

Reprint  
as at 4 April 2016



## Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013 (SR 2013/208)

Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013: revoked, on 4 April 2016, by regulation 79 of the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016 (LI 2016/18).

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 21 of the Health and Safety in Employment Act 1992, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister given in accordance with section 21(2) and (3) of that Act, makes the following regulations.

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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 in Employment (Petroleum Exploration and Extraction) Regulations 2013.

### 2 Commencement

These regulations come into force on 30 June 2013.

## Part 1

### Preliminary provisions

### 3 Interpretation

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 in Employment Act 1992

**certificate of fitness** means a certificate of fitness of the kind referred to in regulation 52 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

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

**duty holder** means—

(a) in relation to a production installation, the operator; and

(b) in relation to a non-production installation, the owner

**emergency response plan** has the meaning set out in regulation 79(4)

**employee** has the meaning set out in regulation 4(2)

**employer** has the meaning set out in regulation 4(1)

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

**independent** has the meaning set out in regulation 6

**inspection body** means a person or organisation recognised by WorkSafe under regulation 47

**inspector** means a health and safety inspector appointed under section 29(1) 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 below 820 barrels per day; and
- (b) the actual or expected average net gas production over any continuous 12-month period is below 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, having the potential to cause multiple fatalities of 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 under regulation 17

**non-production installation**—

- (a) means any vessel or structure that functions independently of a production installation and 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 the seaward side of the mean high-water mark  
**on an installation** includes at or in an installation

**operator** has the meaning set out in regulation 5

**owner** means—

- (a) the employer appointed by the permit operator to control the operation of a non-production installation; or
- (b) the permit operator, if the permit operator is an employer of employees on the non-production installation, or at the well site, and—
  - (i) no employer is appointed; or
  - (ii) the permit operator has notified the appointed employer in writing that the permit operator is to be treated as the owner for the purposes of these regulations

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

**permit operator** means the person described in section 27 of the Crown Minerals Act 1991

**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, or 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—**

- (a) means any person employed in any capacity on an installation; and
- (b) includes any contractor or subcontractor engaged to carry out any work on the installation, and the employees of any such contractor or subcontractor

**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 the 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 required in Schedule 4

**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 the generality of 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 1

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

**verification scheme** has the meaning set out in regulation 54

**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 there may be an accidental release of fluids from the well that could give rise to the risk of a major accident

**well operator**, in relation to a well or proposed well, means—

- (a) the employer appointed by the permit operator to perform the function of organising and supervising—
  - (i) the drilling of that well; and
  - (ii) all operations to be carried out by means of that well; or
- (b) the permit operator, if the permit operator is an employer of employees at the well site and—
  - (i) no employer is appointed; or
  - (ii) the permit operator has notified the appointed employer in writing that the permit operator is to be treated as the well operator for the purposes of these regulations

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

Regulation 3 **inspection body**: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

#### **4 Meaning of employer and employee**

- (1) In these regulations, **employer** includes—
  - (a) a person who controls a place of work; and
  - (b) a principal who controls the place of work at which a contractor or subcontractor, or an employee of a contractor or subcontractor, works.
- (2) In these regulations, **employee**,—
  - (a) in relation to a person who controls a place of work, means a person lawfully at work in the place; and
  - (b) in relation to a principal, means an employee of a contractor or subcontractor or, if a contractor or subcontractor is an individual, the contractor or subcontractor.

#### **5 Meaning of operator**

- (1) In these regulations, **operator** means—
  - (a) the employer appointed by the permit operator to manage and control the execution of the main functions of a production installation; or
  - (b) the permit operator, if the permit operator is an employer of employees working on the production installation and—
    - (i) no employer is appointed; or

- (ii) the permit operator has notified the appointed employer in writing that the permit operator is to be treated as the operator for the purposes of these regulations; or
  - (iii) despite the appointment of an employer, the permit operator is in fact managing and controlling the execution of the main functions of the production installation.
- (2) Subclause (1)(b)(iii) overrides subclause (1)(a).

## 6 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 financial nature.

### *Relationship between Act and regulations*

## 7 Relationship between Act and regulations

A person on whom a duty is imposed by these regulations in relation to a particular set of circumstances must, on the occurrence of those circumstances, comply with that duty, despite the fact that the Act may impose the same, a similar, or an additional duty on that person in relation to that set of circumstances.

### *Compliance by previous duty holder or well operator*

## 8 Compliance by previous duty holder of installation or well operator counted as compliance by successor

- (1) This regulation applies to a duty holder of an installation and a well operator.
- (2) If a duty holder or well operator to whom this regulation applies is succeeded by a new duty holder or well operator, anything done in compliance with these regulations by the duty holder or well operator, as the case may be, must be treated as having been done by their successor.

## Part 2

### General duties

#### 9 Application

This Part applies to non-production installations and production installations.

#### 10 Duty holder must ensure safety of installation

- (1) The duty holder must take all practicable steps to ensure that—
  - (a) the installation 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 duty holder must ensure that the installation at all times possesses such integrity as is reasonably practicable.

#### 11 Duty holder must appoint installation manager

- (1) The duty holder must appoint a competent person (the **installation manager**) to manage, on the duty holder's behalf, the installation and the petroleum workers on it.
- (2) The duty holder must—
  - (a) ensure that the installation is at all times under the charge of an installation manager; and
  - (b) provide the installation manager with appropriate resources to carry out his or her functions; and
  - (c) ensure that the identity of the installation manager is known to or readily ascertainable by every petroleum worker on the installation.

