



⚠️ PETROLEUM: Major accident prevention policy and safety case requirements

These guidelines cover parts 3 and 4 of the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016 that apply to permit operators of all installations and drilling contractors of non-production installations

MARCH 2017

These interpretive guidelines explain the regulations associated with major accident prevention policies and safety cases under the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016.

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INTRODUCTION

If you are a permit operator of a lower-tier production installation you must have a major accident prevention policy (MAPP). If you are a permit operator or drilling contractor of any other type of installation, you must have an accepted safety case.

A MAPP is a written policy with the aim of preventing major accidents from occurring and limiting their consequences to people on or near the lower-tier production installation. It does this by using appropriate means and structures, primarily your safety management system (SMS).

A safety case is a living document that builds on the installation’s SMS. It reflects the installation’s organisational culture, operational safety, and risk profile of the installation and the surrounding area.

For a new installation, establish and identify these elements at an early stage and continually consider them when developing the safety case.

WorkSafe New Zealand (WorkSafe) will accept a safety case only after being satisfied that it shows you will comply with your regulatory duties and have the ability to operate the installation safely.

1.1 Focus of guidelines

Table 1 shows the specific regulations covered in these interpretive guidelines.

PART OF REGULATIONS	REGULATION NUMBER	REGULATION HEADING
Part 3: Lower-tier production installations	15	Duty to prepare major accident prevention policy
	16	Duty to review major accident prevention policy
	17	Duty to keep record relating to major accident prevention policy
Part 4: Notice and safety case requirements	22	Prohibition on operating installation without accepted safety case
	23	Requirements for safety case
	24	Duty to engage petroleum workers
	25	Duty to prepare safety case where production exceeds threshold quantities for lower-tier production installation
	26	WorkSafe may request further information
	27	WorkSafe must notify decision on safety case
	28	Criteria for accepting safety case
	29	WorkSafe may impose limitations or conditions on safety case
	30	WorkSafe may reject safety case
	31	Duty to revise safety case in certain situations
	32	WorkSafe may request revised safety case
33	Duty to submit revised safety case within 5 years	

PART OF REGULATIONS	REGULATION NUMBER	REGULATION HEADING
	34	Decision on revised safety case
	35	WorkSafe may withdraw acceptance of safety case
	36	Duty to ensure compliance with safety case requirements
	37	WorkSafe may consent to conduct of activity otherwise than in accordance with safety case
	38	Duty to keep record of safety case

Table 1: Regulations covered in these guidelines

1.2 How to use this document

Table 2 shows the layout of these interpretive guidelines and explains what the colours signify.

REGULATION	<i>As they appear in the Regulations.</i>
GUIDANCE	As WorkSafe interprets the regulations.
	Examples and more information.

Table 2: Layout of guidelines

1.3 What is a major accident prevention policy?

A MAPP is a written policy incorporating technical, management, and operational information about major accident hazards at a lower-tier production installation. It also contains detail about the control of those hazards and their risks.

The MAPP's primary means of compliance with the regulations is through the installation's SMS. This must cover the detail found in Schedule 2 of the Regulations.

The MAPP should:

- > be a living document, up-to-date and accurate
- > describe your overall goals and objectives for preventing major accidents based on an analysis of major accident hazards at your lower-tier production installation
- > be a comprehensive policy for managing the major accident hazards and risks at the lower-tier production installation
- > describe the basis for safe operations and maintenance of the installation, including those parts of the SMS that are controls or which support controls
- > reference the SMS processes used to review and revise the MAPP in response to changes in the installation's design, function, and operation.

The safety management system

In order to adequately describe the details required by Schedule 2, the SMS needs to first describe the controls used or to be used, and specifically how these measures help to minimise the risks to the health and safety of people on or near the installation. The description should summarise processes specific to the operations and activities that are, or will be, in place.

The Health and Safety at Work Act 2015 (HSWA) requires a performance standard of 'so far as is reasonably practicable'. The identified controls must eliminate, or if it is not reasonably practicable to eliminate, minimise risks so far as is reasonably practicable.

1.4 Your role as the permit operator of a lower-tier production installation

You must prepare and implement a written MAPP before the lower-tier production installation commences operations.

You do not have to prepare a safety case until production exceeds certain defined threshold quantities.

1.5 What is a safety case?

A safety case is a comprehensive document that demonstrates you have the ability and means to control major accident hazards effectively. To complete a safety case you must consider appropriate controls for safe operation, evaluate their adequacy for the installation, and decide how to put these controls in place and maintain them. Describe and demonstrate this within the safety case.

The safety case can be used as a check by both you and WorkSafe to make sure an SMS and appropriate controls are in place and work as they should, and that process safety is well understood and managed.

A safety case does not guarantee that major accidents will not occur at the installation. However, the safety case, alongside a robust SMS and an open dialogue with WorkSafe, can form the basis for safely operating the installation.

A safety case must contain all the information required in Schedule 5 of the Regulations.

The safety case should:

- > be a living document, up-to-date and accurate
- > reflect continual improvement and revision of the SMS, emergency response plan and all safety considerations
- > demonstrate:
 - that methods used to identify risks and controls are systematic
 - the adequacy of measures you will put in place to control the risks associated with the installation should a major accident occur
 - effective coordination of major accident hazards identified at neighbouring installations
- > (if applicable) enable the installation's emergency response plan to support neighbouring installations in the event of a major accident at a neighbouring installation
- > contain the processes that will be used to review and revise the safety case.

Use it to check:

- > major accident controls and the SMS are in place and work as they should
- > process safety is well understood and managed
- > there is a well-planned, effective and practised emergency response plan.

Figure 1 describes the links between the SMS, safety assessment, emergency plan, and safety case.

