



# **Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015**

## **Select Legislative Instrument No. 154, 2015**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 03 September 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Ian Macfarlane  
Minister for Industry and Science

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*OPC60964 - B*



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## Contents

1	Name .....	1
2	Commencement .....	1
3	Authority .....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
	<i>Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004</i>	2
	<i>Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011</i>	3

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No. 154, 2015	<i>Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015</i>	<i>i</i>
OPC60964 - B		



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## 1 Name

This is the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2016.	1 January 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* and the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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No. 154, 2015

*Offshore Petroleum and Greenhouse Gas Storage Legislation  
Amendment (Well Operations) Regulation 2015*

1

OPC60964 - B

## Schedule 1—Amendments

### *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004*

#### **1 Regulation 48 (definition of *transitional year*)**

Repeal the definition.

#### **2 Subregulation 49(1)**

Omit “(1)”.

#### **3 Subregulations 49(2) and 50(3)**

Repeal the subregulations.

#### **4 Regulation 51 (definition of *transitional year*)**

Repeal the definition.

#### **5 Subregulation 52(1)**

Omit “(1)”.

#### **6 Subregulations 52(2) and 53(3)**

Repeal the subregulations.

#### **7 Regulation 54**

Insert:

*old Resource Management and Administration Regulations*  
means the Resource Management and Administration Regulations  
as in force immediately before the commencement of the *Offshore  
Petroleum and Greenhouse Gas Storage Legislation Amendment  
(Well Operations) Regulation 2015*.

#### **8 At the end of regulation 55**

Add:

Note: An application for approval to commence an activity relating to a well  
is made under regulation 5.23 of the old Resource Management and  
Administration Regulations, as kept in force by regulation 5.31 of the  
Resource Management and Administration Regulations.

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**9 Paragraph 56(2)(b)**

Repeal the paragraph, substitute:

- (b) under regulation 5.23 of the old Resource Management and Administration Regulations (as kept in force by regulation 5.31 of the Resource Management and Administration Regulations), for approval to commence an activity relating to a well.

**10 Regulation 57**

Insert:

*old Resource Management and Administration Regulations* means the Resource Management and Administration Regulations as in force immediately before the commencement of the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015*.

**11 Paragraph 59(2)(b)**

After “regulation 5.23 of the”, insert “old”.

***Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011***

**12 Regulation 1.04 (heading)**

Repeal the heading, substitute:

**1.04 Objects of Parts 2 to 4 and 6 to 13****13 Subregulations 1.04(1) and (2)**

After “An object of”, insert “Parts 2 to 4 and 6 to 13 of”.

**14 Subregulation 1.04(3)**

After “The other objects of”, insert “Parts 2 to 4 and 6 to 13 of”.

**15 After regulation 1.04**

Insert:

### **1.04A Object of Part 5**

The object of Part 5 of these Regulations is the maintenance of the integrity of offshore petroleum and greenhouse gas wells, by ensuring that risks to well integrity are reduced to as low as reasonably practicable.

### **16 Regulation 1.05 (definition of *accepted well operations management plan*)**

Repeal the definition.

### **17 Part 5 (heading)**

Repeal the heading, substitute:

## **Part 5—Well operations management plans and well activities**

### **18 Regulation 5.01**

Before “This Part”, insert “(1)”.

### **19 At the end of regulation 5.01**

Add:

- (2) This Part does not apply in relation to a well that is drilled for the purpose of geotechnical drilling or construction of a facility.

### **20 Regulation 5.02**

Insert:

*facility* has the same meaning as in Schedule 3 to the Act.

*in force*, in relation to a well operations management plan (including any accepted revisions), means that:

- (a) the plan has been accepted; and
- (b) the acceptance of the plan has not been withdrawn; and
- (c) the operation of the plan has not ended.

### **21 Regulation 5.02 (definition of *integrity*)**

Repeal the definition, substitute:



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**integrity**, in relation to a well, means the capacity of the well to contain petroleum, a greenhouse gas substance, or any other substance.

