



Petroleum and geothermal energy safety information sheet

FAQs on OSH regulations and obligations

Introduction

Occupational safety and health (OSH) in the petroleum and geothermal energy industries are regulated under the provisions of the:

- *Petroleum and Geothermal Energy Resources Act 1967*;
- *Petroleum Pipelines Act 1969*;
- Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010; and
- Petroleum Pipelines (Occupational Safety and Health) Regulations 2010.

To assist operators and others in meeting their OSH obligations, this information sheet answers some frequently asked questions (FAQs) about the key OSH requirements of this suite of legislation.

Note: This document is for guidance only and the definitive statutory requirements are contained in the legislation available from the State Law Publisher's website at www.slp.wa.gov.au

Other safety legislation

Q. The Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010 mention that the *Dangerous Goods Safety Act 2004* and *Electricity Act 1945* do not apply. Does this mean we can ignore these Acts?

A. No. The *Petroleum Legislation Amendment and Repeal Act 2005* allows for the disapplication (effectively an exemption) of other State occupational safety and health laws. Effectively, the *Dangerous Goods Safety Act 2004* and *Electricity Act 1945* still apply — the exemption relates to their OSH provisions *only*. This allows the Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010 to be tailored for the activities and circumstances of the petroleum and geothermal industries.

Q. Who do we deal with in relation to the dangerous goods and electricity registrations requirements?

A. Direct contact with other government offices is required for registration purposes. For example, electrical registration is through EnergySafety in the Department of Commerce. Explosives registrations and security clearances are administered through the dangerous goods licensing section of Resources Safety.

Inspectors from the Petroleum Safety Branch of Resources Safety conduct audits and inspections, and deal with safety management system (SMS) documentation content in relation to dangerous goods and electrical matters.

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 the OSH Act doesn't apply where petroleum and geothermal legislation applies. Is this still the case?

A. Yes. The exclusion has not changed, but has broadened through changes in the definition of operation.

Safety and health representatives and committees

Q. Does an operator need to have a safety and health representative for all operations, activities and locations?

A. Not in all cases. There are certain situations in which a safety and health representative will be required, such as the establishment of an identified designated workgroup, with a representative required for each group.

An operator is also obligated to notify the workforce, within six months, should a vacancy arise in a workgroup for a safety and health representative.

Q. What or who establishes a workgroup?

A. Designated workgroups may be established at the initiative of the operator or when requested by any member of the workforce. In either instance, a period of consultation must then be entered into between the operator and members of the workforce to identify what will best satisfy the health and safety requirements of the workforce and operator.

Should the parties involved disagree and cannot resolve the matter, it must be referred to the Director, Petroleum Safety Branch, Resources Safety, for settlement.

Q. How many and who may be a safety and health representative? Are there any qualifications required?

A. A safety and health representative may be any member of the workforce in the designated workgroup, with one representative per group. There is also provision for one deputy safety and health representative if desired. No qualifications are required, although to effectively fulfil all the functions of the role, safety and health representative training should be done within one year of appointment. The operator must permit the safety and health representative time off work to attend training, with no disadvantage to the representative in respect of loss of remuneration or other entitlements.

Q. Who provides training for safety and health representatives?

A. Training courses for safety and health representatives are accredited by the Commission for Occupational Safety and Health in accordance with the *Occupational Safety and Health Act 1984*. The list of accredited training providers is available from WorkSafe's website at www.commerce.wa.gov.au/WorkSafe

Q. Do we also have to have a safety and health committee?

A. A safety and health committee must be established when:

- the number of members normally engaged in an operation is not less 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; and
- the operator is requested to do so by a safety and health representative.

Q. If we do have a safety and health committee, how often should it meet?

A. 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.

Inspectors' powers

Q. The powers of an inspector appear to have increased with the introduction of various notices. What are they now?

A. Under the OSH regulations, an inspector may:

- conduct an inspection at any time;

- enter and search where operations are carried on, including regulated business and unregulated premises — procedures such as a warrant apply for the latter;
- 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; and
- 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.

Dealing with hazards

Q. The OSH regulations mention that it is an offence to have intoxicants. We have some facilities with wet messes — may we still operate these?

A. Yes, provided they are under the control of the operator and regulated responsibly.

Q. The limits on hazardous substances and noise limits may be too onerous for some of our operations to comply with, either financially or practically. May we be exempted?

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

Q. We keep hearing about “Schedule 1” covering our duty of care for OSH. Briefly, what and who does it apply to?

A. This refers to Schedule 1 of both the *Petroleum and Geothermal Energy Resources Act 1967* and *Petroleum Pipelines Act 1969*. It details the obligations and duties of parties involved in operations to secure the OSH of people engaged in the operations and those nearby.

OSH duties are now imposed upon:

- the operator;
- a person in control of any part of a 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 a operation;
- a person who erects or installs a facility, or any plant, for use in a operation; and
- a person who is engaged in a operation.

Note: Substantial penalties apply for non-compliance.