#### 12 Petroleum workers must comply with instructions

Every petroleum worker must—

- (a) comply with the instructions of the installation manager so far as is necessary to enable the installation manager to discharge his or her function described in regulation 11(1); and
- (b) comply with the instructions of the duty holder or well operator (as the case may require) for the purpose of enabling the duty holder or well operator to comply with the Act and these regulations.

#### 13 Duty holder must take steps to manage hazardous liquids, vapours, or gases

The duty holder must take all practicable 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.

**14 Duty holder must take steps to ensure safe disposal of waste petroleum**

The duty holder must take all practicable steps to ensure the safe disposal of any waste petroleum, vapours, or gases.

**15 Duty holder must take precautions with sources of ignition**

The duty holder must take all practicable steps to prevent sources of ignition being carried into or used in areas where such sources of ignition may create a hazard.

### Part 3

#### Lower-tier production installations

**16 Application**

This Part applies only to lower-tier production installations.

**17 Operator must establish major accident prevention policy**

- (1) The operator of a lower-tier production installation must—
  - (a) prepare a 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 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 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 operator has established a safety management system that addresses the matters set out in Schedule 1; and
  - (d) be in writing.

**18 Operator must review major accident prevention policy**

- (1) The 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 installation; or
  - (b) any process carried out at the installation.
- (2) The operator must, as a result of a review, make any adjustments to the policy that are necessary to give effect to regulation 17(2) and (3).
- (3) In this regulation, 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.

#### **19 Operator must keep records**

- (1) The operator of a lower-tier production installation must make 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 operator must retain each record for at least 5 years after it was made and store it—
- (a) in a secure place on the installation; and
  - (b) at a separate address.

#### *Transitional provision*

#### **20 Transitional provision relating to existing lower-tier production installations**

The operator of a lower-tier production installation that was operating immediately before the commencement of these regulations is not required to comply with this Part until 30 June 2014.

### **Part 4**

#### **Notice and safety case requirements**

#### **21 Application**

This Part applies to non-production installations and production installations other than lower-tier production installations.

*Notice requirements***22 Operator must give design notice**

- (1) Before the design of a production installation is completed, the operator must—
  - (a) prepare a design notice in accordance with subclause (2); and
  - (b) give the design notice to WorkSafe as soon as practicable after the design concept selection has occurred and before making a final investment decision or commencing detailed design.
- (2) The design notice must contain the information required in Schedule 2, but only to the extent that the 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 installation is given to WorkSafe in accordance with regulation 26(2), there is a material change to any matter described in the design notice, the operator must notify WorkSafe of that change as soon as practicable.

Regulation 22(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 22(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 22(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**23 Operator must give relocation notice**

- (1) Before a production installation is to be moved to, and operated in, a new location, the operator must—
  - (a) prepare a relocation notice in accordance with subclause (2); and
  - (b) give the relocation notice to WorkSafe within sufficient time to enable the operator to take into account any matter raised by WorkSafe within 90 days of being given the notice.
- (2) The relocation notice must contain the information required in Schedule 2, but only to the extent that the information is not already contained in an accepted safety case for the installation.

Regulation 23(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**24 Duty holder must give notice of combined operation**

- (1) A duty holder must not engage an installation in a combined operation with another installation, unless the duty holder has given WorkSafe a notice of combined operation in accordance with this regulation.
- (2) A notice of combined operation must contain the information required in Schedule 3.

- (3) The requirement in subclause (1) is satisfied if—
  - (a) the duty holders 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 duty holders intend to commence the combined operation; or
  - (b) any later date that WorkSafe specifies in writing.
- (5) If, before the completion of the combined operation, there is a material change in any information contained in the notice of combined operation, the duty holders must notify WorkSafe 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 duty holder of an installation involved in a combined operation, the duty holders must give WorkSafe a notice of combined operation in accordance with this regulation.
- (8) In this regulation, **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.

Regulation 24(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(3)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(4)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(7): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### *Requirement for a safety case*

#### **25 Installation must not be operated without accepted safety case**

The duty holder of an installation must ensure that the installation is not operated without there being an accepted safety case for the installation.

#### **26 Requirements for safety case**

- (1) A duty holder must prepare a safety case for an installation that contains the information required in Schedule 4.
- (2) The safety case must be given to WorkSafe, together with the prescribed fee,—

- (a) at least 90 days before the date on which the duty holder intends to commence operating the installation; or
  - (b) by any later date that WorkSafe specifies 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.

Regulation 26(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 26(2)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 26(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## **27 Duty holder must consult petroleum workers**

A duty holder must, when preparing or revising a safety case, ensure there is effective consultation 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.

## **28 Operator must prepare safety case where production exceeds threshold quantities for lower-tier production installation**

If, in relation to an installation that is represented or treated as being a lower-tier 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, the operator must, within 90 days (unless otherwise agreed by WorkSafe), prepare a safety case for the installation in accordance with regulations 26 and 27 and give it to WorkSafe.

Regulation 28: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### *Consideration of and decisions on safety cases*

## **29 WorkSafe may request further information**

- (1) After receiving a safety case or an amended safety case, WorkSafe may request a duty holder to give further information about any matter set out in Schedule 4.
- (2) The request for further information must—
  - (a) be in writing; and
  - (b) describe by reference to Schedule 4 the matter for which the 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 the request is sent.

- (3) Any information given in response to a request must be treated as if it were part of the original safety case.

