

APPLICATION TO OPERATE A MAJOR HAZARD FACILITY

Part 1—Operator/MHF details
Part 2—Requirements for the
safety case assessment



Australian Government

Comcare

PUBLICATION DETAILS

Published by Comcare

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WHS 070—Application to operate a major hazard facility

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APPLICATION TO OPERATE A MAJOR HAZARD FACILITY

To apply for a licence to operate a major hazard facility (MHF) you must fill out the Operator/MHF details in Part 1 of this form and send it to Comcare with the safety case assessment for the MHF as provided in Part 2.

PART 1—OPERATOR/MHF DETAILS

PART 2—REQUIREMENTS FOR THE SAFETY CASE ASSESSMENT

Address for MHF licence application

Comcare
GPO Box 9905
Canberra ACT 2601

For more information contact Comcare:

Telephone: 1300 366 979

Email: WHS.MHF@comcare.gov.au

PART 1—OPERATOR/MHF DETAILS

MHF OPERATOR

Personal information collected by Comcare in connection with this application will be used to assess the application and administer the licence. The information may also be used by Comcare in connection with its functions and powers under the *Work Health and Safety Act 2011* (WHS Act), *Work Health and Safety Regulations 2011* (WHS Regulations) and other legislation, and the administration and evaluation of Comcare’s programs generally.

Comcare may disclose personal information to the following bodies and agencies, including but not limited to, its legal advisers; the Safety, Rehabilitation and Compensation Commission; contractors and agents; a court or tribunal; state or territory work health and safety regulatory agencies; Commonwealth, state or territory industry regulators; enforcement agencies (including police investigating or conducting an interview in connection with the application); state and territory Coroners; and any other person where there is an obligation under law to do so.

1. APPLICATION TYPE

<input type="checkbox"/> A licence to operate a major hazard facility	Date licence application due	<input type="text"/>
<input type="checkbox"/> Renewal of licence to operate a major hazard facility	Licence no.	<input type="text"/>
	Date of expiry	<input type="text"/>

2. DETAILS OF OPERATOR

Is this application for a Body Corporate? YES NO Is this application for an Individual? YES NO

Full Body Corporate/Individual Name

Registered Business Name (if applicable)

ABN ACN

Address for correspondence

Street number Street name

Suburb/town Postcode

Postal address (if different from above)

Contact details for questions regarding this notification

Email

Direct phone line Mobile

Documentary evidence:

1. A copy of the business name registration certificate or other written evidence of the registration of the business name (where applicable).
2. A copy of an extract from the ASIC register which lists the current owner(s), part-owner(s), director(s), partner(s) or officers having an interest (where applicable)

Evidence attached? YES NO

3. DECLARATIONS REQUIRED WITH LICENCE APPLICATION

NOTE: Regulation 577 of the WHS Regulations provides that only an operator who is taken to be a suitable operator under regulation 543 may apply for a major hazard facility (MHF) licence for that facility.
 The operator of the MHF for which the licence is being sought must make declarations in the terms set out below as required by regulation 578(2)(f) and (g) of the WHS Regulations. (An operator can be either an individual or a body corporate.)
 If the operator of the MHF for which the licence is being sought is a body corporate, the body corporate and each officer of that body corporate must individually make their declarations (i.e. the body corporate's declarations and each officer's declarations must be made separately).
 If the answer to any of the following questions is YES, please include details in the declaration.

Has the operator ever been convicted or found guilty of any offence under the WHS Act; the WHS Regulations; a former law of the Commonwealth or a State or Territory that deals with occupational health and safety; or any 'corresponding WHS law' as defined in the WHS Act and WHS Regulations? (See regulations 578(2)(f)(i) and 578(2)(g)).	YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>If YES, the declaration must include details of any conviction or finding of guilt (regulation 578(2)(f)(ii) and 578(2)(g)).</i>	
Has the operator ever entered into an enforceable undertaking under the WHS Act; the WHS Regulations; a former law of the Commonwealth or a State or Territory that deals with occupational health and safety; or any 'corresponding WHS law' as defined in the WHS Act and WHS Regulations? (See regulations 578(2)(f)(iii) and 578(2)(g)).	YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>If YES, the declaration must include details of the enforceable undertaking (regulation 578(2)(f)(iv) and 578(2)(g)).</i>	
Has the operator been previously been refused an equivalent licence under a 'corresponding WHS law' as defined in the WHS Act and WHS Regulations? (See regulations 578(2)(f)(v) and 578(2)(g)).	YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>If YES, the declaration must include details of the refusal.</i>	
Has the operator previously held an equivalent licence under a 'corresponding WHS law' as defined in the WHS Act and WHS Regulations which was subject to any condition(s) imposed on that licence? (See regulations 578(2)(f)(vi)(A) and 578(2)(g)).	YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>If YES, the declaration must include a description of the condition(s) imposed on that licence.</i>	
Has the operator previously held an equivalent licence under a 'corresponding WHS law' as defined in the WHS Act and WHS Regulations that was suspended or cancelled? (See regulations 578(2)(f)(vi)(B) and 578(2)(g)).	YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>If YES, the declaration must include a description of the suspension or cancellation or disqualification.</i>	
If the operator previously held an equivalent licence under a 'corresponding WHS law' as defined in the WHS Act and WHS Regulations that was suspended or cancelled, was the operator disqualified from applying for any licence? (See regulations 578(2)(f)(vi)(B) and 578(2)(g)).	YES <input type="checkbox"/> NO <input type="checkbox"/> Not applicable <input type="checkbox"/>

