



Queensland

*Petroleum and Gas (Production and Safety) Act 2004*

# **Petroleum and Gas (Production and Safety) Regulation 2004**

**Current as at 7 December 2012**

# Information about this reprint

This regulation is reprinted as at 7 December 2012. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to correct minor errors (s 44).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including table of corrected minor errors.**

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The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

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- correct spelling and use different spelling consistent with current drafting practice (s 26[(1) and (2)])
- use standard punctuation consistent with current drafting practice (s 27)
- reorder definitions and other provisions consistent with current drafting practice (ss 30 and 30A)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37 and 40)
- omit the enacting words (s 42A)
- number and renumber [certain] provisions and references (s 43)
- correct minor errors (s 44)
- make all necessary consequential amendments (s 7(1)(k)).

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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision

other relevant information.



Queensland

# Petroleum and Gas (Production and Safety) Regulation 2004

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# **Petroleum and Gas (Production and Safety) Regulation 2004**

[as amended by all amendments that commenced on or before 7 December 2012]

## **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.

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#### **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 department's office at 61 Mary Street, Brisbane.

*Editor's note—*

Standards are available for purchase through the SAI Global website at <<http://infostore.saiglobal.com/store/>>.

- (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 2A Land access code**

### **4A Land access code—Act, s 24A**

- (1) For section 24A(1) of the Act, the land access code consists of—
- (a) the best practice guidelines stated in parts 1 and 2 of the document called 'Land Access Code', dated November 2010 and published by the department; and
  - (b) schedule 1A.

- 
- (2) However, all of the following apply for compiling any copy of the land access code—
- (a) schedule 1A must be inserted into the document called ‘Land Access Code’, dated November 2010 and published by the department;
  - (b) the reference to the authorising section may be omitted;
  - (c) the part headings may be omitted;
  - (d) a reference to ‘this schedule’ may be substituted with a reference to ‘this part’;
  - (e) the compilation may use whatever numbering system the chief executive considers appropriate;
  - (f) each cross-reference must be amended to ensure a correct reflection of the numbering system used.
- (3) A compilation made under subsection (2) is taken to be the code prescribed under subsection (1).

## **Part 3 Preliminary matters prescribed for the Act**

### **5 Substances that are petroleum**

- (1) For section 10(1)(d) of the Act, the following substances are prescribed to be petroleum—
- (a) biogas;
  - (b) gas produced from a waste disposal tip;
  - (c) gas produced during the treatment of sewage;
  - (d) a substance that is a mixture of LPG and air, known as ‘synthetic natural gas’.

[s 6]

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- (2) However, subsection (1) applies only for the purpose of the following provisions of the Act—
  - (a) chapters 8 to 10;
  - (b) to the extent they apply for chapters 8 to 10, chapters 11 to 14.
- (3) For section 10(1)(e) of the Act, carbon dioxide is prescribed to be petroleum.
- (4) However, subsection (3) applies only—
  - (a) to a survey licence holder investigating and surveying an area for its potential and suitability for the construction and operation of pipelines for transporting carbon dioxide; or
  - (b) to an authority to prospect holder evaluating or testing natural underground reservoirs for petroleum storage under section 32(1)(d) of the Act, if—
    - (i) the testing is carried out on a particular block of the authority within—
      - (A) 2 years after the testing starts; or
      - (B) if, within the 2 years, the Minister decides a longer period—the longer period; and
    - (ii) the Minister approves the testing on the particular block; and
    - (iii) any conditions the Minister imposes on the approval are complied with.

## **6 Substances that are fuel gas**

For section 11(2)(c) of the Act, the following substances are prescribed—

- (a) hydrogen used or intended to be used as fuel;
- (b) biogas;
- (c) gas produced from a waste disposal tip;



- (d) gas produced during the treatment of sewage;
- (e) a substance that is a mixture of LPG and air, known as 'synthetic natural gas'.

**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

[s 7AA]

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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.

- (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 as an engine fuel—the quality required to comply with the document called ‘Liquefied petroleum gas for automotive use—specification 2000’ published in January 2000 by the Australian Liquefied Petroleum Gas Association Limited; and
  - (b) for LPG used for heating—the quality required to comply with—
    - (i) the requirements under subsection (2); and

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- (ii) the document called ‘Liquefied petroleum gas for heating use—specification 2000’ published in January 2000 by the Australian Liquefied Petroleum Gas Association Limited; and
  - (c) for processed natural gas—the quality required to comply with AS 4564 ‘Specification for general purpose natural gas’ (2005).
- (2) For subsection (1)(b)(i), the requirements are that, at the point of odourisation—
  - (a) the average mole content of propylene in the fuel gas, calculated each day, must not exceed 50%; and
  - (b) the mole content of propylene in the fuel gas must not exceed 60% at any time.
- (3) 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.
- (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—

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*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 at a place if—
  - (a) the network includes filling, with LPG, a container with a water capacity of more than 30L; or
  - (b) the total capacity of cylinders storing non-automotive LPG at the place, other than on a vehicle used to transport the cylinders, is more than 5000L.
- (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 5000L.
- (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 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.
- (4) In this section—

*non-automotive LPG* means LPG other than automotive LPG.

[s 11]

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## **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 1 Reporting**

### **Division 1 Content of reports and notices required under the Act**

#### **Subdivision 1 Preliminary**

## **12 Definitions for div 1**

In this division—

*general area information*, for a relinquishment report for a petroleum tenure, means each of the following—

- (a) a location map showing—
  - (i) the area of the petroleum tenure immediately before the relinquishment (the *previous tenure area*); and
  - (ii) the relinquished part of the area of the tenure (the *relinquished area*);
- (b) a map showing the location in the relinquished area of—
  - (i) each petroleum well and bore drilled under the tenure; and
  - (ii) each seismic line used for a seismic survey carried out under the tenure;
- (c) a structure contour map showing the seismic horizons (seismic reflectors) in the relinquished area;
- (d) a map showing the leads and prospects in the relinquished area;
- (e) a general description of the topographical features of the previous tenure area and the relinquished area, including, for example, access to the areas.

***hazard information***, for a relinquishment report or surrender report for a petroleum tenure, means each of the following—

- (a) a summary of all significant hazards to future safe and efficient mining of coal created under the tenure that, under section 690(1)(g) or 706 of the Act or under this regulation, are required to be reported;
- (b) for each hazard mentioned in the summary under paragraph (a)—a reference to the report that contains details of the hazard;
- (c) for any other hazard, or potential hazard, created under the tenure to future safe and efficient mining of coal or oil shale in the area of the tenure—
  - (i) the nature of the hazard or potential hazard; and

[s 12]

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- (ii) the way in which the hazard or potential hazard was created; and
- (iii) the location of the hazard or potential hazard; and
- (iv) measures taken to prevent or reduce the hazard or potential hazard to mitigate its effects.

***prediction period***, for a prediction of the total drop in the water level in affected aquifers for a petroleum tenure, means the period—

- (a) starting on the day the taking of underground water under the petroleum tenure began; and
- (b) ending on—
  - (i) if the chief executive gives the holder notice in writing stating that the prediction must be for a period ending on a particular day—the day stated in the notice; or
  - (ii) the day that is 20 years after the day the term of the tenure will end if it is not renewed.

***relevant Water Act bore***, for a petroleum tenure, means a Water Act bore that is unduly affected by the exercise of the underground water rights for the tenure.

***relevant water observation bore***, for a petroleum tenure, means a water observation bore constructed or used by the tenure holder for the holder's monitoring program.

***reporting period***, for an annual report required under section 552 of the Act to be lodged by the holder of a petroleum authority, means the period to which the report relates under the section.

***tenure information***, for a relinquishment report for a petroleum tenure, means each of the following—

- (a) the day the petroleum tenure was granted;
- (b) the day the relinquishment takes effect;



- (c) the period of the work program or development plan, as applicable, for the tenure;
- (d) the blocks or sub-blocks comprising the relinquished part of the area of the tenure.

## **Subdivision 2 Proposed initial work programs and development plans**

### **13 Proposed authority to prospect—proposed initial work program**

For section 48(1)(f) of the Act, the matters are each of the following—

- (a) a description of the geological model for the area of the proposed authority;
- (b) an assessment of the potential for petroleum discovery in the area;
- (c) the rationale, in relation to the geological model for the area, for the activities proposed to be carried out under the proposed authority.

### **14 Proposed petroleum lease—proposed initial development plan**

- (1) For section 138(1)(g) of the Act, the matters are—
  - (a) for each natural underground reservoir within the area of the proposed petroleum lease the applicant is aware of—the area limit of the reservoir; and
  - (b) details, including the location, type and size, of any planned infrastructure intended to be located within the area of the proposed lease.

[s 19]

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*Examples of infrastructure—*

- 1 plant or works, including, for example, communication systems, compressors, powerlines, pumping stations, reservoirs, roads, evaporation or storage ponds and tanks
- 2 temporary structures or structures of an industrial or technical nature, including, for example, mobile and temporary camps

(2) In this section—

*area limit* of a natural underground reservoir means the location of the boundaries of—

- (a) the proved and probable reserves of petroleum in the reservoir; or
- (b) the reserves of petroleum in the reservoir determined in another way that is acceptable to the chief executive.

*Example—*

reserves of petroleum determined under a code other than the SPE code

## **Subdivision 4      Conversion to water supply bore**

### **19      Notice of conversion**

For section 284 of the Act, the information is each of the following—

- (a) a description of the location of the water supply bore;
- (b) the name of the licensed water bore driller who carried out the modification of the petroleum well;
- (c) the date on which the petroleum well was converted to a water supply bore.

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## Subdivision 5 Relinquishment

### 20 Relinquishment report for an authority to prospect

- (1) This section prescribes, for section 545(b) of the Act, other information that must be contained in a relinquishment report for an authority to prospect.
- (2) The information is each of the following—
  - (a) the tenure information for the report;
  - (b) the general area information for the report;
  - (c) the geological model of the relinquished part of the area of the authority (the *relinquished area*) and an assessment of the potential for petroleum discovery in the area;
  - (d) a summary of the results of all authorised activities for the authority carried out in the relinquished area since the authority took effect and the conclusions drawn by the holder based on the results;
  - (e) an index of all reports lodged, as required under the Act, in relation to the authorised activities carried out in the relinquished area;
  - (f) the hazard information for the report;
  - (g) the volume of petroleum or water produced from each petroleum well or bore in the relinquished area for each year since the authority took effect;
  - (h) if a petroleum well in the relinquished area has produced petroleum from a coal seam since the authority took effect—all data or other information held by the holder that, in the holder's reasonable opinion, may help a person to identify in the future any remaining areas of potential free gas that may have been created by removing water from the seam and producing gas from it;
  - (i) the reason the holder has relinquished the area.

[s 21]

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## **21 Relinquishment report for a petroleum lease**

- (1) This section prescribes, for section 545(b) of the Act, other information that must be contained in a relinquishment report for a petroleum lease.
- (2) The information is each of the following—
  - (a) the tenure information for the report;
  - (b) the general area information for the report;
  - (c) if petroleum or a prescribed storage gas has been stored in a natural underground reservoir in the relinquished part of the area of the lease (the *relinquished area*) since the lease took effect—the methods used to store petroleum or a prescribed storage gas in, or produce it from, the reservoir;
  - (d) the volume and type of prescribed storage gases stored in each natural underground reservoir in the relinquished area when the relinquishment takes effect;
  - (e) the volume of petroleum or a prescribed storage gas stored in natural underground reservoirs in the relinquished area since the lease took effect;
  - (f) the geological model of the natural underground reservoirs in the relinquished area;
  - (g) the extraction methods used to produce petroleum or prescribed storage gases in the relinquished area under the lease;
  - (h) the volume of petroleum or water produced under the lease from each petroleum well or bore in the relinquished area for each year since the lease took effect;
  - (i) a summary of the results of all authorised activities for the lease carried out in the relinquished area since the lease took effect and the conclusions drawn by the holder based on the results;

- (j) an index of all reports lodged, as required under the Act, in relation to the authorised activities carried out in the relinquished area;
- (k) the hazard information for the report;
- (l) if a petroleum well in the relinquished area has produced petroleum from a coal seam since the lease took effect—all data or other information held by the holder that, in the holder's reasonable opinion, may help a person to identify in the future any remaining areas of potential free gas that may have been created by removing water from the seam and producing gas from it;
- (m) the reason the holder has relinquished the area.

## **Subdivision 6      End of tenure**

### **22      End of tenure report**

- (1) This section prescribes, for section 546(b) of the Act, other information that must be stated in an end of tenure report.
- (2) The information is any information mentioned in section 20 or 21 or, for an end of tenure report for a petroleum lease, section 28, that is not mentioned in section 546(1)(a) of the Act.
- (3) For subsection (2), a reference in section 20 or 21 to the relinquished area, and a reference in section 28 to the surrendered area, is taken to be a reference to the area of the tenure immediately before it ended.
- (4) Subsection (2) does not apply to the extent the information mentioned in section 20, 21 or 28 has already been included in a relinquishment report or surrender report lodged for the tenure.

[s 22A]

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## **Subdivision 6A End of authority**

### **22A End of authority report**

For section 546A(2) of the Act, the following information must be contained in an end of authority report for a data acquisition authority or survey licence—

- (a) the authorised activities for the authority or licence carried out during the term of the authority or licence;
- (b) an index of all reports lodged under the Act by the holder during the term of the authority or licence in relation to the authority or licence.

## **Subdivision 7 Annual reports**

### **27 Annual report for a petroleum facility licence or pipeline licence**

For section 552(2) of the Act, the following information must be contained in an annual report for a petroleum facility licence or pipeline licence—

- (a) the authorised activities for the licence carried out during the reporting period;
- (b) a statement of the authorised activities proposed to be carried out under the licence for the next 12 month period.

## **Subdivision 8 Surrenders**

### **28 Surrender report for a petroleum lease**

- (1) This section prescribes information that must be included in a report required under section 576(2) of the Act to accompany

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a surrender application in relation to part of the area of a petroleum lease.

- (2) The report must contain each of the following—
- (a) in relation to the lease—
    - (i) the day it was granted; and
    - (ii) a description of, and map showing, the area (the *surrendered area*) the subject of the application, including access to the area;
  - (b) a description of the methods used to produce or recover petroleum or a prescribed storage gas from, or store petroleum or a prescribed storage gas in, natural underground reservoirs in the surrendered area under the lease;
  - (c) the volume of petroleum produced, and the volume of prescribed storage gases recovered, from each natural underground reservoir in the surrendered area under the lease for each year since the lease took effect;
  - (d) the volume of petroleum or a prescribed storage gas stored in natural underground reservoirs in the surrendered area under the lease when the surrender takes effect;
  - (e) a description of the geological features of the natural underground reservoirs in the surrendered area—
    - (i) from which petroleum was produced, or a prescribed storage gas recovered, under the lease; or
    - (ii) in which petroleum or a prescribed storage gas was stored under the lease;
  - (f) an index of all reports lodged, as required under the Act, in relation to the authorised activities carried out in the surrendered area;
  - (g) the hazard information for the report;

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- (h) if a petroleum well in the surrendered area has produced petroleum from a coal seam since the lease took effect—all data or other information held by the holder that, in the holder's reasonable opinion, may help a person to identify in the future any remaining areas of potential free gas that may have been created by removing water from the seam and producing gas from it;
- (i) a map showing the location in the surrendered area of—
  - (i) each petroleum well and bore drilled under the lease; and
  - (ii) each seismic line used for a seismic survey carried out under the lease;
- (j) structure contour maps of the seismic horizons (seismic reflectors) in the surrendered area;
- (k) a map showing the leads and prospects in the surrendered area;
- (l) the reason the holder has applied to surrender the part of the area of the lease.

## **29 Surrender report for a pipeline licence**

- (1) This section prescribes information that must be included in a report required under section 576(2) of the Act to accompany a surrender application for all or part of the area of a pipeline licence.
- (2) The report must contain each of the following—
  - (a) a summary of the methods used to decommission the pipeline;
  - (b) in relation to the licence, each of the following—
    - (i) the date it was granted;
    - (ii) its term;



- (iii) a description of the area (the *surrendered area*) the subject of the application;
- (c) a description of, and map showing, the location of the pipeline in the surrendered area, including access to the pipeline.

## **Division 2            Other notices and reports**

### **Subdivision 1        Preliminary**

#### **30        Purpose of div 2**

The division prescribes, for section 553(1)(b) of the Act, notices and reports required to be lodged by the holder of a petroleum authority.

### **Subdivision 2        Notices**

#### **30A       Owners and occupiers to be given copy of notices required to be lodged under this subdivision**

- (1) This section applies if the holder of a petroleum tenure is required to lodge a notice under this subdivision.
- (2) The holder must give a copy of the notice to each owner and each occupier of the land on which the authorised activities to which the notice relates have been or are to be carried out—
  - (a) for a notice of intention to drill a petroleum well or bore under section 31—at least 10 business days before the start of drilling; or
  - (b) for a notice of completion, alteration or abandonment of a petroleum well or bore under section 32—within 10 business days after an event mentioned in section 32(1) happens; or

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- (c) for a notice of intention to carry out a seismic survey or scientific or technical survey under section 33—at least 10 business days before the survey starts; or
  - (d) for a notice of completion of a seismic survey or scientific or technical survey under section 34—within 10 business days after the completion day for the survey; or
  - (e) for a notice of intention to carry out hydraulic fracturing activities under section 35—at least 10 business days before starting the hydraulic fracturing activities; or
  - (f) for a notice of completion of hydraulic fracturing activities under section 35A—within 10 business days after finishing the hydraulic fracturing activities.
- (3) The requirement under subsection (2) to give a copy of the notice—
- (a) to each owner of the land, does not apply if the holder is the owner or an owner of the land; or
  - (b) to each occupier of the land, does not apply if the holder is the occupier or an occupier of the land.

### **31 Notice of intention to drill a petroleum well or bore**

- (1) The holder of a petroleum tenure must, at least 10 business days before starting to drill a petroleum well or bore, lodge a notice stating that the well or bore is to be drilled.
- (2) The notice must—
  - (a) be lodged electronically using the system for submission of notices made or approved by the chief executive and available on the department's website; and
  - (b) be in the digital form made or approved by the chief executive; and
  - (c) for a notice about a petroleum well—state a proposed identifying name for the petroleum well.

- (3) A proposed identifying name of a petroleum well stated in the notice must not be the same, or substantially the same, as a name recorded for a prescribed well in the petroleum register or the petroleum register under the 1923 Act.

*Editor's note—*

On the commencement of this section, the names of prescribed wells could be viewed at <<http://mines.industry.qld.gov.au>>.

## **32 Notice of completion, alteration or abandonment of petroleum well or bore**

- (1) This section applies if—
- (a) drilling of a petroleum well or bore is completed; or
  - (b) the completion configuration of a petroleum well changes; or
  - (c) a petroleum well or bore is abandoned.
- (2) For subsection (1)—
- (a) drilling of a petroleum well or bore is completed if—
    - (i) the drilling rig last used to drill the well or bore is moved so it is no longer above the well or bore; and
    - (ii) the relevant holder intends no further drilling of the well or bore to occur; and
  - (b) the completion configuration of a petroleum well changes if, after drilling of the well is completed—
    - (i) additional casing is installed in the well; or
    - (ii) any part of the well is plugged, other than for decommissioning the well; or
    - (iii) an interval in the well is altered in any other way.
- (3) The relevant holder must, within 10 business days after the event mentioned in subsection (1) happens, lodge a notice stating that the event has happened.

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- (4) The notice must—
- (a) be lodged electronically using the system for submission of notices made or approved by the chief executive and available on the department’s website; and
  - (b) be in the digital form made or approved by the chief executive.
- (5) In this section—
- relevant holder*** means the holder of the petroleum tenure or water monitoring authority under which the petroleum well or bore was drilled.

### **33 Notice of intention to carry out seismic survey or scientific or technical survey**

- (1) This section applies if a seismic survey or a scientific or technical survey is to be carried out in—
- (a) the area of a petroleum tenure; or
  - (b) the area subject to a data acquisition authority that relates to a petroleum tenure.
- (2) The tenure holder must, at least 10 business days before the survey starts, lodge a notice stating each of the following—
- (a) an identifying name or code for the survey;
  - (b) the type of survey to be carried out;  
*Examples—*  
seismic, geophysical, geochemical, geotechnical
  - (c) a description of the area to be surveyed;
  - (d) the day surveying will start;
  - (e) the expected duration of the surveying.
- (3) The notice must—
- (a) be in the approved form; and

- (b) be accompanied by a map showing the location of the area to be surveyed.
- (4) The identifying name or code for the survey stated in the notice must not be the same, or substantially the same, as the name or code for another survey recorded in the petroleum register or the petroleum register under the 1923 Act.

**34 Notice of completion of seismic survey or scientific or technical survey**

- (1) This section applies if a seismic survey or a scientific or technical survey carried out within the area of a petroleum tenure, or the area subject to a data acquisition authority that relates to the tenure, is completed.
- (2) For subsection (1), a survey is completed as soon as all of the raw data for the survey has been recorded or recovered.
- (3) The tenure holder must, within 10 business days after the completion day for the survey, lodge a notice stating that the survey has been completed.
- (4) The notice must be in the approved form.

