Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009

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made under the

Offshore Petroleum and Greenhouse Gas Storage Act 2006

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About this compilation

This compilation

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009* that shows the text of the law as amended and in force on 1 January 2023 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Chapter 1—Preliminary

1.1 Name of Regulations

These Regulations are the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*.

1.4 Objects

(1) An object of these Regulations is to ensure that facilities are designed, constructed, installed, operated, modified and decommissioned in Commonwealth waters only in accordance with safety cases that have been accepted by NOPSEMA.

(2) An object of these Regulations is to ensure that safety cases for facilities make provision for the following matters in relation to the health and safety of persons at or near the facilities:
  (a) the identification of hazards, and assessment of risks;
  (b) the implementation of measures to eliminate the hazards, or otherwise control the risks;
  (c) a comprehensive and integrated system for management of the hazards and risks;
  (d) monitoring, audit, review and continuous improvement.

(3) An object of these Regulations is to ensure that the risks to the health and safety of persons at facilities are reduced to a level that is as low as reasonably practicable.

(4) An object of these Regulations is to ensure that diving to which the Act relates is carried out in Commonwealth waters only in accordance with diving safety management systems that have been accepted by NOPSEMA.

(5) An object of these Regulations is to ensure that diving safety management systems make provision for the following matters in relation to the health and safety of persons:
  (a) the identification of hazards and assessment of risks;
  (b) the implementation of measures to eliminate the hazards, or otherwise control the risks;
  (c) a comprehensive and integrated system for management of the hazards and risks;
  (d) monitoring, audit, review and continuous improvement.

(6) An object of these Regulations is to ensure that the risks to the health and safety of persons who carry out diving to which the Act relates are reduced to a level that is as low as reasonably practicable.

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Regulation 1.5

1.5 Definitions

In these Regulations:

accepted DSMS means a DSMS that has been accepted by NOPSEMA under regulations 4.5 or 4.6.

Act means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

ADAS means the Australian Diver Accreditation Scheme administered by the Board of the Australian Diver Accreditation Scheme.

AS/NZS, followed by a number, means the Australian and New Zealand Standard of that number, as existing from time to time.

Commonwealth waters has the meaning given by section 643 of the Act.

Note: In section 643 of the Act, the definition of ***Commonwealth waters*** refers to offshore areas. ***Offshore area*** is defined in section 7 of the Act.

confined space means an enclosed, or partially enclosed, space that:

(a) is not used or intended for use as a regular workplace; and
(b) has restricted means of entry and exit; and
(c) has, or may have, inadequate ventilation, contaminated atmosphere or oxygen deficiency; and
(d) is at atmospheric pressure when occupied.

contractor has the meaning given by clause 3 of Schedule 3 to the Act.

controlled substance means a substance listed in:

(a) Schedule 8 to the *Customs (Prohibited Exports) Regulations 1958*; or
(b) Schedule 4 to the *Customs (Prohibited Imports) Regulations 1956*.

dangerous occurrence has the meaning given by subregulation 2.41(2).

designated work group has the meaning given in clause 3 of Schedule 3 to the Act.

diving has the meaning given by regulation 4.1.

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

diving operation means an offshore petroleum operation or greenhouse gas storage operation consisting of 1 or more dives.

diving project means an activity consisting of 1 or more diving operations.

DSMS means a diving safety management system.

election means an election for a health and safety representative or a deputy health and safety representative under clause 26 of Schedule 3 to the Act.

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emergency, in relation to a facility, means an urgent situation that presents, or may present, a risk of death or serious injury to persons at the facility.

employer has the meaning given by clause 3 of Schedule 3 to the Act.

facility has the meaning given by clause 3 of Schedule 3 to the Act.

facility owner includes an owner, a charterer or a lessee of a facility or a proposed facility.

health and safety representative means a person selected as a health and safety representative for a designated work group under clause 25 of Schedule 3 to the Act.

identity card means an identity card issued, under section 681 of the Act, to an OHS inspector.

intoxicant means a beverage or other substance for human consumption (other than a substance for medical or pharmaceutical use) that contains alcohol.

major accident event means an event connected with a facility, including a natural event, having the potential to cause multiple fatalities of persons at or near the facility.

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.

member of the workforce has the meaning given by clause 3 of Schedule 3 to the Act.

offshore greenhouse gas storage operations has the meaning given by section 643 of the Act.

offshore petroleum operations has the meaning given by section 643 of the Act.

OHS inspector means a person appointed as an OHS inspector under section 680 of the Act.

operator has the meaning given by clause 3 of Schedule 3 to the Act.

performance standard means a standard, established by the operator, of the performance required of a system, item of equipment, person or procedure which is used as a basis for managing the risk of a major accident event.

pipe:

(a) means a pipe for the purpose of conveying petroleum or a greenhouse gas substance; and

(b) includes:

(i) a petroleum or greenhouse gas pipeline; and

(ii) a secondary line.

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qualified:

(a) in relation to a medical practitioner—means qualified or entitled, under a law of a State or Territory, to practise as a medical practitioner; and

(b) in relation to a nurse—means qualified or entitled, under a law of a State or Territory, to practise as a nurse; and

(c) in relation to a pharmacist—means qualified or entitled, under a law of a State or Territory, to practise as a pharmacist.

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

returning officer means a person appointed as a returning officer under regulation 3.8.

revise, in relation to a safety case, includes extend or modify.

safety case means the document known as a safety case that is submitted to NOPSEMA under Part 2 of Chapter 2.

safety case in force in relation to a facility:

(a) means:

(i) a safety case for a facility that is accepted under regulation 2.26; or

(ii) if the safety case is revised and the revised safety case is accepted under regulation 2.34—the revised safety case; and

(b) does not include a safety case for a facility if the acceptance of the safety case is withdrawn under regulation 2.37.

safety management system, for a facility, means a system for managing occupational health and safety at the facility.

stage in the life of the facility means any of the following:

(a) construction of the facility;

(b) installation of the facility;

(c) operation of the facility;

(d) modification of the facility;

(e) decommissioning of the facility.

therapeutic drug means a drug that:

(a) may be prescribed by a qualified medical practitioner under a law of a State or Territory; or

(b) may be sold under that law, without a prescription prepared by a qualified medical practitioner.

titleholder means:

(a) a greenhouse gas assessment permittee; or

(b) a greenhouse gas holding lessee; or

(c) a greenhouse gas injection licensee; or

(d) an infrastructure licensee; or

(e) a petroleum exploration permittee; or

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(f) a petroleum production licensee; or
(g) a petroleum retention lessee; or
(h) a pipeline licensee.

validation has the meaning given by regulation 2.40.

voter means a person who is eligible to vote in an election under the Act.

work has the meaning given by clause 3 of Schedule 3 to the Act.

workplace has the meaning given in clause 3 of Schedule 3 to the Act.

1.6 Vessels and structures that are not facilities

For paragraph 4(6)(d) of Schedule 3 of the Act, the vessels and structures in the following table are not facilities.

Note: Under paragraph 4(6)(d) of Schedule 3 to the Act, a vessel or structure is taken not to be a facility for the purposes of this Schedule if the vessel or structure is a vessel or structure used for any purpose such that it is declared by the regulations not to be a facility.

Item	Vessel or structure
1	Vessel supporting a remotely-operated vehicle that is being used in connection with: (a) inspection; or (b) cleaning; or (c) non-disturbing span rectification (for example, grout bagging); or (d) the operation of a valve; or (e) the recovery of debris; or (f) valve control unit change out
2	Vessel supporting a diving operation that relates to: (a) inspection; or (b) cleaning; or (c) non-disturbing span rectification (for example, grout bagging); or (d) the operation of a valve; or (e) the recovery of debris; or (f) valve control unit change out
3	Vessel supporting a remotely-operated vehicle that is being used in connection with the removal of weight coating from a pipe before hydro-testing
4	Vessel supporting a diving operation that relates to the removal of weight coating from a pipe before hydro-testing
5	Vessel laying an umbilical or a cable
6	Vessel: (a) laying a clump weight anchor or mattress; or (b) conducting rock dumping on a pipe during its construction (before hydro-testing)

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Regulation 1.7

Item	Vessel or structure
7	Vessel placing support structures or foundations on the sea bed for the purpose of a facility, including: (a) foundation supports for a platform jacket, pipe end manifold or another manifold; or (b) foundation piles
8	Vessel undertaking pipe trenching and burial during the construction of a facility (before hydro-testing)
9	Dumb barge that is "hipped-up" to a facility
10	Vessel installing and attaching a short length flexible pipe or jumper if there is no petroleum or greenhouse gas substance contained in the pipe or equipment to which the flexible pipe or jumper is being connected
11	Vessel placing a subsea pipe manifold or pipe end manifold during the construction of a facility (before hydro-testing)
12	Vessel attaching a cathodic protection anode to a pipe if welding is not required

1.7 Vessels and structures that are not associated offshore places

(1) For the definition of ***associated offshore place*** in clause 3 of Schedule 3 of the Act, the vessels and structures in the following table are not associated offshore places.

Item	Vessel
1	Vessel supporting a remotely-operated vehicle that is being used in connection with: (a) inspection; or (b) cleaning; or (c) non-disturbing span rectification (for example, grout bagging); or (d) the operation of a valve; or (e) the recovery of debris; or (f) valve control unit change out
2	Vessel supporting a remotely-operated vehicle that is being used in connection with the removal of weight coating from a pipe before hydro-testing
3	Vessel laying an umbilical or a cable
4	Vessel: (a) laying a clump weight anchor or mattress; or (b) conducting rock dumping on a pipe during its construction (before hydro-testing)
5	Vessel placing support structures or foundations on the sea bed for the purpose of a facility, including: (a) foundation supports for a platform jacket, pipe end manifold or another manifold; or (b) foundation piles
6	Vessel undertaking pipe trenching and burial during the construction of a facility (before hydro-testing)
7	Vessel installing and attaching a short length flexible pipe or jumper if there is no petroleum

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Item	Vessel
	or greenhouse gas substance contained in the pipe or equipment to which the flexible pipe or jumper is being connected
8	Vessel placing a subsea pipe manifold or pipe end manifold during the construction of a facility (before hydro-testing)
9	Vessel attaching a cathodic protection anode to a pipe if welding is not required

Note: The exclusion of a vessel mentioned in an item in the table does not necessarily mean that a pipe, plant or equipment mentioned in the item is also excluded from the definition of ***associated offshore place***.

(2) However, subregulation (1) does not apply to a vessel in circumstances in which a facility is causing a risk (other than an ordinary marine risk) to the vessel or to persons on the vessel.

1.8 Forms, notices and reports

(1) A reference in these Regulations to a form by number is a reference to the form with that numbered in Schedule 3.1.

(2) A form must be completed in accordance with a direction specified in, or at the foot of, the form.

(3) A person who is required for the purposes of the Act or these Regulations:

(a) to complete a form; or

(b) give notice or make a report;

must complete the form, give notice or make the report in sufficient detail to allow proper consideration of the form, notice or report.

(4) A form, notice or report must be produced clearly and legibly in handwriting or by means of a machine in such a manner as to enable clear and legible reproduction of the contents of the form, notice or report.

1.9 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.

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Regulation 2.1

Chapter 2—Offshore facilities

Part 1—Operators

2.1 Nomination of operator—general

(1) A facility owner or a titleholder may give NOPSEMA a written notice nominating a person to be the operator of a facility or a proposed facility.

(2) The notice must include:
  (a) the person's name; and
  (b) the following contact details for the person:
    (i) if the person carries on business in Australia—the address of the person's principal place of business in Australia;
    (ii) if the person does not carry on business in Australia—the address of the person's principal place of business;
    (iii) telephone and fax numbers and an email address for the person at the place of business specified in the notice;
    (iv) telephone and fax numbers and an email address for the person outside business hours at the place of business specified in the notice; and
  (c) the following details, if applicable:
    (i) the person's Australian Company Number (ACN);
    (ii) the person's Australian Business Number (ABN);
    (iii) the person's Australian Registered Body Number (ARBN);
    (iv) the person's Australian Registered Scheme Number (ARSN); and
  (d) the person's consent to the nomination.

2.3 Acceptance or rejection of nomination of operator

(1) NOPSEMA must accept the nomination of a person as the operator of a facility or a proposed facility if it is satisfied that the person has, or will have, the day-to-day management and control of:
  (a) the facility or proposed facility; and
  (b) operations at the facility or proposed facility.

(3) NOPSEMA must reject the nomination if NOPSEMA is not satisfied that the nominee has, or will have, the day-to-day management and control of:
  (a) the facility or proposed facility; and
  (b) operations at the facility or proposed facility.