Note: In relation to section 268 of the *Work Health and Safety Act 2011*, Part 7.4 of the *Criminal Code Act 1995* makes it an offence for you to give Comcare false or misleading information in respect of this application. Should you provide false or misleading information in this application, you will be liable for prosecution under the *Criminal Code Act 1995*, and if convicted, face a penalty of up to 12 months imprisonment.

Statements to be included in each declaration

If making a declaration regarding any of the above matters, the following statements and information must be included:

- > The information in this application is true and correct to the best of my knowledge.
- > I consent to Comcare making enquiries and exchanging information with other Commonwealth entities and other work health and safety regulators in the states and territories regarding any matter relevant to this application.

Print name	<input type="text"/>	Date	<input type="text"/>
Signature	<input type="text"/>	Contact phone no.	<input type="text"/>
Position title	<input type="text"/>		

PART 1—OPERATOR/MHF DETAILS

MHF DETAILS

1. NAME, LOCATION AND ADDRESS

Facility name

Facility location address Postcode

Facility postal address (if different to location address)

Postcode

2. TYPE OF MHF

- Schedule 15 chemicals are present or likely to be present in excess of threshold quantities as determined under clause 3 of Schedule 15
- Schedule 15 chemicals are present or likely to be present in excess of the aggregate threshold quantity as determined under clause 4 of Schedule 15
- Schedule 15 chemicals exceed 10% of the threshold quantities and Comcare considers there is potential for a major incident
- Other (please explain)

3. CONTACT DETAILS OF PERSON WHO CAN ASSIST COMCARE REGARDING THIS APPLICATION

Contact person Telephone

Position Facsimile

Postal address Postcode

Email

Name of specialist assessor who assessed the safety case

Telephone Facsimile

Postal address Postcode

Email

4. LIST OF SCHEDULE 15 HAZARDOUS CHEMICALS PRESENT OR LIKELY TO BE PRESENT AT THE MHF

Hazardous chemicals in Table 15.1 of Schedule 15

Hazardous chemical	UN No	Quantity (tonnes) (See clause 5 of Schedule 15.)

Hazardous chemicals in Table 15.2 of Schedule 15

Hazardous chemical	Description	Quantity (tonnes) (See clause 6 of Schedule 15.)	Criteria for toxicity (See table 15.3 of Schedule 15)		
			Oral	Dermal	Inhalation

5. STATEMENT FOR INCLUSION IN THE SAFETY CASE

The statement below is to be included in the safety case for the MHF for which the licence is being sought and signed by the operator. (See regulation 561(5) of the WHS Regulations.)

This statement is separate from the declarations that must be provided with the application under regulations 578(2)(f) and 578(2)(g).

If the operator is a body corporate, the statement must be signed by the most senior executive officer of the body corporate who resides in the jurisdiction in which the facility is located. (See regulation 561(6).)

I declare that:

1. I am (cross out whichever does not apply):
 - a. the operator of the MHF
 - b. senior executive officer of the operator of the MHF who resides in the jurisdiction in which the MHF is located; and
2. the information provided in the safety case under regulations 561(1) and (2) of the WHS Regulations is accurate and up to date; and
3. as a consequence of conducting the safety assessment, I have /the operator has* a detailed understanding of all aspects of risk to health and safety associated with major incidents that may occur; and
4. the control measures I am/the operator is* to implement:
 - a. will eliminate the risk of a major incident occurring so far as is reasonably practicable; and
 - b. if it is not reasonably practicable to eliminate the risk of a major incident occurring — will minimize the risk so far as is reasonably practicable; and
 - c. in the event of a major incident occurring — will minimize its magnitude and the severity of its health and safety consequences so far as is reasonably practicable; and
5. all persons to be involved in the implementation of the safety management system have the knowledge and skills necessary to enable them to carry out their role safely and competently.