## **22 Regulation 5.02**

Insert:

**operator**, in relation to a facility, has the same meaning as in Schedule 3 to the Act.

**reportable incident**, in relation to a well, means any of the following:

- (a) a loss of integrity of the well, including a well kick, resulting in a release of more than:
  - (i) 1 kilogram of gas; or
  - (ii) 80 litres of liquid;
- (b) a failure of hydrostatic pressure as a primary barrier, leading to:
  - (i) a build-up of pressure or a positive flow check; and
  - (ii) the operation of a blow-out prevention or diversion system;
- (c) damage to, or failure of, well-related equipment that has led or could lead to a loss of integrity of the well;
- (d) any other unplanned occurrence that requires the titleholder to implement measures or arrangements to regain control of the well.

## **23 Regulation 5.02 (definition of well)**

Repeal the definition, substitute:

**well** has a meaning affected by regulation 5.03.

## **24 Regulation 5.02 (examples at the end of the definition of well activity)**

Repeal the examples.

## **25 Regulation 5.02 (definition of well integrity hazard)**

Repeal the definition.

## **26 Regulation 5.03**

Repeal the regulation, substitute:

### **5.03 Well includes associated well-related equipment**

In this Part, a reference to a well includes a reference to the well-related equipment associated with the well.

Note: For the definitions of *well* and *well-related equipment*, see section 7 of the Act.

#### **5.03A Well activity taken to occur if well is not operational**

If there is a well in a title area that is not operational (but not permanently abandoned), the titleholder is taken for the purpose of these Regulations to be undertaking a well activity in relation to the well.

## **27 Regulation 5.04 (heading)**

Repeal the heading, substitute:

### **5.04 Requirement to have well operations management plan in force**

#### **28 Paragraph 5.04(1)(b)**

Repeal the paragraph, substitute:

(b) there is not a well operations management plan in force for the well that applies to the well activity.

#### **29 Subregulation 5.04(2) (note)**

Omit “Note”, substitute “Note 1”.

#### **30 At the end of subregulation 5.04(2)**

Add:

Note 2: NOPSEMA and the responsible Commonwealth Minister have powers to give directions to titleholders which must be complied with despite anything in these Regulations—see sections 574, 574A, 576B, 576C and 580 of the Act. They also have powers to give remedial directions, which may relate to the plugging or closing off of wells—see sections 586, 586A and 592 of the Act.

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**31 Subregulation 5.04(3)**

Repeal the subregulation (including the note).

**32 Regulation 5.05 (heading)**

Repeal the heading, substitute:

**5.05 Requirement to undertake activities in accordance with well operations management plan****33 Paragraphs 5.05(1)(b) and (c)**

Repeal the paragraphs, substitute:

- (b) the well activity is regulated by:
  - (i) one or more requirements of the well operations management plan in force for the well; or
  - (ii) one or more conditions to which the acceptance of the plan was subject; or
  - (iii) both requirements and conditions; and
- (c) the titleholder does not undertake the activity in accordance with the requirements, conditions or both that regulate the activity.

**34 After subregulation 5.05(1)**

Insert:

- (1A) A titleholder commits an offence if:
  - (a) the well operations management plan in force for a well in the title area requires the titleholder to undertake an activity; and
  - (b) the titleholder does not undertake the well activity.

Penalty: 80 penalty units.

**35 Subregulation 5.05(2)**

After “subregulation (1)”, insert “or (1A)”.

**36 Subregulation 5.05(2) (note)**

Omit “Note”, substitute “Note 1”.

### 37 At the end of subregulation 5.05(2)

Add:

Note 2: NOPSEMA and the responsible Commonwealth Minister have powers to give directions to titleholders which must be complied with despite anything in these Regulations—see sections 574, 574A, 576B, 576C and 580 of the Act. They also have powers to give remedial directions, which may relate to the plugging or closing off of wells—see sections 586, 586A and 592 of the Act.