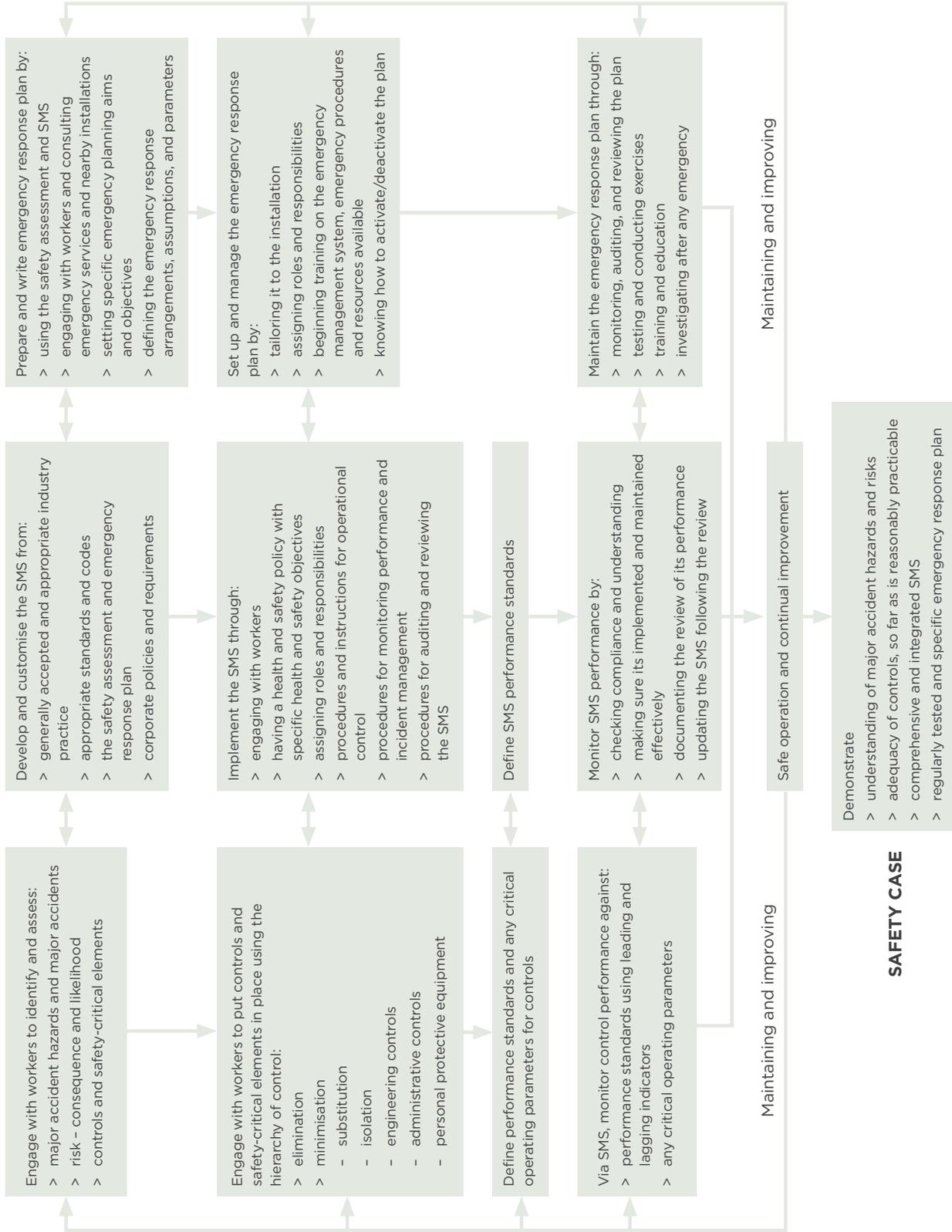


Figure 1: Summary of the links between the SMS, safety assessment, emergency plan, and safety case

Recommendations for formatting a safety case

There is no standard template for a safety case.

All information in the safety case and supporting documents should be legible. Font sizes should be large enough, and diagrams and plans should be at an appropriate scale and resolution for details to be readable.

Set it out in a clear and logical manner with headings, section numbers, and a table of contents.

Explain site-specific or industry-specific terminology and abbreviations, preferably in a separate glossary.

Each page should include in the header or footer enough information to identify the installation.

Include enough information in the header or footer to identify the document, of which it forms part, including:

- > the date
- > version number
- > section number
- > page number (in the form 'page X of Y').

Include a cover page listing:

- > the name, title and contact details for the person WorkSafe should contact if details in the safety case need clarification
- > date of preparation and version number of the safety case.

Cross-reference plans, maps, diagrams, and other attachments to assist the reader's understanding.

Site location maps and plans should, wherever possible, include colour maps.

References to separate documents, such as safety assessments, SMS, and emergency plans should clearly identify the document by title and version or revision date.

Where the safety case covers a matter in the SMS, specify the SMS page number.

Clearly mark any changes in a new revision of the safety case as a revision.

1.6 Your role as the permit operator (or drilling contractor)

You must have an accepted safety case for the installation to operate. You are responsible for making sure that whatever type of installation you operate, it operates safely.

You have the primary responsibility for understanding the installation, controlling any risks, and making sure that if a major accident occurs, the consequences are minimised so far as is reasonably practicable. The SMS should show controls are adequate and specific to the installation, and that you have eliminated or minimised risks so far as is reasonably practicable.

You have a responsibility to plan, develop, and implement the safety case. This includes:

- > putting the SMS and controls in place
- > consulting and engaging workers

- > informing and training workers and others
- > putting adequate and documented systems in place to prevent major accidents
- > minimising the effects of major accidents that might occur at the installation.

Once WorkSafe accepts the safety case, you must operate the installation in accordance with it, and review and revise it as required.

Submitting a safety case

Information on the process for submitting a safety case and details of the procedure for payment are available on WorkSafe's website: www.worksafe.govt.nz

The information on the website contains:

- > guidelines on how to submit a safety case
- > an application form WorkSafe needs to assess any safety case
- > a concordance document of Schedules 5 and 2 that should be completed and submitted along with the safety case application form.

Schedule 10 lists the types of installation that must have a safety case (this excludes lower-tier production installations):

- > non-production installations (offshore):
 - mobile offshore drilling unit or drill ship.
- > production installation (offshore):
 - floating production, storage, and offloading unit
 - production platform (with drilling or workover capability)
 - production platform
 - production platform (unmanned).
- > non-production installation (onshore):
 - land drilling unit.
- > production installation (onshore):
 - production facilities.

Submitting the emergency response plan

You must submit a copy of the emergency response plan to WorkSafe:

- > as soon as practicable after it is developed, and
- > at least 30 days before commencing operations.

You must review, test and revise (if necessary) the emergency response plan at suitable intervals not exceeding three years.

You must provide any revision to the emergency response plan to WorkSafe as soon as is practicable after the revision is made.

Preparing the emergency response plan

You should consult with stakeholders, such as neighbours to the installation and emergency services, while developing or revising the emergency response plan.

Communicate the emergency response plan to the neighbours, local community, and emergency services to make sure all parties know how to react in the event of an emergency or major accident.

WorkSafe expects to see evidence you have consulted and engaged with stakeholders while developing an emergency response plan.

Send emergency response plans to WorkSafe's Chief Inspector Petroleum, Geothermal and Major Hazard Facilities either by:

- > email: hhu.petroleum@worksafe.govt.nz; or
- > post:
High Hazards Unit
WorkSafe New Zealand
PO Box 342
New Plymouth 4340

1.7 WorkSafe's role

WorkSafe's role is to engage with operators, provide information and guidance and to enforce where necessary. It also monitors MAPPs and accepts safety cases under the Regulations.

WorkSafe will conduct periodic reviews and site inspections to confirm you are meeting the objectives and standards declared in the safety case. A key part of these reviews will be to monitor your adherence to the commitments made in the accepted safety case.

1.8 Worker engagement, participation and representation practices

Both you and your workers have general health and safety duties. Figure 2 shows your duties to engage with workers and to have effective worker participation practices.

When preparing a safety case you must engage with, and make sure there is participation from, petroleum workers who are:

- > identifiable at the time
- > working, or likely to be working, at the installation.

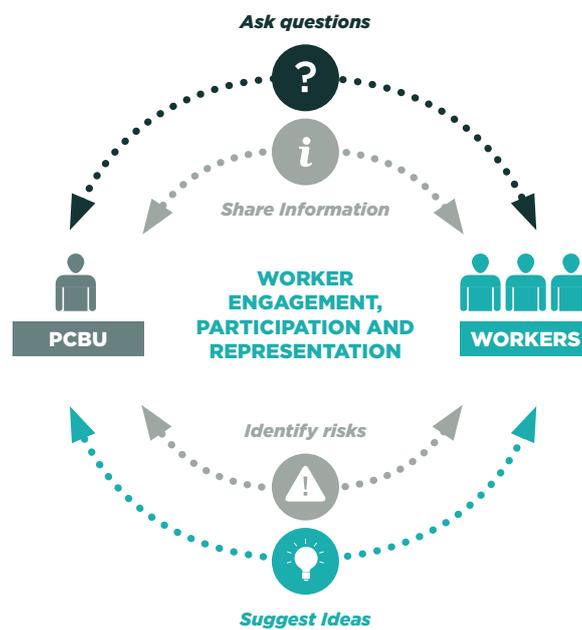
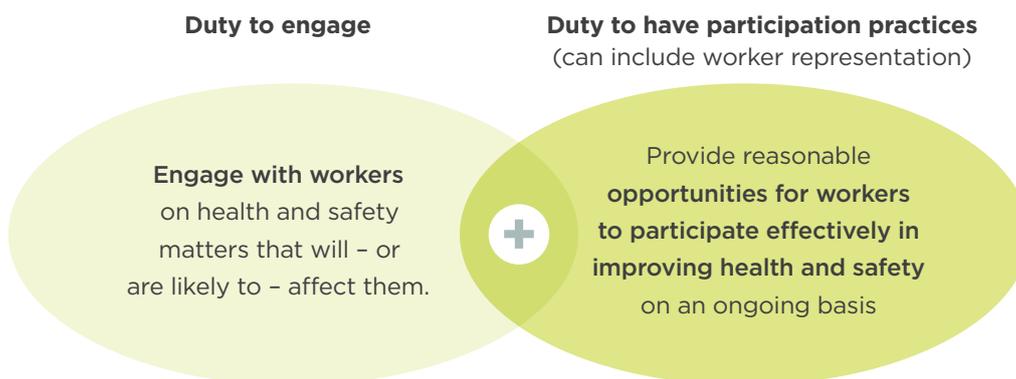
These are stronger requirements than the duties placed on a person conducting a business or undertaking (PCBU) under HSWA.