*cross out whichever doesn't apply

Signature	<input type="text"/>	Date	<input type="text"/>
Name	<input type="text"/>	Position	<input type="text"/>
Witnessed by (signature)	<input type="text"/>	Date	<input type="text"/>
Witness name	<input type="text"/>	Telephone	<input type="text"/>

Note: As agreed between [insert name of the operator] and Comcare, [insert name of the operator] has attached to this application an independent assessment of the safety case made by [insert name of specialist assessor]

- > by arrangement between [insert the name of the operator] and [insert name of specialist assessor]; and
- > according to the specifications in Part 2 of this application form.

PART 2

REQUIREMENTS FOR THE SAFETY CASE ASSESSMENT (INCLUDING EXECUTIVE SUMMARY TEMPLATE)

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1. INTRODUCTION

- 1.1 An application for a major hazard facility (MHF) licence must include a safety case prepared under Chapter 9 of the *Work Health and Safety Regulations 2011* (the WHS Regulations). This template has been designed to assist with the preparation of the safety case. It also provides guidance to the specialist assessor¹ on the preparation of an executive summary of the safety case which should be lodged with the licence application.
- 1.2 The executive summary of the safety case assessment will be used by Comcare when making its decision on the MHF licence application. It is critical; therefore, that information is comprehensive, clear, concise and consistent.
- 1.3 The safety case should distinguish clearly between measures taken to comply with the WHS Act and Regulations and those taken in the interests of best practice. (Key legislative requirements are listed below.) The safety case analysis and executive summary should be capable of passing a technical peer review process should this be instituted.
- 1.4 The licence application for a MHF must include:
 - 1.4.1 a safety case prepared in accordance with the requirements of Chapter 9 (in particular, regulation 561 of the WHS Regulations); and
 - 1.4.2 information in the safety case and executive summary that demonstrates compliance with the following MHF operator's duties; and
 - > identifying all major hazards that could occur and all major incident hazards (regulations 554 and 564)
 - > conducting a safety assessment (regulations 555 and 565)
 - > implementing risk control measures (regulations 556 and 566)
 - > emergency planning (regulations 557 and 567)
 - > establishing a safety management system (regulations 558 and 568)
 - > reviewing risk management (including the safety assessment, emergency plan and safety management system) and the safety case (regulations 559, 569 and 570)
 - > providing safety information for visitors (regulation 571)
 - > providing safety information for local community and authorities (regulations 572 and 573)
 - > implementing safety role for workers (regulation 574)
 - > consulting with workers (regulation 575)
 - > the operator must secure the major hazard facility
 - 1.4.3 a statement that, based on the operator's safety case, it is the specialist assessor's opinion that the applicant operator can operate the MHF safely and competently.

¹ Comcare requires that the specialist assessor is selected from the panel of 'approved assessors' located on Comcare's web site.

2. SUMMARY FINDINGS

2.1 SUMMARY OF THE FINDINGS

2.1.1 Overall compliance findings

The specialist assessor must include a description of how the MHF complies with the WHS Act and Regulations and with the conditions imposed by any licence issued under Chapter 9 that are in force in relation to the operator and the facility.

The specialist assessor must include an assessment of the operator's ability to operate the MHF safely and competently.

2.1.2 Specialist assessor's summary findings regarding the safety case

The specialist assessor must include the matters referred to in Schedule 18 of the WHS Regulations in the executive summary of the safety case. The executive summary should also discuss the Safety Management System (SMS) including, but not limited to:

- > the overall effectiveness of the SMS and other relevant management systems in managing all aspects of risk control in relation to major incidents and potential major incidents; the use of, and adherence to, systems and procedures designed to achieve the operator's specific safety objectives; and the effectiveness of corrective actions loop and management review processes.
- > the additional matters referred to in Schedule 18 of the WHS Regulations.

2.1.3 Specialist assessor statements

The specialist assessor must state whether the specialist assessor is satisfied that:

- > the safety case complies with the requirements of regulations 560 and 561 and addresses hazard identification, safety assessment of major hazards, risk control of major hazards
- > the operator has implemented an adequate safety management system

The specialist assessor must include a statement about whether, in the specialist assessor's opinion based on the operator's safety case and the specialist assessor's investigations, the applicant operator should be granted a licence and what conditions (if any) should apply to the licence.

