



Queensland

Petroleum and Gas (Production and Safety) Act 2004

Petroleum and Gas (Production and Safety) Regulation 2004

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Petroleum and Gas (Production and Safety) Regulation 2004

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Petroleum and Gas (Production and Safety) Regulation 2004

Chapter 1 Preliminary

Part 1 Introduction

1 Short title

This regulation may be cited as the *Petroleum and Gas (Production and Safety) Regulation 2004*.

2 Commencement

- (1) Section 58 commences on 1 July 2005.
- (2) The rest of this regulation commences on 31 December 2004.

Part 2 Interpretation and inspection of documents

3 Dictionary

The dictionary in schedule 12 defines particular words used in this regulation.

3A References to the Act

In this regulation, a reference to the Act is a reference to the 2004 Act unless the contrary intention appears.

[s 4]

4 Where documents mentioned in this regulation can be inspected

- (1) A document mentioned in this regulation, other than a standard, may be inspected free of charge at the office of the department notified on the department's website.

Editor's note—

Standards are available for purchase through the SAI Global website.

- (2) In this section—

standard means a standard published—

- (a) by Standards Australia; or
- (b) jointly by Standards Australia and Standards New Zealand; or
- (c) jointly by Standards Australia and the International Electrotechnical Commission; or
- (d) by the International Organisation for Standardisation.

Part 3 Preliminary matters prescribed for the Act

6A Devices prescribed for Act, section 724(1), definition *gas device (type A)*

For section 724(1) of the Act, definition *gas device (type A)*, each device mentioned in schedule 6 is prescribed.

7 Mandatory and preferred standards for particular safety requirements

- (1) A standard, code or other document listed in schedule 1, column 1 is prescribed as a safety requirement for the activity or thing stated opposite the document in column 2 of the schedule.

-
- (2) The document is a mandatory or preferred standard for the safety requirement as stated in column 3 of the schedule opposite the document.
 - (3) If a document is a *mandatory standard* for a safety requirement, a person must comply with the document in order to comply with the safety requirement.
 - (4) If a document is a *preferred standard* for a safety requirement—
 - (a) a person who complies with the document complies with the safety requirement; but
 - (b) a person may comply with the safety requirement without complying with the document if—
 - (i) the person gives the chief inspector a notice that the person is not complying with the document; and
 - (ii) the person has written evidence showing the level of risk for the activity or thing to which the safety requirement applies is equal to or less than the level of risk that would be achieved by complying with the document.

Example of written evidence—

a report setting out a risk assessment carried out by a competent person

Note—

See section 165 for the application of subsection (4)(b)(i).

- (5) If the document allows a competent person, or any other person, to grant an exemption from, or in any other way change, the requirements stated in the document, the exemption or change may only be granted or made by the chief inspector.

Example—

An Australian Standard mentioned in schedule 1 might provide that a competent person can grant an exemption from provisions of the standard. For the purpose of this regulation, the exemption can only be granted by the chief inspector.

[s 7AA]

- (6) If a safety requirement prescribed under this section is inconsistent with a safety requirement (the *other safety requirement*) prescribed under another provision of this regulation, the other safety requirement prevails to the extent of the inconsistency.

7AA References to CSG operator in construction and abandonment code

For section 54AAA and schedule 1, a reference in the construction and abandonment code to a CSG operator is taken to be a reference to the holder of a CSG tenure.

7A Person must give inspector evidence of risk level for preferred standard

- (1) This section applies if an inspector gives a person mentioned in section 7(4)(b) a notice requiring the person to give the inspector a copy of the evidence mentioned in section 7(4)(b)(ii).
- (2) The person must give a copy of the evidence to the inspector within a reasonable period stated in the notice.
Maximum penalty—20 penalty units.
- (3) Subsections (4) and (5) apply if the chief inspector reasonably believes the evidence does not show the level of risk for the activity or thing is equal to or less than the level of risk (the *required level of risk*) that would be achieved by complying with the relevant preferred standard under section 7(4)(a).
- (4) The chief inspector may give the person a notice requiring the person to do either of the following within a stated reasonable period—
 - (a) give the chief inspector further evidence showing the level of risk for the activity or thing is equal to or less than the required level of risk;
 - (b) take steps to achieve a level of risk for the activity or thing that is equal to or less than the required level of risk.

- (5) If the person does not comply with the requirement under the notice, the person is taken to have not complied with the safety requirement to which the preferred standard relates.

8 Prescribed quality for fuel gas

- (1) For section 620 of the Act, the prescribed quality for fuel gas supplied to consumers is—
- (a) for LPG used for heating—the quality required to comply with—
 - (i) the requirement that the average mole content of propylene in the fuel gas at the point of odourisation, calculated each day, must not exceed 50%; and
 - (ii) AS 4670 ‘Commercial propane and commercial butane for heating purposes’ (2006); and
 - (b) for processed natural gas—the quality required to comply with AS 4564 ‘Specification for general purpose natural gas’ (2011).
- (2) In this section—

average mole content, of propylene in fuel gas, means the sum of the daily percentage measurements of the mole content of propylene in the fuel gas made for each day in the 90-day period ending on the day the calculation is made, divided by 90.

9 Prescribed odour for fuel gas

- (1) For section 627 of the Act, the prescribed odour for fuel gas is an odour that—
- (a) is distinct, unpleasant and non-persistent; and
 - (b) is of an intensity indicating the presence of gas down to one-fifth of the lower flammability limit; and
 - (c) for LPG—exists throughout the LPG’s vaporisation range from the liquid state.

[s 10]

- (2) LPG is taken to have the prescribed odour if it contains 25g of ethyl mercaptan for each tonne of liquid LPG.
- (3) In this section—
lower flammability limit means the lowest concentration of the fuel gas in air that will ignite.

10 Activities prescribed for definition of *operating plant*

- (1) For section 670(5)(a) of the Act, the activity prescribed is an LPG delivery network for non-automotive LPG if—
 - (a) the network includes filling, with non-automotive LPG, a fuel gas container with a water capacity of more than 30L; or
 - (b) the total capacity of fuel gas containers in the network for non-automotive LPG is more than 5,000L.
- (2) For section 670(5)(c) of the Act, the activity prescribed is the storage of LPG cylinders at premises if the total capacity of the cylinders at the premises is more than 5,000L.
- (3) For section 670(5)(e) of the Act, the following activities are prescribed—
 - (a) an activity involving the use of gas devices at a place if the total gas capacity of the devices at the place is 50GJ/hr or more at any time;
 - (b) an activity involving the use of fuel gas to produce theatrical or other special effects;
 - (c) an activity involving the collection, transportation or use of a gas prescribed under the *Petroleum and Gas (General Provisions) Regulation 2017*, section 5(1) as petroleum;
Example—
the collection of landfill gas and its use in power generation
 - (d) an activity associated with the exploration for storing, or the storage, treatment or use of, carbon dioxide for sequestration.

11 Prescribed incidents

- (1) For section 706(1)(a) of the Act, an incident listed in schedule 2, column 1 is a prescribed incident.
- (2) A prescribed incident must be reported to the chief inspector in the way mentioned in column 2 of the schedule opposite the incident.
- (3) If more than 1 way of reporting is mentioned in the schedule for an incident, the report must be given in each way mentioned.
- (4) The report must be given within the period mentioned in column 3 of the schedule opposite the incident.
- (5) If a written report must be given for the incident, the report must state the underlying cause of the incident.

Chapter 2 Exploring for and producing petroleum

Part 2 Safety requirements

53 Purpose of pt 2

The purpose of this part is to prescribe safety requirements in relation to exploring for, and producing, petroleum.

54 Operating plant used for drilling

- (1) This section prescribes safety requirements for an operating plant used to drill for petroleum.
- (2) The operating plant must—
 - (a) be fit for all purposes for which it is designed to be used;
 - and

[s 54AAA]

- (b) comply with all other requirements that apply to the operating plant under the Act; and
- (c) be equipped to undertake reasonable remedial measures if unplanned events occur in connection with the operation of the plant.

Example of remedial measures—

recovering lost drill string

- (3) The operator of the plant must ensure the safety requirements prescribed under this section are complied with.

54AAA Tenure holder to ensure compliance with construction and abandonment code

- (1) The holder of a CSG tenure must ensure that each person carrying out a relevant activity on the land to which the tenure applies complies with the construction and abandonment code.

- (2) In this section—

relevant activity means—

- (a) any of the following activities—
 - (i) drilling a bore;
 - (ii) converting a petroleum well to a bore; or
- (b) an activity related to any of the following things;
 - (i) a prescribed well;
 - (ii) a proposed prescribed well;
 - (iii) an abandoned prescribed well.

Note—

See also section 7AA (References to CSG operator in construction and abandonment code).

54AA Operator to ensure competency requirements are met

- (1) The operator of a drilling operating plant must ensure—

- (a) each person working on the drilling operating plant that is drilling a prescribed well at the plant meets the competencies for drilling a prescribed well (the *well drilling competencies*) identified for the person's position under the drilling and servicing competency standard; and
 - (b) each person working on the drilling operating plant that is servicing a prescribed well at the plant meets the competencies for servicing a prescribed well (the *well servicing competencies*) identified for the person's position under the drilling and servicing competency standard.
- (2) If the drilling operating plant is also used to drill or service a bore, the operator must also ensure—
- (a) each person working on the drilling operating plant that is drilling the bore meets the well drilling competencies; and
 - (b) each person working on the drilling operating plant that is servicing the bore meets the well servicing competencies.
- (3) However, subsection (1)(a) or (2)(a) does not apply if the person is—
- (a) undergoing training for the well drilling competencies; and
 - (b) acting under the direct supervision of a competent person for the drilling operating plant.
- (4) Also, subsection (1)(b) or (2)(b) does not apply if the person is—
- (a) undergoing training for the well servicing competencies; and
 - (b) acting under the direct supervision of a competent person for the drilling operating plant.
- (5) In this section—

[s 54A]

drilling and servicing competency standard means the document titled ‘Competency Standard for Petroleum and Gas Well Drilling and Well Servicing (2014)’ published on the department’s website.

servicing, in relation to a prescribed well or bore, includes—

- (a) completing, maintaining or working on the well or bore; and
- (b) plugging and abandoning the well or bore.

54A General requirements for training and supervision

- (1) This section applies to an activity carried out at a drilling operating plant.
- (2) The petroleum tenure holder for the tenure on which the plant is situated must ensure the following persons supervising or involved in the activity are trained in the assessment of risk and job safety analysis for carrying out the activity—
 - (a) the holder’s employees;
 - (b) agents of, or contractors for, the holder.
- (3) The operator of the drilling operating plant must ensure everyone involved in the activity who is supervised by, or working under the direction of, the operator is trained in assessment of risk and job safety analysis for carrying out the activity.
- (4) The site safety manager for the activity must assess the level of skills, knowledge, competencies and experience of each person carrying out the activity and take this into account to decide—
 - (a) the appropriate extent of supervision required for the activity; and
 - (b) the necessity for checking the tasks completed by a person, including whether the person has followed standard operating procedures for the activity.

54B Training program for persons using well completion equipment

- (1) The operator of a drilling operating plant must ensure each person installing well completion equipment—
 - (a) is trained in the standard operating procedure, or the relevant part of the procedure, that applies to the activities the person carries out; and
 - (b) is made aware of the risks arising from failing to ensure the production tubing hanger is landed and secured correctly.
- (2) If a person involved in landing the production tubing hanger or securing the tie down bolts for the production tubing hanger is not appropriately qualified for the activity, the operator of the plant must ensure—
 - (a) a job safety analysis for the activity is carried out; and
 - (b) the activity is directly supervised by an appropriately qualified person for installing well completion equipment.

54C Requirements for job safety analysis in particular circumstances

- (1) This section applies if—
 - (a) there is no standard operating procedure for an activity at the drilling operating plant; or

Note—

There may not be an operating procedure for an activity that is not routinely carried out at the plant.

- (b) a change of circumstances happens that means a standard operating procedure for carrying out an activity at the drilling operating plant is no longer sufficient.

Examples of change in circumstances—

- using new equipment
- unexpected geological conditions in the well

[s 54D]

- (2) Before the activity is carried out, a job safety analysis must be carried out for the activity to assess—
 - (a) for subsection (1)(a)—the potential risks for the activity; or
 - (b) for subsection (1)(b)—any additional risks that may result from the change in circumstances.

54D Emergency shut down system for devices that are sources of ignition

- (1) The operator of a drilling operating plant must provide an emergency shutdown system for all devices that may be a source of ignition in an area of the plant where a hazard may be created.
- (2) The emergency shutdown system must be located far enough away from the drilling operating plant to ensure a person using the system in an emergency is not exposed to more than an acceptable level of risk.
- (3) The operator of the drilling operating plant must include in the safety management system for the plant a program to test the emergency shutdown system at regular intervals.
- (4) The emergency shutdown system mentioned in this section is in addition to another emergency shutdown system for the devices that is located at the plant.

54E Requirement to keep bore pressure low when using well completion equipment

- (1) Subject to subsections (2) and (3), the operator of a drilling operating plant must, during a live well completion, use a flare line to keep the pressure in the well as low as reasonably practical until the production tubing hanger is secured and all wellhead equipment is installed in the well.

Example of a way to keep the pressure as low as reasonably practical—
using a flare line off the tubing spool

-
- (2) Subsection (3) applies if the operator decides (each an *alternative action*)—
- (a) not to use a flare line; or
 - (b) not to keep the pressure as low as reasonably practical.
- (3) The operator must, before making the decision, ensure—
- (a) an assessment of risk in relation to the alternative action is carried out in consultation with the persons supervising or involved in the live well completion; and
 - (b) the assessment of risk shows the level of risk achieved in relation to the alternative action is equal to or less than the level of risk that would be achieved by complying with subsection (1); and
 - (c) each of the following gives the operator written approval for the alternative action—
 - (i) the site safety manager for the drilling operating plant;
 - (ii) the relevant site safety manager for the petroleum tenure.
- (4) In this section—

flare line means a line connected to the rotating head of a drilling rig through which gas entering the annulus of the well is vented to the atmosphere and flared.

live well completion means the insertion of well completion equipment into a well when petroleum is flowing or has the potential to flow from the well.

55 Requirement to survey the surface location and elevation of a prescribed well

- (1) The holder of a petroleum tenure or 1923 Act petroleum tenure under which a prescribed well is drilled must ensure that the surface location and elevation of the well are surveyed—

- (a) before, or as soon as practicable after, drilling of the well starts; but
 - (b) not later than 6 months after drilling starts.
- (2) The survey must be carried out by a person—
- (a) who is registered under the *Surveyors Act 2003*, section 36(1)(a), (b) or (c); or
 - (b) who holds a corresponding registration as a surveyor in another State.
- (3) The survey must—
- (a) be tied to the State control survey under the *Survey and Mapping Infrastructure Act 2003*; and
 - (b) be tied to a survey mark related to the AHD.
- (4) The survey must achieve a level of accuracy that is at least the following class under the survey standard—
- (a) for the location of the well—class C order 3;
 - (b) for the elevation of the well—
 - (i) for differential levelling—class LD; or
 - (ii) for trigonometric and Global Positioning System heighting—class C.
- (5) In this section—

AHD means the Australian height datum adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level.

survey standard means the document called ‘Standards and Practices for Control Surveys’ (version 1.7, September 2007) published by the Inter-governmental Committee on Surveying and Mapping.

56 Survey plan to be submitted to chief executive

- (1) As soon as practicable after a survey of a prescribed well required under section 55 is completed, but not later than 3 months after the completion of the survey, the tenure holder

must lodge a survey plan for the survey with the chief executive.

- (2) The plan must be accompanied by a certification, signed by the person who carried out the survey, stating that—
 - (a) the person carried out the survey represented on the survey plan; and
 - (b) the survey was carried out as required under the Act; and
 - (c) the survey plan accurately represents the survey carried out.
- (3) If the chief executive considers a survey plan lodged as required under subsection (1) does not meet the requirements under subsection (2), the chief executive may do any of the following—
 - (a) require that the survey plan be amended in order to comply with the requirements;
 - (b) require that an amendment to the survey plan mentioned in paragraph (a) must be made within a stated period;
 - (c) reject the survey plan.

57 Additional downhole survey required if prescribed well or bore intersects a coal seam

- (1) This section applies in relation to—
 - (a) a prescribed well that is a horizontal well; or
 - (b) another prescribed well, or a bore, that intersects a coal seam more than 1m in thickness.

Note—

See also chapter 3, part 4.

- (2) The holder of the petroleum tenure or 1923 Act petroleum tenure under which the well or bore is drilled must ensure that, as soon as practicable after drilling of the well or bore starts, but not later than 3 months after the rig release day for

the well or bore, a downhole survey of the well or bore is carried out.

- (3) For a horizontal well, the downhole survey must achieve a level of accuracy that is within—
 - (a) for inclination, plus or minus 0.5°; and
 - (b) for azimuth—
 - (i) plus or minus 1.0°; or
 - (ii) for each 1,000m of the drilled hole—plus or minus 6m vertically and plus or minus 20m laterally.
- (4) However, if the horizontal well intersects another well that is not a horizontal well, the level of accuracy achieved by the downhole survey of the horizontal well must be at least as good as the level of accuracy achieved by the downhole survey of the other well.
- (5) For a well (other than a horizontal well), or a bore, that intersects a coal seam more than 1m in thickness, the downhole survey must achieve a level of accuracy that is within—
 - (a) for inclination, plus or minus 0.5°; and
 - (b) for azimuth—
 - (i) for a well or bore drilled with an inclination of less than 6.0° (taking into account the tolerance of plus or minus 0.5° mentioned in paragraph (a))—
 - (A) plus or minus 2.0°; or
 - (B) for each 1,000m of the drilled hole—plus or minus 6m vertically and plus or minus 40m laterally; or
 - (ii) otherwise—
 - (A) plus or minus 1.0°; or
 - (B) for each 1,000m of the drilled hole—plus or minus 6m vertically and plus or minus 20m laterally.

58 Processed natural gas transported through a pipeline

- (1) This section prescribes a safety requirement for processed natural gas that—
 - (a) contains oil; and
 - (b) is supplied for transport through a pipeline.

Note—

See section 626(2) of the Act.

- (2) The supplier of the gas must ensure that it does not contain more than 20ml of oil for each terajoule of gas.

58A Stated pipeline licence incidental activities

- (1) This section prescribes a safety requirement for a stated pipeline licence incidental activity.

Note—

See also schedule 1, part 6, entry for AS 2885.

- (2) A relevant person must not, in the area of the pipeline licence, carry out a stated pipeline licence incidental activity if the activity causes, or is likely to cause, a relevant pipeline to stop being compliant with AS 2885.
- (3) In this section—

relevant person means—

- (a) the holder of the pipeline licence; or
- (b) a person acting for the holder of the pipeline licence.

relevant pipeline, for a pipeline licence, means either of the following—

- (a) an existing pipeline in the area of the licence;
- (b) a pipeline in the area of the licence whose construction has started, but is not complete.

Part 3 Other requirements

Division 1 Additional requirements for safety management systems

Subdivision 1 Drilling operating plant

59 Operation of sdiv 1

This subdivision prescribes the additional matters under section 675(1)(u) of the Act that must be included in a safety management system for a drilling operating plant.

59A Particular risk assessment for drilling near coal mining areas

- (1) This section applies to a drilling operating plant that is—
 - (a) in, or adjacent to, the area of a coal mining lease; or
 - (b) in an area the operator of the plant knows, or ought reasonably to know, current or abandoned mine workings exist.
- (2) The safety management system for the plant must include the following—
 - (a) an assessment of the likelihood of a drilling incident happening at the plant;
 - (b) an identification of the potential risks for the plant associated with a drilling incident identified as required under paragraph (a);

Example of a potential risk—

the risk of drilling using air and creating an explosive mixture
 - (c) a description of the technical or other measures undertaken, or proposed to be undertaken, to control the risks mentioned in paragraph (b).

(3) In this section—

drilling incident means a prescribed well drilled at an operating plant intersecting—

- (a) current or abandoned mine workings; or
- (b) broken strata created by mine workings.

mine workings means parts of a coal mine that have been or are being excavated.

59B Requirement for identification of, and controls for, ignition sources for safety management system

The safety management system for the drilling operating plant must include—

- (a) the identification and assessment of the specific risks that may arise from sources, or potential sources, of ignition at the plant; and

Examples of sources, or potential sources, of ignition—

- electrical equipment and wiring
 - static electricity or lightning
 - frictional sources or hot surfaces
- (b) the controls developed to manage the risk.

59C Standard operating procedures for well completion equipment

(1) If the operator of the drilling operating plant installs well completion equipment for the plant, the safety management system for the plant must ensure the plant has the following standard operating procedures—

- (a) the manufacturer's instructions for installing, operating and maintaining the well completion equipment;
- (b) a requirement that, before the installation of the B section, a trial run of the installation of the production tubing hanger is conducted to confirm the length of each tie down bolt that protrudes from the flange when the

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bolts are secured correctly (commonly called ‘the tie down bolt extension lengths’);

- (c) a requirement that an appropriately qualified person for installing well completion equipment verifies the equipment has been installed correctly.

- (2) In this section—

B section means the part of the wellhead equipment that supports the production tubing hanger and into which the production tubing hanger is inserted.

Subdivision 2 Operating plant for processing etc. petroleum

59D Lower flammable limit alarm levels for unplanned or uncontrolled gas releases

- (1) For section 675(1)(u) of the Act, each of the following additional matters must be included in a safety management system for an operating plant where petroleum is processed, stored, transported or used—
 - (a) the name of each relevant gas that could be released from the operating plant;
 - (b) the lower flammable limit alarm level for an unplanned or uncontrolled release of each relevant gas.
- (2) In this section—

relevant gas means—

 - (a) a gas that is petroleum; or
 - (b) a prescribed storage gas.

Division 2 Other requirements for wells, bores and holes

59E Drilling, or converting prescribed well to, bore

- (1) The requirement mentioned in subsection (2) is prescribed for—
 - (a) section 282(2) of the Act and section 75K(2) of the 1923 Act for drilling a bore; and
 - (b) section 282(3) of the Act for drilling a water injection bore or water observation bore; and
 - (c) section 75K(3) of the 1923 Act for drilling a water observation bore; and
 - (d) section 283(1)(b) of the Act and section 75L(1)(b) of the 1923 Act for converting a prescribed well to a bore.
- (2) The drilling or conversion must be carried out in accordance with the construction and abandonment code.

60 Plugging and abandoning a prescribed well or bore

- (1) For section 292(4)(a) of the Act and section 75U(4)(a) of the 1923 Act, a prescribed well or bore must be plugged and abandoned in the way stated in schedule 3.
- (2) Also, the safety requirements stated in sections 69 and 70 apply for plugging and abandoning a well.

61 Requirement to plug shot holes

- (1) The holder of a petroleum tenure or a 1923 Act petroleum tenure must ensure that, if a hole is drilled within the area of the tenure for use as a shot hole—
 - (a) as soon as practicable after the hole is no longer required for use as a shot hole—
 - (i) the hole is plugged with solid material, including, for example, soil, rock or concrete; and

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- (ii) any area around the hole that has been disturbed by the firing of an explosive is restored as far as is practicable to its original state; and
- (b) if the hole caves in or collapses after it is plugged as required under paragraph (a)—any subsequent damage caused by the hole caving in or collapsing is restored.

Maximum penalty—20 penalty units.

- (2) To the extent the requirement under subsection (1) is inconsistent with a relevant environmental condition for the tenure, the relevant environmental condition prevails.

61A Manufacturer's instructions for well completion equipment

- (1) The manufacturer of well completion equipment must—
 - (a) prepare instructions for the equipment that comply with subsections (2) to (5); and
 - (b) ensure the instructions accompany the equipment when it is supplied to the operator of an operating plant.

Maximum penalty—20 penalty units.

- (2) The instructions must contain information about the installation, commissioning, use and maintenance of the equipment.
- (3) The information must be sufficient, about each matter mentioned in subsection (2), to ensure—
 - (a) a person carrying out the matter has sufficient information to carry it out correctly; and
 - (b) a person using the equipment is sufficiently informed about how to use the equipment safely.
- (4) Without limiting subsection (3), the instructions must state a physical method for identifying the position of the tie down bolts for the production tubing hanger relative to the fully secured position of the bolts.

Example of a physical method—

painting the engaged part of the tie down bolt

- (5) The instructions relating to use of the equipment must prominently state—
- (a) any restrictions on use of the equipment imposed by its manufacturer; and
 - (b) any special precautions that should be taken by the user to ensure safe use of the equipment.

Chapter 3 Safety provisions relating to coal mining

Part 1 Preliminary

62 Purpose of ch 3

The purpose of this chapter is to prescribe requirements about exploring for or producing petroleum to ensure those activities do not adversely affect the safe and optimal mining or future mining of coal.

63 Application of ch 3

This chapter applies to all operating plants within the area of a petroleum authority or a 1923 Act petroleum tenure.

64 Definitions for ch 3

In this chapter—

acceptable level, of risk to a person from coal mining operations, has the meaning given under the Coal Mining Safety and Health Act, section 29.

relevant coal mining area, for an operating plant in or adjacent to the area of a coal mining lease, means the area of the coal mining lease.

65 Additional requirements relating to coal mining for safety management system

- (1) For section 675(1)(u) of the Act, each of the following additional matters must be included in a safety management system for an operating plant to which this chapter applies—
- (a) for an operating plant drilling or completing a prescribed well—a specific identification and assessment of the potential risk to safe and optimal mining or future mining of coal that may be created by stimulation of a coal seam proposed to be carried out in the prescribed well, having regard to each of the following—
 - (i) the proposed method of stimulation;
 - (ii) the predicted characteristics of the strata immediately above and below the coal seam;
 - (iii) the stress regime of the coal seam and surrounding strata;
 - (iv) information reasonably available to its operator about similar stimulation cases;

Example—

Information may include a previous experience of mining through part of a coal seam that has been stimulated.

- (b) if the operating plant is in, or adjacent to, the area of a coal mining lease—
 - (i) a specific identification and assessment of the potential risk posed by the operation of the operating plant to the safe and optimal mining or future mining of coal in the area of the lease; and
 - (ii) the measures put in place, or proposed to be put in place, by its operator to minimise the risk.