The set of workers the duties apply to also differ. The duties under HSWA only apply to workers who carry out work for the business or undertaking. In comparison, the duties under the Regulations apply to any identifiable petroleum worker 'working, or likely to be working,' at the installation.

For more information, see WorkSafe's good practice guidelines Worker Engagement, Participation and Representation: www.worksafe.govt.nz. These guidelines:

- > describe a PCBU's duties:
 - to engage with workers
 - to have effective worker participation practices
- > provide practical advice on how to engage on health and safety matters
- > describe effective worker participation practices, including representation, with examples.

RELATED DUTIES OF A PERSON CONDUCTING A BUSINESS OR UNDERTAKING (PCBU)



...effective worker participation is vital to managing health and safety issues successfully in the workplace².

The best results are achieved when a PCBU and its workers work together to manage risk, improve health and safety at work, and find solutions.

Figure 2: Worker engagement, participation and representation at a glance

¹ The Report of the Independent Taskforce on Workplace Health & Safety: He Korowai Whakaruruhau (2013)
<http://hstaskforce.govt.nz>

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**PART 3:
MAJOR ACCIDENT
PREVENTION
POLICY
REQUIREMENTS**

This section applies to you if you are a permit operator of a lower-tier production installation.

2.1 Prepare and implement the MAPP

REGULATION

Regulation 15

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

GUIDANCE

You must prepare and put a MAPP in place for each onshore lower-tier production installation. You must put the MAPP in place before starting operations.

The MAPP should have a coherent, integrated structure which, at a minimum, includes the requirements of regulation 15 and Schedule 2. It should clearly relate to the installation's SMS and demonstrate an understanding of the major accident hazards and controls that influence health and safety risks to people on or near the installation.

The MAPP must be in writing and relate to:

- > all the controls put in place to respond to all identified major accident hazards
- > your overall goals and principles of action for all major accidents
- > the processes and procedures established in the SMS.

While WorkSafe does not receive the MAPP, it may request to see it during inspections. A key aspect of these inspections will be to monitor your adherence to the commitments made in the MAPP.

A MAPP may be prepared by anyone you appoint to do so. However, you have legal responsibility for the MAPP's content and implementation.

The MAPP focuses on the processes to minimise the risks from major accident hazards to people on or near an installation. Links between the MAPP and SMS elements should make sure the controls at the installation are appropriate.

The MAPP should make sure that both management and workers understand the installation's SMS with respect to the installation's major accident hazards.

This understanding should extend to the controls in place or to be put in place to minimise all major accident hazards. Implement controls based on a full understanding of the risks associated with the installation's major accident hazards gained from the hazard identification and safety assessment process.

DEVELOP PERFORMANCE STANDARDS FOR CONTROLS

Performance standards must be set for control measures. Identify performance indicators so you can monitor the controls' performance against the standard.

Regular auditing confirms that monitoring is being carried out and that any non-compliance is corrected. Management reviews make sure controls and their performance are continually improved.

2.2 Review the MAPP

REGULATION

Regulation 16

- (1) *The permit operator of a lower-tier production installation must review the installation's major accident prevention policy each time there is any significant modification to—*
 - (a) *the lower-tier production installation; or*
 - (b) *any process carried out at the installation.*
- (2) *The permit operator must, as a result of a review, make any adjustments to the policy that are necessary to give effect to regulation 15(2) and (3).*
- (3) *In subclause (1), a **significant modification** means any modification that is likely to—*
 - (a) *increase the likelihood of a major accident occurring; or*
 - (b) *increase the severity or extent of the harm arising from a major accident.*

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

GUIDANCE

The MAPP is a living document that you need to review for it to remain current and compliant with regulation 15. You must review the MAPP each time you make a significant modification to the installation or to any process carried out at the installation.

Regulation 16 defines the meaning of a ‘significant modification’ in relation to a MAPP. Any modification is a significant modification if it is likely to increase the likelihood of a major accident occurring, or increase the severity or extent of harm (consequence) from a major accident.

Review the MAPP if the risk level for a major accident at or near the installation increases.

2.3 Record keeping requirements

REGULATION

Regulation 17

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

GUIDANCE

You must keep records relating to the MAPP. Records must include:

- > the MAPP for the lower-tier production installation
- > any revisions to the MAPP
- > any findings and recommendations of any audit of the MAPP or SMS
- > actions taken or that you intend to take to carry out those recommendations.

Keep each record for at least five years from the original date it was made. Records must be stored securely both at the installation and at a separate address, in case an accident or emergency means they cannot be retrieved from the installation.

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**PART 4:
SAFETY CASE
REQUIREMENTS**

This section applies to you if you are either a permit operator of a relevant production installation (ie not a lower-tier production installation) or a drilling contractor of a non-production installation.

3.1 Preparing and submitting the safety case to WorkSafe

REGULATION

Regulation 23

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

GUIDANCE

SAFETY CASE STRUCTURE

A safety case should have a coherent, integrated structure, including the requirements of regulation 23 and Schedule 5 (and, by association, Schedule 2). A coherent safety case will clearly show that you understand:

- > the installation
- > all factors that influence major accident hazards and their risks to workers on or near the installation
- > the controls that are critical to eliminating and minimising risks from major accidents.

The main elements of Schedule 5 are:

- > a description of the installation
- > an SMS
- > management of major accident hazards
- > performance monitoring (and review).

A safety case expands on your operational processes and commitments within the SMS. The safety case's focus is to minimise harm from a major accident to people conducting activity at or near an installation. Do this by analysing the physical installation and carrying out detailed assessments of all major accident hazards, and expanding ongoing performance monitoring, auditing and review to cover major accident controls.

PREPARING THE SAFETY CASE

The safety case is a living document that must, at all times, be compliant with the level of detail required by the Regulations. The specific information that the Regulations require is contained in Schedule 5 of the Regulations.

You must prepare and submit the safety case to WorkSafe with the prescribed fee (including GST). Anyone you appoint may prepare the safety case. However, you have legal responsibility for the content and its implementation.

Demonstrate a clear link to the SMS

The SMS details the installation's health and safety management, covering the risks impacting people at or near the installation throughout the installation's operational lifecycle. The safety case must include a detailed description of the SMS and cover the matters of Schedule 2 and 5.

The SMS needs to describe the controls and explain how they eliminate or minimise risks to the health and safety of people at or near the installation. The description should summarise processes specific to the operations and activities that are, or will be, conducted at the installation.

Base the controls and SMS on a comprehensive knowledge of the risks associated with the installation's major accident hazards gained from the safety assessment process.

Develop performance standards for controls

Set performance standards for major accident controls, and identify lead and lag performance indicators to monitor their performance against the standard.

Regular auditing confirms monitoring is adequate and that any non-compliance is corrected. Management reviews make sure controls and their performance are continually improved.

Links between these elements will make sure controls identified through the safety assessment are appropriate.