If the specialist assessor believes a licence should not be issued or issued for a period of less than 5 years, the specialist assessor must provide reasons for taking this view.

3. METHODOLOGY AND PROCESS

3.1 METHODOLOGY

3.1.1 Safety case assessment scope

Detail all the documentation that was received during the assessment period that is relevant to the licence application, for example emergency plan.

This section should provide details of the scope of the assessment report relative to the safety case. (Did the assessment cover the entire facility?)

3.2 DESKTOP ASSESSMENT

Include any general comments on the scope of the assessment. Was the entire safety case assessed? Did this cover the entire facility?

3.3 JUSTIFICATION OF ASSESSMENT

Where assessment sampling of the site has occurred, a clear explanation should be given for selecting or rejecting areas.

3.4 COMMENTS ON THE ASSESSMENT PROCESS

This section should include any information that the specialist assessor considers relevant to the assessment process, such as previous reviews, difficulties experienced during assessment etc.

3.5 VERIFICATION AT SITE

This section should provide an explanation for the verification sampling

4. DETAILED FINDINGS

4.1 CONTENTS OF THE SAFETY CASE

Regulation 578: An application for a major hazard facility licence must include the safety case prepared under Chapter 9 (regulations 560 to 563).

Regulation 560: The operator of a determined major hazard facility must provide the regulator with a completed safety case for the major hazard facility that has been prepared in accordance with regulation 561, within 24 months after the facility was determined to be a major hazard facility.

Regulation 561: The operator must prepare the safety case in accordance with the safety case outline prepared or altered under this Division.

A safety case must contain the following:

- a) a summary of the identification conducted under regulation 554, including a list of all major incidents identified;
- b) a summary of the safety assessment conducted under regulation 555;
- c) a summary of the major hazard facility's emergency plan;
- d) a summary of the major hazard facility's safety management system;
- e) a description of any arrangements made in relation to the security of the major hazard facility;
- f) a description of the consultation with workers that took place under regulation 575 in the preparation of the safety case; and
- g) the additional matters specified in Schedule 18.

Assessor compliance findings	<i>Note that issues of compliance must be separated from issues of 'good practice'. Any findings relating to 'good practice' or safety improvements should not be recorded here but in the 'non-regulatory findings' and 'recommendations for improvement' sections below.</i>
Findings arrived at from technical assessment	<i>This section should contain the findings from the desktop technical assessment of the safety report.</i>
Findings arrived at from verification	<i>This section should contain the main findings from verification of the safety case. The findings must be put</i>
Findings from on-site activities	<i>This section should contain the main findings from previous relevant oversight and inspection activities at the facility.</i>
Other matters that were considered	<i>If applicable.</i>
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2 SCHEDULE 18 INFORMATION TO BE INCLUDED IN THE SAFETY CASE

4.2.1 Schedule 18 - Clauses 1.1 and 1.2

Clause 1.1: A brief description of the nature of the facility and its operation, including a description of on-site activities and processes that involve or will involve Schedule 15 chemicals.

Clause 1.2: A description of the Schedule 15 chemicals and any other hazardous chemicals present or likely to be present at the facility, including:

- a) their identification by name and by any other means necessary for a clear identification; and
- b) the quantity present or likely to be present at the major hazard facility;
- c) their physical, chemical and toxicological characteristics, and any other hazardous characteristics, both immediate and delayed; and
- d) their physical and chemical behaviour under normal conditions of use or under foreseeable abnormal conditions.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.2 Schedule 18 - Clause 1.3

Clause 1.3: A description of the chemical and physical processes associated with any Schedule 15 chemicals present or likely to be present at the facility, including:

- a) the main units of plant used in those processes; and
- b) a process flow drawing, or set of flow drawings, describing the processes.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.3 Schedule 18 - Clauses 1.4, 1.5 and 2.2 - Details of the facility and its surroundings

Clause 1.4: A drawing of the major hazard facility's general layout, containing the location of:

- a) the main process units; and
- b) the main storage areas; and
- c) major incident hazards and major incident initiators.

Clause 1.5: In relation to proposed changes at the major hazard facility for which no new control measures are implemented:

- a) a description of any proposed changes to the major hazard facility that would:
 - i. alter the production capacity or profile of the major hazard facility; or
 - ii. involve the deletion, addition or modification of any processes; and
- b) a statement as to how existing control measures and WHS management systems are capable of maintaining the safe operation of the major hazard facility.