(4) If NOPSEMA accepts the nomination, it must register the nominee as the operator of the facility or proposed facility.

(5) NOPSEMA must notify the owner or titleholder who made the nomination, and the nominee:

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(a) of the decision to accept or reject the nomination; and
(b) if NOPSEMA has decided to reject the nomination—of the reasons for the rejection.

2.4 Register of operators

(1) NOPSEMA must:
  (a) maintain the register of operators; and
  (b) publish on its website:
    (i) the name of each operator; and
    (ii) the address of each operator, as notified under subparagraph 2.1(2)(b)(i) or (ii); and
    (iii) the name of each facility which the operator operates.

(2) An owner, titleholder or operator of a facility may notify NOPSEMA, in writing, that the operator has ceased to be the person who has, or will have, the day-to-day management and control of:
  (a) the facility or proposed facility; and
  (b) operations at the facility or proposed facility.

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

(4) NOPSEMA may remove an operator's name from the register if:
  (a) NOPSEMA believes, on reasonable grounds, that the operator does not have, or will not have, day-to-day management and control of the facility and operations at the facility; and
  (b) NOPSEMA has given notice of intention to remove the operator from the register to:
    (i) the owner or titleholder who nominated the operator; and
    (ii) the operator; and
  (c) NOPSEMA has allowed a period of 30 days for the nominator and the operator to make representations; and
  (d) NOPSEMA has considered any representations and continues to believe on reasonable grounds that the operator does not have, or will not have, day-to-day management and control of the facility and operations at the facility.

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Part 2—Safety cases

Division 1—Contents of safety cases

Subdivision A—Contents of a safety case

2.5 Facility description, formal safety assessment and safety management system

Facility

(1) The safety case for a facility must contain a description of the facility that gives details of:
  (a) the layout of the facility; and
  (b) the technical and other control measures identified as a result of the formal safety assessment; and
  (c) the activities that will, or are likely to, take place at, or in connection with, the facility; and
  (d) for a facility that is a pipeline:
    (i) the route corridor of the pipeline and the pipeline's interface start and end positions; and
    (ii) the compositions of petroleum or greenhouse gas substance that are to be conveyed through the pipeline when it is operating; and
    (iii) the safe operating limits for conveying those compositions through the pipeline; and
  (e) any other relevant matters.

Formal safety assessment

(2) The safety case for the facility must also contain a detailed description of the formal safety assessment for the facility, being an assessment, or series of assessments, conducted by the operator that:
  (a) identifies all hazards having the potential to cause a major accident event; and
  (b) is a detailed and systematic assessment of the risk associated with each of those hazards, including the likelihood and consequences of each potential major accident event; and
  (c) identifies the technical and other control measures that are necessary to reduce that risk to a level that is as low as reasonably practicable.

Note: A formal safety assessment relates only to major accident events.

Safety management system

(3) The safety case for the facility must also contain a detailed description of the safety management system that:
  (a) is comprehensive and integrated; and

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(b) provides for all activities that will, or are likely to, take place at, or in connection with, the facility; and

(c) provides for the continual and systematic identification of hazards to health and safety of persons at or near the facility; and

(d) provides for the continual and systematic assessment of:

(i) the likelihood of the occurrence, during normal or emergency situations, of injury or occupational illness associated with those hazards; and

(ii) the likely nature of such injury or occupational illness; and

(e) provides for the reduction to a level that is as low as reasonably practicable of risks to health and safety of persons at or near the facility including, but not limited to:

(i) risks arising during evacuation, escape and rescue in case of emergency; and

(ii) risks arising from equipment and hardware; and

(f) provides for inspection, testing and maintenance of the equipment and hardware that are the physical control measures for those risks; and

(g) provides for adequate communications between the facility and any relevant:

(i) facility; or

(ii) vessel; or

(iii) aircraft; or

(iv) on-shore installation; and

(h) provides for any other matter that is necessary to ensure that the safety management system meets the requirements and objects of these Regulations; and

(i) specifies the performance standards that apply.

Note: The safety management system must provide for all hazards and risks to persons at the facility, not just risks of major accident events.

Safety case for construction or installation stage

(4) If an operator of a facility submits to NOPSEMA a safety case for a construction or installation stage in the life of the facility, the safety case must contain the matters mentioned in subregulations (1), (2) and (3) in relation to:

(a) the facility at that stage in the life of the facility; and

(b) the activities that will, or are likely to, take place at, or in connection with, the facility during that stage in the life of the facility; and

(c) to the extent that it is practicable—the facility and the activities that will, or are likely to, take place when the facility is in operation.

2.6 Implementation and improvement of the safety management system

The safety case for a facility must demonstrate that there are effective means of ensuring:

(a) the implementation of the safety management system; and

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(b) continual and systematic identification of deficiencies in the safety management system; and

(c) continual and systematic improvement of the safety management system.

Subdivision B—Safety measures

2.7 Standards to be applied

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

2.8 Command structure

(1) For a facility that is manned, the safety case must specify:

(a) an office or position at the facility, the occupant of which is in command of the facility and responsible for its safe operation when on duty; and

(b) an office or position at the facility, the occupant of which is responsible for implementing and supervising procedures in the event of an emergency at the facility; and

(c) the command structure that will apply in the event of an emergency at the facility.

Note: The same person may occupy both of the offices or positions mentioned in paragraphs 1(a) and (b).

(2) The safety case must also describe, in detail, the means by which the operator will ensure that, as far as reasonably practicable:

(a) the offices or positions mentioned in subregulation (1) are continuously occupied while the facility is in operation; and

(b) the person who occupies each office or position mentioned in subregulation (1) has the necessary skills, training and ability to perform the functions of the office or position; and

(c) the identity of the persons who occupy each office or position, and the command structure can, at all times, be readily ascertained by any person at the facility.

2.9 Members of the workforce must be competent

The safety case for a facility must describe the means by which the operator will ensure that each member of the workforce at the facility has the necessary skills, training and ability:

(a) to undertake routine and non-routine tasks that might reasonably be given to him or her:

(i) in normal operating conditions; and

(ii) in abnormal or emergency conditions; and

(iii) during any changes to the facility; and

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(b) to respond and react appropriately, and at the level that might be reasonably required of him or her, during an emergency.

2.10 *Permit to work* system for safe performance of various activities

(1) The safety case for a facility must provide for the operator of the facility to establish and maintain a documented system of coordinating and controlling the safe performance of all work activities of members of the workforce at the facility, including in particular:

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

Note: ***Confined space*** is defined in regulation 1.5.

(2) The system must:

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

2.11 Involvement of members of the workforce

(1) The operator of a facility must demonstrate to NOPSEMA, to the reasonable satisfaction of NOPSEMA, that:

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

(2) A demonstration for paragraph (1)(a) must be supported by adequate documentation.

(3) In subregulation (1):

members of the workforce includes members of the workforce who are:

(a) identifiable before the safety case is developed; and
(b) working, or likely to be working, on the relevant facility.

Note: Part 3 of Schedule 3 to the Act sets out the broad consultative provisions that apply, including provisions for the establishment of designated workgroups, the election of health and safety representatives and the establishment of OHS committees.

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The arrangements under these consultative provisions should be used for consultation with members of the workforce about the development, preparation and revision of the safety case.

2.12 Design, construction, installation, maintenance and modification

(1) The safety case for a facility must describe the means by which the operator will ensure the adequacy of the design, construction, installation, maintenance or modification of the facility, for the relevant stage or stages in the life of the facility for which the safety case has been submitted.

(2) In particular, the design, construction, installation, maintenance and modification of the facility must provide for:

(a) adequate means of inventory isolation and pressure relief in the event of an emergency; and

(b) adequate means of gaining access for servicing and maintenance of the facility and machinery and other equipment on board the facility; and

(c) adequate means of maintaining the structural integrity of a facility; and

(d) implementation of the technical and other control measures identified as a result of the formal safety assessment.

2.13 Medical and pharmaceutical supplies and services

The safety case for a facility must specify the medical and pharmaceutical supplies and services, sufficient for an emergency situation, that must be maintained on, or in respect of, the facility.

2.14 Machinery and equipment

(1) The safety case for a facility must specify the equipment required on the facility (including process equipment, machinery and electrical and instrumentation systems) that relates to, or may affect, the safety of the facility.

(2) The safety case must demonstrate that:

(a) the equipment is fit for its function or use in normal operating conditions; and

(b) to the extent that the equipment is intended to function, or to be used, in an emergency—the equipment is fit for its function or use in the emergency.

2.15 Drugs and intoxicants

The safety case for a facility must describe the means by which the operator will ensure that there is in place, or will be put in place, a method of:

(a) securing, supplying, and monitoring the use of, therapeutic drugs on the facility; and

(b) preventing the use of controlled substances (other than therapeutic drugs) on the facility; and

(c) preventing the use of intoxicants on the facility.

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Subdivision C—Emergencies

2.16 Evacuation, escape and rescue analysis

(1) The safety case for a facility must contain a detailed description of an evacuation, escape and rescue analysis.

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

Note: In so far as it addresses major accident events, the evacuation, escape and rescue analysis forms part of the formal safety assessment.

2.17 Fire and explosion risk analysis

(1) The safety case for a facility must contain a detailed description of a fire and explosion risk analysis.

(2) The fire and explosion risk analysis must:
  (a) identify the types of fires and explosions that could occur at the facility; and
  (b) consider a range of measures for detecting those fires and explosions in the event that they do occur; and
  (c) consider a range of measures for eliminating those potential fires and explosions, or for otherwise reducing the risk arising from fires and explosions; and
  (d) consider the incorporation into the facility of both automatic and manual systems for the detection, control and extinguishment of:

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(i) outbreaks of fire; and
(ii) leaks or escapes of petroleum; and

(e) consider a range of means of isolating and safely storing hazardous substances, such as fuel, explosives and chemicals, that are used or stored at the facility; and

(f) consider the evacuation, escape and rescue analysis, in so far as it relates to fires and explosions; and

(g) identify, as a result of the above considerations, the technical and other control measures necessary to reduce the risks associated with fires and explosions to a level that is as low as reasonably practicable.

Note: In so far as it addresses major accident events, the fire and explosion risk analysis forms part of the formal safety assessment.

2.18 Emergency communications systems

(1) The safety case for a facility must provide for communications systems that, in the event of an emergency in connection with the facility, are adequate for communication:

(a) within the facility; and

(b) between the facility and:

(i) appropriate on-shore installations; and
(ii) appropriate vessels and aircraft; and
(iii) other appropriate facilities.

(2) In particular, the safety case must provide for the communications systems of the facility to be:

(a) adequate to handle:

(i) a likely emergency on or relating to the facility; and
(ii) the operation requirements of the facility; and

(b) protected so as to be capable of operation in an emergency to the extent specified by the Formal Safety Assessment relating to the facility.

2.19 Control systems

The safety case for a facility must make adequate provision for the facility, in the event of an emergency, in respect of:

(a) back-up power supply; and
(b) lighting; and
(c) alarm systems; and
(d) ballast control; and
(f) emergency shut-down systems.

2.20 Emergency preparedness

(1) The safety case for a facility must:

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(a) describe a response plan designed to address possible emergencies, the risk of which has been identified in the formal safety assessment for the facility; and
(b) provide for the implementation of that plan.

(2) The plan must:
(a) specify all reasonably practicable steps to ensure the facility is safe and without risk to the health of persons likely to be on the facility at the time of the emergency; and
(b) specify the performance standards that it applies.

(3) The safety case must make adequate provision for escape drill exercises and fire drill exercises by persons on the facility.

(4) In particular, those exercises must ensure that those persons will be trained to function in the event of emergency with an adequate degree of knowledge, preparedness and confidence concerning the relevant emergency procedures.

(5) The safety case must provide for the operator of the facility to ensure, as far as reasonably practicable, that escape drill exercises and fire drill exercises are held in accordance with the safety case relating to the facility.

(6) The safety case for a mobile facility must also specify systems that:
(a) in the event of emergency, are adequate to shut down or disconnect all operations on the facility that could adversely affect the health or safety of persons at or near the facility; and
(b) are adequate to give appropriate audible and visible warnings of the shutting down or disconnecting of those operations.

2.21 Pipes

(1) The safety case for a facility that is:
(a) connected to one or more pipes; or
(b) proposed to be connected to one or more pipes;
that convey, or will convey, petroleum or greenhouse gas substance to the facility must specify adequate procedures for shutting down or isolating, in the event of emergency, each of those pipes so as to stop the flow of petroleum or greenhouse gas substance into the facility through the pipe.

