

**Version No. 010**  
**Occupational Health and Safety (Major  
Hazard Facilities) Regulations 2000**

**S.R. No. 50/2000**

Version incorporating amendments as at 28 April 2005

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
101. Objective	1
102. Authorising provisions	1
103. Commencement	1
104. Definitions	2
105. Application of Regulations	5
106. Application of Regulations to employees	6
107. Application of Parts 3, 5 and 9	6
<b>PART 2—GENERAL PROVISIONS</b>	<b>7</b>
201. Authority may require information	7
202. Processes for certain decisions of Authority	7
203. Exemption from Parts 3 to 8	9
<b>PART 3—SAFETY DUTIES OF OPERATORS</b>	<b>11</b>
301. Safety Management System	11
302. Identification of major incidents and hazards	12
303. Safety Assessment	12
304. Control measures	14
305. Emergency planning	14
306. Review	16
307. Safety role for employees	17
<b>PART 4—SAFETY CASE</b>	<b>19</b>
401. Operator to provide Safety Case	19
402. Content of Safety Case	19
403. Co-ordination of Safety Cases	20
404. Revision	21

<i>Regulation</i>	<i>Page</i>
<b>PART 5—CONSULTING, INFORMING, INSTRUCTING AND TRAINING</b>	<b>23</b>
501. Consultation with health and safety representatives	23
502. Informing, instructing and training employees	23
503. Further information and access to documents	24
504. Non-employees at the facility	24
505. Local community	25
506. Further information on request	27
<b>PART 6—DUTIES OF EMPLOYEES</b>	<b>28</b>
601. Duties of employees at major hazard facilities	28
<b>PART 7—REGISTRATION</b>	<b>29</b>
701. Notification for existing major hazard facilities	29
701A. Notification by certain mines	29
702. Notification by intended operator of major hazard facility	29
703. Operators of certain facilities to notify Authority	30
704. Content of notification	30
705. Authority may determine facility to be a major hazard facility	32
706. Inquiry before making determination	33
707. Registration of major hazard facilities	34
708. Obligations on operator of registered major hazard facility	34
709. Expiry of registration	36
<b>PART 8—LICENSING</b>	<b>38</b>
801. Only licensed or registered major hazard facility to be operated	38
802. Application for licence	38
803. Grant of licence	39
804. Renewal	40
805. Terms and conditions	41
806. Transfer	41
807. Availability of copy for inspection	42
808. Suspension and cancellation	42
809. Surrender of licence	43
810. Notification in Government Gazette	43
<b>PART 9—PROTECTION OF PROPERTY</b>	<b>45</b>
901. Control measures	45
902. Property Protection Assessment	45
903. Exemption from Part 9	47



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**Version No. 010**  
**Occupational Health and Safety (Major  
Hazard Facilities) Regulations 2000**  
**S.R. No. 50/2000**

Version incorporating amendments as at 28 April 2005

**PART 1—PRELIMINARY**

**101. Objective**

The objective of these Regulations is to provide for the safe operation of **major hazard facilities** in order to—

- (a) reduce the likelihood of a **major incident** occurring;
- (b) reduce the consequences to health and safety and damage to property in the event of a **major incident**.

**102. Authorising provisions**

- (1) This Part is made under section 59 of the **Occupational Health and Safety Act 1985** and under section 52 of the **Dangerous Goods Act 1985**.
- (2) Parts 2 to 8 and Schedules 1 to 5 are made under section 59 of the **Occupational Health and Safety Act 1985**.
- (3) Parts 9 and 10 are made under section 52 of the **Dangerous Goods Act 1985**.

**103. Commencement**

- (1) These Regulations (other than regulation 801) come into operation on 1 July 2000.

- (2) Regulation 801 comes into operation on 1 September 2000.

#### **104. Definitions<sup>1</sup>**

- (1) In these Regulations—

"**Act**" means the **Occupational Health and Safety Act 1985**;

"**ADG Code**" means the Transport Code within the meaning of the **Dangerous Goods Act 1985**;

"**Authority**" means the Victorian WorkCover Authority established under section 18 of the **Accident Compensation Act 1985**;

"**class**" has the same meaning as in the **ADG Code**;

"**dangerous goods**" means dangerous goods within the meaning of the **Dangerous Goods Act 1985**;

"**emergency services**" means the persons in management or control of the fire authority, police authority and ambulance service;

"**facility**" means any building or other structure on land—

- (a) which is a workplace; and
- (b) at which **Schedule 1 materials** are present or **likely to be present** for any purpose;

"**hazard**" means any activity, procedure, plant, process, substance, situation or any other circumstance that could cause, or contribute to causing, a **major incident**;

"**Hazchem Code**" has the same meaning as in the **ADG Code**;

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**"local community"** means—

- (a) persons who reside in; and
- (b) persons in management and control of workplaces, or of places where persons gather for recreational, cultural or sporting purposes, located in—

the area surrounding the **major hazard facility**, as indicated on the map forming part of the emergency plan for the **major hazard facility** in accordance with clause 1.2 of Schedule 3;

**"major hazard facility"** means—

- (a) a **facility** where **Schedule 1 materials** are present or **likely to be present** in a quantity exceeding their **threshold quantity**; or
- (b) a **facility**, not being a **facility** to which paragraph (a) applies, determined by the **Authority** to be a **major hazard facility** under regulation 705;

**"major incident"** means an uncontrolled incident, including an emission, loss of containment, escape, fire, explosion or release of energy, that—

- (a) involves **Schedule 1 materials**; and
- (b) poses a serious and immediate risk to health and safety;

**"modification"**, in relation to a **major hazard facility**, includes—

- (a) a change to any plant, processes or substances used in processes, including the introduction of new plant, processes or substances;

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000  
Part 1—Preliminary*

r. 104

(b) a change to the quantity of **Schedule 1 materials** present or **likely to be present**, including the introduction of any new **Schedule 1 materials**;

(c) a change to the **Safety Management System**—

that has the effect of—

(d) creating a **hazard** that has not previously been identified; or

(e) increasing the likelihood of a **major incident** occurring; or

(f) in relation to any **major incident** that might occur, increasing—

(i) its magnitude; or

(ii) the severity of its consequences to persons both on-site and off-site;

**"operator"**, in relation to a **facility**, means the employer who has management or control of the **facility**;

**"Packing Group"** has the same meaning as in the **ADG Code**;

**"Safety Management System"** means a **Safety Management System** established under regulation 301;

**"Safety Case"** means a **Safety Case** prepared or revised under Part 4;

**"Schedule 1 material"** means a material mentioned in Table 1 of Schedule 1 or a material that belongs to one or more of the types, classes and categories mentioned in Table 2 of Schedule 1;

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**"threshold quantity"**, in relation to **Schedule 1 materials**, means the **threshold quantity** for those materials determined in accordance with Schedule 1.

- (2) Any reference in these Regulations to **Schedule 1 materials likely to be present** at a **facility** is a reference to the maximum quantity of the **Schedule 1 materials** that would meet the capacity of the **facility**, including—
- (a) the maximum capacity of process vessels and interconnecting piping systems to contain the materials;
  - (b) the maximum capacity of storage tanks and vessels used for the materials;
  - (c) the maximum storage capacity of other storage areas at the **facility** that could contain the materials;
  - (d) the maximum capacity of pipelines outside process areas to contain the materials;
  - (e) the maximum quantity of the materials that would, in the event of a failure, escape onto the premises of the **facility** from a pipeline that is situated off the premises but connected to the **facility**;
  - (f) the maximum quantity of the materials loaded into or onto, or unloaded from, vehicles, trailers, rolling stock and ships that are from time to time present at the **facility** in the course of the **facility's** operations.

#### **105. Application of Regulations**

These Regulations do not apply to—

- (a) any building or other structure on land to which section 60(2) of the **Occupational Health and Safety Act 1985** applies; or

- (b) pipelines in respect of which a licence to construct and operate a pipeline is issued under the **Pipelines Act 1967**; or
- (c) distribution pipelines within the meaning of the **Gas Industry Act 1994**.

**106. Application of Regulations to employees**

For the purposes of these Regulations (except Part 6)—

- (a) "**employee**" includes an independent contractor engaged by the **operator** and any **employees** of the independent contractor; and
- (b) the duties of the **operator** of a **major hazard facility** extend to such an independent contractor and the independent contractor's **employees**, in relation to matters over which the **operator**—
  - (i) has control; or
  - (ii) would have had control but for any agreement between the **operator** and the independent contractor to the contrary.

**107. Application of Parts 3, 5 and 9**

- (1) Subject to this regulation, Parts 3, 5 and 9 do not apply to and in relation to a **major hazard facility** that is registered under Part 7.
- (2) The **operator** of a registered **major hazard facility** must comply with the provisions of Parts 3, 5 and 9 so far as is practicable.

Reg. 107(3)  
revoked by  
S.R. No.  
20/2002 reg. 5.

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**PART 2—GENERAL PROVISIONS**

**201. Authority may require information**

- (1) The **Authority** may by written notice require the **operator** of a **facility** or a person who intends to be the **operator** of a **facility** to provide such information concerning the operation of the **facility** as the **Authority** reasonably requires for the purposes of these Regulations.
- (2) A notice under sub-regulation (1) must specify—
  - (a) the information required;
  - (b) the date by which the information must be provided.
- (3) A person who receives a notice under sub-regulation (1) must provide the information in accordance with the notice.