Example—

a buffer zone or area adjacent to the boundary of the area of the coal mining lease in which a particular activity must not be carried out at the operating plant

(2) In this section—

similar stimulation cases means previous instances involving stimulation of a coal seam in a well—

- (a) involving methods similar to the methods used or proposed to be used by the operator of the operating plant; and
- (b) that was carried out in geological and geotechnical conditions that are similar to the conditions relating to the prescribed well.

66 Description of location of particular hazards in safety reports

- (1) For section 690(1)(g)(iii) of the Act, the location of a hazard or potential hazard to coal mining operations must be described in relation to its surveyed location.
- (2) For subsection (1), the survey of the location must be carried out as required under sections 55 and 57.

67 Coal seam gas potential hazard guide

- (1) The coal seam gas potential hazard guide in schedule 4 is a list of potential hazards in relation to current or future coal mining that may be created by an operating plant used for exploring for, or producing, petroleum.
- (2) The guide is intended to help the operator of an operating plant identify the activities, and the impact of the activities, carried out, or proposed to be carried out, at the plant that may affect safe and optimal mining, or future mining, of coal as required under the Act.

Note—

See, for example, sections 675 and 705C of the Act.

Part 2 Safety requirements

Division 1 Requirements for all operating plants

68 Steel casing not to be used in particular horizontal wells

The operator of an operating plant that is drilling a horizontal well must ensure steel casing is not used for drilling or completing the well.

69 Requirement to remove particular equipment from coal seam

- (1) The operator of an operating plant must use the operator's best endeavours to ensure all prescribed equipment that is in, or immediately adjacent to, a coal seam in a prescribed well or bore at the plant is removed before the well or bore is plugged and abandoned.
- (2) If, after using the operator's best endeavours as required under subsection (1), the equipment can not be removed before the well or bore is plugged and abandoned, the operator must ensure—
 - (a) the location of the equipment in the well or bore is surveyed before the well or bore is plugged and abandoned; and
 - (b) details of the equipment and its location are included in an end of tenure report or well abandonment report for the well as required under the *Petroleum and Gas (General Provisions) Regulation 2017*, part 3.
- (3) The survey mentioned in subsection (2)(a) must be carried out as required under sections 55 and 57.
- (4) In this section—

prescribed equipment means—

 - (a) metal equipment, other than casing; and

Note—

For requirements about removing casing from a petroleum well, see schedule 3.

- (b) any other equipment that may create a hazard to coal mining operations.

Examples of metal equipment—

drilling equipment, geophysical logging tools

70 Requirement to cement particular voids in a prescribed well

- (1) This section prescribes safety requirements for plugging and abandoning a prescribed well at an operating plant if—
 - (a) a void is created by stimulation of a coal seam in the well; and
 - (b) the void is sufficiently large that it may adversely affect—
 - (i) the safe and optimal future mining of coal from the seam; or
 - (ii) the integrity of the natural underground reservoir in which the void is created.
- (2) The operator must ensure that, as part of the plugging and abandoning of the well, the void is filled with as much cement as is reasonably practicable.
- (3) Subject to schedule 3, the cement used to fill the void must not be so strong that it unduly prevents the future optimal mining of coal from the seam.
- (4) This section applies in addition to the standard abandonment requirements for the well.

Division 2 Additional requirements for operating plants in or adjacent to the area of a coal mining lease

71 Application of div 2

- (1) This division prescribes safety requirements in relation to an operating plant in, or adjacent to, the area of a coal mining lease.
- (2) The safety requirements apply in addition to the safety requirements prescribed under division 1.

72 Requirement to stop and not resume particular activities

- (1) The operator of the operating plant must ensure an activity for which the operating plant is used stops immediately if the operator becomes aware, or ought reasonably to be aware, that—
 - (a) the activity creates a risk to a person who is carrying out coal mining operations in the relevant coal mining area; and
 - (b) the level of the risk is not an acceptable level.

Note—

See also section 699A of the Act.

- (2) The operator must ensure the activity does not resume until the operator has taken all reasonable and necessary steps to reduce the level of the risk to an acceptable level.

Division 2A Safety provisions relating to overlapping coal and petroleum resource authorities

72A Definition for division

In this division—

overlapping area see section 705(a) of the Act.

72B Additional information required for joint interaction management plan—co-ordination of obligations

- (1) For section 705C(1)(i) of the Act, the joint interaction management plan must also describe the way in which the site senior executive of the coal mine and the operator of each operating plant in the overlapping area intend to communicate about, and co-ordinate, each of the following obligations applying for the coal mine and the operating plant—
- (a) emergency obligations;
 - (b) incident response obligations;
 - (c) induction training obligations;
 - (d) information exchange obligations;
 - (e) vehicle safety obligations.

- (2) In this section—

emergency obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Regulation 2001*, chapter 2, part 5; and
- (b) for the operating plant—obligations under sections 675(1)(l) and 693(d) and (e) of the Act.

incident response obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Act 1999*, part 11; and
- (b) for the operating plant—obligations under sections 705D, 706 and 707 of the Act.

induction training obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Regulation 2001*, sections 82(2)(a) and 83; and

[s 72C]

- (b) for the operating plant—obligations under section 693(a) of the Act.

information exchange obligations means—

- (a) for the coal mine—obligations under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 154; and
- (b) for the operating plant—obligations under the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 154 or an obligation under section 72C.

vehicle safety obligations means—

- (a) for the coal mine—obligations under the *Coal Mining Safety and Health Regulation 2001*, sections 66, 74, 76, 128 and 135; and
- (b) for the operating plant—obligations under section 72D.

72C Requirements for providing information about hydraulic fracturing

- (1) This section applies to an operator of an authorised activities operating plant in an overlapping area if underground coal mining operations are carried out, or are to be carried out, in the overlapping area.
- (2) The operator must provide a copy of each of the following to the site senior executive of the coal mine in the overlapping area—
 - (a) a notice lodged under the *Petroleum and Gas (General Provisions) Regulation 2017*, section 28, 33 or 34;
 - (b) a report lodged under the *Petroleum and Gas (General Provisions) Regulation 2017*, section 45.
- (3) The operator must provide a copy of the notice or report as soon as practicable after the notice or report is lodged.

72D Requirements for vehicle safety

- (1) This section applies if coal mining operations take place in the overlapping area.
- (2) The operator of the operating plant and the site senior executive must—
 - (a) ensure a risk assessment is carried out to provide for the safe movement of vehicles in the overlapping area; and
 - (b) agree on the vehicle safety requirements that will apply in the overlapping area.
- (3) In complying with subsection (2), the operator of the operating plant and the site senior executive must consider whether the vehicle safety requirements should include a requirement that the operator of the operating plant comply with 1 or more vehicle safety provisions.
- (4) The vehicle safety requirements agreed under subsection (2)(b) must be included in the joint interaction management plan for the overlapping area.
- (5) In this section—

vehicle safety provision means the *Coal Mining Safety and Health Regulation 2001*, sections 66, 74, 76, 128 or 135.

72E Requirements for wells, bores and voids

- (1) This section applies if an overlapping area is subject to both of the following—
 - (a) an authority to prospect, whether granted before or after the commencement, or a petroleum lease, granted after the commencement;
 - (b) a mining lease granted, or an application for a mining lease made, after the commencement.
- (2) If the mining lease is for an underground coal mine—
 - (a) the additional safety requirements as mentioned in section 72F, 72G or 72H apply to a well, bore or void

[s 72E]

- drilled in the overlapping area after the commencement;
and
- (b) the standard safety requirements for the well, bore or void do not apply to the well, bore or void to the extent the additional safety requirements are inconsistent with the standard safety requirements.
- (3) If the mining lease is for a surface coal mine—
- (a) the additional safety requirements as mentioned in section 72G apply to a well, bore or void drilled in the overlapping area after the commencement; and
 - (b) the standard safety requirements for the well, bore or void do not apply to the well, bore or void to the extent the additional safety requirements are inconsistent with the standard safety requirements.
- (4) Despite subsections (2) and (3), the resource authority holders for the overlapping area may agree on an alternative safety requirement for the well, bore or void.
- (5) If the resource authority holders for the overlapping area do agree under subsection (4) on an alternative safety requirement for a well, bore or void—
- (a) the standard safety requirements for the well, bore or void does not apply to the well, bore or void to the extent the alternative safety requirement is inconsistent with the standard safety requirement; and
 - (b) the alternative safety requirement for the well, bore or void must be included in the joint interaction management plan for the overlapping area.

Note—

See section 705B(1)(c) of the Act for the requirement to comply with the joint interaction management plan.

- (6) In this section—
- additional safety requirements***, for a well, bore or void, means the requirements applying to the well, bore or void under section 72F, 72G or 72H.

alternative safety requirement, for a well, bore or void, means a method or procedure that—

- (a) does not comply with the additional safety requirements for the well or bore; and
- (b) achieves a level of risk that is equal to or less than the level of risk that would be achieved by complying with the additional safety requirements.

standard safety requirements, for a well, bore or void, means the requirements applying to the well, bore or void under section 68, 69 or 70.

72F Additional safety requirement—casing for wells and bores

- (1) The operator of an operating plant that is drilling a well or bore in an overlapping area must ensure an approved casing is used for drilling or completing the well or bore.
- (2) If steel casing is used for drilling or completing the well or bore, the operator of the operating plant must ensure—
 - (a) the spacing and layout of the steel casing is agreed to by the resource authority holders for the overlapping area; and
 - (b) the steel casing is removed when the well or bore is abandoned unless the site senior executive otherwise agrees.
- (3) The resource authority holders must ensure an agreement under subsection (2) is included in the joint development plan, or the joint interaction management plan, for the overlapping area.
- (4) In this section—

approved casing means a type of casing agreed to by the resource authority holders for the overlapping area.

72G Additional safety requirement—requirement to remove particular equipment from wells and bores

- (1) The operator of an operating plant in an overlapping area must—
 - (a) use the operator’s best endeavours to ensure all prescribed equipment that is in, or immediately adjacent to, a coal seam in a prescribed well or bore at the plant is removed before the well or bore is plugged and abandoned; and
 - (b) ensure the following is available for use at all times when drilling operations in a prescribed well or bore at the plant are carried out—
 - (i) adequate equipment for preventing or mitigating the loss of prescribed equipment in the well or bore;
 - (ii) adequate equipment for seeking to recover prescribed equipment lost in the well or bore.
- (2) If prescribed equipment is lost in a prescribed well or bore at an operating plant in an overlapping area, the operator of the plant must—
 - (a) within 24 hours after the equipment is lost—notify the site senior executive for the coal mine in the overlapping area; and
 - (b) within 3 days after the equipment is lost—consult with the chief inspector about the period in which efforts to recover the lost equipment should be made; and
 - (c) abandon efforts to recover the lost equipment only if the chief inspector agrees to the abandonment.
- (3) In this section—

prescribed equipment means—

 - (a) metal equipment, other than casing; and
 - (b) any other equipment or material that may create a hazard to coal mining operations.

72H Additional safety requirement—requirement to fill wells, bores and voids

- (1) This section prescribes safety requirements for plugging and abandoning a well, bore or void at an operating plant in an overlapping area.
- (2) The operator must ensure that, as part of the plugging and abandoning of the well, bore or void—
 - (a) the well, bore or void is filled with cement from the bottom of the well, bore or void to the surface of the well, bore or void, unless the site senior executive otherwise agrees; and
 - (b) packers and fluids are not left in the well, bore or void.
- (3) This section applies in addition to the standard abandonment requirements for the well, bore or void.

Part 3 Other requirements

73 Additional requirement for operator of an operating plant in or adjacent to the area of a coal mining lease

- (1) This section applies in relation to an operating plant in, or adjacent to, the area of a coal mining lease.
- (2) The operator of the operating plant must ensure an activity for which the operating plant is used stops immediately if—
 - (a) the operator becomes aware, or ought reasonably to be aware, that the activity creates an adverse effect on the efficiency with which coal mining operations may be carried out in the relevant coal mining area to an extent greater than the coal mining operations would themselves create if the activity were not carried out; and
 - (b) the holder of the coal mining lease has not consented in writing to the activity being carried out.
- (3) The operator must ensure the activity does not resume until—

[s 74]

- (a) the activity is modified so it does not adversely affect the efficiency of the coal mining activities to the extent mentioned in subsection (2)(a); or
- (b) the holder of the coal mining lease consents in writing to the activity being carried out.

Maximum penalty—20 penalty units.

Part 4 Exemptions

74 Definitions for pt 4

In this part—

alternative safety measures means systems, methods or procedures that—

- (a) do not comply with the relevant requirement, or part of the requirement, that is the subject of an application for exemption under section 76; and
- (b) achieve a level of risk that is equal to or less than the level of risk that would be achieved by complying with the requirement or part of the requirement.

applicant, for an exemption, means a following person who lodges an application under section 76 for an exemption—

- (a) an operator or proposed operator of an operating plant;
- (b) the holder of a petroleum tenure or 1923 Act petroleum tenure.

chief inspector of coal mines means the chief inspector of coal mines under the Coal Mining Safety and Health Act.

relevant coal or oil shale mining tenement holder means the holder of a coal or oil shale mining tenement if the operating plant for which an application is made under section 76 is located—

- (a) in the area of the tenement; or

-
- (b) if the tenement is a coal or oil shale mining lease—adjacent to the area of the tenement.

relevant requirement means a requirement under any of the following provisions—

- (a) section 57;
- (b) section 65;
- (c) section 68;
- (d) section 69;
- (e) section 70;
- (f) the standard abandonment requirements for a prescribed well;
- (g) additional safety requirements, for a well, bore or void, means the requirements applying to the well, bore or void under section 72F, 72G or 72H.

75 Chief inspector may give exemption

- (1) The chief inspector, acting with the agreement of the chief inspector of coal mines, may—
- (a) give the operator, or proposed operator, of an operating plant an exemption from complying with a stated applicable operating plant requirement, or a stated part of an applicable operating plant requirement, in relation to any of the following—
- (i) any prescribed well drilled or to be drilled under a stated petroleum tenure or 1923 Act petroleum tenure;
- (ii) a stated prescribed well;
- (iii) a stated coal seam; or
- (b) give the holder of a petroleum tenure or 1923 Act petroleum tenure an exemption from complying with all or part of section 57 in relation to the tenure.
- (2) In this section—

operating plant requirement means a relevant requirement other than the requirement under section 57.

76 Application for exemption

- (1) Each of the following may apply to the chief inspector for an exemption under this part—
 - (a) the operator or proposed operator of an operating plant;
 - (b) the holder of a petroleum tenure or 1923 Act petroleum tenure;
 - (c) the site senior executive for a coal mine under the Coal Mining Safety and Health Act.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) contain the information necessary to enable the chief inspector to decide the application; and
 - (c) if the applicant proposes to implement alternative safety measures—contain details of the proposed measures; and
 - (d) be lodged at the office of the chief inspector.

77 Notice of application to be given to relevant coal or oil shale mining tenement holder

- (1) This section does not apply to an applicant who is the site senior executive for a coal mine under the Coal Mining Safety and Health Act.
- (2) The chief inspector must, after receiving an application for an exemption under this part, give any relevant coal or oil shale mining tenement holder—
 - (a) a copy of the application; and
 - (b) a notice stating the holder may, within 20 business days after receiving the notice (the *submission period*), lodge

submissions about the application at the office of the chief inspector.

- (3) The holder must give the applicant a copy of any submissions lodged by the holder within the submission period.
- (4) The holder may, before the submission period ends, give the chief inspector notice that the holder does not intend to lodge a submission.
- (5) If the holder lodges any submissions within the submission period, the chief inspector must give the applicant at least 15 business days after the lodging of the holder's submissions to respond to them in writing.

78 Consideration of application by chief inspector

- (1) The chief inspector must consider each of the following—
 - (a) the application for exemption;
 - (b) any submissions lodged by a relevant coal or oil shale exploration tenement holder within the submission period under section 77;
 - (c) any response made by the applicant within the 15 business day period under section 77(5).
- (2) The application must not be decided unless—
 - (a) section 77(3) has been complied with; or
 - (b) the holder has given the chief inspector notice under section 77(4).
- (3) The chief inspector—
 - (a) may seek advice or recommendations from a technical advisory committee for coal seam gas established under section 732B of the Act; and
 - (b) is not required to give the exemption only because a relevant coal or oil shale mining tenement holder agrees to the exemption.
- (4) If advice or recommendations obtained by the chief inspector under subsection (3)(a) are adverse to the applicant, the chief

inspector must, before making a decision about whether to grant the exemption, give the applicant—

- (a) a copy of the advice or recommendations; and
- (b) at least 15 business days to make submissions to the chief inspector about the advice or recommendations.

79 Chief inspector to decide application

- (1) The chief inspector must either give the exemption, with or without conditions, or refuse the application.
- (2) The chief inspector may give the exemption only if—
 - (a) the chief inspector of coal mines agrees; and
 - (b) the requirement stated in subsection (3) or (4), as applicable, is complied with for the exemption.
- (3) For exempting the holder of a petroleum tenure or 1923 Act petroleum tenure from complying with section 57, the requirement is that the chief inspector is reasonably satisfied none of the coal seams intersected by the prescribed well are likely to be mined.
- (4) For an exemption from a relevant requirement not mentioned in subsection (3), the requirement is that the chief inspector is reasonably satisfied—
 - (a) that if the exemption is granted—
 - (i) the likely impact on the future safe and optimal mining of coal is low; and
 - (ii) it is unlikely to cause a level of risk to the safe mining, or future mining, of coal that is more than an acceptable level of risk; and
 - (b) that the likely impact mentioned in paragraph (a)(i), and the level of risk mentioned in paragraph (a)(ii), are easily and reliably quantifiable.

Examples—

A coal seam that is unlikely to be economically mined in the next 25 years due to unfavourable quality, the thickness or depth of the seam,

the seam being discontinuous or structurally disturbed, or the seam being intruded or affected by heat.

A coal seam that is likely to be mined but alternative safety measures are proposed that reduce the level of risk so it is less than or equal to the level of risk that would be achieved under the relevant requirement.

- (5) Subsection (2)(b) does not apply if—
 - (a) the applicant is the holder of a 1923 Act lease, or the operator or proposed operator of a prescribed well within the area of a 1923 Act lease, that is in effect immediately before the 2004 Act start day; and
 - (b) the area of the lease does not include land that is within the area of a coal or oil shale mining tenement.
- (6) If subsection (2)(b) does not apply, the chief inspector must have regard to section 295(f) of the Act in deciding the application.
- (7) Without limiting subsection (1), a condition may require the applicant to comply with stated alternative safety measures.
- (8) The chief inspector must give notice of the decision to—
 - (a) the applicant; and
 - (b) if a relevant coal or oil shale exploration tenement holder lodged a submission about the application—the holder.

Chapter 4 Pipelines

80 Requirement for strategic pipeline to be inspected

- (1) The holder of a pipeline licence for a strategic pipeline must ensure the pipeline is inspected—
 - (a) if there is a system for pipeline integrity in place for the pipeline under AS 2885—at the times provided for under the system, but at least—

[s 81]

- (i) within 7 years after the pipeline first becomes operational; and
 - (ii) at least once in every 10-year period after the end of the 7-year period mentioned in subparagraph (i); or
- (b) otherwise—at least once in every 5-year period.

Note—

See also section 916(3) of the Act.

- (2) In this section—

inspected, for a pipeline, means an inspection of the inside of the pipeline to identify whether the pipeline is fit for the purpose for which it is used.

strategic pipeline means a pipeline listed in schedule 5.

81 Requirement for decommissioning pipelines

- (1) This section prescribes, for section 559(1) of the Act, a requirement for decommissioning a pipeline that is—
- (a) subject to a pipeline licence; and
 - (b) constructed under AS 2885.
- (2) The requirement is that the pipeline must be decommissioned in a way that complies with AS 2885, part 3 ‘Operation and maintenance’ (2012).

Chapter 5 Fuel gas

Part 1 Distribution of fuel gas

Division 1 Safety requirements

82 Purpose of div 1

This division prescribes safety requirements in relation to fuel gas networks.

83 Fuel gas network operator must minimise leakages of fuel gas

The operator of a fuel gas network must take all reasonable and necessary steps to ensure that fuel gas does not leak from—

- (a) if the network is a distribution system—any part of the network; or
- (b) if the network is an LPG delivery network—a fuel gas container or gas fitting that is part of the network.

84 Required gauge pressure

- (1) This section applies to a person who—
 - (a) connects a consumer's fuel gas system to a fuel gas network for the first time; or
 - (b) starts to supply fuel gas to the gas system through a fuel gas network for the first time.
- (2) The person must ensure the fuel gas is supplied, at the relevant point, at a gauge pressure of at least—
 - (a) for LPG in a vaporous state—3.0kPa; or
 - (b) for processed natural gas—1.25kPa.

[s 84A]

- (3) Fuel gas may be supplied at a higher pressure.
- (4) However, fuel gas must not be supplied at a higher pressure that adversely affects the performance of the gas system.
- (5) In this section—
relevant point means the outlet of—
 - (a) if there is a meter for the consumer’s gas system—the meter; or
 - (b) otherwise—the regulator nearest to the consumer’s gas system.

84A Safety requirement for network operator to supply fuel gas to gas system

The operator of a fuel gas network must not supply fuel gas to a gas system if the operator knows, or ought reasonably to know, that the gas system does not comply with—

- (a) a safety requirement under this division, other than this section; or
- (b) a safety requirement mentioned in schedule 1, parts 2 to 6.

85 Testing, inspection and maintenance of fuel gas containers

- (1) This section prescribes safety requirements in relation to fuel gas containers.
- (2) The owner of a fuel gas container must ensure the container is tested, inspected and maintained in accordance with all relevant safety requirements under schedule 1.
- (3) A test or inspection of the fuel gas container must be carried out by an authorised test station.
- (4) This section applies whether or not the fuel gas in the container has been sold, or otherwise supplied on a commercial basis, to another person by the owner of the container.

86 Operator of LPG delivery network must ensure only particular persons supply LPG through the network

The operator of an LPG delivery network must ensure another person does not supply LPG through the network to a consumer's gas system unless—

- (a) the person is recorded as an LPG supplier for the network in the operator's safety management system for the network; and
- (b) the operator is reasonably satisfied the person has the skills, knowledge and experience required under the safety management system to supply LPG through the network.

Division 2 Other requirements for fuel gas network operators

87 Fuel gas network operator must arrange attendance for particular incidents

- (1) This section applies if—
 - (a) an incident involving, or that may involve, fuel gas supplied through a fuel gas network is reported to the operator of the network; and
 - (b) the location of the incident is reported to the operator.
- (1A) This section applies whether or not the location of the incident is in, or a part of, the fuel gas network.
- (2) If the operator reasonably believes the incident is occurring when it is reported to the operator, the operator must ensure sufficient competent persons and equipment to deal with the incident as expeditiously as possible go to the reported location of the incident.

Maximum penalty—20 penalty units.

88 Fuel gas network operator must keep records

(1) The operator of a fuel gas network must, for the required period, keep the following records in relation to a gas system supplied with fuel gas by the network—

- (a) a record of the number of the gas work licence or authorisation for the person who installs the gas system;

Note—

The number of the installer's gas work licence or authorisation is stated in the gas compliance certificate, a copy of which the installer must, under section 91 or 91A, give the owner, operator or proposed operator of the gas system.

- (b) the number of the gas compliance certificate for the installation of the gas system;
- (c) a record of the day fuel gas is first made available to the gas system;
- (d) for a check of a gas system carried out by or for the operator under section 92(2)(c)—
- (i) a record of the relevant method used to check the gas system; and
- (ii) a record of the result of the check of the gas system.

Maximum penalty—20 penalty units.

(2) In this section—

required period means the period for which fuel gas is supplied to the gas system through the fuel gas network.

88A LPG delivery network operator must give chief inspector contact details

The operator of an LPG delivery network must, at least every 12 months or as requested by an inspector, give the chief inspector the name, business address, email address and telephone number of each LPG delivery network to which the operator has supplied LPG in the previous 12-month period.

Division 3 Safety requirements for automotive LPG sites

88B Purpose of div 3

This division prescribes safety requirements in relation to automotive LPG sites.

88C Definitions for div 3

In this division—

LPGA automotive code of practice means the document titled ‘LP Gas Automotive Retail Outlets Code of Practice for Safe Operation’, issue 3.0 August 2011, produced by the Australian Liquefied Petroleum Gas Association Ltd ACN 002 703 951.

site occupier, for an automotive LPG site—

- (a) means a person who is responsible for the safe operation of the site; but
- (b) does not include an individual at an automotive LPG site who is subject to the control of another person at the site.

88D Safety management system for automotive LPG site

- (1) A site occupier for an automotive LPG site must make or adopt and implement and maintain a safety management system for the site that—
 - (a) complies with the LPGA automotive code of practice; or
 - (b) ensures, and states that, the level of risk at the site is equal to or less than the level of risk that would be achieved by complying with the LPGA automotive code of practice.
- (2) The site occupier for the site must—

[s 88E]

- (a) whenever the site is operating, keep a copy of the safety management system for the site open for inspection at the site; and
 - (b) display, and keep displayed, in a conspicuous place at the site where it can be easily read by anyone to whom the system may apply, a notice stating where the copy of the system is available for inspection; and
 - (c) ensure each person mentioned in the system who has an obligation under the system is told they have an obligation under the system within a reasonable period before the system requires them to comply with the obligation.
- (3) A person who has an obligation under the system must comply with the obligation.
- (4) If in a proceeding for an offence against section 708A of the Act for not complying with a safety requirement imposed under this section it is relevant to establish what was the safety management system for the site at a particular time, the copy of the system that was kept at the site at that time is taken to be the original of the system.
- (5) In this section—
- available for inspection* means available for inspection by anyone to whom the system may apply.

88E Restrictions on product supplier supplying automotive LPG

- (1) A product supplier must not supply automotive LPG to an automotive LPG site unless the site has a safety management system that—
- (a) complies with the LPGA automotive code of practice; or
 - (b) states that the level of risk at the site is equal to or less than the level of risk that would be achieved by complying with the LPGA automotive code of practice.

-
- (2) A product supplier must not supply automotive LPG to an automotive LPG site if the supplier knows, or ought reasonably to know, that the site does not comply with a relevant safety requirement.

88F Product supplier must give chief inspector contact details

A product supplier must, at least every 12 months or as requested by an inspector, give the chief inspector the name, business address, email address and telephone number of—

- (a) each automotive LPG site to which the supplier has supplied automotive LPG in the previous 12-month period; and
- (b) the site occupier of each site.