**35 Notice of intention to carry out hydraulic fracturing activities**

- (1) This section applies if the holder of a petroleum tenure is to carry out hydraulic fracturing activities in the prescribed area for the tenure.
- (2) The holder must, at least 10 business days before starting hydraulic fracturing activities in the prescribed area for the tenure, lodge a notice stating the hydraulic fracturing activities are to start.
- (3) The notice must—
  - (a) be lodged electronically using the system for submission of notices made or approved by the chief executive and available on the department's website; and

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- (b) be in the digital form made or approved by the chief executive.

### **35A Notice of completion of hydraulic fracturing activities**

- (1) This section applies if the holder of a petroleum tenure has finished hydraulic fracturing activities in the prescribed area for the tenure after the commencement of this section.
- (2) The holder must, within 10 business days after finishing the hydraulic fracturing activities, lodge a notice in the approved form about the completion of the hydraulic fracturing activities.
- (3) Without limiting subsection (2), the approved form must provide for the holder to state—
  - (a) the commencement and completion dates of the hydraulic fracturing activities; and
  - (b) the operator of the drilling project involving the hydraulic fracturing activities; and
  - (c) the contractor who carried out the hydraulic fracturing activities on behalf of the operator of the drilling project; and
  - (d) details of the composition of the hydraulic fracturing fluid pumped into the petroleum well used for the hydraulic fracturing activities.
- (4) The notice must—
  - (a) be lodged electronically using the system for submission of notices made or approved by the chief executive and available on the department's website; and
  - (b) be in the digital form made or approved by the chief executive.

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## Subdivision 3 Well reports

### 36 Daily drilling report

- (1) A petroleum tenure holder must lodge a daily drilling report for each day on which drilling of a petroleum well is carried out under the tenure.
- (2) The report must be given not later than 5p.m. on the next business day after the day to which the report relates.
- (3) The report must contain each of the following in relation to the drilling carried out during the day—
  - (a) the identifying name of the well;
  - (b) the tenure holder's name and the tenure under which the well was drilled;
  - (c) the type of drilling rig used;
  - (d) a summary of the drilling operations carried out;
  - (e) the depth in metres of the well at the end of the day's drilling;
  - (f) the size and type of drill bit used;
  - (g) the drilling fluids and additives used;
  - (h) the size and depth in metres of any casing inserted in the well;
  - (i) the depth in metres of the top and bottom of each cemented interval in the well;
  - (j) the results of any deviation surveys carried out in the well;
  - (k) a description of any drill stem tests or other tests carried out in the well;
  - (l) the depth in metres of the top and bottom of the hydrocarbon show intervals in the well and the type and description of any surface observations of each interval;

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- (m) the type of any perforations in the well and the depth in metres of the top and bottom of the perforated intervals;
  - (n) details of any stimulation carried out;
  - (o) details of any squeeze cementing or cement plugging carried out;
  - (p) a description of any cores or cutting samples taken.
- (4) In this section—
- deviation survey*** means a survey of the path of a petroleum well that measures its direction in 3 dimensions.

### **37 Well completion report**

- (1) A petroleum tenure holder must lodge a well completion report for a petroleum well drilled under the tenure.
- (2) The report must be given not later than 6 months after the rig release day for the well.
- (3) The report must contain each of the following—
  - (a) the type and number of the petroleum tenure;
  - (b) the name, and postal address, of the operator of the well;
  - (c) the identifying name of the well;
  - (d) a well card for the well (a summary of the information about the well in the report);
  - (e) a map showing the location of the well;
  - (f) a geological summary of the area of the tenure;
  - (g) the ground level and kelly bushing level in metres for the well;
  - (h) the total depth in metres of the well;
  - (i) the following days—
    - (i) the day the drilling of the well started;
    - (ii) the day the total depth of the well was reached;



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- (iii) the rig release day for the well;
  - (j) details of the drilling rig, the number and type of drill bits, and the drilling fluids, used to drill the well;
  - (k) the status of the well on the rig release day;
  - (l) the surveyed path of the well;
  - (m) details of the casing and equipment installed in the well, with a diagram showing their location in the well;
  - (n) the type of any perforations in the well and the depth in metres of the top and bottom of the perforated intervals;
  - (o) details of the cementing in the well, including its location, the type of cement used and the depth in metres of the top and bottom of each cemented interval;
  - (p) a description of all tests or surveys carried out for the purpose of drilling the well;
  - (q) a geological interpretation of the well, including the stratigraphy of the rock units it intersects;
  - (r) an identification of the intervals in the well that have the potential to produce petroleum;
  - (s) an assessment of—
    - (i) the relevance of the well to the hydrocarbon potential within the vicinity of the well; and
    - (ii) the implications of the well for the future management of the natural underground reservoir to which the well relates;
  - (t) a description of each geological sample taken during the drilling of the well, including the depth in metres at which the sample was taken;  
*Examples of geological samples—*
    - cuttings, sidewall cores and conventional cores
  - (u) an interpretation of the data obtained from the geophysical (or wireline) logs that have been run in the well;

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- (v) the tenure holder's reasons for choosing the location of the well.
- (4) For a directional well, the report must also state the position of each of the following—
  - (a) the stratigraphic units intersected by the well;
  - (b) the bottom of the well;
  - (c) any intersection of the well with another petroleum well.
- (5) For subsection (4), the position must be expressed in relation to—
  - (a) total vertical depth in metres; and
  - (b) the horizontal plane.
- (6) The report must be accompanied by each of the following—
  - (a) a digital image of the cores taken during the drilling of the well;
  - (b) the raw data, in digital form, of each geophysical (or wireline) log that has been run in the well;
  - (c) a digital image of the graphic representations of the raw data mentioned in paragraph (b).
- (7) Also, if the well is plugged and abandoned before the rig release day for the well, the report must be accompanied by a well abandonment report for the well.

### **38 Well or bore abandonment report**

- (1) If a petroleum well or bore is plugged and abandoned, the relevant petroleum authority holder must lodge a well or bore abandonment report—
  - (a) for a petroleum well that is plugged or abandoned before the rig release day for the well—with the well completion report for the well required under section 37; or

- (b) otherwise—not later than 2 months after the completion day.
- (2) The report must contain each of the following—
- (a) on the first page, each of the following details—
    - (i) the type and number of the relevant petroleum authority;
    - (ii) the identifying name of the well or bore;
    - (iii) the name of the author of the report;
    - (iv) the name of the authority holder;
    - (v) the name of the operator of the well or bore;
    - (vi) the name of the person submitting the report;
    - (vii) the date of the report, in day-month-year format;
  - (b) a summary and history of the well or bore, including a location map and, for a petroleum well, the date on which a well completion report for the well was lodged;
  - (c) the following details about the well or bore—
    - (i) its total depth in metres;
    - (ii) the position at the top and bottom, expressed as required under subsection (3), and the thickness, of any of the following intersected by the well or bore—
      - (A) a coal seam;
      - (B) a natural underground reservoir;
      - (C) an aquifer;
    - (iii) the depth in metres of any perforations in the casing of the well or bore;
    - (iv) the type of drilling rig used to drill the well or bore;

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- (d) if stimulation of a coal seam was carried out in the well or bore under the relevant petroleum authority, the matters stated in subsection (4);
- (e) all surveys and measurements made in the well or bore, including any detailed interpretation of a survey or measurement;
- (f) in relation to the completion or abandonment of the well or bore, each of the following—
  - (i) details of the casing and equipment installed in the well, with diagrams showing the major dimensions and features of the casing and equipment;
  - (ii) a full description of all equipment, including prescribed equipment, that is retained in the well or bore, including the size and nature of the equipment and any features of the equipment that may cause a hazard to coal mining operations;  
*Example of features that may cause a hazard to coal mining operations—*  
aluminium, electronics or batteries
  - (iii) the surveyed location of any prescribed equipment;
  - (iv) the method of the cementing operations carried out in or on the well or bore, including the location and type of plugs, the intervals covered, the volume and type of cement used, any losses of cement due to voids or permeable strata, and the methods used to overcome losses of cement;
  - (v) the method, materials and volume of cement used to cement voids;
  - (vi) a description of any other abandonment procedures used for the well or bore;
  - (vii) any other details of the activities undertaken in drilling, completing and plugging and abandoning the well or bore, including an assessment of their possible impacts, that would assist a person in

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making an assessment of potential risks to safe and efficient mining of coal.

- (3) For subsection (2)(c)(ii), the position at the top and bottom of the coal seam, natural underground reservoir or aquifer must be identified in relation to—
- (a) for a directional well—
    - (i) total vertical depth in metres; and
    - (ii) the horizontal plane; or
  - (b) otherwise—the depth in metres.
- (4) For subsection (2)(d), the matters are each of the following—
- (a) the depth in metres of the top and bottom of the interval over which the stimulation was carried out;
  - (b) a description of the equipment used to carry out the stimulation;
  - (c) for the interval mentioned in paragraph (a), a graphic representation of each of the following—
    - (i) casing pressure with time;
    - (ii) calculated bottom hole pressure with time;
    - (iii) slurry rate with time;
    - (iv) proppant concentration with time;
    - (v) calculated bottom hole concentration with time;
  - (d) any record made about the stimulation by the person who carried it out;
  - (e) any other details about the stimulation that would assist a person in making a future assessment of the impact of the stimulation on the coal seam and any increased risk to safe and efficient mining of coal.
- (5) In this section—

**completion day** means the day on which plugging and abandoning of the well or bore is completed as required to comply with the requirements under schedule 3.

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*prescribed equipment* see section 69.

*relevant petroleum authority* means a petroleum tenure or water monitoring authority.

## **Subdivision 4      Survey reports**

### **39      Seismic survey report**

- (1) This section applies if the holder of a petroleum tenure—
  - (a) carries out a seismic survey of the area of the tenure; or
  - (b) carries out a seismic survey of the area subject to a data acquisition authority to which the tenure relates; or
  - (c) reprocesses raw data obtained from a survey mentioned in paragraph (a) or (b).
- (2) The tenure holder must, not later than 12 months after the completion day for the survey, lodge a seismic survey report for the survey.
- (3) The report must contain each of the following—
  - (a) a description of the location of the area surveyed;
  - (b) a geological summary of the area surveyed;
  - (c) an index of previous seismic surveys carried out under the tenure within the area and a summary of the results of the surveys;
  - (d) the objectives of the survey;
  - (e) the activities carried out for the survey, including, for example, details of the seismic lines used and the days on which the activities were carried out;
  - (f) a description of each method used to acquire raw data, including—
    - (i) the equipment used for positioning, surveying, navigation or other purposes; and

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- (ii) the techniques and equipment used for recording and testing the data;
  - (g) a description of how the raw data was processed or, for a survey mentioned in subsection (1)(c), reprocessed;
  - (h) an evaluation of the processed or reprocessed data, including an interpretation of the seismic horizons (seismic reflectors) and any leads or prospects identified from the data;
  - (i) a map showing the location of the seismic lines used for the survey;
  - (j) if the report is not accompanied by grid files for the area surveyed in digital form—
    - (i) structure contour maps of seismic horizons (seismic reflectors) in the area surveyed; and
    - (ii) maps of the area showing variations in the thickness of stratigraphic units (isopach maps).
- (4) The report must be accompanied by—
- (a) each of the following in digital form—
    - (i) the raw data obtained in relation to the survey and the record made as the data was recorded (commonly known as the ‘observer’s logs’);
    - (ii) a list of the seismic lines used and the range of the numbered stations on each line;
    - (iii) the surveyed location, including the elevation, of each seismic source and receiver point;
    - (iv) the processed or reprocessed data derived from each seismic line used for the survey;
    - (v) a graphical representation of the data mentioned in subparagraph (iv); and
  - (b) if an activity for the survey was carried out by a contractor of the tenure holder, a copy of any report

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given to the holder by the contractor in relation to the activity.

(5) In this section—

*grid file*, for an area, means a representation, on a close-spaced, regular grid, of an interpretation of time and depth to seismic horizons (seismic reflectors).

#### **40 Scientific or technical survey report**

(1) This section applies if the holder of a petroleum tenure—

- (a) carries out a scientific or technical survey of the area of the tenure; or
- (b) carries out a scientific or technical survey of the area subject to a data acquisition authority to which the tenure relates; or
- (c) reprocesses raw data obtained from a survey mentioned in paragraph (a) or (b).

(2) The tenure holder must, not later than 6 months after the completion day for the survey, lodge a scientific or technical survey report for the survey.

(3) The report must contain each of the following—

- (a) a description of the location of the area surveyed;
- (b) a geological summary of the area surveyed;
- (c) the type of survey carried out;
- (d) an index of previous scientific or technical surveys, of the same type as the survey for which the report is given, carried out under the tenure within the area;
- (e) the objectives of the survey;
- (f) the activities carried out for the survey, including, for example, the days on which the activities were carried out;



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- (g) the methods and equipment used for acquiring and processing, or reprocessing, data;
  - (h) an interpretation of the processed or reprocessed data derived from the survey;
  - (i) a map showing the location of—
    - (i) the area surveyed; and
    - (ii) where any measurements were made or samples were taken in connection with the survey.
- (4) The report must be accompanied by each of the following in digital form—
- (a) the raw data obtained in relation to the survey;
  - (b) the processed or reprocessed data derived from the survey.

## Subdivision 5      **Petroleum reports**

### **41      Definition for sdiv 5**

In this subdivision—

***6 month period***, for a petroleum authority, means a following period in a year during which, for all or part of the period, the authority is in effect—

- (a) 1 January to 30 June;
- (b) 1 July to 31 December.

### **42      How particular volumes must be stated in reports**

- (1) Subsection (2) applies if this subdivision requires a volume of any of the following to be stated in a report—
  - (a) a petroleum product;
  - (b) a prescribed storage gas;

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- (c) a substance prescribed under section 402(1) of the Act;
  - (d) water.
- (2) The volume must be stated as—
- (a) megalitres, for any of the following—
    - (i) water;
    - (ii) LPG;
    - (iii) condensate;
    - (iv) crude oil;
    - (v) any other liquid; or
  - (b) millions of cubic metres for gas, including coal seam gas.

#### **43 Petroleum production report—petroleum lease**

- (1) A petroleum lease holder must, within 40 business days after the last day of a 6 month period for the lease, lodge a petroleum production report for the period.
- (2) The report must contain each of the following—
- (a) the number of the lease;
  - (b) an identification of each natural underground reservoir and the reservoir formation (or geological unit) from which petroleum was produced under the lease during the period;
  - (c) each of the following for the 6 month period—
    - (i) the volume of each petroleum product derived from petroleum produced from each natural underground reservoir within the area of the lease;
    - (ii) the volume of petroleum produced under the lease that was flared or vented in a gaseous state;
    - (iii) the volume of petroleum produced under the lease that was used to produce petroleum;

- (iv) the volume, or an estimate of the volume, of associated water taken under the lease from each natural underground reservoir;
- (d) the volumes mentioned in paragraph (c)(i) to (iii) for the period starting on the day petroleum was first produced under the lease and ending on the last day of the 6 month period;
- (e) the volume or estimate mentioned in paragraph (c)(iv) for the period starting on the day associated water was first taken under the lease and ending on the last day of the 6 month period;
- (f) for each natural underground reservoir from which petroleum is produced under the lease—the number of petroleum wells producing petroleum under the lease from the reservoir;
- (g) for each petroleum well drilled for the purpose of producing coal seam gas within the area of the lease, each of the following for associated water taken from the well under the lease during the 6 month period—
  - (i) the volume, or an estimate of the volume, of water taken;
  - (ii) the pH of the water on each day during the period on which it was measured;
  - (iii) the measurements taken of total dissolved solids (mg/l) in, and the electrical conductivity of, the water during the period.

#### **44 Petroleum reserves report**

- (1) This section applies if there are proved and probable reserves of petroleum within the area of a petroleum tenure.
- (2) The petroleum tenure holder must, within 40 business days after the last day of a 6 month period for the tenure, lodge a petroleum reserves report for the tenure for the period.

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- (3) The report must contain each of the following in a form acceptable to the chief executive—
  - (a) the type and number of the petroleum tenure;
  - (b) an identification of each natural underground reservoir in which there were proved and probable reserves of petroleum during the period;
  - (c) the volume of the proved and probable reserves of petroleum in each natural underground reservoir within the area of the tenure worked out on the first day and last day of the period.

#### **45 Production testing report**

- (1) This section applies if production testing for a petroleum well is carried out under a petroleum tenure.

*Editor's note—*

See sections 73 (Permitted period for production or storage testing) and 152 (Permitted period for production or storage testing) of the Act.

- (2) The tenure holder must, within 40 business days after the last day of a relevant testing period, lodge a production testing report for the period.
- (3) The report must contain each of the following in a form acceptable to the chief executive—
  - (a) the type and number of the tenure;
  - (b) the identifying name of the petroleum well;
  - (c) an identification of each natural underground reservoir and the reservoir formation (or geological unit) from which petroleum was produced as part of the production testing;
  - (d) the duration of the production testing carried out during the period;
  - (e) the type of any perforations in the well and the depth in metres of the top and bottom of the perforated intervals;

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- (f) the volumes, or estimates of the volumes, of gas, oil and water produced from the testing during the period;
  - (g) the choke size used for the well;
  - (h) the density of any oil produced from the testing during the period, measured using the American Petroleum Institute's scale of measuring the specific gravity of oil, commonly known as the 'API gravity' of the oil;
  - (i) the pressure in the well, measured during the period, at which petroleum can not escape from the wellhead for the well, commonly known as the 'shut-in pressure' of the well.
- (4) In this section—
- relevant testing period* means—
- (a) the period starting on the day production testing for the petroleum well first starts and ending on the earlier of—
    - (i) 30 days from the day testing first started; or
    - (ii) the day testing ends; and
  - (b) if the production testing is carried out for more than 30 days with the Minister's approval—the period starting on the 31st day of testing and ending on the day the testing ends.

#### **46 Petroleum transmission report**

- (1) The holder of a pipeline licence for a transmission pipeline must, within 20 business days after the last day of each 6 month period for the licence, lodge a petroleum transmission report for the period.
- (2) The report must contain each of the following in a form acceptable to the chief executive—
  - (a) the type and volume of any petroleum component transported through the pipeline during the period;

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- (b) for an impurity, including, for example, carbon dioxide or inert gases, transported through the pipeline during the period—
  - (i) the volume of the impurity; or
  - (ii) the volume by weight of the impurity; or
  - (iii) the concentration by volume of the impurity in the petroleum component.
- (3) In this section—

*petroleum component* means each of the following—

  - (a) butane;
  - (b) condensate;
  - (c) crude oil;
  - (d) ethane;
  - (e) LPG;
  - (f) propane;
  - (g) a prescribed storage gas;
  - (h) processed natural gas;
  - (i) a substance or gas prescribed under section 5 to be petroleum;
  - (j) a substance prescribed under section 402(1) of the Act.

## **Subdivision 6      Hydraulic fracturing activities                                  completion report**

### **46A      Hydraulic fracturing activities completion report**

- (1) This section applies if the holder of a petroleum tenure has finished hydraulic fracturing activities in the prescribed area for the tenure after the commencement of this section.

- 
- (2) The holder must, within 2 months after finishing the hydraulic fracturing activities, lodge a report (a ***hydraulic fracturing activities completion report***) that complies with subsection (3).
  - (3) The report must contain each of the following—
    - (a) the type and number of the tenure;
    - (b) the name and postal address of the contractor who carried out the hydraulic fracturing activities on behalf of the operator of the drilling project;
    - (c) the identifying name of each treatment well or observation well for which the hydraulic fracturing activities were carried out;
    - (d) the day the hydraulic fracturing activities for each petroleum well started;
    - (e) the day the hydraulic fracturing activities for each petroleum well finished;
    - (f) an identification of each method of hydraulic fracturing activities carried out;
    - (g) the depth in metres of the top and bottom of—
      - (i) each stage over which the hydraulic fracturing activities were carried out; and
      - (ii) each geological interval over which hydraulic fracturing activities were carried out and the name of each geological interval;
    - (h) a summary of the operations performed at each stage in carrying out the hydraulic fracturing activities, including the volume and type of chemical used at each stage;
    - (i) an assessment of the implications of the hydraulic fracturing activities for each petroleum well for the future management of the natural underground reservoir involved, including for each stage of the hydraulic fracturing activities, over the geological interval, a graphic representation of the following—

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- (i) casing pressure with time;
- (ii) calculated bottom hole pressure with time;
- (iii) calculated bottom hole concentration with time;
- (iv) the rate at which the hydraulic fracturing fluid is pumped into the well used for the hydraulic fracturing activities with time;
- (v) the concentration of proppant in the hydraulic fracturing fluid with time;
- (vi) maximum surface treatment pressure reached during each stage of the hydraulic fracturing activities;
- (vii) the estimated targeted fracture pressure over the geological interval during each stage of the hydraulic fracturing activities;
- (j) details of—
  - (i) the equipment used to carry out and monitor the hydraulic fracturing activities; and
  - (ii) the diagnostic techniques used to monitor the hydraulic fracturing activities;
- (k) if known, details of—
  - (i) any geological connection between a geological interval over which hydraulic fracturing activities were carried out and an aquifer; and

*Example—*

In the Surat Basin, if a Walloon subgroup geological interval hydraulic fracture treatment stage breaks through to the Upper Springbok Formation, the holder must include details of this event.