### 38 Subregulation 5.05(3)

Repeal the subregulation (including the note), substitute:

*Exception to subregulation (1)—Regulator consents to undertaking activity in a specified manner*

- (3) A titleholder may request, in writing, the consent of the Regulator to the titleholder undertaking a well activity in a specified manner.
- (4) The request must include sufficient information for the Regulator to assess whether or not undertaking the well activity in that manner would result in the integrity of the well becoming subject to a significant new risk or a significantly increased risk.
- (5) The Regulator may give consent only if there are reasonable grounds for believing that undertaking the well activity in that manner will not result in the integrity of the well becoming subject to a significant new risk or a significantly increased risk. The consent must be in writing.
- (6) Subregulation (1) does not apply in relation to a well activity if:
  - (a) the Regulator has consented under subregulation (5) to the titleholder undertaking the activity in a specified manner; and
  - (b) the titleholder undertakes the activity in that manner.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (6): see subsection 13.3(3) of the *Criminal Code*.

### 39 Subregulation 5.06(2)

Repeal the subregulation, substitute:

- (2) The titleholder must submit the plan to the Regulator:
  - (a) at least 30 days before the proposed start of the first well activity to which the plan would apply; or

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- (b) within the period approved by the Regulator in writing.

#### **40 Paragraphs 5.06(3)(b) and (c)**

Repeal the paragraphs, substitute:

- (b) may apply to more than one well if the integrity of each well is subject to similar risks; and
- (c) with the written approval of the Regulator—may be submitted in part.

#### **41 Regulations 5.07 and 5.08**

Repeal the regulations, substitute:

##### **5.07 Decision on well operations management plan**

###### *Initial consideration*

- (1) Within 30 days after a titleholder submits a well operations management plan to the Regulator:
- (a) if the Regulator is reasonably satisfied that the plan meets the criteria set out in regulation 5.08, the Regulator must accept the plan; or
- (b) if the Regulator is not reasonably satisfied that the plan meets the criteria set out in regulation 5.08, the Regulator must give the titleholder notice in writing under subregulation (2); or
- (c) if the Regulator is unable to make a decision on the plan within the 30 day period, the Regulator must give the titleholder notice in writing and set out a proposed timetable for consideration of the plan.
- (2) A notice to a titleholder under this subregulation must:
- (a) state that the Regulator is not reasonably satisfied that the well operations management plan submitted by the titleholder meets the criteria set out in regulation 5.08; and
- (b) identify the criteria set out in regulation 5.08 about which the Regulator is not reasonably satisfied; and
- (c) set a date by which the titleholder may resubmit the well operations management plan.
- (3) The date referred to in paragraph (2)(c) must give the titleholder a reasonable opportunity to modify and resubmit the plan.

*Consideration after opportunity for resubmission*

- (4) Within 30 days after the titleholder has resubmitted a modified well operations management plan:
- (a) if the Regulator is reasonably satisfied that the plan meets the criteria set out in regulation 5.08, the Regulator must accept the plan; or
  - (b) if the Regulator is still not reasonably satisfied that the plan meets the criteria set out in regulation 5.08, the Regulator must:
    - (i) give the titleholder a further notice under subregulation (2); or
    - (ii) refuse to accept the plan; or
    - (iii) act under subregulation (6); or
  - (c) if the Regulator is unable to make a decision on the plan within the 30 day period, the Regulator must give the titleholder notice in writing and set out a proposed timetable for consideration of the plan.
- (5) If the titleholder does not resubmit a modified well operations management plan by the date referred to in paragraph (2)(c), or a later date agreed to by the Regulator, the Regulator must:
- (a) refuse to accept the plan; or
  - (b) act under subregulation (6).
- (6) For subparagraph (4)(b)(iii) and paragraph (5)(b), the Regulator may do either or both of the following:
- (a) accept the plan in part;
  - (b) accept the plan subject to conditions.

*Validity of decision*

- (7) A decision by the Regulator under subregulation (1) or (4) is not invalid only because the Regulator did not comply with the 30 day period in subregulation (1) or (4).

*Notice of decision*

- (8) The Regulator must give the titleholder notice in writing of a decision by the Regulator to:
- (a) accept the well operations management plan; or
  - (b) refuse to accept the plan; or

- 
- (c) accept the plan in part, or subject to conditions.
  - (9) A notice of a decision mentioned in paragraph (8)(b) must set out the reasons for the decision.
  - (10) A notice of a decision mentioned in paragraph (8)(c) must set out the terms of the decision and the reasons for the decision.