**202. Processes for certain decisions of Authority**

- (1) This regulation relates to a decision of the **Authority** in relation to—
    - (a) the refusal to grant, renew or transfer a licence under Part 8;
    - (b) the refusal to grant a registration under regulation 707(2);
    - (c) the variation of the terms and conditions upon which a licence under Part 8 was granted;
    - (d) the cancellation or suspension of a licence under Part 8.
  - (2) The **Authority** must not make a decision to which this regulation relates unless the **Authority** has conducted an inquiry under this regulation.
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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 2—General Provisions

r. 202

- (3) The **Authority** must give to any person who may be affected by the decision written notice of the **Authority's** intention to conduct an inquiry.
- (4) The notice must—
  - (a) state the subject of the inquiry and the reasons for conducting it;
  - (b) invite the person notified to make submissions in relation to the inquiry.
- (5) The **Authority** must consider any submissions made by the person notified.
- (6) If the **Authority** makes the decision, the **Authority** must send to the person a written notification, which must—
  - (a) state the decision;
  - (b) state the reasons for the decision;
  - (c) specify the date on which the decision is to take effect.
- (7) The effective date specified under sub-regulation (6)(c) must be not less than 30 days after the **operator** is given the notification.
- (8) If the **Authority** makes a decision to which this regulation relates, any person who may be affected by the decision may apply, on or before the effective date specified under sub-regulation (6)(c), to the Victorian Civil and Administrative Tribunal for a review of the decision.
- (9) If a person applies for a review of a decision, the decision is stayed pending the determination of the application for review.
- (10) In this regulation, the expression "**any person who may be affected**" has the same meaning and effect as in section 59(6) of the **Act**.

Reg. 202(8)  
amended by  
S.R. No.  
20/2002 reg. 6.

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**203. Exemption from Parts 3 to 8**

- (1) The **Authority** may exempt a person from a requirement in Part 3, 4, 5, 6, 7 or 8 if the **Authority** is satisfied that the person is capable of achieving a level of health and safety that is at least equivalent to the level that would be achieved if the requirement had been complied with.
- (2) If the **Authority** grants an exemption under sub-regulation (1), the **Authority** may attach such terms and conditions as the **Authority** considers reasonable, including terms and conditions in relation to—
  - (a) the commencement and duration of the exemption;
  - (b) control measures to be adopted by the person to whom the exemption is granted for the elimination or reduction of risk to health and safety associated with **major incidents**;
  - (c) a requirement that the person exempted give notice of the exemption and of the terms and conditions of the exemption to any specified person who may be affected.
- (3) If a person requests an exemption, the **Authority** must not refuse to grant the exemption unless the **Authority** has—
  - (a) invited the person to make written submissions;
  - (b) specified a date, not less than 14 days after the date of the invitation, by which the person may make the submissions;
  - (c) considered any submissions that are made by the specified date.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 2—General Provisions

r. 203

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- (4) If the **Authority** grants an exemption under this regulation, the **Authority** must cause a notice of the exemption, including any terms and conditions attached to the exemption, to be published in the Government Gazette.
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**PART 3—SAFETY DUTIES OF OPERATORS**

**301. Safety Management System**

- (1) The **operator** of a **major hazard facility** must establish and implement a **Safety Management System** for the **major hazard facility**.
- (2) The **operator** must use the **Safety Management System** as the primary means of ensuring the safe operation of the **major hazard facility**.
- (3) The **Safety Management System** so established must—
  - (a) provide a comprehensive and integrated management system for all aspects of control measures adopted under this Part;
  - (b) be documented;
  - (c) be so set out and expressed that its contents are readily accessible and comprehensible to persons who use it.
- (4) The document must—
  - (a) state the **operator's** safety policy, including the **operator's** broad aims in relation to the safe operation of the **major hazard facility**;
  - (b) state the **operator's** specific safety objectives;
  - (c) describe the systems and procedures by which these objectives are to be achieved;
  - (d) describe how compliance with this Part and Part 5 is to be achieved;
  - (e) include all of the matters specified in Schedule 2.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 3—Safety Duties of Operators

r. 302

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- (5) The **operator** must review, and as necessary revise, the **Safety Management System** if—
- (a) a **modification** is made to the **major hazard facility**;
  - (b) a **major incident** occurs at the **major hazard facility**; or
  - (c) whether or not the circumstances mentioned in paragraphs (a) or (b) arise, at least once each 5 years.
- (6) An **operator** of a **major hazard facility** who fails to comply with this regulation is guilty of an indictable offence.

**302. Identification of major incidents and hazards**

- (1) The **operator** of a **major hazard facility** must—
- (a) identify all **major incidents** which could occur at the **major hazard facility**; and
  - (b) identify all **hazards** that could cause, or contribute to causing, those **major incidents**.
- (2) The **operator** must document all aspects of any identification made under this regulation, including—
- (a) the methods and criteria used for identifying **major incidents** and **hazards**;
  - (b) external conditions of any kind under which those **hazards** might give rise to a **major incident**.

**303. Safety Assessment**

- (1) The **operator** of a **major hazard facility** must conduct a comprehensive and systematic Safety Assessment in relation to all potential **major incidents** and all **hazards** that could cause, or contribute to causing, those potential **major incidents**.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 3—Safety Duties of Operators

r. 303

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- (2) A Safety Assessment must involve an investigation and analysis, of the **hazards** and **major incidents**, that provide the **operator** with a detailed understanding of all aspects of risk to health and safety associated with **major incidents**, including—
- (a) the nature of each **hazard** and **major incident**;
  - (b) the likelihood of each **hazard** causing a **major incident**;
  - (c) in the event of a **major incident** occurring—
    - (i) its magnitude; and
    - (ii) the severity of its consequences to persons both on-site and off-site;
  - (d) the range of control measures considered.
- (3) In conducting a Safety Assessment, the **operator** must—
- (a) consider **hazards** cumulatively as well as individually; and
  - (b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the **hazards** being considered.
- (4) The **operator** must document all aspects of the Safety Assessment, and the documentation must—
- (a) describe the methodology used in the investigation and analysis;
  - (b) state all the matters specified in paragraphs (a) to (d) in sub-regulation (2);
  - (c) contain judgments as to the matters specified in paragraphs (b) and (c) of sub-regulation (2), and reasons for those judgments;
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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 3—Safety Duties of Operators

r. 304

- (d) contain, in relation to the range of control measures considered—
  - (i) statements as to their viability and effectiveness; and
  - (ii) reasons for selecting certain control measures and rejecting others; and
- (e) be made available for inspection by the **Authority** or an inspector.

**304. Control measures**

- (1) The **operator** of a **major hazard facility** must adopt control measures which eliminate or, if it is not practicable to eliminate, which reduce so far as is practicable, risk to health and safety.
- (2) In sub-regulation (1), "**risk to health and safety**" means—
  - (a) the likelihood of any **major incident** occurring;
  - (b) in the event of a **major incident** occurring—
    - (i) its magnitude; and
    - (ii) the severity of its consequences to persons both on-site and off-site.
- (3) An **operator** of a **major hazard facility** who fails to comply with this regulation is guilty of an indictable offence.

**305. Emergency planning**

- (1) The **operator** of a **major hazard facility** must prepare an emergency plan for the **major hazard facility**.
- (2) The emergency plan so prepared must be included among the control measures adopted under regulation 304.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 3—Safety Duties of Operators

r. 305

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- (3) The emergency plan must—
- (a) address both the on-site and off-site consequences of a **major incident** occurring;
  - (b) include all the matters specified in Schedule 3;
  - (c) be prepared in conjunction with—
    - (i) the **emergency services** who have responsibility for the area in which the **major hazard facility** is located; and
    - (ii) in relation to the off-site consequences of a **major incident** occurring, the municipal council or councils within the area occupied by the **local community**.
- (4) After preparing an emergency plan, the **operator** must—
- (a) keep a copy of the emergency plan at the **major hazard facility** for use by the **emergency services** with whom the **operator** consulted under sub-regulation (3)(c)(i);
  - (b) inform those **emergency services** of the location of the copy so kept;
  - (c) forward copies of the plan to those **emergency services**.
- (5) The **operator** must, at suitable intervals not exceeding three years, test the emergency plan, and in so doing must take all necessary steps to arrange for participation in the tests by the **emergency services** with whom the **operator** consulted under sub-regulation (3)(c)(i).
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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 3—Safety Duties of Operators

r. 306

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- (6) An **operator** who has prepared an emergency plan must put the emergency plan into effect without delay if—
- (a) a **major incident** occurs; or
  - (b) an uncontrolled event or incident occurs which could reasonably be expected to lead to a **major incident**.
- (7) Immediately after becoming aware of the occurrence of a **major incident**, the **operator** of a **major hazard facility** must notify—
- (a) the **emergency services** with whom the **operator** consulted under sub-regulation (3)(c)(i);
  - (b) if no emergency plan has been prepared, the **emergency services** who have responsibility for the area in which the **major hazard facility** is located.

**306. Review**

- (1) The **operator** of a **major hazard facility**, who has—
- (a) made an identification under regulation 302; or
  - (b) conducted a Safety Assessment under regulation 303; or
  - (c) adopted control measures under regulation 304—

must review, and as necessary revise, those matters so as to ensure that the control measures adopted are such that the **operator** continues to comply with regulation 304(1).

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 3—Safety Duties of Operators

r. 307

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- (2) Reviews and revisions under this regulation must be conducted—
- (a) at the direction of the **Authority**;
  - (b) before a **modification** of the **major hazard facility**;
  - (c) after a **major incident** occurs at the **major hazard facility**;
  - (d) when an effectiveness test indicates a deficiency in a control measure;
  - (e) whether or not the circumstances mentioned in paragraphs (a) to (d) arise, at least once each 5 years.
- (3) The **operator** must review and revise the emergency plan for the **major hazard facility** in conjunction with—
- (a) the **emergency services** who have responsibility for the area in which the **major hazard facility** is located; and
  - (b) in relation to the off-site consequences of a **major incident** occurring, the municipal council or councils within the area occupied by the **local community**.
- (4) An **operator** of a **major hazard facility** who fails to comply with this regulation is guilty of an indictable offence.