- (ii) the distance separating a geological interval over which hydraulic fracturing activities were carried out from an aquifer;



- (l) details of the total volume of hydraulic fracturing fluid, in kilolitres, pumped into each petroleum well during each stage of the hydraulic fracturing activities;
  - (m) if hydraulic fracturing activities were carried out on a coal seam—any other details about the hydraulic fracturing activities that would assist a person in making a future assessment of the impact of the hydraulic fracturing activities on the coal seam and any increased risk to safe and efficient mining of coal;
  - (n) if a known event related to the hydraulic fracturing activities has caused material environmental harm, or serious environmental harm, within the meaning of the *Environmental Protection Act 1994*—details of each step taken to mitigate the harm.
- (4) The holder must ensure the report is accompanied by a statement (a ***hydraulic fracturing fluid statement***) stating, for the hydraulic fracturing fluid used in carrying out the hydraulic fracturing activities, the composition of the hydraulic fracturing fluid, including—
- (a) the quantity of each component of the hydraulic fracturing fluid in kilograms, litres, or kilolitres, as appropriate; and
  - (b) the concentration of each component in the hydraulic fracturing fluid; and
  - (c) the name of any chemical compound contained in the hydraulic fracturing fluid.

Maximum penalty for subsection (4)—20 penalty units.

## **Division 3                      Other matters relating to records and samples**

### **47            Samples required to be kept**

- (1) For section 547(1) of the Act, the samples about the authorised activities carried out under a petroleum tenure that must be kept by the holder are the samples mentioned in sections 48 to 50.
- (2) A sample must be kept until the later of the following—
  - (a) the end of the term of the petroleum tenure;
  - (b) the sample, or part of the sample, is lodged as required under section 548 of the Act.
- (3) A sample must be kept in a way that prevents unnecessary deterioration or loss of the sample.
- (4) Despite subsection (1), the holder need not keep a sample (the *new sample*) from a coal seam gas well if, on written application by the holder, the chief executive exempts the holder from having to keep the new sample because—
  - (a) the holder has previously lodged a sample, or part of a sample, (the *previous sample*) from the same coal seam gas well, or another coal seam gas well drilling the same seam or structure; and
  - (b) the new sample has similar properties to the previous sample.

### **48            Cutting samples**

- (1) A petroleum tenure holder must, for each petroleum well drilled under the tenure, keep the cutting samples of the geological formations penetrated by the drill for each interval mentioned in subsection (2).
- (2) For subsection (1), the intervals are—

- 
- (a) each 10m interval, or part of a 10m interval, from the surface to as close as practicable to the top of the geological formation nearest to the surface that is likely to contain a natural underground reservoir; and
  - (b) each 3m interval, or part of a 3m interval, from as close as practicable to the top of the geological formation mentioned in paragraph (a) to the bottom of the well.
- (3) However, subsection (2)(a) does not apply in relation to a development well.
- (4) The part of the sample that is lodged as required under section 548(1) of the Act must be—
- (a) 250g or more, but not more than 500g; and
  - (b) washed and dried; and
  - (c) in a container that is suitable for long-term storage and handling and is labelled with each of the following—
    - (i) the identifying name of the well from which the sample was taken;
    - (ii) the depth in metres of the top and bottom of the interval from which the sample was taken.
- (5) In this section—
- cutting sample*** means a sample of the cuttings produced by the drilling of the well.

## 49 Cores

- (1) A petroleum tenure holder must keep each core recovered from a petroleum well under the petroleum tenure.
- (2) The part of the core that is lodged as required under section 548(1) of the Act must—
  - (a) be at least 50% of the core recovered; and
  - (b) have as complete a vertical face as is practicable; and

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- (c) be lodged in a box or other suitable container that is suitable for long-term storage and handling and is labelled with each of the following—
  - (i) the identifying name of the well from which the core was recovered;
  - (ii) if more than 1 core is recovered from the well—the number of the core;
  - (iii) the depth in metres of the top and bottom of the interval cored;
  - (iv) the length in metres of the core recovered.

## 50 Fluid samples

- (1) This section applies if the holder of a petroleum tenure recovers a sample (a *fluid sample*) of liquid petroleum from a petroleum well under the tenure and the sample is more than 10l.
- (2) If the well is an exploration or appraisal well, the holder must—
  - (a) keep the fluid sample; and
  - (b) lodge, as required under section 548(1) of the Act, 500ml or more of the fluid sample.
- (3) If the well is a development well, the holder must, if no fluid sample from the same natural underground reservoir from which the sample is taken has previously been lodged by the holder—
  - (a) keep the fluid sample; and
  - (b) lodge, as required under section 548(1) of the Act, 500ml or more of the fluid sample.
- (4) A fluid sample that is lodged as required under section 548(1) of the Act must be lodged in a glass bottle that is—
  - (a) teflon sealed with a screw top; and
  - (b) labelled with at least the following information—

- (i) the identifying name of the well;
- (ii) the depth in metres of the top and bottom of the interval from which the sample was recovered;
- (iii) the day on which the sample was recovered;
- (iv) the method by which the fluid sample was recovered.

*Examples—*

drill stem tests, production tests

## **51 Confidentiality of required information for petroleum tenure holders**

- (1) This section prescribes, for section 550(1) of the Act, the confidentiality period for required information for a petroleum tenure.
- (2) The period starts on the day the information is lodged under the Act and ends on the following day—
  - (a) for an annual report required to be lodged under section 552 of the Act—the day that is 5 years after the last day of the period to which the report relates;
  - (b) for a daily drilling report required to be lodged under section 36 or a well completion report—
    - (i) for an appraisal well or an exploration well—the day that is 2 years after the day on which the report is required to be lodged; or
    - (ii) for a development well—the day that is 5 years after the day on which the report is required to be lodged;
  - (c) subject to subsection (3), for a well or bore abandonment report—
    - (i) for an appraisal well, exploration well or bore—the day that is 2 years after the day on which the report is required to be lodged; or

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- (ii) for a development well—the day that is 5 years after the day on which the report is required to be lodged;
- (d) for a seismic survey report required under section 39 to be lodged—the day that is 2 years after the day on which the report is required to be lodged;
- (e) for a scientific or technical survey report required under section 40 to be lodged—the day that is 2 years after the day on which the report is required to be lodged;
- (f) for a petroleum production report required under section 43 to be lodged for a petroleum lease—the day that is 6 months after the last day of the period to which the report relates;
- (g) for a petroleum reserves report required under section 44 to be lodged—the day that is 6 months after the last day of the period to which the report relates;
- (h) for a production testing report required under section 45 to be lodged—
  - (i) for an authority to prospect—the day that is 2 years after the last day of the period to which the report relates; or
  - (ii) for a petroleum lease—the day that is 5 years after the last day of the period to which the report relates;
- (i) for a cutting sample, core or fluid sample required under section 548 of the Act to be lodged—
  - (i) for an appraisal well or an exploration well—the day that is 2 years after the day on which part of the sample or core is required to be lodged under section 548 of the Act; or
  - (ii) for a development well—the day that is 5 years after the day on which part of the sample or core is required to be lodged under section 548 of the Act;

*Editor's note—*

See also sections 48 (Cutting samples), 49 (Cores) and 50 (Fluid samples).

- (j) for a hydraulic fracturing activities completion report required to be lodged under section 46A, including any accompanying hydraulic fracturing fluid statement—the day that is 5 years after the day on which the report is required to be lodged, or the day on which the report is lodged, whichever is the earlier;
  - (k) for an infrastructure report required to be lodged under section 552A of the Act—the day that is 5 years after the day on which the report is required to be lodged.
- (3) There is no confidentiality period for making a well or bore abandonment report for a petroleum well available under section 550(1)(b) of the Act to the holder of a coal or oil shale mining tenement if the well was drilled within the area of the tenement.
  - (4) There is no confidentiality period for required information not mentioned in subsection (2).

## **52 Publication of required information**

- (1) This section prescribes, for section 550(1)(a) of the Act, the ways in which the chief executive may publish required information.
- (2) The ways are each of the following—
  - (a) in a journal published by the department or under the Minister's authority;
  - (b) in another publication considered appropriate by the chief executive;
  - (c) on the department's website on the internet;
  - (d) in a publicly available database;
  - (e) on a map that is made available to the public for inspection or purchase;

[s 52A]

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- (f) in digital or electronic form, including, for example, on a disc or tape;
- (g) by displaying it on a notice that is available to the public for inspection at—
  - (i) the department’s head office; and
  - (ii) other places the chief executive considers appropriate;
- (h) by telling it to another person or presenting it to the person in a visual form.

**52A Record of supply of gas from PGPLR land—Act, s 175H(2)**

- (1) For section 175H(2) of the Act, the following are the matters for which a record is required to be kept for each supply of gas produced from PGPLR land—
  - (a) details of the petroleum lease for the land, including its number and the area of the lease;
  - (b) the entity to whom the gas was supplied;
  - (c) the volume of gas supplied to the entity mentioned in paragraph (b).
- (2) Each record must be kept—
  - (a) for at least 7 years after the date the record was made; and
  - (b) in a way that enables the selling entity to comply, within the time stated in a notice given under section 175H(3) of the Act, with a request for a copy of the record.

*Examples of ways records may be kept—*

hard copy or electronic format



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## 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
  - (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

The holder of a CSG tenure must ensure that everyone else to whom the construction and abandonment code applies complies with the code for a prescribed well, proposed prescribed well or abandoned prescribed well for exploring for or producing coal seam gas on the land to which the CSG tenure applies.

[s 54AA]

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*Note—*

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

#### **54AA Operator to ensure drilling rig workers meet competency requirements**

- (1) The operator of a drilling operating plant must ensure each person working on a drilling rig, that is drilling a prescribed well at the plant, meets the required competencies identified for their position under the drilling competency standard.
- (2) However, subsection (1) does not apply if the person is—
  - (a) undergoing training for the required competencies; and
  - (b) acting under the direct supervision of a competent person for the drilling rig.

*Note—*

See also section 166 for the application of this section.

- (3) In this section—

*drilling competency standard* means the document titled ‘Competency Standard for the Petroleum and Gas Drilling Industry (2011)’ published on the department’s website.

#### **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.

[s 54C]

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#### **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

- (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 plan 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;

[s 55]

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(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;

[s 57]

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- (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 intersects a coal seam**

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

*Editor's note—*

See also chapter 3 (Safety provisions relating to coal mining), part 4 (Exemptions).

- (2) The holder of the petroleum tenure or 1923 Act petroleum tenure under which the well is drilled must ensure that, as soon as practicable after drilling of the well starts, but not later than 3 months after the rig release day for the well, a downhole survey of the well 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 1000m 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, that intersects a coal seam more than 1m in thickness, the downhole survey must



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achieve a level of accuracy that is at least as good as the level of accuracy required under subsection (3).

## **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.

*Editor's note—*

See section 626(2) (Fuel gas supplied through pipeline) 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.

## **Part 3 Other requirements**

### **Division 1 Additional requirements for safety management plans**

#### **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 plan 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—

[s 59B]

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- (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 plan 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 plan**

The safety management plan 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

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*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 plan 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 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.

[s 59D]

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## **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 plan 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**

### **60      Plugging and abandoning a petroleum well or bore**

- (1) For section 292(4)(a) of the Act, a petroleum 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 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
    - (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.

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- (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 efficient 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.

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## 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 plan

(1) For section 675(1)(u) of the Act, each of the following additional matters must be included in a safety management plan 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 efficient 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—

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- (i) a specific identification and assessment of the potential risk posed by the operation of the operating plant to the safe and efficient 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 efficient mining, or future mining, of coal as required under the Act.

*Editor's note—*

See, for example, sections 388 (Additional content requirements) and 675 (Content requirements for safety management plans) 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—

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- (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 chapter 2, part 1.
- (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

*Editor's 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 efficient 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 efficient 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.

*Editor's note—*

See also section 699A (Operator's obligation for particular adjacent or overlapping authorities) of the Act.

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- (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.

## 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—
  - (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.

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## 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;

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- (d) section 69;
- (e) section 70;
- (f) the standard abandonment requirements for a prescribed well.

## 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.

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## **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—



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- (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 efficient 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

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- (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—
    - (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.

*Editor's note—*

See also section 916(3) (Pipeline licences) 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’ (2001).

# **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.

[s 83]

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**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.
- (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.

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**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 plan for the network; and

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- (b) the operator is reasonably satisfied the person has the skills, knowledge and experience required under the safety management plan 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

[s 88A]

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.

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

[s 88D]

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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 plan for automotive LPG site**

- (1) A site occupier for an automotive LPG site must make or adopt and implement and maintain a safety management plan 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—
  - (a) whenever the site is operating, keep a copy of the safety management plan 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 plan may apply, a notice stating where the copy of the plan is open for inspection; and
  - (c) ensure each person mentioned in the plan who has an obligation under the plan is told they have an obligation under the plan within a reasonable period before the plan requires them to comply with the obligation.
- (3) A person who has an obligation under the plan must comply with the obligation.



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- (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 plan for the site at a particular time, the copy of the plan that was kept at the site at that time is taken to be the original of the plan.
- (5) In this section—  
*open for inspection* means open for inspection by anyone to whom the plan 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 plan 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.

[s 88G]

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## **Division 4                      Generic SMP**

### **88G    Prescription of generic SMP**

For the Act, section 675A the ‘LPG Australia Safety Management Plan for Gas Supply and Cylinder Distribution Business’, revision 1 July 2007, produced by the Australian Liquefied Petroleum Gas Association Ltd ACN 002 703 951 is prescribed for each stage of—

- (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; or
- (b) an LPG delivery network if—
  - (i) the network includes filling, with LPG, a container with a water capacity of more than 30L; or
  - (ii) the total capacity of the cylinders stored for the network is more than 5000L but no more than 12000L.

## **Part 2                                      Gas systems supplied with fuel gas by a fuel gas network**

### **89    Application of pt 2**

This part applies in relation to a gas system supplied, or to be supplied, with fuel gas through a fuel gas network.

### **90    Requirements to be complied with before carrying out particular gas work**

- (1) This section applies to gas work involving—
  - (a) the installation of a gas system—

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- (i) that is to be supplied with fuel gas through a fuel gas network that is a distribution system; and
  - (ii) that has not previously been supplied with fuel gas through a distribution system; or
- (b) the connection of 1 or more additional major use gas devices to an existing gas system that is supplied with fuel gas through a fuel gas network that is a distribution system.
- (2) Before a person carries out the gas work, the person must notify the relevant network operator of—
- (a) the nature of the work to be carried out; and
  - (b) the anticipated demands of the gas system or device on the network's supply of fuel gas.

Maximum penalty—10 penalty units.

- (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 SMP, 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—

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- (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.
- (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.

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**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—

[s 91B]

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- (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 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—a person proposes to start supplying LPG through the network to a gas system, whether or not LPG has previously been supplied through a fuel gas network to the gas system.
- (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 pressure tested in accordance with ‘AS/NZS 5601 Gas installations—Part 1: General installations (2010)’ and there is no significant leakage of fuel gas from the gas system.

Maximum penalty—20 penalty units.

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- (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—

*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.

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**94 User must report safety concerns to owner of gas system**

- (1) This section applies if—
  - (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—

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***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.

***gas inspection certificate***—

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- (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
- (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 is registered—means the registered owner of the vessel under the *Transport Operations (Marine Safety) Regulation 2004*, or the registered owner or a similar person under a corresponding law; or
- (c) for a stationary engine, or a vehicle or vessel that is unregistered—the person in lawful possession of the vehicle, vessel or engine.

***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.

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**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 system or the part of the gas 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

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possession, of the vehicle, vessel or stationary engine a gas inspection certificate for the system.

Maximum penalty—20 penalty units.

- (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.

- (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’ (2007) (the ***relevant standard***).

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*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.

- (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

[s 105B]

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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.

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**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.

[s 105F]

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- (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.

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### **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.

[s 105I]

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**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 SMP, 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.



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## **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 plans—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 plan 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.

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## 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 1596 'The storage and handling of LP gas' (2008)

## 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.

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- (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—
  - (a) a second-hand sale device; or
  - (b) a sale device manufactured in or imported into Queensland before the commencement of this section.

## **Part 5                      Gas work licences and authorisations**

### **Division 1                Gas work licences**

#### **116      Qualifications or experience for a gas work licence**

- (1) For section 728C(2)(a) of the Act, the qualifications or experience for a gas work licence are—
  - (a) completion of a course of training in gas work of the relevant type that is listed in appendix A, B, C or J of the gas licensing requirements; or
  - (b) the chief inspector reasonably believes the individual otherwise demonstrates the skill and knowledge required to carry out gas work of the relevant type as required under the gas licensing requirements.
- (2) For subsection (1)(b), the chief inspector may require the individual to sit a written, oral or practical examination.

(3) In this section—

*gas licensing requirements* means the ‘Queensland Gas Work Licence Notes’ (2011) published on the department’s website.

### **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 mentioned in section 116(1)(a).
- (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 *Vocational Education, Training and Employment Act 2000*.

### **118 Annual fee payable by holder of a gas work licence**

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

## **Division 2 Gas work authorisations**

### **119 Definition for div 2**

In this division—

*industrial appliance* means a gas device (type B) designed for using fuel gas as a fuel or feed stock in an industrial process.

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## **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**

- (1) 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.
- (2) In this section—  
*industrial appliance* does not include stationary engines capable of consuming fuel gas at a rate of 5GJ/hr or less.

## **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.

## **125A Qualifications or experience for gas work authorisation**

- (1) For section 728C(2)(a) of the Act, an applicant has the prescribed qualifications or experience for a gas work authorisation if—
- (a) if the applicant is an individual—
    - (i) the individual completes a course of training in gas work relevant to the scope of work stated in the authorisation; or
    - (ii) the chief inspector reasonably believes the individual otherwise demonstrates the skill and knowledge required to carry out gas work relevant to the scope of work stated in the authorisation; or

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- (b) if the applicant is a corporation—
  - (i) each individual who is to perform gas work for the corporation under the authorisation completes a course of training in gas work relevant to the scope of work stated in the authorisation; or
  - (ii) if an individual who is to perform gas work for the corporation under the authorisation does not have the qualifications or experience mentioned under paragraph (a)—the chief inspector reasonably believes the individual otherwise demonstrates the skill and knowledge required to carry out gas work relevant to the scope of work stated in the authorisation.
- (2) For subsection (1)(a)(ii) or (b)(ii), the chief inspector may require the individual to sit a written, oral or practical examination.

## **126 Annual fee payable by holder of a gas work authorisation**

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

## **Division 3 General provisions for gas work licences and authorisations**

### **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.

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- (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 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

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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 1              Measurement

#### 127      Requirements for measurement scheme

- (1) For section 637(1)(d) of the Act, a meter that measures more than 25m<sup>3</sup> of petroleum or fuel gas in an hour must be replaced or tested not less than once in each 10 year period.
- (2) For section 637(1)(k) of the Act, a measurement scheme must, if a measurement of petroleum or fuel gas is to be converted into another form of measurement under the scheme, state the method for converting the measurement.
- (3) For this section—  
*form of measurement* means any of the following—
  - (a) a measurement of the energy of the petroleum or fuel gas;
  - (b) a measurement of the mass of the petroleum or fuel gas;
  - (c) a measurement of the volume of the petroleum or fuel gas.

#### 128      Tolerance for error for a meter

- (1) This section prescribes, for section 635 of the Act, the tolerance for error in accuracy for a meter.

- (2) If the meter measures not more than 25m<sup>3</sup> of petroleum or fuel gas in an hour, the tolerance is—
  - (a) for a meter installed before this section commences—plus 2% or minus 3%; or
  - (b) otherwise—plus or minus 1.5%.
- (3) For a meter not mentioned in subsection (2), the tolerance is plus or minus 1%.
- (4) This section is subject to sections 129 and 130.

### **129 Other requirements for accuracy of meter—100TJ to 1PJ**

- (1) This section applies in relation to a meter that measures 100TJ or more, but not more than 1PJ, a year.
- (2) The controller of the meter must ensure the meter is installed with a device to correct the meter's readings to standard temperature and pressure for section 11 of the Act.
- (3) The overall tolerance for error for the meter, including the correcting device, is plus or minus 1%.
- (4) The accuracy of the meter must be checked at least once in each 6 month period.

### **130 Other requirements for accuracy of meter—over 1PJ**

- (1) This section applies in relation to a meter that measures more than 1PJ a year.
- (2) The controller of the meter must ensure the meter is installed with a flow computer to calculate the energy of the petroleum or fuel gas flowing through the meter.
- (3) The overall tolerance for error for the meter, including the flow computer, is plus or minus 1%.
- (4) The accuracy of the meter must be checked at least once in every 3 month period.

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### **131 Requirement for gas pressure regulator**

The controller of a meter must ensure the addition of a gas pressure regulator to the meter does not disadvantage a consumer.

*Example of how a gas pressure regulator could disadvantage a consumer—*

excessive regulator droop that could result in incorrect billing

Maximum penalty—20 penalty units.

### **132 Metering factors**

If there is a correction factor for calculating the price of gas flowing through a meter, the controller of the meter must ensure the pressure at which the meter must be operated is clearly marked on, or in the immediate vicinity of, the meter.

Maximum penalty—20 penalty units.

## **Part 2 Fees, rents and royalties etc.**

### **Division 1 Preliminary**

#### **133 Fees generally**

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

#### **134 Payment of annual licence fee for pipeline or petroleum facility licence**

- (1) The annual licence fee payable for a pipeline licence or a petroleum facility licence is stated in schedule 9, part 4.
- (2) The annual licence fee for a licence mentioned in subsection (1), or a pro-rata amount of the annual licence fee if the period

to which the fee relates is less than a year, must be paid on or before the following days—

- (a) on the grant of the licence, if the Minister has not already required payment of the fee—the 20th business day after the licence takes effect;

*Note—*

For an example of when the Minister may require payment for a pipeline licence see section 410(1)(b)(i) of the Act and for a petroleum facility licence see section 446(1)(b)(i) of the Act.

