

# **Guideline to what is Operating Plant under the *Petroleum and Gas Production and Safety Act 2004* and interaction with the *Work Health and Safety Act 2011***

**Version 1 – February 2014**

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## Table of Contents

GLOSSARY OF TERMS .....	V
EXECUTIVE SUMMARY .....	1
1.0 INTRODUCTION.....	2
1.1 Purpose	2
1.2 Scope	2
2.0 BACKGROUND .....	3
2.1 <i>Petroleum and Gas (Production and Safety) Act 2004</i>	3
2.2 <i>Work Health and Safety Act 2011</i>	3
2.3 Fundamental principles	4
3.0 WHAT IS OPERATING PLANT UNDER THE P&G ACT .....	5
3.1 Individual Operating Plant facilities [S670 (2)]	5
3.2 Places where specified activities occur [S670 (5)]	5
3.3 Operating Plant that are authorised activities for an authority [S670 (6)]	6
4.0 STAGES OF OP UNDER <i>PETROLEUM AND GAS (PRODUCTION AND SAFETY) ACT 2004</i> ...	8
4.1 Construction	8
4.2 Commissioning	9
4.3 Operation	9
4.4 Maintenance or modification	10
4.5 Decommissioning	10
5.0 APPLICATION OF P&G AND WHS ACTS.....	11
5.1 Introduction	11
5.2 Legislative context	12
5.3 Applications on mining tenements	13
5.4 Application on Major Hazard Facilities (MHF)	14
5.5 Hazardous chemicals	15
5.6 Plant and equipment	15
5.7 Application of both Acts to construction work	16
5.8 Incident reporting to the P&G Inspectorate and WHSQ	16
5.9 Memorandum of Understanding	18
6.0 OBLIGATIONS UNDER P&G ACT .....	20
6.1 Safety Management Plans	20
6.2 Key statutory positions	21
6.2.1 Operator of an operating plant	21
6.2.2 Executive Safety Manager (ESM)	22
6.2.3 Site Safety Manager (SSM)	22
6.3 Notification of commencement requirements	23
6.4 Who is a pipeline licence holder?	23
6.5 Safety and Health obligations for pipeline licences	23
7.0 DUTIES UNDER THE WHS ACT .....	25
7.1 Duties of a person conducting a business or undertaking (PCBU)	25
7.2 Other duty holders who are persons conducting a business or undertaking are:	25
7.3 Officers	25
7.4 Workers	26
7.5 Other persons at the workplace	26

APPENDIX 1 - TYPES OF OPERATING PLANT BY STREAM CLASSIFICATION.....	27
APPENDIX 2 - AUTHORISED ACTIVITY OP TYPES / JURISDICTION.....	32
APPENDIX 3 - BIOGAS OP TYPES / JURISDICTION.....	33
APPENDIX 4 - BULK FUEL GAS OP TYPES / JURISDICTION .....	34
APPENDIX 5 - CYLINDER STORAGE OP TYPES / JURISDICTION.....	35
APPENDIX 6 - DRILLING AND WORKOVER RIG OP TYPES / JURISDICTION.....	36
APPENDIX 7 - GEOPHYSICAL SURVEY OP TYPES / JURISDICTION.....	37
APPENDIX 8 - LPG DELIVERY NETWORK OP TYPES / JURISDICTION .....	38
APPENDIX 9 - MAJOR CONSUMER OP TYPES / JURISDICTION .....	39
APPENDIX 10 - MAJOR HAZARD FACILITY OP TYPES / JURISDICTION .....	40
APPENDIX 11 - PETROLEUM PROCESSING FACILITY OP TYPES / JURISDICTION.....	43
APPENDIX 12 - PIPELINE OP TYPES / JURISDICTION .....	44
APPENDIX 13 - RETICULATION NETWORK OP TYPES / JURISDICTION.....	46
APPENDIX 14 - TANKER DELIVERY OP TYPES / JURISDICTION .....	47
APPENDIX 15 - THEATRICAL OR SPECIAL EVENT OP TYPES / JURISDICTION.....	48
APPENDIX 16 - WATER FACILITY OP TYPES / JURISDICTION.....	49
APPENDIX 17 - WELL OP TYPES / JURISDICTION .....	50
APPENDIX 18 - OPERATOR OBLIGATIONS.....	52
APPENDIX 19 - EXECUTIVE SAFETY MANAGER OBLIGATIONS.....	55
APPENDIX 20 - SITE SAFETY MANAGER OBLIGATIONS .....	57
APPENDIX 21 - ANNUAL REPORT CONTENTS .....	58
APPENDIX 22 - PRESCRIBED INCIDENTS – P&G ACT 2004 .....	59
APPENDIX 23 - NOTIFIABLE INCIDENTS – WHS ACT 2011.....	60