#### **5.07A Further information on submitted plan**

- (1) If a titleholder submits a well operations management plan (including by resubmitting a plan in response to a notice under subregulation 5.07(2)), the Regulator may ask the titleholder to provide further written information about any matter that is required under subregulation 5.09(1) to be included in a well operations management plan.
- (2) The request must:
  - (a) be in writing; and
  - (b) set out each matter for which information is requested; and
  - (c) specify a reasonable period within which the information is to be provided.
- (3) If a titleholder receives a request, and provides information requested by the Regulator within the period specified or within a longer period agreed to by the Regulator:
  - (a) the information becomes part of the well operations management plan; and
  - (b) the Regulator must have regard to the information as if it had been included in the well operations management plan when it was submitted.

#### **5.08 Criteria for acceptance of well operations management plan**

For regulation 5.07, the criteria for acceptance of a well operations management plan for a well are:

- (a) that, subject to subregulation 5.09(2), the plan includes the matters mentioned in subregulation 5.09(1); and
- (b) that the plan is appropriate to the nature and scale of the well, and of the well activities relating to the well to which it applies; and

- (c) if the plan applies to more than one well—that the risks to the integrity of each well are similar; and
- (d) that the plan demonstrates how the risks to the integrity of the well will be reduced to as low as reasonably practicable; and
- (e) that the performance outcomes, performance standards and measurement criteria included in the plan are appropriate.

#### **42 Subregulation 5.09(1)**

Repeal the subregulation, substitute:

- (1) The matters that must be included in a well operations management plan are the following:
  - (a) a description of the well, and the well activities relating to the well, to which the plan applies;
  - (b) a description of the risk management process used to identify and assess risks to the integrity of the well;
  - (c) a description and explanation of the design, construction, operation and management of the well, and conduct of well activities, showing how risks to the integrity of the well will be reduced to as low as reasonably practicable;
  - (d) a description of the performance outcomes against which the performance of the titleholder in maintaining the integrity of the well is to be measured;
  - (e) a description of the control measures that will be in place to ensure that risks to the integrity of the well will be reduced to as low as reasonably practicable throughout the life of the well, including periods when the well is not operational but has not been permanently abandoned;
  - (f) a description of the performance standards for the control measures identified under paragraph (e);
  - (g) the measurement criteria that will be used to determine whether the performance outcomes identified under paragraph (d) and the performance standards identified under paragraph (f) are being met;
  - (h) a description of the monitoring, audit and well integrity assurance processes that will be implemented to ensure the performance outcomes and performance standards are being met throughout the life of the well, including periods when



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the well is not operational but has not been permanently abandoned;

- (i) a description of the arrangements that will be in place for suspension and abandonment of the well, showing:
  - (i) how, during the process of suspending or abandoning the well, risks to the integrity of the well will be reduced to as low as reasonably practicable; and
  - (ii) how the actions taken during that process will ensure that the integrity of the well is maintained while the well is suspended or abandoned;
- (j) a description of the measures that will be used to ensure that contractors and service providers undertaking well activities are aware of their responsibilities in relation to the maintenance of the integrity of the well, and have appropriate competencies and training;
- (k) a description of the measures and arrangements that will be used to regain control of the well if there is a loss of integrity;
- (l) a timetable for carrying out and completing the well activities to which the plan applies.

#### **43 Regulation 5.10**

Repeal the regulation.

#### **44 Divisions 4 and 5 of Part 5**

Repeal the Divisions, substitute:

### **Division 4—Revision of well operations management plan**

#### **5.10 Revision based on circumstances**

- (1) A titleholder must submit to the Regulator a proposed revision of the well operations management plan that is in force for a well in the title area, before the start of any well activity that the plan as currently in force does not apply to.

Note: A plan may have originally been submitted in part or only accepted in part: see regulations 5.06 and 5.07.

- (2) A titleholder must (except when the Regulator has consented under subregulation 5.05(5)) submit to the Regulator a proposed revision of a well operations management plan that is in force for a well in

the title area, before making a significant change to the manner in which risks to the integrity of the well are reduced to as low as reasonably practicable.

Note: The titleholder must undertake activities in accordance with the well operations management plan in force for the well, except when the Regulator has consented to the titleholder undertaking an activity in a specified manner: see regulation 5.05.