- (b) otherwise—31 August each year.
- (3) The annual licence fee must be paid by cash, cheque or electronic transfer of funds.
- (4) If the annual licence fee for a licence mentioned in subsection (1) is paid for a year and the licence ends during the year, the proportion of the annual licence fee that relates to the remainder of the year may be refunded.

## **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 cost of the department's activities carried out for the purposes of safety and health matters relating to operating plant during each quarterly period.

*Note—*

See the *Geothermal Exploration Act 2004*, section 132A and the *Greenhouse Gas Storage Act 2009*, section 4(c).

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### **135 Who is liable to pay a safety and health fee**

- (1) Subject to sections 141 and 142, 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 holder of a petroleum lease, or 1923 Act lease, under which petroleum was produced;
  - (c) the operator of a petroleum facility that is any of the following—
    - (i) a major processing facility;
    - (ii) a facility that produces syngas;
    - (iii) a facility that produces LPG from petroleum;
    - (iv) 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 plan;
    - (v) a facility that produces CNG and must operate under a safety management plan;
    - (vi) a facility that produces an underground gasification product;
    - (vii) a petroleum facility on an area to which a petroleum facility licence applies that is not included in subparagraphs (i) to (vi);
  - (e) the operator of a pipeline under a pipeline licence;
  - (ea) the operator of a distribution pipeline that is not part of a distribution system;



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- (eb) the operator of a GHG stream pipeline under the GHG storage Act;
  - (f) the operator of a distribution system;
  - (g) the operator of an LPG delivery network that is an operating plant, if section 675A(1) of the Act applies for any stage of the operating plant;
  - (h) the operator of an LPG delivery network that is an operating plant if paragraph (g) does not apply to the network;
  - (i) a product supplier of automotive LPG;
  - (j) a tanker delivery carrier;
  - (k) 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;
  - (l) 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;
  - (m) the holder of an authority to prospect;
  - (n) the holder of a geothermal exploration permit;
  - (o) the holder of a GHG permit;
  - (p) 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;
  - (q) the operator of a facility that produces, processes or uses—
    - (i) biogas; or
    - (ii) gas derived from a waste disposal tip; or
    - (iii) gas derived during the treatment of sewage;

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- (r) the operator of a gas system used for special effects for entertainment or amusement purposes.
- (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.
- (5) In this section—  
*category of liable person* means each type of liable person mentioned in subsection (2).

### **Subdivision 3 Lodgement of safety and health fee return and payment of fee by liable persons**

#### **138 Application of sdiv 3**

This subdivision applies in relation to a liable person.

#### **139 Requirement to lodge safety and health fee return**

- (1) The person must lodge a return (a *safety and health fee return*)—
  - (a) for each quarterly period ending on 31 March, by 20 April immediately after the end of the quarterly period; and
  - (b) for each quarterly period ending on 30 June, by 20 July immediately after the end of the quarterly period; and
  - (c) for each quarterly period ending on 30 September, by 20 October immediately after the end of the quarterly period; and

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- (d) for each quarterly period ending on 31 December, by 20 January immediately after the end of the quarterly period.

Maximum penalty—20 penalty units.

- (2) A safety and health fee return must be in the approved form and must state—
- (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 during the quarterly period; and
  - (b) for a person mentioned in section 135(2)(b)—the amount of petroleum (TJ) produced under the petroleum lease or 1923 Act lease during the quarterly period; and
  - (c) for a person mentioned in section 135(2)(c)—the amount of petroleum (m<sup>3</sup>) processed by the petroleum facility during the quarterly period; and
  - (d) for a person mentioned in section 135(2)(e), (ea), (eb) or (f)—the length (km) and diameter (mm) of any of the following that was used to transport petroleum or fuel gas, or that was commissioned, during the quarterly period—
    - (i) a pipeline under the licence; or
    - (ii) a distribution pipeline that is not part of a distribution system; or
    - (iii) a GHG stream pipeline under the GHG storage Act; or
    - (iv) a pipeline in the distribution system; and
  - (e) for a person mentioned in section 135(2)(g)—the number of LPG delivery networks operated by the person during the quarterly period; and
  - (f) for a person mentioned in section 135(2)(h)—the maximum number of each of the following fuel gas

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- containers owned by the person at any time during the quarterly period—
- (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
- (g) for a person mentioned in section 135(2)(i)—the number of times the person supplied automotive LPG to an automotive LPG site during the quarterly period; and
- (h) for a person mentioned in section 135(2)(j)—
- (i) the number of deliveries by the person of automotive LPG to automotive LPG sites during the quarterly period; and
  - (ii) the volume of automotive LPG delivered by the person during the quarterly period; and
  - (iii) the number of automotive LPG sites to which the person delivered automotive LPG during the quarterly period; and
- (i) for a person mentioned in section 135(2)(k)—
- (i) the total amount of gas (TJ) consumed at the site during the quarterly period; and
  - (ii) the maximum consumption rate (in GJ/hr) for which the gas device is designed; and
  - (iii) the actual maximum consumption rate (in GJ/hr) of the gas device at any time during the quarterly period; and
- (j) for a person mentioned in section 135(2)(l)—the total number of wells for which completion or maintenance

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work was performed by the person during the quarterly period; and

- (k) for a person mentioned in section 135(2)(m)—the number of authorities to prospect, and the area, in square kilometres, of the authorities to prospect, held by the person during the quarterly period; and
- (l) for a person mentioned in section 135(2)(n)—the number of geothermal exploration permits, and the area, in square kilometres, of the geothermal exploration permits, held by the person during the quarterly period; and
- (m) for a person mentioned in section 135(2)(o)—the number of GHG permits, and the area, in square kilometres, of the GHG permits, held by the person during the quarterly period; and
- (n) for a person mentioned in section 135(2)(p)—the number of GHG projects started during the quarterly period; and
- (o) for a person mentioned in section 135(2)(q)—the number of sites, operated by the person during the quarterly period, with facilities that produce, process or use—
  - (i) biogas; or
  - (ii) gas derived from a waste disposal tip; or
  - (iii) gas derived during the treatment of sewage; and
- (p) for a person mentioned in section 135(2)(r)—
  - (i) the number of gas systems mentioned in that section operated by the person during the quarterly period; and
  - (ii) the number of times the gas system was operated during the quarterly period; and
  - (iii) the amount of fuel gas used by the gas system during the quarterly period.

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- (3) The return must be lodged at the office of the chief executive.
- (4) The information that must be included in the return under subsection (2) 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**

The chief executive must give the liable person an invoice for the amount of the safety and health fee on or before 10 October after the end of the financial year.

#### **142 Date for payment**

- (1) The safety and health fee must be paid by the liable person on or before 31 October after the end of the financial year.
- (2) If the person does not pay the fee on or before the day mentioned in subsection (1), when the fee is paid it must be accompanied by the late fee mentioned in schedule 9, part 8, section 16(1).

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**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 section 139; 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;

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- (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 3              Rents**

### **145      Annual rent**

- (1) The annual rent payable for each of the following authorities is stated in schedule 10, part 1—
  - (a) an authority to prospect;
  - (b) a petroleum lease;



- (c) a data acquisition authority;
- (d) a water monitoring authority;
- (e) a 1923 Act ATP.

*Editor's note—*

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

- (2) The annual rent for an authority mentioned in subsection (1), or a pro-rata amount of the annual rent if the period to which the rent relates is less than a year, must be paid on or before each of the following days—
  - (a) on the grant of the authority, if the Minister has not already required payment of the rent—the 20th business day after the authority takes effect;

*Note—*

For an example of when the Minister may require payment of the rent, see section 40 of the Act.

- (b) otherwise—on or before 31 August each year.
- (3) The annual rent must be paid by cash, cheque or electronic transfer of funds.
- (4) If the annual rent for an authority mentioned in subsection (1) is paid for a year and the authority ends during the year, the proportion of the annual rent that relates to the remainder of the year may be refunded.

#### **146 Storage rent payable by owner of stored petroleum or prescribed storage gas**

- (1) For section 227(3) of the Act, the rate at which rent is payable by each current owner of stored petroleum or a prescribed storage gas for a year is stated in schedule 10, part 2.
- (2) The rent, or a pro-rata amount of the rent if the period to which the rent relates is less than a year, must be paid—
  - (a) for the first payment of the rent—within 20 business days after the following day—

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- (i) if no notices have been lodged under section 219 of the Act for the stored petroleum or prescribed storage gas—the day the Minister decides, under section 215 of the Act, that the person is the owner of the stored petroleum or prescribed storage gas;
  - (ii) if a notice has been lodged under section 219 of the Act for the stored petroleum or prescribed storage gas—the day the person becomes the owner of the stored petroleum or prescribed storage gas; and
- (b) otherwise—on or before 31 August each year.
- (3) The rent must be paid by cash, cheque or electronic transfer of funds.
- (4) If the rent is paid for a year and the petroleum or prescribed storage gas is stored for only part of the year, the proportion of the rent that relates to the remainder of the year may be 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—

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- (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.
- (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 or before the last business day of the month immediately after the royalty return period ends.
- (4) A person must lodge an approved form for a payment under subsection (3) when the payment is made.
- (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 or before the last business day of the month immediately after the royalty return period ends.

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- (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 reconciliation made under section 597 of the Act, and any inaccuracy disclosed under section 598 of the Act, for the royalty.
- (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—

[s 147B]

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- (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).
  - (8) The Minister may give a notice mentioned in subsection (1)(b) if—

[s 147BA]

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- (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

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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;

*Examples of operating costs that may be directly related to treating, processing, refining or transporting the petroleum—*

- personnel wages and salaries
  - catering, accommodation and travel costs for personnel
  - costs associated with transporting the petroleum such as a reasonable portion of road maintenance and repairs, motor vehicle costs and wharfage fees and harbour dues
  - consumable stores used at the site of the petroleum production
  - repairs and maintenance of, and insurance costs for, petroleum facilities and pipelines used to process the petroleum or transport it from the wellhead to the point of its disposal
  - petroleum tenure rents
  - petroleum storage costs
  - communication costs
- (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 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).

*Editor's note—*

For paragraph (e), see, for example, sections 76 (Civil penalty for nonpayment of annual rent), 588 (Interest on amounts owing to the State other than for petroleum royalty) and 602 (Interest on unpaid petroleum royalty or additional petroleum royalty) 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.

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

### **148A    Definition for sdiv 2**

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).

### **148B    Application of sdiv 2**

(1) This subdivision applies if—

- (a) the Minister or a petroleum producer reasonably believes in particular circumstances that—
  - (i) the amount under section 148(1)(a) that the producer assesses the petroleum could reasonably be expected to realise is less than the market value of the petroleum; or
  - (ii) the expenses under subsection 148(1)(b)(i) are more than the expenses that would be reasonably incurred in the circumstances; or
- (b) a petroleum producer applies to the Minister for a decision (a *petroleum royalty decision*) about how 1 or more of the components of the wellhead value of petroleum disposed of or produced by the petroleum producer must be worked out for a particular transaction or particular period.

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- (2) Without limiting subsection (1)(a), the particular circumstances include the following—
- (a) the petroleum is used in a power station owned by the petroleum producer;
  - (b) the petroleum is purchased by an associated entity or related party of the petroleum producer;
  - (c) an expense was paid or payable to an associated entity or related party of the petroleum producer.

- (3) In this section—

*associated entity*, of a petroleum producer, means an entity that, under the Corporations Act, is an associated entity of the producer.

*power station* means a power station under the Electricity Act.

*related party*, of a petroleum producer, means an entity that, under the Corporations Act, is a related party of the producer.

#### **148C Minister's power to decide component of wellhead value of petroleum**

- (1) The Minister may ask the petroleum producer—
- (a) to demonstrate that a component of the wellhead value of the petroleum is based on an arms-length transaction at market value; or
  - (b) to apply to the Minister for a petroleum royalty decision.
- (2) The petroleum producer must comply with the request within—
- (a) 40 business days after the request is made; or
  - (b) if the Minister has, within the 40 business days, agreed to a longer period—the longer period.
- (3) If—
- (a) the Minister makes a request under subsection (1)(a); and

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- (b) the petroleum producer complies with the request as required under subsection (2);
- the Minister may ask the petroleum producer for additional information or documents in relation to a transaction.
- (4) Subsection (5) applies if—
    - (a) the petroleum producer does not comply with a request made under subsection (1) or (3); or
    - (b) for a request made under subsection (1)(a), the petroleum producer—
      - (i) complies with the request; but
      - (ii) does not demonstrate to the Minister’s satisfaction that the component of the wellhead value of the petroleum is based on an arms-length transaction at market value.
  - (5) The Minister may make a petroleum royalty decision under section 148F for a component of the wellhead value of the petroleum as if the petroleum producer had made an application for the petroleum royalty decision.

#### **148D Application by petroleum producer for petroleum royalty decision**

- (1) The petroleum producer may apply to the Minister for a petroleum royalty decision.
- (2) The application must be made—
  - (a) before the petroleum is produced; or
  - (b) before, or as soon as practicable after, a material change of circumstances that may affect whether a component of the wellhead value of the petroleum is based on an arms-length transaction at market value.

#### **148E Requirements for making application**

The application for a petroleum royalty decision must—

- 
- (a) be in writing; and
  - (b) be lodged at—
    - (i) the office of the department for lodging petroleum royalty decisions, as stated in a gazette notice by the chief executive; or
    - (ii) if no office is gazetted under subparagraph (i)—the office of the chief executive; and
  - (c) state why the petroleum producer is seeking the petroleum royalty decision; and
  - (d) include a statement about how the petroleum producer proposes a component of the wellhead value of the petroleum should be worked out for a particular transaction or particular period; and

*Examples—*

- a fixed value with adjustments in particular circumstances
  - a formula for deciding the market value
- (e) include a statement about each of the following—
    - (i) the proposed period for which the petroleum royalty decision will apply;
    - (ii) whether or not the petroleum royalty decision be reviewed;
    - (iii) if the petroleum producer proposes that the petroleum royalty decision be reviewed—when the decision is to be reviewed.

## **148F Deciding application**

- (1) The Minister must make a petroleum royalty decision for the application.
- (2) The petroleum royalty decision may state—
  - (a) a method or formula—
    - (i) for deciding the market value of the petroleum; or

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- (ii) for working out particular tolls or tariffs paid or payable by the petroleum producer; or
  - (iii) for adjusting the market value of the petroleum or the tolls or tariffs in particular circumstances; or
  - (iv) to be used for working out any other component of the wellhead value of the petroleum; and
- (b) the period for which the petroleum royalty decision applies; and
  - (c) when the petroleum royalty decision is to be reviewed.
- (3) The Minister must give the petroleum producer notice of the petroleum royalty decision and reasons for the decision.

#### **148G Criteria for decision**

In making the petroleum royalty decision, the Minister may consider the following—

- (a) the amount for which petroleum has been sold in similar circumstances;
- (b) how the value of the petroleum can be adjusted to reflect changes to the market value of the petroleum;
- (c) the expenses likely to be incurred by the petroleum producer in arms-length transactions at market value;
- (d) the period for which the petroleum royalty decision, or aspects of the decision, will apply;
- (e) the need for any future adjustment of the petroleum royalty decision or aspects of the decision;
- (f) any submissions made to the Minister by the petroleum producer in relation to a component of the wellhead value of the petroleum;
- (g) any other relevant matter.



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**148H Minister's power to amend petroleum royalty decision**

The Minister may amend the petroleum royalty decision if there has been a material change of circumstances since the making of the decision.

**148I Amendment of petroleum royalty decision on Minister's initiative**

- (1) If the Minister proposes amending the petroleum royalty decision, the Minister must—
  - (a) give the petroleum producer notice of the proposed change at least 60 business days before the first day of the next royalty return period that would apply to the proposed amended petroleum royalty decision; and
  - (b) invite the petroleum producer to make submissions in relation to the proposed amendment within 30 business days (the *submission period*) after giving the notice.
- (2) In amending the petroleum royalty decision, the Minister—
  - (a) must consider any submissions made by the petroleum producer in the submission period; and
  - (b) may consider the matters stated in section 148G(a) to (e) and (g).

**148J Application by petroleum producer to amend petroleum royalty decision**

- (1) The petroleum producer may apply to the Minister to amend the petroleum royalty decision.
- (2) The application must be made at least 60 business days before the first day of the next royalty return period that would apply to the proposed amended petroleum royalty decision.
- (3) Sections 148E to 148G apply to the application as if a reference in the provisions to the petroleum royalty decision were a reference to an amendment of the petroleum royalty decision.

## **Subdivision 3      Royalty return**

### **149      Information to be contained in royalty return**

- (1) For section 594(2) 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;
  - (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.

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## **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;
  - (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—

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- (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

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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—
  - (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

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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, at any time, the petroleum royalty payable for the current royalty return period is adjusted.
- (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 adjustment.
- (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 for subsection (1)(b)—*

giving a false or misleading statement in contravention of the Act, section 813

- (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.

[s 149H]

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## **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—
  - (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—



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

## **Division 5                      Other matters**

### **150      Security for petroleum authorities**

- (1) For section 488(2)(a) of the Act, the following forms of security are prescribed—
  - (a) cash;
  - (b) cheque;
  - (c) electronic transfer of funds;
  - (d) an unconditional security issued by a financial institution that—
    - (i) is in favour of the ‘State of Queensland’ and is payable on demand; and
    - (ii) has no expiry date; and
    - (iii) states—
      - (A) the type and number of the petroleum authority or proposed petroleum authority; and
      - (B) the address of the financial institution; and
    - (iv) is signed for the financial institution by an officer who has authority to sign the security;
  - (e) a combination of the forms mentioned in paragraphs (a) to (d).
- (2) For section 488(2)(b) of the Act, the following amounts are prescribed—
  - (a) for an authority to prospect or proposed authority to prospect—\$12000;

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- (b) for a data acquisition authority or proposed data acquisition authority—\$10500;
- (c) for a petroleum lease or proposed petroleum lease—\$35000;
- (d) for a water monitoring authority or proposed water monitoring authority—\$10500.

**151 Prescribed interest rate for amounts owing to the State other than for petroleum royalty**

For section 588(3) of the Act, the rate of interest is 15% a year.

## **Part 3 Other provisions**

**152 Required level of knowledge for resources and reserves of petroleum**

- (1) For section 121(1)(b) of the Act, the prescribed level of knowledge of resources and reserves of petroleum is—
  - (a) for a proposed petroleum lease to which chapter 3, part 3 of the Act applies—low estimate contingent resources, or best estimate contingent resources, as defined in the SPE code; or
  - (b) otherwise—
    - (i) at least 20% of the discovered petroleum is a proved reserve, or probable reserve, as defined in the SPE code; and
    - (ii) the remainder of the discovered petroleum, if any, is a possible reserve, as defined in the SPE code, or a low estimate contingent resource or best estimate contingent resource.

*Note—*

For further information, see the SPE Code and the document called ‘Standards Pertaining to the Estimating and Auditing of Oil and Gas Reserves Information’ approved by the Society of Petroleum Engineers Board in June 2001.

(2) In this section—

*discovered petroleum* means the sum of—

- (a) possible reserves, probable reserves and proved reserves; and
- (b) low estimate contingent resources or best estimate contingent resources.

### **153 Required level of knowledge for a deposit of coal or oil shale**

- (1) For section 318(1) of the Act, the level of knowledge about a deposit of coal or oil shale in the land is—
  - (a) at least 20% of the area of the deposit must be a reserve under the relevant code; and
  - (b) the remainder of the deposit must be an indicated or measured resource under the relevant code.
- (2) The estimate of reserves and resources made for subsection (1) must comply with the relevant code.
- (3) For determining the amount of data required to make the estimate for a deposit of coal, regard must be had to the document called ‘Australian guidelines for estimating and reporting of inventory coal, coal resources and coal reserves’ (2003) published by the Coalfields Geology Council of New South Wales and the Queensland Mining Council.
- (4) In this section—

*relevant code* see section 318(4) of the Act.

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## **154 Requirements for petroleum register**

For section 565(1) of the Act, the information that must be included in the petroleum register for a petroleum authority is stated in schedule 11.

## **154A Prescribed way for making applications or giving or lodging documents**

- (1) For section 851AA(2)(b) of the Act, the prescribed way for doing any of the following is electronically using the online system on the department's website—
  - (a) the making of an application;
  - (b) the giving of a document to the Minister, chief executive or chief inspector;
  - (c) the lodging of a document.
- (2) Also, the chief executive may, by notice given to the person making, giving or lodging a document mentioned in subsection (1), require the person to lodge a hard copy of the application or document at the place required under section 851AA(2)(a) of the Act.
- (3) An application or document lodged electronically after 4.30p.m. on a working day and before 8.30a.m. on the next working day (the *later day*) is taken to have been lodged at 8.30a.m. on the later day.

## **155 Conversion of 1923 Act lease number 201 to petroleum lease**

For section 893(b) of the Act, the 1923 Act lease numbered 201 is prescribed.

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## **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—

*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.

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### **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.

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- (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

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- (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.



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## **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



(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.

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## 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.

