commencement of this Part; and
(b) any related documents supplied by the pipeline licensee; and
(c) any reports or analysis prepared by the Designated Authority as part of the consideration of the pipeline management plan, to the extent that the report or analysis relates to health and safety.
Notes to the *Petroleum (Submerged Lands) (Pipelines) Regulations 2001*

**Note 1**

The *Petroleum (Submerged Lands) (Pipelines) Regulations 2001* (in force under the *Petroleum (Submerged Lands) Act 1967*) as shown in this compilation comprise Statutory Rules 2001 No. 314 amended as indicated in the Tables below.

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