## Glossary of terms

<b>DNRM</b>	Department of Natural Resources and Mines
<b>P&amp;G Act</b>	<i>Petroleum and Gas (Production and Safety) Act 2004</i>
<b>P&amp;G Regulation</b>	Petroleum and Gas (Production and Safety) Regulation 2004
<b>P&amp;G Inspectorate</b>	Petroleum and Gas Inspectorate
<b>DJAG</b>	Department of Justice and Attorney General
<b>WHS Act</b>	<i>Work Health and Safety Act 2011</i>
<b>WHS Regulation</b>	Work Health and Safety Regulation 2011
<b>WHSQ</b>	Workplace Health and Safety Queensland
<b>WHS</b>	Workplace Health and Safety Inspectorate
<b>MHF</b>	Major Hazard Facility under the WHS Act
<b>AI Act</b>	Acts Interpretation Act 1954
<b>OP</b>	Operating Plant
<b>SMP</b>	Safety Management Plan
<b>PHMP</b>	Principal Hazard Management Plan under s705B
<b>Authorised Activity</b>	Those activities authorised under the P&G Act to be undertaken on a petroleum authority
<b>Authorised Activities OP</b>	Operating Plant as defined under s670 (6) and (7) being all authorised activities on a petroleum authority as a whole

## Executive summary

This document provides a guide of what is operating plant as defined under the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) and how the safety provisions under that Act and safety related provisions under the *Work Health and Safety Act 2011* (WHS Act) and the regulatory agencies interact at the various stages of the operating plant's life.

Operating plant as defined under the P&G Act includes:

1. Specified individual facilities and plant [s670(2)]
2. Places where specified activities occur [s670(5)]
3. Authorised activities as a whole undertaken in petroleum authorities [s670(6)] – “Authorised Activity OP”

The guide describes equipment, places and activities that are specifically related to petroleum and gas (from exploration to end use) as operating plant from the moment commissioning of plant has commenced. The P&G Act is the predominant safety legislation for this plant but generally the WH&S Act applies in the following circumstances:

1. During construction stages of the operating plant
2. For activities relating to Major Hazard Facilities and Hazardous Chemicals
3. For authority authorized activities.

Where both legislative regimes may apply safety matters can still be addressed under one safety management system approach with minimal duplication.

The guide references the two primary safety regulatory agencies as the Petroleum and Gas Inspectorate, Safety and Health of the Department of Natural Resources and Mines (DNRM) and Workplace Health and Safety Queensland of the Department of Justice and Attorney General (DJAG). Where responsibilities overlap between the two departments a lead agency approach has been adopted through the development of a Memorandum of Understanding (MOU).

The guide uses tables as a means of distinguishing the different activities associated with particular operating plant and where agency responsibility rests. The guide works within the terminology and framework of two acts at the time of publication and it is recognised that legislative amendment may be required in the future to provide greater simplification or clarification.