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# Schedule 1A      **Mandatory conditions for resource authorities**

section 4A

## Part 1                      **Preliminary**

### 1                      **What this schedule is about**

This schedule provides for the mandatory conditions for the following (each a *resource authority*) under the following Acts (each a *resource Act*)—

- (a) geothermal tenures under the *Geothermal Energy Act 2010*;
- (b) GHG authorities under the *Greenhouse Gas Storage Act 2009*;
- (c) petroleum authorities under the *Petroleum and Gas (Production and Safety) Act 2004*;
- (d) 1923 Act petroleum tenures under the *Petroleum Act 1923*;
- (e) exploration permits and mineral development licences under the *Mineral Resources Act 1989*.

### 2                      **Giving notice**

A relevant person who is required to notify a landholder under this schedule must give the notice—

- (a) orally in person; or
- (b) if oral notice is impractical—by written notice.

*Example of it being impractical to give oral notice—*

The landholder has migrated to a place outside Queensland.

### 3 Definitions

In this schedule—

**access land**, for a resource authority—

- (a) for a geothermal tenure—see the *Geothermal Energy Act 2010*, section 220(3); or
- (b) for a GHG authority—see the *Greenhouse Gas Storage Act 2009*, section 287(3); or
- (c) for a petroleum authority—see the *Petroleum and Gas (Production and Safety) Act 2004*, section 502(3); or
- (d) for any other resource authority—means land it is reasonably necessary to cross for access to land under the resource authority.

**authorised activity**, for a resource authority, means an activity that its holder is, under the authority of the relevant resource Act, entitled to carry out in relation to the resource authority.

**holder** means a person who, under a resource Act, holds a resource authority.

**landholder** means an owner or occupier of private or public land in the area of, or access land for, a resource authority.

**relevant person** means—

- (a) the holder of a resource authority; or
- (b) a person acting for a holder under a resource authority.

**resource Act** see section 1.

**resource authority** see section 1.

## Part 2 Mandatory conditions

### 4 Induction training

- (1) A holder must ensure each person acting for the holder, under the holder's resource authority, receives information and



training specific to the obligations of the holder and the person under each of the following for authorised activities that will be carried out by the person on a landholder's land—

- (a) the resource Acts;
  - (b) the land access code;
  - (c) an agreement between the holder and the landholder.
- (2) A holder must give each person mentioned in subsection (1) a document to show the person has received the appropriate information and training.
  - (3) A holder must, if asked by the landholder, give the landholder a copy of the document.

## **5 Access points, roads and tracks**

- (1) A relevant person must, if practicable, use an existing access point, road or track to enter a landholder's land.
- (2) If it is not practicable to comply with subsection (1), any new access points, roads or tracks, made by the relevant person, must be located at a place and in a way that minimises the impact of the access point, road or track on the landholder's business or land use activities.
- (3) A relevant person must, for the period the access points, roads or tracks are used by the person, ensure the access points, roads or tracks are kept in good repair.
- (4) For subsection (3), the relevant person must have regard to the condition of the access point, road or track when the person started using them.
- (5) A relevant person must operate vehicles on a landholder's land at speeds that—
  - (a) are appropriate for the landholder's land; and
  - (b) minimise noise, dust and disturbance to the land.
- (6) A relevant person may operate a vehicle in wet conditions on a landholder's land only in a way that minimises damage to access points, roads and tracks on the land.

- (7) If a relevant person has caused damage to access points, roads or tracks on a landholder's land, the relevant person must, as soon as practicable—
  - (a) notify the landholder of the damage; and
  - (b) repair the damage.

## **6 Livestock and property**

- (1) A relevant person must use a landholder's land in a way that minimises disturbance to people, livestock and property.
- (2) If, in carrying out authorised activities, a relevant person becomes aware of any potential adverse impact, caused by the activities, on a landholder's livestock or property, the relevant person must immediately notify the landholder of the potential impact.
- (3) If a relevant person injures or kills a landholder's livestock, the relevant person must immediately notify the landholder of the injury or death of the livestock.
- (4) If a relevant person damages a landholder's property, the relevant person must—
  - (a) immediately notify the landholder of the damage; and
  - (b) repair the damage as soon as practicable.

## **7 Obligations to prevent spread of declared pests**

- (1) A relevant person must take all reasonable steps to ensure that, in carrying out authorised activities, the person does not spread the reproductive material of a declared pest.
- (2) A relevant person must take all reasonable steps to ensure that, in entering or leaving land in the area of a resource authority, the person does not spread the reproductive material of a declared pest.

*Note—*

For further information on preventing the spread of declared pests see the document called 'Petroleum Industry–Pest Spread Minimisation Advisory Guide' published by the department in which the *Land*

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*Protection (Pest and Stock Route Management) Act 2002* is administered.

- (3) Subsections (1) and (2) do not apply to the release of a declared pest authorised under the *Land Protection (Pest and Stock Route Management) Act 2002*.
- (4) A holder must ensure each person acting for the holder under a resource Act washes down vehicles and machinery before entering a landholder's land in the area of the resource authority, if the risk of spreading a declared pest is likely to be reduced by the washing down.
- (5) The holder must keep a record (the **wash-down record**) of all wash-downs under subsection (4) carried out during the period in which the holder is allowed access to the landholder's land.
- (6) If asked by the landholder, the holder must give a copy of the wash-down record to the landholder.
- (7) In this section—

**declared pest** means—

- (a) a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3; or
- (b) an animal or plant declared under a local law to be a pest because the animal or plant is causing, or has the potential to cause, an adverse environmental, economic or social impact in all or part of the local government area.

**reproductive material**, of a declared pest, see the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3.

**wash-down** means the removal of reproductive material from a vehicle or machine using an appropriate cleaning process.

## 8 Camps

- (1) If a holder intends to set up a camp on a landholder's land, the holder and the landholder must, before the camp is set up, agree on the location and a plan for managing the camp.

- (2) However, if the holder and landholder cannot agree on a location and plan for managing the camp, the holder must ensure the location of the camp is in a place that will minimise any impact on the landholder's business or land use activities.

## **9 Items brought onto land**

- (1) A relevant person carrying out authorised activities must collect rubbish or waste produced in carrying out the authorised activities and deposit the rubbish and waste in a suitable local waste facility.
- (2) A relevant person must not bring firearms, domestic animals or alcohol onto a landholder's land without the landholder's consent.
- (3) In this section—  
*local waste facility* means a waste facility owned, operated or otherwise controlled by a local government.

## **10 Gates, grids and fences**

- (1) A relevant person must, after using a gate, return the gate to its original position unless advised otherwise by the landholder.
- (2) If a relevant person damages a grid on a landholder's land the person must—
  - (a) immediately notify the landholder of the damage; and
  - (b) replace or repair the grid as soon as practicable.
- (3) A relevant person must—
  - (a) obtain the landholder's consent before erecting a gate on the landholder's land; and
  - (b) ensure any gate erected by the person is stock-proof.
- (4) A relevant person must not cut a fence on the landholder's land without the landholder's consent.
- (5) If the landholder allows a fence to be cut by a relevant person to carry out an authorised activity, the person must, immediately after carrying out the activity—

- (a) repair the fence; or
- (b) erect a stock-proof gate, as required by the landholder, where the fence was cut.

# 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 1.1' (October 2011) 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	mandatory

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
'Plant code of practice 2005' published by Workplace Health and Safety Queensland, Department of Justice and Attorney-General	operating plant that is a drilling rig	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' Part 1 'Water-based fluids' (2008) Part 2 'Oil-based fluids' (2002)	petroleum exploration and drilling	preferred

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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' (2004)	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

Schedule 1

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Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
ISO 13535 'Petroleum and natural gas industries—drilling and production equipment—hoisting equipment' (2000)	petroleum exploration and drilling	preferred
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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of code, standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
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' (2007)	petroleum exploration and drilling	preferred

## **Part 2**                      **Transmission pipelines**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of code, standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
AS 2885 'Pipelines—gas and liquid petroleum' Part 0 'General Requirements' (2008) Part 1 'Design and construction' (2007) Part 2 'Welding' (2007) Part 3 'Operation and maintenance' (2001) Part 4 'Offshore submarine pipeline systems' (2010) Part 5 'Field pressure testing' (2002)	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 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' Part 1 'Network management' (2008) Part 2 'Steel pipe systems' (2008) Part 3 'Plastic pipe systems' (2008)	installation of distribution systems	preferred

## Part 4 LPG storage and handling

Column 1 Name of code, standard or document	Column 2 What the safety requirement applies to	Column 3 Mandatory or preferred standard
AS/NZS 1425 'LP gas fuel systems for vehicle engines' (2007)	design, installation, certification, repair, service and inspection of motor fuel gas systems	preferred
AS/NZS 1596 'The storage and handling of LP gas' (2008)	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 Name of code, standard or document	Column 2 What the safety requirement applies to	Column 3 Mandatory or preferred standard
AS 3814 'Industrial and commercial gas-fired appliances' (2009)	design and certification of gas devices (type B)	preferred

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Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
AS/NZS 5601 'Gas installations' Part 1 'General installations' (2010) (including all of sections 3 to 6) Part 2 'LP Gas installations in caravans and boats for non-propulsive purposes' (2010) (including all of sections 3 to 9)	installation of gas systems	preferred

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
<p>AS 61508 'Functional safety of electrical / electronic / programmable electronic safety-related systems'</p> <p>Part 0 'Functional safety and AS61508' (2006)</p> <p>Part 1 'General requirements' (1999)</p> <p>Part 2 'Requirements for electrical / electronic / programmable electronic safety-related systems' (2001)</p> <p>Part 3 'Software requirements' (1999)</p> <p>Part 4 'Definition and abbreviations' (1999)</p> <p>Part 5 'Examples of methods for the determination of safety integrity levels' (1999)</p> <p>Part 6 'Guidelines on the application of AS 61508.2 and AS 61508.3' (2001)</p> <p>Part 7 'Overview of techniques and measures' (2001)</p>	<p>installation and operation of gas systems</p>	<p>preferred</p>

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of code, standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
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**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Name of code, standard or document</b>	<b>What the safety requirement applies to</b>	<b>Mandatory or preferred standard</b>
AS 1210 ‘Pressure vessels’ (1997)	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
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

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<b>Column 1</b> <b>Name of code, standard or document</b>	<b>Column 2</b> <b>What the safety requirement applies to</b>	<b>Column 3</b> <b>Mandatory or preferred standard</b>
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' 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)	design of road tank vehicles	preferred
AS/NZS 2865 'Safe working in a confined space' (2009)	work carried out in a confined space	preferred
AS 3645 'Essential requirements for gas equipment' (2010)	design, construction, supply and use of gas devices (type A)	mandatory
AS/NZS 3788 'Pressure equipment—in-service inspection' (2006)	inspection of tanks	mandatory

Column 1	Column 2	Column 3
Name of code, standard or document	What the safety requirement applies to	Mandatory or preferred standard
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 1596 'The storage and handling of LP gas' (2008) 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 'Electrical apparatus for explosive gas atmospheres' Part 10 'Classification of hazardous areas' (2009)	design of a gas system for fuel gas or petroleum	preferred
AS/NZS 60079 'Explosive atmospheres' Part 0 'Equipment—General requirements' (2008) Part 10.1 'Classification of areas—Explosive gas atmospheres' (2008)	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	immediately
	in writing	as soon as practicable
an incident involving injury to a person requiring medical treatment	by telephone	immediately
	in writing	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	immediately
	in writing	as soon as practicable
a fire at an operating plant	by telephone	immediately
	in writing	as soon as practicable
an unplanned or uncontrolled release of petroleum, fuel gas or prescribed storage gas, attended by emergency services	by telephone	immediately
	in writing	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 plan 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 principal hazard management plan for the operating plant	as required under the principal hazard 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

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Column 1	Column 2	Column 3
<b>Incident</b>	<b>Way report must be given</b>	<b>When report must be given</b>
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

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## Schedule 3      Requirements for plugging and abandoning petroleum 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 petroleum well or bore drilled under a petroleum authority.

### 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 must be abandoned in accordance with the Code of practice for constructing and abandoning coal seam gas wells in Queensland (2011), published on the

department's website, 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.



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**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)

<b>Type of hazard</b>	<b>Potential impact of hazard</b>
<b>Physical disturbance of environment</b>	
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
<b>Creation of hazardous objects</b>	
unrecovered steel casing or drill string	may damage equipment, create delays, cause additional costs, reduce productivity, sterilise resources or create safety issues

<b>Type of hazard</b>	<b>Potential impact of hazard</b>
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)
<b>Creation of hazardous zones</b>	
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	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)
	open horizontal wells in a coal seam allowing air path through pillars
	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
isolated areas and patches of high residual gas	requirement for supplementary gas drainage; gas hazard if not detected
	a pressurised gas reservoir may connect to workings

**Type of hazard**

**Potential impact of hazard**

**Hazards associated with adjacent or overlapping mining operations**

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

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## Schedule 5      Strategic pipelines

section 80(2), definition *strategic pipeline*

<b>Description of pipeline</b>	<b>Pipeline licence number</b>
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

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**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’ (2008), 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.



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**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), 126(2), 133, 134(1), 135(3), 140(3), 142(2) and  
168(3)

### Part 1 Petroleum tenure fees

	\$
1 Tender for authority to prospect—Act, s 37(d) . . . . .	2 132.00
2 Application for approval to amend the work program for an authority to prospect—Act, s 60(4) . . . . .	1 066.00
3 Proposed later work program lodged within the time required under section 79(3) of the Act—Act, s 79(6) . . . . .	1 066.00
4 Application for renewal of authority to prospect—Act, s 82(1)(i)(i) . . . . .	2 132.00
5 Application for potential commercial area for an authority to prospect—Act, s 89(2)(b) . . . . .	1 599.00
6 Application for extension of the term of a declaration of a potential commercial area for the area of an authority to prospect—Act, s 93(2) . . . . .	1 599.00
7 Application to divide an authority to prospect—Act, s 104(g) . . . . .	1 599.00
8 ATP-related application for a petroleum lease—Act, s 118(f) . . . . .	3 731.00
9 Proposed later development plan for petroleum lease lodged within the time required under section 159(3) of the Act—Act, s 159(6) . . . . .	1 066.00
10 Application for renewal of petroleum lease—Act, s 162(1)(g)(i) . . . . .	3 731.00
11 Application to divide petroleum lease—Act, s 172(g) . . . . .	3 731.00
12 Notice of claim for stored petroleum or prescribed storage gas—Act, s 213(2)(c) . . . . .	1 066.00
13 Application for approval of proposed coordination arrangement—Act, s 235(2)(b)(ii) . . . . .	1 599.00
14 Application for amendment of relinquishment condition—Act, s 372(1)(g) . . . . .	1 066.00

	\$
15 Proposed later development plan for converted lease lodged before the relevant time under section 897 of the Act—Act, s 897(8), definition <i>relevant fee</i> . . . . .	1 066.00
16 Application for approval to change production commencement day for petroleum lease to a new day—Act, s 175AB(d) . . . . .	5 000.00

**Part 2 Data acquisition authority and water monitoring authority fees**

	\$
1 Application for data acquisition authority—Act, s 177(b) .	1 599.00
2 Application for water monitoring authority—Act, s 191(b)	1 599.00
3 Application to amend water monitoring authority—Act, s 203(3)(b) . . . . .	1 599.00

**Part 3 Transfer fees**

	\$
1 Transfer of bore in the area of a petroleum tenure to the landowner—Act, s 288(3)(b) . . . . .	1 599.00
2 Transfer of petroleum well in the area of a petroleum tenure to the holder of a geothermal exploration permit or mining tenement—Act, s 289(b) . . . . .	1 599.00
3 Transfer of water observation bore in the area of a petroleum tenure or water monitoring authority to the holder of another petroleum tenure or water monitoring authority—Act, s 290(b) . . . . .	1 599.00

## Part 4 Survey licence, pipeline licence and petroleum facility licence fees

	\$
1 Application for survey licence—Act, s 395(2)(d) . . . . .	533.00
2 Application for pipeline licence—Act, s 409(f) . . . . .	3 731.00
3 Handling fee for recording information about completion of pipeline—Act, s 420(3)(d) . . . . .	159.90
4 Annual licence fee for pipeline licence—Act, s 423(1)—	
(a) for a point-to-point pipeline licence (for each kilometre of the pipeline) . . . . .	127.00
(b) for an area pipeline licence (for each kilometre of the pipeline) . . . . .	31.55
5 Application for petroleum facility licence—Act, s 445(f)	3 731.00
6 Annual licence fee for petroleum facility licence—Act, s 454(1)—	
(a) if the petroleum facility land for the licence is 2km <sup>2</sup> or less. . . . .	2 542.00
(b) if the petroleum facility land for the licence is more than 2km <sup>2</sup> (for each square kilometre of the petroleum facility land) . . . . .	1 270.00
7 Application for a part 5 permission—Act, s 464(b) . . . . .	799.00
8 Application to amend licence—Act, s 475(b) . . . . .	1 599.00
9 Application for renewal of licence—Act, s 480(c)(i) . . . . .	1 599.00

**Part 5** **General petroleum authority fees payable under chapter 5 of the Act**

	\$
1 Fee for required information for a petroleum tenure made available by the chief executive—Act, s 550(1)(b)—	
(a) for information made available in an electronic form, other than on a tape cartridge . . . . .	144.60
(b) for information made available on a tape cartridge . . .	289.40
2 If a public counter is used to search and take extracts from, or obtain a copy of all or part of a notice, document or information in, the petroleum register—Act, s 566(1)(b) and (c)—	
(a) for a standard departmental public tenure enquiry report . . . . .	42.60
(b) otherwise . . . . .	106.60
3 Request fee—Act, s 571(3) . . . . .	533.00
4 Application for approval of dealing—Act, s 572(2)(c)(iii) .	799.00
5 Application for surrender of petroleum authority other than an authority to prospect—Act, s 576(1)(b) . . . . .	799.00

**Part 6** **Gas work licence and gas work authorisation fees**

	\$
1 Application for gas work licence—Act, s 728A(b) . . . . .	37.50
2 Annual fee for gas work licence—s 118 . . . . .	25.00
3 Application for gas work authorisation—Act, s 728A(b)—	
(a) for a gas work authorisation (industrial appliances) . .	62.70
(b) for a gas work authorisation (major project) . . . . .	1 887.00
(c) for a gas work authorisation (motor fuel) . . . . .	62.70
(d) for a gas work authorisation (servicing) . . . . .	62.70

Schedule 9

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		\$
4	Annual fee for gas work authorisation—s 126—	
	(a) for a gas work authorisation (industrial appliances) . . .	37.50
	(b) for a gas work authorisation (major project) . . . . .	1 887.00
	(c) for a gas work authorisation (motor fuel) . . . . .	37.50
	(d) for a gas work authorisation (servicing) . . . . .	37.50
5	Application to change the scope of work stated in a gas work authorisation—Act, s 728A(b) . . . . .	62.70
6	Replacement of gas work licence or gas work authorisation under section 849 of the Act . . . . .	37.50

## Part 7 Other fees mentioned in Act

		\$
1	Late fee for royalty return—Act, s 595(3) . . . . .	159.00
2	Application for gas quality approval—Act, s 622(2)(b) . . .	306.70
3	Fee for copy of a document or information held in the register of gas work licences and authorisations—Act, s 731(1)(c) . . . . .	12.05

## Part 8 Safety and health fees

### 1 Drilling wells

The safety and health fee payable for a financial year by the operator of an operating plant used to drill a prescribed well, geothermal well, GHG well or UCG well during the year is \$1236.00 for each kilometre drilled.

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**2 Well completion or maintenance work**

The safety and health fee payable for a financial year by 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 during the year is \$232.30 for each well for which completion or maintenance work was done during the year.

**3 Exploration**

The safety and health fee payable for a financial year by the holder of an authority to prospect, a geothermal exploration permit or a GHG permit is \$0.69 for each square kilometre of the area to which the authority or permit applies.

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

The safety and health fee payable for a financial year by the holder of a petroleum lease, or 1923 Act lease, under which petroleum was produced during the year is \$5.50 for each terajoule of petroleum produced.

**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—\$10660;
  - (b) for the operation of a facility that produces syngas—\$5330;
  - (c) for the operation of a facility that produces LPG from petroleum—\$7995;
  - (d) 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 plan—\$7995;

Schedule 9

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- (e) for the operation of a facility that produces CNG and must operate under a safety management plan—\$3731;
  - (f) for the operation of a facility that produces an underground gasification product—\$10660;
  - (g) for the operation of a petroleum facility on an area to which a petroleum facility licence applies that is not included in paragraphs (a) to (f)—\$10660.
- (2) However, if there is more than 1 facility mentioned in subsection (1)(a) to (g) operated at a single site under a single safety management plan, the operator is only required to pay—
- (a) if the fee under subsection (1) for any of the facilities is higher than the fee under that subsection for any other of the facilities—the highest of the fees; or
  - (b) otherwise—only the fee for 1 of the facilities.

*Example for paragraph (a)—*

If there is a facility that produces syngas and a facility that produces a gasification product operated at a single site under a single safety management plan, the operator of the facilities is only required to pay a fee of \$10660 rather than fees totalling \$15990.

## **6 Facility used to carry out a GHG storage activity**

The safety and health fee payable for a financial year by 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 is \$10660 for each GHG project for which any work was started by the operator during the year.

## **7 Pipelines**

- (1) The safety and health fee payable for a financial year by the 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 is \$0.00031 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 diameter (mm) of the pipeline.

*L* means the length (km) of the pipeline.

*PI* means the pipeline index.

## **8 Operating a distribution system**

The safety and health fee payable for a financial year by the operator of a distribution system is \$162.00 for each kilometre of pipeline in the distribution system that was used to transport fuel gas, or was commissioned, during the year.