Division 4 Generic SMS

88G Prescription of generic SMS

For section 675A of the Act, the document called ‘Safety management system for gas supply and cylinder distribution business’ and prepared by the department is prescribed for each stage of the following operating plant—

- (a) a bulk fuel gas storage facility if the tanks storing the fuel gas at the facility have a total volume of less than 30t;
- (b) an LPG delivery network for non-automotive LPG if—
 - (i) the total capacity of fuel gas containers in the network for non-automotive LPG is not more than 5,000L; and
 - (ii) the network includes filling, with non-automotive LPG, a fuel gas container with a water capacity of more than 30L;

(3) In this section—

major use gas device means a gas device (type A) or (type B) with the capacity to consume more than 100MJ in an hour.

91 Persons to be given copy of relevant certificate for installation at operating plant

(1) This section applies if either of the following (each of whom is the *installer*) installs plant or equipment at an operating plant or proposed operating plant for a gas system—

- (a) the holder of a gas work licence or authorisation;
- (b) a person who installs the plant or equipment under a safety management plan, other than a generic SMS, and has been assessed under the plan as competent to carry out the installation.

(2) The installer must, before making the plant or equipment operational, give a copy of the relevant certificate for the installation to—

- (a) the owner, operator or proposed operator of the gas system immediately after installing the plant or equipment; and
- (b) the relevant network operator within 5 business days after installing the plant or equipment.

Maximum penalty—20 penalty units.

(3) In this section—

relevant certificate means the certificate under section 697(3) of the Act.

91A Prescribed persons, installation stage and period for giving gas compliance certificate for installation not at operating plant—Act, s 734

(1) This section applies if the holder of a gas work licence or authorisation installs all or part of a gas system otherwise than at an operating plant or proposed operating plant.

[s 91B]

- (2) For section 734(3)(a) of the Act, the prescribed persons are—
 - (a) the owner, operator or proposed operator of the gas system; and
 - (b) the relevant network operator.
- (3) For section 734(3) of the Act—
 - (a) the prescribed stage of the installation at which the gas compliance certificate must be given to the owner, operator or proposed operator of the gas system is at the finish of the installation; and
 - (b) the prescribed period within which the gas compliance certificate must be given to the relevant network operator is 5 business days after the gas system or the part of the gas system is installed.

91B Prescribed compliance plate and related matters for gas system installation—Act, s 734

- (1) Subsections (2), (3) and (4) prescribe matters about compliance plates for section 734(3)(b) of the Act.
- (2) A compliance plate complying with subsection (3) is prescribed for an installation of a gas system or part of a gas system (the *relevant gas system*) including, or expected to include, a gas device (type A) or gas device (type B), other than at an operating plant or proposed operating plant.
- (3) The compliance plate must—
 - (a) state the following information about the installation of the relevant gas system—
 - (i) the licence number of the person who installed the relevant gas system;
 - (ii) the number of the gas compliance certificate for the installation;
 - (iii) the type of device connected to the relevant gas system;
 - (iv) the date the relevant gas system was installed; and

-
- (b) be in a form approved by the chief inspector.
- (4) The prescribed way to attach a prescribed compliance plate for the installation of a relevant gas system is—
- (a) for a system installed in a building with 1 or more electrical meter boxes—
- (i) to the interior surface of the door of the relevant electrical meter box; or
- (ii) if the compliance plate can not be attached as mentioned in subparagraph (i)—to the exterior surface of the door of the relevant electrical meter box; or
- (b) for another system—
- (i) if the system has a cylinder compartment—to a prominent place in or near the cylinder compartment; or
- (ii) otherwise—to a prominent place adjacent to the first pressure regulator, first gas meter or gas isolation valve for the system.

Examples of relevant gas systems to which paragraph (b) applies—

a relevant gas system installed in a caravan or boat or a building without an electrical meter box

- (5) For section 734(3) of the Act, the prescribed stage of the installation at which a prescribed compliance plate must be attached is at the finish of the installation.
- (6) In this section—

cylinder compartment means a compartment, enclosed area or partitioned-off space primarily used for installing a gas cylinder or other equipment associated with a relevant gas system.

first gas meter, for a relevant gas system, means the device used to measure the volume of gas passing through the device that is closest to the source of gas supplying the system.

first pressure regulator, for a relevant gas system, means the device regulating the pressure of gas passing through the

[s 92]

device that is closest to the source of gas supplying the system.

gas isolation valve, for a relevant gas system, means a valve installed in the piping of the system to isolate the pipe work downstream of the source of gas supplying the system.

relevant electrical meter box, for installation of a relevant gas system in a building, means—

- (a) if the gas system is installed for the use of the occupier of the entire building—the electrical meter box containing the main electrical switchboard servicing the building; or

Example—

the electrical meter box at a detached dwelling

- (b) if the gas system is installed for the use of the occupier of only part of the building—the electrical meter box containing the electrical circuit protective devices exclusively servicing that part of the building.

Example—

the electrical meter box for a particular apartment in a unit block or lot in commercial premises

92 Requirements to be complied with before supplying fuel gas to a gas system

- (1) This section applies if—
 - (a) the operator of a fuel gas network proposes to supply fuel gas to a gas system that has not previously been supplied with fuel gas by a fuel gas network; or
 - (b) for a fuel gas network that is an LPG delivery network and to the extent that paragraph (a) does not apply—a person proposes to start supplying LPG through the network to a gas system to which subsection (1A) applies.

- (1A) This subsection applies to a gas system—

-
- (a) that has not previously been supplied with LPG through a fuel gas network to the gas system; or
 - (b) if the connection of LPG supplied through a fuel gas network has been interrupted causing the gas system to stop being pressurised.

Example for paragraph (b)—

a cylinder of LPG is removed from a gas system other than for the purpose of exchanging the cylinder

- (2) Before starting to supply fuel gas to the gas system, the person connecting fuel gas to the gas system must ensure—
 - (a) a test point is installed on the regulator for the gas system that supplies fuel gas at the pressure mentioned in section 84(2), or immediately downstream of the regulator; and
 - (b) the pressure at which fuel gas will be supplied to the gas system complies with section 84; and
 - (c) the gas system is checked in accordance with a relevant method and the check confirms there is no significant leakage of fuel gas from the gas system.

Maximum penalty—20 penalty units.

- (3) If subsection (1)(a) applies, the operator of the fuel gas network must ensure that, not later than 30 days after the operator becomes aware that gas has been used by the gas system—
 - (a) a gas compliance certificate is issued by the installer of the gas system; and
 - (b) a copy of the certificate is provided to the operator of the fuel gas network.

Maximum penalty—20 penalty units.

- (3A) An operator is taken to be aware that gas has been used by the gas system if—
 - (a) the operator has read or received data from a meter for the gas system showing that gas has been used; or

- (b) the operator has provided LPG for the system.
- (3B) It is a defence to the prosecution of an operator for an offence against subsection (3) for the operator to prove that the operator has—
- (a) obtained the licence number of the installer of the gas system before a meter or LPG container for the gas system was installed; and
 - (b) taken reasonable steps to obtain a gas compliance certificate; and
 - (c) given the chief inspector a written report, for each quarterly period, stating—
 - (i) the licence number of any installer of a gas system to which the operator has supplied fuel gas during the quarterly period, if the installer has not provided a gas compliance certificate to the operator; and
 - (ii) the addresses of the premises at which the gas systems were installed.

Maximum penalty—20 penalty units.

- (4) In this section—

relevant method, for checking a gas system, means—

- (a) a method for checking a gas system detailed in a fuel gas network's safety management system if the method under the system is capable of—
 - (i) checking the pressure of the gas system; and
 - (ii) identifying a significant leakage of fuel gas from the gas system; or
- (b) otherwise—the gas system pressure test under 'AS/NZS 5601 Gas installations—Part 1: General installations (2013)'.

significant leakage, of fuel gas from a gas system, means that, after being locked up for 10 minutes, the system shows a

discernible drop in pressure on a calibrated and appropriately scaled gauge.

93 General obligations of owner of a gas system

- (1) The owner of a gas system must take all reasonable steps to ensure the gas system complies with all relevant safety requirements, including, for example, ensuring—
 - (a) a suitably qualified person carries out the installation, servicing, repairing, decommissioning and disposal of any part of the gas system; and
 - (b) if a suitably qualified person or an inspector notifies the owner that the gas system is unsafe, the gas system is not used until it is safe.

Maximum penalty—20 penalty units.

- (2) For this section and section 94, **owner** includes a person in possession of a gas system under any of the following for the system—
 - (a) an agreement for sale;
 - (b) a hire purchase agreement;
 - (c) a lease;
 - (d) any other similar arrangement.

- (3) In this section—

suitably qualified person means—

- (a) for a gas system that includes a gas device (type A)—the holder of a gas work licence that authorises the person to carry out the gas work; or
- (b) for a gas system that includes a gas device (type B)—the holder of, or a person acting under, a gas work authorisation for the device.

94 User must report safety concerns to owner of gas system

- (1) This section applies if—

[s 95]

- (a) a person using a gas system is not the owner of it; and
 - (b) the person has a safety concern in relation to the gas system.
- (2) For subsection (1), the person has a *safety concern* in relation to the gas system if the person knows or suspects, or ought reasonably to know or suspect, the gas system does not or may not comply with all relevant safety requirements.
- (3) The person must, as soon as practicable, give the owner of the gas system notice of the person's safety concern.

95 Owner of gas system must address user's safety concern

- (1) This section applies if an owner of a gas system is given a notice of a safety concern by a person under section 94.
- (2) The owner must, as soon as practicable after receiving the notice, take reasonable steps to address the person's safety concern.

Maximum penalty—20 penalty units.

Part 3 Gas systems in vehicles and vessels and for stationary engines

Division 1 Preliminary

97 Definitions for pt 3

In this part—

alter, a gas system, means—

- (a) relocate a component of the system; or
- (b) replace the system, or a component of the system, with a different make or model that changes the design or performance characteristics of the system.

authorised certifier, for inspecting or altering a gas fuel system, means the holder of a gas work authorisation (motor fuel) if the authorisation states the holder may inspect, or alter, and certify the relevant gas fuel system.

authorised installer, for inspecting or altering a gas system, means the holder of a gas work licence or gas work authorisation (industrial appliance) if the licence or authorisation states the holder may inspect, or alter, and certify the relevant gas system.

commercial vehicle or vessel—

- (a) means a vehicle or vessel, other than a road tank vehicle, that is used—
 - (i) for carrying passengers or goods for hire or reward; or
 - (ii) in the course of business, if the vehicle or vessel uses fuel gas other than for the propulsion of the vehicle or vessel; and
- (b) includes a forklift.

corresponding law means a law of another State that provides for the same or similar matters as the Act.

dealer—

- (a) for a vehicle—means the holder of a motor dealer's licence under the *Property Agents and Motor Dealers Act 2000*; and
- (b) for a vessel—means a person who is in the business of buying and selling vessels.

domestic commercial vessel national law see the *Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016*, section 20.

gas inspection certificate—

- (a) for the installation of a gas fuel system, means the certification under section 734(3) of the Act by the person who installs the system; or

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- (b) for the inspection or alteration of a gas fuel system— means a certificate, in the approved form, issued under section 101(2) or 102(2) by the authorised certifier who inspects or alters the system.

interstate gas compliance certificate means a certificate for the gas system, other than the gas fuel system, in a vehicle or vessel if the certificate is issued under a corresponding law and states the system complies with all relevant safety requirements, or equivalent requirements, under the corresponding law.

interstate gas inspection certificate means a certificate for the gas fuel system in a vehicle or vessel if the certificate is issued under a corresponding law and states the system complies with all relevant safety requirements, or equivalent requirements, under the corresponding law.

owner—

- (a) for a vehicle that is registered—means the registered operator of the vehicle under the *Transport Operations (Road Use Management) Act 1995*, or the registered operator or a similar person under a corresponding law; or
- (b) for a vessel that has a current certificate of operation under the domestic commercial vessel national law— means the person who holds the certificate of operation; or
- (c) for a vessel that is registered—means the registered owner of the vessel under the *Transport Operations (Marine Safety) Regulation 2016*, or the registered owner or a similar person under a corresponding law; or
- (d) for a stationary engine, a vehicle that is unregistered, or a vessel that is not mentioned in paragraph (b) or (c)— means the person in lawful possession of the engine, vehicle or vessel.

used vehicle or vessel means—

-
- (a) a vehicle or vessel that has, at any time, been licensed or registered, whether under a law of this State or of any other State; or
 - (b) a used imported vehicle or vessel.

Division 2 Gas fuel systems

97A Application of div 2

This division applies in relation to a gas fuel system in a vehicle or vessel or for a stationary engine.

98 **New vehicle or vessel must not be offered for sale without gas inspection certificate or gas compliance plate**

- (1) A person must not offer to sell a vehicle or vessel, other than a used vehicle or vessel, unless a gas inspection certificate has been issued for the gas fuel systems in the vehicle or vessel, or a gas compliance plate has been attached to the vehicle or vessel.

Maximum penalty—20 penalty units.

- (2) If a certificate has been issued, the person must give a copy of the certificate to the buyer of the vehicle or vessel before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (3) In this section—

gas compliance plate means a plate attached to a vehicle or vessel that states the gas fuel system complies with the relevant standards for gas fuel systems for vehicles or vessels.

Note—

The standards for gas fuel systems in vehicles or vessels are stated in schedule 1.

gas inspection certificate includes an interstate gas inspection certificate.

99 Copy of gas inspection certificate to be given to new owner of used vehicle or vessel

- (1) This section applies to a person who—
 - (a) owns a used vehicle and intends to dispose of it to someone else, other than a dealer; or
 - (b) sells or otherwise transfers ownership of a used vessel to someone else, other than a dealer.
- (2) However, this section does not apply to a used vehicle or vessel that is not licensed or registered, whether under a law of this State or of any other State.
- (3) The person must give a copy of a gas inspection certificate complying with subsection (4) for the gas fuel system in the vehicle or vessel to the person (the *buyer*) to whom there is a disposal of the vehicle or to whom the vessel is sold or otherwise transferred before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (4) The certificate must be issued not earlier than 3 months before the buyer takes possession of the vehicle or vessel.
- (5) In this section—

disposal, of a vehicle, see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, schedule 4.

gas inspection certificate includes an interstate gas inspection certificate.

100 Owner of commercial vehicle or vessel must ensure its gas fuel system is inspected and certified

The owner of a commercial vehicle or vessel must ensure the gas fuel system in the vehicle or vessel is inspected, and has a gas inspection certificate or an interstate gas inspection certificate issued in relation to it, at least once in every 12-month period.

Maximum penalty—20 penalty units.

100A Prescribed persons, installation stage and period for giving gas inspection certificate for installation—Act, s 734

- (1) This section applies if the holder of a gas work authorisation installs all or part of the gas fuel system.
- (2) For section 734(3)(a) of the Act, the prescribed persons are—
 - (a) the owner, or the person in lawful possession, of the vehicle, vessel or stationary engine; and
 - (b) for a gas fuel system for a stationary engine to which fuel gas is supplied by a fuel gas network—the relevant network operator.
- (3) For section 734(3) of the Act—
 - (a) the prescribed stage of the installation at which the gas inspection certificate must be given to a prescribed person mentioned in subsection (2)(a) is at the finish of the installation; and
 - (b) the prescribed period within which the gas inspection certificate must be given to a prescribed person mentioned in subsection (2)(b) is 5 business days after the gas fuel system or the part of the gas fuel system is installed.

101 Issue of gas inspection certificate for gas fuel system in vehicle or vessel or for stationary engine

- (1) This section applies if an authorised certifier inspects, for this division, the gas fuel system in a vehicle or a vessel or for a stationary engine.
- (2) If the gas fuel system complies with the relevant safety requirements for the system, the certifier must, immediately after the inspection, issue to the owner, or the person in lawful possession, of the vehicle, vessel or stationary engine a gas inspection certificate for the system.

Maximum penalty—20 penalty units.

[s 102]

- (3) If the gas fuel system does not comply with the relevant safety requirements for the system, the certifier must give the owner, or the person in lawful possession, of the vehicle, vessel or stationary engine, notice of the gas work or other action that must be carried out for a gas inspection certificate to be issued for the system.

Maximum penalty—20 penalty units.

Editor's note—

A book of pro-forma notices for this purpose (called 'gas system defect notices') may be purchased from the department's regional offices.

- (4) Subsection (5) applies if the certifier gives the owner of the vehicle, vessel or stationary engine a notice under subsection (3) and the gas work or other action stated in the notice is carried out.
- (5) The certifier must, immediately after being satisfied that the stated work has been carried out, issue to the owner, or the person in lawful possession, of the vehicle, vessel or stationary engine, a gas inspection certificate for the system.

Maximum penalty—20 penalty units.

102 Certification for alterations to a gas fuel system in a vehicle or vessel or for a stationary engine

- (1) This section applies to an authorised certifier who alters a gas fuel system in a vehicle or vessel or for a stationary engine.

Note—

For installing a gas system, see the requirements under section 734 of the Act.

- (2) The certifier must, immediately after completing the work—
- (a) ensure the gas fuel system complies with all relevant safety requirements; and
 - (b) issue to the owner, or the person in lawful possession, of the vehicle, vessel or stationary engine a gas inspection certificate for the system.

Maximum penalty—20 penalty units.

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- (3) If the certificate relates to a motor vehicle, the certificate must include a carbon monoxide analysis if—
- (a) the vehicle is a commercial vehicle; and
 - (b) the certifier believes the vehicle may be used in an unventilated place where excessive carbon monoxide levels might cause a hazard to the health of persons.

Example—

a forklift used in a refrigerated store room

- (4) The certifier must keep a copy of the certificate for 3 years after the completion of the work.

Maximum penalty—20 penalty units.

- (5) In this section—

carbon monoxide analysis means an analysis of the level of the carbon monoxide exhaust emissions from a vehicle—

- (a) when it is idling; and
- (b) under light, medium and heavy load conditions.

103 Labelling requirements for LPG gas fuel systems in vehicles

- (1) This section applies—
- (a) in relation to a gas fuel system for a vehicle that uses LPG; and
 - (b) despite the requirements under AS/NZS 1425 ‘LP gas fuel systems for vehicle engines’ (2013) (the ***relevant standard***).

Note—

See schedule 1 (Mandatory and preferred standards for safety requirements), part 4 (LPG storage and handling).

- (2) The person who installs the gas fuel system in the vehicle must comply with this section.

Maximum penalty—10 penalty units.

[s 104]

- (3) A label used to identify a vehicle that uses LPG, as required under the relevant standard, may be—
 - (a) metallic; or
 - (b) adhesive and non-metallic.
- (4) An identifying label is required for each place where gas cylinders are installed in the vehicle.

Examples—

- If 2 LPG tanks were installed in the boot of a vehicle, only 1 label would be required for the boot.
 - If 1 LPG tank was installed on the tray of a truck and another under the body, both places would be required to be labelled.
- (5) If the relevant standard requires a label to be fixed to the number plate of a vehicle but the label does not fit on it, the label may be fixed in a visible place adjacent to the number plate.

104 Use of gas fuel system for propulsion of a vessel

The owner of a vessel must not use, or allow to be used, a gas fuel system for the propulsion of the vessel unless the plans and specifications for the gas fuel system have been approved by an inspector.

Maximum penalty—20 penalty units.

105 Requirements for owner of vehicle or vessel or for a stationary engine

The owner of a vehicle, vessel or stationary engine must take all reasonable steps to ensure—

- (a) the gas fuel system in the vehicle, vessel or for the stationary engine complies with all relevant safety requirements; and
- (b) for a vehicle—the carbon monoxide exhaust emissions from the vehicle do not exceed the levels stated in the gas inspection certificate for the vehicle.

Example of all reasonable steps taken—

A regular testing program for a vehicle for hire is carried out before each hire or every 6 months, whichever happens first.

Maximum penalty—20 penalty units.

105A Non-application of ss 98 to 100 to owner of vehicle or vessel in exempt area

- (1) Sections 98 to 100 do not apply to a person who is the owner of a vehicle or vessel if—
 - (a) the person lives in an area mentioned under the vehicle standards and safety regulation, schedule 2, item 1; or
 - (b) the person lives in an area mentioned under the vehicle standards and safety regulation, schedule 2, item 2 or 5, for that type of vehicle; or
 - (c) the person has received a notice from the chief inspector advising the person that there is no one authorised to issue a gas inspection certificate within a reasonable distance of the person's residence.
- (2) In this section—

vehicle standards and safety regulation means the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

105AB Person selling or transferring vehicle or vessel without a gas inspection certificate must advise

A person who, in relation to a vehicle or vessel, has received a notice under section 105A(1)(c) must advise anyone to whom the person sells or transfers the vehicle or vessel that a gas inspection certificate has not been issued for the gas fuel system in the vehicle or vessel.

Maximum penalty—20 penalty units.

Division 3 Other gas systems

105B Application of div 3

This division applies in relation to a gas system, other than a gas fuel system, in a vehicle or vessel.

Example—

gas cooker, water heater or refrigerator in a caravan, mobile home or food van

105C New vehicle or vessel must not be offered for sale without a gas compliance certificate

- (1) A person must not offer to sell a vehicle or vessel, other than a used vehicle or vessel, unless a gas compliance certificate has been issued for the gas system in the vehicle or vessel.

Maximum penalty—20 penalty units.

- (2) The person must give a copy of the certificate to the buyer of the vehicle or vessel before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (3) In this section—

gas compliance certificate includes an interstate gas compliance certificate.

105D Copy of gas compliance certificate to be given to new owner of used vehicle or vessel

- (1) This section applies to a person who sells or otherwise transfers ownership of a used vehicle or vessel, other than to a dealer.
- (2) However, this section does not apply to a used vehicle or vessel that is not licensed or registered, whether under a law of this State or of any other State.
- (3) The person must give a copy of a gas compliance certificate complying with subsection (4) for the gas system in the

vehicle or vessel to the person (the *buyer*) to whom the vehicle or vessel is sold or transferred before the buyer takes possession of the vehicle or vessel.

Maximum penalty—20 penalty units.

- (4) The certificate must be issued not earlier than 3 months before the buyer takes possession of the vehicle or vessel.
- (5) In this section—

gas compliance certificate includes an interstate gas compliance certificate.

105E Owner of commercial vehicle or vessel must ensure its gas systems are inspected and certified

The owner of a commercial vehicle or vessel must ensure the gas system in the vehicle or vessel is inspected, and has a gas compliance certificate or an interstate gas compliance certificate issued in relation to it, at least once in every 1-year period.

Maximum penalty—20 penalty units.

105EA Prescribed person and installation stage for giving gas compliance certificate for installation—Act, s 734

- (1) This section applies if the holder of a gas work licence or authorisation installs all or part of the gas system.
- (2) For section 734(3)(a) of the Act, the prescribed person is the owner, operator or proposed operator of the gas system.
- (3) For section 734(3) of the Act, the prescribed stage of the installation at which the gas compliance certificate must be given to the prescribed person is at the finish of the installation.

105F Issue of compliance certificates for gas systems in vehicle or vessel

- (1) This section applies if an authorised installer inspects, for this division, the gas system in a vehicle or vessel.
- (2) If the gas system complies with the relevant safety requirements, the installer must, immediately after the inspection, issue to the owner, or the person in lawful possession, of the vehicle or vessel a gas compliance certificate for the system.

Maximum penalty—20 penalty units.

- (3) If the gas system does not comply with the relevant safety requirements, the installer must give the owner, or the person in lawful possession, of the vehicle or vessel, notice of the gas work or other action that must be carried out in order for a gas compliance certificate to be issued for the gas system.

Maximum penalty—20 penalty units.

Editor's note—

A book of pro-forma notices for this purpose (called 'gas system defect notices') may be purchased from the department's regional offices.

- (4) Subsection (5) applies if the installer gives the owner of a vehicle or vessel a notice under subsection (3) and the gas work or other action stated in the notice is carried out.
- (5) The installer must, immediately after being satisfied that the stated work has been carried out, issue to the owner, or the person in lawful possession, of the vehicle or vessel, a gas compliance certificate for the system.

Maximum penalty—20 penalty units.

105G Certification by person who alters a gas system in a vehicle or vessel

- (1) This section applies to an authorised installer who alters a gas system in a vehicle or vessel.

Note—

For installing a gas system, see the requirements under section 734 of the Act.

- (2) The installer must, immediately after completing the work—
- (a) ensure the gas system complies with all relevant safety requirements; and
 - (b) issue to the owner, or the person in lawful possession, of the vehicle or vessel a gas compliance certificate for the system.

Maximum penalty—20 penalty units.

- (3) The installer must keep a copy of the certificate for 3 years after the completion of the work.

Maximum penalty—20 penalty units.

Part 3A Other plant and equipment

105H Application of pt 3A

This part applies to plant and equipment, other than plant and equipment for—

- (a) a gas system supplied, or to be supplied, through a fuel gas network; or
- (b) a gas system in a vehicle, vessel or stationary engine.

105I Persons to be given copy of relevant certificate for installation at operating plant

- (1) This section applies if either of the following (each of whom is the *installer*) installs plant or equipment at an operating plant or proposed operating plant for a gas system—
- (a) the holder of a gas work licence or authorisation;
 - (b) a person who installs the plant or equipment under a safety management plan, other than a generic SMS, and

has been assessed under the plan as competent to carry out the installation.

- (2) The installer must, immediately after completing the installation, give a copy of the relevant certificate for the installation to the owner or operator of the operating plant or proposed operating plant.

Maximum penalty—20 penalty units.

- (3) In this section—

relevant certificate means the certificate under section 697(3) of the Act.

105J Prescribed person and installation stage for giving gas compliance certificate for installation not at operating plant—Act, s 734

- (1) This section applies if the holder of a gas work licence or authorisation installs all or part of a gas system otherwise than at an operating plant or proposed operating plant.
- (2) For section 734(3)(a) of the Act, the prescribed person is the owner, operator or proposed operator of the gas system.
- (3) For section 734(3) of the Act, the prescribed stage of the installation at which the gas compliance certificate must be given to the prescribed person is at the finish of the installation.