## **1.0 Introduction**

### **1.1 Purpose**

The purpose of this guideline is to:

1. provide guidance as to what activities and plant fall under the definition of Operating Plant under the Petroleum and Gas (*Production and Safety*) Act 2004 (P&G Act) and
2. clarify the jurisdictional application of the P&G Act and the WHS Act in regard to operating plant on petroleum authorities; and
3. clarify safety responsibilities and statutory positions under the P&G Act.

### **1.2 Scope**

These guidelines provide the reader with information that identifies what is operating plant (activities and plant) identified under section 670 of the P&G Act and other relevant sections and how the various safety laws apply to this plant.

The guide relates to the legislation at the time of publication and it is recognised that legislative amendment may be required in the future to provide greater simplification or clarification.

The role of the relevant safety regulators, the Petroleum and Gas Inspectorate of DNRM and the Workplace Health and Safety Queensland (WHSQ) of the DJAG is also addressed.

It should be noted that the information provided is a guide only and anyone involved with operating plant should refer to the P&G Act and/or the WHS Act for a full understanding of their legal requirements. Information can also be obtained by contacting the appropriate agency, DNRM or DJAG or visiting their website for information or access to the relevant Acts.

The guide uses plain English to describe the various aspects of the legislation and tables to help define operating plant types and activities against the applicable legislation.

## **2.0 Background**

### **2.1 Petroleum and Gas (Production and Safety) Act 2004**

The P&G Act was introduced in 2004 to regulate the growing petroleum and gas industries. The Act introduced:

- a performance risk based safety and health management system approach to addressing regulation; and
- introduced the term Operating Plant, which is a legislative label for identifying those facilities and activities that should be subject to safety management plan requirements.

In 2004 the existing mining legislation restricted safety obligations to a mine site which was easily defined with primarily mining related activities occurring on that tenure (mining lease area). Petroleum and gas activities were considered more wide spread, taking place all over the state of Queensland and were not confined to specific “mine” sites such a coal mine.

The introduction of the term operating plant provided for specified petroleum and gas related activities, plant and equipment to be subject to a safety management system approach. This ensured that other activities/plant on a petroleum authority that are non-petroleum related (which could include towns, homesteads and unrelated infrastructure) were not subject to the safety management plan (SMP) obligations required by the P&G Act.

The P&G Act identifies only significant facilities/ plant as individual or standalone operating plant (e.g. wells, drill rigs, pipelines, gas plants) along with the tenure itself to the extent of authorised activities within the boundaries of particular petroleum authorities. The aim of this approach is to ensure that:

- each significant facility or plant has in place its own SMP with an ‘operator’ being responsible for its development, implementation and use.
- each authority to prospect, petroleum licence and pipeline licence has its own overarching SMP covering all the authorised activities within the boundaries of the respective authority, with the person (individual) appointed by the licence holder being recognised as the operator.

The operating plant definition and related sections of the P&G Act have been modified several times to assist in the clarification of what is OP and the jurisdictional application of the P&G and the WHS Acts. It is hoped that this guide further helps in the understanding and management of risk around what is ‘operating plant’.

### **2.2 Work Health and Safety Act 2011**

From 1 January 2012, the *Work Health and Safety Act 2011* (WHS Act) commenced in Queensland to provide a nationally consistent framework to secure the health and safety of workers and workplaces. The Act provided a framework to protect the health, safety and welfare of all persons in the conduct of a business or undertaking and other personnel who might be affected by the business or undertaking.

The WHS Act provides hazard based regulations and Codes of Practice (COP) to direct and guide industry in aspects of maintaining safe and healthy workplaces (i.e. construction regulations and codes of practice for construction, excavation, demolition work).



Codes of practice and other standards used by the WHS legislation have been adopted by the P&G Act so that the same minimum standards are used to ensure safety and health where applicable.