## **9 LPG delivery network that is an operating plant, if Act, 675A(1) applies**

The safety and health fee payable for a financial year by the operator of an LPG delivery network that is an operating plant, if section 675A(1) of the Act applies for any stage of the operating plant, is \$479.70 for each LPG delivery network.

## **10 Other LPG delivery network that is an operating plant**

- (1) The safety and health fee payable for a financial year by the operator of an LPG delivery network that is an operating plant, if section 9 does not apply, is \$0.74 for each container index of the operator for the year.
- (2) However—
- (a) the minimum fee payable by the operator under subsection (1) for a financial year is \$3731; and

- (b) the maximum fee payable by the operator under subsection (1) for a financial year is \$533025.
- (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 owned by the operator at any time during the year with a capacity less than 50L.

*E* is the number of fuel gas containers owned by the operator 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 owned by the operator 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 owned by the operator 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 \$3.65 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 \$0.37 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 that has a total gas capacity of not more than 150GJ for each hour—\$7995;
  - (b) for a site that has a total gas capacity of more than 150 but not more than 500GJ for each hour—\$13325;
  - (c) for a site that has a total gas capacity more than 500GJ for each hour—\$15990.

**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, processes or uses biogas or gas derived from a waste disposal tip or during the treatment of sewage is \$3731 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 \$1066 for each gas system operated by the person during the year.

**16 Late fees**

- (1) For section 142(2), the late fee for paying a safety and health fee after the last day for payment under section 142(1) is the lesser of the following—
  - (a) \$533;
  - (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 \$533.

## Schedule 10 Annual rent

sections 145(1) and 146(1)

### Part 1 Annual rent

	\$
1 Annual rent for authority to prospect (for each sub-block included in the area for the authority)—Act, s 75(1)(b) . . .	2.48
2 Annual rent for petroleum lease (for each square kilometre of the area for the lease)—Act, s 155(1)(b). . . .	126.90
3 Annual rent for data acquisition authority (for each sub-block included in the area of the authority)—Act, s 184A(1) . . . . .	2.48
4 Annual rent for water monitoring authority (for each sub-block included in the area of the authority)—Act, s 202A(1) . . . . .	1.19
5 Annual rent for 1923 Act ATP (for each sub-block included in the area for the authority)—1923 Act, s 74N(1)(b). . . . .	2.48

### Part 2 Storage rent

	\$
1 Annual rent for storing petroleum or prescribed storage gas (for each square kilometre of the area for the old lease or, if the Minister has made a call for tenders under the Act, section 218, the area of the proposed petroleum lease stated in the call for tenders)—Act, s 227(3). . . . .	126.90

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## Schedule 11 Requirements for petroleum register

section 154

### 1 All petroleum authorities

The petroleum register must contain each of the following in relation to a petroleum authority—

- (a) the authority type and number;
- (b) the Act under which the authority was granted;
- (c) the full name of the holder of the authority, including, if there is more than 1 holder, the share held by each holder;
- (d) the postal address of—
  - (i) the holder; or
  - (ii) if the holder has nominated another person as the holder's address for service for the Act—the nominated person;

*Editor's note—*

See also section 852 (Name and address for service) of the Act.

- (e) the following days—
  - (i) the day the holder applied for the authority;
  - (ii) the day the authority was granted;
  - (iii) the day the authority took effect;
  - (iv) the last day of the current term of the authority;
  - (v) if the authority is renewable—the earliest day on which an application to renew the authority may be made;
- (f) a general description of the location of the area of the authority;

- (g) any permitted dealings relating to the authority—
  - (i) for which the Minister has given an indication under section 571 of the Act; or
  - (ii) that are approved by the Minister;
- (h) for a pipeline licence or a petroleum facility licence—the following details for any part 5 permissions granted in relation to the licence—
  - (i) the land that is the subject of the permission;
  - (ii) any conditions to which the permission is subject.

## **2 Additional matters for an authority to prospect**

The petroleum register must also contain each of the following additional matters for an authority to prospect—

- (a) if the authority was divided from a previous authority to prospect—the number of the previous authority;
- (b) the tender details for the call for tender;
- (c) for a converted ATP—a list, and the number, of the transitional notional sub-blocks for the authority;
- (d) a list, and the number, of original notional sub-blocks for the authority, if—
  - (i) the authority is a converted ATP that is renewed after the 2004 Act start day; or
  - (ii) the authority is granted after the 2004 Act start day;
- (e) the relinquishment days for the authority;
- (f) for a potential commercial area declared for the authority, each of the following—
  - (i) a list of the sub-blocks for which the area is declared;
  - (ii) the day the Minister makes the declaration;
  - (iii) the term of the declaration;

- (g) the day on which any relinquishment notice is lodged by the holder and the number of blocks and sub-blocks relinquished;
- (h) a summary of the work program, including any dates provided for in the program on which activities to be carried out under the authority are to be completed;
- (i) the day the work program expires;
- (j) if a petroleum well is drilled under the authority—the identifying name of the well;
- (k) if a seismic survey or scientific or technical survey is carried out under the authority—the identifying name or code for the survey;
- (l) any conditions or provisions of the authority, other than the mandatory conditions for authorities to prospect.

### **3 Additional matters for a petroleum lease**

The petroleum register must also contain each of the following additional matters for a petroleum lease—

- (a) if the lease was divided from a previous petroleum lease—the number of the previous lease;
- (b) if the lease was granted in relation to a call for tenders—the tender details for the call for tender;
- (c) if the lease was granted in relation to an ATP-related application—the number of the authority to prospect;
- (d) a list of the sub-blocks, or a description of the area, and the total area in square kilometres, of the lease when it was granted;
- (e) if the lease is subject to a relinquishment condition—the relinquishment days;
- (f) the day on which any relinquishment notice is lodged by the holder and a list, and the number, of sub-blocks relinquished;
- (g) the day the development plan expires;

- (h) for coordination arrangement made by the holder and approved by the Minister—
  - (i) the day the arrangement was approved; and
  - (ii) the number of the petroleum lease, 1923 Act lease or mining lease to which the arrangement relates;
- (i) if a coordination arrangement mentioned in paragraph (h) is cancelled by, or with the approval of, the Minister—the day the arrangement is cancelled;
- (j) if a petroleum well is drilled under the lease—the identifying name of the well;
- (k) if a seismic survey or scientific or technical survey is carried out under the lease—the identifying name or code for the survey;
- (l) any conditions or provisions of the lease, other than the mandatory conditions for leases.

#### **4 Additional matters for a pipeline licence**

The petroleum register must also contain each of the following additional matters for a pipeline licence—

- (a) whether the licence is an area pipeline licence or a point-to-point pipeline licence;
- (b) a description of the land in the area of the licence;
- (c) the length of the pipeline constructed or operated under the licence and the location of its end points;
- (d) each substance the holder is entitled to transport through the pipeline.



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## Schedule 12 Dictionary

### section 3

**6 month period**, for chapter 2, part 1, division 2, subdivision 5, see section 41.

**acceptable level**, for chapter 3, see section 64.

**affected aquifers**, for a petroleum tenure, means the aquifers predicted by the holder, for the impact report required to be lodged under the Act for the tenure, to be affected by the exercise of the underground water rights for the petroleum tenure.

**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.

**appraisal well** means a petroleum well that is drilled to test the potential of 1 or more natural underground reservoirs for producing or storing petroleum.

**AS 2885** means AS 2885 ‘Pipelines—gas and liquid petroleum’.

**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).

**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.

**completion day**, for a survey, means—

- (a) if the survey involves reprocessing of raw data recorded or recovered for a previous survey—the day on which reprocessing of the data is completed; or

- (b) otherwise—the last day on which raw data is recorded or recovered for the survey.

**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 Code of practice for constructing and abandoning coal seam gas wells in Queensland (2011), published on the department's website.

**corresponding law**, for chapter 5, part 3, see section 97.

**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.

**development well** means a petroleum well that is drilled to produce or store petroleum.

**directional well** means a part of a petroleum well that is intentionally not drilled vertically.

**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.

**existing**, for chapter 7, part 1, see section 156.

***exploration well*** means a petroleum well that is drilled to—

- (a) explore for the presence of petroleum or natural underground reservoirs suitable for storing petroleum; or
- (b) obtain stratigraphic information for the purpose of exploring for petroleum.

***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.

**general area information**, for chapter 2, part 1, division 1, see section 12.

**geological summary**, of an area, means a summary of—

- (a) the major structural and stratigraphic features of the area; and

*Examples—*

- the history of the accumulation and structuring of stratigraphic units
- the timing of structural and metamorphic events

- (b) the geophysical features of the area.

*Examples—*

the gravitational and magnetic potential fields

**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 plan.

**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.

**hazard information**, for chapter 2, part 1, division 1, see section 12.

**health professional** see the *Hospital and Health Boards Act 2011*, schedule 2.

**horizontal well** means a petroleum 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 activities completion report** see section 46A(2).

**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.

**hydraulic fracturing fluid statement** see section 46A(4).

**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 for the well recorded in the petroleum 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.

**impact report** means an underground water impact report required, under section 256 of the Act, to be lodged for a petroleum tenure by the holder.

***industrial appliance***, for chapter 5, part 5, division 2, see section 119.

***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.

***lead*** means a potential prospect that is, in the reasonable opinion of a petroleum tenure holder, indicated by the available seismic or other data.

***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 plan 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)(k).

***major processing facility*** means a petroleum processing facility that processes more than 2000000000 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*.

***operator***—

- (a) for an LPG delivery network, means the operator of the relevant LPG storage facility; and
- (b) for a distribution system, means the person responsible for the management and safe operation of the system; and
- (c) of a drilling project, means the corporation or other entity that is the decision-maker and has responsibility for the overall management for the project.

***other underground water*** means underground water taken in the exercise of underground water rights under a petroleum tenure, other than associated water.

*Example—*

water taken from a water supply bore

***owner***, for chapter 5, part 3, see section 97.

***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 148B(1)(b).

***prediction period***, for chapter 2, part 1, division 1, see section 12.

***preferred standard*** see section 7(4).

***prescribed area***, for a petroleum tenure, means an area within the tenure—

- (a) where hydraulic fracturing activities for a well are to be or have been conducted; and
- (b) that may be affected, or was affected, by the hydraulic fracturing activities associated with the well.

***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.

***principal hazard management plan***, for schedule 2, see the *Mineral Resources Regulation 2003*.

***production testing*** means testing for petroleum production from a petroleum well within the area of the petroleum tenure.

***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.

**prospect** means a geological structure, such as an anticline—

- (a) that, in the reasonable opinion of a petroleum tenure holder based on a seismic survey or other data, is likely to contain a quantity of petroleum suitable for commercial production; and
- (b) from which petroleum has not yet been commercially produced.

**proved and probable reserves**, of petroleum or a petroleum product, has the meaning given under the SPE code.

**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.

**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 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.

**relevant Water Act bore**, for chapter 2, part 1, division 1, see section 12.

**relevant water observation bore**, for chapter 2, part 1, division 1, see section 12.

**repealed regulation**, for chapter 7, part 1, see section 156.

**reporting period**, for chapter 2, part 1, division 1, see section 12.

**required information** see section 139(4).

**rig release day**, for a petroleum well, means the day the drilling rig last used to drill the well is moved so it is no longer above the well, if the petroleum tenure holder intends no further drilling of the well to occur.

**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 requirement** means a safety requirement prescribed under section 669 of the Act.

**scientific or technical survey** means a geophysical, geochemical or geotechnical survey or another survey for a similar purpose, other than a seismic survey.

**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.

**SPE code** means the document called 'Petroleum Resources Management System' published in 2007 by the Society of Petroleum Engineers.

**standard abandonment requirements** means—

- (a) for a petroleum well—the requirements mentioned in section 60(1); or
- (b) for a well under the 1923 Act—the requirements mentioned in the *Petroleum Regulation 2004*, section 37(1).

**status**, of a petroleum well or bore, means any of the following that describes the well or bore—

- (a) for a petroleum well that is producing petroleum or a water supply bore that is in use—producing;
- (b) for a petroleum well that has temporarily stopped producing petroleum—shut in;
- (c) for a petroleum well that is capable of producing petroleum but the productive interval in the well has not been completed for production—cased and suspended;
- (d) for a water observation bore that has not been plugged and abandoned—in use;
- (e) for a petroleum well or bore that has been plugged and abandoned—plugged and abandoned;
- (f) for a petroleum well that has been converted to a water observation bore—converted to a water observation bore;
- (g) for a petroleum well that has been converted to a water supply bore—converted to a water supply bore;
- (h) for a petroleum well that has been converted to a Water Act bore—converted to a Water Act bore.

**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.

**tender details**, for the call for tenders for a petroleum tenure, means each of the following—

- (a) the day the call for tender was published and its closing day;

- 
- (b) if the call for tenders is identified by a unique identifying number—the number;
  - (c) the proposed area of the petroleum tenure stated in the call for tenders;
  - (d) the name of any preferred tenderer for the call for tenders.

**tenure information**, for chapter 2, part 1, division 1, see section 12.

**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.

**well completion report** means a well completion report required under section 37 to be lodged for a petroleum well.

**wellhead value**, for petroleum disposed of by a petroleum producer, means the wellhead value of the petroleum worked out as required under section 148.

**well or bore abandonment report** means a well or bore abandonment report required under section 38 to be lodged for a petroleum well or bore.

***wet geothermal production*** means the recovery of geothermal energy by the extraction of hot water from a subartesian basin.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 December 2012. Future amendments of the Petroleum and Gas (Production and Safety) Regulation 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	31 December 2004	
1A	2005 SL No. 103	1 July 2005	
1B	2005 SL No. 300	11 December 2005	
1C	2005 SL No. 263	1 January 2006	
1D	2006 SL No. 110	1 July 2006	
1E	2006 SL No. 293	1 January 2007	
2	2007 SL No. 132	1 July 2007	
2A	2007 SL No. 273	1 January 2008	
	2007 SL No. 312		
2B	2008 SL No. 59	17 March 2008	
2C	2007 SL No. 312	1 April 2008	
2D	2008 SL No. 158	1 July 2008	
	2008 SL No. 192		
2E	2008 SL No. 246	25 July 2008	



Reprint No.	Amendments included	Effective	Notes
3	2008 SL No. 263	1 September 2008	
3A	2008 SL No. 401	5 December 2008	
3B	2008 SL No. 366	1 January 2009	
	2008 SL No. 427		
3C	2009 SL No. 73	1 July 2009	
3D	2009 SL No. 73	1 September 2009	
3E	2009 SL No. 186	4 September 2009	R3E withdrawn, see R4
4	—	4 September 2009	
4A	2009 SL No. 296	11 December 2009	
4B	2010 SL No. 1	29 January 2010	
4C	2010 SL No. 142	25 June 2010	
4D	2010 SL No. 143	30 June 2010	
4E	2010 SL No. 116	1 July 2010	
4F	2010 SL No. 116	1 September 2010	
	2010 SL No. 192		
4G	2010 SL No. 248	17 September 2010	
4H	2010 SL No. 259	1 October 2010	
4I	2010 SL No. 297	29 October 2010	
4J	2011 SL No. 32	1 April 2011	
4K	2011 SL No. 35	8 April 2011	
4L	2011 SL No. 44	15 April 2011	
4M	2011 Act No. 16	19 May 2011	
4N	2011 SL No. 113	30 June 2011	
4O	2011 SL No. 44	1 July 2011	R4O withdrawn, see R5
	2011 SL No. 112		
5	—	1 July 2011	
5A	2011 SL No. 94	1 September 2011	
5B	2011 SL No. 242	25 November 2011	
	2011 SL No. 243		
5C	2011 Act No. 18	1 January 2012	
	2011 SL No. 240		
	2011 SL No. 243		
	2011 SL No. 295		
5D	2012 SL No. 89	1 July 2012	
	2012 SL No. 90		
5E	2012 SL No. 105	23 July 2012	
5F	2012 SL No. 105	1 September 2012	
5G	2012 SL No. 169	1 October 2012	
5H	2012 SL No. 226	7 December 2012	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Petroleum and Gas (Production and Safety) Regulation 2004 SL No. 309**

made by the Governor in Council on 16 December 2004

notfd gaz 17 December 2004 pp 1277–85

ss 1–2 commenced on date of notification

s 58 commenced 1 July 2005 (see s 2(1))

remaining provisions commenced 31 December 2004 (see s 2(2))

exp 1 September 2015 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published.  
See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

### **Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2005 SL No. 103 pts 1, 13**

notfd gaz 3 June 2005 pp 415–19

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

### **Natural Resources and Mines Legislation Amendment Regulation (No. 2) 2005 SL No. 263 pts 1, 3**

notfd gaz 4 November 2005 pp 869–70

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2006 (see s 2)

### **Petroleum and Gas (Production and Safety) and Other Legislation Amendment Regulation (No. 1) 2005 SL No. 300 pts 1, 3**

notfd gaz 9 December 2005 pp 1375–8

ss 1–2 commenced on date of notification

remaining provision commenced 11 December 2005 (see s 2(a))

Note—An explanatory note was prepared.

### **Natural Resources Legislation Amendment Regulation (No. 1) 2006 SL No. 110 pts 1, 14**

notfd gaz 2 June 2006 pp 572–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

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**Mines and Energy Legislation Amendment Regulation (No. 1) 2006 SL No. 293 pts 1, 4**

notfd gaz 1 December 2006 pp 1587–90  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2007 (see s 2)

**Mines and Energy Legislation Amendment Regulation (No. 1) 2007 SL No. 132 pts 1, 9**

notfd gaz 22 June 2007 pp 1018–20  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2007 (see s 2)

**Mines and Energy Legislation Amendment Regulation (No. 2) 2007 SL No. 273 pts 1, 4**

notfd gaz 9 November 2007 pp 1355–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2008 (see s 2)

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2007 SL No. 312**

notfd gaz 7 December 2007 pp 1978–82  
ss 1–2 commenced on date of notification  
s 50(3) commenced 1 April 2008 (see s 2(1))  
remaining provisions commenced 1 January 2008 (see s 2(2))

**Mines and Energy Legislation Amendment Regulation (No. 1) 2008 SL No. 59 pts 1, 4**

notfd gaz 14 March 2008 pp 1469–72  
ss 1–2 commenced on date of notification  
remaining provisions commenced 17 March 2008 (see s 2)

**Mines and Energy Legislation Amendment Regulation (No. 2) 2008 SL No. 158 pts 1, 3**

notfd gaz 13 June 2008 pp 948–51  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Mines and Energy Legislation Amendment Regulation (No. 3) 2008 SL No. 192 pts 1, 11**

notfd gaz 27 June 2008 pp 1268–78  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2008 SL No. 246**

notfd gaz 25 July 2008 pp 1838–41  
commenced on date of notification

**Mines and Energy Legislation Amendment Regulation (No. 4) 2008 SL No. 263 pts 1–2**

notfd gaz 22 August 2008 pp 2651–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2008 (see s 2)

Endnotes

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**Mines and Energy Legislation Amendment Regulation (No. 5) 2008 SL No. 366 pts 1, 4**

notfd gaz 7 November 2008 pp 1319–21  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2009 (see s 2)

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 2) 2008 SL No. 401**

notfd gaz 5 December 2008 pp 1840–3  
commenced on date of notification

**Transport Operations (Road Use Management—Dangerous Goods) Regulation 2008 SL No. 427 ss 1–2, 253 sch 3**

notfd gaz 12 December 2008 pp 2044–53  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2009 (see s 2)

**Mines and Energy Legislation Amendment Regulation (No. 1) 2009 SL No. 73 pts 1, 10**

notfd gaz 5 June 2009 pp 486–8  
ss 1–2 commenced on date of notification  
ss 32(3), (5), 33 commenced 1 September 2009 (see s 2(2))  
remaining provisions commenced 1 July 2009 (see s 2(1))

**Mines and Energy Legislation Amendment Regulation (No. 2) 2009 SL No. 186 s 1, pt 3**

notfd gaz 4 September 2009 pp 77–8  
commenced on date of notification

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2009 SL No. 296**

notfd gaz 11 December 2009 pp 1187–91  
commenced on date of notification

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2010 SL No. 1**

notfd gaz 29 January 2010 pp 233–4  
commenced on date of notification

**Mines and Energy Legislation Amendment Regulation (No. 1) 2010 SL No. 116 ss 1–2, ch 2 pt 9, ch 3 pt 3**

notfd gaz 18 June 2010 pp 529–35  
ss 1–2 commenced on date of notification  
ch 2 pt 9 commenced 1 July 2010 (see s 2(1))  
remaining provisions commenced 1 September 2010 (see s 2(2))

**Mines and Energy Legislation Amendment Regulation (No. 2) 2010 SL No. 142 s 1, pt 2**

notfd gaz 25 June 2010 pp 823–30  
commenced on date of notification

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**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 2) 2010 SL No. 143**

notfd gaz 25 June 2010 pp 823–30  
ss 1–2 commenced on date of notification  
remaining provisions commenced 30 June 2010 (see s 2)

**Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010 SL No. 192 ss 1–2, pt 9 div 1**

notfd gaz 23 July 2010 pp 1196–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2010 (see s 2)

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 3) 2010 SL No. 248**

notfd gaz 17 September 2010 pp 159–60  
commenced on date of notification

**Mines and Energy Legislation Amendment Regulation (No. 3) 2010 SL No. 259 pts 1, 4**

notfd gaz 24 September 2010 pp 209–10  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2010 (see s 2)

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 4) 2010 SL No. 297**

notfd gaz 29 October 2010 pp 591–2  
ss 1–2 commenced on date of notification  
remaining provisions commenced 29 October 2010 (see s 2)

**Mines and Energy Legislation Amendment Regulation (No. 1) 2011 SL No. 32 pts 1, 3**

notfd gaz 1 April 2011 pp 553–4  
commenced on date of notification

**Petroleum and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 35 pts 1, 3**

notfd gaz 8 April 2011 pp 588–9  
commenced on date of notification

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2011 SL No. 44**

notfd gaz 15 April 2011 pp 624–6  
ss 1–2 commenced on date of notification  
ss 4, 32 commenced 15 April 2011 immediately after the commencement of the Mines and Energy Legislation Amendment Act 2010 No. 17 s 82 (see s 2(1) and 2011 SL No. 45)  
ss 13, 14(1), 29(2) commenced 1 July 2011 (see s 2(2))  
remaining provisions commenced on date of notification

**Gas Security Amendment Act 2011 No. 16 s 1, pt 5**

date of assent 19 May 2011  
commenced on date of assent

**Work Health and Safety Act 2011 No. 18 ss 1–2, 404 sch 4 pt 1**

date of assent 6 June 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2012 (2011 SL No. 238)

**Mines Legislation Amendment Regulation (No. 1) 2011 SL No. 94 pts 1, 9**

notfd gaz 17 June 2011 pp 430–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2011 (see s 2(2))

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 2) 2011 SL No. 112**

notfd gaz 24 June 2011 pp 534–8

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 immediately after the commencement of the Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2011 SL No. 44 ss 13, 14(1), 29(2) (see s 2)

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 3) 2011 SL No. 113**

notfd gaz 24 June 2011 pp 534–8

ss 1–2 commenced on date of notification

remaining provisions commenced 30 June 2011 (see s 2)

**Work Health and Safety Regulation 2011 SL No. 240 ss 1, 2(4), ch 14 pt 14.7**

notfd gaz 25 November 2011 pp 603–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2012 on the commencement of s 277 of the Act (see s 2(4) and 2011 SL No. 238)

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 4) 2011 SL No. 242**

notfd gaz 25 November 2011 pp 603–6

commenced on date of notification

Note—A regulatory impact statement was prepared.