Part 4 General provisions relating to fuel gas

Division 1 Provisions about gas work

106 Gas work carried out by holder of gas work licence or authorisation

The holder of a gas work licence or authorisation must ensure, in relation to gas work carried out by or for the holder—

- (a) the work—
 - (i) complies with all relevant safety requirements; and
 - (ii) is carried out in a thorough and professional way; and
- (b) all reasonable precautions are taken, at the place where the work is carried out, to avoid injury or damage being caused to persons or property because of the work.

Maximum penalty—20 penalty units.

107 Repair of gas work that does not comply with the Act

- (1) This section applies if—
 - (a) gas work is carried out by or for the holder of a gas work licence or authorisation on a gas device (type A) or (type B); and
 - (b) an inspector inspects the gas work within 3 years of the work being completed; and
 - (c) the chief inspector reasonably considers the gas work has not been carried out in a thorough and professional way.
- (2) The chief inspector may give the holder a notice requiring the holder to remedy the work in the way stated in the notice within 14 days after the holder receives the notice.

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- (3) The holder must remedy the work, or cause it to be remedied, in the way stated within the 14-day period.

Maximum penalty—20 penalty units.

- (4) The holder must bear the cost of remedying the work.

- (5) This section—

- (a) is in addition to, not in substitution for, any other right or remedy available to a consumer under an Act or law; but
- (b) does not entitle a consumer to recover the cost of remedying the work more than once.

Division 2 Safety requirements

109 Transporting cylinders in vehicles

Schedule 7 prescribes safety requirements for transporting cylinders in vehicles.

110 Installing particular cylinders in enclosed spaces

A person who installs a cylinder inside premises in an enclosed space, including, for example, a cupboard, must ensure the enclosed space—

- (a) is vented to outside; and
- (b) is sealed from the room and from the gas device that consumes gas from the cylinder.

111 Installing gas devices in caravans

- (1) This section prescribes safety requirements for a person who installs a gas device in a caravan.
- (2) The person must ensure—
- (a) the device complies with all relevant safety requirements mentioned in schedule 1; and

-
- (b) if the device is stored, when not in use, in a compartment or other enclosed space—the device is installed so that gas can not flow to it when it is not in use.

112 Cylinders used in hot air balloons

- (1) This section prescribes safety requirements in relation to a cylinder used in a hot air balloon.
- (2) The operator of the cylinder must ensure it is clearly labelled as a cylinder used in a hot air balloon.
- (3) A person must not use or fill the cylinder if it has an excess flow valve.
- (4) If the cylinder is tested or serviced at an authorised test station, the test station must, when the cylinder is returned to the operator of the cylinder, give the operator a certificate stating that the valve configuration of the cylinder—
 - (a) has not been changed from the original manufacturer's specification; and
 - (b) complies with directive AD/BAL/14 'Fast flow restrictor valves' published by the Civil Aviation Safety Authority of the Commonwealth in 1995.
- (5) In this section—

excess flow valve means a device designed to stop the flow of gas from a cylinder if the flow increases suddenly.

Division 3 Other requirements

113 Requirements for using flammable hydrocarbon gases for refrigeration or air conditioning

Schedule 8 states requirements, including safety requirements, for using flammable hydrocarbon gases for refrigeration or air conditioning.

113A Additional requirements for safety management systems—lower flammable limit alarm levels for unplanned or uncontrolled gas releases

For section 675(1)(u) of the Act, each of the following additional matters must be included in a safety management system for an operating plant where fuel gas is stored, transported or used—

- (a) the name of each fuel gas that could be released from the operating plant;
- (b) the lower flammable limit alarm level for an unplanned or uncontrolled release of the fuel gas.

Division 4 Offences relating to fuel gas

114 Offence to transfer LPG between fuel gas containers in residential areas

- (1) A person must not, without the written approval of the chief inspector, transfer LPG from 1 fuel gas container to another at or adjacent to residential premises if, as a result of the transfer, LPG vapour or liquid gas is released into the air.

Maximum penalty—20 penalty units.

- (2) This section does not apply to the operator, or a person acting under the direction of the operator, of an LPG delivery network.

115 Offence to tamper with a gas system

A person must not knowingly tamper with a gas system.

Maximum penalty—20 penalty units.

115A Causing existing gas system to not comply with safety requirements

A person must not cause an existing gas system to not comply with the safety requirements for the gas system.

Maximum penalty—20 penalty units.

Example—

placing an ignition source such as an air conditioner within the hazardous zone of a gas cylinder as defined under AS/NZS 1596 ‘The storage and handling of LP gas’ (2014)

115B Water heaters—registration and labelling

- (1) A person must not display for sale or sell a gas device that is a water heater (the *sale device*) unless a gas device of the same type as the sale device (an *alike device*)—
 - (a) is registered; or
 - (b) was registered when the sale device was manufactured in or imported into Queensland.

Maximum penalty—20 penalty units.

- (2) A person must not display for sale or sell a sale device with an energy efficiency label attached to, or accompanying, the device unless the label—
 - (a) complies with requirements about labelling the device stated in AS 4552 ‘Gas fired water heaters for hot water supply and/or central heating’; and
 - (b) contains no figures, symbols or other words likely to mislead the public about the device’s comparative energy efficiency rating or performance characteristics.

Maximum penalty—20 penalty units.

- (3) For subsection (1), an alike device is *registered* if—
 - (a) the device is registered under a law of another State or the Commonwealth; and
 - (b) a requirement of registration under the law is compliance with AS/NZS 4552.2, ‘Gas fired water heaters for hot water supply and/or central heating, part 2, minimum energy performance standards for gas water heaters’.
- (4) This section does not apply to the display or sale of—

knowledge required to carry out gas work of the relevant type for the licence or authorisation applied for.

- (3) For subsection (2)(b), the chief inspector may require the applicant or individual to sit a written, oral or practical examination.

117 Particular apprentices and trainees taken to be holders of gas work licence

- (1) This section applies to a person acting in the presence of, and under the direct supervision of, the holder of a gas work licence if the person is—
 - (a) an apprentice or trainee of the holder; or
 - (b) enrolled in a course of training stated in the gas work requirements.
- (2) The person is taken to be a holder of the gas work licence.
- (3) However, the person can not certify a gas system of a gas device (type A).
- (4) In this section, *apprentice* and *trainee* have the meanings given under the *Further Education and Training Act 2014*.

118 Annual fee payable by holder of gas work licence or gas work authorisation

- (1) The holder of a gas work licence or gas work authorisation must pay an annual fee for each year during the term of the licence or authorisation.
- (2) The amount of the fee is stated in schedule 9, part 6.

120 Types of gas work authorisations

The chief inspector may issue the following types of gas work authorisations for gas devices (type B) or types of gas device (type B)—

- (a) gas work authorisation (industrial appliances);

- (b) gas work authorisation (major project);
- (c) gas work authorisation (motor fuel);
- (d) gas work authorisation (servicing).

122 What gas work authorisation (industrial appliances) authorises

A gas work authorisation (industrial appliances) authorises the holder, or a person acting under the holder's authority, to carry out gas work in relation to an industrial appliance, group of industrial appliances, or gas system, as stated in the authorisation.

123 What gas work authorisation (major project) authorises

- (1) For this section, *major project* means the development and construction of an operating plant, or part of a plant, if the total gas capacity of the devices at the plant, or the part of the plant, is 50GJ/hr or more.
- (2) A gas work authorisation (major project) authorises the holder, or a person acting under the holder's authority, to carry out gas work for a major project.

124 What gas work authorisation (motor fuel) authorises

- (1) For this section, *motor fuel work* means gas work for a gas system that supplies fuel—
 - (a) to the engine of a vehicle or vessel; or
 - (b) to a stationary engine capable of consuming fuel gas at a rate of 5GJ/hr or less.
- (2) A gas work authorisation (motor fuel) authorises the holder, or a person acting under the holder's authority, to carry out motor fuel work as stated in the authorisation.

125 What gas work authorisation (servicing) authorises

- (1) For this section, *servicing*—
 - (a) means carrying out gas work, other than gas work mentioned in section 124, that involves maintaining or repairing a gas device (type B); and
 - (b) does not include carrying out gas work that changes the design layout or operating parameters of a gas system.
- (2) A gas work authorisation (servicing) authorises the holder, or a person acting under the holder's authority, to service a gas device (type B), or a group of gas devices (type B), as stated in the authorisation.

126A Notice of change in circumstances

- (1) Subsection (2) applies if the holder of a gas work licence or authorisation changes—
 - (a) the holder's address; or
 - (b) the holder's contact details.
- (2) The holder must give the chief inspector notice of the change within 20 business days after the change.

Maximum penalty—10 penalty units.

126B Returning suspended or cancelled gas work licence or authorisation to chief inspector

- (1) If the chief inspector gives the holder a notice cancelling the holder's gas work licence or authorisation, the holder must return the licence or authorisation to the chief inspector within 10 business days after the cancellation takes effect, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If the chief inspector gives the holder a notice suspending the holder's gas work licence or authorisation and requires the holder to return the licence or authorisation, the holder must return the licence or authorisation to the chief inspector within

[s 126C]

10 business days after the suspension takes effect, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) If subsection (2) applies, the chief inspector must return the licence or authorisation to the holder as soon as practicable after the suspension period ends.

126C Existing gas work licence or authorisation taken to be in force while application is considered

- (1) This section applies if—
- (a) a holder's gas work licence or authorisation is issued for a stated period; and
 - (b) the holder applies for a gas work licence or the same type of authorisation within the stated period.
- (2) The holder's gas work licence or authorisation is taken to continue in force from the day it would, apart from this section, have expired until the day the chief inspector decides to grant or refuse the licence or authorisation for which the holder applied.
- (3) Subsection (2) does not apply if the gas work licence or authorisation is earlier cancelled or suspended under the Act.

Chapter 6 Miscellaneous

Part 2 Fees and royalties etc.

Division 1 Preliminary

133 Fees generally

The fees payable under the Act are stated in schedule 9.

Division 2 Safety and health fees

Subdivision 1 Purpose of fees and liability to pay fees

134A Purpose of safety and health fees

The purpose of safety and health fees is to cover the costs (the *safety and health operating costs*) of the department's activities carried out for the purposes of safety and health matters relating to operating plant during each financial year.

Note—

See the Geothermal Act, section 4 and the *Greenhouse Gas Storage Act 2009*, section 4(c).

134AA Estimation and publication of safety and health costs

- (1) The chief executive must, for each financial year, prepare a written estimate (a *costs estimate*) of the safety and health operating costs for each relevant category of liable person for the year.
- (2) Each costs estimate must be published on the department's website no later than 31 March before the financial year to which the estimate relates.

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- (3) A failure to comply with subsection (2) does not limit or otherwise affect the operation of the fee-capping provisions.
- (4) In this section—
fee-capping provisions means schedule 9, part 8, sections 1(2), 2(2), 3(2), 4(2), 6(2) and 7(3).

135 Who is liable to pay a safety and health fee

- (1) Subject to sections 135A, 141 and 142AA, a person (a *liable person*) who is a person mentioned in subsection (2) at any time during a financial year must pay a safety and health fee for the year.
- (2) For subsection (1), the persons are each of the following—
 - (a) the operator of an operating plant used to drill a prescribed well, geothermal well (other than a well drilled for wet geothermal production), GHG well or UCG well;
 - (b) the operator of a work over rig that performs well completion or maintenance work for a prescribed well, geothermal well, GHG well or UCG well;
 - (c) the holder of an authority to prospect;
 - (d) the holder of a geothermal exploration permit;
 - (e) the holder of a GHG permit;
 - (f) the holder of a petroleum lease, or 1923 Act lease, under which petroleum was produced;
 - (g) the operator of a petroleum facility that is any of the following types—
 - (i) a major processing facility;
 - (ii) a facility that produces syngas;
 - (iii) a facility that produces a gasification or retorting product, other than mineral (f) produced by an underground gasification activity;
 - (iv) a facility that produces LPG from petroleum;

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- (v) a facility that produces LNG and—
 - (A) is not a major hazard facility under the *Work Health and Safety Regulation 2011*; and
 - (B) must operate under a safety management system;
 - (vi) a facility that produces CNG and must operate under a safety management system;
 - (vii) a facility that produces mineral (f) under an underground gasification activity;
 - (viii) a petroleum facility on an area to which a petroleum facility licence applies that is not included in subparagraphs (i) to (vii);
 - (h) the operator of a facility, including a well, or a series of wells, and associated storage and injection equipment used to carry out injection of a GHG stream into the same or associated reservoirs that are part of the 1 GHG project;
 - (i) the operator of a pipeline under a pipeline licence;
 - (j) the operator of a distribution pipeline that is not part of a distribution system;
 - (k) the operator of a GHG stream pipeline under the GHG storage Act;
 - (l) the operator of a distribution system;
 - (m) the operator of an LPG delivery network for non-automotive LPG that is an operating plant if the total capacity of fuel gas containers in the network for non-automotive LPG is more than 12,000L;
 - (n) a product supplier of automotive LPG;
 - (o) a tanker delivery carrier;
 - (p) the operator of a site (a *major consumer*) if the gas devices at the site have a total gas capacity of 50GJ/hr or more and gas has been consumed at the site by a gas device;

[s 135A]

- (q) the operator of a facility that produces or processes any of the following—
 - (i) biogas;
 - (ii) gas derived from a waste disposal tip;
 - (iii) gas derived during the treatment of sewage;
- (r) the operator of a gas system used for special effects for entertainment or amusement purposes.

Note—

See also section 135A.

- (3) The amount of the fee must be calculated in the way provided for under schedule 9, part 8.
- (4) A liable person who is mentioned in more than 1 category of liable persons for a year must pay a safety and health fee for the year in relation to each category.

135A Who is not liable to pay a safety and health fee

- (1) Despite section 135, the following are not liable persons—
 - (a) an operator mentioned in section 135(2)(q) if either of the following apply—
 - (i) the operator has, on or before 9 November after the financial year for which the safety and health fee would otherwise be payable, received a positive advance finding for an activity at the facility that relates to the production or processing of biogas or gas carried out at the facility;
 - (ii) for an operator mentioned in section 135(2)(q)(ii)—all the gas produced or processed is passively vented;
 - (b) the operator of a coal mining-CSG operating plant.
- (2) In this section—

Innovation Australia means the board established under the *Industry Research and Development Act 1986* (Cwlth), section 6.

passively vented means vented to the atmosphere, without mechanical assistance, in reliance on natural pressure gradients.

Example of passive venting—

venting gas to the atmosphere, without mechanical assistance, through a bore hole

positive advance finding, for an operator's activities at a facility, means an advance finding, issued by Innovation Australia, confirming the activities are either of the following—

- (a) core R&D activities;
- (b) supporting R&D activities.

Subdivision 3 Lodgement of safety and health fee return and payment of fee

139 Requirement to lodge safety and health fee return

- (1) A person mentioned in section 135 or 135A(1)(a) must lodge a return (a ***safety and health fee return***) for each financial year by 31 July immediately after the end of the year.

Maximum penalty—20 penalty units.

- (2) To remove any doubt, subsection (1) applies to the person even if the person is also mentioned in section 135A(1)(b).
- (3) However, the person may give a safety and health fee return after the period mentioned in subsection (1) if, before the period ends—
 - (a) the person applies to the chief executive in writing to extend the period; and
 - (b) the chief executive gives the person a written notice stating that the person may give the safety and health return before the end of a day stated in the notice for that purpose.

[s 139A]

- (4) If the person is given written notice under subsection (3)(b), the person must give the chief executive the safety and health return before the end of the day stated in the notice for giving the return.

Maximum penalty—20 penalty units.

139A Requirements for safety and health fee return

- (1) A safety and health fee return must be in the approved form and must state, for the financial year to which it relates—
- (a) for a person mentioned in section 135(2)(a)—the total distance (km) drilled in all prescribed wells, geothermal wells, GHG wells or UCG wells drilled by the person; and
 - (b) for a person mentioned in section 135(2)(b)—the total number of wells for which completion or maintenance work was performed by the person; and
 - (c) for a person mentioned in section 135(2)(c)—the number of authorities to prospect, and the area, in sub-blocks, of the authorities to prospect, held by the person; and
 - (d) for a person mentioned in section 135(2)(d)—the number of geothermal exploration permits, and the area, in sub-blocks, of the geothermal exploration permits, held by the person; and
 - (e) for a person mentioned in section 135(2)(e)—the number of GHG permits, and the area, in sub-blocks, of the GHG permits, held by the person; and
 - (f) for a person mentioned in section 135(2)(f)—the number of prescribed wells within the area of the petroleum lease or 1923 Act lease that have produced petroleum; and
 - (g) for a person mentioned in section 135(2)(g)—
 - (i) which type of petroleum facility mentioned in section 135(2)(g) is operated by the person; and

-
- (ii) the amount of petroleum (m³) processed by the petroleum facility (the *relevant petroleum facility*); and
 - (iii) the number of other petroleum facilities operated at the same site and under the same safety management system as the relevant petroleum facility; and
 - (h) for a person mentioned in section 135(2)(h)—the number of GHG projects started; and
 - (i) for a person mentioned in section 135(2)(i)—the length (km) and outside diameter (mm) of the pipeline; and
 - (j) for a person mentioned in section 135(2)(j)—the length (km) and diameter (mm) of the part of the distribution pipeline that is not part of the distribution system; and
 - (k) for a person mentioned in section 135(2)(k)—the length (km) and diameter (mm) of the GHG stream pipeline; and
 - (l) for a person mentioned in section 135(2)(l)—the length (km) of the distribution system;
 - (m) for a person mentioned in section 135(2)(m)—the maximum number of each of the following fuel gas containers in the LPG delivery network for non-automotive LPG—
 - (i) fuel gas containers with a capacity less than 50L;
 - (ii) fuel gas containers with a capacity 50L or more but less than 1kL;
 - (iii) fuel gas containers with a capacity 1kL or more but less than 8kL;
 - (iv) fuel gas containers with a capacity more than 8kL; and
 - (n) for a person mentioned in section 135(2)(n)—the number of times the person supplied automotive LPG to an automotive LPG site; and

[s 140]

- (o) for a person mentioned in section 135(2)(o)—the number of automotive LPG sites to which the person delivered automotive LPG; and
 - (p) for a person mentioned in section 135(2)(p)—the maximum consumption rate (in GJ/hr) for which the gas device is designed; and
 - (q) for a person mentioned in section 135(2)(q)—the number of sites, operated by the person, with facilities that produce or process—
 - (i) for a person mentioned at section 135(2)(q)(i)—biogas; or
 - (ii) for a person mentioned at section 135(2)(q)(ii)—gas derived from a waste disposal tip; or
 - (iii) for a person mentioned at section 135(2)(q)(iii)—gas derived during the treatment of sewage; and
 - (r) for a person mentioned in section 135(2)(r)—
 - (i) the number of gas systems mentioned in that paragraph operated by the person; and
 - (ii) the number of times the gas system was operated; and
 - (iii) the amount of fuel gas used by the gas system.
- (2) The return must be lodged at the office of the chief executive.
- (3) The information that must be included in the return under subsection (1) is the *required information*.

140 Fee for late lodgement of safety and health fee return

- (1) This section applies if—
- (a) a liable person does not lodge a safety and health fee return under section 139; or
 - (b) a purported safety and health fee return lodged by a liable person does not contain all of the required information.

- (2) The obligation under section 139 to lodge a safety and health fee return continues to apply until the section is complied with.
- (3) When the return is lodged it must be accompanied by the late fee mentioned in schedule 9, part 8, section 16(2).
- (4) The late fee applies and is payable as well as any penalty imposed under section 139(1).

141 Requirement for invoice to be given

- (1) The chief executive must give a liable person an invoice for the amount of the safety and health fee payable by the person for a financial year on or before the invoice date for the year.
- (2) However, if the person has not lodged a safety and health fee return for the year by the invoice date for the year, the chief executive must give the person the invoice within 30 days after the day the person lodges the return.
- (3) Also, if the liable person does not pay the fee on or before the payment date, the chief executive must, within 10 days after the payment date, give the liable person an invoice for the late fee mentioned in schedule 9, part 8, section 16(1).
- (4) The chief executive's failure to give an invoice within a period stated in subsections (1) to (3) does not affect the validity of an invoice given under this section.
- (5) In this section—

invoice date, for a financial year, means 10 November after the end of the year.

142 Invoice may be reissued if incorrect

- (1) This section applies if the chief executive—
 - (a) has given a liable person an invoice under section 141(1) or (2); and

[s 142AA]

- (b) after giving the invoice, is of the opinion, based on information available to the chief executive, that the safety and health fee stated in the invoice is incorrect.
- (2) The chief executive may give the liable person an invoice (a ***reissued invoice***) for the correct amount of the safety and health fee within 30 days after receiving the information.

142AA Date for payment

- (1) The safety and health fee for a financial year must be paid by a liable person on or before the payment date.
- (2) However, if the amount of the safety and health fee for the year stated in a reissued invoice for the person (the ***reissued amount***) is—
 - (a) higher than the amount for the fee already paid by the person, the person must, on or before the payment date, pay the balance amount; or
 - (b) lower than the amount for the fee already paid by the person, the chief executive must, on or before the refund date, refund the balance amount.
- (3) For subsection (1), if the person does not pay the fee on or before the payment date, when the fee is paid it must be accompanied by the late fee mentioned in schedule 9, part 8, section 16(1).
- (4) In this section—
 - balance amount***—
 - (a) for subsection (2)(a)—means the part of the reissued amount that remains after subtracting the amount of the fee already paid; and
 - (b) for subsection (2)(b)—means the part of the fee already paid that remains after subtracting the reissued amount.

refund date means the day that is 30 days after the day the reissued invoice is given.

142A Interest payable on unpaid fees

- (1) This section applies if a liable person does not pay an amount of a safety and health fee payable under this division.
- (2) The liable person must pay interest on the unpaid amount at the rate of 15% a year.
- (3) The interest must be calculated as simple interest.
- (4) The interest payable on the unpaid amount may be recovered by the chief executive as a debt.

143 Notice may be given to liable person if return not lodged or is inadequate

- (1) This section applies if the chief executive is of the opinion, based on information available to the chief executive, that a liable person—
 - (a) has failed to lodge a safety and health fee return as required under sections 139 and 139A; or
 - (b) has lodged a safety and health fee return that does not contain all of the required information; or
 - (c) has lodged a safety and health fee return containing required information that is incorrect.
- (2) The chief executive may give the person a notice—
 - (a) stating each of the following—
 - (i) the ground mentioned in subsection (1)(a), (b) or (c) on which the chief executive reasonably believes this section applies in relation to the person;
 - (ii) the required information the chief executive reasonably believes is correct;
 - (iii) the amount of the safety and health fee the chief executive reasonably believes is payable by the person;

[s 144]

- (iv) the facts and circumstances forming the basis for the beliefs mentioned in subparagraphs (i) to (iii); and
 - (b) inviting the person to lodge, at the office of the chief executive and within a stated reasonable period, submissions as to why the person should not be invoiced for the amount mentioned in paragraph (a)(iii).
- (3) The chief executive must consider any submissions lodged within the stated period by the person.
 - (4) If, after complying with subsection (3), the chief executive is satisfied a safety and health fee is payable by the person, the chief executive may give the person an invoice for the fee.
 - (5) Subsection (4) applies even if the person has already been given an invoice for, or paid, a different amount for the fee.

Subdivision 4 Overpayment of safety and health fee

144 Refund of overpayment of safety and health fee

- (1) If a safety and health fee is overpaid by a liable person, the chief executive may refund the amount of the overpayment to the person.
- (2) No interest is payable on the amount refunded.

Division 4 Petroleum royalty

Subdivision 1 Prescribed matters for petroleum royalty

146A Royalty return period

For the Act, schedule 2, definition *royalty return period*, the period prescribed is a quarterly period.

147 When and how petroleum royalty payable—royalty return period

(1) Petroleum royalty payable by a petroleum producer is payable, as provided under this section, for the following royalty return period—

- (a) for petroleum produced under a petroleum tenure or a 1923 Act petroleum tenure—the royalty return period in which the petroleum is disposed of;

Note—

See also section 74N (Petroleum royalty and annual rent) of the 1923 Act.

Example—

If petroleum is produced under a petroleum lease on 30 September and disposed of between 23 and 31 October, the petroleum royalty for the petroleum is payable for the royalty return period in which 23 to 31 October falls.

- (b) otherwise—the royalty return period in which the petroleum is produced.

(2) A petroleum producer *disposes of* petroleum if the producer—

- (a) sells or otherwise transfers ownership of the petroleum to another person; or
- (b) flares or vents the petroleum; or
- (c) uses the petroleum.

(3) Subject to subsection (5), the petroleum royalty payable by a petroleum producer for a royalty return period is payable as follows—

- (a) instalment 1 is payable on or before the last business day of the second month of the royalty return period;
- (b) instalment 2 is payable on or before the last business day of the third month of the royalty return period;
- (c) instalment 3 is payable on the day a royalty return must be lodged for the royalty return period.

(4) A person must lodge an approved form for a payment under subsection (3) when the payment is made.

[s 147]

- (5) If the Minister considers it appropriate to do so, the Minister may, by notice (a *payment notice*), allow a petroleum producer to pay the petroleum royalty payable by the producer for a royalty return period on the day a royalty return must be lodged for the royalty return period.
- (6) A payment notice given to a petroleum producer must state the period for which the notice applies.
- (7) If the Minister considers it appropriate to do so, the Minister may, by notice, withdraw a payment notice.
- (8) A withdrawal under subsection (7) takes effect from the start of the next royalty return period after the royalty return period in which the notice of the withdrawal is given ends.
- (9) In this section—

instalment 1, for a royalty return period, means—

- (a) the amount payable by the producer for the first month of the royalty return period worked out under section 147A(2); or
- (b) if an election under section 147B(3) applies for the first month of the royalty return period—the amount payable by the producer for the first month of the royalty return period worked out under section 147B(5).

instalment 2, for a royalty return period, means—

- (a) the amount payable by the producer for the second month of the royalty return period worked out under section 147A(3); or
- (b) if an election under section 147B(3) applies for the second month of the royalty return period—the amount payable by the producer for the second month of the royalty return period worked out under section 147B(6).

instalment 3, for a royalty return period, means—

- (a) if the sum of instalment 1 and instalment 2 for the royalty return period is less than the petroleum royalty payable by the petroleum producer for the royalty return period—the amount that is the total amount of the

petroleum royalty payable by the petroleum producer for the royalty return period less that sum; or

- (b) otherwise—zero.