(2) In particular, the procedures must include:
(a) effective means of controlling and operating all relevant emergency shut-down valves for a pipe; and
(b) a fail-safe system of isolating a pipeline in the event of failure of other safety devices for the pipe.

(3) The safety case for a facility must also specify:
(a) adequate means of mitigating, in the event of emergency, the risks associated with each pipe connected to the facility; and

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(b) a frequency of periodic inspection and testing of pipe emergency shut-down valves that can reasonably be expected to ensure that they will operate correctly in an emergency.

(4) In this regulation:

facility does not include:

(a) a well mentioned in paragraph 4(4)(a) or (b), or in subparagraph 4(8)(b)(i) or (ii), of Schedule 3 to the Act; or

(b) plant and equipment associated with a well mentioned in any of those provisions; or

(c) a pipe or system of pipes mentioned in any of those provisions.

2.22 Vessel and aircraft control

(1) The safety case for a facility must describe a system, that is implemented or will be implemented, as part of the operation of the facility that ensures, as far as reasonably practicable, the safe performance of operations that involve vessels or aircraft.

(2) The system must be able to meet the emergency response requirements identified in the Formal Safety Assessment in relation to the facility and be described in the facility's Safety Management System.

(3) The equipment and procedures for ensuring safe vessel and aircraft operations must be fit for purpose.

Subdivision D—Record keeping

2.23 Arrangements for records

(1) This regulation applies to the following documents:

(a) the safety case in force for the facility;

(b) a revision to the safety case for the facility;

(c) a written audit report for the safety case;

(d) a copy of each report given to NOPSEMA in accordance with subregulation 2.42(2).

(2) The safety case for a facility must include arrangements for:

(a) making a record of the documents; and

(b) securely storing the documents and records:

(i) at an address nominated for the facility; and

(ii) in a manner that facilitates their retrieval as soon as practicable.

(3) A document mentioned in paragraph (1)(a) or (b) must be kept for 5 years after the date of acceptance of the document by NOPSEMA.

(4) A report mentioned in paragraph (1)(c) must be kept for a period of 5 years after the date of receipt by the operator.

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(5) A copy mentioned in paragraph (1)(d) must be kept for a period of 5 years after the date the report was given to NOPSEMA.

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Division 2—Submission and acceptance of safety cases

2.24 Safety case to be submitted to NOPSEMA

(1) If an operator wants to have a safety case accepted for a facility, he or she must submit the safety case to NOPSEMA.

(2) The safety case may relate to one or more stages in the life of the facility.

(3) The safety case may relate to more than one facility.

(4) The operator must not submit the safety case before the operator and NOPSEMA have agreed on the scope of the validation for the facility.

(5) However, the operator may submit the safety case before the operator and NOPSEMA have agreed on the scope of the validation for the facility if the safety case is for a proposed facility that is:
  (a) proposed to be or is being constructed at a place outside Safety Authority waters; and
  (b) proposed to be installed and operated in Commonwealth waters or in designated coastal waters of a State or the Northern Territory.

(6) NOPSEMA may at any time inform the operator that it will not assess the safety case for the proposed facility unless the operator and NOPSEMA have agreed on the scope of the validation for the proposed facility.

2.25 NOPSEMA may request more information

(1) If an operator submits a safety case to NOPSEMA, NOPSEMA may request the operator to provide further written information about any matter required by these Regulations to be included in a safety case.

(2) A request under subregulation (1) must:
  (a) be in writing; and
  (b) set out each matter for which information is requested; and
  (c) specify a period of at least 30 days within which the information is to be provided.

(3) If an operator receives a request, and provides all information requested by NOPSEMA within the period specified:
  (a) the information becomes part of the safety case as if it had been included with the safety case as it was submitted to NOPSEMA; and
  (b) NOPSEMA must have regard to the information as if it had been so included.

2.26 Acceptance or rejection of a safety case

(1) NOPSEMA must accept a safety case if:

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(a) the safety case is appropriate to the facility and to the activities conducted at the facility; and

(b) the safety case complies with Subdivisions A, B and C of Division 1 for each stage in the life of the facility in respect of which the safety case is submitted; and

(c) the safety case complies with Subdivision D of Division 1; and

(d) in a case in which NOPSEMA has requested a validation of the facility:

(i) the person, or each person, undertaking the validation meets the criteria specified in subregulation 2.40(5); and

(ii) the validation complies with regulation 2.40.

(2) If a safety case is submitted for more than 1 stage in the life of the facility, NOPSEMA may accept the safety case for 1 or more stages in the life of the facility and reject the safety case for 1 or more stages in the life of the facility.

(3) If NOPSEMA rejects a safety case because NOPSEMA is not satisfied with any of the matters mentioned in subregulation (1), NOPSEMA must give the operator a reasonable opportunity to change the safety case and resubmit it.

(4) NOPSEMA must reject the safety case if:

(a) NOPSEMA has given an operator a reasonable opportunity to change and resubmit a safety case; and

(b) the operator resubmits the safety case; and

(c) NOPSEMA is not satisfied with any of the matters mentioned in subregulation (1).

(5) When accepting a safety case for a facility, NOPSEMA may impose limitations or conditions on the acceptance in respect of the facility or activities at the facility.

2.27 Notice of decision on safety case

(1) Within 90 days after receiving a safety case submitted under regulation 2.24, or resubmitted under subregulation 2.26(3), NOPSEMA must:

(a) notify the operator, in writing, that NOPSEMA has decided:

(i) to accept the safety case; or

(ii) to reject the safety case; or

(iii) to do both of the following:

(A) accept the safety case for 1 or more specified stages in the life of the facility, but not for every stage in the life of the facility, in respect of which the safety case was submitted;

(B) reject the rest of the safety case; or

(iv) to accept the safety case subject to conditions or limitations; or

(b) notify the operator, in writing, that NOPSEMA is unable to make a decision about the safety case within the period of 90 days, and set out a proposed timetable for its consideration of the safety case.

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(2) A failure by NOPSEMA to comply with subregulation (1) in relation to a safety case does not affect the validity of a decision by NOPSEMA to accept or reject the safety case.

(3) A notice of a decision under paragraph (1)(a) must include the terms of the decision (including any limitations or conditions) and the reasons for it.

2.28 Consent to undertake work in a manner different from safety case

(1) NOPSEMA may, by notice in writing given to the operator of a facility, consent to the conduct of an activity in a manner that is different from the safety case in force in relation to the facility.

(2) NOPSEMA must not give a consent under subregulation (1) unless it is satisfied that there will not be an occurrence of a significant new risk to health and safety or a significant increase in an existing risk to health and safety arising from the activity in relation to the facility.

2.29 Duties under Part 2 of Schedule 3 to the Act

The acceptance of a safety case by NOPSEMA, or compliance by an operator or another person with a safety case that has been accepted by NOPSEMA, does not derogate from the duties of the operator or person under Part 2 of Schedule 3 to the Act.

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Division 3—Revised safety cases

2.30 Revision of a safety case because of a change of circumstances or operations

(1) Subject to subregulation (3), an operator of a facility for which a safety case is in force must submit a revised safety case to NOPSEMA as soon as practicable after the occurrence of any of the following circumstances:

(a) the technical knowledge relied upon to formulate the safety case, including the knowledge of systems for identifying hazards and evaluating risks of major accident events, is outdated so that the safety case no longer adequately provides for the matters mentioned in Subdivisions A, B and C of Division 1;

(b) the operator proposes to modify or decommission the facility, and the proposed modification or decommissioning is not adequately addressed in the safety case;

(c) there are reasonable grounds for believing that a series of proposed modifications to the facility would result in a significant cumulative change in the overall level of risk of major accident events;

(d) the operator proposes to significantly change the safety management system;

(e) for a facility that is a pipeline—the compositions of petroleum or greenhouse gas substance conveyed in the pipeline are different from the compositions contemplated in the safety case;

(f) the activities to be carried out at the facility are different from the activities contemplated in the safety case.

(2) The operator must also submit a revised safety case to NOPSEMA as soon as practicable if there has been:

(a) a significant increase in the level of risk to the health or safety of persons at or near the facility; or

(b) a series of increases in the level of risk to the health or safety of persons at or near the facility that, in total, are significant.

(3) If a circumstance mentioned in subregulation (1) or (2) is satisfied because the operator proposes to modify or decommission the facility the operator must not submit the revised safety case before the operator and NOPSEMA have agreed on the scope of the validation of the proposal.

(4) If NOPSEMA agrees, the operator of a facility may submit a revised safety case under subregulation (1) or (2) in the form of a revision to part of the safety case in force for the facility.

2.31 Revision on request by NOPSEMA

(1) NOPSEMA may request the operator of a facility for which a safety case is in force to submit a revised safety case to NOPSEMA.

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(2) If NOPSEMA agrees, the operator of a facility may submit a revised safety case under subregulation (1) in the form of a revision to part of the safety case in force for the facility.

(3) A request by NOPSEMA must be in writing and include the following information:
  (a) the matters to be addressed by the revision;
  (b) the date by which the revision is required to be submitted to NOPSEMA;
  (c) the grounds for the request.

(4) The operator may make a submission in writing to NOPSEMA requesting the variation or withdrawal of the request and stating the reasons why:
  (a) the revision should not occur; or
  (b) the revision should be in different terms from the terms proposed; or
  (c) the revision should take effect on a date after the date proposed.

(5) The operator must make the submission:
  (a) within 21 days after receiving the request; or
  (b) within a longer period specified in writing by NOPSEMA.

(6) If NOPSEMA receives a submission that complies with subregulations (4) and (5), NOPSEMA must:
  (a) decide whether to accept the submission or part of the submission; and
  (b) give the operator written notice of the decision; and
  (c) to the extent that the submission is accepted—give the operator written notice that varies or withdraws the request in accordance with the decision; and
  (d) to the extent that the submission is rejected—give the operator written notice of the grounds for rejecting the submission or part of the submission.

(7) Unless the request is withdrawn, the operator must comply with a request, or a varied request.

2.32 Revision after 5 years

(1) The operator of a facility for which a safety case is in force must submit a revised safety case to NOPSEMA:
  (a) five years after the date that the safety case was first accepted under regulation 2.26; and
  (b) five years after the date of each acceptance of a revised safety case under regulation 2.34;

whether or not a revision under regulation 2.30 or 2.31 has been accepted within the 5 year period.

(2) A revised safety case submitted under this regulation must describe the means by which the operator will ensure the ongoing integrity of the technical and other control measures identified by the formal safety assessment for the facility.

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2.33 NOPSEMA may request more information

(1) If an operator submits a revised safety case to NOPSEMA, NOPSEMA may request the operator to provide further written information about any matter required by these Regulations to be included in a safety case.

(2) A request under subregulation (1) must:
  (a) be in writing; and
  (b) set out each matter for which information is requested; and
  (c) specify a period of not less than 10 days within which the information is to be provided.

(3) If an operator receives a request and provides all information requested by NOPSEMA within the period specified:
  (a) the information becomes part of the revised safety case as if it had been included with the revised safety case as it was submitted to NOPSEMA; and
  (b) NOPSEMA must have regard to the information as if it had been so included.

2.34 Acceptance or rejection of a revised safety case

(1) NOPSEMA must accept a revised safety case if:
  (a) the revised safety case is appropriate to the facility and to the activities conducted at the facility; and
  (b) the revised safety case complies with Subdivisions A, B and C of Division 1 for each stage in the life of the facility in respect of which the revision is submitted; and
  (c) the revised safety case complies with Subdivision D of Division 1; and
  (d) in a case on which NOPSEMA has required a validation relating to a proposed modification:
    (i) the person, or each person, undertaking the validation meets the criteria specified in subregulation 2.40(5); and
    (ii) the validation complies with regulation 2.40.

(2) If a safety case is revised in relation to more than 1 stage in the life of the facility, NOPSEMA may accept the revised safety case for 1 or more stages in the life of the facility and reject the revised safety case for 1 or more stages in the life of the facility.

(3) If NOPSEMA rejects a safety case because NOPSEMA is not satisfied as to any of the matters mentioned in subregulation (1), NOPSEMA must give the operator a reasonable opportunity to change the safety case and resubmit it.

(4) NOPSEMA must reject a revised safety case if:
  (a) NOPSEMA has given an operator a reasonable opportunity to change and resubmit a revised safety case or a revised part of a safety case; and
  (b) the operator resubmits the revised safety case or revised part of the safety case; and

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(c) NOPSEMA is not satisfied with any of the matters mentioned in subregulation (1).

(5) When accepting a revised safety case for a facility, NOPSEMA may impose limitations or conditions on the acceptance in respect of the facility or activities at the facility.

