

Reprint
as at 15 May 2017



Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016

(LI 2016/18)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 15th day of February 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under sections 24(1)(m), 211, and 218 of the Health and Safety at Work Act 2015—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Workplace Relations and Safety made after complying with sections 217 and 219 of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title

These regulations are the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016.

2 Commencement

These regulations come into force on 4 April 2016.

Part 1 Preliminary provisions

Interpretation

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

abandon, in relation to a well, means to seal the well in order to render it permanently inoperative, and **abandonment** has a corresponding meaning

Act means the Health and Safety at Work Act 2015

certificate of fitness means a certificate of fitness of the kind referred to in regulation 46 and issued under these regulations by an inspection body

coal—

(a) means anthracite, bituminous coal, lignite, peat, and sub-bituminous coal; and

(b) includes every other substance worked or normally worked with coal

combined operation means an operation where 2 or more installations carry out a temporary operation concurrently at the same location or, in the case of an offshore installation, within 500 metres of each other

competent person means a person who has the knowledge, experience, skill, and qualifications to carry out a task required by these regulations

drilling contractor means a PCBU who manages or controls a non-production installation

emergency response plan—

- (a) means a plan for responding to emergencies that occur while petroleum workers are working on or near an installation; and
- (b) includes—
 - (i) a description of the positions held by people authorised to set emergency procedures in motion, and a description of the position held by the person in charge of co-ordinating the emergency response; and
 - (ii) in relation to foreseeable conditions or events that could be significant in bringing about a major accident, a description of the actions that should be taken to control the conditions or events and to limit their consequences, including a description of the safety equipment and resources available; and
 - (iii) arrangements for limiting the risks to persons on or near the installation, including a description of how warnings are to be given and the actions that persons are expected to take on receipt of a warning; and
 - (iv) arrangements for training petroleum workers in the duties they will be expected to perform and, where necessary, co-ordinating that training with emergency services; and
 - (v) arrangements for auditing the emergency response plan

independent has the meaning given in regulation 4

inspection body means a person or an organisation recognised by WorkSafe under regulation 42

inspector means an inspector appointed under section 163 of the Act

installation means a production installation or a non-production installation

integrity, in relation to an installation,—

- (a) means structural soundness and strength and stability; and
- (b) in the case of a floating installation, includes buoyancy

lifeboat means a totally enclosed motor-propelled survival craft

lower-tier production installation means an onshore production installation where petroleum is or is intended to be produced and in respect of which—

- (a) the actual or expected average oil production over any continuous 12-month period is less than 820 barrels per day; and
- (b) the actual or expected average net gas production over any continuous 12-month period is less than 15 million standard cubic feet of gas per day; and

- (c) the amount of liquefied flammable gases (including liquefied petroleum gas and natural gas) that is or is likely to be at the installation does not, at any time, exceed 50 tonnes

major accident means an event connected with an installation, including a natural event, that has the potential to cause the death of 2 or more persons on or near the installation

major accident hazard means a hazard that has the potential to cause a major accident

major accident prevention policy means a policy required by regulation 15

non-production installation—

- (a) means any vessel or structure that functions independently of a production installation and that is used or is intended to be used for drilling a well; but
- (b) does not include—
- (i) any vessel or structure during mobilisation or demobilisation; or
 - (ii) equipment solely used to drill a hole for conductor casing at an onshore well site

occupied, in relation to an installation, means an installation—

- (a) that is normally occupied by the lesser of—
- (i) 12 people; and
 - (ii) the single flight capacity of any helicopter servicing the installation; and
- (b) where—
- (i) more than 24 hours' occupancy in any 7-day period is normally planned; and
 - (ii) overnight occupancy is normally planned

offshore means anywhere that is on the seaward side of the mean high-water mark

on an installation includes at or in an installation

participating interest means an undivided share of a permit that is expressed as a percentage recorded on the permit

permit operator means a PCBU who manages or controls a production installation or a well operation and to whom section 27 of the Crown Minerals Act 1991 applies

petroleum—

- (a) means—
- (i) any naturally occurring hydrocarbon (other than coal), whether in a gaseous, liquid, or solid state; or

- (ii) any naturally occurring mixture of hydrocarbons (other than coal), whether in a gaseous, liquid, or solid state; or
 - (iii) any naturally occurring mixture of 1 or more hydrocarbons (other than coal), whether in a gaseous, liquid, or solid state, and 1 or more of the following, namely, carbon dioxide, helium, hydrogen sulphide, and nitrogen; and
- (b) includes—
- (i) any petroleum that has been mined or otherwise recovered from its natural condition; and
 - (ii) any petroleum that has been mined or otherwise recovered but has been returned to a natural reservoir for storage purposes

petroleum worker means a worker who works in any capacity on an installation

production installation—

- (a) means any vessel or structure used, or intended to be used, for any 1 or more of the following activities:
- (i) the extraction of petroleum;
 - (ii) the separation, treatment, and initial processing of petroleum;
 - (iii) the injection of gas into underground geological formations;
 - (iv) the recovery of gas stored in underground geological formations; and
- (b) includes—
- (i) any well by which petroleum is extracted; and
 - (ii) any pipe or system of pipes used to transport petroleum from a well to a vessel or structure referred to in paragraph (a) or to transport gas or liquids from that vessel or structure to a well; and
- (c) includes any plant and equipment that is associated with—
- (i) any vessel or structure referred to in paragraph (a); or
 - (ii) any well referred to in paragraph (b)(i); or
 - (iii) any pipe or system of pipes referred to in paragraph (b)(ii); but
- (d) does not include equipment that extracts petroleum for the purpose of well-testing for a period of not more than 90 days

safety case, in relation to an installation, means the document containing the information specified in Schedule 5

safety-critical element—

- (a) means any part of an installation or its plant (including a computer program)—

- (i) that has the purpose of preventing, or limiting the effect of, a major accident; or
 - (ii) the failure of which could cause or contribute substantially to a major accident; and
- (b) without limiting paragraph (a), includes plant installed at the installation for the purpose of—
- (i) detecting smoke, fire, accumulations of flammable (and other hazardous) gases, leakages of flammable liquids, and other events that may require an emergency response; or
 - (ii) giving warning of an emergency by audible and, where necessary, visual alarm systems; or
 - (iii) limiting the extent of an emergency, including—
 - (A) measures to combat fire and explosions:
 - (B) emergency shut-down systems:
 - (C) facilities for the monitoring and control of the emergency and for organising evacuation; or
 - (iv) protecting petroleum workers from explosion, fire, heat, smoke, hazardous gas, or fumes during any period while petroleum workers may need to remain on an installation during an emergency; or
 - (v) safely evacuating all petroleum workers to a place of safety; or
 - (vi) providing safe means of escape in the event that arrangements for evacuation fail

safety management system means a system—

- (a) to assure the safe operation of an installation through the effective management of hazards, including major accident hazards; and
- (b) that addresses the matters set out in Schedule 2

suspend, in relation to a well, means to render the well temporarily inoperative, and **suspension** has a corresponding meaning

verification scheme has the meaning given in regulation 47

well—

- (a) means a borehole drilled for the purpose of exploring for, appraising, or extracting petroleum; and
- (b) includes—
 - (i) any borehole for injection or reinjection purposes; and
 - (ii) any down-hole pressure-containing equipment; and
 - (iii) any pressure-containing equipment on top of the well

well intervention operation means an operation in which a well is re-entered for a purpose other than to continue drilling or to maintain or repair it

well operation—

- (a) means the drilling, completion, suspension, or abandonment of a well; and
- (b) includes—
 - (i) the recommencement of drilling after a well has been completed, suspended, or abandoned; and
 - (ii) any other operation in relation to a well during which an accidental release of fluids from the well that could give rise to the risk of a major accident

workover operation means an operation in which a well is re-entered for the purpose of maintaining or repairing it.

- (2) For the purposes of applying the definition of drilling contractor in respect of any particular duty or requirement of a drilling contractor under these regulations in relation to a non-production installation, the permit operator of the installation is to be treated as the drilling contractor if the permit operator has given written notice that the permit operator has elected to be treated as the drilling contractor to the person (or persons) who would otherwise be treated as the drilling contractor.
- (3) For the purposes of the definition of permit operator, the person to whom section 27 of the Crown Minerals Act 1991 applies is to be treated as the person who manages or controls the production installation or the well operation, even if that person engages a contractor to perform some or all of that person's duties.
- (4) Terms or expressions used and not defined in these regulations but defined in the Act have, in these regulations, the same meaning as in the Act.

Compare: SR 2013/208 r 3

4 Meaning of independent

In these regulations, a person is **independent** in the exercise of a function if—

- (a) the function does not involve the examination of any thing for which the person has or has had a level of responsibility that could compromise the person's objectivity; or
- (b) the function involves the examination of a thing and the person—
 - (i) is sufficiently independent of and separate from the line management of the thing to ensure that the person will be objective in the exercise of his or her function; and
 - (ii) is sufficiently free from any influence that could compromise the person's independence, including influence of an operational or a financial nature.

Compare: SR 2013/208 r 6

*Transitional, savings, and related provisions***5 Transitional, savings, and related provisions**

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

*Previous compliance with regulations***6 Previous compliance with regulations counted as compliance by successor**

- (1) This regulation applies to—
 - (a) a permit operator, in relation to a production installation or a well operation:
 - (b) a drilling contractor, in relation to a non-production installation.
- (2) If the permit operator or the drilling contractor (as the case may be) is succeeded by another permit operator or a drilling contractor, anything done in compliance with these regulations by that permit operator or drilling contractor must be treated as having been done by their successor.

Compare: SR 2013/208 r 8

Part 2**General duties in relation to installations****7 Application of Part 2**

This Part applies to—

- (a) a permit operator, in relation to a production installation:
- (b) a drilling contractor, in relation to a non-production installation.

Compare: SR 2013/208 r 9

*General duties of permit operators and drilling contractors***8 Duty to ensure safety of installation**

- (1) A permit operator or a drilling contractor (as the case may be) must ensure, so far as is reasonably practicable, that a production installation or non-production installation—
 - (a) is safe for any person on or near the installation; and
 - (b) all work and other activities carried out on the installation are carried out in a manner that is safe for any person on or near the installation.
- (2) The permit operator or the drilling contractor must ensure that the production installation or the non-production installation at all times possesses such integrity as is reasonably practicable.

