

Petroleum (Submerged Lands) Amendment Bill 2011

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Western Australia

LEGISLATIVE COUNCIL

**Petroleum (Submerged Lands) Amendment
Bill 2011**

A Bill for

An Act to amend the *Petroleum (Submerged Lands) Act 1982*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Petroleum (Submerged Lands) Amendment Act 2011*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
- 7 (b) the rest of the Act — on a day fixed by proclamation,
8 and different days may be fixed for different provisions.

9 **3. Act amended**

10 This Act amends the *Petroleum (Submerged Lands) Act 1982*.

11 **4. Section 4 amended**

12 (1) In section 4 delete the definitions of:

13 ***listed OSH law***

14 ***OHS inspector***

15 ***Safety Authority***

16 (2) In section 4 insert in alphabetical order:

17

18 ***listed OSH law*** means —

- 19 (a) section 124B, to the extent to which that section
20 relates to —
- 21 (i) damage to, or interference with, a
22 facility; or
- 23 (ii) interference with any operation or
24 activity being carried out, or any works
25 being executed, on, by means of, or in
26 connection with, a facility;

- 1 or
2 (b) Schedule 5; or
3 (c) a regulation made for the purposes of
4 Schedule 5; or
5 (d) a regulation made for the purposes of
6 section 151D; or
7 (e) any other written law relating to occupational
8 safety and health matters that is prescribed for
9 the purposes of this paragraph;
10

11 **5. Section 125 amended**

12 In section 125(1) delete “except Part IIIA”.

13 **6. Section 126 amended**

14 In section 126(1) delete “Act other than Part IIIA,” and insert:

15

16 Act,

17

18 **7. Section 137A amended**

19 In section 137A(2)(c) delete “the Safety Authority or”.

20 **8. Part IIIA Division 1 heading deleted**

21 Delete the heading to Part IIIA Division 1.

22 **9. Section 151A deleted**

23 Delete section 151A.

24 **10. Section 151C deleted**

25 Delete section 151C.

s. 11

1 **11. Part IIIA Division 2 heading deleted**

2 Delete the heading to Part IIIA Division 2.

3 **12. Section 151E amended**

4 (1) In section 151E:

5 (a) delete “The Safety Authority” and insert:

6

7 (1) The Minister

8

9 (b) delete paragraph (a);

10 (c) delete paragraph (d) and insert:

11

12 (d) to investigate accidents, occurrences and
13 circumstances that affect, or have the potential
14 to affect, the occupational safety and health of
15 persons engaged in offshore petroleum
16 operations;

17

18 (d) in paragraph (e) delete “its” and insert:

19

20 the Minister’s

21

22 (e) in paragraph (e) delete “operations;” and insert:

23

24 operations.

25

26 (f) delete paragraphs (f) and (g).

1 (2) At the end of section 151E insert:

2

3 (2) The Minister has power to do all things necessary or
4 convenient to be done for or in connection with the
5 performance of the Minister's functions.
6

7 Note: The heading to amended section 151E is to read:

8 **Minister's occupational safety and health functions**

9 **13. Sections 151F and 151G deleted**

10 Delete sections 151F and 151G.

11 **14. Part IIIA Divisions 3, 4 and 5 deleted**

12 Delete Part IIIA Divisions 3, 4 and 5.

13 **15. Schedule 3 Division 2 inserted**

14 At the end of Schedule 3 insert:

15

16 **Division 2 — Provisions for *Petroleum (Submerged Lands)***
17 ***Amendment Act 2011***

18 **6. Interpretation of references to Safety Authority in**
19 **regulations**

20 (1) This clause applies to these regulations —

- 21 (a) the *Petroleum (Submerged Lands) (Diving Safety)*
22 *Regulations 2007*;
- 23 (b) the *Petroleum (Submerged Lands) (Management of*
24 *Safety on Offshore Facilities) Regulations 2007*;
- 25 (c) the *Petroleum (Submerged Lands) (Occupational*
26 *Safety and Health) Regulations 2007*;
- 27 (d) the *Petroleum (Submerged Lands) (Pipelines)*
28 *Regulations 2007*.

s. 16

- 1 (2) On and from the commencement of the *Petroleum*
2 (*Submerged Lands*) *Amendment Act 2011* section 12, a
3 reference in the regulations to which this clause applies to
4 the Safety Authority is to be taken, unless the context
5 otherwise requires, to be a reference to the Minister.
- 6 (3) This clause expires 12 months after the commencement
7 referred to in subclause (2).
- 8

9 **16. Schedule 5 clause 2 amended**

10 At the end of Schedule 5 clause 2 delete “Safety Authority.” and
11 insert:

12
13 Minister.
14

15 **17. Schedule 5 clause 26 amended**

16 Delete Schedule 5 clause 26(b)(ii) and insert:

17
18 (ii) inspectors.
19

20 **18. Schedule 5 clause 33 amended**

21 In Schedule 5 clause 33(1)(a)(iii) delete “OHS inspector or to the
22 Safety Authority” and insert:

23
24 inspector
25

26 **19. Schedule 5 clause 38 amended**

27 In Schedule 5 clause 38(1) delete “the Safety Authority or an OHS
28 inspector” and insert:

29
30 an inspector
31

1 **20. Schedule 5 clause 43 amended**

2 (1) In Schedule 5 clause 43(4) delete “the Safety Authority or an OHS
3 inspector” and insert:

4
5 an inspector

6
7 (2) In Schedule 5 clause 43(6) delete “OHS inspector or the Safety
8 Authority” and insert:

9
10 inspector

11
12 **21. Schedule 5 clause 45 amended**

13 In Schedule 5 clause 45(2):

14 (a) delete “Safety Authority” and insert:

15
16 Minister

17
18 (b) delete “unless it” and insert:

19
20 unless the Minister

21
22 **22. Schedule 5 clause 46 amended**

23 At the end of Schedule 5 clause 46 delete “Safety Authority.” and
24 insert:

25
26 Minister.