Regulation 29 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 29(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### **30 WorkSafe must notify duty holder of decision**

- (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 29, the 90-day period starts on the date WorkSafe receives the further information.

- (3) WorkSafe must as soon as practicable after making a decision about a safety case notify the duty holder 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 duty holder in writing of that fact as soon as practicable; and
- (b) give the duty holder a proposed timetable for WorkSafe's consideration of, and decision on, the safety case or amended safety case.

Regulation 30 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 30(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 30(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 30(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 30(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### **31 Criteria for acceptance of safety case**

WorkSafe must accept a safety case for the operation of an installation if satisfied that—

- (a) the safety case contains all the information required in Schedule 4; and
- (b) when preparing the safety case, the duty holder has consulted with petroleum workers in accordance with regulation 27; 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 duty holder will not comply with the safety case; and
- (e) the safety case is appropriate for the installation and for the activities to be conducted at the installation.

Regulation 31: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### **32 WorkSafe may impose limits or conditions on safety case**

WorkSafe may, when accepting a safety case, impose limitations or conditions on the safety case that relate to the installation or the activities carried out at the installation.

Regulation 32 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 32: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### **33 WorkSafe may reject safety case**

- (1) WorkSafe must initially reject a safety case if the safety case does not meet the criteria set out in regulation 31.
- (2) If WorkSafe initially rejects a safety case, WorkSafe must—
  - (a) notify the duty holder of the reasons for the decision; and
  - (b) give the duty holder a reasonable opportunity to amend the safety case and resubmit it for acceptance.
- (3) If the duty holder gives WorkSafe an amended safety case, WorkSafe must—
  - (a) accept the safety case, if WorkSafe is satisfied that it meets all the criteria set out in regulation 31; or
  - (b) finally reject the safety case.
- (4) If WorkSafe accepts the amended safety case, WorkSafe may impose limitations or conditions in accordance with regulation 32.
- (5) To avoid doubt, the fact that WorkSafe has finally rejected a safety case for an installation does not prevent the duty holder from giving WorkSafe a new safety case for that installation in accordance with regulation 26.

Regulation 33 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 33(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 33(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 33(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 33(3)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 33(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 33(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### *Revision of safety cases*

#### **34 Safety case must be revised in certain situations**

- (1) A duty holder of an installation in respect of which there is an accepted safety case must prepare a revised safety case and give it to WorkSafe if—
  - (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 required in Schedule 4; or
  - (b) the duty holder proposes to modify the installation or decommission the installation, and the proposed modification or decommissioning is not adequately addressed in the safety case; or
  - (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; or
  - (d) the duty holder proposes to change the safety management system significantly; or
  - (e) the activities to be carried out at the installation are different from the activities contemplated in the safety case; or
  - (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 prescribed fee.
- (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.

Regulation 34(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 34(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 34(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

#### **35 WorkSafe may request revised safety case**

- (1) The duty holder of an installation in respect of which there is an accepted safety case must prepare a revised safety case and give it to WorkSafe, together with the prescribed fee, if WorkSafe so requests in writing.

- (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 by the revised safety case; and
  - (b) the date by which the revised safety case must be given, which must not be less than 30 days after the date on which the request is sent; and
  - (c) the grounds for the request.
- (4) The duty holder 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 by the revised safety case; or
  - (c) allow the revised safety case to be given 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 more than 21 days after the duty holder receives the request from WorkSafe; or
  - (b) by a later date specified in writing by WorkSafe.
- (6) If WorkSafe receives a submission from the duty holder 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 duty holder or otherwise; or
  - (c) require the revised safety case to be given to WorkSafe by a later date specified in writing by WorkSafe; or
  - (d) reject the submission and confirm the request.
- (7) WorkSafe must give the duty holder written notice of WorkSafe's decision, including the grounds for the decision if the duty holder's submission is rejected in whole or in part.

Regulation 35 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(5)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(5)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(6): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(6)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 35(7): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### **36 Duty holder must give revised safety case within 5 years**

- (1) The duty holder of an installation in respect of which there is an accepted safety case must prepare a revised safety case and give it to WorkSafe, together with the prescribed fee, no later than the date that is 5 years after the date on which a safety case for the installation was accepted.
- (2) Subclause (1) applies regardless of whether a revised safety case required under regulation 34 or 35 has been accepted within the 5-year period.
- (3) The duty holder must comply with regulations 26 and 27 when preparing the revised safety case.

Regulation 36(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### **37 Decision on revised safety case**

- (1) If a duty holder provides a revised safety case to WorkSafe under any of regulations 34 to 36, regulations 29 to 33 apply, except as modified by subclauses (2) and (3).
- (2) Any request for further information under regulation 29 must specify the date by which the further information must be provided, which must not be less than 10 days after the date the request is sent.
- (3) WorkSafe must make a decision, and notify the duty holder of the decision, in accordance with regulation 30 within 30 days of receiving the revised safety case (unless WorkSafe acts in accordance with regulation 30(4)).
- (4) To avoid doubt, the accepted safety case for the installation continues to have effect if WorkSafe finally rejects the revised safety case.