- (3) A titleholder must submit to the Regulator a proposed revision of a well operations management plan that is in force for a well in the title area:
- (a) as soon as practicable after the integrity of the well becomes subject to a significant new risk or a significantly increased risk; or
  - (b) if NOPSEMA gives the titleholder a direction under section 574, 576B or 586 of the Act which is inconsistent with the plan; or
  - (c) if the responsible Commonwealth Minister has given the titleholder a direction under section 574A, 580, 586A or 592 of the Act which is inconsistent with the plan.

Note: If paragraph (b) or (c) applies, the proposed revision will need to be consistent with the direction to be accepted—see subregulation 5.15(2).

### 5.11 Revision required by Regulator

- (1) Subject to regulation 5.12, a titleholder must submit to the Regulator a proposed revision of the well operations management plan that is in force for a well in the title area if the Regulator notifies the titleholder under this regulation that the titleholder is required to do so.
- (2) The notice must be in writing and must set out the following:
  - (a) the matters to be addressed by the revision;
  - (b) the reasons for requiring the revision;
  - (c) the proposed date by which the titleholder must submit the revision;
  - (d) the effect of regulation 5.12.

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**5.12 Revision required by Regulator—objection to requirement**

- (1) If the Regulator gives a titleholder a notice under regulation 5.11, the titleholder may give an objection, in writing, to the Regulator:
  - (a) stating one or more of the following:
    - (i) that the revision should not occur;
    - (ii) that the revision should not address the matters set out in the notice or should address different matters;
    - (iii) that the date by which the titleholder must submit a revision should be later than the proposed date; and
  - (b) giving reasons for the objection.
- (2) The titleholder must make the objection within 21 days after receiving the notice, or a longer period allowed by the Regulator.
- (3) The Regulator must, within 30 days after receiving the objection, decide whether to accept or reject the objection.
- (4) The Regulator must notify the titleholder, in writing, of the following matters as soon as practicable after making a decision:
  - (a) the terms of the decision, including:
    - (i) whether the original notice given under regulation 5.11 is varied or withdrawn; and
    - (ii) if the original notice is varied—the new requirements;
  - (b) if the decision is to reject the objection—the reasons for the decision.

**5.13 Revision at end of each 5 year period**

- (1) A titleholder must submit to the Regulator a proposed revision of the well operations management plan that is in force for a well in the title area at least 14 days before the end of the period of 5 years that begins on the latest of the following days:
  - (a) the day the Regulator first accepts the well operations management plan;
  - (b) a day the Regulator accepts a proposed revision of the well operations management plan submitted under this regulation;
  - (c) for a plan that is taken to be in force under subregulation 5.31(1)—the first day the Regulator accepts a proposed revision of the plan after the commencement of this regulation;

- (d) a day notified by the Regulator under subregulation (2).
- (2) For paragraph (1)(d), if the Regulator accepts a proposed revision of a well operations management plan that was submitted under regulation 5.10 or 5.11, the Regulator may notify the titleholder that the period of 5 years mentioned in subregulation (1) starts on the day specified in the notice.

#### **5.14 Form of proposed revision**

A proposed revision must be in the form of a revised well operations management plan or, if the titleholder and the Regulator agree, a revised part of the well operations management plan.

#### **5.15 Acceptance of revised well operations management plan**

- (1) Regulations 5.07, 5.07A and 5.08 apply to the proposed revision as if:
  - (a) a reference in those regulations to the submission, acceptance or non-acceptance of the well operations management plan were a reference to the submission, acceptance or non-acceptance of the proposed revision; and
  - (b) any other reference in those regulations to the well operations management plan were a reference to the plan as revised by the proposed revision.

Note: Those regulations deal with the consideration and acceptance of a well operations management plan.

- (2) If the proposed revision is required because NOPSEMA or the responsible Commonwealth Minister gave the titleholder a direction which is inconsistent with the well operations management plan that is in force, regulation 5.08 applies as if a criterion for the acceptance of the proposed revision is that it is consistent with the direction.

#### **5.16 Effect of non-acceptance of proposed revision**

If a proposed revision of a well operations management plan is not accepted, the provisions of the plan in force before the proposed revision was submitted remain in force, subject to the Act and this Part, as if the revision had not been proposed.