- (3) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 10

9 Duty to appoint installation manager

- (1) A permit operator or a drilling contractor (as the case may be) must appoint a competent person (an **installation manager**) to manage, on the permit operator's or the drilling contractor's behalf,—
- (a) the production installation or non-production installation; and
 - (b) the petroleum workers on the installation.
- (2) The permit operator or the drilling contractor (as the case may be) must—
- (a) ensure that the production installation or the non-production installation is at all times under the charge of the installation manager; and
 - (b) provide the installation manager with appropriate resources to carry out his or her function; and
 - (c) ensure that the identity of the installation manager is known to or readily ascertainable by every petroleum worker on the installation.
- (3) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 11

Duties of petroleum workers

10 Duty of petroleum workers to comply with reasonable instructions

- (1) A petroleum worker on a production installation or a non-production installation must comply, as far as the worker is reasonably able, with the reasonable instructions—
- (a) of the installation manager so far as is necessary to enable the installation manager to carry out his or her function described in regulation 9(1); and
 - (b) of the permit operator of the production installation or the drilling contractor of the non-production installation (as the case may be) for the purpose of enabling the permit operator or the drilling contractor to comply with the Act and these regulations.
- (2) A petroleum worker who contravenes this regulation commits an offence and is liable on conviction,—

- (a) for an individual, to a fine not exceeding \$10,000:
- (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 12

Other duties

11 Duty to take steps to manage hazardous liquids, vapours, or gases

- (1) A permit operator of a production installation or a drilling contractor of a non-production installation (as the case may be) must, so far as is reasonably practicable, take steps to—
 - (a) prevent the uncontrolled release of hazardous liquids, vapours, or gases; and
 - (b) prevent the uncontrolled accumulation of hazardous vapours or gases; and
 - (c) detect hazardous accumulation of vapours or gases; and
 - (d) protect petroleum workers who work in areas where hazardous liquids, vapours, or gases may exist, in particular, confined spaces.
- (2) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000:
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 13

12 Duty to ensure safe disposal of waste petroleum

- (1) A permit operator of a production installation or a drilling contractor of a non-production installation (as the case may be) must ensure, so far as is reasonably practicable, the safe disposal of any waste petroleum, vapours, or gases.
- (2) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000:
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 14

13 Duty to take precautions with sources of ignition

- (1) A permit operator of a production installation or a drilling contractor of a non-production installation (as the case may be) must, so far as is reasonably practicable, prevent sources of ignition being carried into or used in areas where such sources of ignition may create a hazard.
- (2) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000:

(b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 15

Part 3

Lower-tier production installations

14 Application of Part 3

This Part applies to a permit operator of a lower-tier production installation.

Compare: SR 2013/208 r 16

15 Duty to prepare major accident prevention policy

- (1) A permit operator of a lower-tier production installation must—
 - (a) prepare a written major accident prevention policy for the installation; and
 - (b) implement the policy before the installation commences operations.
- (2) The purpose of the policy is to prevent the occurrence of major accidents and limit their consequences to persons on or near the lower-tier production installation by appropriate means, structures, and management systems.
- (3) The policy must—
 - (a) include measures that are proportionate to any major accident hazards presented by the installation; and
 - (b) describe the permit operator's overall goals and principles of action in relation to the control of major accident hazards; and
 - (c) demonstrate in sufficient detail that the permit operator has established a safety management system that addresses the matters set out in Schedule 2.
- (4) A permit operator who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 17

16 Duty to review major accident prevention policy

- (1) A permit operator of a lower-tier production installation must review the installation's major accident prevention policy each time there is any significant modification to—
 - (a) the lower-tier production installation; or
 - (b) any process carried out at the installation.
- (2) The permit operator must, as a result of a review, make any adjustments to the policy that are necessary to give effect to regulation 15(2) and (3).

- (3) In subclause (1), a **significant modification** means any modification that is likely to—
- (a) increase the likelihood of a major accident occurring; or
 - (b) increase the severity or extent of the harm arising from a major accident.
- (4) A permit operator who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 18

17 Duty to keep record relating to major accident prevention policy

- (1) A permit operator of a lower-tier production installation must keep a record of—
- (a) the major accident prevention policy for the installation;
 - (b) any revision of the policy;
 - (c) the findings and recommendations of any audit of the policy and the safety management system;
 - (d) any actions taken or intended to be taken to implement those recommendations.
- (2) The permit operator must retain each record for at least 5 years after it is made and store it—
- (a) in a secure place on the lower-tier production installation; and
 - (b) at a separate address.
- (3) A permit operator who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$2,000;
 - (b) for any other person, to a fine not exceeding \$10,000.

Compare: SR 2013/208 r 19

Part 4

Notice and safety case requirements

18 Application of Part 4

This Part applies to—

- (a) a permit operator, in relation to a production installation that is not a lower-tier production installation (a **relevant production installation**);
- (b) a drilling contractor, in relation to a non-production installation.

Compare: SR 2013/208 r 21

Notice requirements

19 Duty to submit design notice to WorkSafe

- (1) Before the design of a relevant production installation is completed, the permit operator must—
 - (a) prepare a design notice in accordance with subclause (2); and
 - (b) submit the design notice to WorkSafe as soon as practicable after the design concept has been selected and before making a final investment decision or commencing detailed design.
- (2) The design notice must be in writing and contain the information specified in Schedule 3, but only to the extent that the permit operator can be reasonably expected to provide the information at the time the design notice is given to WorkSafe.
- (3) If, before a safety case for the relevant production installation is submitted to WorkSafe in accordance with regulation 23(2), there is a material change to any matter described in the design notice, the permit operator must notify WorkSafe of that change as soon as practicable.
- (4) A permit operator who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 22

20 Duty to submit relocation notice to WorkSafe

- (1) Before a relevant production installation is moved to, and operated in, a new location, the permit operator must—
 - (a) prepare a relocation notice in accordance with subclause (2); and
 - (b) submit a copy of the relocation notice to WorkSafe within sufficient time to enable the permit operator to take into account any matter raised by WorkSafe within 90 days of being given the notice.
- (2) The relocation notice must be in writing and contain the information specified in Schedule 3, but only to the extent that the information is not already contained in an accepted safety case for the relevant production installation.
- (3) A permit operator who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 23

21 Duty to give notice of combined operation to WorkSafe

- (1) A permit operator of a relevant production installation or a drilling contractor of a non-production installation must not engage the relevant production installation or the non-production installation (as the case may be) in a combined operation with another installation or installations, unless the permit operator or the drilling contractor has given WorkSafe notice of the combined operation in accordance with this regulation.
- (2) A notice of combined operation must be in writing and contain the information specified in Schedule 4.
- (3) The requirement in subclause (1) is satisfied if—
 - (a) the permit operator or the drilling contractor (as the case may be) for each installation involved in the combined operation jointly prepare and agree to the notice; and
 - (b) one of them gives the notice to WorkSafe.
- (4) The notice must be given to WorkSafe by—
 - (a) the date that is 21 days before the permit operators or the drilling contractors intend to commence the combined operation; or
 - (b) any later date specified by WorkSafe in writing.
- (5) If, before the completion of the combined operation, there is a material change in relation to any information contained in the notice of combined operation, the permit operators or the drilling contractors must notify WorkSafe in writing of that change as soon as practicable.
- (6) The requirement in subclause (5) is satisfied if done in accordance with subclause (3).
- (7) If there is a change in the permit operator or the drilling contractor involved in a combined operation, the permit operator or the drilling contractor must give WorkSafe a notice of combined operation in accordance with this regulation.
- (8) A permit operator or a drilling contractor who contravenes subclause (1), (2), (4), (5), or (7) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 24

*Requirements for safety cases***22 Prohibition on operating installation without accepted safety case**

A permit operator of a relevant production installation or a drilling contractor of a non-production installation must ensure that the relevant production instal-

lation or the non-production installation (as the case may be) is not operated without an accepted safety case for the installation.

Compare: SR 2013/208 r 25

23 Requirements for safety case

- (1) A permit operator of a relevant production installation or a drilling contractor for a non-production installation (as the case may be) must prepare a written safety case for the installation that contains the information specified in Schedule 5.
- (2) The safety case must be given to WorkSafe, together with the fee prescribed in Schedule 10,—
 - (a) at least 90 days before the date on which the permit operator or the drilling contractor (as the case may be) intends to commence operating the installation; or
 - (b) by any later date specified by WorkSafe in writing.
- (3) In the case of a production installation, WorkSafe may agree in writing that the safety case may relate to more than 1 installation.

Compare: SR 2013/208 r 26

24 Duty to engage with petroleum workers

- (1) A permit operator or a drilling contractor (as the case may be) must, when preparing or revising a safety case, ensure that there is effective engagement with, and participation of, petroleum workers who are—
 - (a) identifiable at the time the safety case is being prepared or revised; and
 - (b) working, or likely to be working, on the relevant installation.
- (2) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$6,000;
 - (b) for any other person, to a fine not exceeding \$30,000.

Compare: SR 2013/208 r 27

25 Duty to prepare safety case where production exceeds threshold quantities for lower-tier production installation

- (1) This regulation applies if, in relation to a production installation that is represented or treated as being a lower-tier production installation, the average petroleum production over any continuous 12-month period, or the amount of liquefied flammable gas present, exceeds the applicable threshold quantities specified in paragraphs (a), (b), and (c) of the definition of lower-tier production installation in regulation 3.
- (2) A permit operator of an installation to which subclause (1) applies must, within 90 days (unless otherwise agreed by WorkSafe),—

- (a) prepare a safety case for the installation in accordance with regulations 23 and 24; and
 - (b) submit the safety case to WorkSafe.
- (3) A permit operator who contravenes subclause (2) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 28

Consideration of and decisions on safety cases

26 WorkSafe may request further information

- (1) After receiving a safety case or a revised safety case, WorkSafe may request a permit operator or a drilling contractor (as the case requires) to provide any further information about a matter set out in Schedule 5.
- (2) A request under subclause (1) must—
- (a) be in writing; and
 - (b) describe by reference to Schedule 5 what further information is requested; and
 - (c) specify the date by which the further information must be given, which must not be less than 30 days after the date on which the request is sent.
- (3) Any information provided in response to a request must be treated as if it were part of the original safety case.

Compare: SR 2013/208 r 29

27 WorkSafe must notify decision on safety case

- (1) Within 90 days of receiving a safety case, or an amended safety case, WorkSafe must—
- (a) accept the safety case; or
 - (b) accept the safety case subject to conditions or limitations; or
 - (c) initially reject the safety case; or
 - (d) in the case of an amended safety case, finally reject the safety case.
- (2) If WorkSafe requests further information under regulation 26, the 90-day period starts on the date on which WorkSafe receives the further information.
- (3) WorkSafe must as soon as practicable after making a decision about a safety case notify the permit operator or the drilling contractor (as the case may be) in writing of that decision.
- (4) If WorkSafe is unable to make a decision about a safety case or an amended safety case within 90 days of receiving it, WorkSafe must—

- (a) notify the permit operator or the drilling contractor in writing of that fact as soon as practicable; and
- (b) give the permit operator or the drilling contractor a proposed timetable for WorkSafe's consideration of, and decision on, the safety case or the amended safety case.