MORE THAN ONE INSTALLATION IN A SAFETY CASE

In the case of a production installation, WorkSafe may agree in writing that the safety case may relate to more than one installation. Fees apply for each installation.

SUBMITTING THE SAFETY CASE TO WORKSAFE

For a new installation, the design notice will start a dialogue with WorkSafe that continues throughout the period between submitting the design notice and submitting the safety case.

You must submit a safety case to WorkSafe at least 90 days before intending to commence operating the installation.

WorkSafe may agree in writing to accept a safety case covering more than one production installation. A separate fee for each installation will apply.

Submit a safety case as far in advance of the minimum period of 90 days as possible to allow WorkSafe to assess the safety case.

Generally, WorkSafe will only agree to a reduced notice period under exceptional circumstances, where there is a clear safety reason for doing so.

The timeframe for WorkSafe to make a decision on a safety case (regulation 27) restarts when WorkSafe receives further information (regulation 26). This means the overall time for WorkSafe to make a decision on a safety case can extend well beyond 90 days. Be aware that this could affect the date you plan to start operations at the installation.

Information on the process for submitting a safety case to WorkSafe and details of the payment procedure are available: www.worksafe.govt.nz

Submit a safety case with all the required information (Schedules 5 and 2) and the concordance document.

The assessment process starts when WorkSafe confirms the safety case contains all the required information. You need to complete the concordance document otherwise the assessment process will not start.

For more information on the process of submitting a safety case for acceptance, see Appendix B: New and revised safety case submission processes.

3.2 Engage with petroleum workers

REGULATION

Regulation 24

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

GUIDANCE

When preparing or revising the safety case you must engage with petroleum workers identifiable at the time, and make sure they participate. Involve workers working or likely to be working at the installation.

The SMS, which is included in the safety case, must demonstrate there was effective worker engagement while preparing the safety case. Engaging workers when developing and revising the SMS, safety assessment, or emergency response plan and documenting this in the safety case, helps to meet this requirement.

Ways of demonstrating effective engagement could include:

- > lists of engaged workers and the basis on which they were selected
- > summaries of issues discussed, agreements reached and any unresolved issues
- > minutes of meetings when the safety case was discussed, with attendees listed
- > evidence that any issues, concerns, or suggestions raised by workers are adequately evaluated and either accepted or not (in either case, document the reasons for accepting or not)
- > lists of workers involved in the safety case process and their involvement (eg major accident hazard identification workshops).

3.3 Submitting a safety case where production exceeds lower-tier production threshold quantities

REGULATION

Regulation 25

- (1) *This regulation applies if, in relation to a production installation that is represented or treated as being a lower-tier production installation, the average petroleum production over any continuous 12-month period, or the amount of liquefied flammable gas present, exceeds the applicable threshold quantities specified in paragraphs (a), (b), and (c) of the definition of lower-tier production installation in regulation 3.*
- (2) *A permit operator of an installation to which subclause (1) applies must, within 90 days (unless otherwise agreed by WorkSafe) —*
 - (a) *prepare a safety case for the installation in accordance with regulations 23 and 24; and*
 - (b) *submit the safety case to WorkSafe.*
- (3) *A permit operator who contravenes subclause (2) commits an offence and is liable on conviction,—*
 - (a) *for an individual, to a fine not exceeding \$10,000;*
 - (b) *for any other person, to a fine not exceeding \$50,000.*



GUIDANCE

If you operate a lower-tier production installation, regulation 25 requires you to prepare and submit a safety case if the lower-tier production installation exceeds any of its defined threshold quantities.

You must submit a safety case to WorkSafe within 90 days of concluding that:

- > actual or expected average oil production over any continuous 12-month period exceeds 820 barrels per day
- > actual or expected average net gas production over any continuous 12-month period exceeds 15 million standard cubic feet of gas per day
- > 50 tonnes of liquefied flammable gases (including liquefied petroleum gas and natural gas) is or is likely to be at the installation.

ANTICIPATE THE NEED TO PREPARE A SAFETY CASE

Regulation 22 prohibits a relevant production installation from operating without an accepted safety case. Failure to comply with this requirement is an offence.

Production will need to stop if you exceed a threshold quantity and the installation does not have an accepted safety case.

To avoid any potential issues arising, prepare a safety case before you exceed any threshold quantity, or if you have a safety case for another installation, include the lower-tier production installation in anticipation of this circumstance.

Generally, WorkSafe will only agree to a reduced notice period under exceptional circumstances, where there is a clear safety reason for doing so.

Information on the process for submitting a safety case to WorkSafe and details of the payment procedure are available: www.worksafe.govt.nz

MAJOR ACCIDENT PREVENTION POLICY

The existing MAPP will provide a foundation for the development of the safety case for the installation.

3.4 WorkSafe’s request for further information about a safety case



REGULATION

Regulation 26

- (1) *After receiving a safety case or a revised safety case, WorkSafe may request a permit operator or a drilling contractor (as the case requires) to provide further information about a matter set out in Schedule 5.*
- (2) *The request under subclause (1) must—*
 - (a) *be in writing; and*
 - (b) *describe by reference to Schedule 5 what further information is requested; and*

(c) *specify the date by which the further information must be given, which must not be less than 30 days after the date on which the request is sent.*

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

GUIDANCE

WorkSafe may make a request for further information to make a decision on a safety case or revised safety case.

Each written request for further information must specify a period of at least 30 days, within which you must provide the information.

Further information received within the specified period becomes part of the safety case (or revised safety case) as if it had been included with the safety case (or revised safety case) as originally submitted to WorkSafe. Format this information to show where the changes have been made (ie in a revised index or table).

HOW DO FURTHER INFORMATION REQUESTS IMPACT THE SAFETY CASE ASSESSMENT?

WorkSafe's decision timeframe (regulation 27) restarts when it receives the further information requested. This means the overall time for considering a safety case can be extended well beyond 90 days. Be aware that this could affect the date you plan to commence operations at the installation.

WorkSafe expects to limit requests for further information to a maximum of two times for any safety case.

3.5 WorkSafe must notify decision on safety case

REGULATION

Regulation 27

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

- (4) *If WorkSafe is unable to make a decision about a safety case or an amended safety case within 90 days of receiving it, WorkSafe must—*
- (a) *notify the permit operator or the drilling contractor in writing of that fact as soon as practicable; and*
 - (b) *give the permit operator or the drilling contractor a proposed timetable for WorkSafe’s consideration of, and decision on, the safety case or the amended safety case.*

GUIDANCE

WorkSafe must consider and make a decision on a new safety case (or amended safety case) within 90 days of receiving it and the prescribed fee (including GST). If WorkSafe cannot make a decision within this time, it will notify you and provide a proposed timetable for considering and deciding on the safety case (or amended safety case).

WorkSafe must, as soon as practicable, notify you in writing of its decision, to:

- > accept the safety case (regulation 28 sets out the acceptance criteria)
- > accept the safety case with conditions or limitations (regulation 29)
- > initially reject a safety case, or finally reject an amended safety case (regulation 30) due to not meeting the criteria in regulation 28
- > indicate it is unable to make a decision within 90 days of receiving the safety case (or amended safety case) and provide a proposed timetable for considering and deciding on the safety case or amended safety case (regulation 27).

3.6 Acceptance criteria, limitations, or conditions

REGULATION

Regulation 28

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

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

Regulation 29

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

WorkSafe needs to be satisfied you have taken adequate measures to eliminate or minimise the risk of major accidents, so far as is reasonably practicable.

When deciding to accept a safety case, WorkSafe must use the following criteria:

- > the safety case contains all the information specified in Schedule 5
- > you have engaged with petroleum workers in preparing the safety case (in accordance with regulation 24)
- > based on the information included, compliance with the safety case is likely to constitute compliance with the requirements of the Regulations
- > there is no reason to believe you will not comply with the safety case
- > the safety case is appropriate for the installation and for the activities to be conducted there.