27

s. 23

1 **23. Schedule 5 clause 47 amended**

2 (1) In Schedule 5 clause 47(1) delete “OHS inspector” and insert:

3

4 inspector

5

6 (2) In Schedule 5 clause 47(2):

7 (a) delete “Safety Authority” and insert:

8

9 Minister

10

11 (b) delete “OHS inspectors” (each occurrence) and insert:

12

13 inspectors

14

15 (c) delete “it does” and insert:

16

17 the Minister does

18

19 (3) In Schedule 5 clause 47(3):

20 (a) delete “Safety Authority” and insert:

21

22 Minister

23

24 (b) delete “it does” and insert:

25

26 the Minister does

27

1 (c) delete “OHS inspector” (each occurrence) and insert:
2
3 inspector
4

5 Note: The heading to amended Schedule 5 clause 47 is to read:

6 **Powers, functions and duties of inspectors**

7 **24. Schedule 5 Division 4 Subdivision 3 heading amended**

8 In the heading to Schedule 5 Division 4 Subdivision 3 delete
9 “OHS”.

10 **25. Schedule 5 clause 49 amended**

11 In Schedule 5 clause 49(2):

12 (a) in paragraph (c) delete “OHS inspector’s” and insert:
13
14 inspector’s
15

16 (b) in paragraph (d) delete “Safety Authority’s” and insert:
17
18 Minister’s
19

20 **26. Schedule 5 clause 50 amended**

21 In Schedule 5 clause 50(2):

22 (a) in paragraph (a) delete “OHS inspector’s” and insert:
23
24 inspector’s
25

26 (b) in paragraph (b) delete “Safety Authority’s” and insert:
27
28 Minister’s
29

s. 27

1 **27. Schedule 5 clause 51 amended**

2 In Schedule 5 clause 51(3):

3 (a) in paragraph (b) delete “OHS inspector’s” and insert:

4
5 inspector’s

6

7 (b) in paragraph (c)(i) delete “Safety Authority’s” and insert:

8
9 Minister’s

10

11 **28. Schedule 5 clause 53 amended**

12 In Schedule 5 clause 53:

13 (a) delete “OHS inspector” and insert:

14
15 inspector

16

17 (b) delete “OHS inspector’s” and insert:

18
19 inspector’s

20

21 Note: The heading to amended Schedule 5 clause 53 is to read:

22 **Obstructing or hindering inspector**

23

24 **29. Schedule 5 clause 54 amended**

25 In Schedule 5 clause 54(1)(f) delete “OHS inspector’s” and
26 insert:

27

28 inspector’s

29

1 **30. Schedule 5 clause 59 amended**

2 In Schedule 5 clause 59(3)(a) delete “OHS inspector’s” and
3 insert:

4
5 inspector’s
6

7 **31. Schedule 5 clause 64 amended**

8 (1) In Schedule 5 clause 64(2)(a) delete “OHS inspector’s” and
9 insert:

10
11 inspector’s
12

13 (2) In Schedule 5 clause 64(3):

14 (a) delete “Safety Authority” and insert:

15
16 Minister
17

18 (b) delete “it wishes” and insert:

19
20 the Minister wishes
21

22 **32. Schedule 5 Division 4 Subdivision 5 heading amended**

23 In the heading to Schedule 5 Division 4 Subdivision 5 delete
24 “OHS”.

25 **33. Schedule 5 clause 78 amended**

26 (1) Delete Schedule 5 clause 78(1) and insert:

27
28 (1) Proceedings for an offence against a listed OSH law may be
29 instituted by an inspector, but an inspector is not to be

Sch. 5 cl. 39(1)(b)(i)	Sch. 5 cl. 43(5)
Sch. 5 cl. 44(b)(ii)	Sch. 5 cl. 46
Sch. 5 cl. 48(1) and (2)	Sch. 5 cl. 49(1), (2) and (3)
Sch. 5 cl. 50(1) and (2)	Sch. 5 cl. 51(1), (2), (3), (4) and (5)
Sch. 5 cl. 52(1)	Sch. 5 cl. 54(1) and (2)
Sch. 5 cl. 55(1) and (3)	Sch. 5 cl. 57(1), (2), (3), (4) and (5)
Sch. 5 cl. 58(1), (2), (3), (5) and (6)	Sch. 5 cl. 59(1), (5) and (7)
Sch. 5 cl. 60(2), (3) and (4)	Sch. 5 cl. 61(1), (4)(a), (5) and (8)
Sch. 5 cl. 64(1) and (2)(b)	Sch. 5 cl. 65(1), (3) and (9)
Sch. 5 cl. 77(1)(g)(ii)	

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4
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8
9
10

Note: The heading to amended Schedule 5 clause 65 is to read:

Reviews of decisions of inspectors

35. Various references in Schedule 5 to “Safety Authority” amended

In Schedule 5 in the provisions listed in the Table delete “Safety Authority” (each occurrence) and insert:

Minister

s. 35

1

Table

Sch. 5 cl. 25(2) and (8)	Sch. 5 cl. 29(1)
Sch. 5 cl. 34(2)	Sch. 5 cl. 45(1)
Sch. 5 cl. 48(2)	Sch. 5 cl. 64(1), (4) and (5)
Sch. 5 cl. 71(1)	Sch. 5 cl. 72(1)

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