**307. Safety role for employees**

- (1) The **operator** of a **major hazard facility** must develop a role for the **operator's employees**, including the specific procedures they would be required to follow, to assist the **operator** in relation to—
- (a) making an identification of **major incidents** and **hazards** under regulation 302;

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 3—Safety Duties of Operators

r. 307

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- (b) conducting or reviewing a Safety Assessment under regulation 303;
  - (c) adopting or reviewing control measures under regulations 304 and 306;
  - (d) establishing and implementing a **Safety Management System** under regulation 301;
- (2) The **operator** must review the role for **employees** developed under this regulation whenever there is any change of circumstances, including a **modification** to the **major hazard facility**, that would require additional or different knowledge and skills on the part of the **employees** to perform the role.
- (3) In developing or reviewing the **employees'** role under this regulation, the **operator** must, if practicable, consult with the health and safety representative of each designated work group to which the **employees** belong.
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**PART 4—SAFETY CASE**

**401. Operator to provide Safety Case**

The **operator** of a **major hazard facility** must, in order to obtain or renew a licence under Part 8—

- (a) prepare, and revise, a **Safety Case** in accordance with this Part; and
- (b) provide the **Safety Case** to the **Authority**.

**402. Content of Safety Case**

- (1) A **Safety Case** prepared or revised under this Part must—
  - (a) contain a summary of the content of the **Safety Management System** established under regulation 301;
  - (b) contain a copy of the documentation prepared under regulation 302(2) and 303(4);
  - (c) include the information specified in Schedule 4.
- (2) The content of a **Safety Case** must be sufficient for the purposes of—
  - (a) demonstrating that the **Safety Management System** provides a comprehensive and integrated management system for all aspects of control measures adopted in relation to **hazards** and **major incidents**;
  - (b) demonstrating the adequacy of the control measures adopted or reviewed under regulations 304 and 306.
- (3) A **Safety Case** must also contain a signed statement by which the **operator** certifies that—
  - (a) the summary of the **Safety Management System** is an accurate summary;

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- (b) as a consequence of conducting a Safety Assessment under regulation 303, the **operator** has a detailed understanding of all aspects of risks to health and safety associated with **major incidents**;
  - (c) the control measures adopted in accordance with regulation 304 are such as to eliminate or, if it is not practicable to eliminate, to reduce so far as is practicable the matters mentioned in regulation 304(2);
  - (d) the persons who participate in the implementation of the **Safety Management System** have the knowledge and skills necessary to enable them to perform their allocated tasks and discharge their allocated responsibilities in relation to the **Safety Management System**.
- (4) If the **operator** is a corporation, the statement under sub-regulation (3) must—
- (a) if the Chief Executive of the corporation resides in Victoria, be signed by the Chief Executive;
  - (b) otherwise be signed by the Chief Executive of the corporation and by the most senior officer of the corporation resident in Victoria.

#### **403. Co-ordination of Safety Cases**

- (1) When required by the **Authority** to do so, the **operators** of two or more **major hazard facilities** must co-ordinate the preparation of their respective **Safety Cases**.

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- (2) In order to comply with sub-regulation (1), each **operator** must provide to the other information concerning any circumstances at his or her **major hazard facility** that could constitute a hazard in relation to the other **major hazard facility**.
  - (3) The **Authority** may make a requirement under this regulation if it believes that the co-ordinated preparation of **Safety Cases** is necessary in the interests of the safe operation or the effective safety management of either or both **major hazard facilities**.
  - (4) An **operator** of a **major hazard facility**, who has co-ordinated the preparation of a **Safety Case** in accordance with this regulation, must include in the **Safety Case** the **operator** prepares reference to the information given by, or given to, the **operator** under sub-regulation (2).

#### **404. Revision**

- (1) An **operator** of a **major hazard facility**, who revises control measures under regulation 306, must make a corresponding revision of the **Safety Case** for the **major hazard facility**.
- (2) An **operator** of a **major hazard facility**, who intends to apply for the renewal of a licence under Part 8, must revise the **Safety Case** for the **major hazard facility**.
- (3) A **Safety Case** revised under this regulation must—
  - (a) be prepared in accordance with regulation 402;
  - (b) include specific reference to any changes in relation to the matters specified in regulation 402(1).

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000  
Part 4—Safety Case*

**r. 404**

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- (4) A **Safety Case** revised under this regulation, or revised by the **operator** on the **operator's** own initiative, must be provided to the **Authority** as soon as possible after the revision is made.
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**PART 5—CONSULTING, INFORMING, INSTRUCTING AND TRAINING**

**501. Consultation with health and safety representatives**

- (1) The **operator** of a **major hazard facility**, who is—
  - (a) making an identification of **major incidents** and **hazards** under regulation 302; or
  - (b) conducting or reviewing a Safety Assessment under regulation 303; or
  - (c) adopting or reviewing control measures under regulations 304 and 306; or
  - (d) establishing and implementing a **Safety Management System** under regulation 301; or
  - (e) preparing or revising a **Safety Case** under Part 4—

must, if practicable, consult with the health and safety representative of each designated work group to which the **operator's employees** belong in relation to the matters referred to in sub-regulation (1).

- (2) If an **employee** of an **operator** gives information under regulation 601(c), the **operator** must inform the **employee** of what, if any, investigative or other action has been taken in response to the information.

**502. Informing, instructing and training employees**

- (1) The **operator** of a **major hazard facility** must provide the **operator's employees** with such information, instruction and training in relation to—
  - (a) all **major incidents** that could occur at the **major hazard facility**;

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 5—Consulting, Informing, Instructing and Training

r. 503

- (b) all **hazards** that could cause, or contribute to causing, those **major incidents**;
- (c) the implementation of control measures adopted under regulation 304;
- (d) the content and operation of the **Safety Management System** generally—

as are necessary to enable the **employees** to perform their work (including the actions required of the **employees** under the emergency plan and the safety role developed for **employees** under regulation 307) in a manner that is safe and without risks to health.

- (2) The **operator** must ensure that the information, instruction and training provided under this regulation are recorded, monitored, reviewed and revised in order to remain relevant and effective.

**503. Further information and access to documents**

The **operator** of a **major hazard facility** must—

- (a) inform **employees** about the content of the **major hazard facility's Safety Case**, including any revision to the **Safety Case**;
- (b) ensure that the **Safety Management System**, the **Safety Case** and the emergency plan, or copies of these documents, are readily accessible to the **operator's employees**.

**504. Non-employees at the facility**

The **operator** of a **major hazard facility** must ensure that any person other than an **employee** who enters the **major hazard facility** is, as soon as possible after the person enters—

- (a) informed about the **hazards** at the **major hazard facility**;

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 5—Consulting, Informing, Instructing and Training

r. 505

- (b) instructed in the safety precautions the person should take while at the **major hazard facility**;
- (c) instructed in the actions the person should take in the event of an emergency plan being activated while he or she is at the **major hazard facility**.

**505. Local community**

- (1) The **operator** of a **major hazard facility** must ensure that the **local community** is provided with information concerning the safety of the **major hazard facility**.
- (2) Persons to whom information is given under this regulation must include the municipal council or councils within the area occupied by the **local community**.
- (3) Information provided under this regulation—
  - (a) must include—
    - (i) a summary of the **Safety Case** for the **major hazard facility**; and
    - (ii) a copy of the licence for the **major hazard facility**, including the terms and conditions attached to the licence;
  - (b) unless already included in the **Safety Case** summary, must include—
    - (i) the name and location of the **major hazard facility**;
    - (ii) the name, position and telephone number of the contact person from whom further information can be obtained;

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 5—Consulting, Informing, Instructing and Training

r. 505

- 
- (iii) a general description of the operations at the **major hazard facility**, including a description of the **Schedule 1 materials** present or **likely to be present** at the **major hazard facility**;
  - (iv) a general description of **hazards** identified at the **major hazard facility** and of **major incidents** they have potential to cause;
  - (v) a general description of the magnitude of **major incidents** that could occur at the **major hazard facility** and of the severity of the consequences to health and safety;
  - (vi) the means by which the **local community** will be notified of the occurrence of a **major incident**;
  - (vii) the action that members of the **local community** should take (in accordance with the emergency plan for the **major hazard facility**) in the event of a **major incident** occurring.
- (4) Information provided under this regulation must—
- (a) be so presented and so expressed that it can be readily understood by persons who are not familiar with the **major hazard facility** and its operations;
  - (b) be revised in the event of any **modification** being made to the **major hazard facility**;
  - (c) be sent in documentary form to any community or public library serving the **local community**.
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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 5—Consulting, Informing, Instructing and Training

r. 506

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- (5) The **operator** of a **major hazard facility**, who is preparing or revising a **Safety Case** under Part 4, must consult with the municipal council or councils within the area occupied by the **local community** in relation to all matters that could affect the health and safety of members of the **local community** in the event of a **major incident** occurring.