Clause 2.2: Graphically presented demographic information for the local community, including surrounding land uses permitted by the local authority.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.4 Schedule 18 - Clauses 2.1 and 2.3 - A scaled plan of the facility and meteorological data

Clause 2.1: A detailed scale plan of the facility and its surrounding area showing:

- a) the location of the facility within the surrounding area; and
- b) topographical information; and
- c) land use, occupancy and activities in the surrounding area and any other closely located major hazard facilities and
- d) hazardous chemical storage sites; and
- e) the location of any identified external conditions (including other major hazard facilities or other facilities that could affect the safety of the major hazard facility).

Clause 2.3: Meteorological data relevant to the estimation of the effects of any major incident.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.5 Schedule 18 - Clause 3.1 Control Measure(s)

Clause 3.1: A detailed description of:

- a) the instrumentation and other equipment installed in the facility and the processes and procedures in place that are the control measures to be implemented by the operator; and
- b) the critical operating parameters for those control measures; and
- 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; and
- d) a summary of the emergency plan, including specific information about how the plan can be expected to limit the consequences of a major incident; and
- 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 to workers throughout the major hazard facility.

See Clause 3.2 for definition of 'critical operating parameters' and 'failure of a control measure':

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.6 Schedule 18 - Clause 4 – Performance Monitoring

Clause 4: A detailed description of the performance standards and performance indicators required by item 7 of Schedule 17 to be included in the safety management system.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.7 Schedule 18 - Clauses 5.1 and 5.2 - Safety management system

Clause 5.1: 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.
Clause 5.2: A description of those parts of the documented safety management system that address the ongoing effective implementation and ongoing review and revision of the safety management system.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.8 Schedule 18 - Clause 6 Safety and reliability of facility structures and plant

Clause 6: 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 the design and construction or has engaged another person to carry out the design and construction.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.2.9 Potential for major accident and findings on major accident history

This section should include information on the potential for major incidents at this site. Information could include:

- a) major accident scenarios
- b) plant areas affected
- c) activities associated with scenarios
- d) Schedule 15 materials involved.

The degree of detail will be facility specific. The information should be prioritised based on risk or some other measure. Scenarios with offsite impact should be highlighted.

Schedule 18 Clause 7: Specialist assessor must provide comment if any major incidents have occurred at the major hazard facility in the previous 5 years.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3 EMPLOYER DUTIES

4.3.1 Identification of hazards (Regulation 554 and 564)

Regulation 554: The operator of a determined major hazard facility must identify:

- a) all major incidents that could occur in the course of the operation of the major hazard facility; and
- b) all major incident hazards for the major hazard facility, including major incident hazards relating to the security of the major hazard facility.

In complying with subregulation (1), the operator must have regard to any advice and recommendations given by:

- a) the emergency service organisations with responsibility for the area in which the major hazard facility is located; and
- b) any government department or agency with a regulatory role in relation to major hazard facilities.

The operator must document:

- a) all identified major incidents and major incident hazards; and
- b) the criteria and methods used in identifying the major incidents and major incident hazards; and
- c) any external conditions under which the major incident hazards, including those relating to the security of the major hazard facility, might give rise to the major incidents.

NOTE - Regulation 574: The operator of a determined major hazard facility must, within the time specified in the safety case outline for the major hazard facility, implement a safety role for the workers at the major hazard facility that enables them to contribute to the identification of major incidents and major incident hazards under regulation 554.

Regulation 564: The operator of a licensed major hazard facility must identify:

- a) all major incidents that could occur in the course of the operation of the major hazard facility; and
- b) all major incident hazards for the major hazard facility, including major incident hazards relating to the security of the major hazard facility.

The operator must have regard to any advice and recommendations given by:

- a) the emergency service organisations with responsibility for the area in which the major hazard facility is located; and
- b) any government department or agency with a regulatory role in relation to major hazard facilities.

The operator must document:

- a) all identified major incidents and major incident hazards; and
- b) the criteria and methods used in identifying the major incidents and major incident hazards; and
- c) any external conditions under which the major incident hazards, including those relating to the security of the major hazard facility, might give rise to the major incidents.

All major incidents and major incident hazards identified and documented under regulation 554 in relation to the major hazard facility are taken to have been identified and documented under this regulation.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.2 Safety assessment (Regulation 555 and 565)

Regulation 555: In order to provide the operator with a detailed understanding of all aspects of risks to health and safety associated with major incidents, a safety assessment must involve a comprehensive and systematic investigation and analysis of all aspects of risks to health and safety associated with all major incidents that could occur in the course of the operation of the major hazard facility, including the following:

- a) the nature of each major incident and major incident hazard;
- b) the likelihood of each major incident hazard causing a major incident;
- c) in the event of a major incident occurring, its potential magnitude and the severity of its potential health and safety consequences;
- d) the range of control measures considered;
- e) the control measures the operator decides to implement.

