Petroleum and geothermal energy safety information sheet

Occupational health and safety regulations and obligations

This information sheet will assist people with understanding the occupational health and safety regulations associated with the Petroleum and Geothermal Energy Resources Act 1967 and Petroleum Pipelines Act 1969, and the implications for the petroleum industry and geothermal energy recovery in Western Australia.


Relationship with other safety legislation


A. The Petroleum Legislation Amendment and Repeal Act 2005 allows for the disapplication of State occupational safety and health laws and therefore the relevant Acts do not need to be mentioned directly in any other Act as being excluded before that exclusion can come into force.

Q. Does this mean the dangerous goods and electricity Acts may be ignored?

A. The exemption is only in relation to the occupational safety and health aspects of the two Acts — everything else still applies. This allows the Petroleum and Geothermal Energy Resources (Occupational Health and Safety) Regulations 2010 and Petroleum Pipelines (Occupational Health and Safety) Regulations 2010 to be tailored for the activities and circumstances of the petroleum and geothermal industries.

Q. Do we deal with the Petroleum Safety Branch of Resources Safety in relation to the dangerous goods and electricity licensing and registration requirements?

A. Inspectors from the Petroleum Safety Branch will conduct audits, inspections and deal with safety management system documentation content in relation to these areas. However, the operator will need to directly contact other agencies for licensing and registration purposes. For example, EnergySafety in the Department of Commerce handles electrical registration, while Resources Safety’s Dangerous Goods Safety Branch handles the licensing and safety requirements for explosives and other dangerous goods.

Q. The Petroleum and Geothermal Energy Resources Act 1967 and Petroleum Pipelines Act 1969 are mentioned in the Occupational Safety and Health Act 1984 as being excluded — is this still the case?

A. Yes, this has not changed. This ensures that only one set of legislation applies for occupational health and safety at the workplace.

Workgroups, and safety and health representatives and committees

Q. Is a safety and health representative required for all operations, activities and locations?

A. Not in all cases. Once activated, various “triggers” call for a safety and health representative. For example, the establishment of an identified workgroup would set in motion the requirement to conduct an election for a safety and health representative for each identified designated workgroup.

An operator is also obligated to notify the workforce should a vacancy arise in a workgroup for a safety and health representative, or they may be directed to do so by Resources Safety’s Director.
Petroleum Safety within six months of the vacancy arising should the operator fail to inform the workgroup within the six-month timeframe of the vacancy.

Q. What or who establishes a workgroup?
A. The operator may establish a designated workgroup or workgroups at any time, and must do so following a request from any member of the workforce. In either instance, a period of consultation must then be entered into between operator and members of the workforce to identify what will best satisfy the health and safety requirements of the workforce and operator.

Should there be disagreement between the parties involved that cannot be resolved, then the matter may be referred to the Director Petroleum Safety for settlement.

Q. How many and who can be a safety and health representative, and what qualifications must they hold?
A. A safety and health representative may be any member of the workforce in the designated workgroup, with one safety and health representative per group. There is also provision for one deputy safety and health representative if required. No qualifications are required, although all efforts should be made to attend safety and health representative training within one year of appointment. The operator must allow the safety and health representative time off work to attend training with no disadvantage to the safety and health representative in respect of loss of remuneration or other entitlements.

Q. Is a safety and health committee required, and how often should such a committee meet?
A. A safety and health committee must be established when:

- the number of staff normally engaged in an operation is more than 50 (whether or not those persons are all at work in relation to the operation at the same time)
- the members of the workforce are included in one or more designated workgroups
- the operator is requested to do so by a safety and health representative.

Meetings must be held at least every three months, with minutes of those meetings kept and retained on record for a minimum period of three years.

The safety regulator

Q. What are the powers of inspectors?
A. Inspectors have the powers, functions and duties conferred or imposed by the Petroleum and Geothermal Energy Resources (Occupational Health and Safety) Regulations 2010 and Petroleum Pipelines (Occupational Health and Safety) Regulations 2010, including the power to:

- conduct an inspection at any time
- enter and search where operations are carried on, including regulated and unregulated premises (unless an operation is conducted on a regulated business premises, procedures such as the requirement for a warrant will apply)
- require assistance and information
- require the answering of questions and the production of documents or articles
- take possession of plant, samples of substances and other materials as necessary
- direct that a workplace not be disturbed
- issue prohibition notices
- issue improvement notices.

Note: Penalties apply for obstructing or hindering an inspector, and failing to provide reasonable assistance and information, answer questions or produce documents.
Hazards and duty of care

Q. The Petroleum and Geothermal Energy Resources (Occupational Health and Safety) Regulations 2010 and Petroleum Pipelines (Occupational Health and Safety) Regulations 2010 mention that it is an offence to have intoxicants. What is the situation if an operation has some facilities with wet messes?

A. Wet messes may continue to operate when under the control, and regulated responsibly, by the operator.

Q. The limits on hazardous substances and noise limits appear too onerous for some operations to comply with. Are exemptions possible?

A. A responsible person may apply to the Minister for an exemption relating to hazardous substances and/or noise by providing details of the circumstances, and detailing why the limits are not practical to comply with.

Q. What is “Schedule 1,” the duty of care for occupational safety and health? What and who does it apply to?

A. Schedule 1 relates to the obligations and duties of parties involved in operations to secure the occupational health and safety of persons engaged in those operations and those in the vicinity of the operations. Occupational safety and health duties are imposed upon:

• the operator
• a person in control of any part of an operation
• an employer
• a manufacturer of plant, or a substance for use in an operation
• a supplier of a facility, or of any plant or substance for use in an operation
• a person who erects or installs a facility, or any plant, for use in an operation
• a person who is engaged in an operation.

Note: Substantial penalties apply for non-compliance.