### **2.3 Fundamental principles**

The primary aim of both the P&G Act and the WHS Act is to eliminate or reduce the risk of injury and illness, caused by places of work, to workers and others. It is a requirement of both Acts to reduce risk, so far as reasonably practicable, and to utilise the hierarchy of control in managing risk.

Both Acts require the systematic management of safety;

- a Safety Management Plan (SMP) is required for operating plant under the P&G Act.
- a Safety Management System (SMS) is required for Major Hazard Facilities (MHFs) and certain high risk activities such as asbestos removal under the WHS Act.
- Safe Work Method Statements (SWMSs) are required for construction activities under the WHS Act.

The above documents represent the primary means of ensuring health and safety for workers and other persons. Both sets of legislation may prescribe certain content. Industry needs to ensure whichever system is applied meets the requirements of both sets of legislation.

The two Acts use different terminology and may identify specific obligation holders in achieving this outcome.

Key obligation holders include:

<b>P&amp;G</b>	<b>WHS</b>	<b>Explanatory note</b>
No equivalent	Person conducting a business or undertaking (PCBU)	The PCBU is the key duty holder under the WHS legislation. The PCBU may be an individual or a corporation.
Operator	Operator	The essential difference between the two Acts is that under the P&G Act, the operator must be an individual whereas an operator of a Major Hazard Facility under the WHS Act is the operating entity.
Executive Safety Manager	No equivalent	The P&G Act has designated specific responsibilities for this position. WHS Act relies on the general obligations (duties of care) and does not specify a position or organisational structure for these outcomes.
Site Safety Manager	No equivalent	
No equivalent	Health and Safety Representatives	WHS Act (as in mining legislation) requires worker representation and worker involvement in safety.

This table details only the primary obligation/duty holders. Refer to the respective Acts for additional duty holders.

## **3.0 What is Operating Plant under the P&G Act**

The P&G Act outlines in section 670 what is operating plant. There are essentially three categories of operating plant. These are:

1. Specified individual facilities and plant [s670(2)]
2. Places where specified activities occur [s670(5)]
3. Authorised activities as a whole undertaken in petroleum authorities [s670(6)] – “Authorised Activity OP”

The term operating plant provides a legislative means for ensuring specified plant and activities, relating to petroleum and gas industries are managed appropriately under a safety management system.

Operating Plant may occur or be situated on or off the authorities under the P&G Act, Greenhouse Gas Storage Act 2009 or Geothermal Energy Act 2010. Operating Plant occur across a wide range of industries regulated under those Acts and from a petroleum perspective this is across the life cycle of petroleum and fuel gas, from initial prospecting, producing, transporting through to the use of the end product.

Typically the industries fall into three streams identified simply as upstream, midstream and downstream.

**Appendix 1** outlines the range of operating types by industry type from petroleum and gas upstream to downstream.

### **3.1 Individual Operating Plant facilities [S670 (2)]**

These are plant, equipment, or facilities specified for the petroleum gas, geothermal, GHG industries associated with these plants and facilities. Individual operating plant generally relate to the exploring, production, transportation, processing, storage, delivery or use of petroleum gas, geothermal or GHG.

In general these plants, facilities and activities only become operating plant from the moment commissioning of plant has commenced.

While under construction these individual plant and facilities are not deemed to be operating plant and therefore fall under the regulatory responsibility of WHSQ. Some general exceptions apply to construction and these are covered under section 672 of the P&G Act.

The P&G Act has primary responsibility for all safety and health issues once plant or a facility becomes operating plant, which is once commissioning commences.

Detail regarding operating plant under this category can be found within the appendices at the end of this guide.

### **3.2 Places where specified activities occur [S670 (5)]**

Operating plant is also specified as places where certain activities are carried out. These are generally places that cover larger areas than individual plants or facilities and include wherever the associated activities are carried out.