**506. Further information on request**

- (1) A person who, on reasonable grounds, believes that the occurrence of a **major incident** at a **major hazard facility** might adversely affect his or her health or safety, may in writing request the **operator** of the **major hazard facility** to provide information concerning the safety of the **major hazard facility**.
- (2) The **operator** of a **major hazard facility** must comply with a request made under this regulation by providing the person making the request with a copy of the information provided to the **local community** under regulation 505.
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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 6—Duties of Employees

r. 601

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**PART 6—DUTIES OF EMPLOYEES**

**601. Duties of employees at major hazard facilities**

- (1) An employee at a **major hazard facility** must—
- (a) follow the **operator's** procedures relating to the prevention and control of **major incidents** within the **major hazard facility**;
  - (b) follow the **operator's** emergency procedures in the event of a **major incident** occurring or in the event of the emergency procedures being activated;
  - (c) immediately inform the **operator** of any circumstance of any kind that he or she considers capable of leading to a **major incident**;
  - (d) without placing the employee or any other person at risk, take corrective action under those prevention and control and emergency procedures even if such corrective action could interrupt the operation of the **major hazard facility**;
  - (e) notify his or her supervisor of any corrective action taken.
- (2) Anything done in good faith by an employee under sub-regulation (1) is to be taken to be done in the course of the employee's employment.
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**PART 7—REGISTRATION**

**701. Notification for existing major hazard facilities**

- (1) A person who, on 1 July 2000, is the **operator** of a **major hazard facility** must notify the **Authority** in order to obtain registration of the **major hazard facility** under this Part.
- (2) Notification under this regulation must be given by 1 August 2000.

**701A. Notification by certain mines**

- (1) A person who, immediately before 28 October 2002, is the **operator** of a **major hazard facility** that is a mine within the meaning of the Occupational Health and Safety (Mines) Regulations 2002 must notify the **Authority** in order to obtain registration of the mine as a **major hazard facility** under this Part.
- (2) Notification under this regulation must be given by 1 December 2002.

Reg. 701A  
inserted by  
S.R. No.  
104/2002  
reg. 604(1).

**702. Notification by intended operator of major hazard facility**

- (1) A person who **has an intention to operate a major hazard facility** may notify the **Authority** in order to obtain registration for the proposed **major hazard facility** under this Part.
- (2) For the purposes of this regulation, a person "**has an intention to operate a major hazard facility**" where—
  - (a) the person is operating a **facility** and intends to make alterations to the **facility** so that **Schedule 1 materials** present or **likely to be present** will be in a quantity that exceeds their **threshold quantity**; or

- (b) the person intends to operate a **facility**, where **Schedule 1 materials** present or **likely to be present** will be in a quantity that exceeds their **threshold quantity**, which proposed **major hazard facility** is—
- (i) designed but not constructed; or
  - (ii) under construction; or
  - (iii) constructed but not yet operational.

**703. Operators of certain facilities to notify Authority**

- (1) A person who is the **operator** of a **facility** at which **Schedule 1 materials** are present or **likely to be present** in a quantity exceeding 10% of their **threshold quantity** but less than their **threshold quantity** must notify the **Authority**.
- (2) Notification under this regulation must be given within 30 days after the **operator** becomes aware, or should reasonably have been or become aware, of the circumstances giving rise to the obligation to notify.
- (3) When the **Authority** receives and considers the notification, the **Authority** may make a determination under regulation 705.

**704. Content of notification**

- (1) Notification given under this Part must—
  - (a) be in writing;
  - (b) contain the particulars specified in sub-regulations (2) and (3).
- (2) The particulars to be included in a notification in accordance with sub-regulation (1) are—
  - (a) in relation to the **facility** itself—
    - (i) if the **operator** is a corporation—the full corporate name, trading name, Australian Company Number, nature of

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- business, registered address and relevant place of business;
- (ii) if the **operator** is a natural person—the person's full name, the nature of the person's business, residential address and business address;
  - (iii) the location (or the proposed location) of the **facility**;
  - (iv) a brief description of the nature of the **facility**, including general site activities and production and auxiliary processes involving **Schedule 1 materials**;
  - (v) the number of **employees** expected to be present at the **facility**;
  - (vi) a description of land use in the area surrounding the **facility**;
- (b) in relation to the **Schedule 1 materials** and other materials at the **facility** or likely to be at the **facility**—
- (i) the quantity of each **Schedule 1 materials** present or **likely to be present** at the **facility**;
  - (ii) in relation to each such material—its name and such further information as is necessary to clearly identify it;
  - (iii) details of the information and method used by the person giving the notification to determine the percentage of the **threshold quantity** of the materials present or **likely to be present**;
  - (iv) the names and quantities of any **dangerous goods**, which are not **Schedule 1 materials** but which are present or **likely to be present** at the
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**facility** in quantities that could increase the likelihood of a **major incident** occurring or the severity of the consequences to health and safety in the event of a **major incident** occurring.

- (3) If the notification is given under regulation 702, the notification must contain—
- (a) the information specified in sub-regulation (2) with all necessary adaptations to the circumstances described in regulation 702(2) which give rise to the right to notify; and
  - (b) the date on which the **facility** or proposed **facility** is expected to operate as a **major hazard facility**.

**705. Authority may determine facility to be a major hazard facility**

- (1) If the **Authority** receives notification under regulation 703 and forms the opinion that there is a potential for a **major incident** to occur at the **facility**, having regard to—
- (a) the quantity or combination of **Schedule 1 materials** present or **likely to be present** at the **facility**; or
  - (b) an activity within the **facility** involving those materials—

the **Authority** may determine that the **facility** is a **major hazard facility**.

- (2) If—
- (a) the existence of a **facility** at which **Schedule 1 materials** are present or **likely to be present** in a quantity exceeding 10% of their **threshold quantity** but less than their **threshold quantity** comes to the notice of the **Authority** otherwise than by notification under regulation 703; and

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- (b) the **Authority** forms the opinion that there is a potential for a **major incident** to occur at the **facility**, having regard to—
- (i) the quantity or combination of **Schedule 1 materials** present or **likely to be present** at the **facility**; or
  - (ii) an activity within the **facility** involving those materials—

the **Authority** may determine that the **facility** is a **major hazard facility**.

#### **706. Inquiry before making determination**

- (1) The **Authority** must not make a determination under regulation 705 unless the **Authority** has conducted an inquiry under this regulation.
- (2) The **Authority** must give the **operator** of the **facility** written notice of the **Authority's** intention to conduct an inquiry.
- (3) The notice must—
  - (a) state the subject of the inquiry and the reasons for conducting it;
  - (b) invite the **operator** to make submissions in relation to the inquiry.
- (4) The **Authority** must consider any submissions made by the **operator**.
- (5) If the **Authority** makes a determination, the **Authority** must send to the **operator** a written notification, which must—
  - (a) state the decision to make the determination;
  - (b) state the reasons for the decision;
  - (c) specify the date on which the determination is to take effect.

r. 707

- (6) The effective date specified under sub-regulation (5)(c) must be not less than 30 days after the **operator** is given the notification.

**707. Registration of major hazard facilities**

- (1) If the **Authority** receives notification under regulation 701, the **Authority** must immediately register the **major hazard facility**.
- (1A) If the Authority receives a notification under regulation 701A, the Authority must immediately register the **major hazard facility**.

Reg. 707(1A)  
inserted by  
S.R. No.  
104/2002  
reg. 604(2).

- (2) If the **Authority** receives a notification under regulation 702, the **Authority** may, as soon as practicable after receiving the notification, register the **facility** or the proposed **facility** as a **major hazard facility**.
- (3) If the **Authority** determines a **facility** to be a **major hazard facility** under regulation 705, the **Authority** must, as soon as practicable after making the determination, register the **facility** as a **major hazard facility**.
- (4) If the **Authority** grants a registration under this regulation, the **Authority** must, as soon as practicable after granting the registration, send written notice of the registration to the **operator** or proposed **operator**.

**708. Obligations on operator of registered major hazard facility**

- (1) The **operator** of a registered **major hazard facility** must, within 90 days of being notified of the registration, provide the **Authority** with an outline for the **Safety Case** the **operator** proposes to attach to its application for a licence under Part 8.

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- (2) The outline must include—
- (a) a written program, that is detailed and timeframed, for the preparation of the **Safety Case**, with specific reference being made to each of the matters required by regulation 402 to be included in a **Safety Case**;
  - (b) details of the scope of consultation that will be undertaken when preparing the **Safety Case**;
  - (c) a draft of the emergency plan the **operator** proposes to include in the **Safety Case**.
- (3) The **operator** must make any alterations required by the **Authority**.
- (4) The **Authority** must not require the **operator** to make any alterations unless the **Authority** has—
- (a) informed the **operator** of the proposed alterations;
  - (b) invited the **operator** to make written submissions; and
  - (c) considered any submissions that are made.
- (5) The **operator** of a registered **major hazard facility** must comply with the outline provided to the **Authority** under sub-regulation (1).
- (6) If the outline has been altered under sub-regulation (3), the **operator** must comply with the outline as so altered.

r. 709

Reg. 709  
substituted by  
S.R. No.  
20/2002 reg. 7.

### 709. Expiry of registration

- (1) Registration under this Part expires on the expiry date unless—
  - (a) a licence is granted, in which case registration expires on the date specified by the licence as the date on which its grant is effective;
  - (b) the **Authority** decides to refuse to grant a licence and no application is made to the Victorian Civil and Administrative Tribunal for a review of the decision, in which case registration expires on the date specified in the notification of the refusal as the date on which the decision to refuse to grant the licence takes effect;
  - (c) the **Authority** decides to refuse to grant a licence and an application is made to the Victorian Civil and Administrative Tribunal for a review of the decision, in which case registration expires 30 days after the day on which the decision that results from the review is made.
- (2) In sub-regulation (1), "**expiry date**" means—
  - (a) in the case of a **major hazard facility** that is registered under regulation 707(1), the end of whichever of the following periods applies—
    - (i) 30 months after 1 July 2000;
    - (ii) a shorter period specified in a notice under sub-regulation (3);
    - (iii) if a period is specified in a notice under regulation 803(2)(b), 36 months after 1 July 2000;

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000  
Part 7—Registration*

r. 709

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- (b) in the case of a **major hazard facility** that is registered under regulation 707(1A), (2) or (3), the end of whichever of the following periods applies—
- (i) 30 months after the date of registration;
  - (ii) a shorter period specified in a notice under sub-regulation (3);
  - (iii) if a period is specified in a notice under regulation 803(2)(b), 36 months after the date of registration.
- (3) For the purposes of sub-regulation (2), the **Authority** may by notice to the operator specify a shorter period after which registration will expire if the **Authority** is of the opinion that the **operator** is able to—
- (a) prepare a **Safety Case** in accordance with Part 4; and
  - (b) satisfy the **Authority** as to the other matters specified in regulation 803(1).