Note—

Section 600 of the Act provides for a refund if the amount of petroleum royalty paid by a petroleum producer for a royalty return period is more than the amount of petroleum royalty payable by the producer for the royalty return period.

147A Working out monthly payments for petroleum royalty generally

- (1) This section prescribes, for section 147(3), the amounts payable by a petroleum producer for each month of a royalty return period.

Note—

Section 147B allows a petroleum producer to make an election to change the amount payable for the first or second month of a royalty return period if the producer reasonably believes the petroleum royalty payable by the producer for the royalty return period will be less than the petroleum royalty payable by the producer for the previous royalty return period.

- (2) The amount payable by the petroleum producer for the first month of the royalty return period is an amount that is a third of the total amount of the petroleum royalty payable by the producer for the previous royalty return period.
- (3) The amount payable by the petroleum producer for the second month of the royalty return period is an amount that is a third of the total amount of the petroleum royalty payable by the producer for the previous royalty return period.
- (4) For subsections (2) and (3), the petroleum royalty payable by the petroleum producer for the previous royalty return period is the petroleum royalty payable by the producer for the previous royalty return period disregarding any assessment under section 599B of the Act, and any reassessment under section 599C of the Act, for the royalty.

[s 147B]

- (5) If the petroleum producer has not lodged a royalty return for the previous royalty return period as required under the Act—
 - (a) the Minister—
 - (i) may estimate the amount of petroleum royalty payable by the producer for the previous royalty return period for working out the amounts payable under subsections (2) and (3); and
 - (ii) must give the producer a notice stating the estimated amount; and
 - (b) for subsections (2) and (3), the petroleum royalty payable by the producer for the previous royalty return is the estimated amount.
- (6) In estimating an amount for subsection (5), the Minister may have regard to—
 - (a) any other royalty returns lodged by the petroleum producer; and
 - (b) the size of the operation for which the petroleum royalty is payable; and
 - (c) any other relevant matter.

147B Election to change monthly payments

- (1) This section applies if—
 - (a) at the relevant time, a petroleum producer reasonably believes the amount of petroleum royalty payable by the producer for a royalty return period (the *current royalty return period*) will be less than the petroleum royalty payable by the producer for the previous royalty return period; and
 - (b) the Minister has not given the producer a notice stating that the amounts payable by the producer for the royalty return period must be worked out under section 147A.
- (2) For subsection (1), the petroleum royalty payable by the petroleum producer for the previous royalty return period is

the amount that, under section 147A(4) or (5)(b), is the petroleum royalty payable by the producer for the previous royalty return period for section 147A(2) and (3).

- (3) The petroleum producer may elect to change the amount payable for the first month or the second month of the current royalty return period.
- (4) The election must—
 - (a) be lodged in the approved form; and
 - (b) state the amount of petroleum royalty the petroleum producer reasonably believes will be payable by the producer for the current royalty return period; and
 - (c) be lodged on or before the following day unless the Minister has, by giving notice to the producer, approved another day for making the election—
 - (i) for an election for the first month of the current royalty return period—the last business day of the second month of the royalty return period;
 - (ii) for an election for the second month of the current royalty return period—the last business day of the third month of the royalty return period.
- (5) Subject to subsection (7), if the petroleum producer makes an election under subsection (3) for the first month of the current royalty return period, the amount payable for that month is a third of the amount mentioned in subsection (4)(b) for the election.
- (6) Subject to subsection (7), if the petroleum producer makes an election under subsection (3) for the second month of the current royalty return period, the amount payable for that month is a third of the amount mentioned in subsection (4)(b) for the election.
- (7) The amount payable, as changed under subsection (3) for the first month or the second month of a royalty return period, may be more than the amount payable under subsection (5) or (6).

[s 147BA]

- (8) The Minister may give a notice mentioned in subsection (1)(b) if—
- (a) the petroleum producer has made an election under this section for a month in a royalty return period; and
 - (b) the Minister considers that the producer did not have a reasonable basis for forming the belief mentioned in subsection (1)(a) for the election.
- (9) In this section—

relevant time, for an election for the first month or the second month of a royalty return period, means when the amount payable for the month becomes payable under section 147.

147BA When petroleum royalty payable—annual royalty return

- (1) This section applies if the amount of petroleum royalty payable by a petroleum producer for an annual return period under the Act, section 599 is more than the amount of petroleum royalty payable by the producer for all the royalty return periods occurring during the annual return period (the *royalty difference*).
- (2) The petroleum producer must pay the royalty difference when the annual royalty return for the annual return period is required to be lodged.

147C Rate of petroleum royalty payable

Petroleum royalty payable by a petroleum producer is payable at the rate of 10% of the wellhead value of the petroleum disposed of or, if section 147(1)(b) applies, produced by the petroleum producer during a royalty return period.

148 Working out wellhead value of petroleum

- (1) The wellhead value of petroleum disposed of or, if section 147(1)(b) applies, produced by a petroleum producer in a royalty return period is—

- (a) the amount that the petroleum could reasonably be expected to realise if it were sold on a commercial basis; less
 - (b) the sum of the following—
 - (i) the expenses for the royalty return period mentioned in subsection (2);
 - (ii) any negative wellhead value deducted under subsection (4).
- (2) For subsection (1)(b)(i), the expenses are each of the following—
- (a) a pipeline tariff or other charge paid or payable by the petroleum producer to a third party for transporting the petroleum through a pipeline to the point of its disposal, if the Minister reasonably believes the amount of the tariff is reasonable on a commercial basis;
 - (b) a processing plant toll or other charge paid or payable by the petroleum producer to a third party for processing the petroleum before it is disposed of, if the toll is calculated—
 - (i) on a commercial basis; or
 - (ii) if the Minister reasonably believes that use of the plant by other petroleum producers or for other purposes makes another basis for charging the most practicable basis—on the other basis;
 - (c) depreciation of capital expenditure by the petroleum producer on a petroleum facility or pipeline used for processing the petroleum or transporting it from the wellhead of the well in which it was produced to the point of its disposal, allocated over—
 - (i) 10 years; or
 - (ii) a shorter period decided by the Minister, if the Minister reasonably believes the shorter period is reasonable having regard to the expected potential for production of the natural underground reservoir from which the petroleum is produced;

- (d) an operating cost incurred, or to be incurred, by the petroleum producer that directly relates to—
 - (i) treating, processing or refining the petroleum before it is disposed of; or
 - (ii) transporting the petroleum to the point of its disposal;
 - (e) another expense incurred, or to be incurred, by the petroleum producer in relation to the operation of the site at which the petroleum was produced that is approved by the Minister for the purpose of this subsection.
- (3) However, the following expenses are not included under subsection (2)—
- (a) an expense incurred by the petroleum producer in producing the petroleum, including, for example, lifting costs;
 - (b) office overhead costs for an office that is not located—
 - (i) for petroleum produced under a petroleum tenure or 1923 Act petroleum tenure—within the area of the tenure; or
 - (ii) otherwise—at the site at which the petroleum is produced;
 - (c) marketing costs in relation to the sale of the petroleum;
 - (d) Commonwealth excise levies;
 - (e) a civil penalty or royalty penalty amount, or interest on an amount, payable by the producer under the Act.

Example—

In a royalty return period, a petroleum producer sells 20 units of gas and uses 2 units of gas to generate electricity. Half of the electricity generated is used in recovering gas to ground level and the remainder is used to operate other plant at the field. The cost of the electricity used to recover the gas to ground level would not be included under subsection (2).

Note—

For paragraph (e), see, for example, sections 76, 588 and 602 of the Act.

- (4) If a petroleum producer's expenses mentioned in subsection (2) for a royalty return period are more than the amount mentioned in subsection (1)(a) for the royalty return period—
 - (a) the amount of the excess is a ***negative wellhead value*** for the royalty return period; and
 - (b) the negative wellhead value may be deducted under subsection (1)(b)(ii) in a later royalty return period in the same annual return period.
- (5) To remove doubt, it is declared that a petroleum producer is not entitled to receive any payment in relation to a negative wellhead value.

Subdivision 2 Working out components of wellhead value of petroleum in particular circumstances

148A Definitions for subdivision

In this subdivision—

component, of the wellhead value of petroleum disposed of or produced by a petroleum producer in a royalty return period, means—

- (a) an element used to work out the amount under section 148(1)(a) that the petroleum could reasonably be expected to realise; or
- (b) an expense, or an amount contributing to an expense, under section 148(2)(a), (b), (d) or (e).

earlier return period, in relation to a petroleum royalty decision for petroleum, means a royalty return period or annual return period for the petroleum that occurs wholly or partly before the Minister—

[s 148B]

- (a) makes the decision; or
- (b) amends the decision under section 148H or 148K.

petroleum royalty decision see section 148E(3).

relevant entity, for a petroleum producer, means—

- (a) for a petroleum producer that is a corporation—
 - (i) an associated entity of the corporation within the meaning of the Corporations Act, section 50AAA; or
 - (ii) a related entity of the corporation within the meaning of the Corporations Act, section 9, definition *related entity*; or
 - (iii) a related party of the corporation within the meaning of the Corporations Act, section 228; or
- (b) for a petroleum producer who is an individual—a related person of the individual within the meaning of the *Duties Act 2001*, section 61, other than section 61(1)(d) of that Act.

stated factor see section 148E(7).

148B Application by petroleum producer for petroleum royalty decision

- (1) A petroleum producer may apply to the Minister for a petroleum royalty decision for petroleum that has been or will be—
 - (a) disposed of by the producer; or
 - (b) if section 147(1)(b) applies to the petroleum—produced by the producer.
- (2) The application must—
 - (a) be in writing; and
 - (b) be lodged at the office of the chief executive; and
 - (c) state why the petroleum producer is seeking the petroleum royalty decision; and

-
- (d) state a proposed value of, or proposed method or formula for working out, 1 or more components of the wellhead value of the petroleum for 1 or more of the following—
- (i) a particular transaction;
 - (ii) a particular class of transaction;
 - (iii) some or all transactions in a particular period; and
- Examples of a method or formula for working out a component of the wellhead value of petroleum—*
- a fixed value with adjustments in particular circumstances
 - a formula for deciding the market value
- (e) state the proposed period for which the petroleum royalty decision is to apply.
- (3) Without limiting subsection (2)(e), the application may relate to 1 or more royalty return periods, regardless of whether any of the royalty return periods start or end before the application is made.

148C Petroleum royalty decision on Minister's own initiative

- (1) The Minister may, on the Minister's own initiative, make a petroleum royalty decision under section 148E for petroleum if, for a period—
- (a) the petroleum is or will be produced other than under a petroleum tenure or a 1923 Act petroleum tenure; or
 - (b) the petroleum is or will be disposed of to a relevant entity for the petroleum producer for the petroleum; or
 - (c) the petroleum is or will be disposed of to, or used by, a person and the producer receives a non-financial benefit from the disposal or use of the petroleum (whether or not the producer also receives or will receive a financial benefit from the disposal or use of the petroleum); or
 - (d) an expense mentioned in section 148(1)(b)(i) has been or will be paid or become payable to a relevant entity for the producer; or

- (e) the petroleum has been or will be disposed of by being flared, vented or used; or
 - (f) the Minister reasonably believes—
 - (i) the amount mentioned in section 148(1)(a) that the producer determines or may determine as the amount the petroleum could reasonably be expected to realise is less than the market value of the petroleum; or
 - (ii) the expenses mentioned in section 148(1)(b)(i) paid or incurred, or that may be payable or incurred, are more than the amount that would reasonably be paid or incurred by the producer for the period.
- (2) Subsection (1)(f) applies whether or not any of the following has happened—
- (a) a transaction relating to the petroleum;
 - (b) the incurring or payment of an expense mentioned in section 148(1)(b)(i) relating to the petroleum;
 - (c) the lodgement of a royalty return, or an annual royalty return, for the period.
- (3) If the Minister proposes to make a petroleum royalty decision for petroleum on the Minister's own initiative, the Minister must—
- (a) give a notice to the petroleum producer for the petroleum that the Minister proposes to make the decision; and
 - (b) invite the producer to make submissions about the proposed decision within—
 - (i) 30 days after the day the Minister gives the producer the notice; or
 - (ii) if the Minister approves a longer period—the longer period.

148D Considerations in making petroleum royalty decisions

In making a petroleum royalty decision for petroleum (the *relevant petroleum*), the Minister—

- (a) must consider—
 - (i) if the petroleum producer for the relevant petroleum applied for the decision under section 148B—the matters stated in the petroleum producer’s application; and
 - (ii) any submissions about the proposed decision made by the petroleum producer within the period mentioned in section 148C(3)(b) for the submissions; and
- (b) may consider any document or information the Minister reasonably considers relevant for making the decision; and
- (c) may also consider any of the following matters—
 - (i) the amount for which petroleum of a similar kind to the relevant petroleum has been disposed of in an arms-length transaction to a person other than a relevant entity for the petroleum producer;
 - (ii) the amount for which a product made using the relevant petroleum, or petroleum of a similar kind, has been disposed of;
 - (iii) how the value of the relevant petroleum can be adjusted to reflect changes to the market value of the petroleum;
 - (iv) the expenses incurred or likely to be incurred by the petroleum producer when disposing of the relevant petroleum in an arms-length transaction to a person other than a relevant entity for the petroleum producer;
 - (v) the nature of the relationship between the petroleum producer and the entity to which the petroleum has been or will be disposed of, or that has used or will use the petroleum;

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- (vi) the period for which the petroleum royalty decision, or aspects of the decision, will apply;
- (vii) the need for any future adjustment of the petroleum royalty decision or aspects of the decision;
- (viii) any other relevant matter.

148E Petroleum royalty decision

- (1) This section applies if the Minister—
 - (a) receives an application by a petroleum producer under section 148B for a petroleum royalty decision for 1 or more components of the wellhead value of petroleum; or
 - (b) proposes under section 148C to make a petroleum royalty decision for 1 or more components of the wellhead value of petroleum on the Minister's own initiative.
- (2) The Minister must decide—
 - (a) the value of 1 or more components of the wellhead value of the petroleum; or
 - (b) the method or formula for working out the value of 1 or more components of the wellhead value of the petroleum.
- (3) The Minister's decision under this section is a *petroleum royalty decision*.
- (4) Without limiting the scope of the petroleum royalty decision, the petroleum royalty decision may—
 - (a) state a value, method or formula for—
 - (i) deciding the market value of the petroleum; or
 - (ii) working out particular tolls or tariffs relating to the petroleum paid or payable by the petroleum producer for the petroleum; or
 - (iii) adjusting the market value of the petroleum or the tolls or tariffs in particular circumstances; or

-
- (iv) working out any other component of the wellhead value of the petroleum; and
 - (b) apply for a particular period, including, for example, an earlier return period starting or ending before the decision is made; and
 - (c) provide for different values for 1 or more components of the wellhead value of the petroleum for particular periods, transactions or classes of transactions; and
 - (d) provide for different methods or formulas for working out the value of 1 or more components of the wellhead value of the petroleum for particular periods, transactions or classes of transactions.
- (5) If the petroleum producer applied for the petroleum royalty decision—
- (a) the Minister may decide the value of, or method or formula for, a component under subsection (2) or (4), even if the component is not stated in the producer's application; and
 - (b) to remove any doubt, it is declared that the Minister may decide the value of a component, the method or formula for working out the value of a component, or the period, transaction or class of transaction for which the decision applies (each a *relevant matter*), even if—
 - (i) the relevant matter is not stated in the producer's application; or
 - (ii) the way in which the relevant matter is stated in the producer's application is different from the way the relevant matter is stated in the decision.
- (6) After making the petroleum royalty decision, the Minister must give the petroleum producer for the petroleum a notice stating—
- (a) the reasons for the decision; and
 - (b) for each component of the wellhead value of the petroleum—

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- (i) the value of the component; or
- (ii) the method or formula for working out the value of the component; and
- (c) if the decision applies for a period—the period; and
- (d) if the decision applies for a particular transaction or class of transaction—the transaction or class; and
- (e) if the decision applies for an earlier return period—whether, subject to section 148M, the Minister will assess or reassess the amount of royalty payable for the earlier return period; and

Note—

See also sections 599B and 599C of the Act.

- (f) the producer may apply, under section 148J, to the Minister to review the decision.
- (7) The Minister may also state in the notice a fact or circumstance the Minister considers would have a direct or indirect impact on the decision if the fact or circumstance were to change (a *stated factor*).

Example of a stated factor—

Under a petroleum royalty decision, the value of petroleum disposed of by a producer to a relevant entity for the producer is determined having regard to the amount for which petroleum of a similar kind is disposed of by the producer under a contract with a person who is not a relevant entity. The Minister may state in the decision that the termination of the contract would impact on the decision, so the continuation of the contract is a stated factor for the decision.

148F Using expired petroleum royalty decision to work out wellhead value of petroleum in particular circumstances and Minister's obligation to reassess

- (1) This section applies if—
 - (a) a petroleum royalty decision for petroleum (the *original decision*) states that the decision applies for a particular period; and
 - (b) before the period ends (the *expiry*)—

-
- (i) the petroleum producer for the petroleum lodges an application under section 148B for another petroleum royalty decision (the *new decision*) to take effect on the expiry of the original decision; or
 - (ii) the Minister, under section 148C(3), gives a notice to the producer stating that the Minister proposes to make another petroleum royalty decision (also the *new decision*) to take effect on the expiry of the original decision; and
 - (c) the Minister has not made the new decision before the expiry.
- (2) For petroleum produced or disposed of by the producer during the period starting immediately after the expiry until a notice for the new decision is given to the producer under section 148E(6)—
- (a) the producer, in complying with the producer's obligations under the Act, must work out the wellhead value for the petroleum as if the original decision continues to apply to the petroleum; and
 - (b) the Minister must make any assessment of the amount of the petroleum royalty payable for the petroleum as if the original decision continues to apply to the petroleum.
- (3) Subsection (4) applies if the Minister—
- (a) makes a new decision for petroleum produced or disposed of by the producer during the period mentioned in subsection (2); and
 - (b) has made an assessment of the amount of petroleum royalty payable under an original decision for a royalty return period or annual return period for the petroleum; and
 - (c) is reasonably satisfied the amount of petroleum royalty payable for the petroleum under the original decision is incorrect.
- (4) The Minister must under section 599C of the Act reassess the amount of petroleum royalty payable for the petroleum.

[s 148G]

Note—

On making a reassessment, see section 600 of the Act for the Minister's obligation to refund any excess amount.

- (5) Subsection (6) applies if, on a reassessment under subsection (4), the producer is liable for a royalty penalty amount, unpaid royalty interest or a civil penalty (each a *relevant royalty-related amount*).
- (6) The Minister must remit the relevant royalty-related amount to the extent the amount is payable solely because of the operation of subsection (2).

Subdivision 2A Amendment and review of petroleum royalty decisions

148G Petroleum producer to advise Minister of particular matters affecting petroleum royalty decision

- (1) This section applies if—
 - (a) a petroleum royalty decision is incorrect when the decision is made; or

Examples of when a petroleum royalty decision may be incorrect when the decision is made—

- information relied on by the Minister in making the decision is false or misleading
- the decision contains a typographical error

- (b) a petroleum royalty decision is incapable of being applied by the petroleum producer for working out the wellhead value of the petroleum to which the decision applies; or

Example for paragraph (b)—

A part of the decision relies on the completion of an activity by the producer before a stated day, but the producer fails to complete the activity by that day.

- (c) a stated factor for a petroleum royalty decision has changed.

Example for paragraph (c)—

A stated factor for a petroleum royalty decision is the existence of a contract for the disposal of petroleum with an entity other than a relevant entity. The termination of the contract is a change to the stated factor.

- (2) Within 60 days after becoming aware the decision is incorrect or incapable of being applied, or within 60 days after the stated factor has changed, the producer for the petroleum to which the decision applies must—
 - (a) advise the Minister of the matter in writing; and
 - (b) give the Minister—
 - (i) if the decision is incorrect—any documents or information about why the decision is incorrect; or
 - (ii) if the decision is incapable of being applied—any documents or information about why it is incapable of being applied; or
 - (iii) if a stated factor has changed—any documents or information relevant to the change.

Maximum penalty—20 penalty units.

148H Minister may amend petroleum royalty decision in particular circumstances

- (1) The Minister may amend a petroleum royalty decision (an *earlier decision*) for petroleum if the Minister is reasonably satisfied of any of the following matters—
 - (a) the earlier decision was incorrect when it was made;
 - (b) the earlier decision is incapable of being applied by the petroleum producer for the petroleum for working out the wellhead value of the petroleum;
 - (c) a stated factor for the earlier decision has changed;
 - (d) any other fact or circumstance fundamental to the earlier decision has changed.

- (2) If the Minister proposes to amend the earlier decision in a way that increases the wellhead value of the petroleum, the Minister must—
 - (a) give notice to the producer that the Minister proposes to make the amendment; and
 - (b) invite the producer to make submissions about the proposal within—
 - (i) 30 days after the day the Minister gives the producer the notice; or
 - (ii) if the Minister approves a longer period—the longer period.
- (3) In deciding whether to amend the earlier decision, the Minister—
 - (a) may consider the matters mentioned in section 148D(b) or (c) as if they related to making the amendment; and
 - (b) if a submission is made by the petroleum producer within the period mentioned in subsection (2)(b) for the submission—must consider the submission.
- (4) To remove any doubt, it is declared that if the Minister is satisfied of a matter under subsection (1) for a particular component of the wellhead value to which the earlier decision applies, the amendment may relate wholly or partly to another component of the wellhead value of the petroleum.
- (5) The amendment must, for a royalty return period or an annual return period for which the earlier decision applies, be made within 5 years after the day the petroleum royalty for the petroleum to which the earlier decision applies became payable by the producer for the period.
- (6) Despite subsection (5), the Minister may amend an earlier decision at any time in a way that increases the wellhead value of the petroleum if the Minister reasonably believes that before the earlier decision was made, the petroleum producer, or a person acting on behalf of the producer—

-
- (a) knowingly misled the Minister, or knowingly caused the Minister to be misled, about a matter relevant for deciding the earlier decision; or
 - (b) deliberately failed to give the Minister documents or information relevant for deciding the earlier decision.
- (7) The Minister can not be compelled to amend an earlier decision in a way that decreases the wellhead value of the petroleum if, for a royalty return period or an annual return period, petroleum royalty was payable for that period.

148I Notice of amendment

After amending an earlier decision under section 148H, the Minister must give the petroleum producer for the petroleum to which the earlier decision, as amended, applies a notice stating—

- (a) the earlier decision has been amended; and
- (b) how the earlier decision has been amended; and
- (c) the reasons for the amendment; and
- (d) if the amendment applies for an earlier return period—that the Minister will reassess the amount of royalty payable by the producer for the earlier return period; and

Note—

See section 599C of the Act and section 148M.

- (e) that the producer may apply, under section 148J, to the Minister to review the amendment.

148J Application for review of petroleum royalty decision or amendment of petroleum royalty decision

- (1) The petroleum producer for petroleum may apply to the Minister to review—
- (a) a petroleum royalty decision for the petroleum; or

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- (b) an amendment, made under section 148H, of a petroleum royalty decision for the petroleum.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the reasons for requesting the review; and
 - (c) be lodged at the office of the chief executive.
 - (3) If the application seeks a review of a petroleum royalty decision, the petroleum producer must lodge it within—
 - (a) 60 days after the day the Minister gives the producer the notice mentioned in section 148E(6); or
 - (b) if the Minister approves a longer period for lodging the application—the longer period.
 - (4) If the application seeks a review of an amendment, made under section 148H, of a petroleum royalty decision, the petroleum producer must lodge it within—
 - (a) 60 days after the day the Minister gives the producer the notice mentioned in section 148I; or
 - (b) if the Minister approves a longer period for lodging the application—the longer period.

148K Review decision

- (1) If the petroleum producer makes an application (the *review application*) under section 148J, the Minister must decide the application by affirming or amending the decision or amendment (the *original decision*).
- (2) If the original decision was made by a delegate of the Minister, the delegate must not decide the review application.
- (3) In deciding the review application, the Minister may consider any matter mentioned in section 148D(b) or (c) as if that matter related to the review.

148L Notice of review decision

- (1) After deciding a review application under section 148K, the Minister must give the applicant a notice stating—
 - (a) that the Minister has affirmed or amended the original decision; and
 - (b) if the original decision has been amended—how the decision has been amended; and
 - (c) the reasons for the Minister’s decision to affirm or amend the original decision; and
 - (d) if the original decision has been amended and the amended decision applies for an earlier return period—the Minister will reassess the amount of royalty payable for the earlier return period.

Note—

See section 599C of the Act and section 148M.

- (2) In this section—
original decision see section 148K(1).

148M Minister must reassess amount of particular petroleum royalty payable

- (1) This section applies if—
 - (a) a petroleum royalty decision (the *unamended decision*), or an amendment under section 148H or 148K of a petroleum royalty decision, applies for petroleum for an earlier return period; and
 - (b) the Minister has made an assessment of the amount of petroleum royalty payable for the petroleum by the petroleum producer for the period without having regard to the unamended decision or the amendment.

Note—

If an assessment of the petroleum royalty payable for the petroleum has not been made for the earlier return period, the Minister must make an assessment of the royalty payable for the period, having regard to the unamended decision or amendment, under section 599B of the Act.

- (2) The Minister must reassess, under section 599C of the Act, the amount of petroleum royalty payable for the petroleum by the producer for each earlier return period to which the unamended decision or the amendment applies.
- (3) Subsection (4) applies if the reassessment period, as defined in section 599C(4) of the Act, has expired in relation to an earlier return period mentioned in subsection (2).
- (4) For the purposes of section 599C(5)(b) of the Act, a reassessment required under subsection (2) decreasing the amount of petroleum royalty payable for the petroleum by the producer for the earlier return period must be made after the reassessment period unless—
 - (a) the petroleum royalty decision was made on the Minister’s own initiative under section 148C; or
 - (b) all of the following apply—
 - (i) the reassessment was made because the Minister made the amendment, under section 148H(1), after being reasonably satisfied, for the amendment, of a matter mentioned in the section;
 - (ii) the Minister considers section 148G applies in relation to that matter;
 - (iii) the holder failed to comply with the requirement to advise the Minister under section 148G(2) in relation to that matter before the amendment.