In conducting a safety assessment, the operator must:

- a) consider major incidents and major incident hazards cumulatively as well as individually; and
- b) use assessment methods (whether quantitative or qualitative, or both), that are suitable for the major incidents and major incident hazards being considered.

The operator must document all aspects of the safety assessment, including:

- a) the methods used in the investigation and analysis; and
- b) the reasons for deciding which control measures to implement.

The operator must keep a copy of the safety assessment at the major hazard facility.

NOTE - Regulation 574: The operator of a determined major hazard facility must, within the time specified in the safety case outline for the major hazard facility, implement a safety role for the workers at the major hazard facility that enables them to contribute to the consideration of control measures in the conduct of the safety assessment under regulation 555

Regulation 565: The operator of a licensed major hazard facility must keep a copy of the safety assessment documented under regulation 555 as revised under Part 9.3 and Part 9.4 at the facility.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.3 Risk control (Regulation 556 and 566)

Regulation 556: The operator of a determined major hazard facility must implement control measures that:

- a) eliminate, so far as is reasonably practicable, the risk of a major incident occurring; or
- b) if it is not reasonably practicable to eliminate that risk — minimise that risk so far as is reasonably practicable.

The operator of a determined major hazard facility must implement risk control measures designed to minimise, in the event of a major incident occurring, its magnitude and the severity of its consequences to persons both on-site and off-site.

Regulation 566: The operator of a licensed major hazard facility must implement risk control measures that:

- a) eliminate, so far as is reasonably practicable, the risk of a major incident occurring; or
- b) if it is not reasonably practicable to eliminate that risk — minimise that risk so far as is reasonably practicable.

The operator of a licensed major hazard facility must implement risk control measures designed to minimise, in the event of a major incident occurring, its magnitude and the severity of its consequences to persons both on-site and off-site.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.4 Emergency planning (Regulations 557 and 567)

Regulation 557: The operator of a determined major hazard facility must prepare an emergency plan for the major hazard facility that:

- a) addresses all health and safety consequences of a major incident occurring; and
- b) includes all matters specified in Schedule 16; and
- c) provides for testing of emergency procedures, including the frequency of testing.

In preparing an emergency plan, the operator must consult with:

- a) the emergency service organisations with responsibility for the area in which the major hazard facility is located; and
- b) in relation to the off-site health and safety consequences of a major incident occurring — the organisation identified as the local authority in accordance with regulations made under a law of a State that deals with occupational health and safety matters.

The operator must ensure that the emergency plan addresses any recommendation made by the emergency service organisations consulted under subregulation (2) in relation to:

- a) the testing of the emergency plan, including the manner in which it will be tested, the frequency of testing and whether or not the emergency service organisations will participate in the testing; and
- b) what incidents or events at the major hazard facility should be notified to the emergency service organisations.

The operator must have regard to any other recommendation or advice given by a person consulted under subregulation (2).

The operator must:

- a) keep a copy of the plan at the major hazard facility; and
- b) give a copy of the plan to:
 - i. the emergency service organisations consulted under subregulation (2); and
 - ii. any other relevant emergency service organisations.

The operator must test the emergency plan in accordance with the recommendations made by the emergency service organisations consulted under subregulation (2) before applying for a licence for the major hazard facility.

The operator must immediately implement the emergency plan if:

- a) a major incident occurs in the course of the operation of the major hazard facility; or
- b) an event occurs that could reasonably be expected to lead to a major incident.

The operator must notify the regulator and the emergency service organisations referred to in subregulation 557 (2) of the occurrence of an incident or event referred to in subregulation 557 (3) as soon as practicable after the incident or event occurs.

Regulation 567: The operator of a licensed major hazard facility must keep a copy of the major hazard facility's emergency plan prepared under regulation 557 as revised under Part 9.3 and Part 9.4 at the facility.

The operator must test the emergency plan in accordance with the recommendations made by the emergency service organisations referred to in subregulation 557(2).

The operator must immediately implement the emergency plan if:

- a) a major incident occurs in the course of the operation of the major hazard facility; or
- b) an event occurs that could reasonably be expected to lead to a major incident.