2.35 Notice of decision on revised safety case

(1) Within 30 days after receiving a revised safety case, or a revised part of a safety case, NOPSEMA must:

(a) notify the operator, in writing, that NOPSEMA has decided:

(i) to accept the revised safety case; or

(ii) to reject the revised safety case; or

(iii) to do both of the following:

(A) accept the revised safety case for 1 or more specified stages in the life of the facility, but not for every stage in the life of the facility, in respect of which the safety case was submitted;

(B) reject the rest of the revised safety case; or

(iv) to accept the revised safety case subject to conditions or limitations; or

(b) notify the operator, in writing, that NOPSEMA is unable to make a decision about the revised safety case within the period of 30 days, and set out a proposed timetable for its consideration of the revised safety case.

(2) A failure by NOPSEMA to comply with subregulation(1) in relation to a revised safety case, or a revised part of a safety case, does not affect the validity of a decision by NOPSEMA to accept or reject the safety case.

(3) A notice of a decision under paragraph (1)(a) must include the terms of the decision (including any limitations or conditions) and the reasons for it.

2.36 Effect of rejection of revised safety case

If a revised safety case is not accepted, the safety case in force in relation to the facility immediately before the revised safety case was submitted remains in force subject to the Act and these Regulations, as if the revised safety case had not been submitted.

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Division 4—Withdrawal of acceptance of a safety case

2.37 Grounds for withdrawal of acceptance

(1) NOPSEMA may, by written notice to the operator of a facility, withdraw the acceptance of the safety case for the facility on any of the following grounds:
  (a) the operator has not complied with:
    (i) Schedule 3 to the Act; or
    (ii) a notice issued by an OHS inspector under Schedule 3 to the Act; or
    (iii) regulation 2.30, 2.31 or 2.32; or
  (b) NOPSEMA has rejected a revised safety case under regulation 2.34.

(2) A notice under subregulation (1) must contain a statement of the reasons for the decision.

2.38 Notice before withdrawal of acceptance

(1) Before withdrawing the acceptance of a safety case for a facility, NOPSEMA must give the operator at least 30 days notice, in writing, of its intention to withdraw the acceptance.

(2) NOPSEMA may give a copy of the notice to such other persons as it thinks fit.

(3) NOPSEMA must specify, in the notice, a date (***the cut-off date***) on or before which the operator (or other person to whom a copy of the notice has been given) may submit to NOPSEMA in writing, matters that NOPSEMA should take into account when deciding whether to withdraw the acceptance.

(4) NOPSEMA must take into account:
  (a) any action taken by the operator:
    (i) to remove a ground for withdrawal of acceptance; or
    (ii) to prevent the recurrence of a ground for removal of acceptance; and
  (b) any matter submitted under subregulation (3) before the cut-off date.

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Division 5—Exemptions

2.39 NOPSEMA may give an exemption

NOPSEMA may, by notice in writing, exempt the operator from the operation of 1 or more provisions of this Part.

Note: NOPSEMA will issue a policy regarding the granting of exemptions under this regulation.

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Part 3—Validation

2.40 Validation of design, construction and installation, significant modification or decommissioning of a facility

(1) NOPSEMA may, by notice in writing, require the operator of a proposed facility, or an existing facility, to provide a validation:

(a) in respect of the proposed facility; or

(b) in respect of a proposed significant change to an existing facility.

(2) A validation of a proposed facility is a statement in writing by an independent validator in respect of the design, construction and installation (including instrumentation, process layout and process control systems) of the facility, to the extent that these matters are covered by the scope of the validation agreed between NOPSEMA and the operator.

(3) A validation of a proposed significant change to an existing facility is a statement in writing by an independent validator in respect of the proposed change, to the extent required by the scope of the validation agreed between NOPSEMA and the operator.

(4) The validation must establish, to the level of assurance reasonably required by NOPSEMA:

(a) in the case of a proposed facility—that the design, construction and installation (including instrumentation, process layout and process control systems) of the facility incorporate measures that:

(i) will protect the health and safety of persons at the facility; and

(ii) are consistent with the formal safety assessment for the facility; and

(b) in the case of an existing facility—that, after any proposed change or changes, the facility incorporate measures that will protect the health and safety of persons at or near the facility.

(5) An operator who has provided material for a validation must satisfy NOPSEMA that each person who undertook the validation had the necessary competence, ability and access to data, in respect of each matter being validated, to arrive at an independent opinion on the matter.

(6) In this regulation:

existing facility means a facility at a location in Commonwealth waters, if the facility is or has been in use, or is available for use, in that location.

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Part 4—Notifying and reporting accidents and dangerous occurrences

2.41 Interpretation

(1) For paragraph 82(1)(b) of Schedule 3 to the Act, the prescribed period in relation to a facility to which these Regulations apply is a period of at least 3 days.

(2) For the definition of ***dangerous occurrenc***e in clause 3 of Schedule 3 to the Act, an occurrence, at a facility, that is specified in the following table is a dangerous occurrence.

Item	Occurrence
1	An occurrence that did not cause, but could reasonably have caused: (a) the death of, or serious personal injury to, a person; or (b) a member of the workforce to be incapacitated from performing work for the period mentioned in subregulation (1)
2	A fire or explosion
3	A collision of a marine vessel with the facility
4	An uncontrolled release of hydrocarbon vapour exceeding 1 kilogram
5	An uncontrolled release of petroleum liquids exceeding 80 litres
6	A well kick exceeding 8 cubic metres (or 50 barrels)
7	An unplanned event that required the emergency response plan to be implemented
8	Damage to safety-critical equipment
9	An occurrence to which items 1 to 8 do not apply that: (a) results in significant damage to a pipeline (for example, reducing the capacity of the pipeline to contain petroleum or greenhouse gas substance flowing through it); or (b) is likely to have a result of a kind mentioned in paragraph (a); or (c) is of a kind that a reasonable pipeline licensee would consider to require immediate investigation
10	Any other occurrence of a kind that a reasonable operator would consider to require an immediate investigation

Note: The meaning of ***facility*** is explained in regulation 1.5.

2.42 Notices and reports of accidents and dangerous occurrences

(1) For subclause 82(1) of Schedule 3 to the Act, the notice in relation to a facility to which these Regulations apply:

(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

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(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.

(2) For subclause 82(1) of Schedule 3 to the Act, the report:

(a) must be written; and

(b) unless otherwise agreed by NOPSEMA—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 NOPSEMA.

(3) A determination under 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 facility must submit, to NOPSEMA, a written report, for that month, summarising:

(a) the number of deaths of persons at the facility; and

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

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Part 5—Penalty provisions

2.43 Facility must have operator

A person must not:

(a) construct or install a facility or part of the facility; or
(b) operate a facility or part of the facility; or
(c) modify a facility or part of the facility; or
(d) carry out maintenance on a facility or part of the facility; or
(e) decommission a facility or part of the facility; or
(f) do any other work at a facility or part of the facility;

in Commonwealth waters unless there is an operator in respect of the facility.

Penalty: 80 penalty units.

2.44 Safety case required for the relevant stage in the life of a facility

A person must not:

(a) construct or install a facility or part of the facility; or
(b) operate a facility or part of the facility; or
(c) modify a facility or part of the facility; or
(d) carry out maintenance on a facility or part of the facility; or
(e) decommission a facility or part of the facility; or
(f) do any other work at a facility or part of the facility;

in Commonwealth waters unless there is a safety case in force for the facility that provides for the activity.

Penalty: 80 penalty units.

Note: A safety case is not required under these Regulations for construction or modification of a facility at a location that is not in Commonwealth waters (for example, at a shipyard).

2.45 Work on a facility must comply with the safety case

(1) A person must not:

(a) construct or install a facility or part of the facility; or
(b) operate a facility or part of the facility; or
(c) modify a facility or part of the facility; or
(d) carry out maintenance on a facility or part of the facility; or
(e) decommission a facility or part of the facility; or
(f) do any other work at a facility or part of the facility;

in Commonwealth waters in a manner that is contrary to:

(g) the safety case in force for the facility; or
(h) a limitation or condition imposed by subregulation 2.26(5) or 2.34(5).

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Penalty: 80 penalty units.

(2) An offence against paragraph (1)(h) is an offence of strict liability.

(3) Subregulation (3) does not apply to particular conduct if NOPSEMA has given the person a written consent under regulation 2.28 to engage in that conduct in a manner contrary to the safety case or a limitation or condition imposed by subregulation 2.26(5) or 2.34(5).

2.46 New health and safety risk

(1) A person must not:

(a) construct or install a facility or part of the facility; or
(b) operate a facility or part of the facility; or
(c) modify a facility or part of the facility; or
(d) carry out maintenance on a facility or part of the facility; or
(e) decommission a facility or part of the facility; or
(f) do any other work at a facility or part of the facility;

in Commonwealth waters if:

(g) there has been an occurrence of a significant new risk to health and safety or a significant increase in an existing risk to health and safety arising from the construction, installation, operation, modification or decommissioning of the facility; and
(h) the new risk or increased risk is not provided for:
(i) in the safety case in force for the facility; or
(ii) in a revised safety case:
(A) submitted to NOPSEMA; and
(B) not refused acceptance by NOPSEMA.

Penalty: 80 penalty units.

(2) If the titleholder knows about the new risk or increased risk, the titleholder must:

(a) notify the operator and NOPSEMA of the new risk or increased risk as soon as practicable; and
(b) notify the operator and NOPSEMA by telephone, fax or email.

Penalty: 80 penalty units.

2.47 Maintaining records

(1) The operator of a facility must keep all documents required by the safety case in force for the facility in the manner set out in the safety case.

Penalty: 30 penalty units.

Note: Subdivision D of Division 1 of Part 2 sets out the record keeping requirements in relation to documents.

(2) An offence against subregulation (1) is an offence of strict liability.

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Regulation 2.48

2.48 Person on a facility must comply with safety case

(1) A person on a facility must comply with a safety requirement of the safety case in force for the facility that applies to the person.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

2.49 Interference with accident sites

(1) A person must not interfere with a site, on a facility, where there is:
   (a) an accident that causes the death of, or serious personal injury to, any person; or
   (b) an accident that causes a member of the workforce to be incapacitated from performing work for a period of at least 3 days; or
   (c) a dangerous occurrence;

before the completion of the inspection of the site by an OHS inspector.

Penalty: 20 penalty units.

(2) It is a defence to a prosecution for an offence against subregulation (1) that:
   (a) the person was acting with the written or oral authority of an OHS inspector; or
   (b) the person was acting, in a reasonable manner, for any of the following purposes:
      (i) helping or rescuing a sick, injured or endangered person;
      (ii) maintaining the safety of the facility or of persons at the facility;
      (iii) reducing danger to the facility or to persons at the facility;
      (iv) retrieving, or attempting to retrieve, the body of a dead person; or
   (c) the operator has given NOPSEMA notice of, and a report about, the accident or dangerous occurrence under clause 82 of Schedule 3 to the Act, and an OHS inspector has not entered the facility where the accident or dangerous occurrence occurred in response to the notice within 3 working days of the operator giving notice to NOPSEMA.

Note: Section 10.5 of the *Criminal Code* provides a defence of lawful authority.

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Part 6—Miscellaneous

2.50 Details in applications or submissions

(1) An application or submission (however described) that a person is required or permitted to make or give to NOPSEMA under these Regulations must include:

(a) the person's name; and

(b) if applicable, the name of the person's agent; and

(c) the person's or agent's address in Australia; and

(d) the person's or agent's telephone number and facsimile number.

(2) If there is a change to any of the details mentioned in subregulation (1), the person or agent must notify NOPSEMA in writing as soon as practicable.

(3) Despite any provision of these Regulations, NOPSEMA may delay proceeding with an application or submission until the person or agent has complied with this regulation.

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Regulation 2.51

Part 7—Application of these Regulations if a remedial direction is in force

2.51 Application of these Regulations if a remedial direction is in force

(1) This regulation applies if:

(a) a direction (a ***petroleum remedial direction***) is in force under section 586, 586A, 587 or 587A of the Act; or

(b) a direction (a ***greenhouse gas remedial direction***) is in force under section 591B, 592, 594A or 595 of the Act.

(2) These Regulations (other than the definition of ***titleholder*** in regulation 1.5) apply as if a reference to a titleholder included a reference to a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction.

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Chapter 3—Occupational health and safety

Part 1—Health and safety

3.1 Avoiding fatigue

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

(2) The person must not allow, or require, a member of the workforce who is under the person's control, to work for:
  (a) a continuous period; or
  (b) successive continuous periods;
of a duration that could reasonably be expected to have an adverse effect on the health or safety of the member of the workforce or other persons at or near the facility.

Penalty: 10 penalty units.