Subdivision 3 Royalty return

149 Information to be contained in royalty return

- (1) For section 594(1) of the Act, the information that must be contained in a royalty return is each of the following—
 - (a) the wellhead value of the petroleum disposed of or, if section 147(1)(b) applies, produced by the petroleum producer during the royalty return period;

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- (b) a breakdown of the expenses deducted under section 148(1)(b)(i) for working out the wellhead value mentioned in paragraph (a);
 - (c) the amount of any negative wellhead value deducted under section 148(1)(b)(ii) for working out the wellhead value mentioned in paragraph (a);
 - (d) for each relevant petroleum product disposed of by the producer during the royalty return period—
 - (i) the volume of the product disposed of; and
 - (ii) the amount of any revenue earned by the producer in relation to the product.
- (2) The information must be provided using the approved form.
- (3) In this section—
- relevant petroleum product* means—
- (a) a petroleum product; and
 - (b) any other petroleum, or substance derived from petroleum, disposed of by the petroleum producer.

Subdivision 4 Royalty estimate

149A Application of sdiv 4

This subdivision prescribes for section 599A(2) of the Act the requirements for royalty estimates.

149B What notice must contain

- (1) The notice given by the Minister to a petroleum producer under section 599A(1) of the Act (a *royalty estimate notice*) must include the following—
 - (a) the period (the *estimate period*) for which the petroleum producer is to estimate the royalties payable by the petroleum producer under section 590 of the Act;

[s 149B]

- (b) the day by which the petroleum producer must provide the royalty estimate;
 - (c) the form in which the petroleum producer must provide the royalty estimate;
 - (d) a description of the information the petroleum producer must provide in the royalty estimate.
- (2) For subsection (1)(d), the information the Minister may ask a petroleum producer to provide in the royalty estimate includes the following—
- (a) an estimate of the royalties payable by the petroleum producer under section 590 of the Act for the estimate period;
 - (b) identification of each relevant petroleum product the petroleum producer expects to dispose of in the estimate period;
 - (c) for each relevant petroleum product identified for paragraph (b), an estimate of the following for the estimate period—
 - (i) the volume of the petroleum product the petroleum producer expects to dispose of;
 - (ii) the amount of any revenue the petroleum producer expects to earn in relation to the petroleum product;
 - (iii) the amount of allowable deductions the petroleum producer expects to incur in relation to the petroleum product;
 - (iv) the wellhead value of the petroleum product;
 - (d) the exchange rate the petroleum producer has assumed for working out the estimate of royalties mentioned in paragraph (a).
- (3) Subsection (2) does not limit the information the Minister may ask to be included in the royalty estimate.
- (4) In this section—

relevant petroleum product means—

- (a) a petroleum product; or
- (b) any other petroleum, or substance derived from petroleum, disposed of by the petroleum producer.

149C Form of and information to be included in royalty estimate

The royalty estimate must—

- (a) be in the form stated in the royalty estimate notice; and
- (b) include the information asked for in the royalty estimate notice.

149D Minister may request information to support royalty estimate

- (1) The Minister may, by notice to a petroleum producer who has lodged a royalty estimate, ask the petroleum producer to give the Minister, by the day stated in the notice, information to support the matters stated in the royalty estimate.
- (2) The Minister may, by notice to a petroleum producer who must provide a royalty estimate under section 599A(2) of the Act, ask the petroleum producer to give the Minister, by the day stated in the notice, additional information about the matters that must be included in the royalty estimate.
- (3) If the Minister asks a petroleum producer for information under subsection (1) or (2), the petroleum producer must provide the information by the day stated in the notice.

Subdivision 4A Civil penalty

149E Imposition of civil penalty—Act, s 604A

- (1) This section applies if a petroleum producer makes a section 147B election and either—

[s 149E]

- (a) the petroleum royalty payable for the current royalty return period exceeds the petroleum royalty payable for the previous royalty return period by an amount that is more than 15% of the petroleum royalty payable for the previous royalty return period; or
 - (b) both of the following apply—
 - (i) the petroleum royalty payable for the current royalty return period is less than the petroleum royalty payable for the previous royalty return period;
 - (ii) the total of the petroleum royalty payable for the first month and the second month of the current royalty return period is less than 50% of the total petroleum royalty payable for the current royalty return period.
- (2) The producer is liable to the State for an amount (*civil penalty*) equal to 25% of the default estimate difference, if any, for each month of the current royalty return period for which the producer makes the section 147B election.
- (3) For subsection (2), the *default estimate difference* for a month of the current royalty return period is the difference between—
- (a) the amount that would have been payable for the month under section 147A if the producer had not made the section 147B election; and
 - (b) the amount payable for the month under the section 147B election.
- (4) However, if the amount mentioned in subsection (3)(a) is less than the amount mentioned in subsection (3)(b), the default estimate difference for the month is taken to be 0.
- (5) Subsection (6) applies if, for the petroleum royalty payable for the current royalty return period—
- (a) an assessment is made under the Act, section 599B; or
 - (b) a reassessment is made under the Act, section 599C.

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- (6) For subsection (1), the petroleum royalty payable for the current royalty return period is the amount of petroleum royalty payable taking into account the assessment or reassessment.
 - (7) For subsection (1), a reference to the petroleum royalty payable for the previous royalty return period is a reference to the amount worked out under section 147B(2).
 - (8) The Minister may remit the whole or part of the civil penalty.
 - (9) In this section—

current royalty return period see section 147B(1)(a).

section 147B election means an election under section 147B(3) to change the amount payable for the first month or the second month, or both, of the current royalty return period.

149F Notice of civil penalty

- (1) If a petroleum producer is liable to pay a civil penalty under section 149E, the Minister must give the producer a written notice stating—
 - (a) the amount of the civil penalty that is payable; and
 - (b) that the producer must pay the civil penalty on or before the day stated in the notice.
- (2) For subsection (1)(b), the day must be at least 28 days after the day the notice is given to the producer.

149G Civil penalty not payable if proceeding for offence started

- (1) This section applies if—
 - (a) a petroleum producer is liable to pay a civil penalty under section 149E because of an act or omission of the producer; and
 - (b) the act or omission constitutes an offence under the Act.

Example of an act or omission constituting an offence—

giving false or misleading information in contravention of the Act, section 607

- (2) If a proceeding is started against the producer for the offence constituted by the act or omission and the civil penalty has not been paid to the State, the civil penalty is payable only if the proceeding against the producer is withdrawn.
- (3) If the civil penalty has been paid to the State, but a proceeding is started against the producer for an offence against the Act constituted by the act or omission, the amount of the civil penalty must be remitted in full.
- (4) However, if the proceeding against the producer is withdrawn, the civil penalty remitted under subsection (3) again becomes payable by the producer.

Subdivision 4B Unpaid royalty interest

149H Unpaid royalty interest rate—Act, s 602(3)(a)

For section 602(3)(a) of the Act, the rate of interest is the rate prescribed for unpaid tax interest under the *Taxation Administration Act 2001*, section 54(2).

149I Working out unpaid royalty interest on petroleum royalty payable for royalty return period—Act, s 602(4)

- (1) This section applies for working out the period for which unpaid royalty interest accrues under the Act, section 602, if—
 - (a) petroleum royalty is payable by a petroleum producer under section 147(3) for a royalty return period; and
 - (b) the producer has not paid all of the amount payable for instalment 1, instalment 2 or instalment 3 as required under section 147.
- (2) Unpaid royalty interest accrues—

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- (a) if instalment 1 or instalment 2 is not paid in full by the day required under section 147—on the amount unpaid from time to time, for the period starting on the day after the day the instalment must be paid and ending on the earlier of the following days, both days inclusive—
- (i) the day the instalment is paid in full;
 - (ii) the lodgement day; and
- (b) if the petroleum royalty payable for the royalty return period is not paid in full on the lodgement day—on the total amount unpaid from time to time, for the period starting on the day after the lodgement day and ending when the total amount is paid in full, both days inclusive.
- (3) In this section—

lodgement day means the day a royalty return must be lodged for the royalty return period.

Chapter 7 Transitional and saving provisions

Part 1 Transitional and savings provisions for SL No. 309 of 2004

Division 1 Transitional provisions relating to the Gas (Residual Provisions) Regulation 1989

156 Definitions for div 1

In this division—

[s 157]

chief gas examiner means the chief gas examiner under the repealed *Gas (Residual Provisions) Act 1965*.

commencement means the commencement of section 860 of the Act.

existing, for an approval or certificate given under the repealed regulation, means an approval or certificate that is in effect immediately before the commencement.

repealed regulation means the repealed *Gas (Residual Provisions) Regulation 1989*.

157 Approval for non-conforming gas

An existing approval given by the chief gas examiner under section 21 of the repealed regulation is, on the commencement, taken to be a gas quality approval given by the chief inspector under section 622 of the Act.

158 Approval of gas devices etc.

- (1) An existing approval for an appliance, container, fitting or system given by an approval body under section 81 of the repealed regulation is taken to be an approval given by the chief inspector, or a person or body approved by the chief inspector, under section 733(1) of the Act.

- (2) In this section—

approval body means—

- (a) the chief gas examiner; or
- (b) a person or body approved by the chief gas examiner under section 81 of the repealed regulation.

159 Continuing effect of certificates of compliance

- (1) An existing certificate of compliance under section 99 of the repealed regulation continues, on the commencement, to have effect as a gas inspection certificate under chapter 5, part 3.

- (2) A certificate mentioned in section 109(2A)(b) of the repealed regulation given by a licensed person is, on the commencement, taken to be a certification given under section 734(3) of the Act.
- (3) A certificate mentioned in section 110(2), 111(2) or 112(2) of the repealed regulation given by a licensed person continues, on the commencement, to have effect as a gas inspection certificate under chapter 5, part 3.
- (4) In this section—
licensed person means a licensed person under the repealed regulation.

160 Approval of plans and specifications for particular installations

- (1) An existing approval given by the chief gas examiner under section 100(2) of the repealed regulation continues, on the commencement, to have effect.
- (2) The installation to which the approval relates is not required to comply with a safety requirement to the extent that the approval relates to an aspect of the plans and specifications for the installation that does not comply with the safety requirement.
- (3) However, subsection (2) no longer applies if—
 - (a) the installation is modified so that it no longer complies with the approved plans and specifications; or
 - (b) the plans and specifications that were approved are modified.

161 Effect of existing approval of vessel's gas system

- (1) This section applies if the plans and specifications for a gas fuel system used for the propulsion of a vessel were approved under section 105 of the repealed regulation.
- (2) For section 104, the plans and specifications of the vessel's gas system are taken to have been approved by an inspector.

162 Continuing effect of exemption

- (1) This section applies if—
 - (a) an existing exemption was given by the chief gas examiner under section 122 of the repealed regulation; and
 - (b) the exemption related to a requirement under the repealed regulation for which there is a corresponding requirement under this regulation.
- (2) On the commencement, the exemption continues to have effect for the purpose of the corresponding requirement.
- (3) However—
 - (a) the chief inspector may cancel the exemption at any time by giving notice to the holder of the exemption; and
 - (b) section 122(3) of the repealed regulation continues in force in relation to the exemption.

Division 2 Other transitional provisions

163 Continued application of Petroleum Act 1923 in relation to drilling of particular wells

- (1) Sections 57 and 68 do not apply in relation to a prescribed well—
 - (a) that was drilled before the commencement; or
 - (b) if drilling of the well starts before 1 July 2005.
- (2) If sections 57 and 68 do not apply in relation to a prescribed well, the drilling of the well must comply with all relevant requirements under the 1923 Act, as it was before the commencement.

164 Audit and inspection fee for 2004–2005 financial year

The audit and inspection fee payable by a liable person for the financial year starting on 1 July 2004 is the amount that is one-half of the fee for the year provided for under chapter 6, part 2, division 2.

Part 2

**Transitional provisions for the
Petroleum and Gas (Production
and Safety) Amendment
Regulation (No. 1) 2007**

165 Person not required to give notice about use of preferred standard for existing activity or thing

Section 7(4)(b)(i) does not apply to a person, who immediately before commencement of this section, was required to comply with a safety requirement that was a preferred standard under section 7(2) and schedule 1 for an activity or thing.

166 Application of provision about competency requirements for drilling rig workers

Section 54AA does not apply to the operator of a drilling operating plant until 1 January 2009.

Part 3

Transitional provision for the Mines and Energy Legislation Amendment Regulation (No. 2) 2008

167 Payment of annual rent for a particular period

- (1) This section applies to annual rent for an authority that would have been payable on or before 30 August 2008 under the unamended provision.
- (2) The proportion of the annual rent relating to the period from the day the annual rent would have been payable under the unamended provision to 31 August 2008, is payable on or before 31 August 2008 with the annual rent for the authority payable on that day under section 145, as amended by the *Mines and Energy Legislation Amendment Regulation (No. 2) 2008*.
- (3) In this section—

unamended provision means section 145(3)(b) as in force immediately before the commencement of this section.

Part 4

Transitional provision for the Mines and Energy Legislation Amendment Regulation (No. 4) 2008

168 Payment of annual licence fee

- (1) This section applies to an annual licence fee that would, under the unamended provision, be payable on the anniversary day for a pipeline or a petroleum facility licence from 1 September 2008 to 30 August 2009.
- (2) The annual licence fee must be paid on the anniversary day.

- (3) The amount of the annual licence fee payable on the anniversary day must be worked out using the formula—

$$A = B/365 \times F$$

where—

A is the amount of the annual licence fee payable on the anniversary day.

B is the number of days from the anniversary day to 30 August 2009.

F is the annual licence fee stated in schedule 9, part 4.

- (4) In this section—

anniversary day means the anniversary of the day the licence took effect.

unamended provision means section 134 as in force immediately before the commencement of this section.

Part 5

Transitional provision for the Mines and Energy Legislation Amendment Regulation (No. 2) 2010

169 Confidentiality period for required information lodged before commencement

- (1) This section applies to required information for a petroleum tenure if the required information is lodged before the commencement of this section.
- (2) Despite section 51(4), the confidentiality period for the required information is the confidentiality period mentioned in section 51(2) of the pre-amended regulation.
- (3) In this section—

pre-amended regulation means this regulation as in force immediately before the commencement.

Part 6

Transitional provision for Petroleum and Gas (Production and Safety) Amendment Regulation (No. 2) 2010

170 Safety and health fee return for 2010–2011 year

- (1) A liable person must lodge a return, instead of a safety and health fee return required under section 139(1)—
 - (a) for the financial year ending on 30 June 2010, by 31 August 2010; and
 - (b) for the half year ending on 31 December 2010, by 20 January 2011; and
 - (c) for the quarter year ending on 31 March 2011, by 20 April 2011; and
 - (d) for the quarter year ending on 30 June 2011, by 20 July 2011.

Maximum penalty—20 penalty units.

- (2) The provisions of this regulation, other than section 139(1), relating to a safety and health fee return apply for a return under subsection (1) as if the return were a safety and health fee return.
- (3) However, a reference in section 139(2) to the quarter is taken to be a reference to the period to which the return required to be lodged by the liable person under subsection (1) relates.

Part 7 **Transitional provisions for Petroleum and Other Legislation Amendment Regulation (No. 1) 2011**

171 Existing intention to drill a petroleum well or bore

- (1) This section applies if—
 - (a) before the commencement of this section, a petroleum tenure holder intended to drill a well or bore; and
 - (b) the holder is required to lodge, but has not lodged, a notice under section 31 for the well or bore.
- (2) Old section 31 continues to apply to the holder for the well or bore.
- (3) In this section—

old section 31 means section 31 as in force immediately before the commencement of this section.

172 Confidentiality period for report about hydraulic fracturing activities lodged before commencement

- (1) This section applies to a report, about hydraulic fracturing activities carried out by the holder of a petroleum tenure, lodged under section 553(1)(b) of the Act before the commencement.
- (2) Despite section 51(2)(j), the prescribed confidentiality period for the report starts on the commencement and ends on the day that is 5 years after the commencement.
- (3) In this section—

commencement means commencement of this section.

Part 8

Transitional provision for Resources Legislation and Another Regulation Amendment Regulation (No. 1) 2012

173 Application of s 149H—unpaid royalty interest rate

- (1) This section applies if, immediately before 1 October 2012, an amount of petroleum royalty payable by a petroleum producer is unpaid (the *unpaid petroleum royalty*).
- (2) Section 149H, as in force on 1 October 2012, applies to the unpaid petroleum royalty on and from that day.

Part 9

Transitional provisions for Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2013

174 Superseded version of amended mandatory or preferred standard taken to apply until changeover date

- (1) This section applies if there is an amended mandatory standard or an amended preferred standard for a safety requirement.
- (2) A person is taken, until the changeover date, to comply with an amended mandatory standard for a safety requirement if the person complies with the superseded version of the standard.
- (3) For an amended preferred standard for a safety requirement, a person is taken, until the changeover date—
 - (a) to comply with the standard if the person complies with the superseded version of the standard; and

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- (b) to comply with the safety requirement without complying with the standard if the person—
- (i) gives the chief inspector a notice that the person is not complying with the superseded version of the standard; and
 - (ii) has written evidence showing the level of risk for the activity or thing to which the safety requirement applies is equal to or less than the level of risk that would be achieved by complying with the superseded version of the standard.

Example of written evidence—

a report setting out a risk assessment carried out by a competent person

- (4) If the superseded version of an amended mandatory standard or an amended preferred standard for a safety requirement allows a competent person, or any other person, to grant an exemption from, or in any other way change, the requirements stated in the superseded version, the exemption or change may only be granted or made by the chief inspector.

Example—

The superseded version of an amended preferred standard might provide that a competent person can grant an exemption from provisions of the superseded standard. For the purpose of this regulation, the exemption can only be granted by the chief inspector.

- (5) If a safety requirement taken to be complied with under this section is inconsistent with an other safety requirement, the other safety requirement prevails to the extent of the inconsistency.
- (6) In this section—

amended mandatory standard means a mandatory standard whose title is amended at the commencement of this section.

amended preferred standard means a preferred standard whose title is amended at the commencement of this section.

changeover date means the day that is 6 months after the commencement of this section.

superseded version, of an amended mandatory standard or an amended preferred standard, means the version of the amended standard stated in schedule 1, column 1, immediately before the commencement of this section.

175 Superseded version of amended transmission pipeline standard applies for pipeline being constructed

- (1) This section applies if, at the commencement of this section, the holder of a pipeline licence has started, but has not completed, construction of a pipeline in the area of the licence.
- (2) For the pipeline being constructed, the holder, or a person acting for the holder, is taken to comply with the amended transmission pipeline standard for a safety requirement if the person complies with the superseded version of the standard.
- (3) In this section—

amended transmission pipeline standard means the transmission pipeline standard, as amended at the commencement of this section.

superseded version, of the amended transmission pipeline standard, means the version of the amended transmission pipeline standard stated in schedule 1, part 2, column 1, immediately before the commencement of this section.

transmission pipeline standard means the standard stated in schedule 1, part 2, column 1 immediately before the commencement of this section.

Part 10 **Transitional provision for Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2013**

176 **Estimation and publication of safety and health costs for 2013–14 financial year**

- (1) The chief executive must, for the 2013–14 financial year, prepare a costs estimate of the safety and health operating costs for each relevant category of liable person for the year.
- (2) The costs estimate must be published on the department’s website on, or as soon as practicable after, the commencement.
- (3) This section applies despite section 134AA(2).
- (4) In this section—

2013–14 financial year means the financial year ending 30 June 2014.

Part 11 **Transitional provision for Petroleum Legislation Amendment Regulation (No. 1) 2015**

177 **Particular samples not required to be kept**

- (1) This section applies to the holder of a petroleum tenure if, before the commencement, the holder was given an exemption under section 47(4), as in force immediately before the commencement, from having to keep a sample from a coal seam gas well.
- (2) The holder is not required to keep the sample under section 47(1).

Part 12 **Transitional provisions for Revenue Legislation Amendment Regulation (No. 1) 2016**

178 **Definitions for part**

In this part—

new, in relation to a provision of this regulation, means the provision as in force on the commencement.

pre-commencement decision means a petroleum royalty decision made before the commencement.

previous, in relation to a provision of this regulation, means the provision as in force immediately before the commencement.

179 **Existing applications for petroleum royalty decisions**

- (1) This section applies if—
 - (a) before the commencement, a petroleum producer made an application (the *pre-commencement application*) for a petroleum royalty decision for petroleum—
 - (i) in compliance with a request under previous section 148C(1)(b) by the Minister; or
 - (ii) under previous section 148D; and
 - (b) the application relates to either—
 - (i) for petroleum produced or that will be produced under a petroleum tenure or 1923 Act petroleum tenure—an amount of petroleum to be disposed of on or after the commencement; or
 - (ii) for petroleum produced or that will be produced other than under a petroleum tenure or 1923 Act petroleum tenure—an amount of petroleum to be produced on or after the commencement; and

-
- (c) on the commencement, the application had not been decided.
- (2) To the extent the application relates to petroleum disposed of or produced before the commencement—
- (a) the application must be decided under previous chapter 6, part 2, division 4; and
- (b) previous chapter 6, part 2, division 4 continues to apply in relation to the application and any decision on the application as if the *Revenue Legislation Amendment Regulation (No. 1) 2016* had not been made.
- (3) To the extent the application relates to petroleum to be disposed of or produced on or after the commencement—
- (a) a separate application for a petroleum royalty decision is taken to have been made under new section 148B for that petroleum; and
- (b) the separate application must be decided under new chapter 6, part 2, division 4; and
- (c) that division applies in relation to the separate application and any decision on the application.

Example of the operation of subsections (2) and (3)—

An application made before the commencement relates to petroleum that has been disposed of or produced before the commencement and petroleum to be disposed of or produced after the commencement. The Minister must make 2 separate decisions for the application.

In relation to petroleum disposed of or produced before the commencement, the application must be decided under previous chapter 6, part 2, division 4 and those provisions continue to apply in relation to the decision.

In relation to petroleum disposed of or produced after the commencement, a separate application is taken to have been made under section 148B. The decision for that application must be made under new section 148B, and new chapter 6, part 2, division 4 applies in relation to the decision.

- (4) Anything done or existing in relation to the pre-commencement application is taken to have been done or existing in relation to the separate application.

180 Existing petroleum royalty decisions

- (1) This section applies to a pre-commencement decision relating to the following petroleum (the *relevant petroleum*)—
 - (a) if the petroleum is produced or will be produced under a petroleum tenure or 1923 Act petroleum tenure—an amount of petroleum to be disposed of on or after the commencement;
 - (b) if the petroleum is produced or will be produced other than under a petroleum tenure or 1923 Act petroleum tenure—an amount of petroleum to be produced on or after the commencement.
- (2) To the extent the decision relates to relevant petroleum, the decision is taken to have been made under new chapter 6, part 2, division 4.
- (3) However, the petroleum producer for the petroleum can not apply for a review, under section 148J(1)(a), of the decision.

Example of the operation of subsections (2) and (3)—

A petroleum royalty decision is made under previous chapter 6, part 2, division 4 that states a method of working out a component of the wellhead value of both relevant petroleum, and petroleum produced or disposed of before the commencement.

To the extent the decision relates to relevant petroleum, the decision may be applied after its expiry under section 148F, and may be amended under section 148H or 148K. The producer must comply with its obligations to notify the Minister under section 148G, and may also seek a review of a decision to amend the petroleum royalty decision under section 148J(1)(b), in relation to the relevant petroleum.

However, if the decision is amended in relation to petroleum produced or disposed of before the commencement, the previous provisions of this regulation apply in relation to the amendment of the decision. This means, for example, the producer can not seek a review of the decision to amend the petroleum royalty decision for the petroleum produced before the commencement under section 148J(1)(a).

- (4) The Minister must, within 60 days after the commencement, give the petroleum producer for the relevant petroleum a notice complying with subsection (5).
- (5) The notice must identify any facts or circumstances stated in the pre-commencement decision that the Minister considers

would have a direct or indirect impact on the decision, in relation to the relevant petroleum, if the fact or circumstance were to change.

- (6) Each fact or circumstance mentioned in subsection (5) that is identified in the notice is taken to be a stated factor for the decision, in relation to the relevant petroleum.

181 Review by Minister of pre-commencement decisions on or after right to amend day

- (1) This section applies to a pre-commencement decision only if the Minister has not amended the pre-commencement decision under new section 148H(1)(a), (b) or (d).
- (2) The Minister may review the pre-commencement decision on or after the day (the *right to amend day*) that is 5 years after the day liability for petroleum royalty for petroleum the subject of the pre-commencement decision first became payable by the producer.
- (3) In reviewing the decision, the Minister may—
 - (a) consider any matter mentioned in section 148D(b) or (c) as if that matter related to the review; and
 - (b) in relation to a component of the wellhead value of the petroleum, decide any matter mentioned in section 148E(2), (4) or (5) as if it related to the review; and
 - (c) amend the pre-commencement decision.
- (4) A pre-commencement decision that is amended under this section is the *new decision*.
- (5) The new decision—
 - (a) applies only in relation to petroleum disposed of or produced on or after the right to amend day; and
 - (b) is taken to be a petroleum royalty decision that has been amended under section 148H.
- (6) The Minister must give the producer a notice for the new decision stating—

[s 182]

- (a) that the Minister has amended the pre-commencement decision; and
- (b) how the pre-commencement decision has been amended; and
- (c) the reasons why the Minister has amended the pre-commencement decision.

Part 13

Transitional provision for Mineral and Energy Resources (Common Provisions) Regulation 2016

182 Application of joint interaction management plan provisions

- (1) The pre-amended regulation continues to apply in relation to the following for a period of 6 months after the commencement as if the joint interaction management plan provisions had not commenced—
 - (a) an operating plant, or the area of a petroleum tenure in which an operating plant is situated, mentioned in the pre-amended Act, section 386(1)(a);
 - (b) an operating plant, the area of a coal or oil shale mining lease (the *lease area*) in which an operating plant is situated, or an area adjacent to the lease area, mentioned in the pre-amended Act, section 705(a);
 - (c) an activity under an authority to prospect (csg) carried out in an overlapping area the subject of an authority to prospect (csg) within the meaning of the Common Provisions Act, section 103 if coal mining operations under an exploration permit (coal), mineral development licence (coal) or mining lease (coal) within the meaning of the Common Provisions Act, section 103 are also carried out in the overlapping area.
- (2) In this section—

joint interaction management plan provisions means sections 72B, 72C and 72D.

pre-amended Act means the Act as in force immediately before the commencement of the *Water Reform and Other Legislation Amendment Act 2014*.

pre-amended regulation means this regulation as in force immediately before the commencement.

