



Department of **Energy, Mines,  
Industry Regulation and Safety**



# GUIDE

## **Diving start-up notices**

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## Reference

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Further details of safety publications can be obtained by contacting:

WorkSafe Group – Regulatory Support  
Department of Energy, Mines, Industry Regulation and Safety  
303 Sevenoaks Street  
CANNINGTON WA 6107

**Telephone:** 1300 307 877

**NRS:** 13 36 77

**Email:** [Safety@dmirs.wa.gov.au](mailto:Safety@dmirs.wa.gov.au)

# Foreword

Western Australia's work health and safety (WHS) legislation came into force in March, 2022. This resulted in the amendment of the various petroleum Acts and the repeal of the associated regulations so that all onshore and offshore petroleum, pipeline and geothermal energy operations are now subject to the requirements of the:

- *Work Health and Safety Act 2020* (the WHS Act)
- Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022 (WHS PAGEO Regulations).

A key responsibility for the WorkSafe Group (WorkSafe) of the Department of Energy, Mines, Industry Regulation and Safety continues to be the ongoing risk management and safety requirements for the onshore and offshore petroleum, pipeline and geothermal energy operations. To support these requirements, the guides previously developed have been updated to provide support and assist operators to meet their commitments under the WHS Act and WHS PAGEO Regulations.

## Application

This Guide is a non-statutory document provided by WorkSafe to assist persons subject to duties under the WHS Act and requirements to conduct audits of the safety management system as prescribed by the WHS PAGEO Regulations.

It has been developed to provide advice and guidance to operators to meet the WHS Act and the WHS PAGEO Regulations requirements administered by WorkSafe.

## Who should use this Guide?

You should use this Guide if you are:

- the operator of onshore or offshore petroleum, pipeline or geothermal energy operations under the WHS Act
- required to develop and maintain a diving safety management system under the WHS PAGEO Regulations.

## WHS legislation

Under the WHS Act, the WorkSafe Commissioner is responsible for performing the functions and exercising the powers of the regulator. Each safety document must be submitted for acceptance by the regulator.

WorkSafe assists the regulator in the administration of the WHS Act and the WHS PAGEO Regulations, including the provision of inspectors and other staff to oversee compliance with the legislation.

For facilities outside the Western Australian waters, the WHS Act does not apply and guidance should be sought from National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA). If a vessel does not fall under the definition of “facility” in the Act, operators should contact the Australian Maritime Safety Authority and Department of Transport.

No petroleum or geothermal operations can be conducted on any onshore or offshore petroleum, pipeline or geothermal energy operations unless the facility has an operator registered in accordance with the requirements of WHS PAGEO Regulations.

The WHS PAGEO Regulations provided for transitional provisions in relation to facility operators and safety cases in place or submitted before the commencement of the WHS legislation.

<b>Foreword</b> .....	III
<b>1</b> Introduction.....	2
<b>2</b> Diving operation requirements.....	3
<b>3</b> Completion of start-up notice .....	4
3.1 Commencement of diving operations .....	5
3.2 Complex diving operations .....	5
3.3 Emergency diving requirements .....	5
<b>4</b> Diving operations where no operator is involved.....	6
<b>Appendix 1</b> Glossary.....	7
<b>Appendix 2</b> Further information .....	8

# 1 Introduction

**WHS PAGEO Regulations r. 94**

Start-up notices

The purpose of this Guide is to provide advice to diving contractors on the preparation and lodgement requirements of diving start-up notices in accordance with the WHS Act and WHS PAGEO Regulations. It sets out the steps necessary to submit a diving start-up notice to the regulator.

## 2 Diving operation requirements

### WHS PAGEO Regulations Part 3

#### Diving operations

Diving operations are covered in detail in Part 3 of the WHS PAGEO Regulations. Before any diving can be undertaken, the diving contractor must have a diving safety management system (DSMS) in force that has been accepted by the regulator and also a diving project plan (DPP).

It is important that operators ensure that divers and other workers are involved in the development of the DSMS and the diving project plan. It should be noted that the registered operator/contractor bears duties under Part 2 of the WHS Act and the responsibility for the safe conduct of all activities and ongoing safety and health of all persons connected to diving operations.

A key element of the diving operations is that the operator must complete and submit a start-up notice to the regulator at least 14 days before diving is scheduled to commence. No diving is permitted on a diving project prior to this occurring.

# 3 Completion of start-up notice

## WHS PAGEO Regulations r. 94

### Start-up notice

The requirement for a diving start-up notice ensures that the regulator receives notification of all diving projects that are being undertaken within the jurisdiction of the WHS PAGEO Regulations. This enables the regulator to plan and undertake appropriate checks and inspections of diving operations as and when considered necessary.

In most instances the information supplied in the diving start-up notice will be sufficient for the regulator. However, if the information supplied does not meet the requirements listed below, then the regulator may request additional information and also a copy of the DPP covering the diving project.

A start-up notice is a written notice that must be completed and signed and dated by or for the person giving it and contain the following information:

- the name, address and telephone number of the diving contractor conducting the project
- the name, address and telephone number of a person who can be contacted by the regulator at any time during the project
- the date when the first diving operations that is part of the project is expected to begin
- the expected duration of the project
- the location of the project
- the depth to which it is expected that divers will dive
- the purpose of the diving project
- the estimated number of people to take part in the project
- the breathing mixture to be used
- the title, document number and revision number of the applicable DSMS and DPP.