3.2 Possession or control of drugs or intoxicants

(1) A person on a facility must not have possession or control of:
  (a) a controlled substance; or
  (b) an intoxicant.

Penalty: 10 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

(3) It is a defence to a prosecution under subregulation (1):
  (a) that the person had possession or control of a controlled substance that is a therapeutic drug; and
  (b) that the person had the therapeutic drug under his or her possession or control:
    (i) in the course of the person's employment; or
    (ii) in the course of the person's duties or practice as:
      (A) a qualified medical practitioner; or
      (B) a qualified nurse; or
      (C) a qualified pharmacist; or
    (iii) in accordance with the law of a State or Territory; or

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(iv) if the person had lawfully acquired the therapeutic drug—for the person's bona fide personal use.

3.3 Person must leave the facility when instructed to do so

(1) A person on a facility must leave the facility if instructed to do so by a person in command of the facility.

Penalty: 10 penalty units.

(2) An instruction:
(a) in the case of an emergency—may be given orally; or
(b) in any other case, relevant to occupational health and safety on the facility:
(i) must be in writing; and
(ii) must include the reason for the instruction.

3.4 Prohibition on the use of certain hazardous substances

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

(2) The person must not allow a hazardous substance, referred to in column 2 of an item in Part 2 or 3 of Schedule 3.2, to be used in any circumstance other than a circumstance specified in column 3 of the item.

Penalty: 20 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

(4) It is a defence to a prosecution against subregulation (2) that the use is in accordance with an exemption granted by NOPSEMA under regulation 3.7.

(5) Subregulation (2) does not apply to the use of chrysotile asbestos if the chrysotile asbestos is in a product specified in the *National List of Exemptions* contained in Schedule 2 to the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)] published by the Australian Safety and Compensation Council, as existing from time to time.

3.5 Limitations on exposure to certain hazardous substances

(1) This regulation applies to:
(a) an operator; and
(b) an employer; and
(c) another person in control of:

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(i) a facility; or
(ii) a part of a facility; or
(iii) particular work carried out at a facility.

(2) The person must not allow a member of the workforce, under the person's control, to be exposed to an airborne concentration of a hazardous substance in the breathing zone of the member of the workforce at a level that exceeds the appropriate exposure standard for the relevant period of time.

Penalty: 20 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

(4) It is a defence to a prosecution against subregulation (2) that the airborne concentration of the hazardous substance in the breathing zone of the member of the workforce is in accordance with an exemption given by NOPSEMA under regulation 3.7.

(5) In this regulation:

appropriate exposure standard means an airborne concentration for a substance as set out in the *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC:1003(1995)] published by the National Occupational Health and Safety Commission, as existing from time to time.

hazardous substance means a substance:

(a) that is described in the *List of Designated Hazardous Substances* [NOHSC:10005(1999)] published by the Australian Safety and Compensation Council, as existing from time to time; or
(b) that has been determined, in writing, to be a hazardous substance by its manufacturer in accordance with the *Approved Criteria for Classifying Hazardous Substances* [NOHSC:1008(2004)] published by the Australian Safety and Compensation Council, as existing from time to time; or
(c) that is mentioned in Part 3 of Schedule 3.2.

3.6 Exposure to noise

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

(2) The person must not allow a member of the workforce who is under the person's control to be exposed to a level of noise that is in excess of the noise exposure standard.

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Penalty: 20 penalty units.

(3) However, it is not an offence for a person to allow a member of the workforce who is under the person's control to be exposed to a level of noise that exceeds the noise exposure standard if:

(a) noise exposure is managed in a manner consistent with the provisions of the *National Code of Practice for Noise Management and Protection of Hearing at Work* [NOHSC: 2009 (2004)], published by the Australian Safety and Compensation Council, as existing from time to time; and

(b) after allowing for the protection offered by hearing protectors, the level of noise exposure is less than:

(i) an LAeq,8h, of 85dB(A); or

(ii) an LC,peak, of 140dB(C).

(4) Paragraph (3)(b) applies despite the wording of the noise exposure standard.

(5) An offence against subregulation (2) is an offence of strict liability.

(6) It is a defence to a prosecution for an offence against subregulation (2) that the level of noise to which the member of the workforce is exposed, is in accordance with an exemption given by NOPSEMA under regulation 3.7.

(7) In this regulation:

noise exposure standard means the noise exposure standard set out in the *National Standard for Occupational Noise* [NOHSC: 1007(2000)] published by the Australian Safety and Compensation Council, as existing from time to time.

3.7 Exemptions from hazardous substances and noise requirements

(1) This regulation applies to:

(a) an operator; or

(b) an employer; or

(c) another person in control of:

(i) a facility; or

(ii) a part of a facility; or

(iii) particular work carried out at a facility.

(2) A person mentioned in subregulation (1) may apply to NOPSEMA for an exemption from compliance with subregulation 3.4(2), 3.5(2) or 3.6(2).

(3) NOPSEMA may grant an exemption if it considers that, in specified circumstances, compliance is not practicable.

(4) NOPSEMA may specify conditions and limitations on an exemption.

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Part 2—Election of health and safety representatives

Division 1—Returning officer

3.8 Appointment of returning officer

(1) If, under subclause 26(3) of Schedule 3 to the Act, an operator is required to conduct an election, or arrange for the conduct of an election, the operator must nominate a person to act as the returning officer for the election.

(2) The operator must notify NOPSEMA of the nomination.

(3) NOPSEMA may:
  (a) approve the nomination and appoint the nominee as returning officer; or
  (b) appoint another person as returning officer.

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Division 2—The poll

3.9 Number of votes

Each person eligible to vote in an election is entitled to one vote only in the election.

3.10 Right to secret ballot

A person eligible to vote in an election may request the returning officer for the election to conduct the poll for the election by secret ballot.

3.11 Conduct of poll by secret ballot

(1) As soon as practicable after a request under regulation 3.10, the returning officer must issue ballot-papers for the poll to voters.

(2) The returning officer must conduct the poll in accordance with Divisions 3 and 4.

3.12 Conduct of poll if no request made for secret ballot

Subject to Division 5, if no request is made for a secret ballot, the returning officer for an election may conduct a poll for the election in a manner determined by him or her to produce a fair result.

3.13 If no candidate is elected

If, in an election, no candidate is elected, the election is taken to have failed.

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Division 3—Polling by secret ballot

3.14 Ballot-papers

A ballot-paper must:

(a) state the election to which it relates; and

(b) set out the name of each candidate in alphabetical order; and

(c) state the manner of voting.

3.15 Distribution of ballot papers

(1) As soon as practicable before the close of a poll by secret ballot, the returning officer for an election must give to each voter:

(a) a ballot-paper that is initialled by the returning officer; and

(b) an envelope that:

(i) is addressed to the returning officer; and

(ii) shows on its face that it relates to the election.

(2) The envelope given to a voter by a returning officer:

(a) may be pre-paid as to postage; and

(b) in that case—may include on its face a statement by the returning officer that the envelope may be posted to the returning officer without expense to the voter.

(3) The returning officer must ensure that the ballot-paper and envelope are enclosed in a covering envelope that is sealed and addressed to the voter.

3.16 Manner of voting by secret ballot

(1) A voter in a poll by secret ballot must mark the ballot-paper to indicate his or her preference by placing the number ***1*** in the box printed opposite the name of the candidate for whom that person wishes to vote.

(2) After marking the ballot-paper, the voter must:

(a) fold the ballot-paper so as to conceal the marking; and

(b) put the ballot-paper in the envelope referred to in paragraph 3.15(1)(b) and seal the envelope; and

(c) lodge the ballot by:

(i) putting the envelope containing the ballot-paper in a locked and sealed ballot box, provided for the election by the returning officer, in a secure part of the workplace where the members of the workforce in the designated work group to which the election relates may place envelopes of that kind; or

(ii) sending the envelope to the returning officer so as to reach him or her not later than the close of the poll.

(3) If, before lodging his or her ballot, a voter:

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Regulation 3.16

(a) claims that he or she has spoilt his or her ballot-paper; and
(b) returns the ballot-paper to the returning officer; and
(c) requests a further ballot-paper;

the returning officer must:

(d) give the voter a fresh ballot-paper; and
(e) write the word 'spoilt' across the returned ballot-paper and sign and date the writing; and
(f) retain the spoilt ballot-paper until the end of 6 months after notification of the result of the poll is given under regulation 3.27.

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Division 4—The count

3.17 Envelopes given to returning officer

(1) A returning officer for an election must:
  (a) keep the ballots received by him or her before the close of the poll secure; and
  (b) keep the envelopes containing the ballot-papers unopened until the count.

(2) The returning officer must not admit to the count ballot-papers received by him or her after the close of the poll.

3.18 Scrutineers

Each candidate in a poll conducted by secret ballot may appoint one scrutineer to represent him or her at the count.

3.19 Returning officer to be advised of scrutineers

A candidate must tell the returning officer for the election the name of his or her scrutineer (if any) before the commencement of the count.

3.20 Persons present at the count

(1) The returning officer for an election may direct a person to leave the place where the count is being conducted if the person:
  (a) is not entitled to be present, or to remain present, at the count; or
  (b) being entitled to be present, interrupts the count, except as provided by subregulation (2).

(2) A candidate's scrutineer may interrupt the count and so inform the returning officer if the scrutineer:
  (a) objects to a decision by the returning officer that a ballot paper is formal or informal, as the case may be; or
  (b) considers that an error has been made in the conduct of the count.

(3) A person who does not comply with a direction given to him or her under subregulation (1) is guilty of an offence.

Penalty: 5 penalty units.

(4) However, it is a defence to a prosecution for an offence against subregulation (3) if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the question whether he or she had a reasonable excuse (see section 13.3 of the *Criminal Code*).

(5) An offence against subregulation (3) is an offence of strict liability.

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

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Regulation 3.21

3.21 Conduct of the count

(1) As soon as practicable after the close of the poll, the returning officer must count the votes for each candidate.

(2) A scrutineer, appointed under regulation 3.18, may be present at the count.

(3) A returning officer must, as soon as practicable before the count, notify each candidate, or a scrutineer of each candidate, of the place where, and the time when, the count is to occur.

(4) The candidate who receives the most votes is the successful candidate.

(5) If 2 or more candidates receive the same number of votes, the successful candidate is to be determined by lots drawn by the returning officer.

3.22 Informal ballot-papers

A ballot-paper is informal if:

(a) it is not initialled by the returning officer; or

(b) it has no vote marked on it; or

(c) it is so imperfectly marked that the intention of the person who marked the ballot-paper is not clear; or

(d) it has any mark or writing on it by which the person who marked the ballot-paper can be identified.

3.23 Completion of the count

After the count conducted in respect of a poll has been completed, the returning officer must prepare, date and sign a statement setting out:

(a) the number of valid votes given to each candidate; and

(b) the number of informal ballot-papers.

3.24 Destruction of election material

At the end of 6 months after notification of the result of the poll for an election is given under regulation 3.27, the returning officer may destroy:

(a) the nominations for that election; and

(b) the ballot-papers, including any spoilt ballot-papers, for the election.

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Division 5—Result of election

3.25 Request for recount

(1) At any time before notification of the result of the poll for an election is given under regulation 3.27, the returning officer:

(a) on his or her own initiative—may conduct a recount of any ballot-papers received in the election; or

(b) if a candidate makes a request, either orally or in writing, for a recount of any ballot-papers received in the election and gives reasons for the request—must conduct a recount of the ballot-papers.

(2) In conducting a recount, the returning officer:

(a) in the case of a poll by secret ballot—has the same powers for the purposes of the recount as he or she had in the count; and

(b) in any other case—may make any reasonable decision in respect of the allowance and admission, or disallowance and rejection, of a vote cast in the poll.

3.26 Irregularities at election

(1) Subject to subregulation (2), if the returning officer has reasonable grounds to believe that there has been an irregularity in the conduct of an election, he or she may, at any time before notification of the result of the poll is given under regulation 3.27, declare the election to be void.

(2) An election must not be declared to be void only because of:

(a) a defect or irregularity in the conduct of the election that did not affect the result of the election; or

(b) an error or defect in an instrument or other document made, or purporting to be made, for the purposes of this Part; or

(c) an illegal practice, other than bribery or corruption, or attempted bribery or corruption, having been engaged in by a person, unless:

(i) it is likely that the result of the election was affected by the practice; and

(ii) it is just that the election be declared void.

(3) If an election is declared void, regulation 3.27 applies as if the election had failed.

3.27 Result of poll

(1) As soon as practicable after the failure of an election, a returning officer must notify in writing:

(a) the operator of the facility to which the election relates; and

(b) NOPSEMA;

of the failure of the election.