If your safety case meets all the criteria, WorkSafe will accept the safety case and notify you of the acceptance.

If there are aspects of the safety case that meet the requirements of the Regulations, but only under particular circumstances, then WorkSafe may accept the safety case with limitations or conditions. This means that there will be limitations or conditions imposed on the installation's operation.

WorkSafe may address a limitation or condition to a specified part of the installation, period of time, or type of activity.

GUIDANCE

3.7 WorkSafe's notification if it rejects the safety case

REGULATION

Regulation 30

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

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

GUIDANCE

WORKSAFE'S INITIAL REJECTION OF THE SAFETY CASE

WorkSafe will *initially* reject a safety case if it does not meet the acceptance criteria set out in regulation 28. WorkSafe will notify you of the reasons for this decision, and provide a reasonable opportunity to resubmit an amended safety case.

WorkSafe must consider and make a decision on an amended safety case within 90 days of receipt of the amended safety case unless further information is requested. If WorkSafe is unable to make a decision within this time, it will notify you and propose a timetable as to when it can make a decision on the amended safety case.

WORKSAFE'S FINAL REJECTION OF THE SAFETY CASE

If the amended safety case still does not meet the criteria set out in regulation 28, WorkSafe must *finally* reject the safety case and notify you in writing of its decision.

If an amended safety case is *finally* rejected, you can submit a new safety case to WorkSafe along with the prescribed fee (including GST).

Information on the process for submitting a safety case to WorkSafe and details of the payment procedure are available: www.worksafe.govt.nz

3.8 Revising and submitting a safety case in certain situations

REGULATION

Regulation 31

- (1) *A permit operator of a relevant production installation or a drilling contractor of a non-production installation for which there is an accepted safety case must prepare a revised safety case and give it to WorkSafe if any of the following apply:*

- (a) *the technical knowledge relied upon to formulate the safety case, including the knowledge of systems for identifying hazards and evaluating risks of major accidents, is outdated so that the safety case no longer adequately provides the information specified in Schedule 5*
 - (b) *the permit operator or the drilling contractor (as the case may be) proposes to modify the installation or decommission the installation, and the proposed modification or decommissioning is not adequately addressed in the safety case:*
 - (c) *a series of proposed modifications to the installation could result in a significant cumulative change in the overall level of risk of major accidents:*
 - (d) *the permit operator or the drilling contractor proposes to change the safety management system significantly:*
 - (e) *the activities to be carried out at the installation are different from the activities contemplated in the safety case:*
 - (f) *there has been a significant increase in the level of risk associated with any major accident hazard.*
- (2) *If any of subclause (1)(a) to (f) apply, a revised safety case must be given to WorkSafe as soon as practicable, together with the fee prescribed in Schedule 10.*
 - (3) *WorkSafe may agree, in writing, that the revised safety case may take the form of revisions to a part or specified parts of the accepted safety case.*
 - (4) *A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—*
 - (a) *for an individual, to a fine not exceeding \$6,000:*
 - (b) *for any other person, to a fine not exceeding \$30,000.*

GUIDANCE

Regulation 31 describes situations where you must submit a revised safety case and prescribed fee (including GST) to WorkSafe.

Changes to an installation, or the activities at an installation, which correspond with any of the safety case revision criteria detailed in regulation 34, require a formal submission and acceptance of a revised safety case.

WHAT HAPPENS IF A CHANGE DOESN'T MEET THE CRITERIA?

Safety cases are living documents and from time to time will need to be updated with minor revisions to keep it current. Changes other than those in regulation 31 can use a management of change process without the need for formally submitting the safety case and having it accepted by WorkSafe.

Still update and revise the safety case if minor changes occur, but you do not need to submit it to WorkSafe.

Clearly define in the safety case what types of changes can take place under the management of change process and what types of changes require the safety case to be revised. This should include the safety case revision situations of regulation 31.

Examples of where a safety case must be revised and formally submitted to WorkSafe:

1. The composition of petroleum processed by the installation is different from that set out in the accepted safety case.
2. There are new hazardous substances on site in quantities that increases the installation's risk profile.
3. There is new processing plant on-site involving hazardous substances.

Examples of where a safety case must be revised, but does not need to be formally submitted to WorkSafe:

1. A process vessel on site is replaced with a newer technology but the process and risk are unchanged.
2. Maintenance to update existing plant or equipment is carried out.
3. A new database for reporting incidents is implemented with the same, or improved, functionality as the previous system.

PART OR FULL REVISION

WorkSafe may agree, in writing, to a revised safety case taking the form of revision(s) being made to a part or parts of an accepted safety case. If WorkSafe does not agree, you will need to submit a fully revised safety case.

Before submitting the safety case, discuss with WorkSafe whether a partially revised safety case or a fully revised safety case is the best approach.

Information on the process for submitting a safety case to WorkSafe and details of the payment procedure is available: www.worksafe.govt.nz

Failure to comply with regulation 31 is an offence and may also be grounds for WorkSafe to withdraw its acceptance of the safety case.

3.9 WorkSafe may request a revised safety case

REGULATION

Regulation 32

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

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

GUIDANCE

WorkSafe may request (in writing) that you must prepare and submit a revised safety case and prescribed fee (including GST). Situations in which WorkSafe may request a revised safety case include if:

- > WorkSafe becomes aware of any material change in circumstances relating to any information included in the safety case; and
- > in WorkSafe's opinion, the change in circumstances may have resulted in WorkSafe initially rejecting the safety case.

WorkSafe's written request will state the:

- > matters to be addressed
- > grounds for the request
- > date the revised safety case must be submitted by (which must be at least 30 days after the date the request was sent).

The request may also state instructions on whether the safety case should be revised in whole or in part.

On receiving WorkSafe's request, you must submit the revised safety case by the specified date. Alternatively, you may, within 21 days, make a written submission with reasons requesting WorkSafe to:

- > withdraw the request
- > change the matters to be addressed in the revised safety case
- > extend the date by which the revised safety case must be submitted.

WorkSafe must consider your written submission to withdraw the request, change the matters covered, or extend the date of submission. WorkSafe must give written notice of its decision, including grounds for the decision if the submission is partly or completely rejected.

Information on the process for submitting a safety case to WorkSafe and details of the payment procedure is available: www.worksafe.govt.nz

Failure to comply with regulation 32 is an offence. It may also be grounds for WorkSafe to withdraw acceptance of the safety case.

3.10 Submitting a revised safety case within five years

REGULATION

Regulation 33

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

GUIDANCE

You must submit a revised safety case and prescribed fee (including GST) to WorkSafe within five years of your safety case being accepted under the Regulations. The purpose is to make sure you have reviewed the fundamental thinking underpinning the accepted safety case on a regular basis throughout the installation's lifecycle.

For the purposes of regulation 33, the five-year period begins on the date on which:

- > the Secretary received the safety case for the offshore installation under the 1999 Regulations, or
- > WorkSafe accepted the safety case for the installation under the 2013 Regulations.

This regulation applies whether or not:

- > a revised safety case has been accepted because of a change of situation (regulation 31), or
- > WorkSafe has requested a revision (regulation 32), which has been accepted during the five-year period.

The five-year safety case review and revision should be part of your internal processes. Make sure this begins well before the required submission date. Ideally, you should continually review and update the accepted safety case so the five-year safety case revision does not have a significant time or resource impact.

Information on the process for submitting a safety case to WorkSafe and details of the payment procedure is available: www.worksafe.govt.nz

Failure to comply with regulation 33 is an offence. It may also be grounds for WorkSafe to withdraw its acceptance of the safety case.

