



Petroleum, geothermal energy and pipeline safety information sheet

Overview of occupational safety and health regulations for petroleum, geothermal energy and pipeline operations

Introduction

The Petroleum Safety Branch of Resources Safety administers the safety and structural integrity provisions of the onshore pipeline, petroleum and geothermal legislation, and provides specialised safety and risk management advice to the Department of Mines and Petroleum as part of its approval processes. Functions include:

- Occupational safety and health regulatory services
- Safety case technical assessment, review and approval
- Safety management system assessment, review and approval
- Specialist advice, compliance auditing and investigations, and
- Promoting safety and health outcomes, including education and information

This information sheet aims to assist in the interpretation of the following regulations (collectively referred to as the OSH Regulations) and their implications for the petroleum exploration, production and geothermal energy sectors:

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

Separate information sheets are available covering the implications for industry of the regulations for management of safety for petroleum and geothermal energy operations and pipeline operations.

Scope of regulations

Note: The regulation numbers match for both sets of regulations.

Part 1 – Preliminary [rr. 1-3]

- Provides reference information including the allowable citation, commencement date and definitions of terms used.

Part 2 – Matters prescribed for particular provisions of the Act [rr. 4-6]

- The safety provisions of the *Dangerous Goods Safety Act 2004* and the *Electricity Act 1945* do not apply to petroleum or geothermal operations.
- The reviewing authority for clauses 21 and 64 of Schedule 1 of the *Petroleum and Geothermal Energy Resources Act 1967* (PAGERA) and *Petroleum Pipelines Act 1969* (PPA) is the Director of the Petroleum Safety Branch of Resources Safety. These clauses relate to dispute over designated work groups and decisions of inspectors.
- A person may apply to the Minister for an exemption from any or all of the provisions in Schedule 1 Division 3 “Workplace arrangements” (rr. 16-44). The Minister must respond with 28 days.

Part 3 – Election of safety and health representatives [rr. 7-26]

- The OSH Regulations provide explicit direction for the election of safety and health representatives (SHRs). These directions cover some of the issues already covered in the current OHS Schedule. Additional topics include:
 - returning officer;
 - the poll;
 - polling by secret ballot;
 - counting of the votes; and
 - results of the election.

Part 4 – Matters relating to occupational safety and health generally [rr. 27-38]

- An SHR must try to complete accredited training within the first 12 months of being elected. Once training has been completed, an SHR may issue provisional improvement notices (PINs) in regard to safety and health issues within their area of the workforce. [r. 27]
- Part 4 of the regulations also covers the following safety and health matters:
 - avoiding fatigue [r. 28]
 - possession or control of drugs or intoxicants [r. 29]
 - leaving a petroleum operation when required [r. 30]
 - prohibition on use of certain hazardous substances [r. 31]
 - limits on exposure to certain hazardous substances [r. 32]
 - exposure to noise [r. 33]
 - applying for exemptions from hazardous substances and noise requirements [r. 34]

Fines are associated with non-compliance in relation to each of these matters and are detailed below in the “Penalties apply” section.

- When the *Petroleum Legislation Amendment and Repeal Act 2005* comes into force, SHRs will have the authority to issue PINs and petroleum safety inspectors will have the authority to issue a notice of removal of plant or sample, do not disturb notices, prohibition notices and improvement notices.

Schedule 1 “Forms” of the OSH Regulations contains examples of the formats of notices that may be issued. [r. 36]

The procedures for serving a Schedule 1 notice are also outlined. [rr. 36, 38]

- All forms must be completed as described in, or at the foot of, the form. Forms, notices or reports must be completed with appropriate detail in legible handwriting or by means of a machine. Forms, notices or reports must be able to be reproduced in a clear and legible form. [r. 37]

Part 5 – Transitional [r. 39]

- If an election for an SHR has commenced but not been completed prior to the OSH Regulations coming into effect, the election shall continue to be conducted as per the previous legislation.

Schedule 1 – Forms

This section of the regulations contains examples of the format of notices that may be issued.

Schedule 2 – Hazardous substances

Schedule 2 contains a table identifying certain hazardous substances and the circumstances in which their use is permitted.

Penalties apply

There are several fines associated with the new OSH Regulations and these are summarised below. Refer to the draft regulations for full details.

- During an election for a safety and health representative, the returning officer is granted powers under the OSH Regulations to allow for orderly elections to take place. The returning officer is either the previous holder of the representative position, or someone nominated by the operator.

During the count from the election, the returning officer may direct someone who is not permitted to be present or who is unduly interrupting the count to leave the place where the count is taking place. Should someone refuse to leave the place where the count is occurring, and not have a reasonable excuse for doing so, they may be fined \$550. **[r. 19(3)]**

- To prevent fatigue that may affect the safety or health of an employee, a responsible person must ensure that employees under their care do not work for excessive continuous periods or successive continuous periods. If this situation arises the responsible person may be fined \$1,100. **[r. 28]**

*Note: A responsible person is defined as the operator, an employer or any other person who is in control of an operation. **[r. 3]***

- It is an offence for anyone engaged in a petroleum or pipeline operation to have possession or be in control of a controlled substance unless the controlled substance is for therapeutic use. The person committing the offence may be fined \$1,100. **[r. 29(2)]**
- The consumption or possession of alcohol while working on an operation is not permitted without the knowledge and permission of the licensee. The person committing the offence may be fined \$1,100. **[r. 29(4)]**
- An operator or other person in charge may instruct someone to leave the petroleum or pipeline operation. It is an offence to refuse to leave and the person may be fined \$1,100. **[r. 30(1)]**
- Without an exemption from the Minister, hazardous substances must only be used as prescribed in Schedule 2 of the regulations. The responsible person may incur a fine of \$2,200 if there is a breach. **[r. 31(1)]**

*Note: Chrysotile asbestos is given special consideration. **[r. 31(3)]***

- If any hazardous substances are being used on site, the airborne concentration must not exceed the appropriate exposure standard for any person. The responsible person must ensure that the exposure limit is not exceeded. Failure to comply may incur a fine of \$2,200. **[r. 32(2)]**

*Note: The Minister may provide an exemption on a case-by-case basis. **[r. 34]***

- It is the responsibility of the operator or other person in charge to ensure that people on site are not exposed to noise levels in excess of the National Standard for Occupational Noise [NOHSC:1007(2000)]. Appropriate hearing protection must be provided. Even with the use of hearing protection, noise exposure must be managed to ensure that the level is less than an LAeq,8h of 85 dB(A) or an LC,peak of 140 dB(C). Violations may incur a fine of \$2,200. **[r. 33(2)]**

*Note: The Minister may provide an exemption on a case-by-case basis. **[r. 34]***