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Regulation 3.27

(2) As soon as practicable after the close of the poll for an election that has not failed, the returning officer must notify in writing the candidate who is elected and enclose with the notification a copy of the statement prepared under regulation 3.23.

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Part 3—Advice, investigations and inquiries

3.28 OHS inspectors—identity cards

For paragraph 681(2)(a) of the Act, an identity card issued to an OHS inspector by NOPSEMA, under section 681 of the Act, must include the following information:

(a) the OHS inspector's name;
(b) the date on which the OHS inspector was appointed;
(c) if the OHS inspector is an officer of a statutory authority established under a law of the Commonwealth or of a State or Territory—the name of the authority;
(d) if the OHS inspector is not an officer of such a statutory authority—the functions for which the person has been appointed;
(e) powers that have been delegated to the person under the Act or a State or Territory law that deals with matters similar to the matters dealt with in the Act**;**
(f) the identification number of the identity card;
(g) the expiry date of the identity card;
(h) instructions for the return of the identity card, if found.

3.29 Taking samples for testing etc

(1) If a sample of a substance or thing taken under subclause 75(1) of Schedule 3 to the Act is safely and practicably divisible, the OHS inspector who has taken the sample must:
(a) divide the sample into 3 parts; and
(b) put each part into a container and seal and label the container appropriately; and
(c) give 1 part to the operator or the employer for whom the substance or thing was being used; and
(d) provide another part for inspection, examination, measuring or testing for the purposes of Schedule 3 to the Act; and
(e) retain the remaining part for any further inspection, examination, measuring or testing that is required.

(2) If a sample of a substance or thing taken under subclause 75(1) of Schedule 3 to the Act is not safely and practicably divisible, the OHS inspector who has taken the sample must provide the whole sample for inspection, examination, measuring or testing for the purposes of the Schedule.

(3) An OHS inspector who, under subclause 75(1) of Schedule 3 to the Act:
(a) has taken possession of any plant, substance or thing; or
(b) has taken a sample of a substance or thing;

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and removed the plant, substance or thing or the sample from the workplace must take all reasonable steps to ensure that, while in his or her possession or control:

(c) the plant, substance or thing is not damaged; or

(d) the sample is not contaminated.

3.30 Form of certain notices

A notice issued by an elected health and safety representative or OHS inspector under any of the following provisions of Schedule 3 to the Act must be in accordance with the form specified in relation to the provision concerned:

(a) subclause 38(2) (provisional improvement notices)—Form 1;

(b) subclause 75(1) (power to take possession of plant, take samples of substances etc)—Form 2;

(c) subclause 76(1) (power to direct that workplace etc not be disturbed—Form 3;

(d) subclause 77(1) (power to issue prohibition notices)—Form 4;

(e) subclause 78(1) (power to issue improvement notices)—Form 5.

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Part 4—Exemptions from the requirements in Part 3 of Schedule 3 to the Act

3.31 Orders under clause 46 of Schedule 3 to the Act

(1) For subclause 46(1) of Schedule 3 to the Act, a person may apply in writing to NOPSEMA for an order exempting the person from 1 or more of the provisions of Part 3 of that Schedule.

(2) Within 28 days after NOPSEMA receives an application, NOPSEMA must decide whether or not to make the order.

(3) In making the decision, NOPSEMA must:

(a) consult with persons who might be affected by the decision to grant or refuse an exemption; and

(b) take into account submissions made by those persons.

Example 1: If an operator applies for an exemption, a health and safety representative might be an affected person.

Example 2 If a health and safety representative applies for an exemption, an operator might be an affected person.

(4) In granting an exemption, NOPSEMA:

(a) may grant an exemption subject to conditions; and

(b) may specify a period of time in which an exemption applies.

(5) NOPSEMA must give reasons for the decision.

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Regulation 3.32

Part 5—State and Northern Territory laws that do not apply

3.32 Laws or parts of laws that do not apply

(1) For section 89 of the Act, for a State listed in column 1 of the table the laws or parts of laws listed in column 2 of the table are prescribed.

Item	State	Laws or parts of laws
1	New South Wales	*Electricity Consumer Safety Act 2005* *Explosives Act 2003* *Occupational Health and Safety Act 2000*
2	Victoria	**Dangerous Goods Act 1985** **Electricity Safety Act 1998** **Gas Safety Act 1997** **Occupational Health and Safety Act 2004**
3	Queensland	*Dangerous Goods Safety Management Act 2001* *Electrical Safety Act 2002* *Explosives Act 1999* *Workplace Health and Safety Act 1995*
4	Western Australia	*Dangerous Goods Act 2004* *Dangerous Goods Safety Act 2004* *Electricity Act 1945* to the extent that it relates to occupational health and safety *Occupational Safety and Health Act 1984* *Petroleum and Geothermal Energy Resources Act 1967* to the extent that it relates to occupational health and safety *Petroleum Pipelines Act 1969* to the extent that it relates to occupational health and safety
5	South Australia	*Dangerous Substances Act 1979* *Electricity Act 1996* to the extent that it relates to occupational health and safety *Electrical Products Act 2000* *Occupational Health, Safety and Welfare Act 1986*

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Regulation 3.32

Item	State	Laws or parts of laws
6	Tasmania	*Dangerous Goods Act 1998* *Electricity Industry Safety and Administration Act 1997* *Gas Act 2000* to the extent that it relates to occupational health and safety *Gas Pipelines Act 2000* to the extent that it relates to occupational health and safety *Workplace Health and Safety Act 1995*

(2) For subsection 80(1) of the Act, the following laws or parts of laws of the Northern Territory are prescribed in relation to the Northern Territory:

(a) *Dangerous Goods Act*;

(b) Part 5 of the *Electricity Reform Act*;

(c) Part IIIA of the *Petroleum Act*;

(d) Part IV of the *Work Health Act*.

(3) For subsection 80(4) of the Act, the laws or parts of laws mentioned in column 3 of an item in the table in subregulation (1), that are substantive criminal law, are prescribed in relation to the State mentioned in column 2 of the item.

(4) For subsection 80(4) of the Act, the laws or parts of laws mentioned in subregulation (2), that are substantive criminal law, are prescribed in relation to the Northern Territory.

(5) In this regulation:

substantive criminal law has the meaning given in subclause 1(1) of Schedule 1 to the *Crimes at Sea Act 2000*.

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Regulation 4.1

Chapter 4—Diving

Part 1—Preliminary

4.1 Meaning of *diving*

(1) For these Regulations, a person is ***diving*** if he or she:

(a) 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

(b) 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

(c) is in a manned submersible craft that is submerged in water or another liquid.

(2) For these Regulations, ***diving*** also includes diving using a snorkel and diving without the use of any breathing apparatus.

(3) For these Regulations, ***diving*** does not include:

(a) diving using a snorkel for the purpose of conducting an environmental survey; or

(b) diving without the use of any breathing apparatus for that purpose.

4.2 When a diving operation begins and ends

(1) For these Regulations, a diving operation begins when the diver, or first diver, who takes part in the operation starts to prepare to dive.

(2) A diving operation 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.

(3) A diving operation includes the time taken for therapeutic recompression if that is necessary.

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Part 2—Diving safety management systems

4.3 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) the DSMS has not been revised, or the acceptance of the DSMS has not been withdrawn, since its latest acceptance.
  (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 4.9 to find out if a DSMS is accepted and current.

4.4 Contents of DSMS

(1) A DSMS must meet the minimum standards set out in guidelines made by NOPSEMA for this subregulation, as in force from time to time.

(2) A DSMS must provide for:
  (a) all activities connected with a diving project; and

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(b) the preparation of a diving project plan, in accordance with Part 3, for a project (including consultation with members of the workforce in the preparation of the plan) and the revision of the plan as necessary; and

(c) the continual and systematic identification of hazards related to a diving project; and

(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

(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.

4.5 Acceptance of new DSMS

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

(2) Within 60 days after receiving the DSMS, NOPSEMA must accept or reject the DSMS.

(3) As soon as practical after making a decision under subregulation (2), NOPSEMA must notify the diving contractor of its decision.

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4.6 Acceptance of revised DSMS

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

(2) NOPSEMA must accept or reject the DSMS within:
  (a) 28 days after receiving the revised DSMS; or
  (b) another period agreed between NOPSEMA and the diving contractor.

(3) As soon as practical after making a decision under subregulation (2), NOPSEMA must notify the diving contractor of its decision.

4.7 Grounds for rejecting DSMS

NOPSEMA must reject a DSMS if:
  (a) the DSMS does not adequately comply with regulation 4.4; or
  (b) NOPSEMA is not satisfied that there was consultation with divers and other members of the workforce in the preparation of the DSMS, as required by regulation 4.18.

4.8 Notice of reasons

(1) If NOPSEMA decides to reject a DSMS NOPSEMA must set out, in writing, with the notice mentioned in subregulation 4.5(2) or 4.6(2), the reasons for rejecting the DSMS.

(2) If NOPSEMA decides to impose conditions on a DSMS, NOPSEMA must set out, in writing, with the notice mentioned in subregulation 4.5(2) or 4.6(2), the reasons for imposing conditions on the DSMS.

4.9 Register of DSMSs

(1) NOPSEMA 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 4.11.

(3) NOPSEMA must also record on the register, the following details for each diving project plan it receives under regulation 4.13:
  (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.

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Regulation 4.10

4.10 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 NOPSEMA gives notice in accordance with regulation 4.11; and

(d) if a number of minor changes result in the DSMS being significantly different from the latest version of the DSMS accepted by NOPSEMA; 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 NOPSEMA; and

(ii) the date of the most recent acceptance by NOPSEMA of a revised version of the DSMS.

4.11 Notice to revise DSMS

(1) NOPSEMA 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 NOPSEMA, within 21 days after receiving the notice or any longer period that NOPSEMA allows in writing, setting out the contractor's reasons for any of the following:

(a) why the revision is not necessary;

(b) why the revision should be in different terms from those proposed;

(c) whether or not the contractor gives other reasons—why the notice should take effect on a later date than the date set out in the notice.

(4) If a contractor makes a submission under subregulation (3), NOPSEMA must, within 28 days after receiving the submission:

(a) decide whether NOPSEMA accepts the reasons in the submission; and

(b) give the contractor notice in writing affirming, varying or withdrawing the revision notice; and

(c) if NOPSEMA decides not to accept the reasons or any part of them—set out in the 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 NOPSEMA.

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

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Part 3—Diving project plans

4.12 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 4.16; and
  (b) there was effective consultation in the preparation of the plan, as required by regulation 4.18.

4.13 Diving project plan to NOPSEMA 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 NOPSEMA.

(3) NOPSEMA must not accept the diving project plan unless it is satisfied that:
  (a) the plan complies with regulation 4.16; and
  (b) there was effective consultation in the preparation of the plan, as required by regulation 4.18; and
  (c) the diving operations to which the plan relates are appropriate to be covered by a single plan.

4.14 Diving project plan to NOPSEMA if requested

If NOPSEMA 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 NOPSEMA.

4.15 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.

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(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 NOPSEMA for consideration.

4.16 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 will be applied in carrying out the project.
  (d) a hazard identification;
  (e) a risk assessment;
  (f) a safety management plan;
  (g) job hazard analyses for the diving operations;
  (h) an emergency response plan;
  (i) the provisions of the DSMS and the Safety Case 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 members of the workforce 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.

4.17 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 NOPSEMA if there is no operator.

  Penalty: 50 penalty units.

(2) Strict liability applies to paragraphs (1)(a) and (b).

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Part 4—Involvement of divers and members of the workforce

4.18 Involvement of divers and members of the workforce 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 members of the workforce who will, or may be, working on:

(a) the project; or

(b) in the case of a DSMS—projects for which the DSMS would be appropriate.

(2) When submitting a DSMS to NOPSEMA 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.

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Part 5—Safety responsibilities

4.19 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 members of the workforce 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).

4.20 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 4.23(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).

4.21 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.

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(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.

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Part 6—Diving supervisors

4.22 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 4.16(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 the circumstance in paragraph (2)(a) that the person is not qualified as a supervisor under ADAS.

4.23 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) if there is an operator for the diving project—to report to the operator, during the operation, any of the following:
(i) the death of, or serious personal injury to, a person;
(ii) the incapacitation of a person that prevents the person from performing work for a period of 3 or more days;
(iii) an event that could reasonably have led to a consequence of the type mentioned in subparagraph (i) or (ii);
(iv) a decompression illness;
(v) a pulmonary barotrauma;
(vi) a case of omitted decompression;
(vii) an occurrence for which the standby diver is deployed for an emergency, except for the purposes of training, exercises or drills;
(viii) a failure of life support equipment or man riding equipment.