Regulation 37(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 37(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 37(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

#### *Withdrawal of acceptance of safety case*

### **38 WorkSafe may withdraw acceptance of safety case**

- (1) WorkSafe may withdraw acceptance of an accepted safety case if—
  - (a) a duty holder fails to comply with the duty holder's duty under regulation 39; or

- (b) a duty holder fails to comply with a notice issued by an inspector under the Act; or
  - (c) a duty holder fails to provide a revised safety case where required under regulation 34, 35, or 36; or
  - (d) WorkSafe has finally rejected a revised safety case.
- (2) Before withdrawing acceptance of a safety case, WorkSafe must give the duty holder 30 days' notice, in writing, of the 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 duty holder may make submissions, in writing, on the proposal to withdraw acceptance of the safety case; and
  - (c) a date by which the duty holder must make those submissions; and
  - (d) a date by which the withdrawal will become effective.
- (3) WorkSafe may provide a copy of the notice to any other person.
- (4) The duty holder may, by the date specified by WorkSafe, make written submissions to WorkSafe in relation to the proposed withdrawal.
- (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 duty holder by the date specified by WorkSafe;
  - (b) any action taken by the duty holder 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 duty holder to prevent recurrence of a matter that was a ground for WorkSafe's proposal to withdraw acceptance of the safety case.

Regulation 38 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(1)(d): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 38(5)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

*Compliance with safety case requirements*

**39 Duty holder must ensure compliance with safety case requirements**

(1) The duty holder must, as applicable, operate, modify, maintain, and decommission an installation in a manner that is consistent with the accepted safety case and any conditions or limitations imposed by WorkSafe.

(2) In subclause (1), a reference to installation includes any part of that installation.

Regulation 39(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

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

(1) Despite regulation 39, WorkSafe may consent in writing to a duty holder conducting an activity in a manner different from that set out in the accepted safety case for the installation.

(2) Without limiting the generality of subclause (1), WorkSafe may give such 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 persons on or near the installation to do so.

(3) WorkSafe may not give consent under subclause (1) unless WorkSafe 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.

Regulation 40 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 40(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 40(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 40(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

*Duty holder to retain records*

**41 Duty holder must retain records of safety case**

(1) The duty holder must make 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 safety management system:

- (d) any actions that will be, or have been, taken to implement those recommendations.
- (2) The duty holder must retain a record referred to in subclause (1) for at least 5 years after it was made, and store it—
  - (a) in a secure place on the installation; and
  - (b) at a separate address nominated for the installation.

*Transitional provisions relating to safety cases*

**42 Transitional provision for existing offshore installations**

- (1) A safety case for an offshore installation that was prepared under the former regulations and sent to the Secretary under regulation 22 of those regulations is deemed to be an accepted safety case for the purposes of these regulations.
- (2) For the purposes of regulation 36, the 5-year period begins on the date on which the Secretary received the safety case under the former regulations.

**43 Transitional provision for other existing installations**

- (1) This regulation applies to installations (other than offshore installations) that were operating immediately before the commencement of these regulations.
- (2) A duty holder of an installation to which this regulation applies—
  - (a) is not required to comply with regulations 25 to 41 until 30 June 2016; but
  - (b) must prepare a safety case for the installation in accordance with regulations 26 and 27 and give it to WorkSafe by 24 December 2014.
- (3) Once the duty holder has complied with subclause (2)(b), regulations 29 to 33 apply accordingly.

Regulation 43(2)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## Part 5

### Certificates of fitness and verification schemes for offshore installations

**44 Application**

This Part applies to non-production installations, and production installations, operating offshore.

*Certificates of fitness*

**45 Duty holder must ensure installation has compliant certificate of fitness**

- (1) A duty holder must ensure that an 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 duty holder operating a verification scheme.
- (4) The duty holder must ensure that a copy of any certificate of fitness is sent to WorkSafe at least 30 days before the commencement of operation of the installation.

Regulation 45(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

#### **46 Installation no longer complies with certificate of fitness**

- (1) An installation 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 equipment; or
  - (c) is structurally modified or replaced.
- (2) If the installation or equipment no longer complies with the relevant certificate of fitness,—
- (a) the duty holder must cease to operate that installation or equipment unless the inspection body allows such operation under paragraph (b):
  - (b) the inspection body may allow the duty holder to continue to operate that installation or equipment in accordance with such reasonable limitations and conditions as it notifies to the duty holder in writing, and—
    - (i) the certificate of fitness is subject to those limitations and conditions; and
    - (ii) the duty holder may continue to operate the installation or 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.

#### **47 Recognition of inspection bodies**

WorkSafe may recognise a person or organisation as an inspection body, if 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 Accreditation 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 work, inspection work, and any other work the person or organisation does or is likely to do.

Regulation 47: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 47(c): amended, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

#### 48 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 5:
- (b) that any certificate of fitness issued by the inspection body contains the date on which the certificate expires, which is to be no 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.

Regulation 48(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

#### 49 Withdrawal of recognition

- (1) WorkSafe may withdraw recognition of an inspection body if WorkSafe is satisfied that—
  - (a) it is appropriate to do so; or
  - (b) the inspection body no longer complies with any provision of regulation 47 or is not complying with any condition imposed by or under regulation 48.
- (2) Before withdrawing recognition of an inspection body, WorkSafe must put its concerns to the inspection body and consider the inspection body's response.

Regulation 49(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 49(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

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

If WorkSafe has recognised any person or organisation under regulation 47, or withdrawn recognition from any person or organisation under regulation 49, WorkSafe must publish a notice to that effect in the *Gazette*.

Regulation 50 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 50: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**51 Transitional provision relating to recognition of inspection bodies**

- (1) An inspection body that was recognised by WorkSafe under regulation 24 of the former regulations must be treated as having been recognised under regulation 47 of these regulations.
- (2) To avoid doubt, WorkSafe may withdraw recognition of such an inspection body in accordance with regulation 49.