3.11 WorkSafe must notify decision on revised safety case

REGULATION

Regulation 34

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

GUIDANCE

WorkSafe must consider and make a decision on the revised safety case (required under regulations 31, 32 or 33) within 30 days of receiving the revised safety case and prescribed fee (including GST). If WorkSafe cannot make a decision within this time, it will notify you and provide a proposed timetable for considering and deciding on the revised safety case following regulation 27(4).

Schedule 10 sets out the fees associated with the assessment of a revised safety case.

If WorkSafe makes a request for further information under regulation 26, you must provide this information by the date specified by WorkSafe.

HOW DO FURTHER INFORMATION REQUESTS IMPACT THE SAFETY CASE ASSESSMENT?

WorkSafe's decision timeframe restarts when it receives the further information requested. For revised safety cases, the time period for making a decision is 30 days. This means the overall time for considering a revised safety case can be extended well beyond 30 days. Be aware that this could affect operations at the installation.

WorkSafe expects to limit requests for further information to a maximum of twice for any safety case.

WorkSafe must notify you as soon as practicable, of its decision in writing, to:

- > accept the revised safety case (regulation 28 sets out the criteria)
- > accept the revised safety case with conditions or limitations (regulation 29)
- > *initially* reject a revised safety case, or *finally* reject an amended revised safety case (regulation 33 due to not meeting the criteria in regulation 30)
- > indicate that it is unable to make a decision within 30 days of receipt of the revised safety case or amended revised safety case, and provide a timetable as to when a decision on the revised safety case (or amended revised safety case) will be made (regulation 27).

If WorkSafe *finally* rejects the amended revised safety case the current accepted safety case continues to have effect. To restart the process, you must resubmit a revised safety case for the same installation.

WorkSafe may also withdraw acceptance of the accepted safety case (regulation 35). If WorkSafe withdraws acceptance from the safety case, you must submit a new safety case to WorkSafe along with the prescribed fee (including GST).

3.12 WorkSafe's notice to withdraw the safety case's acceptance

REGULATION

Regulation 35

- (1) *WorkSafe may withdraw acceptance of an accepted safety case if—*
 - (a) *a permit operator of a relevant production installation or a drilling contractor of a non-production installation (as the case may be)—*
 - (i) *fails to comply with regulation 36; or*
 - (ii) *fails to comply with a notice issued by an inspector under the Act; or*
 - (iii) *fails to provide a revised safety case when required under regulation 31, 32, or 33; or*
 - (b) *WorkSafe has finally rejected a revised safety case.*
- (2) *Before withdrawing acceptance of a safety case, WorkSafe must give the permit operator or the drilling contractor at least 30 days' written notice of its intention to do so, together with—*
 - (a) *the grounds for WorkSafe's proposal to withdraw acceptance of the safety case; and*
 - (b) *notice that the permit operator or the drilling contractor may make written submissions on the proposal to withdraw acceptance of the safety case; and*
 - (c) *a date by which the permit operator or the drilling contractor must make those submissions; and*
 - (d) *a date by which the withdrawal will become effective.*

- (3) *WorkSafe may provide a copy of the notice to any other person.*
- (4) *The permit operator or the drilling contractor may, by the date specified by WorkSafe, make written submissions to WorkSafe in relation to the proposed withdrawal of acceptance.*
- (5) *Before making a final decision to withdraw acceptance of a safety case, WorkSafe must have regard to, as applicable,—*
 - (a) *any written submissions made by the permit operator or the drilling contractor by the date specified by WorkSafe:*
 - (b) *any action taken by the permit operator or the drilling contractor to address a matter that was a ground for WorkSafe’s proposal to withdraw acceptance of the safety case:*
 - (c) *any action taken by the permit operator or the drilling contractor to prevent a recurrence of a matter that was a ground for WorkSafe’s proposal to withdraw acceptance of the safety case.*

GUIDANCE

WorkSafe may withdraw acceptance of a previously accepted safety case on one of the grounds listed in regulation 35(1). WorkSafe must give you 30 days’ written notice of its intention to do so, including:

- > the grounds for the proposed withdrawal
- > notice that you may make written submissions on the proposal
- > a date by which submissions must be made
- > a date by which the withdrawal will become effective.

When making its decision, WorkSafe must consider the submissions (if submitted and received within the period specified), and actions you have taken to address or prevent the reoccurrence of the ground(s) that gave rise to WorkSafe’s proposal to withdraw acceptance.

WorkSafe will provide notice of the decision finally made (whether it is to withdraw acceptance or not).

If WorkSafe withdrew the accepted safety case, you have to immediately make the installation safe and stop all activities.

This is generally a sanction that would be used only in circumstances where other compliance and enforcement provisions have proved ineffective.

You can still submit a new safety case along with the prescribed fee (including GST).

3.13 Safety case compliance and consent for activity otherwise than in accordance with safety case

REGULATION

Regulation 36

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

Regulation 37

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

GUIDANCE

The accepted safety case describes how you will operate the installation. It is a legal requirement that you make sure the provisions, controls, and systems in the safety case are fully and properly applied. This includes making sure you follow any limitations to or conditions on the safety case.

WorkSafe will conduct periodic reviews and site inspections to make sure you are meeting the objectives and standards declared in the accepted safety case, and your other duties under the Regulations.

WorkSafe may, in some circumstances, consent to an activity being performed differently to the way it is described in the accepted safety case.

WorkSafe can only consent to an activity if it is satisfied that the variation from the approach in the safety case will not create or significantly increase risks to the health and safety of people at or near the installation.

If you want consent for a variation, request it in writing and WorkSafe will provide a response in writing.

WorkSafe will only consent to an activity being conducted other than in accordance with the accepted safety case if there is a clear safety reason for doing so. WorkSafe will not consent to activity if you could have adequately planned a proposed change.

If WorkSafe issues consent to operate outside of the accepted safety case, make sure the change is managed properly, and fully review and assess the change. Describe in the safety case the management of change process that applies in these situations. It is your responsibility to ensure the installation is safe.

Make sure the management of change process carefully distinguishes between permanent and temporary changes, and has checks in place preventing changes becoming permanent without thorough review when those changes were only meant to be temporary.

3.14 Record keeping requirements

REGULATION

Regulation 38

- (1) *A permit operator of a relevant production installation or a drilling contractor of a non-production installation (as the case may be) must keep a record of—*
 - (a) *the safety case for the installation;*
 - (b) *any revision to the safety case;*
 - (c) *the findings and recommendations of any audit of the safety case and the safety management system;*
 - (d) *any actions that will be, or have been, taken to implement those recommendations.*
- (2) *The permit operator or the drilling contractor must retain the record referred to in subclause (1) for at least 5 years after it was made, and store it—*
 - (a) *in a secure place on the installation; and*
 - (b) *at a separate address nominated for the installation.*

(3) *A permit operator or a drilling contractor who contravenes this regulation commits an offence and is liable on conviction,—*

(a) *for an individual, to a fine not exceeding \$2,000:*

(b) *for any other person, to a fine not exceeding \$10,000.*

GUIDANCE

You must keep and retain records relating to the safety case. Records must include:

- > the full safety case for the installation
- > revisions of the safety case
- > findings and recommendations of any audit of the safety case or SMS
- > actions taken or intended to be taken to implement those recommendations.

You must retain each record for at least five years from the original date it was made.

Store records securely at both the installation and at a separate address, in case of an accident or emergency means they cannot be retrieved from the installation.

APPENDICES

APPENDIX A: NEW AND REVISED SAFETY CASE SUBMISSION PROCESSES

You can withdraw an application at any time. The fee is non-refundable.