Reg. 709(2)(b)  
amended by  
S.R. No.  
104/2002  
reg. 604(3).

**PART 8—LICENSING**

**801. Only licensed or registered major hazard facility to be operated**

- (1) A person must not operate a **major hazard facility** unless—
  - (a) it is licensed under this Part; or
  - (b) if not licensed under this Part, it is registered under Part 7.
- (2) A person who contravenes this regulation is guilty of an indictable offence.

**802. Application for licence**

- (1) The **operator** of a **major hazard facility** who seeks a licence for the operation of a **major hazard facility** must make an application under this regulation.
- (2) An application for a licence must—
  - (a) identify the applicant and the **major hazard facility**;
  - (b) be accompanied by the **Safety Case** prepared in accordance with Part 4;
  - (c) contain such particulars and be accompanied by such further material as the **Authority** determines.
- (3) If a licence is sought for a registered **major hazard facility**, the application must be made—
  - (a) in the case of a **major hazard facility** that is registered under regulation 707(1), within 24 months after 1 July 2000;
  - (b) in the case of a **major hazard facility** that is registered under regulation 707(2) or (3), within 24 months after the date of registration.

Reg. 802(3)  
substituted by  
S.R. No.  
20/2002 reg. 8.

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**803. Grant of licence**

- (1) If the **Authority** is satisfied that—
- (a) the **Safety Case** has been prepared in accordance with regulation 402;
  - (b) the applicant has complied with the provisions of Part 3;
  - (c) the applicant has the ability to operate the **major hazard facility** safely;
  - (d) the applicant has complied with the provisions of Part 5—

the **Authority** must notify the applicant that a licence will be granted on payment of the fee calculated in accordance with Schedule 5.

- (2) Notification under sub-regulation (1) must be given—
- (a) within 6 months after the date of the application; or
  - (b) if the **Authority** considers that, in the circumstances, more than 6 months is necessary to decide whether it is satisfied as to the matters referred to in sub-regulation (1), within a period—
    - (i) not exceeding 12 months after the date of the application; and
    - (ii) specified by notice to the applicant before the expiry of 6 months after the date of the application; or
  - (c) if the **Authority** decides to refuse to grant a licence and an application is made to the Victorian Civil and Administrative Tribunal for a review of the decision, on the day on which the decision is made as a result of the review that a licence should be granted.

Reg. 803(2)  
substituted by  
S.R. No.  
20/2002 reg. 9.

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- (3) On payment of the fee, the **Authority** must grant the licence.
  - (4) A licence granted under this Part must—
    - (a) be in the form approved by the **Authority**;
    - (b) specify the facility, the **operator** and the **Schedule 1 materials** in relation to which it is granted;
    - (c) specify the date from which the grant of the licence is effective;
    - (d) specify its term, which must not exceed 5 years.

#### **804. Renewal**

- (1) A person who seeks the renewal of a licence for the operation of a **major hazard facility** must make an application under this regulation.
  - (2) An application for the renewal of a licence must—
    - (a) be made at least 6 months before the expiry of the licence being renewed;
    - (b) be accompanied by a revised **Safety Case** prepared in accordance with Part 4;
    - (c) contain such particulars and be accompanied by such further material as the **Authority** determines.
  - (3) If the **Authority** continues to be satisfied as to the matters set out in regulation 803(1), the **Authority** must notify the applicant that the licence will be renewed on payment of the fee calculated in accordance with Schedule 5.
  - (4) Notification under sub-regulation (3) must be given within 6 months after the date of the application.
  - (5) On payment of the fee, the **Authority** must renew the licence.
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- (6) A renewed licence must—
- (a) be in the form approved by the **Authority**;
  - (b) specify the facility, the **operator** and the **Schedule 1 materials** in relation to which it is granted;
  - (c) specify the date from which the renewal of the licence is effective;
  - (d) specify its term, which must not exceed 5 years.

**805. Terms and conditions**

- (1) In granting or renewing a licence under this Part, the **Authority** may attach such terms and conditions as it considers necessary for the purposes of these Regulations.
- (2) The **operator** of the licensed **major hazard facility** must comply with the terms and conditions attached to the licence.
- (3) The **Authority** may, during the period of operation of a licence, vary the terms and conditions attached to it.
- (4) If the **Authority** varies terms and conditions under sub-regulation (3), the **operator** must comply with the terms and conditions as so varied.

**806. Transfer**

The **Authority** may transfer a licence to another person who is to become the **operator** of the licensed **major hazard facility** if the **Authority** is satisfied that the person to whom the licence is to be transferred is capable of achieving a level of health and safety for the operation of the **major hazard facility** that is at least equivalent to that achieved by the holder of the licence.

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**807. Availability of copy for inspection**

- (1) A person to whom a licence, including a renewed licence, is granted under this Part must ensure that a copy of the licence—
  - (a) is kept at the place specified in the licence;
  - (b) is made available on request to—
    - (i) an inspector;
    - (ii) an **employee** of the **operator** working at the **major hazard facility**;
    - (iii) the **emergency services** who have responsibility for the area in which the **major hazard facility** is located.
- (2) The terms and conditions attached to a licence, including any variation of those terms and conditions, must also be kept and made available under this regulation.

**808. Suspension and cancellation**

- (1) The **Authority** may, at any time during the operation of a licence granted or renewed under this Part, suspend or cancel the licence under this regulation.
- (2) The **Authority** may suspend or cancel a licence if the **Authority** is satisfied that—
  - (a) the **Safety Management System** for the licensed **major hazard facility** no longer provides a comprehensive and integrated management system for all aspects of control measures adopted in relation to **hazards** and **major incidents**; or
  - (b) control measures adopted by the **operator** under regulation 304 are seriously deficient;  
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- (c) the **operator** who holds the licence for the **major hazard facility** is, on three or more occasions during the term of the licence, convicted or found guilty, in relation to the operation of the **major hazard facility**, of contravening or failing to comply with—
- (i) regulation 301, 304, 306 or 801; or
  - (ii) a provision of Part III of the Act, in circumstances that would also constitute or include a contravention of or failure to comply with regulation 301, 304 or 306;
- (d) the **operator** who holds the licence for the **major hazard facility** no longer understands the content of the Safety Assessment conducted under regulation 303; or
- (e) the **operator** who holds the licence for the **major hazard facility** no longer has the ability to operate the **major hazard facility** safely; or
- (f) the licence was obtained, whether initially or on renewal, on the basis of false or misleading information or a failure to disclose particular information.

#### **809. Surrender of licence**

If the **Authority** suspends or cancels a licence under regulation 808, the **operator** who holds the licence must, once the suspension or cancellation takes effect, surrender the licence to the **Authority** or an inspector on demand.

#### **810. Notification in Government Gazette**

- (1) The **Authority** must cause to be published in the Government Gazette a notice of the grant, renewal, transfer, suspension or cancellation of a licence under this Part.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000  
Part 8—Licensing*

**r. 810**

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- (2) A notice under this regulation must include details of any terms and conditions attached to the licence, including any variation of such terms and conditions.
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**PART 9—PROTECTION OF PROPERTY**

**901. Control measures**

The **operator** of a **major hazard facility** must, in relation to those **Schedule 1 materials** that are **dangerous goods**, adopt control measures so as to eliminate or, if it not practicable to eliminate, to reduce so far as is practicable the extent of damage to property caused by a **major incident**.

**902. Property Protection Assessment**

- (1) For the purpose of complying with regulation 901, the **operator** of a **major hazard facility** must conduct a comprehensive and systematic Property Protection Assessment in relation to all potential **major incidents** and all **hazards** identified under regulation 302.
- (2) A Property Protection Assessment must involve an investigation and analysis of the **hazards** and **major incidents** which provide the **operator** with a detailed understanding of—
  - (a) the likelihood of any **major incident** occurring;
  - (b) in the event of a **major incident** occurring—
    - (i) its magnitude; and
    - (ii) the extent of property damage that might be caused;
  - (c) the range of control measures considered.
- (3) In conducting a Property Protection Assessment, the **operator** must—
  - (a) consider **hazards** cumulatively as well as individually; and

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 9—Protection of Property

r. 902

- 
- (b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the **hazards** being considered.
- (4) The **operator** must document all aspects of the Property Protection Assessment, and the documentation must—
- (a) describe the methodologies used in the investigation and analysis;
  - (b) state all the matters specified in paragraphs (a) to (c) in sub-regulation (2);
  - (c) contain judgments as to the matters specified in paragraphs (a) and (b) of sub-regulation (2), and reasons for those judgments;
  - (d) contain, in relation to the range of control measures—
    - (i) statements as to their viability and effectiveness; and
    - (ii) reasons for selecting certain control measures and rejecting others; and
  - (e) be made available for inspection by the **Authority** or an inspector.
- (5) The **operator** may—
- (a) conduct and document the Property Protection Assessment required by this regulation in conjunction with the Safety Assessment required by regulation 303;
  - (b) incorporate the contents of the Property Protection Assessment into the **Safety Management System** established and documented under regulation 301.
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**903. Exemption from Part 9**