Regulation 51(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 51(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**52 Inspection body must carry out inspections and issue certificates of fitness**

- (1) An inspection body must—
  - (a) carry out such inspections or examinations of installations, and equipment fixed to or associated with installations, as may be necessary to determine the safety of such 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) The inspection body must, before issuing a certificate of fitness under subclause (1)(b), be satisfied that all parts of the installation or equipment described in the certificate have been designed, constructed, maintained, or suspended or abandoned, in accordance with generally accepted and appropriate industry practice.
- (3) A certificate of fitness must be in the form specified in Schedule 5 and contain the date of its expiry, which must not be more than 5 years from the date of issue of the certificate.

**53 Transitional provision relating to certificates of fitness**

- (1) This regulation applies to a certificate of fitness that—

- (a) was issued under regulation 28 of the former regulations; and
  - (b) is current immediately before the commencement of these regulations.
- (2) The certificate must be treated as a certificate of fitness issued under regulation 52 and—
- (a) has the expiry date set out on that certificate; and
  - (b) remains subject to any limitations or conditions imposed under regulation 28(6) of the former regulations.

### *Verification schemes*

#### **54 Meaning of verification scheme**

- (1) In regulations 55 to 62, **verification scheme** means a written scheme for ensuring, by the means described in subclause (2), that the safety-critical elements—
- (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 such steps as may be properly provided for under regulation 55 and Schedule 6;
  - (f) the taking of any steps incidental to the means described in this subclause.

#### **55 Steps duty holder must take to develop verification scheme**

- (1) A duty holder who intends to operate a verification scheme in relation to an installation must ensure—
- (a) a record is made of the safety-critical elements on the installation; and
  - (b) the record is provided to an independent and competent person for review and comment; and
  - (c) a verification scheme, providing for the matters set out in Schedule 6, 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 non-production installation or a new production installation, a copy of the verification scheme must be given to WorkSafe at least 90 days (or any shorter period specified by WorkSafe) before the date on which the duty holder intends to commence operating the installation.
- (3) In relation to an existing production installation, a copy of the verification scheme must be given 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.

Regulation 55(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 55(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## **56 Recognition of verification schemes**

- (1) WorkSafe may recognise a verification scheme by allowing a duty holder to operate a verification scheme for a particular installation, if—
  - (a) the duty holder has provided WorkSafe with a suitable verification scheme for the installation containing the information required in Schedule 6; 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 non-production installation or a new production installation, before the installation commences operations;
    - (ii) in relation to an existing production installation, before the current certificate of fitness expires.
- (2) If WorkSafe recognises a duty holder's verification scheme, that duty holder does not have to comply with the certification requirements imposed under regulation 45.

Regulation 56(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 56(1)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 56(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 56(1)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 56(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**57 Implementation of verification scheme**

If a verification scheme has been recognised under regulation 56, the duty holder must implement the verification scheme—

- (a) in relation to a non-production installation or a new production installation, before the installation commences operations;
- (b) in relation to an existing production installation, before the current certificate of fitness expires.

**58 WorkSafe may withdraw recognition**

- (1) WorkSafe may withdraw recognition of the verification scheme if—
  - (a) the duty holder does not implement the verification scheme in accordance with regulation 57; or
  - (b) the duty holder does not comply with regulations 59 to 61; or
  - (c) the verification scheme has been revised or replaced, and the requirements of regulation 56(1) are not fulfilled in respect of the revised scheme or the replacement.
- (2) Before withdrawing recognition of a verification scheme, WorkSafe must put its concerns in writing to the duty holder and consider the duty holder's response.

Regulation 58 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 58(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 58(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**59 Duty holder must keep verification scheme under review**

- (1) A duty holder 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 duty holder must as soon as practicable send a copy of the revision or replacement to WorkSafe.

Regulation 59(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**60 Duty holder must ensure continuing effect given to verification scheme**

A duty holder must ensure that, while the installation remains in being, effect continues to be given to the verification scheme or any revision to or replacement of it.

**61 Duty holder must retain record of verification scheme**

- (1) A duty holder who operates a verification scheme must make 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 55; or
    - (ii) the verification scheme.
- (2) In subclause (1), the **nominated address** means the address nominated by the duty holder.

**62 Transitional provision relating to verification schemes**

- (1) A verification scheme that was recognised by the Secretary under regulation 26(1) of the former regulations must be treated as a verification scheme recognised under regulation 56(1).
- (2) To avoid doubt, WorkSafe may withdraw recognition of a verification scheme in accordance with regulation 58.

Regulation 62(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## **Part 6**

### **Well operations**

**63 Application**

This Part applies to all well operations.

#### *General duties*

**64 Well operator's primary duty**

A well operator must ensure that a 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 persons from the well or anything in it, or from strata to which the well is connected, are as low as is reasonably practicable.

**65 Duty holder must ensure persons have adequate knowledge, skills, support, etc**

- (1) A duty holder must ensure that every person who is, or is to be, engaged in any capacity in a 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.
- (2) A duty holder must ensure that a 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 such that the risks to the health and safety of persons from that operation are as low as is reasonably practicable.

*Assessment of conditions below ground*

**66 Well operator must assess conditions below ground before well is designed**

- (1) Before the design of a well is commenced, a well operator 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) The well operator must ensure that the findings from the assessment are taken into account when the well is designed and constructed, in order to comply with regulation 64.

**67 Well operator must continue to assess conditions below ground**

- (1) While well operations are being carried out, a well operator 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 well operator must, if necessary, ensure that the following are modified in order to comply with regulation 64:
  - (a) the design and construction of the well;
  - (b) any procedures.