Compare: SR 2013/208 r 30

28 Criteria for accepting safety case

WorkSafe must accept a safety case for the operation of a relevant production installation or non-production installation if it is satisfied that—

- (a) the safety case contains all of the information specified in Schedule 5; and
- (b) when preparing the safety case, the permit operator or the drilling contractor (as the case may be) has engaged with petroleum workers in accordance with regulation 24; and
- (c) based on the information included in the safety case, it appears that compliance with the safety case is likely to constitute compliance with the requirements of these regulations; and
- (d) there is no reason to believe that the permit operator or the drilling contractor will not comply with the safety case; and
- (e) the safety case is appropriate for the relevant production installation or non-production installation and for the activities to be conducted at the installation.

Compare: SR 2013/208 r 31

29 WorkSafe may impose limitations or conditions on safety case

WorkSafe may, when accepting a safety case for the operation of a relevant production installation or non-production installation, impose limitations or conditions on the safety case that relate to the installation or the activities carried out at the installation.

Compare: SR 2013/208 r 32

30 WorkSafe may reject safety case

- (1) WorkSafe must initially reject a safety case for the operation of a relevant production installation or non-production installation if the safety case does not meet the criteria set out in regulation 28.
- (2) If WorkSafe initially rejects a safety case, WorkSafe must—
 - (a) notify the permit operator or the drilling contractor (as the case may be) in writing of the reasons for the decision; and
 - (b) give the permit operator or the drilling contractor a reasonable opportunity to amend the safety case and resubmit it for acceptance.

- (3) If the permit operator or the drilling contractor gives WorkSafe an amended safety case, WorkSafe must—
 - (a) accept the safety case if WorkSafe is satisfied that it meets all of the criteria set out in regulation 28; or
 - (b) finally reject the safety case.
- (4) If WorkSafe accepts the amended safety case, WorkSafe may impose limitations or conditions on it in accordance with regulation 29.
- (5) To avoid doubt, the fact that WorkSafe has finally rejected a safety case for the operation of an installation does not prevent the permit operator or the drilling contractor from giving WorkSafe a new safety case for that installation in accordance with regulation 23.

Compare: SR 2013/208 r 33

Revision of safety cases

31 Duty to revise safety case in certain situations

- (1) A permit operator of a relevant production installation or a drilling contractor of a non-production installation for which there is an accepted safety case must prepare a revised safety case and give it to WorkSafe if any of the following apply:
 - (a) the technical knowledge relied upon to formulate the safety case, including the knowledge of systems for identifying hazards and evaluating risks of major accidents, is outdated so that the safety case no longer adequately provides the information specified in Schedule 5:
 - (b) the permit operator or the drilling contractor (as the case may be) proposes to modify the installation or decommission the installation, and the proposed modification or decommissioning is not adequately addressed in the safety case:
 - (c) a series of proposed modifications to the installation could result in a significant cumulative change in the overall level of risk of major accidents:
 - (d) the permit operator or the drilling contractor proposes to change the safety management system significantly:
 - (e) the activities to be carried out at the installation are different from the activities contemplated in the safety case:
 - (f) there has been a significant increase in the level of risk associated with any major accident hazard.
- (2) If any of subclause (1)(a) to (f) apply, a revised safety case must be given to WorkSafe as soon as practicable, together with the fee prescribed in Schedule 10.

- (3) WorkSafe may agree, in writing, that the revised safety case may take the form of revisions to a part or specified parts of the accepted safety case.
- (4) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$6,000;
 - (b) for any other person, to a fine not exceeding \$30,000.

Compare: SR 2013/208 r 34

32 WorkSafe may request revised safety case

- (1) A permit operator of a relevant production installation or a drilling contractor of a non-production installation for which there is an accepted safety case must, if requested by WorkSafe in writing,—
 - (a) prepare a revised safety case; and
 - (b) give the revised safety case to WorkSafe together with the fee prescribed in Schedule 10.
- (2) WorkSafe may agree in writing that the revised safety case may take the form of revisions to a part or specified parts of the accepted safety case.
- (3) A request under subclause (1) must include—
 - (a) the matters to be addressed in the revised safety case; and
 - (b) the date by which the revised safety case must be given to WorkSafe, which must not be earlier than 30 days after the date on which the request is sent; and
 - (c) the grounds for the request.
- (4) The permit operator or the drilling contractor may make a submission to WorkSafe, requesting WorkSafe to—
 - (a) withdraw the request for a revised safety case; or
 - (b) vary the matters to be addressed in the revised safety case; or
 - (c) allow the revised safety case to be given to WorkSafe after the date proposed.
- (5) A submission under subclause (4) must be in writing, set out the reasons for the request, and be made—
 - (a) not later than 21 days after the permit operator or the drilling contractor receives the request from WorkSafe; or
 - (b) by a later date specified by WorkSafe in writing.
- (6) If WorkSafe receives a submission under subclause (4), WorkSafe must—
 - (a) withdraw the request for a revised safety case; or
 - (b) vary the request, whether in accordance with the submission made by the PCBU or otherwise; or

- (c) require the revised safety case to be given to WorkSafe by a later date specified by WorkSafe in writing; or
 - (d) reject the submission and confirm the request.
- (7) WorkSafe must give the permit operator or the drilling contractor written notice of its decision, including the grounds for the decision if the permit operator's or the drilling contractor's submission is rejected in whole or in part.
- (8) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$6,000;
 - (b) for any other person, to a fine not exceeding \$30,000.

Compare: SR 2013/208 r 35

33 Duty to submit revised safety case within 5 years

- (1) A permit operator of a relevant production installation or a drilling contractor of a non-production installation for which there is an accepted safety case must prepare a revised safety case and submit it to WorkSafe, together with the fee prescribed in Schedule 10, not later than the date that is 5 years after the date on which a safety case for the installation is accepted.
- (2) Subclause (1) applies regardless of whether a revised safety case required under regulation 31 or 32 has been accepted within the 5-year period.
- (3) The permit operator or the drilling contractor must comply with regulations 23 and 24 when preparing the revised safety case.
- (4) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$6,000;
 - (b) for any other person, to a fine not exceeding \$30,000.

Compare: SR 2013/208 r 36

34 Decision on revised safety case

- (1) If a permit operator of a relevant production installation or a drilling contractor of a non-production installation provides a revised safety case to WorkSafe under any of regulations 31 to 33, regulations 26 to 30 apply, except as modified by subclauses (2) and (3).
- (2) Any request for further information under regulation 26 must specify the date by which the further information must be provided, which must not be earlier than 10 days after the date the request is sent.
- (3) WorkSafe must make a decision, and notify the permit operator or the drilling contractor (as the case may be) in writing of the decision, in accordance with regulation 27 within 30 days of receiving the revised safety case (unless WorkSafe acts in accordance with regulation 27(4)).

- (4) To avoid doubt, the accepted safety case for the relevant production installation or non-production installation continues to have effect if WorkSafe finally rejects the revised safety case.

Compare: SR 2013/208 r 37

Withdrawal of acceptance of safety case

35 WorkSafe may withdraw acceptance of safety case

- (1) WorkSafe may withdraw acceptance of a safety case if—
- (a) a permit operator of a relevant production installation or a drilling contractor of a non-production installation (as the case may be)—
 - (i) fails to comply with regulation 36; or
 - (ii) fails to comply with a notice issued by an inspector under the Act; or
 - (iii) fails to provide a revised safety case when required under regulation 31, 32, or 33; or
 - (b) WorkSafe has finally rejected a revised safety case.
- (2) Before withdrawing acceptance of a safety case, WorkSafe must give the permit operator or the drilling contractor at least 30 days' written notice of its intention to do so, together with—
- (a) the grounds for WorkSafe's proposal to withdraw acceptance of the safety case; and
 - (b) notice that the permit operator or the drilling contractor may make written submissions on the proposal to withdraw acceptance of the safety case; and
 - (c) a date by which the permit operator or the drilling contractor must make those submissions; and
 - (d) a date by which the withdrawal of acceptance will become effective.
- (3) WorkSafe may provide a copy of the notice to any other person.
- (4) The permit operator or the drilling contractor may, by the date specified by WorkSafe, make written submissions to WorkSafe in relation to the proposed withdrawal of acceptance.
- (5) Before making a final decision to withdraw acceptance of a safety case, WorkSafe must have regard to, as applicable,—
- (a) any written submissions made by the permit operator or the drilling contractor by the date specified by WorkSafe;
 - (b) any action taken by the permit operator or the drilling contractor to address a matter that was a ground for WorkSafe's proposal to withdraw acceptance of the safety case:

- (c) any action taken by the permit operator or the drilling contractor to prevent a recurrence of a matter that was a ground for WorkSafe's proposal to withdraw acceptance of the safety case.

Compare: SR 2013/208 r 38

Compliance with safety case requirements

36 Duty to ensure compliance with safety case requirements

- (1) A permit operator of a relevant production installation or a drilling contractor of a non-production installation (as the case may be) must, as applicable, operate, modify, maintain, and decommission the installation in a manner that is consistent with the accepted safety case and any conditions or limitations imposed by WorkSafe.
- (2) In subclause (1), **installation** includes any part of that installation.
- (3) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 39

37 WorkSafe may consent to conduct of activity otherwise than in accordance with safety case

- (1) Despite regulation 36, WorkSafe may consent in writing to a permit operator of a relevant production installation or a drilling contractor of a non-production installation (as the case may be) conducting an activity in a manner that is different from that set out in the accepted safety case for the installation.
- (2) Without limiting subclause (1), WorkSafe may give consent where—
 - (a) there has been an accident or emergency on the installation, or other unforeseen circumstances have arisen; and
 - (b) it is in the interests of the health and safety of any persons on or near the installation to do so.
- (3) WorkSafe may not give consent under subclause (1) unless it is satisfied that the activity will not significantly increase existing risks, or create significant new risks, to the health and safety of persons on or near the installation.

Compare: SR 2013/208 r 40

Record keeping requirements

38 Duty to keep record of safety case

- (1) A permit operator of a relevant production installation or a drilling contractor of a non-production installation (as the case may be) must keep a record of—
 - (a) the safety case for the installation:

- (b) any revision to the safety case:
 - (c) the findings and recommendations of any audit of the safety case and the safety management system:
 - (d) any actions that will be, or have been, taken to implement those recommendations.
- (2) The permit operator or the drilling contractor must retain the record referred to in subclause (1) for at least 5 years after it is made, and store it—
- (a) in a secure place on the installation; and
 - (b) at a separate address nominated for the installation.
- (3) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$2,000:
 - (b) for any other person, to a fine not exceeding \$10,000.