- (1) The **Authority** may exempt a person from a requirement in this Part if the **Authority** is satisfied that the person is capable of achieving a level of safety of property, that is at least equivalent to the level that would be achieved if the requirement had been complied with.
- (2) If the **Authority** grants an exemption under sub-regulation (1), the **Authority** may attach such terms and conditions as the **Authority** considers reasonable, including terms and conditions in relation to—
  - (a) the commencement and duration of the exemption;
  - (b) control measures to be adopted by the person to whom the exemption is granted for the elimination or reduction of risk to property associated with **major incidents**;
  - (c) a requirement that the person exempted give notice of the exemption and of the terms and conditions of the exemption to any specified person who may be affected.
- (3) If a person requests an exemption, the **Authority** must not refuse to grant the exemption unless the **Authority** has—
  - (a) invited the person to make written submissions;
  - (b) specified a date, not less than 14 days after the date of the invitation, by which the person may make the submissions;
  - (c) considered any submissions that are made by the specified date.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 9—Protection of Property

**r. 903**

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- (4) If the **Authority** grants an exemption under this regulation, the **Authority** must cause a notice of the exemption, including any terms and conditions attached to the exemption, to be published in the Government Gazette.
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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 10—Amendment to Dangerous Goods (Storage and Handling)  
Regulations 1989

**r. 1001**

**PART 10—AMENDMENT TO DANGEROUS GOODS  
(STORAGE AND HANDLING) REGULATIONS 1989**

**1001. Exemption from Dangerous Goods (Storage and  
Handling) Regulations**

For regulation 110 of the Dangerous Goods  
(Storage and Handling) Regulations 1989,  
**substitute—**

**"110. Exemptions**

- (1) The Authority may exempt a person,  
premises, thing or activity or a class of  
people, premises, things or activities from  
any or all of the provisions of these  
Regulations if the Authority is satisfied  
that—
  - (a) compliance with the relevant provision  
or provisions is not practicable in the  
circumstances;
  - (b) if a person, or class of persons, is to be  
exempted, the person or the class is, in  
relation to the storage and handling of  
dangerous goods, capable of achieving  
a level of health and safety of people,  
and safety of property, that is at least  
equivalent to the level that would be  
achieved if the relevant provision or  
provisions had been complied with;
  - (c) if a premises, thing or activity, or a  
class of premises, things or activities, is  
to be exempted, there can be achieved,  
in relation to the storage and handling  
of dangerous goods, a level of health  
and safety of people, and safety of  
property, that is at least equivalent to  
the level that would be achieved if the

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 10—Amendment to Dangerous Goods (Storage and Handling)  
Regulations 1989

---

**r. 1001**

relevant provision or provisions had  
been complied with.

- (2) An exemption granted by the Authority under this regulation or under regulation 110A(1)—
- (a) must be in writing;
  - (b) may be subject to any conditions specified by the Authority;
  - (c) must specify—
    - (i) the thing or activity or the class of things or activities for which the exemption has been granted;
    - (ii) the person or class of people to whom the exemption has been granted;
    - (iii) the premises or class of premises for which the exemption has been granted;
    - (iv) the provision or provisions of these Regulations from which the exemption has been granted;
    - (v) the conditions (if any) to which the exemption is subject.
- (3) A person to whom an exemption is granted under this regulation or under regulation 110A(1) must comply with each specified condition to which the exemption is subject.

**110A. Exemptions for major hazard facilities**

- (1) The Authority may exempt a person who is operating a major hazard facility that is licensed under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 from any or all of the provisions of these Regulations if the Authority is satisfied
-

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Part 10—Amendment to Dangerous Goods (Storage and Handling)  
Regulations 1989

**r. 1001**

---

that the person is, in relation to the storage and handling of dangerous goods at the facility, capable of achieving a level of health and safety of people, and safety of property, that is at least equivalent to the level that would be achieved if the relevant provision or provisions had been complied with.

- (2) A person who is operating a major hazard facility that is licensed under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is not required to hold a licence under these Regulations in relation to the operation of that facility."
-

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 1

**SCHEDULES**

**SCHEDULE 1**

Sch. 1  
amended by  
S.R. No.  
105/2004  
reg. 5(1)(2).

**MATERIALS AT MAJOR HAZARD FACILITIES (AND THEIR  
THRESHOLD QUANTITY)**

**1. Relevant materials**

The materials which characterise a workplace as a **facility** for the purposes of these Regulations are the materials specifically mentioned in Table 1 and materials that belong to the types, classes and categories mentioned in Table 2.

**2. "Threshold quantity" of one material**

- (1) In relation to each such material, the third column of each Table provides a quantity that is described as the "**threshold quantity**" of that material.
- (2) Where a material is mentioned in Table 1, the **threshold quantity** of the material is that described in Table 1, whether or not the material also belongs to a type, class or category mentioned in Table 2.
- (3) Where a material is not mentioned in Table 1, and where the material belongs to a type, class or category mentioned in Table 2, the **threshold quantity** of that material is that of the type, class or category to which it belongs.
- (4) Where a material is not mentioned in Table 1, and where the material appears to belong to more than one of the types, classes or categories mentioned in Table 2, the **threshold quantity** of that material is that of the relevant type, class or category which has the lower or lowest **threshold quantity**.

**3. "Threshold quantity" of more than one material**

If there is more than one material, a **threshold quantity** of materials exists where, if a number of materials are present, the result of the following aggregation formula exceeds 1:

$$\frac{qx}{Qx} + \frac{qy}{Qy} + \dots + \frac{qn}{Qn}$$

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 1

---

Where—

- x, y, ... and n are the materials present or **likely to be present**;
  - qx, qy ..... and qn is the quantity of materials x, y, ... and n present or **likely to be present**, other than—
    - (i) material that is present or **likely to be present** in an isolated quantity less than 2% of its individual **threshold quantity**;
    - (ii) materials that are solely the subject of intermediate temporary storage, while in transit by road or rail;
  - Qx, Qy ..... Qn is the individual **threshold quantity** for each material x, y ... and n;
  - a material is present or **likely to be present** in an "**isolated quantity**", if its location at the **facility** is such that it cannot, on its own, act as an initiator of a **major incident**.
-

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Sch. 1**

**TABLE 1**

The UN number listed against the named material is given for information only. It does not restrict the meaning of the name, which also applies to materials which fall outside the UN number, for example, because they are too dangerous to transport or are part of mixtures covered by another UN number. However, any materials which are covered by the listed UN numbers must be included in the quantity of the material named.

<b>MATERIAL</b>	<b>UN Nos INCLUDED UNDER NAME</b>	<b>THRESHOLD QUANTITY (tonnes)</b>
ACETONE CYANOHYDRIN	1541	20
ACETYLENE	1001	50
ACROLEIN	1092	200
ACRYLONITRILE	1093	200
ALLYL ALCOHOL	1098	20
ALLYLAMINE	2334	200
AMMONIA, ANHYDROUS, LIQUEFIED or AMMONIA SOLUTIONS, relative density less than 0.880 at 15 Deg. C in water, with more than 50 per cent ammonia	1005	200
AMMONIUM NITRATE FERTILISERS	2067 2068 2069 2070	5000
AMMONIUM NITRATE, with not more than 0.2 per cent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance	1942	2500
ARSENIC PENTOXIDE, Arsenic (V) Acid and other salts	1559	10
ARSENIC TRIOXIDE, Arsenious (III) Acid and other salts	1561	0.1

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 1

MATERIAL	UN Nos INCLUDED UNDER NAME	THRESHOLD QUANTITY (tonnes)
ARSINE	2188	0.01
BROMINE or BROMINE SOLUTIONS	1744	100
CARBON DISULFIDE	1131	200
CHLORINE	1017	25
DIOXINS	---	0.1
DIPHENYLMETHANE 4.4'- DIISOCYANATE	2489	200
ETHYL NITRATE	---	50
ETHYLENE DIBROMIDE	1605	50
ETHYLENE OXIDE	1040	50
ETHYLENEIMINE	1185	50
FLUORINE	1045	25
FORMALDEHYDE	1198 2209	50
HYDROFLUORIC ACID SOLUTION (greater than 50 per cent)	1790	50
HYDROGEN	1049	50
HYDROGEN CHLORIDE		
- Anhydrous	1050	250
- Refrigerated Liquid	2186	250
HYDROGEN CYANIDE	1051 1614	20
HYDROGEN FLUORIDE	1052	50
HYDROGEN SULFIDE	1053	50
LP GASES	1011 1012 1075 1077 1978	200

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Sch. 1**

<b>MATERIAL</b>	<b>UN Nos INCLUDED UNDER NAME</b>	<b>THRESHOLD QUANTITY (tonnes)</b>
METHYL BROMIDE	1062	200
METHANE or NATURAL GAS	1971 1972	200
METHYL ISOCYANATE	2480	0.15
OXIDES OF NITROGEN, including nitrous oxide, nitrogen dioxide and nitrogen trioxide	1067 1070 1660 1975 2201 2421	50
OXYGEN	1072 1073	2000
PHOSGENE	1076	0.75
PROPYLENEIMINE	1921	200
PROPYLENE OXIDE	1280	50
SODIUM CHLORATE, solid	1495	200
SULFURIC ANHYDRIDE (Alt. SULFUR TRIOXIDE)	1829	75
SULFUR DICHLORIDE	1828	1
SULFUR DIOXIDE, LIQUEFIED	1079	200
TOLUENE DIISOCYANATE	2078	200

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 1

**TABLE 2**

**Notes**

1. The quantities specified for explosives relate to the weight of explosive exclusive of packing, casings and non-explosive components.
2. If explosives of different Hazard Divisions are present in the same area or storage, all of the explosives shall be classified in accordance with the following table:

Div	1.1	1.2	1.3	1.4	1.5	1.6
<b>1.1A</b>	1.1A	1.1A	1.1A	1.1A	1.1A	
<b>1.1</b>	1.1	1.1	1.1	1.1	1.1	1.1
<b>1.2</b>	1.1	1.2	1.1	1.2	1.1	1.2
<b>1.3</b>	1.1	1.1	1.3	1.3	1.1	1.3
<b>1.4</b>	1.1	1.2	1.3	1.4	1.5	1.6
<b>1.5</b>	1.1	1.1	1.1	1.5	1.5	1.5
<b>1.6</b>	1.1	1.2	1.3	1.6	1.5	1.6

3. **"Toxic Solids and liquids"** do not include—
  - (a) materials which are classified as Infectious Substances (Class 6.2) or as Radioactive (Class 7); or
  - (b) in relation to "mines" within the meaning of the Occupational Health and Safety (Mines) Regulations 2002, sodium cyanide.