*Duties in relation to design and construction*

**68 Well operator must ensure well designed to allow safe suspension or abandonment**

A well operator must ensure that a well is designed and constructed so that, as far as is reasonably practicable,—

- (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.

**69 Well operator must ensure use of appropriate materials**

A well operator must take all practicable steps to ensure that every part of a well is composed of suitable material, in order to comply with regulation 64.

*Well control equipment*

**70 Well operator to ensure use of suitable well control equipment**

- (1) Before any well operation is carried out, the well operator 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 duty holder for the installation must take all practicable steps to ensure that suitable well control equipment and associated control systems are deployed when the well and operational conditions so require.

*Well examination schemes*

**71 Well operator must prepare and implement well examination scheme**

- (1) Before the design of a well is commenced or adopted, the well operator must prepare and implement a well examination scheme for the well.
- (2) If the well operator has already prepared and implemented a well examination scheme for another well, the well operator may, instead of developing a new well examination scheme, modify the existing scheme to incorporate the new well.
- (3) The well operator 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 persons 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) The well operator of a well that was completed before the commencement of these regulations must—
  - (a) prepare and implement a well examination scheme for the well by 30 June 2014; or
  - (b) if the well operator has already prepared and implemented a well examination scheme for another well, modify the existing scheme to incorporate the well in accordance with subclause (4)(a) to (c) by 30 June 2014.
- (6) If before the commencement of these regulations, the design of a well has commenced or been adopted but the well has not been completed, the well operator must as soon as practicable, and no later than 30 June 2014,—
  - (a) prepare and implement a well examination scheme for the well; or
  - (b) if the well operator has already prepared and implemented a well examination scheme for another well, modify the existing scheme to incorporate the well in accordance with subclause (4)(a) to (c).
- (7) To avoid doubt, this regulation does not apply to a well that has been abandoned.

## **72 Well operator must retain records of well examination scheme**

A well operator must make 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, 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.

Regulation 72: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

*Notice of well operations*

**73 Well operator must notify WorkSafe before well-drilling operations**

- (1) This regulation applies to the following well operations only:
  - (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 well operator must not commence well operations to which this regulation applies unless the well operator has given WorkSafe notice of well operations.
- (3) A notice of well operations—
  - (a) must contain the information required in Schedule 7; 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 well operator must notify WorkSafe, in writing, of that change as soon as practicable.

Regulation 73 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 73(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 73(3)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 73(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**74 Well operator must notify WorkSafe of certain workover and well intervention operations**

- (1) This regulation applies to a workover or well intervention operation that involves—
  - (a) an alteration to the construction of a well; or
  - (b) the insertion of a hollow pipe into a well.
- (2) A well operator must not commence the well operation unless the operator has given WorkSafe a notice of well operations.
- (3) A notice of well operations under this regulation—
  - (a) must contain the information required in Schedule 7; and
  - (b) must be given to WorkSafe at least 10 days (or any shorter period specified by WorkSafe) before commencement of the well operation.

Regulation 74 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 74(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 74(3)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## **75 WorkSafe may grant exemptions from notice requirement**

- (1) WorkSafe may, in writing, exempt a well operator from the notice requirements of either or both of regulations 73 and 74.
- (2) WorkSafe may grant an exemption under subclause (1) only if WorkSafe is satisfied that the well operation 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.
- (3) An exemption granted under subclause (1) may be—
  - (a) subject to conditions:
  - (b) for a time specified by WorkSafe:
  - (c) revoked by WorkSafe by notice in writing at any time.

Regulation 75 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 75(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 75(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 75(3)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 75(3)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## **76 Well operator must make and retain daily well operation reports**

- (1) A well operator must make 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 abandonment operation:
  - (e) any other operation involving substantial risk of the unplanned escape of fluids from the well.

Regulation 76(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## Part 7

### Dangerous occurrences and emergencies

#### *Notice of dangerous occurrences*

#### 77 Application

This Part applies to non-production installations and production installations.

#### 78 Duty holder must notify dangerous occurrences

- (1) A duty holder must notify WorkSafe of any dangerous occurrence as soon as practicable after that occurrence becomes known to the duty holder.
- (2) A notice required under subclause (1)—
  - (a) may be provided orally or in writing; and
  - (b) must include the information required under Schedule 8 to the extent that it is reasonably available to the duty holder at the time of notice.
- (3) A duty holder must provide to WorkSafe initial written notice of the circumstances of the dangerous occurrence, including the information required under Part 1 of Schedule 8, by the latest of—
  - (a) 7 days after the occurrence of the dangerous occurrence; or
  - (b) 7 days after the duty holder becomes aware of the dangerous occurrence; or
  - (c) such other date specified, in writing, by WorkSafe.
- (4) A duty holder must provide to WorkSafe a detailed written report on a dangerous occurrence, including the information required under Parts 1 and 2 of Schedule 8, by the latest of—
  - (a) 30 days after the occurrence of the dangerous occurrence; or
  - (b) 30 days after the duty holder becomes aware of the dangerous occurrence; or
  - (c) such other date specified, in writing, by WorkSafe.
- (5) In this regulation, **dangerous occurrence** means any of the following events that arose out of or in connection with petroleum operations:
  - (a) an event that did not cause, but might reasonably have caused, a major accident:
  - (b) a well kick that either—
    - (i) exceeded 8 cubic metres (or 50 barrels); or
    - (ii) required 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 a well or a reservoir being drawn on by a well:
- (f) damage to, or failure of, a safety-critical element that required intervention to ensure it will operate as designed:
- (g) a fire or 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 had the potential to cause death or serious harm to 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 jeopardised, 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 required the emergency response plan to be implemented:
- (l) damage to an installation, caused by adverse weather conditions, earthquakes, or other natural events, that had the potential to cause death or serious harm of any person:
- (m) a collision between a vessel, aircraft, or vehicle and an installation that resulted 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.