Compare: SR 2013/208 r 41

Part 5

Certificates of fitness and verification schemes for offshore installations

39 Application of Part 5

This Part applies to—

- (a) a permit operator, in relation to an offshore production installation:
- (b) a drilling contractor, in relation to an offshore non-production installation.

Compare: SR 2013/208 r 44

Regulation 39(b): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Certificates of fitness

40 Duty to ensure installation has compliant certificate of fitness

- (1) A permit operator of an offshore production installation or a drilling contractor of an offshore non-production installation (as the case may be) must ensure that the installation is not operated unless there is a current certificate of fitness in respect of the safety of—
- (a) the structure of the installation; and
 - (b) all equipment necessary for the safe operation of the installation.
- (2) The matters referred to in subclause (1)(a) and (b) may be covered by 1 certificate, if appropriate.

- (3) Subclause (1) does not apply to a permit operator of an offshore production installation or the drilling contractor of an offshore non-production installation who operates a verification scheme.
- (4) The permit operator or the drilling contractor must ensure that a copy of any certificate of fitness is sent to WorkSafe at least 30 days before the operation of the installation commences.

Compare: SR 2013/208 r 45

Regulation 40(3): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

41 When installation treated as no longer complying with certificate of fitness

- (1) An installation to which this Part relates, or any equipment necessary for the safe operation of an installation, no longer complies with the relevant certificate of fitness if it—
 - (a) sustains damage; or
 - (b) shows signs of deterioration that could affect the integrity of the installation or the equipment; or
 - (c) is structurally modified or replaced.
- (2) If the installation or the equipment no longer complies with the relevant certificate of fitness,—
 - (a) the permit operator or the drilling contractor (as the case may be) must cease to operate that installation or equipment unless the inspection body allows its operation under paragraph (b):
 - (b) the inspection body may allow the permit operator or the drilling contractor to continue to operate that installation or equipment in accordance with any reasonable limitations and conditions that it notifies to the permit operator or the drilling contractor in writing, and—
 - (i) the certificate of fitness is subject to those limitations and conditions; and
 - (ii) the permit operator or the drilling contractor may continue to operate the installation or the equipment only within those limitations or conditions (if any):
 - (c) the inspection body must in each case endorse on the certificate of fitness—
 - (i) the reason or reasons for non-compliance; and
 - (ii) any limitations or conditions imposed under this subclause.
- (3) A permit operator or a drilling contractor who contravenes subclause (2)(a) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000:

- (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 46

42 WorkSafe may recognise inspection body

WorkSafe may recognise a person or an organisation as an inspection body if it is satisfied that—

- (a) the person or organisation operates an effective and relevant quality assurance programme; and
- (b) the person or organisation has appropriate experience and background relevant to the certification work; and
- (c) the person or organisation is currently accredited, to a recognised industry standard, by International Accreditation New Zealand on behalf of the Testing Laboratory Registration Council or by the National Association of Testing Authorities, Australia; and
- (d) the person or organisation is likely to carry out its inspection work in an objective fashion that promotes safety and the public interest; and
- (e) there is no reasonably foreseeable conflict of interest between the person's or organisation's verification or inspection work and any other work that the person or organisation does or is likely to do.

Compare: SR 2013/208 r 47

43 Conditions of recognition

Recognition of any person or organisation as an inspection body is subject to the following conditions:

- (a) that any certificate of fitness issued by the inspection body is in the form specified in Schedule 6;
- (b) that any certificate of fitness issued by the inspection body contains the date on which the certificate expires, which must not be more than 5 years from the date of issue of the certificate;
- (c) any other conditions from time to time prescribed by WorkSafe in the *Gazette* on the grounds that it is in the interests of safety to do so.

Compare: SR 2013/208 r 48

44 Withdrawal of recognition of inspection body

- (1) WorkSafe may withdraw recognition of an inspection body if it is satisfied that—

- (a) it is appropriate to do so; or
- (b) the inspection body no longer complies with any provision of regulation 42 or is not complying with any condition imposed by or under regulation 43.

- (2) Before withdrawing recognition of an inspection body, WorkSafe must state its concerns to the inspection body and consider the inspection body's response.

Compare: SR 2013/208 r 49

45 WorkSafe must publish recognition or withdrawal of recognition in *Gazette*

If WorkSafe has recognised any person or organisation under regulation 42, or withdrawn recognition of any person or organisation under regulation 44, WorkSafe must publish a notice to that effect in the *Gazette*.

Compare: SR 2013/208 r 50

Duties of inspection bodies

46 Inspection body must carry out inspections and issue certificates of fitness

- (1) An inspection body must—
- (a) carry out any inspections or examinations of installations, and equipment fixed to or associated with installations, that may be necessary to determine the safety of the installations and equipment; and
 - (b) issue, in accordance with subclause (2), certificates of fitness in respect of the safety of—
 - (i) the structure of an installation; and
 - (ii) equipment fixed to the structure; and
 - (iii) other equipment necessary for the safe operation of an installation.
- (2) Before issuing a certificate of fitness under subclause (1)(b), the inspection body must be satisfied that all parts of the installation or the equipment described in the certificate have been designed, constructed, maintained, suspended, or abandoned in accordance with generally accepted and appropriate industry practice.
- (3) A certificate of fitness must be in the form set out in Schedule 6 and contain the date of its expiry, which must not be later than 5 years from the date of issue of the certificate.

Compare: SR 2013/208 r 52

Verification schemes

47 Meaning of verification scheme

- (1) In regulations 40(3) and 48 to 54, **verification scheme** means a written scheme for ensuring, by the means described in subclause (2), that the safety-critical elements on an installation—
- (a) are or, where they are yet to be provided, will be suitable; and
 - (b) where they have been provided, remain in good repair and condition.
- (2) The means referred to in subclause (1) are—

- (a) examination, including testing where appropriate, of the safety-critical elements by an independent and competent person:
- (b) examination of any design, specification, certificate, or other document, marking, or standard relating to the safety-critical elements:
- (c) examination of work in progress by independent and competent persons:
- (d) the taking of appropriate action following a report by an independent and competent person:
- (e) the taking of any steps that may be properly provided for under regulation 48 and Schedule 7:
- (f) the taking of any steps incidental to the means described in this sub-clause.

Compare: SR 2013/208 r 54

48 Duty to develop verification scheme

- (1) A permit operator of an offshore production installation or a drilling contractor of an offshore non-production installation (as the case may be) who intends to operate a verification scheme in relation to the installation must ensure that—
 - (a) a record is made of the safety-critical elements on the installation; and
 - (b) a copy of the record is given to an independent and competent person for review and comment; and
 - (c) a verification scheme, providing for the matters set out in Schedule 7, is prepared by or in consultation with an independent and competent person; and
 - (d) a record is kept of any reservation expressed by the independent and competent person about—
 - (i) the contents of the record referred to in paragraph (a); or
 - (ii) the verification scheme.
- (2) In relation to a new offshore production installation or a new offshore non-production installation, a copy of the verification scheme must be submitted to WorkSafe at least 90 days (or any shorter period specified by WorkSafe) before the date on which the permit operator or the drilling contractor (as the case may be) intends to commence operating the installation.
- (3) In relation to an existing offshore production installation, a copy of the verification scheme must be submitted to WorkSafe at least 90 days (or any shorter period specified by WorkSafe) before the date on which the current certificate of fitness for the installation expires.

Compare: SR 2013/208 r 55

Regulation 48(1): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Regulation 48(2): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

49 WorkSafe may recognise verification schemes

- (1) WorkSafe may recognise a verification scheme by allowing a permit operator or a drilling contractor (as the case may be) to operate a verification scheme for a particular installation if—
 - (a) the permit operator or the drilling contractor has provided WorkSafe with a suitable verification scheme for the installation that contains the information specified in Schedule 7; and
 - (b) WorkSafe is satisfied that the examination work will be carried out by an independent and competent person; and
 - (c) WorkSafe is satisfied that the verification scheme will be implemented,—
 - (i) in relation to a new offshore production installation or offshore non-production installation, before the installation commences operations:
 - (ii) in relation to an existing offshore production installation or offshore non-production installation, before the current certificate of fitness expires.
- (2) If WorkSafe recognises a verification scheme under this regulation, the permit operator or the drilling contractor (as the case may be) does not have to comply with the certification requirements imposed by regulation 40.

Compare: SR 2013/208 r 56

Regulation 49(1)(c)(i): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Regulation 49(1)(c)(ii): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

50 Implementation of verification scheme

- (1) If a verification scheme has been recognised under regulation 49, the permit operator or the drilling contractor (as the case may be) must implement the verification scheme,—
 - (a) in relation to a new offshore production installation or offshore non-production installation, before the installation commences operations:
 - (b) in relation to an existing offshore production installation or offshore non-production installation, before the current certificate of fitness expires.
- (2) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000:
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 57

Regulation 50(1)(a): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Regulation 50(1)(b): amended, on 15 May 2017, by regulation 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

51 Withdrawal of recognition of verification scheme

- (1) WorkSafe may withdraw recognition of a verification scheme if—
 - (a) the permit operator or the drilling contractor (as the case may be) does not implement the verification scheme in accordance with regulation 50; or
 - (b) the permit operator or the drilling contractor does not comply with regulations 52 to 54; or
 - (c) the verification scheme has been revised or replaced, and the requirements of regulation 49(1) are not fulfilled for the revised scheme or the replacement scheme.
- (2) Before withdrawing recognition of a verification scheme, WorkSafe must state its concerns in writing to the permit operator or the drilling contractor and consider the permit operator's or the drilling contractor's response.

Compare: SR 2013/208 r 58

52 Duty to keep verification scheme under review

- (1) A permit operator or a drilling contractor who operates a verification scheme must ensure that, as often as is appropriate,—
 - (a) the verification scheme is reviewed and, where necessary, revised or replaced by, or in consultation with, an independent and competent person; and
 - (b) a record is kept of any reservations expressed by the independent and competent person in the course of the revision or replacement.
- (2) If a verification scheme is revised or replaced, the permit operator or the drilling contractor (as the case may be) must as soon as practicable send a copy of the revision or replacement to WorkSafe.
- (3) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 59

53 Duty to ensure verification scheme given continuous effect

- (1) A permit operator or a drilling contractor must ensure that, while the installation exists, effect continues to be given to the verification scheme or any revision to or replacement of the verification scheme.
- (2) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—

- (a) for an individual, to a fine not exceeding \$10,000;
- (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 60

54 Duty to keep record of verification scheme

- (1) A permit operator or a drilling contractor who operates a verification scheme must keep and retain the following records, and store them at the nominated address, until the date that is 12 months after the verification scheme has ceased to be current:
 - (a) the verification scheme, including any replacement of it;
 - (b) any revision of the verification scheme;
 - (c) any reservations expressed by a person who reviewed—
 - (i) the record referred to in regulation 48(1)(a); or
 - (ii) the verification scheme.
- (2) In subclause (1), **nominated address** means the address nominated by the permit operator or the drilling contractor (as the case may be).
- (3) A permit operator or a drilling contractor who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$2,000;
 - (b) for any other person, to a fine not exceeding \$10,000.

