



APA VTS Australia (Operations) – Response to the Proposed Gas Safety (Safety Case) Regulations 2018 discussion paper and draft regulations

APA VTS Australia (operations) is appreciative of the opportunity to provide comment on the draft regulations and is appreciative of having had the opportunity to contribute to the stakeholder consultation sessions held by ESV.

The draft regulations as published is a good reflection of discussion between industry and ESV and we are supportive of the changes, though there is one issue we would like to highlight for further consideration prior to acceptance of a final draft into legislation.

Whilst the regulations define the parameters in which a gas company must submit a safety case, by timing and content, we believe there needs to be a clause placed in the regulations related to the timeframe in which a decision in relation to acceptance of a safety case must be made.

There needs to be affirmative action to ensure that safety cases are not allowed to be outstanding for long periods of time and that there are formal response channels to overcome this issue and we think this will be a positive move for gas companies and the regulator to remove any ambiguity.

In this regard, we point to an example in regulation 30 of the Western Australian *Petroleum Pipelines (Management of Safety of Pipeline Operations) Regulations 2010* and believe a similar clause should be considered

30. Notice of decision on safety case

- (1) Within 90 days after receiving a safety case submitted under regulation 27, or resubmitted under regulation 29(3), the Minister must in writing notify the licensee who submitted it —
 - (a) that the Minister has decided to —
 - (i) accept the safety case; or
 - (ii) reject the safety case; or
 - (iii) accept the safety case in relation to one or more, but not all, pipeline operations and reject the rest of the safety case; or
 - (iv) accept the safety case subject to conditions;
 - or
 - (b) that the Minister is unable to make a decision about the safety case within the period of 90 days, and set out a proposed timetable for his or her consideration of the safety case.
- (2) A failure by the Minister to comply with subregulation (1) in relation to a safety case does not affect the validity of a decision by the Minister to accept or reject the safety case.
- (3) A notice of a decision under subregulation (1)(a)(ii), (iii) or (iv) must include the terms of the decision (including a decision to impose conditions) and the reasons for it.