A [diving start-up notice form](#) is available from the Department's website. Once the start-up notice has been completed, signed and dated, the form is submitted to the regulator by email to [petreps@dmirs.wa.gov.au](mailto:petreps@dmirs.wa.gov.au).



### **3.1 Commencement of diving operations**

The operator of a diving project must not allow diving operations to commence until the operator has submitted a start-up notice to the regulator providing at least 14 days' advanced notification of the proposed diving operations commencing, or on another day as agreed between the regulator and the operator. The normal notice requirement of 14 days is to provide the regulator with sufficient time to prepare for an inspection of the operations should this be considered necessary.

### **3.2 Complex diving operations**

Where complex diving operations have been identified for a project the operator should consider notifying the regulator well in advance of the diving project commencing to facilitate liaison or consultation regarding specific aspects of the project.

This early liaison may prevent delays in the diving operations as the project progresses.

### **3.3 Emergency diving requirements**

Where diving projects are required in urgent response to an unplanned event and need to be undertaken immediately or as soon as possible, it may not be possible to provide the regulator with 14 days' advance notice.

In these circumstances, the regulator should be contacted as soon as possible after the need to conduct diving operations arises, so that an alternative start date can be agreed.

When this occurs the operator will be asked to provide details to justify agreement to a period of less than 14 days. The regulator will also need to be satisfied that the urgency and associated short lead time does not compromise the safety of all those involved in the project. This would include advice that the DPP has been developed and approved by the operator of the diving project.

## 4 Diving operations where no operator is involved

There are a small number of occasions where a diving project will be carried out under the WHS PAGEO Regulations without the involvement of an operator.

If there is no operator, the onus falls on the diving contractor to ensure that no diving operations are allowed to commence until the diving contractor has submitted a diving start-up notice to the regulator providing at least 14 days' advance notice of diving operations commencing as detailed in Section 3.

The responsibility of the diving contractor where there is no operator involved also extends to the requirements of complex diving operations and emergency diving requirements as detailed in Sections 3.2 and 3.3.

# Appendix 1 Glossary

The following terms are defined for the purposes of this Guide.

Key terms	Meaning
DPP	Diving project plan
DSMS	Diving safety management system
Facility	<p><b>Geothermal energy facility</b> – a place at which geothermal energy operations are carried out and includes any fixture, fitting, plant or structure at the place</p> <p><b>Petroleum facility</b> – a place at which petroleum operations are carried out and includes any fixture, fitting, plant or structure at the place</p> <p><b>Mobile facility</b> – includes an onshore drilling rig</p> <p>The term facility has been adopted throughout this document to cover offshore and onshore facilities and pipelines including aboveground structures associated with onshore pipelines.</p>
Operator	A person who has, or will have, the day-to-day management and control of operations at a facility and is registered as the operator of the facility under r.22(3).
Person conducting a business or undertaking (PCBU)	A PCBU is an umbrella concept capturing all types of working arrangements or relationships. A PCBU includes a company, unincorporated body or association and sole trader or self-employed person. Individuals who are in a partnership that is conducting a business will individually and collectively be a PCBU. A reference to a PCBU includes reference to the operator of a facility.
Petroleum operation	<p>Means an activity that is carried out in an area in respect of which a petroleum title is in force, or that is carried out in an adjacent area, for the purpose of any of the following:</p> <ul style="list-style-type: none"> <li>• exploring for petroleum</li> <li>• drilling or servicing a well for petroleum</li> <li>• extracting or recovering petroleum</li> <li>• injecting petroleum into a natural underground reservoir</li> <li>• processing petroleum</li> <li>• handling or storing petroleum</li> <li>• the piped conveyance or offloading of petroleum</li> </ul>
Regulator	The WorkSafe Commissioner is the regulator under the <i>Work Health and Safety Act 2020</i> .
WHS Act	<i>Work Health and Safety Act 2020</i>
WHS PAGEO Regulations	Work Health and Safety (Petroleum and Geothermal Energy Operations) Regulations 2022
Worker	Any person who carries out work for a person conducting a business or undertaking, including work as an employee, contractor or subcontractor (or their employee), self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' or a volunteer

# Appendix 2 Further information

## Petroleum safety guidance

### Interpretive guidelines

- *Development and submission of a diving safety management system*
- *Development and submission of a safety case*
- *Development and submission of an onshore facility safety case – drilling operations*

### Guides

- *Audits, review and continual improvement*
- *Bridging documents and simultaneous operations (SIMOPS)*
- *Dangerous goods and hazardous chemicals in petroleum, pipeline and geothermal energy operations*
- *Decommissioning and management of ageing assets*
- *Demonstration of risk reduction so far as is reasonably practicable (SFAIRP)*
- *Diving start-up notices*
- *Emergency response planning*
- *Facility design case*
- *Hazard identification*
- *Health and safety leading and lagging performance indicators*
- *Human factors fundamentals for petroleum and major hazard facility operators*
- *Human factors self-assessment guide and tool for safety management systems at petroleum and major hazard facility operations*
- *Identification of major accident events, control measures and performance standards*
- *Inspections – Land-based drilling rigs*
- *Involvement of workers*
- *Management of change*
- *Nomination of an operator*
- *Records management including document control*
- *Risk assessment and management including operational risk assessment*
- *Validation requirements*





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### WorkSafe Group

Department of Energy, Mines,  
Industry Regulation and Safety  
303 Sevenoaks Street  
CANNINGTON WA 6107

Telephone: 1300 307 877

NRS: 13 36 77

Email: [Safety@dmirs.wa.gov.au](mailto:Safety@dmirs.wa.gov.au)

Website: [www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au)

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