Regulation 78(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 78(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 78(3)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 78(4): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 78(4)(c): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

*Emergency response plan*

**79 Duty holder must prepare emergency response plan**

- (1) A duty holder of an installation must prepare an emergency response plan for the installation.
- (2) The emergency response plan must take into account the operating and environmental conditions at the intended location of the installation.
- (3) The duty holder must give a copy of the emergency response plan to WorkSafe as soon as practicable after the plan is developed, and at least 30 days before commencing operations.
- (4) In this regulation, **emergency response plan** means a plan for responding to emergencies that occur while petroleum workers are working on an installation, and includes—
  - (a) a description of the positions held by people authorised to set emergency procedures in motion, and the position held by the person in charge of co-ordinating the emergency response; and
  - (b) 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
  - (c) arrangements for limiting the risks to persons on or near the installation, including a description of—
    - (i) how warnings are to be given; and
    - (ii) the actions that persons are expected to take on receipt of a warning; and
  - (d) 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
  - (e) arrangements for auditing the emergency response plan.

Regulation 79(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

**80 Duty holder must regularly review emergency response plan**

- (1) The duty holder of an installation 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 such extent as is necessary; and
  - (c) revise the plan if necessary.

- (2) The duty holder must provide any revision to the emergency response plan to WorkSafe as soon as practicable after the revision is made.

Regulation 80(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

### *Protection of accommodation*

#### **81 Duty holder must ensure safe accommodation**

A duty holder must ensure that accommodation on every occupied offshore installation is provided with—

- (a) external fire protection designed to protect the accommodation; and
- (b) an integrated set of active and passive measures designed to prevent the ingress of smoke and other contaminants 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.

### *Arrangements for managing emergencies, evacuation, and escape*

#### **82 Duty holder must ensure temporary refuge provided**

- (1) A duty holder must ensure that a temporary refuge is provided on every occupied offshore installation.
- (2) The duty holder 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.

#### **83 Duty holder must establish escape routes and provide offshore life-saving equipment**

- (1) A duty holder must ensure that, on any offshore 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 such 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 locating persons in the water, 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.
- (2) A duty holder must take all practicable steps to—
  - (a) protect persons on an offshore installation during an emergency from the effects of fire and explosion; and
  - (b) ensure that any arrangements made and plant provided in accordance with subclause (2)(a) are capable of remaining effective in an emergency.
- (3) A duty holder must take all practicable steps to ensure that—
  - (a) every offshore 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 installation are readily accessible from the temporary refuge; and
  - (c) every offshore 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) every offshore installation has a sufficient number of lifebuoys, with lines attached, situated around the installation, that are ready for use in the event of a person falling into the sea.
- (4) Subclause (3) does not apply to an offshore installation that has no associated accommodation.

*Management of particular hazards***84 Management of particular hazards in all installations**

- (1) A duty holder must—
  - (a) ensure 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 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 effective procedures are in place for the recovery of people from the water; and
  - (d) identify the installation for evacuation and rescue purposes.
- (2) A duty holder must take all practicable steps to—
  - (a) ensure all people on the installation vacate the installation in a safe and orderly manner when instructed to do so; and
  - (b) in the case of an offshore installation, ensure the installation is not hazardous to other maritime users.

**Part 8****Miscellaneous provisions***Fees***85 Fees**

- (1) The fees payable to WorkSafe for the assessment of a safety case or a revised safety case are set out in Schedule 9.
- (2) If the safety case relates to more than 1 installation, the prescribed fee for the safety case is payable for each installation.

Regulation 85(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

*Offences***86 Offences**

- (1) The provisions to which this regulation applies are regulations 10, 11, 12, 13, 14, 15, 17(1), 18, 19, 22, 23, 24(1), (2), (4), (5), and (7), 25, 28, 34, 35, 36, 39, 41, 45(1), and (4), 46(2)(a), 57, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71(1), (3), (5), and (6), 72, 73(2), (3), and (4), 74(2), and (3), 76(1) and (2), 78(1), (3), and (4), 79(1), (2), and (3), 80, 81, 82, 83(1), (2), and (3), and 84.
- (2) Section 50 of the Act (which provides that every person who fails to comply with a provision to which that section is declared to apply commits an offence

and is liable on conviction to a fine) applies to the provisions of these regulations referred to in subclause (1).

*Revocation*

**87 Regulations revoked**

The Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999 (SR 1999/349) are revoked.

## Schedule 1

### Matters to be addressed by safety management systems for installation

r 3

The safety management system must—

*Policies and objectives*

- (a) describe the duty holder's overall goal and principles of action 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 each petroleum worker has the necessary knowledge, skills, and abilities to meet their responsibilities and perform their job 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 contractors and subcontractors:
- (g) in relation to a non-production installation, describe the arrangements for establishing safe and effective working relationships with the principal with whom the owner has contracted, and employees and contractors of the principal:

*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 policy and safety management system.

## Schedule 2

### Information required in notice for design or relocation of production installation

r 22

- 1 The name and address of the duty holder for 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 as 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 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 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 Particulars of the types of operation, and 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 duty holder 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 duty holder considers the installation suitable for the new location.