Schedule 1 **Mandatory and preferred standards for safety requirements**

section 7 and schedule 8, sections 2(a) and 4

Part 1 **Exploring for and producing petroleum**

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
‘APIA code of practice Upstream PE gathering networks CSG industry version 3.0’ (June 2014) published by the Australian Pipeline Industry Association	pipelines constructed from polyethylene	preferred
‘Code of Practice for coal seam gas well head emissions detection and reporting’, published by the department in 2011 on its website	operating plant that is a prescribed well for exploring, producing or processing coal seam gas	mandatory
Construction and abandonment code	a prescribed well, proposed prescribed well or abandoned prescribed well for exploring for or producing coal seam gas; drilling a bore; converting a petroleum well to a bore	mandatory

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
‘Managing risks of plant in the workplace—Code of Practice 2013’ published by Workplace Health and Safety Queensland, Department of Justice and Attorney-General	operating plant that is a drilling rig	preferred
AS 2885	pipelines constructed from steel	preferred
ISO 10405 ‘Petroleum and natural gas industries— casing and tubing’ (2006)	petroleum exploration and production drilling and completion; wellhead production; plant design, manufacture, operation and maintenance <i>(petroleum exploration and drilling)</i>	preferred
ISO 10407 ‘Petroleum and natural gas industries— Drilling and Production equipment—Drill stem design and operating limits’ (1993)	petroleum exploration and drilling	preferred
ISO 10414 ‘Petroleum and natural gas industries— field testing of drilling fluids’	petroleum exploration and drilling	preferred
Part 1 ‘Water-based fluids’ (2008)		
Part 2 ‘Oil-based fluids’ (2008)		

Schedule 1

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
ISO 10423 ‘Petroleum and natural gas industries—drilling and production equipment—wellhead and christmas tree equipment’ (2009)	petroleum exploration and drilling	preferred
ISO 10424 ‘Petroleum and natural gas industries—rotary drilling equipment’ Part 1 ‘Rotary drill stem elements’ (2004)	petroleum exploration and drilling	preferred
ISO 10427 ‘Petroleum and natural gas industries—casing centralizers’ Part 1 ‘Bow-spring casing centralizers’ (2001) Part 2 ‘Centralizer placement and stop-collar testing’ (2004) Part 3 ‘Performance testing of cementing float equipment’ (2003)	petroleum exploration and drilling	preferred
ISO 10432 ‘Petroleum and natural gas industries—downhole equipment—subsurface safety valve equipment’ (2004)	petroleum exploration and drilling	preferred

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
ISO 11960 'Petroleum and natural gas industries—steel pipes for use as casing or tubing for wells' (2011)	petroleum exploration and drilling	preferred
ISO 11961 'Petroleum and natural gas industries—steel pipes for use as drill pipe—specification' (2008)	petroleum exploration and drilling	preferred
ISO 13500 'Petroleum and natural gas industries—drilling fluid material—specifications and tests' (2008)	petroleum exploration and drilling	preferred
ISO 13533 'Petroleum and natural gas industries—drilling and production equipment—drill-through equipment' (2001)	petroleum exploration and drilling	preferred
ISO 13534 'Petroleum and natural gas industries—drilling and production equipment—inspection, maintenance, repair and remanufacture of hoisting equipment' (2000)	petroleum exploration and drilling	preferred
ISO 13535 'Petroleum and natural gas industries—drilling and production equipment—hoisting equipment' (2000)	petroleum exploration and drilling	preferred

Schedule 1

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
ISO 13626 ‘Petroleum and natural gas industries—drilling and production equipment—drilling and well-servicing structures’ (2003)	petroleum exploration and drilling	preferred
ISO 13679 ‘Petroleum and natural gas industries—procedures for testing casing and tubing connections’ (2002)	petroleum exploration and drilling	preferred
ISO 14693 ‘Petroleum and natural gas industries—drilling and well-servicing equipment’ (2003)	petroleum exploration and drilling	preferred
ISO 15136 ‘Downhole equipment for petroleum and natural gas industries—progressing cavity pump systems for artificial lift’ Part 1 ‘Pumps’ (2009)	petroleum exploration and drilling	preferred
ISO 15546 ‘Petroleum and natural gas industries—aluminium alloy drill pipe’ (2011)	petroleum exploration and drilling	preferred

Part 2 Transmission pipelines

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 2885	design, construction, operation and maintenance of transmission pipelines	mandatory

Part 3 Fuel gas distribution

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 1697 'Installation and maintenance of steel pipe systems for gas' (2005)	design and construction of high pressure distribution systems	preferred
AS 2033 'Installation of polyethylene pipe systems' (2008)	installation of distribution systems	preferred
AS/NZS 2648.1 'Underground marking tape—non-detectable tape' (1995)	installation of buried distribution systems and consumer pipes	preferred
AS 2885	pipelines constructed from steel	preferred

Schedule 1

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 3723 'Installation and maintenance of plastics pipe systems for gas' (1989)	installation and maintenance of distribution systems	preferred
AS 4041 'Pressure piping' (2006)	installation of distribution pipelines, facilities and consumer piping	preferred
AS/NZS 4129 'Fittings for polyethylene (PE) pipes for pressure applications' (2008)	installation of distribution systems	preferred
AS/NZS 4645 'Gas distribution network management'	installation of distribution systems	preferred
Part 1 'Network management' (2008)		
Part 2 'Steel pipe systems' (2008) Part 3 'Plastic pipe systems' (2008)		

Part 4 LPG storage and handling

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS/NZS 1425 'LP gas fuel systems for vehicle engines' (2013)	design, installation, certification, repair, service and inspection of motor fuel gas systems	preferred
AS/NZS 1596 'The storage and handling of LP gas' (2014)	storing and handling LPG, including installing and handling fuel gas containers	preferred
AS/NZS 2229, 'Fuel dispensing equipment for explosive atmospheres' (2004)	design and construction of LPG liquid dispensing systems	preferred
AS 4732 'LP gas fuel systems for marine engines' (2002)	design, installation and certification of gas fuel systems in vessels	preferred

Part 5 Gas work

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 3814 'Industrial and commercial gas-fired appliances' (2015)	design and certification of gas devices (type B)	preferred

Schedule 1

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
<p>AS/NZS 5601 ‘Gas installations’</p> <p>Part 1 ‘General installations’ (2013) (including all of sections 3 to 6)</p> <p>Part 2 ‘LP Gas installations in caravans and boats for non-propulsive purposes’ (2013) (including all of sections 3 to 9)</p>	<p>installation of gas systems</p>	<p>preferred</p>

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 61508 'Functional safety of electrical / electronic / programmable electronic safety-related systems'	installation and operation of gas systems	preferred
Part 0 'Functional safety and AS61508' (2006)		
Part 1 'General requirements' (2011)		
Part 2 'Requirements for electrical / electronic / programmable electronic safety-related systems' (2011)		
Part 3 'Software requirements' (2011)		
Part 4 'Definitions and abbreviations' (2011)		
Part 5 'Examples of methods for the determination of safety integrity levels' (2011)		
Part 6 'Guidelines on the application of AS 61508.2 and AS 61508.3' (2011)		
Part 7 'Overview of techniques and measures' (2011)		

Schedule 1

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS/IEC 61511 ‘Functional safety—safety instrumented systems for the process industry sector’ Part 1 ‘Framework, definitions, systems, hardware and software requirements’ (2004) Part 2 ‘Guidelines for the application of AS/IEC 61511—1’ (2004) Part 3 ‘Guidance for the determination of the required safety integrity levels’ (2004)	installation and operation of gas systems	preferred

Part 6 Other safety requirements

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS 1210 ‘Pressure vessels’ (2010)	materials, design, manufacture, testing, inspection, certification and despatch of fired and unfired pressure vessels	preferred

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS/NZS 1677 'Refrigerating systems' Part 1 'Refrigerant classification' (1998) Part 2 'Safety requirements for fixed applications' (1998)	design of gas devices (type B) that use flammable hydrocarbon gas as a refrigerant	mandatory
AS 2030 'The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases' Part 1 'Cylinders for compressed gases other than acetylene' (2009)	verification, filling, inspection and maintenance of cylinders	preferred
AS 2337 'Gas cylinder test stations' Part 1 'General requirements, inspection and tests—gas cylinders' (2004) Part 2 'LP gas fuel vessels for automotive use' (2004) Part 3 'Transportable gas cylinders—periodic inspection and testing of composite gas cylinders' (ISO11623:2002, MOD) (2006)	inspection and testing of fuel gas containers	mandatory

Schedule 1

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS/NZS 2739 'Natural gas (CNG) fuel systems for vehicle engines' (2009)	design, installation and certification of natural gas (CNG) fuel systems in vehicles	preferred
AS 2746 'Working areas for gas-fuelled vehicles' (2008)	design and operation of workshops where gas devices in gas fuelled vehicles are installed or repaired	preferred
AS 2809 'Road tank vehicles for dangerous goods'	design of road tank vehicles	preferred
Part 1 'General requirements' (2008)		
Part 2 'Tankers for flammable liquids' (2008)		
Part 3 'Tankers for compressed liquefiable gases' (2008)		
Part 5 'Tankers for bitumen-based products' (2005)		
AS/NZS 2865 'Safe working in a confined space' (2009)	work carried out in a confined space	preferred
AS 2885	a stated pipeline licence incidental activity to which the standard applies	mandatory
AS 3645 'Essential requirements for gas equipment' (2010)	design, construction, supply and use of gas devices (type A)	mandatory

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS/NZS 3788 'Pressure equipment—in-service inspection' (2006)	inspection of tanks	mandatory
AS 4332 'The storage and handling of gases in cylinders' (2004)	storage, handling and distribution of cylinders to which the standard applies, other than those to which AS/NZS 1596 'The storage and handling of LP gas' (2014) applies	preferred
AS 4983 'Gas fuel systems for forklifts and industrial engines' (2010)	design, installation and certification of gas fuel systems for forklifts and industrial engines	preferred
AS/NZS 60079 'Explosive atmospheres' Part 10.1 'Classification of areas—Explosive gas atmospheres' (2009)	design of a gas system for fuel gas or petroleum	preferred
AS/NZS 60079 'Explosive atmospheres' Part 0 'Equipment—General requirements' (2012) Part 10.1 'Classification of areas—Explosive gas atmospheres' (2009)	assessing the hazardous nature of a gas system for fuel gas or petroleum	preferred

Schedule 2 Prescribed incidents

section 11 and schedule 12, definition *immediately*

Column 1	Column 2	Column 3
Incident	Way report must be given	When report must be given
an incident involving death of a person	by telephone in writing	immediately as soon as practicable
an incident involving injury to a person requiring medical treatment	by telephone in writing	immediately as soon as practicable
an emergency, including an emergency alarm activation other than as part of a routine test, at an operating plant that is a major hazard facility under the <i>Work Health and Safety Regulation 2011</i>	by telephone in writing	immediately as soon as practicable
a fire at an operating plant	by telephone in writing	immediately as soon as practicable
an unplanned or uncontrolled release of petroleum, fuel gas or prescribed storage gas, attended by emergency services	by telephone in writing	immediately as soon as practicable

Column 1	Column 2	Column 3
Incident	Way report must be given	When report must be given
an unplanned or uncontrolled release of a gas that is petroleum or prescribed storage gas or fuel gas from an operating plant, at a concentration of more than the lower flammable alarm level for the gas stated in the safety management system for the plant, not attended by emergency services	in writing	as soon as practicable
an incident with the potential to cause a general shortage of fuel gas in Queensland or an area of Queensland	by telephone in writing	immediately as soon as practicable
an incident involving damage to property that substantially increases the risk of damage to plant or equipment or injury to persons	by telephone in writing	immediately as soon as practicable
an incident involving coal mining operations at an operating plant in the area of a coal or oil shale mining lease	as required under the joint interaction management plan for the operating plant	as required under the joint interaction management plan for the operating plant
an incident at an operating plant to which the <i>Work Health and Safety Act 2011</i> does not apply, if the incident is not otherwise mentioned in this schedule	in writing	as soon as practicable but no later than 5 business days after the incident occurs

Schedule 2

Column 1 Incident	Column 2 Way report must be given	Column 3 When report must be given
an incident that had the potential to, but did not, cause the death of, or injury to, a person or damage to plant or equipment	by telephone in writing	immediately as soon as practicable but no later than 5 business days after the incident occurs
a work related illness of a person at an operating plant to which the <i>Work Health and Safety Act 2011</i> does not apply	in writing	as soon as practicable but no later than 5 business days after the operator of the operating plant becomes aware or, ought reasonably to have been aware, of the illness

Schedule 3 Requirements for plugging and abandoning prescribed wells and bores

section 60(1)

Part 1 Preliminary

1 Definitions for sch 3

In this schedule—

CSG well means a prescribed well that is drilled to produce coal seam gas under a petroleum tenure or a 1923 Act petroleum tenure.

prescribed well or bore means a well or bore, other than a horizontal well.

well or bore means—

- (a) a petroleum well or bore drilled under a petroleum authority; or
- (b) a well or bore drilled under a 1923 Act petroleum tenure.

Part 2 Requirements for all wells and bores

2 Abandonment to be consistent with good industry practice

- (1) A well or bore must be abandoned in accordance with good industry practice, to the extent that practice is consistent with this regulation.

- (2) However, a CSG well or bore must be abandoned in accordance with the construction and abandonment code, to the extent the code is consistent with this regulation.

3 Capping of well or bore

The well or bore must be capped with a metal plate inscribed with the following information—

- (a) the identifying name of the well or bore;
- (b) the total depth in metres of the well or bore;
- (c) the date the well or bore was abandoned.

4 Casing to be sealed

- (1) The casing of the well or bore must be sealed below ground level.
- (2) The stub of the casing must be buried below the surface at a depth that—
- (a) allows for the efficient later re-entry to the well or bore; and
 - (b) will not adversely interfere with the normal activities of the owner of the land on which the well or bore is located.

Part 3 Additional requirements for wells and bores, other than horizontal wells

5 Isolation of aquifers and porous formations

An aquifer or porous formation, including, for example, a coal seam, that is intersected by a prescribed well or bore must be isolated so there is no interconnection of gas or water between the aquifers or porous formations.

6 Casing of prescribed well or bore

- (1) Steel casing must be removed from any section of a prescribed well or bore that is within or immediately adjacent to a coal seam.
- (2) However, subsection (1) need not be complied with—
 - (a) if it is not technically or commercially feasible to remove the casing; or
Example—
production casing that has been cemented in place and can not feasibly be removed
 - (b) for a CSG well, if the code requires that the casing remain in place.

7 Cement to be used for plugs etc.

- (1) This section applies to a prescribed well or bore that is not a CSG well.
- (2) The prescribed well or bore must have a surface plug of cement in the casing.
- (3) Also, if the prescribed well or bore has more than 1 casing string and any inner casing string does not reach the surface, the inner casing string must, if required to comply with section 5, be plugged with cement at the top of the string.
- (4) Cement used as a plug in the prescribed well or bore must be of an industry accepted grade, having regard to the salinity of the fluids in the surrounding strata.
- (5) A plug in, or adjacent to, a coal seam in the prescribed well or bore must, if reasonably practicable, be adequately secured.
- (6) The operator of the well or bore must test any cement that is used as a plug in the well or bore and ensure that it complies with the requirements under this regulation.

8 Requirement for packer left in prescribed well or bore

- (1) This section applies to a prescribed well or bore that is not a CSG well.

- (2) A packer in, or adjacent to, a coal seam in the prescribed well or bore that is not to be removed from the well or bore must, if reasonably practicable—
 - (a) be made of a material that is intrinsically safe; and
 - (b) be adequately secured.

9 Fluid to be left in prescribed well or bore

A prescribed well or bore must be left full of fluid that is of sufficient density to—

- (a) help maintain the structural integrity of the well or bore; and
- (b) prevent gas influx.

10 Requirements if steel casing or drill string is left in coal seam

- (1) This section applies if steel casing or drill string is left within a coal seam in a prescribed well or bore.
- (2) The well or bore must be abandoned in a way that assists future entry of the well or bore for the purpose of milling or removing steel from the coal seam.
- (3) In complying with subsection (2), the operator must ensure that each of the following is carried out before the well or bore is plugged and abandoned—
 - (a) sucker rods, pump and tubing and any other debris in the well or bore that can practicably be removed are removed;
 - (b) perforated casing is cemented to ensure all aquifers and porous formations, including for example, coal seams, are isolated as required under section 5;
 - (c) if casing remains in the well or bore, the fluid left in the well or bore as required under section 9—
 - (i) is anti corrosive; and

- (ii) has corrosion inhibitor added to it if the fluid is or may become corrosive;
- (d) casing strings are cut off at approximately 1.5m below ground level and all wellhead equipment is removed;
- (e) before backfilling, a metal plate is welded fully across the top of the innermost casing string and marker tape is laid approximately 20cm above the top of the casing;
- (f) a plaque, stating the following information, is placed on the nearest fence, building or other permanent structure—
 - (i) the identifying name of the well or bore;
 - (ii) the total depth in metres of the well or bore;
 - (iii) the date on which the well or bore was abandoned;
 - (iv) the distance and direction to the well or bore from the plaque.

Part 4 **Additional requirement for horizontal wells**

11 Requirement for liner

- (1) A horizontal well must be abandoned containing a slotted liner that is not made of steel, including for example, a slotted PVC liner.
- (2) However, if the horizontal well has the potential to be a high risk area for future coal mining because of high levels of methane, the operator must conduct a risk assessment that includes an assessment of whether a Fire Resistant Anti Static (or FRAS) liner should be used in the well.

Schedule 4 Coal seam gas potential hazard guide

section 67(1)

Type of hazard	Potential impact of hazard
Physical disturbance of environment	
stimulation of coal seam	structural integrity of coal seam and strata immediately above and below the coal seam (roof and floor) adversely affected air paths over pillars
dewatering of a significant area of coal	impact on coal quality (unlikely) invalidation of prior exploration data if permanent geotechnical or quality changes to coal, roof or floor impact on mining horizon may stress field and coal strength, with potential shearing or deformation of coal, roof or floor problems with coal exploration activity, including, for example, friable coal unable to be cored for sampling, and changes of coal characteristics may cause spontaneous combustion at the subcrop of the coal
Creation of hazardous objects	
unrecovered steel casing or drill string	may damage equipment, create delays, cause additional costs, reduce productivity, sterilise resources or create safety issues

Type of hazard	Potential impact of hazard
unrecovered radioactive device	health hazard to coal miners; coal rendered unmineable or additional costs and delays to mining
introduction of sand or other foreign material, including, for example, gels	may affect coal quality and production (unlikely because of small quantities typically used by operating plants)

Creation of hazardous zones

gas-filled voids	explosion or asphyxiation due to entry of methane into working face after intersecting void, including, for example, an open horizontal hole
unsealed holes and voids	<p>an open petroleum well, including, for example, a surface to in-seam well, that connects with underground mine workings or goaf (the entry of air may increase the risk of spontaneous combustion)</p> <p>open horizontal wells in a coal seam allowing air path through pillars</p> <p>entry of water from an open petroleum well connecting a significant accumulation of water (surface or upper seam goafs or aquifers) to a location underground</p>
isolated areas and patches of high residual gas	<p>requirement for supplementary gas drainage; gas hazard if not detected</p> <p>a pressurised gas reservoir may connect to workings</p>

Hazards associated with adjacent or overlapping mining operations

Type of hazard

Potential impact of hazard

dewatering affecting adjacent mine

increased risk of spontaneous combustion in some circumstances, including, for example, goaf and up-dip areas of the coal seam

active impact on stress field and strength characteristics of the coal seam, roof or floor; effect on strata control in coal mining operations

additional release of gas into mine workings and the atmosphere

potential fire or explosion caused by a mixture of gas and air in a goaf; migration of the air/methane explosive zone

increased dust

gas drainage paths connecting with adjacent mine workings

potential fire or explosion if mine workings intersect uncontrolled underground heating

Schedule 5 Strategic pipelines

section 80(2), definition *strategic pipeline*

Description of pipeline	Pipeline licence number
pipeline from Moonie to Brisbane	1
pipeline from Roma to Brisbane	2
pipeline from Jackson to Moonie	6
pipeline from Ballera to the South Australian border	13
pipeline from Ballera to Wallumbilla	24
pipeline from Wallumbilla to Gladstone and Rockhampton	30
pipeline from Ballera to Mount Isa	41
pipeline from Moranbah to Townsville	89
pipeline from Durham to ML1A	90

Schedule 6 Gas devices (type A)

section 6A

Note—

A device mentioned in this schedule is a gas device (type A) only if it is used or designed or intended for use for a purpose mentioned in section 724(2) of the Act. See section 724(1) of the Act.

- the following types of commercial catering gas equipment—
 - atmospheric steamers
 - barbecue grillers
 - boiling water units
 - chinese cooking tables
 - food warmers including bain-marie
 - fryers
 - open and closed top boiling tables
 - ovens
 - pasta cookers
 - re-thermalisers
 - salamanders, grillers and toasters
 - solid grill plates and griddles
 - stockpots and brat pans
- decorative gas log appliances and similar appliances
- domestic gas cooking appliances
- domestic gas refrigerators
- domestic outdoor gas barbeques
- indirect gas-fired ducted air-heaters
- gas air conditioners with the capacity to consume no more than 500MJ in an hour

- gas fired water heaters for hot water supply or central heating
- gas laundry dryers
- gas pool heaters
- gas space heating appliances
- LP gas portable and mobile appliances
- LPG mobile industrial direct fired air heaters
- overhead radiant tube gas heaters
- portable gas generators with the capacity to consume no more than 500MJ in an hour
- radiant gas heaters for outdoor and non-residential use

Schedule 7 Safety requirements for transporting cylinders in vehicles

section 109

Part 1 Preliminary

1 Meaning of *enclosed vehicle*

- (1) For this schedule, *enclosed vehicle* means any enclosed vehicle, whether or not—
 - (a) the vehicle is used for private or business purposes or is used for providing public transport; and
 - (b) 1 or more of the vehicle's windows are open.
- (2) However, a vehicle to which the *Transport Operations (Road Use Management) Act 1995*, chapter 5A, applies, is not an enclosed vehicle.

Part 2 Transporting LPG cylinders

2 Application of pt 2

This part applies in relation to cylinders for LPG.

3 Prohibition on carrying 30L cylinders in enclosed vehicles

A person must not carry a cylinder with a capacity of more than 30L in an enclosed vehicle.

Example of a cylinder that could not be carried in an enclosed vehicle—

a 13.5kg cylinder

4 Restriction on carrying 9kg cylinders in enclosed vehicles

- (1) A person may carry a cylinder with a capacity of 8.5kg or more, but no more than 9kg, in an enclosed vehicle only for transporting the cylinder to or from a place where the cylinder is or was exchanged or filled.
- (2) However, subsection (1) does not apply if the cylinder is transported in the vehicle in a sealed compartment that is vented to outside the vehicle.

5 No more than 2 cylinders may be carried at a time

A person must not carry more than 2 cylinders in an enclosed vehicle at a time.

6 Requirements for transporting cylinders in enclosed vehicles

A person who carries a cylinder in an enclosed vehicle must ensure—

- (a) the cylinder is stored—
 - (i) securely in an upright position, in the boot of the vehicle if possible; and
 - (ii) in a way that avoids excessive exposure of the cylinder to heat or direct exposure to sunlight; and
- (b) the service valve of the cylinder is tightly closed.

Part 3 Provisions for supply of LPG**7 Cylinders for supply of LPG must have screw plugs**

A person who supplies LPG to consumers in cylinders with a capacity of 9kg or less must ensure each cylinder is fitted with a screw plug that—

- (a) is inserted into the cylinder outlet; and

(b) allows for its easy removal by a consumer.

8 **Cylinders not to be overfilled**

A person who supplies LPG to consumers must, if filling a cylinder with LPG, fill the cylinder in a way that prevents it being overfilled.

9 **Signage required at places where cylinders are filled or exchanged**

A person who supplies LPG to consumers must ensure a notice stating the requirements under part 2 is displayed at each place where the person fills or exchanges cylinders.

Part 4 **Labelling of cylinders**

10 **Labelling of cylinders**

- (1) A person who supplies a new cylinder to a consumer must ensure the required label is attached to the cylinder.
- (2) An authorised test station must ensure the required label is attached to a cylinder that is tested by the station.
- (3) In this section—

required label means the following label, or a label containing words to the following effect—

CYLINDER SAFETY INSTRUCTIONS

LPG cylinders are safe if used correctly. It is important that—

- (a) cylinders are carried and stored upright at all times
- (b) cylinders are secured upright in vehicles, preferably in the boot, and not more than 2 cylinders are carried at a time

- (c) valves are checked to ensure they are tightly turned off
- (d) cylinders are kept away from heat or direct sun
- (e) contents of cylinder must not be inhaled.

For added safety, fit a screw plug to the cylinder outlet when not in use.

Part 5 **Signage of vehicles transporting particular cylinders**

11 **Requirement for filling or supplying particular cylinders**

- (1) A person (a *supplier*) must not fill a cylinder for another person, or supply a cylinder to the person, if the supplier knows, or ought reasonably to know, that—
 - (a) the cylinder will be transported by the person in a vehicle with other cylinders and all of the cylinders have a total capacity of more than 250l; and
 - (b) the vehicle is not fitted with ‘flammable gas’ signs as required under the dangerous goods code.

- (2) In this section—

dangerous goods code means the seventh edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail approved by the Australian Transport Council.

Schedule 8 Requirements for using flammable hydrocarbons for refrigeration or air conditioning

section 113

1 Definitions for sch 8

In this schedule—

approval person means the chief inspector or a person or body approved by the chief inspector under section 733(1) of the Act.

relevant gas device means a gas device (type A) or (type B) that uses flammable hydrocarbon gas for refrigeration or air conditioning.

2 Requirements for applications for approval of relevant gas device under the Act, s 733(1)

An application for approval under section 733(1) of the Act in relation to a relevant gas device must be accompanied by either—

- (a) evidence satisfactory to the approval person that the device complies with all relevant safety requirements mentioned in schedule 1, part 6; or
- (b) a safety report for the device as required under section 3.