MATERIAL	DESCRIPTION	THRESHOLD QUANTITY (tonnes)
Explosive materials	<ul style="list-style-type: none"> <li>• Explosive of <b>Class 1.1A</b></li> <li>• All other Explosives of <b>Class 1.1</b></li> <li>• Explosive of <b>Class 1.2</b></li> <li>• Explosive of <b>Class 1.3</b></li> </ul>	<p>10</p> <p>50</p> <p>200</p> <p>200</p>

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 1

MATERIAL	DESCRIPTION	THRESHOLD QUANTITY (tonnes)
Compressed and liquefied gases	<ul style="list-style-type: none"> <li>• Compressed or liquefied gases of <b>Class 2.1</b> or <b>Subsidiary Risk 2.1</b></li> </ul>	200
	<ul style="list-style-type: none"> <li>• Liquefied gases of <b>Subsidiary Risk 5</b></li> </ul>	200
	<ul style="list-style-type: none"> <li>• Compressed or liquefied gases which meet the criteria for <b>Very Toxic</b> in Table 3</li> </ul>	20
	<ul style="list-style-type: none"> <li>• Compressed or liquefied gases which meet the criteria for <b>Toxic</b> in Table 3</li> </ul>	200
Flammable materials	<ul style="list-style-type: none"> <li>• Liquids which meet the criteria for <b>Class 3 Packing Group I Materials</b> (except for crude oil in remote locations)</li> </ul>	200
	<ul style="list-style-type: none"> <li>• Crude oil in remote locations which meet the criteria for <b>Class 3 Packing Group I</b></li> </ul>	2000
	<ul style="list-style-type: none"> <li>• Liquids which meet the criteria for <b>Class 3 Packing Group II or III</b></li> </ul>	50000
	<ul style="list-style-type: none"> <li>• Liquids with flashpoints &lt;61<sup>0</sup>C kept above their boiling points at ambient conditions</li> </ul>	200

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 1

MATERIAL	DESCRIPTION	THRESHOLD QUANTITY (tonnes)
	<ul style="list-style-type: none"> <li>• Materials which meet the criteria for <b>Class 4.1 Packing Group I</b></li> </ul>	200
	<ul style="list-style-type: none"> <li>• Spontaneously combustible materials which meet the criteria for <b>Class 4.2 Packing Group I or II</b></li> </ul>	200
	<ul style="list-style-type: none"> <li>• Materials which liberate flammable gases or react violently on contact with water which meet the criteria for <b>Class 4.3 Packing Group I or II</b></li> </ul>	200
	<ul style="list-style-type: none"> <li>• Materials which belong to <b>Classes 3 or 8 Packing Group I or II</b> which have <b>Hazchem codes of 4WE</b> (materials which react violently with water)</li> </ul>	500
Oxidising Materials	<ul style="list-style-type: none"> <li>• Oxidising material listed in Appendix 5 of the <b>ADG Code</b></li> </ul>	50
	<ul style="list-style-type: none"> <li>• Oxidising materials that meet the criteria for <b>Class 5.1 Packing Group I or II</b></li> </ul>	200
Peroxides	<ul style="list-style-type: none"> <li>• Peroxides which are listed in Appendix 5 to the <b>ADG Code</b></li> </ul>	50

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Sch. 1**

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<b>MATERIAL</b>	<b>DESCRIPTION</b>	<b>THRESHOLD QUANTITY (tonnes)</b>
	<ul style="list-style-type: none"><li>Organic Peroxides which meet the criteria for <b>Class 5.2</b></li></ul>	200
Toxic Solids and liquids	<ul style="list-style-type: none"><li>Materials which meet the criteria for Very Toxic in Table 3</li></ul>	20
	<ul style="list-style-type: none"><li>Materials which meet the criteria for Toxic in Table 3</li></ul>	200

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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Sch. 1**

**TABLE 3: CRITERIA FOR TOXICITY**

**Note:** These criteria are in accordance with the **ADG Code**

Description	Oral Toxicity <sup>1</sup> LD <sub>50</sub> (mg/kg)	Dermal Toxicity <sup>2</sup> LD <sub>50</sub> (mg/kg)	Inhalation Toxicity <sup>3</sup> LC <sub>50</sub> (mg/L)
Very Toxic	LD <sub>50</sub> <5	LD <sub>50</sub> <40	LC <sub>50</sub> <0.5
Toxic	5<LD <sub>50</sub> <50	50<LD <sub>50</sub> <200	0.5<LC <sub>50</sub> <2

1. In rats
2. In rats or rabbits
3. Four hours in rats

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 2

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**SCHEDULE 2**

Regulation 301(4)(e)

**ADDITIONAL MATTERS TO BE INCLUDED IN SAFETY  
MANAGEMENT SYSTEM**

**1. Safety policy and safety objectives**

- 1.1 A description of the means by which the **operator's** safety policy and specific safety objectives are to be communicated to all persons who are to participate in the implementation of the **Safety Management System**.
- 1.2 The safety policy must include an express commitment to ongoing improvement of all aspects of the **Safety Management System**.

**2. Organisation and personnel**

- 2.1 The identification (according to position description and location) of the persons who are to participate in the implementation of the **Safety Management System**, and a description of the command structure in which these persons work and of the specific tasks and responsibilities allocated to them.
- 2.2 The means of ensuring that these persons have the knowledge and skills necessary to enable them to perform their allocated tasks and discharge their allocated responsibilities, and that they retain such knowledge and skills.

**3. Operational controls**

- 3.1 A description of the procedures and instructions for—
  - (a) the safe operation of plant (including as to inspection and maintenance);
  - (b) the mechanical integrity of plant;
  - (c) plant processes;
  - (d) the control of abnormal operations and emergency shut down or decommissioning.
- 3.2 Provision of adequate means of achieving isolation of the **major hazard facility** or any part of the **major hazard facility** in the event of an emergency.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Sch. 2**

- 
- 3.3 Provision of adequate means of gaining access for servicing and maintenance of the **major hazard facility** or any part of the **major hazard facility**.
  - 3.4 A description of the roles of persons and of the interfaces between persons and plant.
  - 3.5 Provision for alarm systems.

**4. Compliance with Part 3 & Part 5 of these Regulations**

- 4.1 In relation to each part of the documented **Safety Management System** that describes the means of compliance with Part 3 of these Regulations, an annotation or cross-reference identifying the specific provision of these Regulations being complied with.
- 4.2 A description of the means by which the **operator** proposes to comply with Part 5.

**5. Management of change**

- 5.1 A description of the procedures for planning **modifications to major hazard facilities**.

**6. Principles and standards**

- 6.1 A statement of the principles, especially the design principles and engineering standards, being used to ensure the safe operation of the **major hazard facility**.
- 6.2 A description of any technical standards, whether published or proprietary, being relied on in relation to such principles and standards.

**7. Performance monitoring**

- 7.1 Performance standards for measuring the effectiveness of the **Safety Management System**, which—
  - (a) relate to all aspects of the **Safety Management System**;
  - (b) are sufficiently detailed to ensure that the ability of the **operator** to ensure the effectiveness of all aspects of the **Safety Management System** is apparent from the documentation;
  - (c) include steps to be taken to continually improve all aspects of the **Safety Management System**.
- 7.2 A description of the way in which these performance standards are to be met.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Sch. 2**

---

7.3 Performance indicators for the effectiveness of control measures adopted, including—

- (a) tests of the effectiveness of the control measures;
- (b) indicators of the failure of any control measure;
- (c) actions to be taken in reporting any such failure;
- (d) other corrective actions to be taken in the event of any such failure.

**8. Audit**

8.1 Provision for the audit of performance against the performance standards, including the methodologies, frequency and results of the audit process.