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(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.

(6) In this regulation:

man riding equipment includes any of the following:

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

Note 1: If there is no operator for a diving project, State or Northern Territory laws, as applied by section 80 of the Act, may require the reporting of accidents and incidents.

Note 2: Regulation 4.27 requires a diving supervisor to maintain a diving operations record.

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Part 7—Start-up notices

4.24 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 NOPSEMA 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 NOPSEMA:

(a) at least 14 days before the day when diving is to begin; or
(b) on another day as agreed between NOPSEMA 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 NOPSEMA:

(a) at least 14 days before the day when diving is to begin; or
(b) on another day as agreed between NOPSEMA and the diving contractor.

Penalty: 50 penalty units.

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Part 8—Diving operations

4.25 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: The meaning of ***valid medical certificate*** is explained in regulation 4.26.

(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: The meaning of ***valid medical certificate*** is explained in regulation 4.26.

(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.

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(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.

4.26 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.

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Part 9—Records

4.27 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;

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(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.

4.28 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;

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(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).

Regulation 5.1

Chapter 5—Transitional

Part 1—Preliminary

5.1 Definitions

In this Chapter:

former Diving Safety Regulations means the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2002*, as in force immediately before 1 January 2010.

former Management of Safety Regulations means the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*, as in force immediately before 1 January 2010.

former Occupational Health and Safety Regulations means the *Petroleum (Submerged Lands) (Occupational Health and Safety) Regulations 1993*, as in force immediately before 1 January 2010.

former Pipelines Regulations means the *Petroleum (Submerged Lands) (Pipelines) Regulations 2001*, as in force immediately before 1 January 2010.

Safety Authority has the same meaning as it had in section 7 of the Act before the commencement of Part 1 of Schedule 2 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011*.

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Part 2—Operators

5.2 Operator of a facility before 1 January 2010

A person who was registered under regulation 7 of the former Management of Safety Regulations immediately before 1 January 2010 and whose name was not removed from the Register before 1 January 2012 continues to be registered as the operator of the facility until NOPSEMA removes the person's name from the register under regulation 2.4.

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Part 3—Safety cases

5.4 Existing safety cases remain in force

(1) A safety case that:

(a) was accepted, or was taken to have been accepted, by the Safety Authority under the former Management of Safety Regulations before 1 January 2010; and

(b) was in force immediately before 1 January 2010;

is taken to be a safety case that was accepted by the Safety Authority under regulation 2.26 with effect from the date on which it was accepted, or was taken to have been accepted, under the former Management of Safety Regulations.

(2) If a safety case:

(a) is taken to be accepted by the Safety Authority in accordance with subregulation (1); and

(b) is subject to a limitation, condition or restriction imposed under the former Management of Safety Regulations;

the safety case continues to be subject to the limitation, condition or restriction as if it had been imposed by the Safety Authority under these Regulations.

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Part 4—Pipelines

5.6 Existing pipeline management plans remain in force

(1) A pipeline management plan that was in force in respect of a licensed pipeline under the former Pipelines Regulations on 31 December 2009 is taken to be a safety case that was accepted by the Safety Authority under regulation 2.26 with effect from the date on which:

(a) the pipeline management plan was accepted by the Designated Authority under regulation 22 of the former Pipelines Regulations; or

(b) a revision pipeline management plan was accepted by the Designated Authority under regulation 35 of the former Pipelines Regulations.

(2) Subregulation (1) applies to a pipeline management plan or a revision of a pipeline management plan:

(a) that was accepted for one or more specified stages in the life of the pipeline; or

(b) that was accepted subject to conditions or limitations.

5.8 Operator of a pipeline before 1 January 2010

A person who was registered under regulation 6C of the former Pipelines Regulations immediately before 1 January 2010 and whose name was not removed from the register before 1 January 2012 continues to be registered as the operator of the facility until NOPSEMA removes the person's name from the register under regulation 2.4.

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Part 5—Diving safety management systems and diving project plans

5.10 Existing DSMS remain in force

A DSMS that:

(a) was accepted, or was taken to have been accepted, by the Safety Authority under the former Diving Safety Regulations before 1 January 2010; and

(b) was in force immediately before 1 January 2010;

is taken to be a DSMS that was accepted by the Safety Authority under regulation 4.5 or 4.6 with effect from the date on which it was accepted, or was taken to have been accepted, under the former Diving Safety Regulations.

5.13 Existing diving project plans remain in force

A diving project plan that:

(a) was accepted, or was taken to have been accepted, by the Safety Authority under the former Diving Safety Regulations before 1 January 2010; and

(b) was in force immediately before 1 January 2010;

is taken to be a diving project plan that was accepted by the Safety Authority under regulation 4.13 with effect from the date on which it was accepted, or was taken to have been accepted, under the former Diving Safety Regulations.

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Part 7—Exemptions from requirements in Part 3 of Schedule 3 to the Act

5.15 Existing exemptions remain in force

An order issued by the Safety Authority under the former Occupational Health and Safety Regulations before 1 January 2010, exempting a person from one or more of the provisions of Part 3 of Schedule 3 to the Act, is taken:

(a) to remain in force; and

(b) to remain subject to any conditions or time limitations to which the order was subject.

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Schedule 3.1—Forms

(subregulation 1.8(1))

Form 1—Provisional improvement notice

(paragraph 3.30(a))

Offshore Petroleum and Greenhouse Gas Storage Act 2006
Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009

PROVISIONAL IMPROVEMENT NOTICE

To:

(the responsible person within the meaning of subclause 38(2) of Schedule 3 to the Act)

I, (*name of the health and safety representative issuing the notice*), selected as the health and safety representative under clause 26 of Schedule 3 to the Act for (*description of the designated work group*), after consultation in accordance with subclause 38(1) of Schedule 3 to the Act, believe that the following provision, or provisions, of the Act or Regulations is, or are, being contravened or is, or are, likely to continue to be contravened:

.

The contravention is (*a brief description*)

.

The contravention is occurring at (*location*)

.

The reasons for my opinion are as follows:

.

In accordance with paragraph 38(5)(b) of Schedule 3 to the Act, action necessary to prevent the contravention, or the likely contravention, of the provision or provisions referred to above must be taken before (*the date of a day that is:*

(a) not less than 7 days after the day when the notice is issued; and

(b) reasonable in the opinion of the health and safety representative).

In accordance with subclause 38(6) of Schedule 3 to the Act, I specify the following action to be taken: .

Dated

(signature)
Health and safety representative

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NOTES:

1. Under subclause 39(1) of Schedule 3 to the Act, a person to whom a provisional improvement notice is given may, within 7 days, request NOPSEMA or an OHS inspector to conduct an investigation into the subject matter of the notice.

2. Subclause 39(5) of Schedule 3 to the Act requires a responsible person to whom a provisional improvement notice is given:

- to notify each group member affected by the notice of the fact that the notice has been issued; and
- to display a copy of the notice at or near each workplace at which work that is the subject of the notice is being performed.

3. Under subclause 39(6) of Schedule 3 to the Act, a provisional improvement notice ceases to have effect when:

- it is cancelled by the health and safety representative or an OHS inspector; and
- the responsible person takes the action specified in the notice, or if no action is specified, takes the action that is necessary to prevent the contravention, or likely contravention, with which the notice is concerned.

4. Subclause 37(7) of Schedule 3 to the Act requires the responsible person:

- to ensure, as far as possible, that a provisional improvement notice is complied with; and
- to inform the health and safety representative who issued the notice of the action taken to comply with the notice.

5. Under clause 81 of Schedule 3 to the Act, if an OHS inspector has confirmed or varied a provisional improvement notice:

- the operator of the facility or an employer affected by the decision; or
- the health and safety representative for a designated work group that includes a group member affected by the decision; or
- the owner of any plant substances or thing to which that decision relates; or
- the person to whom the notice was issued; or
- a workforce representative in relation to the designated work group that includes a group member affected by the decision; or
- if there is no designated work group — a workforce representative in relation to a member of the workforce affected by the decision;

may request Fair Work Australia in writing to review the OHS inspector's decision.

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Form 2—Notice of removal of plant or sample

(paragraph 3.30(b))

Offshore Petroleum and Greenhouse Gas Storage Act 2006
Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009

NOTICE OF REMOVAL OF PLANT OR SAMPLE

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

I, *(name of OHS inspector)*, an OHS inspector appointed under section 680 of the Act, in the course of conducting an inspection under clause 49 of Schedule 3 to the Act, have taken possession of:
(*description of item removed*)

from the workplace at:
(*address*)

The reason for this action is:
(*explanation of why removal of item was necessary*)

Signed: *(OHS Inspector)*

Dated:

NOTES:

1. This notice must be displayed in a prominent place at the workplace from which the item was removed.

2. Under clause 79 of Schedule 3 to the Act, a person who tampers with, or removes, a notice, before the item has been returned to the workplace, may be liable to a penalty of imprisonment for 6 months.

3. Under subclause 75(3) of Schedule 3 to the Act, if a notice is issued to the operator or to an employer of members of the workforce, the operator's representative at the facility must cause a copy of the notice to be displayed in a prominent place at or near each workplace at which the work is being performed.

4. Under clause 81 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia in writing to review the OHS inspector's decision:

- the operator of the facility or an employer affected by the decision;
- the health and safety representative for a designated work group that includes a group member affected by the decision;
- a workforce representative in relation to the designated work group that includes a group member affected by the decision;
- if there is no designated work group — a workforce representative in relation to a member of the workforce affected by the decision;

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- the owner of any plant, substance or thing to which the OHS inspector's decision relates.

Form 3—Do not disturb notice

(paragraph 3.30(c))

Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009

DO NOT DISTURB NOTICE

To: (*name of operator's representative at the facility*)

I, (*name of OHS inspector*) an OHS inspector appointed under section 680 of the Act, direct that:

(*description of the affected workplace or part of workplace, plant, substance or thing*)

is not to be disturbed during the period from am/pm

to am/pm on (*date*).

The reasons for issuing this notice are:

Signed: (*OHS Inspector*)

Dated:

NOTES:

1. Under clause 76 of Schedule 3 to the Act, an operator of a facility who does not ensure that a notice is complied with may be liable to a penalty of 250 penalty units.

2. This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.

3. Under clause 81 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia in writing to review the OHS inspector's decision:

- the operator of the facility or an employer affected by the decision;
- the health and safety representative for a designated work group that includes a group member affected by the decision;
- a workforce representative in relation to the designated work group that includes a group member affected by the decision;
- if there is no designated work group — a workforce representative in relation to a member of the workforce affected by the decision;
- the owner of any plant, substance or thing to which the OHS inspector's decision relates.

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Form 4—Prohibition notice

(paragraph 3.30(d))

Offshore Petroleum and Greenhouse Gas Storage Act 2006
Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009

PROHIBITION NOTICE

To: *(name of operator's representative at the facility)*

I, *(name of OHS inspector)*, an OHS inspector appointed under section 680 of the Act, am satisfied that it is necessary to issue a prohibition notice to the operator of *(name of the facility)* in order to remove an immediate threat to the health or safety of a person.

I THEREFORE PROHIBIT the following activity or activities:

(a) at this workplace or part of workplace: (s*pecify workplace, or part, as the case may be*)

(b) using this plant or substance: (*specify plant or substance, if applicable*)

(c) following this procedure: (*specify procedure, if applicable*)

The activity that has caused the threat to health or safety is:
(*if insufficient space, use additional page*)

The reasons why the activity has caused the threat to health or safety are:
(*if insufficient space, use additional page*)

*Action that may be taken that will be adequate to remove the threat to health or safety is:
(*if insufficient space, use additional page*)

Signed: *(OHS Inspector)*

Dated:

[* Omit if inapplicable]

NOTES:

1. Under clause 77 of Schedule 3 to the Act, an operator who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the operator has control, may be liable to a penalty of 250 penalty units.

2. Under clause 77 of Schedule 3 to the Act, a notice ceases to have effect when an OHS inspector notifies the operator that the OHS inspector is satisfied that the operator has taken adequate action to remove the threat to health or safety.

3. This notice must be displayed in a prominent place at the workplace and must not be tampered with or removed before the notice has ceased to have effect.

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4. Under clause 81 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia in writing to review the OHS inspector's decision:

- the operator of the facility or an employer who is affected by the decision;
- the health and safety representative for a designated work group that includes a group member affected by the decision;
- a workforce representative in relation to the designated work group that includes a group member affected by the decision;
- if there is no designated work group — a workforce representative in relation to a member of the workforce affected by the decision.