Compare: SR 2013/208 r 61

Part 6 Well operations

55 Application of Part 6

This Part applies to—

- (a) a permit operator who manages or controls a well operation;
- (b) a permit operator, in relation to a production installation, and a drilling contractor, in relation to a non-production installation, but only to the extent provided for in this Part;
- (c) a petroleum worker, but only to the extent provided for in this Part.

Compare: SR 2013/208 r 63

Regulation 55(b): amended, on 15 May 2017, by regulation 5 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

General duties

56 Primary duty of permit operator of well operation

- (1) A permit operator of a well operation must ensure that the well is designed, constructed, commissioned, equipped, operated, maintained, modified, suspended, and abandoned so that—
 - (a) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
 - (b) risks to the health and safety of any person from the well or anything in it, or from strata to which the well is connected, are as low as is reasonably practicable.
- (2) A permit operator who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 64

57 Duty to ensure persons have adequate knowledge, skills, support, etc

- (1) This regulation applies to—
 - (a) a permit operator of a production installation with which a well operation is associated;
 - (b) a drilling contractor of a non-production installation with which a well operation is associated.
- (2) The permit operator or the drilling contractor (as the case may be) must—
 - (a) ensure that every person who is, or is to be, engaged in any capacity in the well operation has the necessary knowledge, skills, experience, and ability to carry out his or her responsibilities and perform his or her job safely and effectively; and
 - (b) ensure that the well operation is carried out only in circumstances where the petroleum workers carrying out the operation have received sufficient information, instruction, and training and are sufficiently supervised so that the risks to the health and safety of persons from that operation are as low as is reasonably practicable.
- (3) A permit operator or a drilling contractor who contravenes subclause (2) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 65

58 Petroleum workers must comply with instructions of permit operator of well operation

A petroleum worker on or at a well operation must comply with the reasonable instructions of a permit operator of a well operation for the purpose of enabling the permit operator to comply with the Act and these regulations.

*Assessment of conditions below ground***59 Duty to assess conditions below ground before well is designed**

- (1) Before the design of a well is commenced, a permit operator of a well operation must assess—
 - (a) the geological strata and formations through which the well may pass; and
 - (b) fluid within those strata and formations; and
 - (c) any hazards that those strata and formations may present.
- (2) To comply with regulation 56, the permit operator of the well operation must ensure that the findings from the assessment are taken into account when the well is designed and constructed.
- (3) A permit operator who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$6,000;
 - (b) for any other person, to a fine not exceeding \$30,000.

Compare: SR 2013/208 r 66

60 Duty to continue to assess conditions below ground

- (1) While well operations are being carried out, a permit operator of a well operation must continue to assess—
 - (a) the geological strata and formations through which the well may pass; and
 - (b) fluid within those strata and formations; and
 - (c) any hazards that those strata and formations may present.
- (2) If any change to any matter described in subclause (1)(a) to (c) is observed, the permit operator of the well operation must, if necessary, ensure that the following are modified in order to comply with regulation 56:
 - (a) the design and construction of the well;
 - (b) any procedures.
- (3) A permit operator who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;

(b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 67

Duties in relation to design and construction

61 Duty to ensure well designed to allow safe suspension or abandonment

- (1) A permit operator of a well operation must ensure, so far as is reasonably practicable, that the well is designed and constructed so that—
 - (a) the well can be suspended or abandoned in a safe manner; and
 - (b) after its suspension or abandonment, there can be no unplanned escape of fluids from the well or from the reservoir to which it led.
- (2) A permit operator who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 68

62 Duty to ensure use of appropriate materials

- (1) To comply with regulation 56, the permit operator of a well operation must ensure, so far as is reasonably practicable, that every part of the well is composed of suitable material.
- (2) A permit operator who contravenes subclause (1) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 69

Well control equipment

63 Duty to ensure use of suitable well control equipment

- (1) Before any well operation is carried out, the permit operator of the well operation must ensure that suitable well control equipment and associated control systems are provided to protect against the uncontrolled release of petroleum.
- (2) When any well operation is carried out, the permit operator of the production installation or the drilling contractor of the non-production installation with which the well operation is associated must ensure, so far as is reasonably practicable, that suitable well control equipment and associated control systems are used when the well and operational conditions require.
- (3) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;

(b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 70

Well examination schemes

64 Duty to prepare and implement well examination scheme

- (1) Before the design of a well is commenced or adopted, a permit operator of a well operation must prepare and implement a well examination scheme for the well.
- (2) If the permit operator of the well operation has already prepared and implemented a well examination scheme for another well, the permit operator may, instead of developing a new well examination scheme, modify the existing scheme to incorporate the new well.
- (3) The permit operator of a well operation must review and revise the well examination scheme as often as is appropriate.
- (4) In this regulation, **well examination scheme** means arrangements for examinations of the well that are—
 - (a) recorded in writing; and
 - (b) suitable for ensuring (together with the assistance of any other measures the well operator may take) that the well is designed, constructed, operated, maintained, modified, suspended, and abandoned so that,—
 - (i) so far as is reasonably practicable, there can be no unplanned escape of fluids from the well; and
 - (ii) risks to the health and safety of any person from the well or anything in it, or from strata to which the well is connected, are as low as is reasonably practicable; and
 - (c) conducted by an independent and competent person.
- (5) To avoid doubt, this regulation does not apply to a well that has been abandoned.
- (6) A permit operator who contravenes subclause (1) or (3) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 71

65 Duty to keep records of well examination scheme

- (1) A permit operator of a well operation must keep and retain records of the following matters, and store them at an address notified to WorkSafe, until the date that is 12 months after the well examination scheme, including any revision of the scheme, has ceased to be current:
 - (a) the well examination scheme:

- (b) any revision of the well examination scheme:
 - (c) any examination and testing carried out:
 - (d) the findings of any examination and testing carried out:
 - (e) any remedial action recommended:
 - (f) any remedial action performed.
- (2) A permit operator who contravenes subclause (1) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$2,000:
 - (b) for any other person, to a fine not exceeding \$10,000.
- Compare: SR 2013/208 r 72

Notice of well operations

66 Duty to notify WorkSafe before well-drilling operations commence

- (1) This regulation applies only to the following well operations:
- (a) drilling, completion, suspension, and abandonment of a well; and
 - (b) recommencement of drilling after a well has been completed, suspended, or abandoned.
- (2) A permit operator of a well operation must not commence well operations to which this regulation applies unless the permit operator of the well operation has given WorkSafe a notice of well operations.
- (3) A notice of well operations—
- (a) must be in writing and contain the information specified in Schedule 8; and
 - (b) must be given to WorkSafe at least 21 days (or any shorter period specified by WorkSafe) before commencement of the well operation.
- (4) If there is a material change to any of the information provided in a notice of well operations before completion of the relevant well operation, the permit operator of the well operation must notify WorkSafe, in writing, of that change as soon as practicable.
- (5) A permit operator who contravenes subclause (2), (3), or (4) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$2,000:
 - (b) for any other person, to a fine not exceeding \$10,000.

Compare: SR 2013/208 r 73

67 Duty to notify WorkSafe of certain workover and well intervention operations

- (1) This regulation applies to the following well operations:

- (a) a workover operation or a well intervention operation that involves an alteration to the construction of a well; or
 - (b) a workover operation or a well intervention operation that involves the insertion of a hollow pipe into a well.
- (2) A permit operator of a well operation must not commence the well operation to which subclause (1) applies unless the permit operator has given WorkSafe a notice of the operation.
- (3) The notice required by subclause (2)—
- (a) must be in writing and contain the information specified in Schedule 8; and
 - (b) must be given to WorkSafe at least 10 days (or any shorter period specified by WorkSafe) before commencement of the well operation.
- (4) A permit operator who contravenes subclause (2) or (3) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 74

68 Criteria for granting exemption under Act from notice requirements

WorkSafe must not grant an exemption under section 220 of the Act from the notice requirements in regulation 66 or 67 unless it is satisfied that the well-drilling operation, workover operation, or well intervention operation (as the case may be) will not—

- (a) create any significant new risks to the health and safety of persons on or near the installation; or
- (b) significantly increase existing risks to the health and safety of persons on or near the installation.

Compare: SR 2013/208 r 75

69 Duty to keep daily well operation reports

- (1) A permit operator of a well operation must keep and retain daily reports of any well operation described in subclause (3), and store them at an address notified to WorkSafe, until 12 months after the abandonment of the well.
- (2) Copies of daily reports must be made available to an inspector on request.
- (3) The well operations referred to in subclause (1) include the following:
- (a) a well-drilling operation:
 - (b) a well-completion operation:
 - (c) a workover operation:
 - (d) a suspension or an abandonment operation:

- (e) any other operation involving substantial risk of the unplanned escape of fluids from the well.
 - (4) A permit operator who contravenes subclause (1) or (2) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000:
 - (b) for any other person, to a fine not exceeding \$50,000:
- Compare: SR 2013/208 r 76

Part 7

Notifiable incidents and emergencies

Declaration of notifiable incidents

70 Declaration of notifiable incidents

The following incidents arising out of, or in connection with, an installation are declared to be notifiable incidents under section 24(1)(m) of the Act:

- (a) an event that did not cause, but might reasonably be expected to have caused, a major accident:
- (b) a well kick that either—
 - (i) exceeds 8 cubic metres (or 50 barrels); or
 - (ii) requires the well to be shut-in:
- (c) an uncontrolled release of hydrocarbon vapour exceeding 1 kilogram:
- (d) an uncontrolled release of petroleum liquids exceeding 80 litres:
- (e) the failure of any part of a well whose failure would cause or contribute to, or whose purpose is to prevent or limit the effect of, the unintentional release of fluids from the well or a reservoir being drawn on by the well:
- (f) damage to, or failure of, a safety-critical element that requires intervention to ensure it will operate as designed:
- (g) a fire or an explosion at an installation:
- (h) the uncontrolled or unintentional release or escape of any substance (other than petroleum) on or from an installation, where that release or escape has the potential to cause serious risk to the health and safety of any person:
- (i) an unintended collapse of—
 - (i) an installation; or
 - (ii) any part of an installation; or
 - (iii) any plant on an installation, where that collapse jeopardises, or could have jeopardised, the integrity of the installation:

- (j) subsidence or local collapse of the seabed or ground that could have affected the foundations, or the integrity, of an installation:
- (k) an unplanned event (other than a false alarm) that requires the emergency response plan to be implemented:
- (l) damage to an installation caused by adverse weather conditions, earthquakes, or other natural events that have the potential to cause a serious risk to the health and safety of any person:
- (m) a collision between a vessel, an aircraft, or a vehicle and an installation that results in damage to the installation, the vessel, the aircraft, or the vehicle:
- (n) a failure of equipment required to maintain a floating offshore installation on station:
- (o) an incident involving loss of stability or buoyancy of a floating offshore installation.