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**SCHEDULE 3**

Regulation 305(3)(b)

**MATTERS TO BE INCLUDED IN EMERGENCY PLAN**

**1. Site and hazard detail**

- 1.1 The name, location, postal address and nature of the operations of the **major hazard facility**.
- 1.2 A detailed map of—
  - (a) the site of the **major hazard facility**;
  - (b) the area surrounding the site showing details of residents, the built and natural environment, closely located **major hazard facilities** and all other neighbours whose health or safety could be adversely affected by a **major incident**. This map should also identify all potentially hazardous inventories in the area that are known to the **operator**, and the location of all staging points for **emergency services**.
- 1.3 Inventory of **Schedule 1 materials** present or **likely to be present** at the **major hazard facility**.
- 1.4 Minimum and maximum number of **employees** expected to be on-site at any one time, and their likely or normal location within the **major hazard facility**.
- 1.5 Infrastructure likely to be affected by a **major incident**—for example, utilities, road, rail, airport or shipping.
- 1.6 Emergency planning assumptions, including emergency measures planned for identified **major incidents**, area likely to be affected, duration of events, protection of the **local community**, including other nearby **facilities**, and the built and natural environment.
- 1.7 For each **hazard** and **major incident**, a description of the measures taken and to be taken to control or limit the consequences, including a description of all protective resources available and all emergency response procedures.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 3

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**2. Command structure and site personnel**

- 2.1 The **operator's** command philosophy and structure that is activated in case of an emergency, including relevant positions within the organisational structure, the duties attached to them and the names of the persons assigned to them.
- 2.2 The name, title and telephone number of the contact person with whom details of the content of the plan can be clarified.
- 2.3 The position, location and means of contacting the persons at the **facility** who are responsible for liaison with **emergency services** and who have knowledge of the **hazards**, their likely consequences and the content of the emergency plan. In case the nominated persons are not on-site a list of 24 hour emergency contact names and telephone numbers shall be supplied.
- 2.4 The allocation of personnel and the responsibilities of those personnel for implementing the plan including establishing communication with **emergency services** and coordinating the **operator's employees** and resources with those of the **emergency services**.
- 2.5 Arrangements for providing assistance to **emergency services** with off-site mitigatory action, and nearby **facilities** which might require mutual aid in the event of a **major incident**.

**3. Notifications**

- 3.1 Procedures in place for providing early warning of a **major incident** to **emergency services**, the type of information to be initially provided, and for providing more detailed information as it becomes available.
- 3.2 On-site and off-site warning systems.
- 3.3 Contact details for **emergency services** and other support services that can assist in procuring resources, implementing evacuation plans and securing the **major hazard facility** in the event of a **major incident**.
- 3.4 Communication systems on-site.

**4. Resources**

- 4.1 Emergency resources on-site, for example, personnel, emergency equipment, gas detectors and wind velocity detectors.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 3

- 
- 4.2 Arrangements for obtaining additional external resources to assist the control and mitigation of **hazards** and **major incidents**.

**5. Procedures**

- 5.1 Procedures for the safe evacuation of, and accounting for, all people on site.
- 5.2 Control points and procedures for utilities, including gas, water and electricity.
- 5.3 Containment procedures for any incident, whether or not a **major incident**, involving **Schedule 1 materials**.
- 5.4 Resources and procedures necessary for decontamination following a **major incident**.
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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 4

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**SCHEDULE 4**

Regulation 402(1)(c)

**ADDITIONAL MATTERS TO BE INCLUDED IN SAFETY CASE**

**A. FACILITY DESCRIPTION**

**1. The facility**

- (a) A description of the main activities and products of the **major hazard facility**, particularly those activities associated with **Schedule 1 materials**.
- (b) A description of the **Schedule 1 materials** and any other **dangerous goods** present or **likely to be present**.
- (c) In relation to those materials and **dangerous goods**—
  - (i) their identification by name and by any other means necessary for a clear identification;
  - (ii) the quantity present or **likely to be present** at the **major hazard facility**;
  - (iii) their physical, chemical and toxicological characteristics, and any other hazardous characteristics, both immediate and delayed;
  - (iv) their physical and chemical behaviour under normal conditions of use or under foreseeable abnormal conditions.
- (d) A description of the chemical and physical processes associated with any **Schedule 1 materials**, including—
  - (i) the main units of process equipment used in those processes;
  - (ii) a process flow drawing, or set of such drawings, describing the processes.
- (e) A drawing of the **major hazard facility's** general layout, containing the location of—
  - (i) the main process units;
  - (ii) the main storage areas; and
  - (iii) **hazards** and **major incident** initiators.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Sch. 4**

- 
- (f) In relation to proposed changes at the **major hazard facility**, for which no new control measures are adopted—
- (i) a description of any proposed changes to the **major hazard facility**, which would alter the production capacity or profile of the **major hazard facility**, or which would involve the deletion, addition or **modification** of any processes; and
  - (ii) a statement as to how existing control measures and **Safety Management Systems** are capable of maintaining the safe operation of the **major hazard facility**.

**2. The surrounding area**

- (a) A scaled plan of the **facility** and its surrounding area showing—
  - (i) the location of the **facility** within the surrounding area;
  - (ii) topographical information;
  - (iii) surrounding land uses;
  - (iv) the location of any identified external threats (including other **major hazard facilities**, or other **facilities** that could affect the safety of the **major hazard facility**).
- (b) Graphically presented demographic information for the **local community**, including surrounding land uses permitted by the local planning authority.
- (c) Meteorological data relevant to the estimation of the effects of any **major incident**.

**B. SAFETY INFORMATION**

**1. Control measures to limit the consequences of major incidents**

- (1) A detailed description of—
  - (a) the instrumentation and other equipment installed in the **facility** and the procedures in place that constitute the control measures for preventing or limiting the consequences of **major incidents**;
  - (b) the critical operating parameters for those control measures;

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 4

- (c) key personnel and resources (internal and external) available to intervene in the event of any failure of a control measure, whether or not that failure results in a **major incident**;
- (d) the emergency plan, including specific information about how these plans can be expected to limit the consequences of a **major incident**;
- (e) the means of ensuring that there is at all times in place a command structure for the **major hazard facility** that applies in the event of an emergency, and that this command structure has been communicated throughout the **major hazard facility**.

(2) In this Clause—

**"critical operating parameters"** means the upper or lower performance limits of any equipment, process or procedure, compliance with which is necessary to avoid a **major incident**;

**"failure of a control measure"** means—

- (a) where the control measure is a positive action or event, the non-occurrence or the defective occurrence of that action or event; or
- (b) where the control measure consists of a limitation on an operational activity, process or procedure, the breach of that limitation.

## **2. Performance Monitoring**

A detailed description of the performance standards and performance indicators required by clause 7 of Schedule 2 to be included in the documented **Safety Management System**.

## **3. Safety Management System**

- (1) At all points in the **Safety Case** where the matter addressed is covered by the **Safety Management System**, a clear reference to the relevant part of the documented **Safety Management System**.
- (2) A description of those parts of the documented **Safety Management System** which address the maintenance of the **Safety Management System** (that is, its ongoing effective implementation and its ongoing improvement).

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 4

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**4. Safety and reliability of plant**

A description of the steps taken to ensure that safety and reliability are incorporated into the design and construction of all aspects of the **major hazard facility** itself, whether the **operator** is directly engaged in such design and construction or has engaged another person to carry out such design and construction.

**5. Incident history**

A summary of the **major incidents** that have occurred at the **major hazard facility** over the previous 5 years.

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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Sch. 5

Sch. 5  
amended by  
S.R. No.  
20/2002  
reg. 10.

**SCHEDULE 5**

Regulations 803 and 804

**LICENCE FEES**

1. The fee for the issue or renewal of a licence under Part 8 is the lesser of—
  - (a) the total reached at the rate of \$71 for each person-hour spent by the **Authority**, its staff and other persons engaged by the **Authority** for the purpose of making a decision in relation to the licence application;
  - (b) \$50 197.
2. The activities involved in making a decision in relation to a licence application include—
  - (a) checking the completeness of the **Safety Case** and the other information and material accompanying the application;
  - (b) determining that further particulars or material are required, and procuring such particulars or material from the applicant;
  - (c) verifying the information provided by the applicant by—
    - (i) examining the **Safety Case** and the other information and material provided; and
    - (ii) visiting and examining the site of the **major hazard facility** to which the application relates;
  - (d) considering and deciding on the merits of the application; and
  - (e) taking all necessary administrative steps.

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Endnotes

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**ENDNOTES**

**1. General Information**

The Occupational Health and Safety (Major Hazard Facilities) Regulations 2000, S.R. No. 50/2000 were made on 22 June 2000 by the Governor in Council under section 59 of the **Occupational Health and Safety Act 1985**, No. 10190/1985 and section 52 of the **Dangerous Goods Act 1985**, No. 10189/1985 and came into operation as follows:

All of Regulations (*except* regulation 801) on 1 July 2000: regulation 103(1); regulation 801 on 1 September 2000: regulation 103(2).

The Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 will sunset 10 years after the day of making on 22 June 2010 (see section 5 of the **Subordinate Legislation Act 1994**).

*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

**Endnotes**

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**2. Table of Amendments**

This Version incorporates amendments made to the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 by statutory rules, subordinate instruments and Acts.

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Occupational Health and Safety (Major Hazard Facilities) (Amendment) Regulations 2002, S.R. No. 20/2002

*Date of Making:* 26.3.02

*Date of Commencement:* 31.3.02: reg. 3

Occupational Health and Safety (Mines) Regulations 2002, S.R. No. 104/2002

*Date of Making:* 22.10.02

*Date of Commencement:* 28.10.02: reg. 103

Occupational Health and Safety (Mines) (Amendment) Regulations 2004, S.R. No. 105/2004

*Date of Making:* 10.8.04

*Date of Commencement:* 13.8.04: reg. 3

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*Occupational Health and Safety (Major Hazard Facilities)  
Regulations 2000  
S.R. No. 50/2000*

Endnotes

### 3. Explanatory Details

<sup>1</sup> For ease of reference only, definitions (but not other parts of speech and grammatical forms of a word or phrase defined) appear in bold in the text. Section 39 of the **Interpretation of Legislation Act 1984** provides that *where a word or phrase is given a particular meaning in an Act or subordinate instrument, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.*

#### Table/s of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter was included in S.R. No. 50/2000 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

#### Table of Applied, Adopted or Incorporated Matter

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 104 and Schedule 1	The Australian Code for the Transport of Dangerous Goods by Road and Rail adopted by the Commonwealth and State Ministers known as the Australian Transport Advisory Council, as amended from time to time by resolution of the Australian Transport Advisory Council.	The whole