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**Division 5—End of well operations management plan****5.17 Plan ends when well permanently abandoned**

The operation of a well operations management plan ends when:

- (a) the titleholder has permanently abandoned the well or wells to which the plan applies; and
- (b) the titleholder has given the Regulator a written report of the process that was undertaken in abandoning the well or wells, and the outcome of that process; and
- (c) the Regulator notifies the titleholder in writing that the Regulator is reasonably satisfied that the process of abandoning the well or wells has been undertaken in accordance with the well operations management plan.

**45 Paragraph 5.18(a)**

Omit “580, 586 or 586A”, substitute “576B, 576C, 580, 586, 586A or 592”.

**46 Paragraph 5.18(b)**

Omit “accepted”.

**47 Subregulation 5.19(2)**

Repeal the subregulation, substitute:

- (2) The Regulator may give a copy of the notice to a person other than the titleholder if the Regulator considers it appropriate.

**48 After regulation 5.20**

Insert:

**5.20A Withdrawal decision has no effect in relation to well that is not operational**

A decision by the Regulator to withdraw its acceptance of a well operations management plan has no effect in relation to a well that is not operational at the time of the decision, to the extent that the plan deals with the period that the well is not operational.

## 49 Divisions 7 and 8 of Part 5

Repeal the Divisions, substitute:

### Division 7—Information about specific well activities

#### 5.22 Well activities for which advance notice is required

*Activities requiring 21 days notice*

- (1) A titleholder must notify the Regulator about any of the following well activities in the title area before starting the well activity:
  - (a) a well activity that involves drilling formation;
  - (b) a well activity that involves running tubular goods into a well or recovering tubular goods from a well;
  - (c) a well activity that involves removing a Christmas tree, tubing spool, casing spool or casing head from a well;
  - (d) a well activity that involves the installation of a Christmas tree saver for use with downhole operations or well testing.
- (2) Notice of an activity mentioned in subregulation (1) must be given to the Regulator:
  - (a) at least 21 days before the start of the well activity; or
  - (b) if the Regulator agrees to a shorter period—at least the agreed number of days before the start of the well activity.

*Activities requiring notice at any time before start of activity*

- (3) A titleholder must notify the Regulator about any of the following well activities in the title area before starting the well activity:
  - (a) a well activity, not mentioned in subregulation (1), that involves perforation or tubing punching;
  - (b) a well activity, not mentioned in subregulation (1), that involves installation, removal or locking open of a downhole safety valve, storm choke valve, gas-lift valve or injection valve;
  - (c) a well activity, not mentioned in subregulation (1), that involves the installation of a Christmas tree saver for use during maintenance work on Christmas tree components.

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*Form of notice*

- (4) Notice of a well activity must be in writing and must include the following information relating to the well activity:
  - (a) a reference that identifies the well operations management plan for the well;
  - (b) a description of the well, including the proposed or existing well name and number, the location of the well and the water depth;
  - (c) the name of the facility from which the well activity will be carried out;
  - (d) the name of the operator of the facility;
  - (e) a description of the well activity, including the objective, key elements, milestones and programmed depths;
  - (f) a list of any documents that have been prepared for the management, control or operation of the particular well activity;
  - (g) the timetable for carrying out and completing the activity.

**5.23 Regulator may request more information**

- (1) If a titleholder gives the Regulator a notice about a well activity under regulation 5.22, the Regulator may ask the titleholder to provide further written information about the well activity.
- (2) The request must be in writing and describe the information that is requested.

**5.24 Notice of change in activity or circumstances**

- (1) If the information in a notice about a well activity given to the Regulator under regulation 5.22 is no longer accurate, the titleholder must provide the Regulator with updated information as soon as practicable.
- (2) Subregulation (1) does not apply if the reason why the information is no longer accurate is because the integrity of the well is subject to a significant new risk or a significantly increased risk.

Note: A significant new risk or a significantly increased risk requires a revision of the well operations management plan for the well—see subregulation 5.10(3).