**Petroleum and Gas (Production and Safety) Amendment Regulation (No. 5) 2011 SL No. 243**

notfd gaz 25 November 2011 pp 603–6

ss 1–2 commenced on date of notification

ss 7, 8, 11(2), 12 commenced 1 January 2012 (see s 2)

remaining provisions commenced on date of notification

**Resources Legislation Amendment Regulation (No. 1) 2011 SL No. 295 pts 1, 3**

notfd gaz 9 December 2011 pp 729–35

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2012 (see s 2)

**Revenue Legislation Amendment Regulation (No. 1) 2012 SL No. 89 pts 1, 5**

notfd gaz 29 June 2012 pp 704–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

**Health and Hospitals Network and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 90 ss 1–2, 41 sch**

notfd gaz 29 June 2012 pp 704–10  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2012 (see s 2)

**Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2012 SL No. 105 ss 1, 2(1)(c)–(d), (3), pt 15**

notfd gaz 20 July 2012 pp 863–7  
 ss 1–2 commenced on date of notification  
 ss 36(3), (5), 37 commenced 1 September 2012 (see s 2(3))  
 remaining provisions commenced 23 July 2012 (see s 2(1)(c)–(d))

**Resources Legislation and Another Regulation Amendment Regulation (No. 1) 2012 SL No. 169 pts 1, 3**

notfd gaz 28 September 2012 pp 147–8  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 October 2012 (see s 2)

**Natural Resources and Mines Legislation Amendment Regulation (No. 2) 2012 pts 1, 6**

notfd gaz 7 December 2012 pp 480–2  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 7 December 2012 (see s 2)

## 6 List of annotations

**Where documents mentioned in this regulation can be inspected**

s 4 amd 2009 SL No. 186 s 8

**PART 2A—LAND ACCESS CODE**

pt hdg ins 2010 SL No. 297 s 4

**Land access code—Act, s 24A**

s 4A prev s 4A ins 2005 SL No. 300 s 7  
 om 2007 SL No. 312 s 4  
 pres s 4A ins 2010 SL No. 297 s 4

**Substances that are petroleum**

s 5 amd 2005 SL No. 300 s 8; 2008 SL No. 401 s 3

**Substances that are fuel gas**

s 6 amd 2005 SL No. 300 s 9

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

s 6A ins 2011 SL No. 44 s 4

**Mandatory and preferred standards for particular safety requirements**

s 7 amd 2007 SL No. 312 s 5

Endnotes

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**References to CSG operator in construction and abandonment code**

s 7AA ins 2011 SL No. 243 s 4

**Person must give inspector evidence of risk level for preferred standard**

s 7A ins 2007 SL No. 312 s 6

**Prescribed quality for fuel gas**

s 8 amd 2005 SL No. 300 s 10

**Activities prescribed for definition of “operating plant”**

s 10 sub 2005 SL No. 300 s 11; 2007 SL No. 312 s 7  
amd 2011 SL No. 44 s 5

**Prescribed incidents**

s 11 amd 2007 SL No. 312 s 8

**CHAPTER 2—EXPLORING FOR AND PRODUCING PETROLEUM  
PART 1—REPORTING**

**Division 1—Content of reports and notices required under the Act**

**Definitions for div 1**

s 12 def “prescribed underground water information” om 2011 SL No. 243 s 5(1)  
def “relevant petroleum well” om 2011 SL No. 243 s 5(1)  
def “relevant time” om 2011 SL No. 243 s 5(1)  
def “reporting period” sub 2011 SL No. 243 s 5

**Subdivision 3—Existing Water Act bores**

sdiv 3 (ss 15–18) om 2011 SL No. 243 s 6

**Relinquishment report for an authority to prospect**

s 20 amd 2012 SL No. 226 s 22

**Relinquishment report for a petroleum lease**

s 21 amd 2012 SL No. 226 s 23

**End of tenure report**

s 22 amd 2012 SL No. 226 s 24

**Subdivision 6A—End of authority**

sdiv 6A (s 22A) ins 2008 SL No. 59 s 13

**Annual report for an authority to prospect**

s 23 om 2008 SL No. 59 s 14

**Annual report for a petroleum lease**

s 24 om 2008 SL No. 59 s 14

**Annual report for a data acquisition authority or survey licence**

s 25 om 2008 SL No. 59 s 14

**Annual report for a water monitoring authority**

s 26 om 2009 SL No. 186 s 9

**Annual report for a petroleum facility licence or pipeline licence**

s 27 amd 2009 SL No. 186 s 10



**Owners and occupiers to be given copy of notices required to be lodged under this subdivision**

s 30A ins 2011 SL No. 35 s 11

**Notice of intention to drill a petroleum well or bore**

s 31 amd 2010 SL No. 142 s 3; 2011 SL No. 35 s 12

**Notice of completion, alteration or abandonment of petroleum well or bore**

s 32 amd 2010 SL No. 142 s 4

**Notice of intention to carry out hydraulic fracturing activities**

s 35 prev s 35 om 2010 SL No. 142 s 5

pres s 35 ins 2011 SL No. 35 s 13

**Notice of completion of hydraulic fracturing activities**

s 35A ins 2011 SL No. 35 s 13

**Well completion report**

s 37 amd 2010 SL No. 142 s 6

**Subdivision 6—Hydraulic fracturing activities completion report**

sdiv 6 (s 46A) ins 2011 SL No. 35 s 14

**Samples required to be kept**

s 47 amd 2008 SL No. 59 s 15

**Confidentiality of required information for petroleum tenure holders**

s 51 amd 2010 SL No. 142 s 7; 2011 SL No. 35 s 15; 2012 SL No. 226 s 25

**Record of supply of gas from PGPLR land—Act, s 175H(2)**

s 52A ins 2011 SL No. 113 s 4

**Tenure holder to ensure compliance with construction and abandonment code**

s 54AAA ins 2011 SL No. 243 s 7

**Operator to ensure drilling rig workers meet competency requirements**

s 54AA ins 2007 SL No. 312 s 9

amd 2011 SL No. 243 s 8

**General requirements for training and supervision**

s 54A ins 2005 SL No. 300 s 12

**Training program for persons using well completion equipment**

s 54B ins 2005 SL No. 300 s 12

**Requirements for job safety analysis in particular circumstances**

s 54C ins 2005 SL No. 300 s 12

**Emergency shut down system for devices that are sources of ignition**

s 54D ins 2005 SL No. 300 s 12

amd 2009 SL No. 186 s 11

**Requirement to keep bore pressure low when using well completion equipment**

s 54E ins 2005 SL No. 300 s 12

**Requirement to survey the surface location and elevation of a prescribed well**  
s 55            amd 2008 SL No. 59 s 16; 2009 SL No. 186 s 12; 2010 SL No. 116 s 38

**PART 3—OTHER REQUIREMENTS**

**Division 1—Additional requirements for safety management plans**

**div hdg**        ins 2005 SL No. 300 s 13

**Subdivision 1—Drilling operating plant**

**sdiv hdg**       ins 2011 SL No. 44 s 6

**Operation of sdiv 1**

**prov hdg**       amd 2011 SL No. 44 s 7(1)

**s 59**            sub 2005 SL No. 300 s 13

                  amd 2011 SL No. 44 s 7(2)

**Particular risk assessment for drilling near coal mining areas**

**s 59A**           ins 2005 SL No. 300 s 13

**Requirement for identification of, and controls for, ignition sources for safety management plan**

**s 59B**           ins 2005 SL No. 300 s 13

**Standard operating procedures for well completion equipment**

**s 59C**           ins 2005 SL No. 300 s 13

**Subdivision 2—Operating plant for processing etc. petroleum**

**sdiv 2 (s 59D)** ins 2011 SL No. 44 s 8

**Division 2—Other requirements for wells, bores and holes**

**div hdg**        ins 2005 SL No. 300 s 13

**Plugging and abandoning a petroleum well or bore**

**s 60**            amd 2009 SL No. 186 s 13

**Manufacturer's instructions for well completion equipment**

**s 61A**           ins 2005 SL No. 300 s 14

**Description of location of particular hazards in safety reports**

**s 66**            amd 2009 SL No. 186 s 14

**Requirement to remove particular equipment from coal seam**

**s 69**            amd 2005 SL No. 300 s 15

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

**s 73**            amd 2010 SL No. 143 s 4

**Application for exemption**

**s 76**            amd 2005 SL No. 300 s 16; 2012 SL No. 226 s 26

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

**s 77**            amd 2005 SL No. 300 s 17; 2012 SL No. 226 s 27

**Consideration of application by chief inspector**

**s 78**            amd 2005 SL No. 300 s 18

**CHAPTER 5—FUEL GAS****PART 1—DISTRIBUTION OF FUEL GAS****Required gauge pressure**

s 84            amd 2007 SL No. 312 s 10

**Safety requirement for network operator to supply fuel gas to gas system**

s 84A        ins 2011 SL No. 44 s 9

**Testing, inspection and maintenance of fuel gas containers**

prov hdg    amd 2007 SL No. 312 s 11(1)

s 85        amd 2005 SL No. 300 s 19; 2007 SL No. 312 s 11(2)–(4)

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

s 86        amd 2007 SL No. 312 s 12

**Fuel gas network operator must arrange attendance for particular incidents**

prov hdg    amd 2007 SL No. 312 s 13(1)

s 87        amd 2007 SL No. 312 s 11(2)

**Fuel gas network operator must keep records**

s 88        amd 2005 SL No. 300 s 20; 2007 SL No. 312 s 14; 2009 SL No. 296 s 3

**LPG delivery network operator must give chief inspector contact details**

s 88A        ins 2007 SL No. 312 s 15

**Division 3—Safety requirements for automotive LPG sites**

div hdg     ins 2007 SL No. 312 s 15

**Purpose of div 3**

s 88B        ins 2007 SL No. 312 s 15

**Definitions for div 3**

s 88C        ins 2007 SL No. 312 s 15

def “LPGA automotive code of practice” amd 2011 SL No. 243 s 9

**Safety management plan for automotive LPG site**

s 88D        ins 2007 SL No. 312 s 15

**Restrictions on product supplier supplying automotive LPG**

s 88E        ins 2007 SL No. 312 s 15

**Product supplier must give chief inspector contact details**

S 88F        ins 2007 SL No. 312 s 15

**Division 4—Generic SMP**

div hdg     ins 2007 SL No. 312 s 15

**Prescription of generic SMP**

s 88G        ins 2007 SL No. 312 s 15

amd 2011 SL No. 44 s 10

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

prov hdg    amd 2007 SL No. 312 s 16(1)–(2)

s 91        amd 2007 SL No. 312 s 16

Endnotes

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sub 2009 SL No. 296 s 4  
amd 2011 SL No. 44 s 11

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

**prov hdg** amd 2011 SL No. 44 s 12(1)  
**s 91A** ins 2009 SL No. 296 s 4  
amd 2011 SL No. 44 s 12(2)

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

**s 91B** ins 2011 SL No. 44 s 13  
amd 2011 SL No. 112 s 4

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

**prov hdg** amd 2007 SL No. 312 s 17(1)  
**s 92** amd 2005 SL No. 300 s 21; 2007 SL No. 312 s 17(2)–(4); 2009 SL No. 186 s 15; 2011 SL No. 44 s 14

**General obligations of owner of a gas system**

**s 93** amd 2007 SL No. 312 s 18

**User must report safety concerns to owner of gas system**

**prov hdg** amd 2007 SL No. 312 s 19(1)  
**s 94** amd 2007 SL No. 312 s 19(2)–(4)

**Owner of gas system must address user’s safety concern**

**prov hdg** amd 2007 SL No. 312 s 20(1)  
**s 95** amd 2007 SL No. 312 s 20(2)–(3)

**PART 3—GAS SYSTEMS IN VEHICLES AND VESSELS AND FOR STATIONARY ENGINES**

**pt hdg** amd 2005 SL No. 300 s 22

**Division 1—Preliminary**

**div hdg** ins 2005 SL No. 300 s 23

**Application of pt 3**

**s 96** om 2005 SL No. 300 s 24

**Definitions for pt 3**

**s 97** def “alter” ins 2005 SL No. 300 s 25(2)  
def “authorised certifier” sub 2005 SL No. 300 s 25(1)–(2)  
def “authorised installer” ins 2005 SL No. 300 s 25(2)  
def “commercial vehicle or vessel” sub 2005 SL No. 300 s 25(1)–(2)  
def “corresponding law” ins 2005 SL No. 300 s 25(2)  
def “gas inspection certificate” ins 2007 SL No. 312 s 21(2)  
def “inspection certificate” sub 2005 SL No. 300 s 25(1)–(2)  
om 2007 SL No. 312 s 21(1)  
def “interstate gas compliance certificate” ins 2005 SL No. 300 s 25(2)  
amd 2007 SL No. 312 s 21(3)  
def “interstate gas inspection certificate” ins 2005 SL No. 300 s 25(2)  
amd 2007 SL No. 312 s 21(4)

def “owner” sub 2007 SL No. 312 s 21(1)–(2)  
def “used vehicle or vessel” sub 2005 SL No. 300 s 25(1)–(2)

**Division 2—Gas fuel systems**

**div hdg** ins 2005 SL No. 300 s 26

**Application of div 2**

**s 97A** ins 2005 SL No. 300 s 26

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

**prov hdg** amd 2007 SL No. 312 s 22(1)  
**s 98** sub 2005 SL No. 300 s 27  
amd 2007 SL No. 312 s 22(2)–(4)

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

**prov hdg** amd 2007 SL No. 312 s 23(1)  
**s 99** sub 2005 SL No. 300 s 27  
amd 2007 SL No. 312 s 23(2)–(3); 2011 SL No. 44 s 15

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

**prov hdg** amd 2005 SL No. 300 s 28(1)  
**s 100** amd 2005 SL No. 300 s 28(2); 2007 SL No. 312 s 24

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

**prov hdg** amd 2011 SL No. 44 s 16(1)  
**s 100A** ins 2009 SL No. 296 s 5  
amd 2011 SL No. 44 s 16(2)

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

**s 101** sub 2005 SL No. 300 s 29; 2007 SL No. 312 s 25  
amd 2011 SL No. 44 s 17

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

**s 102** sub 2005 SL No. 300 s 29  
amd 2007 SL No. 312 s 26; 2010 SL No. 248 s 3

**Labelling requirements for LPG gas fuel systems in vehicles**

**prov hdg** amd 2005 SL No. 300 s 30(1)  
**s 103** amd 2005 SL No. 300 s 30(2); 2009 SL No. 186 s 16

**Use of gas fuel system for propulsion of a vessel**

**prov hdg** amd 2005 SL No. 300 s 31(1)  
**s 104** amd 2005 SL No. 300 s 31(2)–(3)

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

**s 105** sub 2005 SL No. 300 s 32  
amd 2007 SL No. 312 s 27

Endnotes

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

**s 105A** ins 2005 SL No. 300 s 33  
amd 2007 SL No. 312 s 28; 2010 SL No. 192 s 51

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

**s 105AB** ins 2007 SL No. 312 s 29

**Division 3—Other gas systems**

**div hdg** ins 2005 SL No. 300 s 34

**Application of div 3**

**s 105B** ins 2005 SL No. 300 s 34

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

**prov hdg** amd 2007 SL No. 312 s 30

**s 105C** ins 2005 SL No. 300 s 34  
amd 2007 SL No. 312 s 30

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

**prov hdg** amd 2007 SL No. 312 s 31

**s 105D** ins 2005 SL No. 300 s 34  
amd 2007 SL No. 312 s 31

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

**s 105E** ins 2005 SL No. 300 s 34  
amd 2007 SL No. 312 s 32

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

**prov hdg** amd 2011 SL No. 44 s 18(1)

**s 105EA** ins 2009 SL No. 296 s 6  
amd 2011 SL No. 44 s 18(2)

**Issue of compliance certificates for gas systems in vehicle or vessel**

**s 105F** ins 2005 SL No. 300 s 34  
sub 2007 SL No. 312 s 33  
amd 2011 SL No. 44 s 19

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

**s 105G** ins 2005 SL No. 300 s 34  
amd 2007 SL No. 312 s 34; 2010 SL No. 248 s 4

**PART 3A—OTHER PLANT AND EQUIPMENT**

**pt hdg** ins 2009 SL No. 296 s 7

**Application of pt 3A**

**s 105H** ins 2009 SL No. 296 s 7

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

**s 105I** ins 2009 SL No. 296 s 7  
amd 2011 SL No. 44 s 20

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

**prov hdg** amd 2011 SL No. 44 s 21(1)  
**s 105J** ins 2009 SL No. 296 s 7  
amd 2011 SL No. 44 s 21(2)

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

**s 107** amd 2007 SL No. 312 s 35

**Gas devices (type A)**

**s 108** om 2011 SL No. 44 s 22

**Additional requirements for safety management plans—lower flammable limit alarm levels for unplanned or uncontrolled gas releases**

**s 113A** ins 2011 SL No. 44 s 23

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

**s 114** amd 2005 SL No. 300 s 35

**Causing existing gas system to not comply with safety requirements**

**s 115A** ins 2007 SL No. 312 s 36  
amd 2010 SL No. 143 s 5; 2011 SL No. 243 s 10

**Water heaters—registration and labelling**

**s 115B** ins 2011 SL No. 242 s 3

**PART 5—GAS WORK LICENCES AND AUTHORISATIONS****Qualifications or experience for a gas work licence**

**s 116** amd 2007 SL No. 312 s 37; 2010 SL No. 116 s 39; 2011 SL No. 44 s 24

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

**s 117** amd 2007 SL No. 312 s 38

**Types of gas work authorisations**

**s 120** amd 2005 SL No. 300 s 36; 2011 SL No. 44 s 25

**What gas work authorisation (hydrocarbon refrigerant) authorises**

**s 121** amd 2005 SL No. 300 s 37  
om 2011 SL No. 44 s 26

**What gas work authorisation (industrial appliances) authorises**

**s 122** amd 2007 SL No. 312 s 39

**What gas work authorisation (major project) authorises**

**s 123** amd 2005 SL No. 300 s 38; 2007 SL No. 312 s 40

**What gas work authorisation (motor fuel) authorises**

**s 124** sub 2005 SL No. 300 s 39  
amd 2007 SL No. 312 s 41

**What gas work authorisation (servicing) authorises**

**s 125** amd 2005 SL No. 300 s 40; 2011 SL No. 44 s 27

**Qualifications or experience for gas work authorisation**

**s 125A** ins 2005 SL No. 300 s 41

**Division 3—General provisions for gas work licences and authorisations**

**div 3** (ss 126A–126C) ins 2005 SL No. 300 s 42

**CHAPTER 6—MISCELLANEOUS**

**PART 2—FEES, RENTS AND ROYALTIES ETC.**

**Fees generally**

**s 133** amd 2006 SL No. 293 s 8

**Payment of annual licence fee for pipeline or petroleum facility licence**

**s 134** sub 2008 SL No. 263 s 4

**Division 2—Safety and health fees**

**div hdg** amd 2010 SL No. 143 s 6

**Subdivision 1—Purpose of fees and liability to pay fees**

**sdiv hdg** sub 2010 SL No. 143 s 7

**Purpose of safety and health fees**

**s 134A** ins 2010 SL No. 143 s 7  
amd 2010 SL No. 248 s 5; 2011 Act No. 16 s 30

**Who is liable to pay a safety and health fee**

**prov hdg** amd 2010 SL No. 143 s 8(1)

**s 135** amd 2005 SL No. 300 s 43; 2007 SL No. 132 s 18; 2007 SL No. 312 s 42;  
2010 SL No. 143 s 8; 2011 SL No. 44 s 28; 2011 Act No. 18 s 404 sch 4 pt  
1