Duty to notify notifiable incident

71 Duty to notify notifiable incidents

- (1) A permit operator or drilling contractor must notify WorkSafe of any notifiable incident declared under regulation 70 as soon as practicable after the occurrence of the notifiable incident becomes known to the permit operator or drilling contractor.
- (2) The notification required under subclause (1)—
 - (a) is in addition to the notification requirements set out in section 56 of the Act; and
 - (b) must include the information specified in Schedule 9 to the extent that it is reasonably available to the permit operator or drilling contractor at the time of the notification.
- (3) Section 56(2) to (5) of the Act applies to notification given under subclause (1).
- (4) After complying with subclause (1), the permit operator or the drilling contractor must provide WorkSafe with an initial written report of the circumstances of the notifiable incident that includes the information specified in Part 1 of Schedule 9, by the latest of—
 - (a) 7 days after the occurrence of the notifiable incident; and
 - (b) 7 days after the permit operator or the drilling contractor becomes aware of the notifiable incident; and
 - (c) any other date specified, in writing, by WorkSafe.
- (5) After complying with subclause (4), the permit operator or the drilling contractor must provide WorkSafe with a detailed written report relating to the notifiable incident that includes the information specified in Parts 1 and 2 of Schedule 9, by the latest of—

- (a) 30 days after the occurrence of the notifiable incident; and
 - (b) 30 days after the permit operator or the drilling contractor becomes aware of the notifiable incident; and
 - (c) any other date specified, in writing, by WorkSafe.
- (6) A permit operator or a drilling contractor who contravenes subclause (1), (4), or (5) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 78

Regulation 71(1): amended, on 15 May 2017, by regulation 6(1) of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Regulation 71(2)(b): amended, on 15 May 2017, by regulation 6(1) of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Regulation 71(4): amended, on 15 May 2017, by regulation 6(2) of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Regulation 71(5): amended, on 15 May 2017, by regulation 6(2) of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Emergency response plans

72 Duty to prepare emergency response plan

- (1) This regulation applies to—
- (a) a permit operator, in relation to a production installation;
 - (b) a permit operator, in relation to an onshore non-production installation;
 - (c) a drilling contractor, in relation to an offshore non-production installation.
- (2) The permit operator or the drilling contractor (as the case may be) must prepare an emergency response plan for the production installation, onshore non-production installation, or offshore non-production installation.
- (3) The permit operator or the drilling contractor must submit a copy of the emergency response plan to WorkSafe—
- (a) as soon as practicable after the plan is developed; and
 - (b) at least 30 days before commencing operations.
- (4) A permit operator or a drilling contractor who contravenes subclause (2) or (3) commits an offence and is liable on conviction,—
- (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 79

73 Duty to regularly review emergency response plan

- (1) A permit operator or a drilling contractor (as the case may be) to whom regulation 72 applies must, at suitable intervals not exceeding 3 years,—
 - (a) review the emergency response plan; and
 - (b) test the plan, including by taking reasonable steps to arrange for emergency services to participate in the test to the extent that is necessary; and
 - (c) revise the plan if necessary.
- (2) The permit operator or the drilling contractor must provide any revision to the emergency response plan to WorkSafe as soon as practicable after the revision is made.
- (3) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$6,000;
 - (b) for any other person, to a fine not exceeding \$30,000.

Compare: SR 2013/208 r 80

*Protection of accommodation***74 Duty to ensure safe accommodation**

- (1) This regulation applies to—
 - (a) a permit operator, in relation to an offshore production installation;
 - (b) a drilling contractor, in relation to an offshore non-production installation.
- (2) The permit operator or the drilling contractor (as the case may be) must ensure that accommodation on every occupied offshore production installation or offshore non-production installation includes—
 - (a) external fire protection designed to protect the accommodation; and
 - (b) an integrated set of active and passive measures designed to prevent smoke and other contaminants from entering into the accommodation and to maintain adequate fresh air within it; and
 - (c) ventilation intakes fitted with smoke and gas detectors that are capable of shutting down the ventilation intakes.
- (3) A permit operator or a drilling contractor who contravenes subclause (2) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 81

Arrangements for managing emergencies, evacuation, and escape

75 Duty to ensure temporary refuge provided

- (1) This regulation applies to—
 - (a) a permit operator, in relation to an offshore production installation;
 - (b) a drilling contractor, in relation to an offshore non-production installation.
- (2) The permit operator or the drilling contractor (as the case may be) must ensure that a temporary refuge is provided on every occupied offshore installation or offshore non-production installation.
- (3) The permit operator or the drilling contractor must ensure that every temporary refuge—
 - (a) is designed to protect any person in the refuge from serious harm resulting from any release of hazardous material on or near the installation; and
 - (b) contains facilities capable of operating and monitoring emergency shut-down systems and emergency alarms, and maintaining communication with onshore facilities.
- (4) A permit operator or a drilling contractor who contravenes subclause (3) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 82

76 Duty to establish escape routes and provide offshore life-saving equipment

- (1) This regulation applies to—
 - (a) a permit operator, in relation to an offshore production installation;
 - (b) a drilling contractor, in relation to an offshore non-production installation.
- (2) The permit operator or the drilling contractor (as the case may be) must ensure that, on the offshore production installation or the offshore non-production installation,—
 - (a) every area that could be occupied has at least 2 separate escape routes that are situated as far apart as practicable and that lead to the muster area; and
 - (b) every escape route and abandonment station is readily accessible and unobstructed, and is provided with adequate and reliable emergency lighting and photoluminescent signs to assist in evacuation; and
 - (c) provision is made for—

- (i) a means of escape leading to an upper level, in the form of ramps or stairways; and
 - (ii) a means of escape leading to a lower level, in the form of ramps, stairways, or chutes; and
 - (d) provision is made for a variety of means of escape to sea level, which may include knotted ropes, ladders, or scramble nets; and
 - (e) every person is provided with the following equipment, which must be securely stored and readily accessible in the event that escape from the installation is necessary:
 - (i) a life jacket equipped with a means of enabling persons in the water to be located, such as a transmitting device, luminescent strips, or a locator light;
 - (ii) a smoke hood of a simple filter type designed to exclude smoke for at least 10 minutes;
 - (iii) a waterproof torch or chemically activated light;
 - (iv) fireproof gloves.
- (3) The permit operator or the drilling contractor must, so far as is reasonably practicable,—
- (a) protect persons on the offshore production installation or the offshore non-production installation during an emergency from the effects of fire and explosion; and
 - (b) ensure that any arrangements made and plant provided in accordance with paragraph (a) are capable of remaining effective in an emergency.
- (4) The permit operator or the drilling contractor must ensure, so far as is reasonably practicable, that—
- (a) the offshore production installation or the offshore non-production installation is equipped with suitable and sufficient lifeboats to safely accommodate at least twice the maximum number of people on or at the installation at any one time; and
 - (b) sufficient lifeboats to accommodate at least the number of people on or at the offshore production installation or offshore non-production installation are readily accessible from the temporary refuge; and
 - (c) the offshore production installation or offshore non-production installation is provided with life rafts having, in the aggregate, sufficient capacity to accommodate safely on board at least the number of people on or at the installation, together with suitable ropes to enable people to obtain access to the life rafts after the life rafts have been deployed and launched; and
 - (d) the offshore production installation or the offshore non-production installation has a sufficient number of lifebuoys, with lines attached, situ-

ated around the installation, that are ready for use in the event of a person falling into the sea.

- (5) Subclause (4) does not apply to an offshore production installation or an offshore non-production installation that has no associated accommodation.
- (6) A permit operator or a drilling contractor who contravenes subclause (2), (3), or (4) commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$10,000;
 - (b) for any other person, to a fine not exceeding \$50,000.

Compare: SR 2013/208 r 83

Management of particular hazards

77 Management of particular hazards in all installations

- (1) A permit operator of a production installation or a drilling contractor of a non-production installation (as the case may be) must—
 - (a) ensure that every person is informed, as soon as practicable after his or her arrival on the installation, of the procedure for evacuation, the significance of emergency signals, and the location of relevant life-saving equipment; and
 - (b) ensure that all petroleum workers on the installation are trained in the use of life-saving appliances, and evacuation techniques and procedures; and
 - (c) in the case of an offshore installation, ensure that effective procedures are in place for the recovery of people from the water; and
 - (d) identify the installation for evacuation and rescue purposes.
- (2) The permit operator or the drilling contractor (as the case may be) must ensure, so far as is reasonably practicable, that—
 - (a) all people on the installation vacate the installation in a safe and orderly manner when instructed to do so; and
 - (b) an offshore installation is not hazardous to other maritime users.
- (3) A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—
 - (a) for an individual, to a fine not exceeding \$6,000;
 - (b) for any other person, to a fine not exceeding \$30,000.

Compare: SR 2013/208 r 84

Part 8

Miscellaneous provisions

Fees

78 Fees

- (1) The fees payable to WorkSafe for the assessment of a safety case or a revised safety case are set out in Schedule 10.
- (2) If the safety case relates to more than 1 installation, the prescribed fee for the safety case is payable for each installation.

Revocation

79 Revocation

The Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013 (SR 2013/208) are revoked.

Schedule 1 Transitional, savings, and related provisions

r 5

Part 1 Provisions relating to these regulations as made

1 Interpretation

In this schedule,—

1999 regulations means the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999

2013 regulations means the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013

Secretary has the meaning given in the 1999 regulations.

Safety cases

2 Transitional provision for safety case for existing offshore installation

(1) This clause applies to the following safety cases for an offshore installation:

- (a) a safety case prepared and sent to the Secretary under regulation 22 of the 1999 regulations:
- (b) a safety case or revised safety case accepted by WorkSafe under regulation 30(1)(a) or (b) of the 2013 regulations before the commencement of these regulations.

(2) On and after the commencement of these regulations,—

- (a) the safety case or revised safety case for the offshore installation must be treated as an accepted safety case for the purposes of these regulations; and
- (b) for the purposes of regulation 33 of these regulations, the 5-year period begins,—
 - (i) for a safety case to which subclause (1)(a) applies, on the date on which the Secretary received the safety case for the offshore installation under the 1999 regulations:
 - (ii) for a safety case to which subclause (1)(b) applies, on the date on which the safety case for the offshore installation was accepted by WorkSafe under the 2013 regulations.