### 5.25 Notice that notified well activity has been completed

- (1) If a titleholder completes an activity for which notice was required under regulation 5.22, the titleholder must notify the Regulator that the activity has been completed.
- (2) The notice must be in writing and must be given to the Regulator no later than 10 days after the activity is completed.

## Division 8—Incidents, reports and records

### 5.26 Notifying reportable incident

- (1) A titleholder commits an offence if:
  - (a) there is a reportable incident in relation to a well in the title area; and
  - (b) the titleholder does not give notice of the reportable incident to the Regulator in accordance with subregulation (3).

Penalty: 80 penalty units.

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

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

- (3) The notice:
  - (a) must be given to the Regulator as soon as practicable after:
    - (i) the first occurrence of the reportable incident; or
    - (ii) if the reportable incident was not detected by the titleholder at the time of the first occurrence—the time the titleholder becomes aware of the reportable incident; and
  - (b) must be given orally; and
  - (c) must contain:
    - (i) all material facts and circumstances concerning the reportable incident that the titleholder knows or is able, by reasonable search or enquiry, to find out; and
    - (ii) any action taken, or proposed to be taken, to stop, control or remedy the reportable incident.

### 5.26A Written report of reportable incident

- (1) A titleholder commits an offence if:
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- (a) there is a reportable incident in relation to a well in the title area; and
  - (b) the titleholder does not give a written report of the reportable incident to the Regulator in accordance with subregulation (3).

Penalty: 80 penalty units.

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

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

- (3) The report:

- (a) must be given to the Regulator:
  - (i) not later than 3 days after the first occurrence of the reportable incident; or
  - (ii) if the reportable incident was not detected by the titleholder at the time of the first occurrence—not later than 3 days after the time the titleholder becomes aware of the reportable incident; or
  - (iii) if the Regulator agrees to another period within which the report must be provided—within that period; and
- (b) must contain:
  - (i) all material facts and circumstances concerning the reportable incident that the titleholder knows or is able, by reasonable search or enquiry, to find out; and
  - (ii) any action taken, or proposed to be taken, to stop, control or remedy the reportable incident; and
  - (iii) any action taken, or proposed to be taken, to prevent a similar incident occurring in the future.

### **5.26B Titleholder must keep copy of report**

- (1) A titleholder commits an offence if the titleholder does not store a copy of a written report given to the Regulator under regulation 5.26A in a way that makes retrieval of the report reasonably practicable.

Penalty: 30 penalty units.

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

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

- (3) Subregulation (1) does not apply if the report was given to the Regulator more than 5 years ago.

**50 Subregulation 5.28(1)**

Omit “an accepted”, substitute “a”.

**51 Regulation 5.29 (heading)**

Repeal the heading, substitute:

**5.29 Requirement for responsible Commonwealth Minister to give copy of direction to NOPSEMA**

**52 Regulation 5.29**

Omit “the titleholder”, substitute “the Minister”.

**53 Regulations 5.30 to 5.31A**

Repeal the regulations.

**54 Division 10 of Part 5**

Repeal the Division, substitute:

**Division 10—Transitional provisions**

**5.30 Definitions**

In this Division:

*amending regulation* means the *Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015*.

*commencement time* means the commencement of the amending regulation.

*new regulations* means these Regulations as in force after the commencement time.

*old regulations* means these Regulations as in force immediately before the commencement time.

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**5.31 Accepted well operations management plans***Plan that is in force for a well*

- (1) If, immediately before the commencement time, there was an accepted well operations management plan in force for undertaking a well activity relating to a well in a title area (whether or not the activity was being undertaken at that time), then:
  - (a) if there is one such plan for the well—the plan is taken to be the well operations management plan in force for the well under the new regulations; and
  - (b) if there is more than one such plan for the well (because each plan applied to a different well activity)—the combined plans are taken to be the well operations management plan in force for the well under the new regulations.
- (2) The day on which the plan in force for the well was first accepted is taken to be:
  - (a) if there was one accepted plan immediately before the commencement time—the day the plan was accepted under the old regulations; and
  - (b) if there was more than one accepted plan immediately before the commencement time—the day the first of those plans was accepted under the old regulations.