3 Requirements for safety report

- (1) This section prescribes requirements for a safety report mentioned in section 2(b).
- (2) The report must include a safety and risk assessment in relation to each stage of use of the gas device, including at least each of the following—

-
- (a) an assessment of the effect that a change in the refrigerant used by the device might have on the safety and reliability of the device;
 - (b) an identification of the hazards associated with each relevant stage for the device, using a hazard identification model the approval person reasonably believes is appropriate, and an analysis of the likely consequences and likelihood of occurrence of each hazard identified;

Examples of hazard identification models—

- hazard and operability study (HAZOP)
 - failure modes and effect analysis (FMEA)
 - fault tree analysis
 - event tree analysis
- (c) a description of the measures that could be undertaken to control or avoid the risk associated with the hazards identified under paragraph (b), and the reasons why the applicant would or would not undertake the measures;
 - (d) an identification of the class of people, and any particular characteristics of them increasing their vulnerability, who might be affected if the device is not safe;
 - (e) an assessment of the risks in relation to each relevant stage for the device, including each of the following—
 - (i) if the device was originally designed for use with a non-flammable gas—a comparison of the risks identified with any risks associated with the device used as it was originally designed;
 - (ii) the risks to the community, whether direct or indirect;
 - (iii) if practicable, an estimate of the likely number of injuries and deaths of persons from the device for a year;
 - (f) the results of any testing undertaken on the device;
 - (g) an identification of—

- (i) all sources of information and data relied on in producing the report; and
 - (ii) any assumptions made in the report.
- (3) For subsection (2)(e), risks should be assessed quantitatively as well as qualitatively if appropriate in the circumstances.
- (4) In this section—
relevant stage, for a relevant gas device, means each of the following in relation to the device—
 - (a) installation;
 - (b) maintenance;
 - (c) use;
 - (d) decommissioning;
 - (e) disposal;
 - (f) obsolescence.

4 Application of other safety requirements to flammable hydrocarbon gas

A safety requirement mentioned in schedule 1 that applies in relation to LPG also applies, with any necessary modifications, in relation to flammable hydrocarbon gas.

5 Safety requirements for gas fittings used with flammable hydrocarbon gases

- (1) A gas fitting that is used with flammable hydrocarbon gases must—
 - (a) comply with AS/NZS 1596 ‘The storage and handling of LP gas’ (2014), and all relevant standards listed in Appendix A of AS/NZS 1596; and
 - (b) be fit for the purpose for which it is used.
- (2) Subsection (1) is a safety requirement.

6 Safety requirements for installation of flammable hydrocarbon gas in a relevant gas device

- (1) A person who installs flammable hydrocarbon gas in a relevant gas device must—
 - (a) be the holder of a gas work licence; and
 - (b) ensure the device—
 - (i) complies with section 5; and
 - (ii) has been approved for use under section 733(1) of the Act; and
 - (c) ensure a plate is fixed to the device, in a place that is easily observable by a person carrying out gas work on the device, stating the device contains flammable hydrocarbon gas.
- (2) The person must give the owner of the device a certificate, in the approved form, stating that the installation of the gas in the device complies with all relevant safety requirements.
- (3) The person must keep a copy of a certificate mentioned in subsection (2) for 3 years.
- (4) This section is a safety requirement.

Schedule 9 Fees

sections 118(2), 133, 135(3), 140(3) and 142AA(3)

Part 6 Gas work licence and gas work authorisation fees

	\$
1 Application for gas work licence—Act, s 728A(b)	46.05
2 Annual fee for gas work licence—s 118	30.65
3 Application for gas work authorisation—Act, s 728A(b)—	
(a) for a gas work authorisation (industrial appliances)	76.90
(b) for a gas work authorisation (major project)	2,318.00
(c) for a gas work authorisation (motor fuel)	76.90
(d) for a gas work authorisation (servicing)	76.90
4 Annual fee for gas work authorisation—s 118—	
(a) for a gas work authorisation (industrial appliances)	46.05
(b) for a gas work authorisation (major project)	2,318.00
(c) for a gas work authorisation (motor fuel)	46.05
(d) for a gas work authorisation (servicing)	46.05
5 Replacement of gas work licence or gas work authorisation under the Act, s 849	46.05

Part 7 Other fees mentioned in Act

	\$
1 Late fee for royalty return—Act, s 595(3)	195.35

	\$
2 Application for gas quality approval—Act, s 622(2)(b)	376.70
3 Fee for copy of a document or information held in the register of gas work licences and authorisations—Act, s 731(1)(c)	14.70

Part 8 Safety and health fees

1 Drilling wells

- (1) The safety and health fee payable for a financial year by the operator (the *relevant drilling plant operator*) of an operating plant used to drill a prescribed well, geothermal well, GHG well or UCG well (*relevant drilling plant*) during the year is \$1,517 for each kilometre drilled.
- (2) However, if the safety and health fees calculated under subsection (1) for all operators of relevant drilling plant during the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(a) for the year, the safety and health fee payable for the year by the relevant drilling operator is the amount worked out using the formula—

$$C \times (W/T)$$

where—

C means the costs estimate.

W means the number of kilometres the relevant drilling plant operator drills using the relevant drilling plant during the year.

T means the number of kilometres all operators of relevant drilling plant drill using the plant during the year.

2 Well completion or maintenance work

- (1) The safety and health fee payable for a financial year by the operator (the *relevant work over rig operator*) of a work over

rig that performs well completion or maintenance work for a prescribed well, geothermal well, GHG well or UCG well (a *relevant work over rig*) during the year is \$285.50 for each well for which completion or maintenance work was done during the year.

- (2) However, if the safety and health fees calculated under subsection (1) for all operators of relevant work over rigs during the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(b) for the year, the safety and health fee payable for the year by the relevant work over rig operator is the amount worked out using the formula—

$$C \times (W/T)$$

where—

C means the costs estimate.

W means the number of wells for which completion or maintenance work was done by the relevant work over rig operator during the year.

T means the number of wells for which completion or maintenance work was done by all operators of relevant work over rigs during the year.

3 Exploration

- (1) The safety and health fee payable for a financial year by the holder (the *relevant authority or permit holder*) of an authority to prospect, a geothermal exploration permit or a GHG permit is \$2.44 for each sub-block included in the area to which the authority or permit applies.
- (2) However, if the safety and health fees calculated under subsection (1) for all holders of an authority to prospect, a geothermal exploration permit or a GHG permit during the year exceeds the total of the costs estimates for the categories of liable person mentioned in section 135(2)(c), (d) and (e) for the year, the safety and health fee payable for the year by the

relevant authority or permit holder is the amount worked out using the formula—

$$C \times (N/T)$$

where—

C means the total of the costs estimates.

N means the number of sub-blocks within the area of the authorities to prospect, geothermal exploration permits or GHG permits held by the relevant authority or permit holder during the year.

T means the number of sub-blocks within the areas of all authorities to prospect, geothermal exploration permits or GHG permits held during the year.

4 **Producing petroleum under a petroleum lease or 1923 Act lease**

- (1) The safety and health fee payable for a financial year payable by the holder (the *relevant lease holder*) of a petroleum lease, or 1923 Act lease, is \$1,564 for each prescribed well within the area of the lease that has produced petroleum during the year.
- (2) However, if the safety and health fees calculated under subsection (1) for all holders of petroleum leases or 1923 Act leases in the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(f) for the year, the safety and health fee payable for the year by the relevant lease holder is the amount worked out using the formula—

$$C \times (P/T)$$

where—

C means the costs estimate.

P means the number of prescribed wells within the area of the petroleum lease or 1923 Act lease that produced petroleum during the year.

T means the total number of prescribed wells within the areas of petroleum leases or 1923 Act leases that produced petroleum during the year.

5 Petroleum facilities

- (1) The safety and health fee payable for a financial year by the operator of a petroleum facility is as follows—
 - (a) for the operation of a major processing facility—\$13,102;
 - (b) for the operation of a facility that produces syngas—\$6,549;
 - (c) for a facility that produces a gasification or retorting product, other than mineral (f), by an underground gasification activity—\$6,549;
 - (d) for the operation of a facility that produces LPG from petroleum—\$9,825;
 - (e) for the operation of a facility that produces LNG and is not a major hazard facility under the *Work Health and Safety Regulation 2011* and must operate under a safety management system—\$9,825;
 - (f) for the operation of a facility that produces CNG and must operate under a safety management system—\$4,584;
 - (g) for the operation of a facility that produces an underground gasification product—\$13,102;
 - (h) for the operation of a facility on an area to which a petroleum facility licence applies that is not included in paragraphs (a) to (g)—\$13,102.
- (2) However—
 - (a) if there is more than 1 facility mentioned in subsection (1)(a) to (h) operated at a single site under a single safety management system, the operator of the petroleum facility is only required to pay—

- (i) if the fee under subsection (1) for any of the facilities is higher than the fee under that subsection for any of the other facilities—the highest of the fees; or

Example for subparagraph (i)—

If there is a facility that produces syngas and a facility that produces mineral (f) by an underground gasification activity and both facilities are operated at a single site under a single safety management system, the operator of the facilities is only required to pay a fee of \$13,102 rather than fees totalling \$19,651.

- (ii) otherwise—the fee for 1 of the facilities; and
- (b) if a facility is a facility of more than 1 facility type—
- (i) if the fee under subsection (1) for any of the facility types is higher than the fee under that subsection for any of the other facility types—the highest of the fees; or

Example for subparagraph (i)—

If there is a major processing facility that produces LPG from petroleum, the operator of the facility is only required to pay a fee of \$13,102 rather than fees totalling \$22,927.

- (ii) otherwise—the fee for 1 of the facility types.
- (3) In this section—

facility type means a type of facility mentioned in subsection (1)(a) to (h).

6 Facility used to carry out a GHG storage activity

- (1) The safety and health fee payable for a financial year by the operator (the ***relevant GHG storage facility operator***) of a facility, including a well, or a series of wells, and associated storage and injection equipment used to carry out injection of a GHG stream into the same or associated reservoirs that are part of the 1 GHG project (a ***relevant GHG storage facility***) is \$13,102 for each GHG project for which any work was started by the operator during the year.

- (2) However, if the safety and health fees calculated under subsection (1) for all operators of relevant GHG storage facilities during the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(h) for the year, the safety and health fee payable for the year by the relevant GHG storage facility operator is the amount worked out using the formula—

$$C \times (F/T)$$

where—

C means the costs estimate.

F means the number of relevant GHG storage facilities operated by the relevant GHG storage facility operator during the year.

T means the number of relevant GHG storage facilities operated by all operators during the year.

7 Pipelines

- (1) The safety and health fee payable for a financial year by the operator (the *relevant pipeline operator*) of a pipeline under a pipeline licence or the operator of GHG stream pipeline under the GHG Storage Act or a distribution pipeline that is not part of a distribution system (a *relevant pipeline*) is \$0.0003798 for each pipeline index for the pipeline.
- (2) The *pipeline index* for a pipeline means the amount calculated using the following formula—

$$PI = L \times D^2$$

where—

D means the outside diameter (mm) of the pipeline.

L means the length (km) of the pipeline.

PI means the pipeline index.

- (3) However, if the safety and health fees calculated under subsection (1) for all operators of relevant pipelines during the

year exceeds the total of the costs estimates for the categories of liable person mentioned in section 135(2)(i), (j) and (k) for the year, the safety and health fee payable for the year by the relevant pipeline operator is the amount worked out using the formula—

$$C \times (P/T)$$

where—

C means the total of the costs estimates.

P means the total of the pipeline indexes for all relevant pipelines operated by the relevant pipeline operator during the year.

T means the total of the pipeline indexes for all relevant pipelines operated by all operators during the year.

8 Operating a distribution system

The safety and health fee payable for a financial year by the operator of a distribution system is \$198.80 for each kilometre of pipeline in the distribution system that was in commission for any period during the year.

10 Particular LPG delivery network that is operating plant

- (1) The safety and health fee payable for a financial year by the operator of an LPG delivery network for non-automotive LPG that is an operating plant, if the total capacity of fuel gas containers in the network for non-automotive LPG is more than 12,000L, is—
 - (a) if the container index for the operator for the year is 10,000 or less—\$2,967; or
 - (b) if the container index for the operator for the year is more than 10,000 but not more than 50,000—\$7,125; or
 - (c) otherwise—\$0.88 multiplied by the container index of the operator for the year.

- (2) However, the maximum fee payable by the operator under subsection (1)(c) for a financial year is \$655,221.
- (3) The *container index* of the operator for the year must be worked out using the following formula—

$$CI = D/40 + (E \times 2) + (G \times 5) + (H \times 25)$$

where—

CI is the container index.

D is the number of fuel gas containers in the LPG delivery network at any time during the year with a capacity of less than 50L.

E is the number of fuel gas containers in the LPG delivery network at any time during the year with a capacity of 50L or more but less than 1kL.

G is the number of fuel gas containers in the LPG delivery network at any time during the year with a capacity of 1kL or more but less than 8kL.

H is the number of fuel gas containers in the LPG delivery network at any time during the year with a capacity of 8kL or more.

11 Product supplier of automotive LPG

The safety and health fee payable for a financial year by a product supplier of automotive LPG is \$4.35 for each time the product supplier supplied automotive LPG to an automotive LPG site during the year.

12 Tanker delivery carrier

The safety and health fee payable for a financial year by a tanker delivery carrier is \$0.44 for each site the tanker delivery carrier delivers to.

13 Major consumer

The safety and health fee for a financial year by a major consumer is as follows—

- (a) for a site operated by the major consumer, if the gas devices at the site have a total gas capacity of not more than 150GJ for each hour—\$7,125;
- (b) for a site operated by the major consumer, if the gas devices at the site have a total gas capacity of more than 150GJ but not more than 500GJ for each hour—\$11,283;
- (c) for a site operated by the major consumer, if the gas devices at the site have a total gas capacity of more than 500GJ for each hour—\$13,657.

14 Biogas or gas derived from a waste disposal tip or during treatment of sewage

The safety and health fee payable for a financial year by the operator of a facility that produces or processes biogas or gas derived from a waste disposal tip or during the treatment of sewage is \$4,584 for each site operated by the operator during the year.

15 Entertainment events

The safety and health fee payable for a financial year by the operator of a gas system used for special effects for entertainment or amusement purposes is \$1,308 for each gas system operated by the person during the year.

16 Late fees

- (1) For section 142AA(3), the late fee for paying a safety and health fee after the payment date is the lesser of the following—
 - (a) \$652;
 - (b) the safety and health fee.

- (2) For section 140(3), the late fee for lodging a safety and health fee return after the last day for lodging the return under section 139(1) is \$652.

Schedule 12 Dictionary

section 3

acceptable level, for chapter 3, see section 64.

AG means a code published by the Australian Gas Association.

alter, for chapter 5, part 3, see section 97.

alternative safety measures, for chapter 3, part 4, see section 74.

applicant, for chapter 3, part 4, see section 74.

AS 2885 means AS 2885 ‘Pipelines—gas and liquid petroleum Part 0 ‘General Requirements’ (2008) Part 1 ‘Design and construction’ (2012) Part 2 ‘Welding’ (2007) Part 3 ‘Operation and maintenance’ (2012) Part 4 ‘Offshore submarine pipeline systems’ (2010) Part 5 ‘Field pressure testing’ (2012)’.

AS/IEC means a standard published jointly by Standards Australia and the International Electrotechnical Commission.

AS/NZS means a standard published jointly by Standards Australia and Standards New Zealand.

authorised certifier, for chapter 5, part 3, see section 97.

authorised installer, for chapter 5, part 3, see section 97.

authorised test station means—

- (a) a cylinder test station authorised by Standards Australia;
or
- (b) another appropriately qualified person approved by the chief inspector for the purpose of this paragraph.

automotive LPG means LPG that is intended for fuelling motor vehicles.

automotive LPG site means a site that supplies automotive LPG.

Examples—

- service station
- depot where automotive LPG is used to refuel taxis

bore means a water observation bore or a water supply bore.

caravan—

- (a) means a structure—
- (i) that is designed or adapted for human habitation or use as a workshop or kitchen; and
 - (ii) that can be moved from 1 place to another, whether by being towed by, or transported on, a vehicle or trailer; and
- (b) includes a vehicle designed or adapted for use as a structure mentioned in paragraph (a).

category of liable person means each type of liable person mentioned in section 135(2).

chief gas examiner, for chapter 7, part 1, see section 156.

chief inspector of coal mines, for chapter 3, part 4, see section 74.

CNG means compressed natural gas.

coal mining operations see the Coal Mining Safety and Health Act, schedule 3.

commencement, for chapter 7, part 1, see section 156.

commercial vehicle or vessel, for chapter 5, part 3, see section 97.

component, for chapter 6, part 2, division 4, subdivision 2, see section 148A.

condensate means liquid formed as a result of condensation caused by reduced pressure and temperature of hydrocarbons in a gaseous state in a natural underground reservoir.

construction and abandonment code means the document called ‘Code of Practice for Constructing and Abandoning Coal Seam Gas Wells and Associated Bores in Queensland’,

Edition 2.0, dated October 2013 and published on the department's website.

corresponding law, for chapter 5, part 3, see section 97.

costs estimate, of safety and health operating costs for a relevant category of liable person for a financial year, see section 134AA(1).

CSG tenure means a petroleum tenure or a 1923 Act petroleum tenure.

cylinder means a cylinder to which AS 2030 'The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases', part 1 'Cylinders for compressed gases other than acetylene' (2009) applies.

dealer, for chapter 5, part 3, see section 97.

disposes of, for petroleum, see section 147(2).

drilling operating plant means an operating plant used for any of the following—

- (a) to drill a prescribed well;
- (b) to complete, maintain or work on a prescribed well for the production of petroleum;
- (c) to plug and abandon a prescribed well.

earlier return period see section 148A.

existing, for chapter 7, part 1, see section 156.

explosive has the meaning given under the *Explosives Act 1999*.

flammable hydrocarbon gas means a gas consisting predominantly of hydrocarbons that, when mixed with air in certain proportions, forms an explosive gas atmosphere.

fuel gas container means each of the following—

- (a) a cylinder;
- (b) a tank.

fuel gas network means—

- (a) a distribution system, including meters and meter regulators whether or not they are owned by the operator of the distribution system; and
- (b) an LPG delivery network, including a gas pressure regulator through which the LPG is delivered to a consumer's gas system, whether or not the regulator is owned by the operator of the network.

gas compliance certificate means—

- (a) for the installation of a gas system—the certification given as required under section 734(3) of the Act by the person who installs the system; or
- (b) for the inspection or alteration of a gas system, other than a gas fuel system—the certificate, in the approved form, given under section 105F(2) or 105G(2) by the authorised installer who inspects or alters the system.

gas fitting means—

- (a) a component of a gas device (type A) or (type B); or
- (b) a thing used, or designed or intended for use—
 - (i) with a gas device (type A) or (type B); or
 - (ii) in the supply, distribution or consumption of fuel gas.

gas fuel system means a gas system that supplies gas as a fuel to an engine.

gas inspection certificate, for chapter 5, part 3, see section 97.

gas work requirements, for chapter 5, part 5, see section 115C.

geothermal well means an exploration bore as defined under the *Geothermal Exploration Act 2004*.

GHG project means a group of facilities located in the same geographic area and used to carry out GHG injection activities operated under a single safety management system.

GHG stream pipeline see the GHG storage Act, schedule 2.

GHG well see the GHG storage Act, schedule 2.

hazard means a thing or situation with potential to cause harm to any of the following—

- (a) a person, including, for example, financial losses or increased liabilities;
- (b) property;
- (c) the environment.

health professional see the *Hospital and Health Boards Act 2011*, schedule 2.

horizontal well means a prescribed well, any part of which travels in a generally horizontal direction along a coal seam.

hydraulic fracturing activities means a form of stimulation that involves specially engineered fluids being pumped at a high pressure and rate into a reservoir for the purpose of opening fractures.

hydraulic fracturing fluid means a fluid that—

- (a) is a mixture of water, liquid chemicals and other additives, including, for example, proppants; and
- (b) is commonly known as slurry.

identifying name—

- (a) for a bore, means a number by which the bore is identified in the Groundwater Database System operated by the chief executive of the department responsible for administering the *Water Act 2000*; or
- (b) for a petroleum well, means the unique identifying name and number for the well recorded in the register.

immediately, for schedule 2, means without delay after the incident occurs, other than a delay caused by action taken to—

- (a) save the life of, or prevent further injury to, a person; or
- (b) contain damage to property.

industrial appliance, for chapter 5, part 5, see section 115C.

interstate gas compliance certificate, for chapter 5, part 3, see section 97.

interstate gas inspection certificate, for chapter 5, part 3, see section 97.

ISO means a standard published by the International Organisation for Standardisation.

job safety analysis means a method to identify existing and potential hazards associated with each step in an activity and to establish safe work practices for controlling or avoiding the hazards.

liable person see section 135(1).

LNG means liquefied natural gas.

lower flammable limit alarm level, for an unplanned or uncontrolled release of a gas from an operating plant, means the concentration, expressed as a percentage, of the released gas in air at which a control system for the plant detailed in the plant's safety management system is to be activated.

LPGA automotive code of practice, for chapter 5, part 1, division 3, see section 88C.

major consumer see section 135(2)(p).

major processing facility means a petroleum processing facility that processes more than 2,000,000,000 cubic metres of petroleum during a financial year.

mandatory standard see section 7(3).

medical treatment, for schedule 2, does not include treatment that is not reasonably required to be administered by a health professional, whether or not a health professional administers the treatment.

Examples of treatment that is not medical treatment—

- initial cleaning of a wound, applying antiseptic or bandaging
- treating a superficial burn
- applying a hot or cold compress
- other minor first aid treatment

motor vehicle has the meaning given under the *Transport Operations (Road Use Management) Act 1995*.

non-automotive LPG means LPG other than automotive LPG.

overlapping area, for chapter 3, part 2, division 2A—see section 72A.

owner, for chapter 5, part 3, see section 97.

payment date—

- (a) for an invoice given under section 141(1)—
 - (i) if the invoice is not given within the period mentioned in section 141(1)—means the day that is 30 days after the day the invoice is given; or
 - (ii) otherwise—means 10 December after the end of the financial year to which the invoice relates; or
- (b) for an invoice given under section 141(2) or a reissued invoice—means the day that is 30 days after the day the invoice is given.

petroleum processing facility means—

- (a) a petroleum facility operated under a petroleum facility licence used for processing petroleum; or
- (b) a facility for processing petroleum operated under a petroleum lease or 1923 Act lease.

petroleum product means any of the following—

- (a) coal seam gas;
- (b) condensate;
- (c) crude oil;
- (d) LPG;
- (e) processed natural gas.

petroleum royalty decision see section 148E(3).

preferred standard see section 7(4).

prescribed well means—

- (a) a petroleum well; or
- (b) a well under the 1923 Act.

previous royalty return period, in relation to a royalty return period, means the royalty return period immediately preceding the royalty return period.

production tubing hanger means a device screwed to the top of tubing used to produce petroleum from a well.

product supplier, of automotive LPG, means a person who sells, or otherwise supplies on a commercial basis, automotive LPG to the owner or operator of an automotive LPG site.

Example of supplies on a commercial basis—

P provides automotive LPG to the operator of an automotive LPG site. The operator sells the automotive LPG to the owner of a motor vehicle for refuelling the vehicle. The operator receives commission on the sale and gives the remainder of the proceeds of the sale to P.

proppant means well-sorted and consistently-sized sand or manufactured materials that are mixed into a hydraulic fracturing fluid to hold the fracture faces apart after the fluid used for hydraulic fracturing activities has been pumped under pressure into the well and the pressure has been released.

quarterly period means each of the following 3-month periods in a year—

- (a) 1 January to 31 March;
- (b) 1 April to 30 June;
- (c) 1 July to 30 September;
- (d) 1 October to 31 December.

reissued invoice see section 142(2).

relevant category of liable person means each type of liable person mentioned in section 135(2)(a) to (f) and (h) to (k).

relevant coal mining area, for chapter 3, see section 64.

relevant coal or oil shale mining tenement holder, for chapter 3, part 4, see section 74.

relevant entity, for chapter 6, part 2, division 4, subdivision 2, see section 148A.

relevant network operator, for a gas system to which fuel gas is supplied by a fuel gas network, means the operator of the fuel gas network.

relevant requirement, for chapter 3, part 4, see section 74.

repealed regulation, for chapter 7, part 1, see section 156.

required information see section 139A(3).

road tank vehicle means a road tank vehicle within the meaning of AS 2809 'Road tank vehicles for dangerous goods', part 1 'General requirements' (2008).

royalty estimate notice see section 149B(1).

safety and health fee means a fee payable under section 135.

safety and health fee return see section 139(1).

safety and health operating costs see section 134A.

safety requirement means a safety requirement prescribed under section 669 of the Act.

seismic survey means a survey carried out to determine the subsurface features by transmitting sound waves into the ground and measuring the time they take to return to the surface.

shot hole means a hole that has been drilled for the purpose of firing an explosive in connection with carrying out a seismic survey.

site occupier, for chapter 5, part 1, division 3, see section 88C.

standard abandonment requirements, for a prescribed well, means the requirements mentioned in section 60(1).

stated factor see section 148E(7).

stimulation means a technique used to increase the permeability of a natural underground reservoir, including, for example, hydraulic fracturing, cavitations, fracture acidising, and the use of proppant treatments.

syngas means a mixture of hydrogen, carbon monoxide and other gases (if any).

tanker delivery carrier means a person, other than a product supplier of automotive LPG, who delivers by tanker automotive LPG in bulk to an automotive LPG site.

total gas capacity, for gas devices at a place or site, means the total of the maximum gas consumption capacities of the gas devices at the place or site.

UCG well means a hole in the ground made or being made by drilling, boring or any other means as part of an underground gasification activity.

used vehicle or vessel, for chapter 5, part 3, see section 97.

vehicle means—

- (a) a caravan; or
- (b) a motor vehicle.

vessel has the meaning given under the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

well completion equipment means equipment used to prepare a well for the production of oil and gas, and for other purposes, and includes a system of hangers, packers, tubulars and other tools installed below the wellhead in the production casing.

wellhead value, for petroleum disposed of or, if section 147(1)(b) applies to the petroleum, produced by a petroleum producer, means the wellhead value of the petroleum worked out as required under section 148.

wet geothermal production means the recovery of geothermal energy by the extraction of hot water from a subartesian basin.