The operator must notify the regulator and the emergency service organisations referred to in subregulation 557 (2) of the occurrence of an incident or event referred to in subregulation 557 (3) as soon as practicable after the incident or event occurs.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	

Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.5 Safety management system (Regulations 558 and 568)

<p>Regulation 558: The operator of a determined major hazard facility must establish a safety management system for the operation of the major hazard facility, in accordance with this regulation.</p> <p>The operator of a determined major hazard facility must implement the safety management system for the major hazard facility, so far as is reasonably practicable.</p> <p>The safety management system must:</p> <ul style="list-style-type: none"> a) provide a comprehensive and integrated system for the management of all aspects of risk control in relation to the occurrence and potential occurrence of major incidents at the major hazard facility; and b) be designed to be used by the operator as the primary means of ensuring the safe operation of the major hazard facility. <p>The safety management system must:</p> <ul style="list-style-type: none"> a) be documented; and b) state the operator's safety policy, including the operator's broad aims in relation to the safe operation of the major hazard facility; and c) state the operator's specific safety objectives and describe the systems and procedures that will be used to achieve those objectives; and d) include the matters specified in Schedule 17; and e) be readily accessible to persons who use it. <p>Regulation 568: The operator of a licensed major hazard facility must implement the major hazard facility's safety management system established under regulation 558 as revised under Part 9.3 and Part 9.4.</p> <p>The operator must use the safety management system as the primary means of:</p> <ul style="list-style-type: none"> a) ensuring the health and safety of workers engaged or caused to be engaged by the operator and workers whose activities in carrying out work are influenced or directed by the operator while the workers are at work in the operation of the major hazard facility; and b) ensuring that the health and safety of other persons is not put at risk from work carried out as part of the operation of the major hazard facility. 	
Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.6 Review of risk management and safety case (Regulations 559, 569 and 570)

Regulation 559: The operator of a determined major hazard facility must review and as necessary revise the following, in accordance with this regulation:

The safety assessment conducted under regulation 555 in order to ensure the adequacy of the control measures to be

- a) implemented by the operator;
- b) the major hazard facility's emergency plan;
- c) the major hazard facility's safety management system.

Without limiting subregulation (1), the operator must conduct a review and revision in the following circumstances:

- a) a modification to the major hazard facility is proposed;
- b) a control measure implemented under regulation 556 does not minimise the relevant risk so far as is reasonably practicable;

In reviewing and revising the emergency plan, the operator must consult with the emergency service organisations referred to in subregulation 557(2).

A health and safety representative for workers at a major hazard facility may request a review if the representative reasonably believes that:

- a) a circumstance referred to in paragraph (2) (a), (b), (c) or (d) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and
- b) the operator has not adequately conducted a review in response to the circumstance.

Regulation 569: The operator of a licensed major hazard facility must review and as necessary revise the following, in accordance with this regulation:

- a) the safety assessment for the facility in order to ensure the adequacy of the control measures to be implemented by the operator;
- b) the major hazard facility's emergency plan;
- c) the major hazard facility's safety management system.

Without limiting subregulation (1), the operator must conduct a review and revision in the following circumstances:

- a) a modification to the major hazard facility is proposed;
- b) a control measure implemented under regulation 566 does not minimise the relevant risk so far as is reasonably practicable;
- c) a new major hazard risk is identified;
- d) the results of consultation by the operator under Part 9.5 indicate that a review is necessary;
- e) a health and safety representative requests a review under subregulation (5);
- f) the regulator requires the review;
- g) at least once every 5 years.

In reviewing and revising the safety assessment, the operator must comply with the requirements set out in subregulations 555 (2), (3) and (4).

In reviewing and revising the emergency plan, the operator must consult with the emergency service organisations referred to in subregulation 557 (2).

A health and safety representative for workers at a major hazard facility may request a review if the representative reasonably believes that:

- a) a circumstance referred to in paragraph (2) (a), (b), (c) or (d) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and
- b) the operator has not adequately conducted a review in response to the circumstance.

Regulation 570: The operator of a licensed major hazard facility must review and as necessary revise the safety case after any review is conducted under regulation 569.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	

Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.7 Information for visitors (Regulation 571)

<p>The operator of a licensed major hazard facility must ensure that a person other than a worker who enters the major hazard facility is as soon as practicable:</p> <ul style="list-style-type: none"> a) informed about hazards at the major hazard facility that may affect that person; and b) instructed in safety precautions the person should take; and c) instructed in the actions the person should take if the emergency plan is implemented while the person is on-site. 	
Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.8 Safety role for workers (Regulation 574)

The operator of a determined major hazard facility must, within the time specified in the safety case outline for the major hazard facility, implement a safety role for the workers at the major hazard facility that enables them to contribute to:

- a) the identification of major incidents and major incident hazards under regulation 554; and
- b) the consideration of control measures in the conduct of the safety assessment under regulation 555; and
- c) the conduct of a review under regulation 559.