Compare: SR 2013/208 r 42

3 Transitional provision for safety case or revised safety case for offshore installation pending decision

- (1) This clause applies to a safety case or revised safety case for an offshore installation—
 - (a) that was prepared and given to WorkSafe under the 2013 regulations before the commencement of these regulations; but
 - (b) for which WorkSafe has not made a decision on before the commencement of these regulations.
- (2) Regulations 26 to 30 of these regulations apply to the safety case or revised safety case (as the case may be) for the offshore installation.

4 Transitional provision for other existing installations

- (1) This clause applies to a production installation or a non-production installation (other than an offshore installation) that was operating immediately before the commencement of 2013 regulations, but only where the duty holder for the installation has prepared and given a safety case to WorkSafe under regulation 43(2)(b) of the 2013 regulations for the installation.
- (2) Until 30 June 2016, nothing in regulations 22 to 38 of these regulations applies to the permit operator or the drilling contractor (as the case may be) for the installation to which subclause (1) applies.
- (3) To avoid doubt, regulations 26 to 30 of these regulations apply to a safety case referred to in subclause (1).

*Inspection bodies***5 Transitional provision for recognition of inspection bodies**

- (1) This clause applies to an inspection body recognised or treated as having been recognised by WorkSafe under regulation 47 of the 2013 regulations.
- (2) On and after the commencement of these regulations, the inspection body must be treated as having been recognised under regulation 42 of these regulations.
- (3) To avoid doubt, WorkSafe may withdraw recognition of the inspection body in accordance with regulation 44 of these regulations.

*Certificates of fitness***6 Transitional provision for certificates of fitness**

- (1) This clause applies to a certificate of fitness—
 - (a) that was issued or treated as having been issued under regulation 52 of the 2013 regulations; and
 - (b) that is in force immediately before the commencement of these regulations.

- (2) On and after the commencement of these regulations, the certificate must be treated as a certificate of fitness issued under regulation 46 of these regulations and—
 - (a) has the expiry date set out on that certificate; and
 - (b) for a certificate treated as having been issued under regulation 52 of the 2013 regulations, remains subject to any limitations or conditions imposed under regulation 28(6) of the 1999 regulations.

Verification schemes

7 Transitional provision for verification schemes

- (1) This clause applies to a verification scheme that is recognised or treated as having been recognised by WorkSafe under regulation 56(1) of the 2013 regulations.
- (2) On and after the commencement of these regulations, the verification scheme must be treated as a verification scheme recognised by WorkSafe under regulation 49(1) of these regulations.
- (3) To avoid doubt, WorkSafe may withdraw recognition of the verification scheme in accordance with regulation 51 of these regulations.

Schedule 2

Matters to be addressed by safety management systems for installation

rr 3(1), 15(3)(c)

The safety management system must—

Policies and objectives

- (a) describe the overall goal and principles of action of the permit operator who manages or controls the installation in relation to the control of major accident hazards:

Organisation and personnel

- (b) describe how the management of major accident hazards is an integral part of management's responsibilities at all levels in the organisation:
- (c) describe the processes for ensuring that petroleum workers have the necessary knowledge, skills, and abilities to meet their responsibilities and perform their jobs safely and effectively:
- (d) describe the processes for ensuring that petroleum workers actively participate in health and safety management activities, including the development or revision of the safety case:
- (e) describe the arrangements for ensuring that petroleum workers are fully informed about—
 - (i) the hazards to which they may be exposed on the installation; and
 - (ii) the control measures and safety management system that provide the means of eliminating or reducing the risks associated with those hazards:
- (f) in relation to a production installation, describe the arrangements for establishing safe and effective working relationships with petroleum workers:
- (g) in relation to a non-production installation, describe the arrangements for establishing safe and effective working relationships with the permit operator, the permit operator's workers, and petroleum workers:

Standards and procedures

- (h) describe the processes for the systematic identification of major accident hazards and the evaluation and treatment of risks associated with those hazards:
- (i) describe the management of change process for ensuring that health and safety implications associated with changes in organisation, personnel, procedures, practices, plant, or equipment are assessed:
- (j) describe the emergency plans and arrangements in place to respond effectively to all reasonably foreseeable emergencies:
- (k) describe the permit-to-work system for managing the safe performance of higher-risk tasks and activities:

- (l) describe the processes for ensuring that any changes to risk profiles caused by combined operations will be identified, assessed, and reduced to a level that is as low as is reasonably practicable:

Performance monitoring

- (m) provide an overview of—
- (i) the arrangements in place for monitoring performance in relation to the management of major accident hazards and other workplace hazards:
 - (ii) the arrangements for reporting, analysing, and learning from incidents and work-related illness:
 - (iii) the arrangements in place for independent and competent persons to audit the management of major accident hazards and other workplace hazards:
 - (iv) the arrangements in place for independent and competent persons to verify that safety-critical elements remain effective:
 - (v) the arrangements in place for the periodic assessment of the installation's integrity:
 - (vi) the arrangements for reviewing periodically the effectiveness and suitability of the major accident prevention policy and safety management system.

Compare: SR 2013/208 Schedule 1

Schedule 3

Information required in notice for design or relocation of production installation

rr 19(2), 20(2)

- 1 The name and address of the permit operator who manages or controls the installation.
- 2 A description of the design process from an initial concept to the submitted design and the design philosophy used to guide the process.
- 3 A description of the chosen design concept, including suitable diagrams.
- 4 A demonstration that the chosen design concept is inherently safer than the alternative design options that were considered.
- 5 A description of the criteria used to select the chosen design concept and the process by which the selection was made.
- 6 A description of how the chosen design concept is intended to ensure that the designs to which an installation is to be constructed are such that, so far as is reasonably practicable,—
 - (a) the installation can withstand forces acting on it that are reasonably foreseeable:
 - (b) the installation's layout and configuration, including those of its plant, will not prejudice its integrity:
 - (c) fabrication, transportation, construction, commissioning, operation, modifications, maintenance, and repair of the installation may proceed without prejudice to its integrity:
 - (d) the installation may be decommissioned and dismantled safely:
 - (e) in the event of reasonably foreseeable damage to the installation, the installation will retain sufficient integrity to enable action to be taken to safeguard the health and safety of persons on or near it.
- 7 A description of how the chosen design concept is intended to ensure that major accident hazards are reduced to the lowest level that is reasonably practicable.
- 8 A description of—
 - (a) the principal systems on the installation:
 - (b) the installation layout:
 - (c) the process technology to be used:
 - (d) the principal features of any pipeline:
 - (e) any petroleum-bearing reservoir intended to be exploited by using the installation:
 - (f) the basis of any design for any wells to be connected to the installation.

- 9 A suitable plan of the intended location of the installation and of anything that may be connected to it.
- 10 The particulars of the operating and environmental conditions to which the installation may foreseeably be subject and, in the case of an offshore installation, the properties of the seabed and subsoil at its location.
- 11 The particulars of the types of operation, and the activities in connection with an operation, that the installation may perform.
- 12 A general description of the means by which the management system of the permit operator who manages or controls the installation will ensure that the structure and plant of the installation will be designed, selected, constructed, and commissioned in a way that will control major accident hazards to a level that is as low as is reasonably practicable.
- 13 A summary of the arrangements that will be put in place for verifying the safety-critical elements.
- 14 A summary of the arrangements that will be put in place for the periodic assessment of the installation's integrity.
- 15 Where a production installation is to be moved to a new location, an explanation of why the permit operator who manages or controls the installation considers the installation to be suitable for the new location.

Compare: SR 2013/208 Schedule 2

Schedule 4

Information required in notice of combined operation

r 21(2)

- 1 The name and address of each permit operator or drilling contractor preparing the notice and a confirmation that each permit operator or drilling contractor has agreed to the contents of the notice.
- 2 The position held by the person in charge of the combined operation.
- 3 A description of how the management systems for the installations involved in the combined operation will be co-ordinated so as to reduce the risks from a major accident.
- 4 The particulars of any plant that is to be used in connection with the combined operation but which is not described in the current safety case for any of the installations involved in the combined operation.
- 5 A summary of the joint review carried out by all permit operators or drilling contractors involved in the combined operation, including—
 - (a) a description of any activities during the combined operation that may involve major accident hazards on or in connection with an installation; and
 - (b) a description of any risk-control measures introduced as a result of that review.
- 6 A description of the combined operation and a programme of work, which must include the dates on which the combined operation is expected to commence and finish.

Compare: SR 2013/208 Schedule 3

Schedule 5

Information required in safety case for installation

rr 3(1), 23(1), 26, 28(a), 31(1)(a)

- 1 The name and address of the permit operator or the drilling contractor who manages or controls the installation.
- 2 A description of how the permit operator or the drilling contractor has taken into account any matters raised by WorkSafe in relation to a notice provided under regulation 19(1) or (3).
- 3 A summary of how the permit operator or the drilling contractor complied with regulation 24 in the preparation or revision of a safety case.

Schedule 5 clause 3: amended, on 15 May 2017, by regulation 7 of the Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61).

Safety management system

- 4 A detailed description of the safety management system that provides for all activities that will, or are likely to, take place on, or in connection with, the installation.
- 5 The safety management system must address the matters set out in Schedule 2.

Installation

- 6 In relation to the installation,—
 - (a) the particulars of all New Zealand and international standards that have been applied, or will be applied, in relation to the installation or plant used on or in connection with the installation:
 - (b) a description, with scale diagrams, of,—
 - (i) for all installations, the plant and the equipment of the installation; and
 - (ii) for a production installation,—
 - (A) the intended location of the installation:
 - (B) the main and secondary structure of the installation and its materials:
 - (C) the connections to any pipeline or installation:
 - (D) any wells to be connected to the installation; and
 - (iii) for an offshore installation,—
 - (A) the layout and the configuration of its plant:
 - (B) any designated hazardous areas:
 - (c) the particulars of the types of operation, and the activities in connection with any operation, that the installation is capable of performing:

- (d) in relation to an offshore installation, the maximum number of persons expected to be on the installation at any time and for whom accommodation is to be provided:
- (e) the particulars of the range of operating and environmental conditions within which the installation has been designed to operate and how the installation's structures have been designed and are maintained for the stated operating and environmental conditions:
- (f) the particulars of the plant and the arrangements that will be used to control the pressure in the well and prevent the uncontrolled release of petroleum:
- (g) in relation to a production installation, a description of any pipeline with the potential to cause a major accident (where applicable), including details of—
 - (i) the fluid that it conveys:
 - (ii) its dimensions and layout:
 - (iii) its contained volume at declared maximum allowable operating pressure:
 - (iv) any apparatus and works intended to secure safety:
- (h) in relation to an offshore installation, the particulars of plant, equipment, and procedures for diving support and hyperbaric rescue:
- (i) a description of the areas that have been classified as hazardous, including the rated classification:
- (j) a description of the systems available for early detection of smoke, fire, accumulations of flammable (and other hazardous) gases, leakages of flammable liquids, and other events that may require an emergency response:
- (k) a description of the arrangements for giving warning of an emergency by audible, and where necessary, visual alarm systems to all petroleum workers on the installation:
- (l) a description of the arrangements for communication during an emergency—
 - (i) between persons on the installation:
 - (ii) in relation to an offshore installation, between the installation and other installations, supporting aircraft, and vessels:
 - (iii) between the installation and remote support locations and emergency services:
- (m) a description of the measures for limiting the extent of an emergency, including—
 - (i) measures to combat fire and explosion; and

- (ii) emergency shutdown systems; and
- (iii) facilities for the monitoring and control of the emergency and for organising evacuation:
- (n) a description of the measures taken for the protection of petroleum workers from hazards of explosions, fire, heat, smoke, hazardous gas, or fumes during any period while petroleum workers may need to remain on an installation during an emergency:
- (o) in relation to an offshore installation, a description of the temporary refuge arrangements that offer protection against an escalating major accident:
- (p) a description of the evacuation and escape systems.