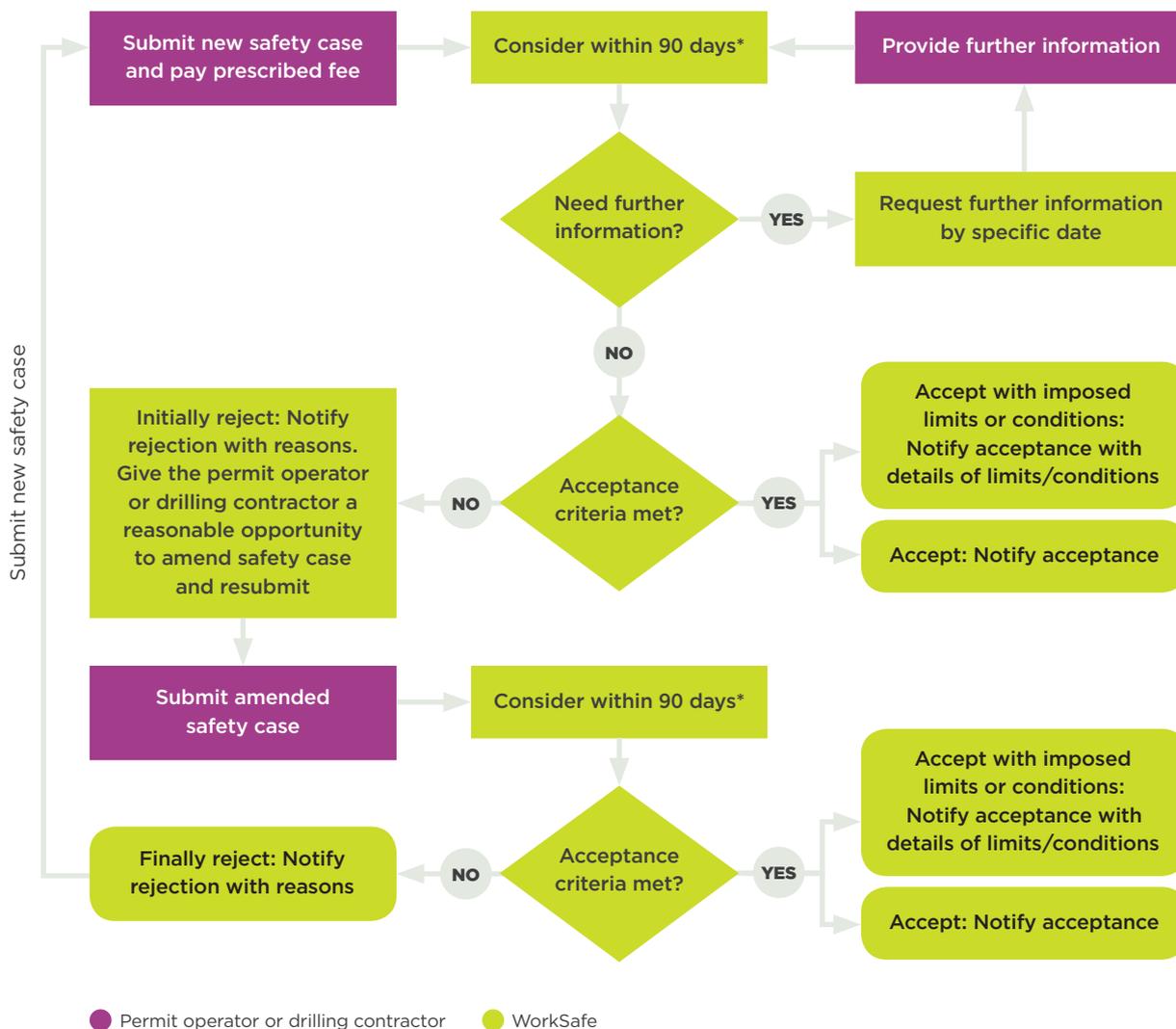


Figure 3: New safety case process

* When WorkSafe receives further information the review period resets. If WorkSafe is unable to make a decision about a safety case or amended safety case within 90 days of receiving it, WorkSafe must notify you and give a proposed timetable for considering, and deciding on, the safety case or amended safety case.

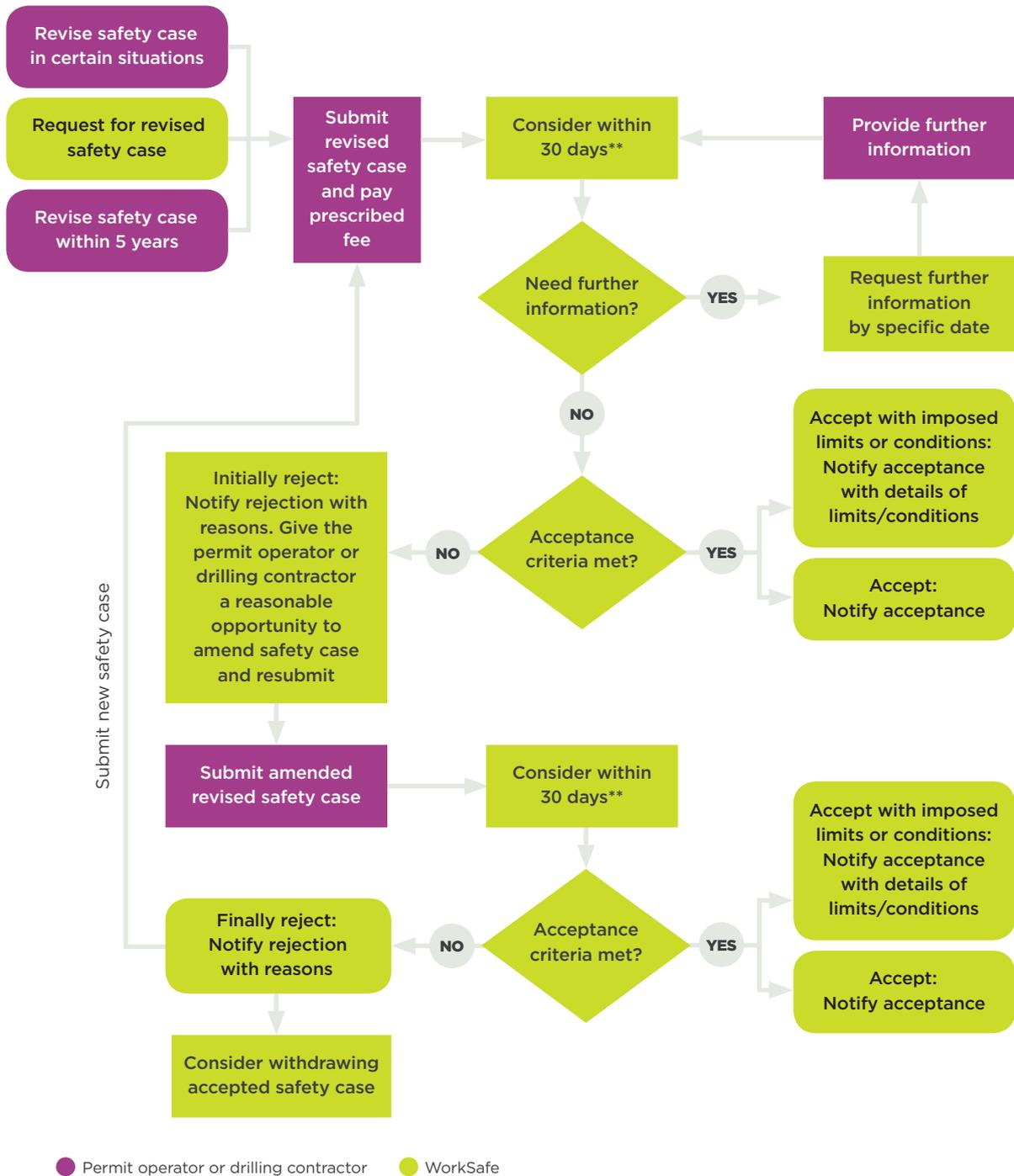


Figure 4: Revised safety case process

** When WorkSafe receives further information the review period resets. If WorkSafe is unable to make a decision about a revised safety case or amended revised safety case within 30 days of receiving it, WorkSafe must notify you and give a proposed timetable for considering, and deciding on, the revised safety case or amended revised safety case.

