

PUBLIC COMMENT

Consultation on the model Work Health and Safety Regulations relating to Major Hazard Facilities

Instructions

To complete this online submission:

- Download and save this submission document to your computer.
- Use the saved version to enter your responses under each question below. These questions are from the [Consultation Paper on the model Work Health and Safety Regulations relating to Major Hazard Facilities \(MHFs\)](#).
- Once you have completed your submission, save it and upload it using the upload your submission link on the [Engage submission form](#).
- You can also upload any other documents needed to support your submission to the [Engage submission form](#).

Submissions will be accepted until **11:59 pm (AEDT) on Thursday 3 November 2022**.

Help

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- submissions containing defamatory material, and

- submissions containing views or information identifying parties involved in hearings or inquests which are currently in progress.

Your details and background

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Questionnaire

(Consultation document questions)

Your response should identify the specific regulation/s involved and, where possible, provide evidence to support your statement.

Evidence demonstrating issues raised in the Review (Section 4.1)

4.1a) What evidence do you have of inconsistencies in the application of the model WHS Regulations relating to MHFs across jurisdictions?

Review of the Safety Management System is required by each jurisdiction yet in South Australia the regulator asks to see this annually while other jurisdictions do not. In WA and Victoria there is no mention of consulting workers while reviewing the SMS.

4.1b) What are the issues around duplication for businesses with MHFs, particularly those that fall under multiple jurisdictions?

No real issue. The Safety Case (Safety Report) needs to be site specific anyway.

4.1c) What concerns do you have with expectations of what should be included in a safety case?

The requirements in Victoria and WA are not consistent with the model regs. Vic OHS Regs 2017 s 379 and WA Dangerous Goods (MHF) Regs Part 5.

4.1d) What duplication or overlap is there between the MHF Regulations and other legislation?

Bunding (secondary containment) is covered in the Environmental Protection Acts of each jurisdiction with slight differences. There is an Australian Standard for each Dangerous Goods Class which mentions bunding capacity depending on storage quantities, pack size as well as type of process. The requirements are not consistent.

4.1e) What do you consider contributes to regulatory complexity for MHFs?

Interaction with other agencies like Fire Brigade, Police, EPA and local government. GHS implementation and the use of GHS labels vs ADG code labels. Cut off temperature for Combustible Liquids when applying AS 1940.

Technical and administrative amendments needed in the MHF Regulations (Section 4.2)

4.2a) What administrative or technical changes could be made to the current MHF Regulations to improve application and consistency of the MHF laws across jurisdictions?

Improve consistency of where to send the Emergency Plan and Community MHF Information. (Local government, Fire Brigade, Police, Local Library, Letterbox drop, Company website etc.)
Define minimum testing frequency of the Emergency Plan. Mandatory involvement of workers when reviewing the Safety Management System

4.2b) What other non-regulatory changes could be made (e.g. additional or improved guidance) to improve application and consistency of the MHF laws across jurisdictions?

Regulators in each jurisdiction appear to have different approaches when applying the Regulations. Some will co-operate with MHF operators and provide guidance to achieve better outcomes while others have a very black and white approach.

Other issues with the model WHS regulations for MHFs? (Section 4.3)

4.3a) How well do you think the current model MHF Regulations meet the intended policy objectives outlined in section 2 of the model WHS Act, particularly with advances in technology and emerging industries?

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4.3b) What other issues do you have relating to the model MHF Regulations that were not raised in the [Review of the model WHS laws](#) or otherwise addressed in the previous questions?

Click or tap here to enter text.

- What changes to the model MHF Regulations do you consider would address these issues?

Click or tap here to enter text.

- What new or updated guidance would assist in addressing these issues?

Click or tap here to enter text.

4.3c) Are there any aspects of jurisdictional MHF laws or international regulatory frameworks for MHFs that you think should be considered for the model MHF Regulations?

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