Management of major accident hazards

- 7 A detailed description of the formal safety assessment for the installation, including a description of—
- (a) all major accident hazards:
 - (b) an assessment of the risk associated with each major accident hazard:
 - (c) the elimination, prevention, reduction, and mitigation control measures that have been, or will be, taken to reduce the risks to a level that is as low as is reasonably practicable:
 - (d) the performance standards for each control measure:
 - (e) the assurance processes that will be put in place to confirm that the control measure remains fit for purpose:
 - (f) the process used to identify major accident hazards, assess the risks, identify the control measures, and set performance standards.

Performance monitoring

- 8 A description of—
- (a) the arrangements in place for monitoring the management of major accident hazards and other workplace hazards:
 - (b) the arrangements for reporting, analysing, and learning from incidents and work-related illness:
 - (c) the arrangements for monitoring and measuring occupational health exposures:
 - (d) the arrangements in place for independent and competent persons to audit the management of major accident hazards and other workplace hazards:
 - (e) the arrangements in place for independent and competent persons to verify that safety-critical elements remain effective:

- (f) the arrangements in place for the periodic assessment of the installation's integrity.

Compare: SR 2013/208 Schedule 4

Schedule 6 Form of certificate of fitness

rr 43(a), 46(3)

Name or description of installation

I certify that all of the following parts of this installation have been designed, constructed, operated, maintained, suspended, or abandoned, as indicated below, in accordance with generally accepted and appropriate industry practice, as indicated by compliance with the appropriate part or parts of the codes of practice or standards specified:

Part (description)	Code of practice	Action*
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*Specify whether it has been designed (D), constructed (C), operated (O), maintained (MS), abandoned (A).

The following parts of this installation have the following limitations:

Part (description)	Limitation
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This certificate of fitness expires on the close of [*date*] or, in respect of any part of this installation, on the date on which that part no longer complies with this certificate of fitness.

Date:

Signature:

[*Name of inspection body*]

[*Name of inspection body*] is an inspection body recognised by WorkSafe, such recognition being notified in the *Gazette* on [*date*], at [*page number*].

Compare: SR 2013/208 Schedule 5

Schedule 7

Information required for verification scheme

rr 47(2)(e), 48(1)(c), 49(1)(a)

- 1 The principles to be applied by the permit operator or the drilling contractor who manages or controls the installation in selecting persons—
 - (a) to perform functions under the verification scheme; and
 - (b) to keep the scheme under review.
- 2 The arrangements for the communication of information necessary for the proper implementation, or revision, of the scheme to the persons referred to in clause 1.
- 3 The nature and frequency of examination and testing, including—
 - (a) examination (including testing where appropriate) of the safety-critical elements; and
 - (b) examination of any design, specification, certificate or other document, marking, or standard relating to those safety-critical elements; and
 - (c) examination of fabrication, construction, and repair work in progress.
- 4 The arrangements for review and revision of the scheme, including—
 - (a) review of the record of safety-critical elements; and
 - (b) review of the methods for examination of the safety-critical elements; and
 - (c) revision and issue of the documented scheme.
- 5 The arrangements for the making and preservation of records that show—
 - (a) the examination and testing carried out; and
 - (b) the findings; and
 - (c) any remedial action recommended; and
 - (d) any remedial action performed.
- 6 The arrangements for communicating the matters specified in clause 5 to an appropriate level in the management system of the permit operator or the drilling contractor for the installation.

Compare: SR 2013/208 Schedule 6

Schedule 8

Information required in notice of well operations

rr 66(3)(a), 67(3)(a)

- 1 The name and address of the permit operator who manages or controls the well.
- 2 The name of the installation from which the well operation is to be carried out, and the name and address of the permit operator or the drilling contractor who manages or controls that installation.
- 3 The particulars of the fluids to be used to control the pressure of the well.
- 4 The particulars of any plant that is not described in the current safety case for the installation and that is to be used in connection with the well operation.
- 5 For an onshore non-production installation, a description, with scale diagrams, of—
 - (a) the layout and configuration of its plant; and
 - (b) any designated hazard areas.
- 6 The particulars of the type of well, its number, and the name of any field development of which it may be part.
- 7 A description of the well operation and a programme of work that includes—
 - (a) the date on which each well operation is expected to commence and finish; and
 - (b) the intended operational state of the well at the end of each well operation.
- 8 A description of—
 - (a) any activities on or in connection with an installation during the well operation that may involve any major accident hazards; and
 - (b) any major accident hazards; and
 - (c) any control measures that are not described in the current safety case for the installation or, if applicable, the notice of combined operations that have been or will be taken to reduce the risks associated with any major accident hazards identified under paragraph (b).
- 9 For a well that is to be drilled,—
 - (a) the particulars, with suitable diagrams, of—
 - (i) the location of the top of the well; and
 - (ii) the directional path of the well bore; and
 - (iii) its terminal depth and location; and
 - (iv) its position and that of nearby wells, relative to each other; and

- (b) the particulars of the geological strata and formations, and of fluids within the geological strata and formations, through which the well may pass, and of any major accident hazards that they may contain; and
 - (c) the methodology for effectively monitoring the direction of the well bore and for minimising the likelihood and effects of intersecting nearby wells; and
 - (d) a description of the design of the well, including—
 - (i) any standards that have been applied; and
 - (ii) the safe limits on its safe operation and use; and
 - (e) verification by an independent and competent person (as part of the well examination scheme) of the well design and procedures or of any material change to the well design or procedures.
- 10 For an existing well,—
- (a) a diagram of the well; and
 - (b) a summary of earlier operations in relation to it; and
 - (c) the purposes for which it has been used; and
 - (d) its current operational state; and
 - (e) its state of repair; and
 - (f) the physical conditions within it; and
 - (g) its production capacity.
- 11 For a well that is to be suspended,—
- (a) the anticipated period for which suspension is required; and
 - (b) the method of suspension; and
 - (c) the details of any standards that have been applied; and
 - (d) if the well is situated offshore, whether any seabed equipment will project above the seabed and, if so, how it will be marked at the surface of the sea; and
 - (e) verification by an independent and competent person (as part of the well examination scheme) of the well suspension design and procedures.
- 12 For a well that is to be abandoned,—
- (a) a detailed programme of abandonment that indicates—
 - (i) the sequence of operations; and
 - (ii) the positions of cement or bridge plugs; and
 - (iii) the method of setting in place and testing the integrity of plugs; and
 - (iv) the details of any intention to recover casing, tubing, surface equipment, or down-hole equipment; and

- (v) the details of any debris to be left in the hole, and the plans for surface or seabed restoration; and
 - (b) the details of any standards that have been applied; and
 - (c) verification by an independent and competent person (as part of the well examination scheme) of the well abandonment design and procedures.
- 13 A description of how the well operator and the permit operator for the installation will co-ordinate their management systems so as to reduce the risks from a major accident.

Compare: SR 2013/208 Schedule 7

Schedule 9

Information required in notice or report of notifiable incident

r 71(2), (4), (5)

Part 1

Information required

- 1 The name of the installation or location where the notifiable incident occurred.
- 2 The name and address of the permit operator or the drilling contractor who manages or controls the workplace.
- 3 The time and date of the notifiable incident.
- 4 The names and contact details of any witnesses.
- 5 A brief description of the notifiable incident.
- 6 The work or activity being undertaken at the time of the notifiable incident.
- 7 Any action taken to make the workplace safe, including details of any disturbance of the workplace.
- 8 Whether an emergency response was initiated.

Injuries

- 9 The name of the permit operator or the drilling contractor of injured worker(s) (if different from the answer in item 2).
- 10 The details of the injured worker(s), including name, date of birth, sex, residential address and telephone number, occupation or job title, details of injury, and details of job being undertaken.
- 11 The day of the shift and the hour of shift (for example, fifth day of 7, first hour of 12).

Fluid escape

- 12 The estimated quantity and composition of fluids that escaped or burned, including known toxicity.
- 13 The duration of the fluid escape.
- 14 The weather conditions.

Serious damage

- 15 The equipment damaged, and to what extent.
- 16 Whether the equipment or the installation will be shut down.

Immediate action/cause

- 17 The immediate action taken or intended to be taken, if any, to prevent recurrence of the incident.

- 18 The immediate cause analysis.

Part 2

Analysis and remedial action

- 1 Root cause analysis.
- 2 Actions to prevent recurrence of the same or a similar incident with responsible party and completion date.
- 3 Copies of all documentary material either referred to or relied on (or both) in preparing this notice, which may include, without limitation, as appropriate,—
 - (a) witness statements:
 - (b) safety management system documents:
 - (c) drawings, diagrams, and photographs:
 - (d) third-party reports (audit, inspection, material analysis, etc):
 - (e) internal records and correspondence.

Compare: SR 2013/208 Schedule 8

Schedule 10

Fees

Installation type	Fees for assessment of new safety case (excl GST) (\$)	Fees for assessment of revised safety case (excl GST) (\$)
<i>Non-production installation (offshore)</i>		
Mobile offshore drilling unit or drill ship	86,506	38,766
<i>Production installation (offshore)</i>		
Floating production, storage, and offloading unit	101,894	54,404
Production platform (with drilling or workover capability)	103,631	44,456
Production platform	86,359	37,047
Production platform (unmanned)	73,184	34,571
<i>Non-production installation (onshore)</i>		
Land drilling unit	70,076	34,667
<i>Production installation (onshore)</i>		
Production facilities	71,306	34,071

Compare: SR 2013/208 Schedule 9

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 18 February 2016.

Reprints notes

1 *General*

This is a reprint of the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Health and Safety at Work (Petroleum Exploration and Extraction) Amendment Regulations 2017 (LI 2017/61)