### Schedule 3

#### Information required in notice of combined operations

r 24

- 1 The name and address of each duty holder preparing the notice and a confirmation that every such duty holder 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 Particulars of any plant 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 duty holders involved, 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.

## Schedule 4

### Information required in safety case for installation

r 26

- 1 The name and address of the duty holder for the installation.
- 2 A description of how the duty holder has taken into account any matters raised by WorkSafe in relation to a notice provided under regulation 22(1) or (3).
- 3 A summary of how the duty holder complied with regulation 27 in the preparation or revision of a safety case.

#### **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 1.

#### **Installation**

- 6 In relation to the installation,—
  - (a) 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) in relation to a production installation, the intended location of the installation:
    - (ii) the main and secondary structure of the installation and its materials:
    - (iii) the plant and equipment of the installation:
    - (iv) the layout and configuration of its plant:
    - (v) any designated hazardous areas:
    - (vi) in relation to a production installation, the connections to any pipeline or installation:
    - (vii) in relation to a production installation, any wells to be connected to the installation:
  - (c) particulars of the types of operation, and 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) particulars of the range of operating and environmental conditions within which the installation has been designed to operate and how the instal-

lation's structures have been designed and are maintained for the stated operating and environmental conditions:

- (f) particulars of the plant and 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, 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 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.

Schedule 4 item 2: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## Schedule 5

### Form of certificate of fitness

r 52

*Name or description of installation*

I certify that all of the following parts of this installation have been designed, constructed, operated, maintained, or 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:

<b>Part (description)</b>	<b>Code of practice</b>	<b>Action*</b>
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The following parts of this installation have the following limitations:

<b>Part (description)</b>	<b>Limitation</b>
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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.

Signature:

*(inspection body)*

Date:

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

\*Specify whether it has been Designed (D), Constructed (C), Operated (O), Maintained (MS), Abandoned (A).

Schedule 5: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

## Schedule 6

### Information required for verification scheme

rr 54, 56

- 1 The principles to be applied by the duty holder for the installation in selecting persons—
  - (a) to perform functions under the scheme; and
  - (b) to keep the scheme under review.
- 2 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 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 showing—
  - (a) the examination and testing carried out; and
  - (b) the findings; and
  - (c) remedial action recommended; and
  - (d) remedial action performed.
- 6 Arrangements for communicating the matters contained in clause 5 to an appropriate level in the management system of the duty holder for the installation.

## Schedule 7

### Information required in notice of well operations

rr 73, 74

- 1 The name and address of the well operator.
- 2 The name of the installation from which the well operation is to be carried out, and the name and address of the duty holder for that installation.
- 3 Particulars of the fluids to be used to control the pressure of the well.
- 4 Particulars of any plant not described in the current safety case for the installation and that is to be used in connection with the well operation.
- 5 Particulars of the type of well, its number, and the name of any field development of which it may be part.
- 6 A description of the well operation and a programme of work which 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.
- 7 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.
- 8 In the case of a well that is to be drilled,—
  - (a) 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) 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 any material change to the well design or procedures.
- 9 In the case of 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.
- 10 In the case of 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.
- 11 In the case of a well that is to be abandoned,—
- (a) a detailed programme of abandonment, indicating:
    - (i) the sequence of operations; and
    - (ii) the positions of cement or bridge plugs; and
    - (iii) the method of emplacing and testing the integrity of plugs; and
    - (iv) the details of any intention to recover casing, tubing, surface 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.
- 12 A description of how the well operator and the duty holder for the installation will co-ordinate their management systems so as to reduce the risks from a major accident.

## Schedule 8

### Information required in notice of dangerous occurrence

r 78

#### Part 1

- 1 Name of the installation or location where the dangerous occurrence occurred.
- 2 Name and address of the duty holder or other person who controls the worksite.
- 3 Time and date of dangerous occurrence.
- 4 Names and contact details of any witnesses.
- 5 Brief description of dangerous occurrence.
- 6 Work or activity being undertaken at time of dangerous occurrence.
- 7 Action taken to make worksite safe, including details of any disturbance of the worksite.
- 8 Whether an emergency response was initiated.

#### *Injuries*

- 9 Name of employer of injured person(s) (if different from answer in clause 2).
- 10 Details of injured person(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 Day of shift and hour of shift (for example, 5th day of 7, first hour of 12).

#### *Fluid escape*

- 12 Estimated quantity and composition of fluids that escaped or burned, including known toxicity.
- 13 Duration of escape.
- 14 Weather conditions.

#### *Serious damage*

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

#### *Immediate action/cause*

- 17 Immediate action taken or intended to be taken, if any, to prevent recurrence of incident.
- 18 Immediate cause analysis.

**Part 2**  
**Analysis and remedial action**

- 1 Root cause analysis.
- 2 Actions to prevent recurrence of same or 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.

## Schedule 9

### Fees

<b>Installation type</b>	<b>Fees for assessment of new safety case (excl GST) (\$)</b>	<b>Fees for assessment of revised safety case (excl GST) (\$)</b>
r 85		
<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

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notice in *Gazette*: 23 May 2013.

## **Reprints notes**

### **1    *General***

This is a reprint of the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 2013 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) Regulations 2016 (LI 2016/18): regulation 79

Standards and Accreditation Act 2015 (2015 No 91): section 45(2)

WorkSafe New Zealand Act 2013 (2013 No 94): section 22