APPENDIX B: MORE INFORMATION

New Zealand legislation

To access all legislation including Acts and regulations visit the New Zealand Legislation website:
www.legislation.govt.nz

WorkSafe New Zealand

For information and guidance about health and safety or to contact the High Hazard Unit visit WorkSafe's website: www.worksafe.govt.nz or call 0800 030 040.

Guidance

Introduction to the Health and Safety at Work Act 2015

WorkSafe New Zealand www.worksafe.govt.nz

Major Hazard Facilities: Emergency Planning

WorkSafe New Zealand www.worksafe.govt.nz

Major Hazard Facilities: Major Accident Prevention Policy and Safety Management Systems

WorkSafe New Zealand www.worksafe.govt.nz

Major Hazard Facilities: Safety Assessment

WorkSafe New Zealand www.worksafe.govt.nz

Major Hazard Facilities: Safety Cases

WorkSafe New Zealand www.worksafe.govt.nz

Petroleum: Certificates of fitness and verification schemes for offshore installations

WorkSafe New Zealand www.worksafe.govt.nz

Notifications Required by the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016

WorkSafe New Zealand www.worksafe.govt.nz

Petroleum: Well operations and well examination schemes

WorkSafe New Zealand www.worksafe.govt.nz

Worker Engagement, Participation and Representation

WorkSafe New Zealand www.worksafe.govt.nz

APPENDIX C: GLOSSARY

TERM	EXPLANATION
Abandon	Defined in the Regulations, in relation to a well, means to seal the well to render it permanently inoperative (abandonment has a corresponding meaning).
Accepted safety case	A safety case which WorkSafe has accepted under regulation 28.
Accreditation	Defined in <i>ISO/IEC 17000 – Conformity assessment – Vocabulary and general principles</i> as third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.
Amended safety case	If WorkSafe has initially rejected a safety case or revised safety case under regulation 27, a permit operator or drilling contractor may amend the safety case and resubmit it for acceptance. This is an amended safety case.
Certificate of fitness	A certificate of fitness is one issued under the regulations by an inspection body in the format of Schedule 6 of the Regulations.
Combined operation	Defined in the Regulations, means an operation where two or more installations (other than lower-tier production installations) carry out a temporary operation concurrently at the same location or, in the case of an offshore installation, within 500 m of each other.
Completion	Completion enables the well to start producing petroleum.
Drilling contractor	Defined in the Regulations, means a PCBU who manages or controls a non-production installation. For the purposes of applying this definition in respect of any particular duty or requirement of a drilling contractor, the permit operator of the installation is to be treated as the drilling contractor if the permit operator has given written notice that the permit operator has elected to be treated as the drilling contractor to the person (or persons) who would otherwise be treated as the drilling contractor.
Emergency response plan	Defined in the Regulations, means a plan for responding to emergencies that occur while petroleum workers are working on or near an installation.
Independent and competent person	Defined when the meaning of regulation 4 (meaning of independent) and the meaning of 'competent person' in regulation 3 are combined.
Inspection body	An inspection body is a person or organisation recognised under regulation 42 as being able to inspect installations and issue certificates of fitness.
Installation	Defined in the Regulations, means a production installation or a non-production installation.
Lower-tier production installation	Defined in the Regulations, means an installation that is onshore, and has levels of petroleum production and petroleum stored at the installation below set limits.
Nominated address	Means a physical address in New Zealand nominated by the permit operator.
Non-production installation	Defined in the Regulations, means any vessel or structure that functions independently of a production installation and that is used or is intended to be used for drilling a well, but does not include any vessel or structure during mobilisation or demobilisation, or equipment solely used to drill a hole for conductor casing at an onshore well site.

TERM	EXPLANATION
Notifiable event	Defined in HSWA as: <ul style="list-style-type: none"> > the death of a person > a notifiable injury or illness > a notifiable incident.
Notifiable incident	Defined in HSWA, generally an unplanned or uncontrolled incident that immediately or imminently exposes workers or other people to a serious risk to health or safety. It must be reported to WorkSafe, or the relevant designated agency.
Offshore	Defined in the Regulations, means anywhere that is on the seaward side of the mean high-water mark.
Permit operator	Defined in the Regulations, means a PCBU who manages or controls a production installation or a well operation and to whom section 27 of the Crown Minerals Act 1991 applies. For the purposes of this definition, the person to whom section 27 of the Crown Minerals Act 1991 applies is to be treated as the person who manages or controls the production installation or the well operation, even if that person engages a contractor to perform some or all of that person's duties.
Production installation	Defined in the Regulations, means any vessel or structure and related aspects such as piping, plant and equipment to be used for extracting and initially processing petroleum, and the injection and recovery of gas from underground, but does not include equipment that extracts petroleum for well testing for less than 90 days.
Safety case	Defined in the Regulations, generally a written presentation of the technical, management and operational information covering the hazards and risks that may lead to a major accident at the installation, and their control. It provides justification for the measures taken to ensure the safe operation of the installation.
Safety management system (SMS)	Defined in the Regulations, generally a comprehensive integrated system for managing all aspects of risk control at an installation and used as the primary means of ensuring safe operation at the installation.
Safety-critical element	Defined in the Regulations, means any part of an installation or its plant (including a computer program): <ul style="list-style-type: none"> > that has the purpose of preventing, or limiting the effect of, a major accident; or > the failure of which could cause or contribute substantially to a major accident.
Secretary	Under the Health and Safety in Employment (Petroleum Exploration and Extraction) Regulations 1999 was the Chief Executive of Ministry of Business, Innovation and Employment.
Significant modification	Defined in regulation 16, in relation to a major accident prevention policy, means any modification that is likely to increase the likelihood of a major accident occurring or increase the severity or extent of the harm arising from a major accident.
Suspend	Defined in the Regulations, in relation to a well, means to make the well temporarily inoperative (suspension has a corresponding meaning).
Verification scheme	Defined in regulation 47, means a written scheme to ensure that safety-critical elements are suitable and where already provided, remain in good repair and condition.
Well	Defined in the Regulations, means a borehole drilled to explore, appraise, or extract petroleum. It includes boreholes used for injection/rejection, down-hole, and top-of-the-well pressure-containing equipment.

TERM	EXPLANATION
Well examination scheme	Defined in regulation 64, means documented arrangements for the ongoing examination of the well such that, so far as is reasonably practicable, the well during its lifecycle will not have an unplanned escape of fluids or risk the health and safety of persons.
Well intervention operation	Defined in the Regulations, 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(s)	Defined in the Regulations, means the drilling, completion, suspension, or abandonment of a well; including recommencing drilling after a well has been completed, suspended, or abandoned; and any other operation in relation to a well during which an accidental release of fluids from the well could give rise to the risk of a major accident.
Worker	Defined in HSWA, generally a person who carries out work in any capacity for a PCBU. It covers almost all working relationships, including employees, contractors, sub-contractors, and volunteer workers.
Worker representative	<p>In relation to a worker, means:</p> <ul style="list-style-type: none"> > the health and safety representative for the worker > a union representing the worker > any other person the worker authorises to represent them (eg community or church leaders, lawyers, occupational physicians, nurses, respected members of ethnic communities). <p>Workers can ask a worker representative to raise health and safety issues with a PCBU on their behalf.</p>
Workover operation	Defined in the Regulations, means an operation in which a well is re-entered for the purpose of maintaining or repairing it.

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ISBN: 978-0-478-42561-1 (online)

First edition published in 2015 by WorkSafe New Zealand

PO Box 165, Wellington 6140, New Zealand



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