

Legislation

09.01.13

**Workplace Health and Safety Act 2007 (WHSA)
Dangerous Goods Act 1998 (DGA)**

Application of WHSA and DGA to Petroleum activities and pipelines >

This information bulletin provides a guide to the application of the [Workplace Health and Safety Act 2007](#) and the [Dangerous Goods Act 1998](#) which have effect on petroleum activities as of 1 July 2008. It should be read in conjunction with information bulletin [09.01.12](#) Application of WHSA and DGA to Mining Operations.

In 2007 an external review of the *Work Health Act* and the *Mining Management Act* made recommendations for legislative changes to the regulatory functions of NT WorkSafe and the [Department of Regional Development, Primary Industry, Fisheries and Resources](#) (RDPIFR). While this review concentrated on mining it also made recommendations on combining petroleum safety. As a result the *Workplace Health and Safety Act* was enacted which has coverage over all Territory workplaces including petroleum workplaces.

Notable Changes for Petroleum Activities

- **Jurisdiction**

As of 1 July 2008 the *WHSA* and *DGA*, which regulate Occupational Health and Safety and Dangerous Goods, apply to all petroleum (including pipeline) sites and activities within the Northern Territory and its coastal waters. This includes seismic surveying, drilling, general ground exploration, geochemical surveying, pipeline construction and production facility construction.

For production facilities construction, regulation will be the responsibility of NT WorkSafe and, when completed and product movement commences, the regulatory role will pass to RDPIFR. The *WHSA* and *DGA* will still apply but will be regulated by RDPIFR in consultation with NT WorkSafe.

For sites that process petroleum products such as LNG Plants, gas processing plants or Helium plants that are not on petroleum tenure issued under the NT [Petroleum Act](#), the requirements of the *WHSA* and the *DGA* apply.

Information bulletin [09.01.12](#) Application of WHSA and DGA to Mining Operations explains major changes to the legislation as well as introducing new concepts including:

- Staged compliance strategy
- “Reasonably practicable”
- Consultation
- Health and safety representatives
- Union Right of Entry
- Employer's general statutory duty of care

putting safety first >



- **Risk Management Plans**

For petroleum activities a risk management plan may be required in certain circumstances. With this in mind, NT WorkSafe and RDPIFR will work closely together to ensure there is little or no duplication of regulatory requirements.

However, an employer must, before commencing a hazardous activity, lodge a copy of the relevant risk management plan with NT WorkSafe.

- **Major Hazard Facilities (MHF)**

The [National Standard for the Control of Major Hazard Facilities \[NOHSC:1014\(2002\)\]](#) is incorporated into, and forms part of, the Regulations under the WHSA (Regulation 168BA) and the DGA (Regulation 31).

The Major Hazard Facilities standard only applies to those sites where the type and quantity of dangerous goods have the potential to cause serious damage. This is determined by using the schedules incorporated into this standard. In general these requirements would apply to production facilities and gas transmission pipelines. However, you are encouraged to read the standard as it forms part of the NT Regulations.

It is the operators responsibility to determine if their site could be classed as a Major Hazard Facility. If they are classed as MHF the operator must notify NT WorkSafe.

Prior to commencement of design and/or construction activities you are encouraged to contact NT WorkSafe to seek further guidance.

- **Reporting incidents Section 64 of the Act**

As of 1 July 2008 the NT *Petroleum Act* was amended to remove Part III dealing with Occupational Health and Safety. The *WHSA* is to be used in its place.

Under the current petroleum legislation, administered by RDPIFR, there are still some requirements for reporting which differ slightly to those required under the *WHSA*. Operators are encouraged to review current reporting requirements.

All Occupational Health and Safety related reports, required under the *WHSA*, are now to be sent to NT WorkSafe.

Information bulletin 09.01.12 defines what a *reportable incident* is. If a reportable incident occurs, the employer must notify NT WorkSafe as soon as practicable of its occurrence (telephone **1800 019 115**) and provide NT WorkSafe with a written notification of the incident in an approved form [FM137](#) within **48 hours** after its occurrence.