The operator of a licensed major hazard facility must implement a safety role for workers at the facility so as to enable them to contribute to the conduct of a review under regulation 569.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
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Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.9 Information for local community and authorities (Regulation 572 and 573)

Regulation 572: The operator of a licensed major hazard facility must ensure the provision of the following information to the local community and the local authority:

- a) the name and location of the major hazard facility;
- b) the name, position and contact details of a contact person from whom information may be obtained;
- c) a general description of the major hazard facility's operations;
- d) the means by which the local community will be notified of a major incident occurring;
- e) the actions, as specified in the major hazard facility's emergency plan, that members of the local community should take if a major incident occurs;
- f) a summary of the safety case for the major hazard facility.

The operator must ensure that the information provided is:

- a) set out and expressed in a way that is readily accessible and understandable to persons who are not familiar with the major hazard facility and its operations; and
- b) reviewed and as necessary revised if a modification is made to the major hazard facility; and
- c) sent in writing to any community or public library serving the local community.

The operator is not required to disclose information that may expose the major hazard facility to a major incident hazard in relation to the security of the major hazard facility.

The operator of a licensed major hazard facility who receives a written request from a person who reasonably believes that the occurrence of a major incident at the major hazard facility may adversely affect his or her health or safety must give that person with a copy of the information provided to the local community under this regulation.

Regulation 573: As soon as practicable after a major incident occurs, the operator of the major hazard facility must take all reasonable steps to provide the persons specified in subregulation (2) with information about the major incident, including:

- a) a general description of the major incident; and
- b) a description of the actions the operator has taken and proposes to take to prevent any recurrence of the major incident or the occurrence of a similar major incident; and
- c) recommended actions that the local authority and members of the local community should take to eliminate or minimise risks to health and safety.

The persons to whom information about a major incident must be given are:

- a) the local community, if a member of the local community was affected by the major incident; and
- b) the local authority; and
- c) any government department or agency with a regulatory role in relation to major hazard facilities.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.10 Operator of major hazard facility must consult with workers (Regulation 575)

The operator of a determined major hazard facility must consult with workers at the major hazard facility in relation to the following:

- a) the preparation of the safety case outline for the major hazard facility;
- b) the preparation, testing and implementation of the major hazard facility's emergency plan;
- c) the establishment and implementation of the major hazard facility's safety management system;
- d) the conduct of a review under regulation 559;
- e) the implementation of the workers' safety role under subregulation 574 (1);
- f) the preparation and review of the major hazard facility's safety case.

The operator of a licensed major hazard facility must consult with workers at the major hazard facility in relation to the following:

- a) the testing and implementation of the major hazard facility's emergency plan;
- b) the implementation of the major hazard facility's safety management system;
- c) the conduct of a review under regulation 569;
- d) the implementation of the workers' safety role under subregulation 574 (2);
- e) a review of the major hazard facility's safety case.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
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Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

4.3.11 The employer must secure the major hazard facility (Regulation 554)

The operator of a determined major hazard facility must identify all major incident hazards for the major hazard facility, including major incident hazards relating to the security of the major hazard facility.
The operator must document any external conditions under which the major incident hazards, including those relating to the security of the major hazard facility, might give rise to the major incidents.

Assessor compliance findings	
Findings arrived at from technical assessment	
Findings arrived at from verification	
Findings from on-site activities	
Other matters that were considered	
Non-regulatory findings	
Recommendations for licence conditions if applicable	

5. FACILITY ACTIVITY

5.1 COMPLIANCE HISTORY

5.1.1 Enforcement activity

This section should include information about any enforcement activity relevant to major incident prevention at the facility. This would include details of any statutory notices issued and actions taken by the operator of a MHF to rectify safety concerns. Corrective actions implemented as a result of enforcement activity, and evidence of operator learning from such activity, can be mentioned where appropriate.

Reference should also be made to any relevant proceedings by either state/territory or Commonwealth regulators.

5.1.2 Other information relevant to major accident potential

This could include such matters as community concerns. Any information provided under this sub-paragraph should be supported documentation made available.

5.2 LICENSING HISTORY

5.2.1 Previous licence decision(s)

This section should contain details of previous MHF licence decisions e.g. Bridging Licence. If this is an initial licence application, this section should be marked as 'Not Applicable'.

5.2.2 Other relevant licences

The specialist assessor should list any other licences that the facility or operator holds that may be relevant to major incident potential, e.g. DG Licence, EPA 'Accredited Licensee', explosives licence etc.

6. COMCARE

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