**Subdivision 2—Payment of fixed fee by major consumers**

**sdiv 2** (ss 136–137) om 2007 SL No. 132 s 19

**Subdivision 3—Lodgement of safety and health fee return and payment of fee by liable persons**

**sdiv hdg** amd 2007 SL No. 132 s 20; 2010 SL No. 143 s 9

**Application of sdiv 3**

**s 138** amd 2007 SL No. 132 s 21

**Requirement to lodge safety and health fee return**

**prov hdg** amd 2010 SL No. 143 s 10(1)

**s 139** amd 2005 SL No. 300 s 44; 2007 SL No. 132 s 22; 2009 SL No. 186 s 17;  
2010 SL No. 143 s 10(2)–(6); 2010 SL No. 248 s 6; 2011 Act No. 16 s 31

**Fee for late lodgement of safety and health fee return**

**prov hdg** amd 2010 SL No. 143 s 11(1)

**s 140** amd 2009 SL No. 186 s 18; 2010 SL No. 143 s 11(2)–(5)

**Requirement for invoice to be given**

**s 141** sub 2010 SL No. 143 s 12

**Date for payment**

**s 142** amd 2010 SL No. 143 s 13

**Interest payable on unpaid fees**

**s 142A** ins 2010 SL No. 143 s 14



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

s 143      amd 2010 SL No. 143 s 15; 2010 SL No. 248 s 6

**Subdivision 4—Overpayment of safety and health fee**

sdiv hdg    amd 2010 SL No. 143 s 9

**Refund of overpayment of safety and health fee**

prov hdg    amd 2010 SL No. 143 s 16(1)

s 144      amd 2010 SL No. 143 s 16(2); 2010 SL No. 248 s 6

**Annual rent**

s 145      amd 2005 SL No. 263 s 8; 2008 SL No. 158 s 13

**Storage rent payable by owner of stored petroleum or prescribed storage gas**

s 146      amd 2005 SL No. 263 s 9; 2008 SL No. 158 s 14

**Division 4—Petroleum royalty****Subdivision 1—Prescribed matters for petroleum royalty**

sdiv hdg    ins 2010 SL No. 1 s 3

**Royalty return period**

s 146A     ins 2011 Act No. 16 s 32

**When and how petroleum royalty payable—royalty return period**

prov hdg    amd 2012 SL No. 169 s 14

s 147      amd 2008 SL No. 158 s 15; 2011 Act No. 16 s 33  
              sub 2011 SL No. 295 s 12

**Working out monthly payments for petroleum royalty generally**

s 147A     ins 2011 SL No. 295 s 12  
              amd 2012 SL No. 169 s 15

**Election to change monthly payments**

s 147B     ins 2011 SL No. 295 s 12  
              amd 2012 SL No. 169 s 16

**When petroleum royalty payable—annual royalty return**

s 147BA    ins 2012 SL No. 169 s 17

**Rate of petroleum royalty payable**

s 147C     ins 2011 SL No. 295 s 12

**Working out wellhead value of petroleum**

s 148      amd 2008 SL No. 158 s 16; 2011 Act No. 16 s 34; 2011 SL No. 295 s 13

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

sdiv hdg    ins 2010 SL No. 1 s 4

**Definition for sdiv 2**

s 148A     ins 2010 SL No. 1 s 4

              def “**component**” amd 2011 Act No. 16 s 35

**Application of sdiv 2**

s 148B     ins 2010 SL No. 1 s 4

Endnotes

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**Minister's power to decide component of wellhead value of petroleum**

s 148C ins 2010 SL No. 1 s 4

**Application by petroleum producer for petroleum royalty decision**

s 148D ins 2010 SL No. 1 s 4

**Requirements for making application**

s 148E ins 2010 SL No. 1 s 4

**Deciding application**

s 148F ins 2010 SL No. 1 s 4

**Criteria for decision**

s 148G ins 2010 SL No. 1 s 4

**Minister's power to amend petroleum royalty decision**

s 148H ins 2010 SL No. 1 s 4

**Amendment of petroleum royalty decision on Minister's initiative**

s 148I ins 2010 SL No. 1 s 4

**Application by petroleum producer to amend petroleum royalty decision**

s 148J ins 2010 SL No. 1 s 4

**Subdivision 3—Royalty return**

sdiv hdg ins 2010 SL No. 1 s 4

**Information to be contained in royalty return**

s 149 amd 2008 SL No. 158 s 17; 2011 Act No. 16 s 36; 2011 SL No. 295 s 14

**Subdivision 4—Royalty estimate**

sdiv 4 (ss 149A–149D) ins 2011 SL No. 32 s 6

**Subdivision 4A—Civil penalty**

sdiv 4A (ss 149E–149G) ins 2012 SL No. 169 s 18

**Subdivision 4B—Unpaid royalty interest**

sdiv 4B (ss 149H–149I) ins 2012 SL No. 169 s 18

**Prescribed interest rate for amounts owing to the State other than for petroleum royalty**

prov hdg amd 2012 SL No. 169 s 19(1)

s 151 amd 2012 SL No. 169 s 19(2)

**Required level of knowledge for resources and reserves of petroleum**

s 152 amd 2008 SL No. 59 s 17; 2009 SL No. 186 s 19

sub 2010 SL No. 248 s 7

**Prescribed way for making applications or giving or lodging documents**

s 154A ins 2012 SL No. 226 s 28

**Conversion of 1923 Act lease number 201 to petroleum lease**

s 155 amd 2009 SL No. 186 s 20

**CHAPTER 7—TRANSITIONAL AND SAVING PROVISIONS****PART 1—TRANSITIONAL AND SAVINGS PROVISIONS FOR SL No. 309 OF 2004**

**pt hdg** sub 2007 SL No. 312 s 43

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

**div hdg** ins 2007 SL No. 312 s 43

**Definitions for div 1**

**prov hdg** amd 2007 SL No. 312 s 44(1)

**s 156** amd 2007 SL No. 312 s 44(2)

**Approval of gas devices etc.**

**s 158** amd 2010 SL No. 116 s 40

**Continuing effect of certificates of compliance**

**s 159** amd 2007 SL No. 312 s 45

**Division 2—Other transitional provisions**

**div hdg** (prev pt 2 hdg) renum 2007 SL No. 312 s 46

**PART 2—TRANSITIONAL PROVISIONS FOR THE PETROLEUM AND GAS (PRODUCTION AND SAFETY) AMENDMENT REGULATION (No. 1) 2007**

**pt hdg** ins 2007 SL No. 312 s 47

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

**s 165** prev s 165 om R1 (see RA s 40)

pres s 165 ins 2007 SL No. 312 s 47

**Application of provision about competency requirements for drilling rig workers**

**s 166** prev s 166 om R1 (see RA s 40)

pres s 166 ins 2007 SL No. 312 s 47

**PART 3—TRANSITIONAL PROVISION FOR THE MINES AND ENERGY LEGISLATION AMENDMENT REGULATION (No. 2) 2008**

**pt hdg** ins 2008 SL No. 158 s 18

**Payment of annual rent for a particular period**

**s 167** prev s 167 om R1 (see RA s 40)

pres s 167 ins 2008 SL No. 158 s 18

**PART 4—TRANSITIONAL PROVISION FOR THE MINES AND ENERGY LEGISLATION AMENDMENT REGULATION (No. 4) 2008**

**pt hdg** prev pt 4 hdg om R1 (see RA s 40)

pres pt 4 hdg ins 2008 SL No. 263 s 5

**Payment of annual licence fee**

**s 168** prev s 168 om R1 (see RA s 40)

pres s 168 ins 2008 SL No. 263 s 5

Endnotes

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**PART 5—TRANSITIONAL PROVISION FOR THE MINES AND ENERGY  
LEGISLATION AMENDMENT REGULATION (No. 2) 2010**

**pt hdg** ins 2010 SL No. 142 s 8

**Confidentiality period for required information lodged before commencement**

**s 169** prev s 169 om R1 (see RA s 40)  
pres s 169 ins 2010 SL No. 142 s 8

**PART 6—TRANSITIONAL PROVISION FOR PETROLEUM AND GAS  
(PRODUCTION AND SAFETY) AMENDMENT REGULATION (No. 2)  
2010**

**pt hdg** (prev pt 5) ins 2010 SL No. 143 s 17  
renum 2010 SL No. 248 s 8

**Safety and health fee return for 2010–2011 year**

**s 170** prev s 170 om R1 (see RA s 40)  
pres s 170 (prev s 169) ins 2010 SL No. 143 s 17  
amd 2010 SL No. 248 s 9(1)  
renum 2010 SL No. 248 s 9(2)

**PART 7—TRANSITIONAL PROVISIONS FOR PETROLEUM AND OTHER  
LEGISLATION AMENDMENT REGULATION (No. 1) 2011**

**pt hdg** ins 2011 SL No. 35 s 16

**Existing intention to drill a petroleum well or bore**

**s 171** prev s 171 om R1 (see RA s 40)  
pres s 171 ins 2011 SL No. 35 s 16

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

**s 172** prev s 172 om R1 (see RA s 40)  
pres s 172 ins 2011 SL No. 35 s 16

**PART 8—TRANSITIONAL PROVISION FOR RESOURCES LEGISLATION  
AND ANOTHER REGULATION AMENDMENT REGULATION (No. 1)  
2012**

**pt hdg** ins 2012 SL No. 169 s 20

**Application of s 149H—unpaid royalty interest rate**

**s 173** prev s 173 om R1 (see RA s 40)  
pres s 173 ins 2012 SL No. 169 s 20

**CHAPTER 8—AMENDMENT OF REGULATIONS**

**ch hdg** om R1 (see RA s 40)

**PART 1—AMENDMENT OF COAL MINING SAFETY AND HEALTH  
REGULATION 2001**

**pt hdg** om R1 (see RA s 40)

**PART 2—AMENDMENT OF MINERAL RESOURCES REGULATION 2003**

**pt hdg** om R1 (see RA s 40)

**Insertion of new s 15A**

**s 174** om R1 (see RA s 40)

**Insertion of new ss 19A–19F**

s 175 om R1 (see RA s 40)

**Amendment of s 33 (Exemption for hydrocarbons)**

s 176 om R1 (see RA s 40)

**Replacement of pt 9, div 3, sdiv 2, hdg (Hydrocarbons)**

s 177 om R1 (see RA s 40)

**Replacement of s 41 (Working out value of hydrocarbons)**

s 178 om R1 (see RA s 40)

**Amendment of pt 9, div 3, sdiv 3, hdg (Minerals other than hydrocarbons)**

s 179 om R1 (see RA s 40)

**Amendment of s 43 (Working out value of minerals other than hydrocarbons)**

s 180 om R1 (see RA s 40)

**Insertion of new sch 2A**

s 181 om R1 (see RA s 40)

**Amendment of sch 4 (Royalty payable for minerals)**

s 182 om R1 (see RA s 40)

**Amendment of sch 6 (Fees)**

s 183 om R1 (see RA s 40)

**Amendment of sch 7 (Dictionary)**

s 184 om R1 (see RA s 40)

**SCHEDULE 1A—MANDATORY CONDITIONS FOR RESOURCE AUTHORITIES**

ins 2010 SL No. 297 s 5

**SCHEDULE 1—MANDATORY AND PREFERRED STANDARDS FOR SAFETY REQUIREMENTS**

amd 2005 SL No. 300 s 45; 2007 SL No. 312 s 48; 2010 SL No. 143 s 18; 2010 SL No. 116 s 41; 2011 SL No. 44 s 29; 2011 SL No. 112 s 5; 2011 SL No. 243 s 11

**SCHEDULE 2—PRESCRIBED INCIDENTS**

amd 2005 SL No. 300 s 46; 2007 SL No. 312 s 49; 2011 SL No. 44 s 30; 2011 Act No. 18 s 404 sch 4 pt 1; 2011 SL No. 240 s 811

**SCHEDULE 3—REQUIREMENTS FOR PLUGGING AND ABANDONING PETROLEUM WELLS AND BORES**

amd 2011 SL No. 243 s 12

**SCHEDULE 6—GAS DEVICES (TYPE A)**

sub 2011 SL No. 44 ss 31–32

**SCHEDULE 7—SAFETY REQUIREMENTS FOR TRANSPORTING CYLINDERS IN VEHICLES****Meaning of “enclosed vehicle”**

s 1 amd 2005 SL No. 300 s 47

Endnotes

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**Prohibition on carrying 30L cylinders in enclosed vehicles**

**prov hdg** amd 2010 SL No. 143 s 19(1)

**s 3** amd 2010 SL No. 143 s 19(2)

**Restriction on carrying 9kg cylinders in enclosed vehicles**

**s 4** amd 2007 SL No. 312 s 50(1)

**PART 3—PROVISIONS FOR SUPPLY OF LPG**

**pt hdg** amd 2007 SL No. 312 s 50(2)

**Cylinders for supply of LPG must have screw plugs**

**s 7** sub 2007 SL No. 312 s 50(3)

**Cylinders not to be overfilled**

**s 8** amd 2007 SL No. 312 s 50(4)

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

**s 9** sub 2007 SL No. 312 s 50(5)

**Requirement for filling or supplying particular cylinders**

**s 11** amd 2008 SL No. 427 s 253 sch 3

**SCHEDULE 8—REQUIREMENTS FOR USING FLAMMABLE HYDROCARBONS FOR REFRIGERATION OR AIR CONDITIONING**

**Definitions for sch 8**

**s 1** def “approval person” om 2009 SL No. 186 s 21(1)

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

**prov hdg** amd 2009 SL No. 186 s 21(2)

**s 2** amd 2009 SL No. 186 s 21(2)

**Requirements for safety report**

**s 3** amd 2009 SL No. 186 s 21(3)

**Safety requirements for gas fittings used with flammable hydrocarbon gases**

**s 5** amd 2010 SL No. 116 s 42

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

**s 6** amd 2009 SL No. 186 s 21(4); 2011 SL No. 44 s 33

**SCHEDULE 9—FEES**

**sch hdg** amd 2007 SL No. 273 s 8(1); 2010 SL No. 116 s 43(1)

**sch 9** amd 2005 SL No. 103 s 26; 2005 SL No. 300 s 48; 2005 SL No. 263 s 10; 2006 SL No. 110 s 28; 2006 SL No. 293 s 9; 2007 SL No. 132 s 23; 2007 SL No. 273 s 8(2)–(5); 2008 SL No. 59 s 18; 2008 SL No. 192 s 24; 2008 SL No. 246 s 3; 2008 SL No. 366 s 8; 2009 SL No. 73 s 32; 2010 SL No. 143 s 20; 2010 SL No. 116 ss 43(2), 53; 2010 SL No. 248 s 10; 2010 SL No. 259 s 8; 2011 SL No. 35 s 17; 2011 SL No. 44 s 34; 2011 Act No. 16 s 37

sub 2011 SL No. 94 s 23

amd 2011 Act No. 18 s 404 sch 4 pt 1; 2012 SL No. 89 s 11; 2012 SL No. 105 s 36; 2012 SL No. 226 s 29

**SCHEDULE 10—ANNUAL RENT**

sub 2005 SL No. 263 s 11; 2006 SL No. 293 s 10; 2007 SL No. 273 s 9; 2008 SL No. 366 s 9; 2009 SL No. 73 s 33; 2010 SL No. 116 ss 44, 54; 2011 SL No. 94 s 23; 2012 SL No. 105 s 37

**SCHEDULE 11—REQUIREMENTS FOR PETROLEUM REGISTER****Additional matters for a petroleum lease**

s 3 amd 2009 SL No. 186 s 22

**SCHEDULE 12—DICTIONARY**

def “alter” ins 2005 SL No. 300 s 49(2)  
 def “AS 3814” om 2009 SL No. 186 s 23(1)  
 def “AS 5601” om 2009 SL No. 186 s 23(1)  
 def “audit and inspection fee” om 2010 SL No. 143 s 21(1)  
 def “audit and inspection fee return” om 2010 SL No. 143 s 21(1)  
 def “authorised installer” ins 2005 SL No. 300 s 49(2)  
 def “automotive LPG” ins 2007 SL No. 132 s 24(2)  
 def “automotive LPG site” ins 2007 SL No. 132 s 24(2)  
 def “CNG” ins 2010 SL No. 143 s 21(2)  
 def “component” ins 2010 SL No. 1 s 5  
 def “construction and abandonment code” ins 2011 SL No. 243 s 13(2)  
 def “corresponding law” ins 2005 SL No. 300 s 49(2)  
 def “CSG tenure” ins 2011 SL No. 243 s 13(2)  
 def “cylinder” amd 2010 SL No. 116 s 45(1)  
 def “Dangerous Goods Act” om 2011 Act No. 18 s 404 sch 4 pt 1  
 def “disposes of” amd 2011 SL No. 295 s 15  
 def “distribution authority” om 2007 SL No. 132 s 24(1)  
 def “distribution system” om 2007 SL No. 312 s 51(1)  
 def “drilling operating plant” ins 2005 SL No. 300 s 49(2)  
 def “gas compliance certificate” sub 2005 SL No. 300 s 49(1)–(2)  
 amd 2007 SL No. 312 s 51(3)  
 def “gas fuel system” ins 2005 SL No. 300 s 49(2)  
 def “gas inspection certificate” amd 2007 SL No. 312 s 51(4)  
 def “geothermal well” ins 2010 SL No. 143 s 21(2)  
 def “GHG project” ins 2010 SL No. 143 s 21(2)  
 def “GHG stream pipeline” ins 2010 SL No. 143 s 21(2)  
 def “GHG well” ins 2010 SL No. 143 s 21(2)  
 def “health professional” ins 2011 SL No. 44 s 35  
 sub 2012 SL No. 90 s 41 sch  
 def “hydraulic fracturing activities” ins 2011 SL No. 35 s 18(1)  
 def “hydraulic fracturing activities completion report” ins 2011 SL No. 35 s 18(1)  
 def “hydraulic fracturing fluid” ins 2011 SL No. 35 s 18(1)  
 def “hydraulic fracturing fluid statement” ins 2011 SL No. 35 s 18(1)  
 def “interstate gas compliance certificate” ins 2005 SL No. 300 s 49(2)  
 amd 2007 SL No. 312 s 51(3)  
 def “interstate gas inspection certificate” ins 2005 SL No. 300 s 49(2)  
 amd 2007 SL No. 312 s 51(4)  
 def “ISO” amd 2009 SL No. 186 s 23(2)

Endnotes

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- def “**job safety analysis**” ins 2005 SL No. 300 s 49(2)
- def “**LNG**” ins 2010 SL No. 143 s 21(2)
- def “**lower flammable limit alarm level**” ins 2011 SL No. 44 s 35
- def “**LPGA automotive code of practice**” ins 2007 SL No. 312 s 51(2)
- def “**LPG delivery network**” om 2009 SL No. 296 s 8
- def “**major consumer**” amd 2007 SL No. 132 s 24(3); 2010 SL No. 143 s 21(3)
- def “**medical treatment**” ins 2011 SL No. 44 s 35
- def “**operator**” amd 2007 SL No. 132 s 24(4); 2007 SL No. 312 s 51(5); 2011 SL No. 35 s 18(2)
- def “**petroleum royalty decision**” ins 2010 SL No. 1 s 5
- def “**prescribed area**” ins 2011 SL No. 35 s 18(1)
- def “**prescribed underground water information**” om 2011 SL No. 243 s 13(1)
- def “**previous royalty return period**” ins 2012 SL No. 169 s 21
- def “**production tubing hanger**” ins 2005 SL No. 300 s 49(2)
- def “**product supplier**” ins 2007 SL No. 132 s 24(2)
- def “**proppant**” ins 2011 SL No. 35 s 18(1)
- def “**relevant petroleum well**” om 2011 SL No. 243 s 13(1)
- def “**relevant time**” om 2011 SL No. 243 s 13(1)
- def “**road tank vehicle**” amd 2010 SL No. 116 s 45(2)
- def “**royalty estimate notice**” ins 2011 SL No. 32 s 7
- def “**safety and health fee**” ins 2010 SL No. 143 s 21(2)
- def “**safety and health fee return**” ins 2010 SL No. 143 s 21(2)
- def “**site occupier**” ins 2007 SL No. 312 s 51(2)
- def “**SPE code**” sub 2008 SL No. 59 s 19
- def “**syngas**” ins 2010 SL No. 143 s 21(2)
- def “**tank**” om 2007 SL No. 312 s 51(1)
- def “**tanker delivery carrier**” ins 2007 SL No. 132 s 24(2)
- def “**total gas capacity**” ins 2007 SL No. 312 s 51(2)
- def “**UCG well**” ins 2010 SL No. 143 s 21(2)



def “**well completion equipment**” ins 2005 SL No. 300 s 49(2)  
def “**wet geothermal production**” ins 2010 SL No. 143 s 21(2)

## 7 Table of corrected minor errors

under the Reprints Act 1992 s 44

Provision	Description
92(4), def “significant leakage”	om ‘discernable’ ins ‘discernible’

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