Please refer to NT WorkSafe information bulletin [09.01.04 Notification of incident](#).

- **Reporting of Major Accidents and Near Misses for a Major Hazard Facility**

In addition to the *WHSA* reporting incidents above, the National Standard requires that a major accident or near miss, involving a Major Hazard Facility, for which a Safety Report is required, is reportable.

If a reportable accident occurs, the employer must notify NT WorkSafe **within 24 hours** after its occurrence. Reporting requirements can be found within the National Standard.

NT WorkSafe expects that a report of a major accident or near miss is provided as soon as reasonable practicable (telephone **1800 019 115**) and then followed by a written notification.

As required by the National Standard the operator must thoroughly investigate and report to NT WorkSafe in accordance with the Standard requirement.

A reportable accident and near miss for the purposes of Major Hazard Facility is:

- > a **major accident** is defined as a sudden occurrence (including in particular a major emission, loss of containment, fire, explosion or release of energy) leading to a serious danger of harm to people property or the built or natural environment, whether immediate or delayed; or
- > a **near miss** is defined as any sudden event which, but for the mitigation effects, actions or systems, could have escalated to a major accident.

Workplace Health and Safety Regulations

The following are examples of elements of the new legislation that will impact on petroleum operations:

- > Plant Registration and Design and Licensing Part 3, 6, 9 of the Regulations
- > Major Hazard Facilities Part 12AA of the Regulations
- > Risk Management Plans Section 58 of the Act
- > Health surveillance Section 60 of the Act

The role of Registered Licence Assessors and of Third Party Plant Inspectors is explained in information bulletin 09.01.12.

The *Dangerous Goods Act* and Regulations

- > The [National Standard for the Storage and Handling of Workplace Dangerous Goods \[NOHSC:1015\(2001\)\]](#) is incorporated into, and forms part of the Regulations
- > The [National Code of Practice for the Storage and Handling of Workplace Dangerous Goods \[NOHSC:2017\(2001\)\]](#) provides guidelines on how to achieve compliance in this area
- > The [National Standard for the Control of Major Hazard Facilities \[NOHSC:1014\(2002\)\]](#) is incorporated into, and forms part of the Regulations
- > Licensing Part 1 Division 2 of the Regulations addresses the Requirements for licensing

This legislation sets out safe working practices and standards that will ensure the minimum risk to people from the handling of dangerous goods. All persons coming into contact with dangerous goods should make themselves familiar with the legislation and be aware of their responsibilities under this legislation.

The *Dangerous Goods Act* and Regulations provide for the regulation of the manufacture, packaging, labelling, import and export, sale, transport, storage, use and disposal of all classes of dangerous goods. Provisions are included for prompt and compulsory reporting of accidents involving dangerous goods.

• **Storage of dangerous goods**

Section 45 of the Standard states the actions required by an occupier to ensure that the Authority is notified in writing when premises are likely to contain a total quantity of any Class of dangerous goods that exceeds the Schedule 1 "Manifest Quantity". Where dangerous goods are stored in quantities greater than prescribed, the owner or occupier of a premise will need to ensure that they hold a licence and that the storage facilities comply with relevant regulations or standards for safe storage.

Here are some examples of storage amounts in excess of which a Licence to Store is required:

- > Flammable Liquids: Class 3 PG I and PG II (formerly Class 3.1 e.g., Petrol, Acetone) 100 litres; Class 3 PG III (formerly Class 3.2 e.g., Kerosene, Turpentine) 1,000 litres;
- > Combustible liquids: (diesel fuel) 50,000 litres;
- > Industrial Gases: Class 2.1 (e.g. Acetylene) 60m³ (ie, 8 size G cylinders); Class 2.3 (eg, Chlorine, Ammonia) 50kg.

Other Legislation

The following legislation is also applicable to petroleum activities:

- > [DG Road and Rail Transport Act](#)
- > [Electricity Reform Act](#)
- > [Electrical Workers & Contractors Act](#)

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