*Law that is in force in relation to well*

- (3) Despite the amending regulation:
  - (a) regulation 5.03A and Divisions 2 and 7 of this Part of the new regulations do not apply in relation to the well until a revision of the plan has been accepted; and
  - (b) Divisions 2, 7 and 8, and regulations 5.31 and 5.31A, of Part 5 of the old regulations apply in relation to the well until a revision of the plan has been accepted.
- (4) To avoid doubt, Division 8 of this Part of the new regulations has effect in relation to the well.

*Revision requirement*

- (5) Within 2 years beginning at the commencement time, the titleholder may submit a proposed revision of the plan in force for the well to the Regulator if a revision has not otherwise been

required under Division 4 of this Part. Regulations 5.14 and 5.15 apply to the proposed revision.

Note: A proposed revision might be required under regulation 5.10, 5.11 or 5.13 before the period of 2 years is complete.

- (6) A well operations management plan that is taken to be in force under subregulation (1) ceases to be in force on the day 2 years after the commencement time if no proposed revision of the plan has been accepted since the commencement time.
- (7) However, if the titleholder has submitted a proposed revision of the plan before that day and the Regulator has not yet made a decision on the proposed revision, then:
  - (a) if the Regulator decides to accept the proposed revision—the plan continues in force; and
  - (b) if the Regulator decides to refuse to accept the proposed revision—the plan ceases to be in force on the day the Regulator gives the titleholder notice of the decision.

### **5.32 Application for acceptance of new well operations management plan not decided before commencement time**

- (1) If:
  - (a) before the commencement time, a titleholder has applied under regulation 5.06 of the old regulations for acceptance by the Regulator of a well operations management plan; and
  - (b) at the commencement time, the Regulator has not decided under regulation 5.07 of the old regulations whether to accept or reject the plan;the Regulator must deal with the plan under Division 3 of this Part of the new regulations.
- (2) If the Regulator is not reasonably satisfied that the plan meets the criteria set out in regulation 5.08 of the new regulations, the Regulator must give at least one notice under subregulation 5.07(2), regardless of the extent to which the plan was assessed under the old regulations before the commencement time.

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**5.33 Variation not dealt with before commencement time***Application for acceptance of variation*

- (1) If:
- (a) before the commencement time, a titleholder has applied under regulation 5.11 of the old regulations for acceptance by the Regulator of a variation of an accepted well operations management plan; and
  - (b) at the commencement time, the Regulator has not decided under regulation 5.13 of the old regulations whether to accept or reject the variation;
- the Regulator must deal with the variation under regulation 5.13 of the old regulations.
- (2) If the variation is accepted, the well operations management plan that is taken to be in force under subregulation 5.31(1) is as varied, but the variation is not a revision for the purpose of subregulations 5.31(3), (5), (6) and (7).

*Notice from Regulator requiring variation*

- (3) If:
- (a) before the commencement time, the Regulator has given a titleholder a notice under regulation 5.14 of the old regulations requiring the titleholder to vary a well operations management plan; and
  - (b) at the commencement time, the titleholder has not applied under regulation 5.11 of the old regulations for acceptance by the Regulator of a variation;
- the notice is taken to be a notice under regulation 5.11 of the new regulations.

**5.34 Existing well without well operations management plan**

- (1) This regulation applies in relation to a well in a title area if:
- (a) immediately before the commencement time, there was no accepted well operations management plan in force for any activity relating to the well; and
  - (b) immediately before the commencement time, the well was not permanently abandoned; and
  - (c) subregulation 5.32(1) does not apply.

- (2) The titleholder must make an application under regulation 5.06 for acceptance of a well operations management plan for the well no later than 12 months after the commencement time.
- (3) Despite the amending regulation:
  - (a) regulation 5.03A and Divisions 2 and 7 of this Part of the new regulations do not apply in relation to the well until a well operations management plan has been accepted; and
  - (b) Divisions 2, 7 and 8, and regulations 5.31 and 5.31A, of Part 5 of the old regulations apply in relation to the well until a well operations management plan has been accepted.
- (4) To avoid doubt, Division 8 of this Part of the new regulations has effect in relation to the well.

**55 Paragraph 12.05(1)(b)**

Omit “petroleum project inspector”, substitute “NOPSEMA inspector”.