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Form 5—Improvement notice

(paragraph 3.30(e))

Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009

To: *(name of responsible person)*

I, *(name of OHS inspector)*, an OHS inspector appointed under section 680 of the Act, am satisfied that the person named above as the responsible person is contravening, or has contravened, and is likely to contravene:

(a) clause of Schedule 3 to the Act; or

(b) regulation ;

at

(location of workplace).

The reasons for my opinion are:

(brief description of contravention)

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

*The following action must be taken by the responsible person within the period specified above:

(If insufficient space, use additional page)

Signed: *(OHS Inspector)*

Dated:

**(Omit if inapplicable)*

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

Name:

Position:

Address:

Telephone number:

Improvement Notice No. has been complied with.

Signed:

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

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

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

(See notes on page 3)

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NOTES

1. Under clause 78 of Schedule 3 to the Act, a person who fails to ensure that this notice is complied with, to the extent that it relates to a matter over which the person has control, may be liable to a penalty of 100 penalty units.

2. This notice must be displayed in a prominent place at the workplace and, under clause 79 of Schedule 3 to the Act, must not be tampered with or removed before the notice has ceased to have effect.

3. Under subclause 78(11) of Schedule 3 to the Act, an operator, or an employer of a member of the workforce to whom this notice is given must:

(a) give a copy of the notice to each health and safety representative for a designated workgroup having group members performing work that is affected by the notice; and

(b) display a copy of the notice in a prominent place at or near each workplace at which the work is being performed.

4. Under clause 81 of Schedule 3 to the Act, any of the following persons may request Fair Work Australia to review the OHS inspector's decision:

- the operator of the facility or an employer who is affected by the decision;
- any person to whom an improvement notice has been issued;
- the health and safety representative for a designated work group that includes a group member affected by the decision;
- a workforce representative in relation to the designated work group that includes a group member affected by the decision;
- if there is no designated work group — a workforce representative in relation to a member of the workforce affected by the decision;
- the owner of any plant, substance or thing to which the OHS inspector's decision relates.

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Schedule 3.2—Hazardous substances

(regulation 3.4)

Part 1—Interpretation

101 In this Schedule:

bona fide research means a systematic, investigative or experimental activity conducted for the purpose of:

(a) acquiring new knowledge; or

(b) creating new or improved materials, products, devices, processes or services; or

(c) analysis to identify the kind or quantities of ingredients in a substance.

in situ means:

(a) in relation to a facility that contains asbestos—that the asbestos was fixed or installed in the facility:

(i) before 1 January 2005; and

(ii) in such a way that the asbestos does not constitute a risk to any person unless the asbestos is disturbed; and

(b) in relation to an item of plant—that the asbestos was fixed or installed in the item of plant:

(i) before 1 January 2005; and

(ii) in such a way that the asbestos does not constitute a risk to any person unless the asbestos is disturbed.

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Part 2—Permitted circumstances for using certain hazardous substances

Item	Substance (identified by substance name)	Permitted circumstance
201	Polychlorinated biphenyls (also known as PCBs)	1 Handling for storage prior to removal or disposal 2 Storage prior to removal or disposal 3 Removal or disposal 4 Use when contained in existing electrical equipment or construction material 5 Repair of existing electrical equipment or construction material

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Part 3—Permitted circumstances for using certain hazardous substances with carcinogenic properties

Item	Substance (identified by substance name, with chemical abstract number in square brackets)	Permitted circumstance
301	2-Acetylaminofluorene [53-96-3]	Bona fide research
302	Aflatoxins	Bona fide research
303	4-Aminodiphenyl [92-67-1]	Bona fide research
304	Amosite (brown asbestos) [12172-73-5]	1 Bona fide research. 2 Handling for storage prior to removal or disposal of amosite 3 Storage prior to removal or disposal of amosite 4 Removal or disposal of amosite in accordance with a law of a State or Territory relating to the removal of asbestos 5 Disturbance of naturally occurring amosite that is incidental to operations not related to the extraction or processing of amosite, for example, roadworks 6 Use of a facility that contains amosite, or use of an item of plant that is attached to a facility and that contains amosite, where: (a) the amosite is in situ; and (b) the use does not disturb the amosite
305	Benzidine [92-87-5] and its salts, including benzidine dihydrochloride [531-85-1]	Bona fide research
306	bis(Chloromethyl) ether [542-88-1]	Bona fide research
307	Chloromethyl methyl ether (technical grade containing bis(chloromethyl) ether) [107-30-2]	Bona fide research
308	Crocidolite (blue asbestos) [12001-28-4]	1 Bona fide research. 2 Handling for storage prior to removal or disposal of crocidolite 3 Storage prior to removal or disposal of crocidolite 4 Removal or disposal of crocidolite in accordance with a law of a State or Territory relating to the removal of asbestos 5 Disturbance of naturally occurring crocidolite that is incidental to operations

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Item	Substance (identified by substance name, with chemical abstract number in square brackets)	Permitted circumstance
		not related to the extraction or processing of crocidolite, for example, roadworks 6 Use (without disturbance) of crocidolite in products that are in situ
309	4-Dimethylaminoazo-benzene [60-11-7]	Bona fide research
310	2-Naphthylamine [91-59-8] and its salts	Bona fide research
311	4-Nitrodiphenyl [92-93-3]	Bona fide research
312	Actinolite asbestos [77536-66-4]	1 Bona fide research 2 Handling for storage prior to removal or disposal of actinolite 3 Storage prior to removal or disposal of actinolite 4 Removal or disposal of actinolite in accordance with a law of a State or Territory relating to the removal of asbestos 5 Disturbance of naturally occurring actinolite that is incidental to operations not related to the extraction or processing of actinolite, for example, roadworks 6 Use (without disturbance) of actinolite in products that are in situ
313	Anthophyllite asbestos [77536-67-5]	1 Bona fide research 2 Handling for storage prior to removal or disposal of anthophyllite 3 Storage prior to removal or disposal of anthophyllite 4 Removal or disposal of anthophyllite in accordance with a law of a State or Territory relating to the removal of asbestos 5 Disturbance of naturally occurring anthophyllite that is incidental to operations not related to the extraction or processing of anthophyllite, for example, roadworks 6 Use (without disturbance) of anthophyllite in products that are in situ
314	Chrysotile (white asbestos) [12001-29-5]	1 Bona fide research 2 Handling for storage prior to removal or disposal of chrysotile 3 Storage prior to removal or disposal of chrysotile 4 Removal or disposal of chrysotile in accordance with a law of a State or Territory relating to the removal of

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Item	Substance (identified by substance name, with chemical abstract number in square brackets)	Permitted circumstance
		asbestos
		5 Disturbance of naturally occurring chrysotile that is incidental to operations not related to the extraction or processing of chrysotile, for example, roadworks
		6 Use (without disturbance) of chrysotile in products that are in situ
315	Tremolite asbestos [77536-68-6]	1 Bona fide research
		2 Handling for storage prior to removal or disposal of tremolite
		3 Storage prior to removal or disposal of tremolite
		4 Removal or disposal of tremolite in accordance with a law of a State or Territory relating to the removal of asbestos
		5 Disturbance of naturally occurring tremolite that is incidental to operations not related to the extraction or processing of tremolite, for example, roadworks
		6 Use (without disturbance) of tremolite in products that are in situ

Note: This Part sets out the prohibitions and permitted uses that apply to all Australian workplaces under a national agreement. However, not all items and permitted uses are relevant to offshore petroleum operations or offshore greenhouse gas operations.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

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Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Number and year	FRLI registration	Commencement	Application, saving and transitional provisions
382, 2009	17 Dec 2009 (F2009L04578)	1 Jan 2010 (r 1.2)	
122, 2010	7 June 2010 (F2010L01496)	8 June 2010 (r 2)	—
254, 2011	12 Dec 2011 (F2011L02647)	1 Jan 2012 (r 2)	—
238, 2013	8 Nov 2013 (F2013L01914)	Sch 2 (item 5): 28 Nov 2013 (s 2 item 3)	—

Name	Registration	Commencement	Application, saving and transitional provisions
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Titles Administration) Regulations 2021	9 Dec 2021 (F2021L01747)	Sch 2 (item 3): 2 Mar 2022 (s 2(1) item 3)	—
Offshore Petroleum and Greenhouse Gas Storage Legislation (Repeal and Other Measures) Regulations 2022	19 Dec 2022 (F2022L01679)	Sch 2 (items 3–7): 1 Jan 2023 (s 2(1) item 4)	—

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Endnote 4—Amendment history

Provision affected	How affected
Chapter 1	
r 1.1	rs No 122, 2010
r 1.2	rep LA s 48D
r 1.3	rep LA s 48C
r 1.4	am No 122, 2010; No 254, 2011
r 1.5	am No 122, 2010; No 254, 2011; F2022L01679
r 1.6	am No 122, 2010
r 1.7	am No 122, 2010
Chapter 2	
Part 1	
r 2.1	am No 254, 2011
r 2.2	rep No 122, 2010
r 2.3	am No 122, 2010; No 254, 2011
r 2.4	am No 122, 2010; No 254, 2011
Part 2	
Division 1	
r 2.5	am No 122, 2010; No 254, 2011
r 2.11	am No 254, 2011
r 2.17	am No 122, 2010
r 2.21	am No 122, 2010
r 2.23	am No 254, 2011
Division 2	
r 2.24	am No 122, 2010; No 254, 2011
r 2.25	am No 254, 2011
r 2.26	am No 254, 2011
r 2.27	am No 254, 2011
r 2.28	am No 254, 2011
r 2.29	am No 254, 2011
Division 3	
r 2.30	am No 122, 2010; No 254, 2011
r 2.31	am No 254, 2011
r 2.32	am No 254, 2011
r 2.33	am No 254, 2011
r 2.34	am No 254, 2011
r 2.35	am No 254, 2011
Division 4	
r 2.37	am No 254, 2011

Endnote 4—Amendment history

Provision affected	How affected
r 2.38	am No 254, 2011
Division 5	
r 2.39	am No 254, 2011
Part 3	
r 2.40	am No 254, 2011
Part 4	
r 2.41	am No 122, 2010; F2022L01679
r 2.42	am No 254, 2011
Part 5	
r 2.43	am No 122, 2010
r 2.44	am No 122, 2010
r 2.45	am No 122, 2010; No 254, 2011
r 2.46	am No 122, 2010; No 254, 2011
r 2.49	am No 254, 2011
Part 6	
r 2.50	am No 254, 2011
Part 7	
Part 7	ad F2021L01747
r 2.51	ad F2021L01747
Chapter 3	
Part 1	
r 3.4	am No 254, 2011
r 3.5	am No 254, 2011
r 3.6	am No 254, 2011
r 3.7	am No 254, 2011
Part 2	
Division 1	
r 3.8	am No 254, 2011
Division 5	
r 3.27	am No 254, 2011
Part 3	
r 3.28	am No 254, 2011
Part 4	
r 3.31	am No 254, 2011
Part 6	rep No 238, 2013
r 3.33	rep No 238, 2013
Chapter 4	
Part 2	
r 4.4	am No 254, 2011
r 4.5	am No 254, 2011

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Endnote 4—Amendment history

Provision affected	How affected
r 4.6	am No 254, 2011
r 4.7	am No 254, 2011
r 4.8	am No 254, 2011
r 4.9	am No 254, 2011
r 4.10	am No 254, 2011
r 4.11	am No 254, 2011
Part 3	
r 4.13	am No 254, 2011
r 4.14	am No 254, 2011
r 4.15	am No 254, 2011
r 4.17	am No 254, 2011
Part 4	
r 4.18	am No 254, 2011
Part 7	
r 4.24	am No 254, 2011
Chapter 5	
Part 1	
r 5.1	am No 254, 2011
Part 2	
r 5.2	am No 254, 2011
r 5.3	rep No 254, 2011
Part 3	
r 5.4	am No 254, 2011
r 5.5	rep No 254, 2011
Part 4	
r 5.6	am No 254, 2011
r 5.7	rep No 254, 2011
r 5.8	am No 254, 2011
Part 5	
r 5.9	rep No 254, 2011
r 5.10	am No 254, 2011
r 5.11	rep No 254, 2011
r 5.12	rep No 254, 2011
r 5.13	am No 254, 2011
Part 6	rep No 254, 2011
r 5.14	rep No 254, 2011
Part 7	
r 5.16	rep No 254, 2011
Schedule 3.1	
Form 1	am No 122, 2010; No 254, 2011

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Endnote 4—Amendment history

Provision affected	How affected
Form 2	am No 122, 2010
Form 3	am No 122, 2010
Form 4	am No 122, 2010
Form 5	am No 122, 2010
Schedule 3.2	
Schedule 3.2	am No 122, 2010

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