- (a) LPG delivery networks, where LPG is supplied in fuel gas containers that are owned or provided (not sold) by a person to another person who uses the LPG or someone else who is in the business of distributing LPG;

Examples of an LPG delivery network—

- the filling, storing or delivery of cylinders of LPG to a consumer or to a distributor
  - the bulk delivery of LPG to a container
  - the maintenance of cylinders and storage equipment used for the supply of LPG
- (b) tanker delivery of bulk fuel gas
- (c) facilities where fuel gas cylinders are stored
- (d) activities associated with a geophysical survey undertaken under a data acquisition authority
- (e) underground gasification activities
- (f) other activities prescribed under a regulation and associated with the delivery, storage, transport, treatment or use of petroleum or fuel gas.

### **3.3 Operating Plant that are authorised activities for an authority [S670 (6)]**

An operating plant also includes a combination of those activities identified within the P&G Act as authorised activities. This type of operating plant includes all authorised activities (as a whole) undertaken within particular tenures/authorities.

“Authorised activities OP” relate to those authorised activities where a petroleum authority has been granted (e.g. an authority to prospect, a petroleum licence, a pipeline licence, a data acquisition licence, a water monitoring authority or a survey licence).

Authorised activities under the P&G Act are outlined at the beginning of each tenure section within the Act. These will include the specified activities for the tenure (e.g. for an authority to prospect – exploration and testing) and any incidental activities required to conduct the specified activities (e.g. road and temporary camp construction and use).

What is significant about this type of operating plant (authorised activities OP) is that all these activities are deemed to be operating plant only as a whole, and each activity itself is not operating plant in their own right unless specified as such in S670(2) or (5). The intention is that the operation of these authorised activities OP operating plant should have a single overarching SMP covering all those authorised activities for the authority. This SMP must meet the requirements of s675 of the P&G Act.

Authorised activities OP are considered to be operating (a stage) without going through the stages of construction and or commissioning (see Section 4.0).

The operator for these operating plants is considered as being the person (individual) appointed by the licence holder for the authority or licence area, as the operator.

Both the P&G Act and the WHS Act apply to these authorised activities OP with the lead agency responsibility for particular matters identified through a MOU between the Petroleum and Gas Inspectorate and Workplace Health and Safety Queensland. With regard to authorised activities the P&G inspectorate must address safety issues with the operator appointed for the authority rather than with each individual contractor since these issues are dealt with under their specific SMP. However WHSQ inspectors would address safety issues directly with individual contractors involved, although a duty of care under the WHS Act can be held concurrently by more than one person conducting a business or undertaking who is a contractor.

Detail regarding authorised activities as they relate to specific authorities is provided in **Appendix 2 - Authorised activity OP Types / Jurisdiction**

## 4.0 Stages of OP under Petroleum and Gas (Production and Safety) Act 2004

Section 672 of the P&G Act identifies five possible stages of operating plant. The requirement for the plant or activity to have an SMP relates to these stages (i.e. there must be an SMP before each stage commences). The stages are:

- (a) construction (in limited circumstances)
- (b) commissioning;
- (c) operation;
- (d) maintenance or modification;
- (e) decommissioning;

The P&G Act does not require an operating plant to “transition” through each of the identified stages. In many cases the “operating plant”, whether this is a physical plant or an activity may not have one or more of those stages. For example:

- A well is considered as operating from the point of first spudding because it is a facility used to explore and produce petroleum from that point.
- For authorised activities the commencement/undertaking of the activity would in most cases be considered to be the “operating” stage of the plant. So regardless of the activity, such as construction of a road or a camp or the drilling of a well, the actual “doing” or “undertaking” of the activity would be considered to be the “operating” stage of plant.

The following sections outline these stages in more detail.

### 4.1 Construction

Construction of plant or equipment in s670 (2) is generally considered to be the initial building of the plant, equipment or facility.

Construction of operating plant is only a stage of operating plant under the P&G Act in limited circumstances. These are:

- (i) the process called ‘rigging up and down’ of a drill rig.

Although falling within the definition of construction under the WHS Act, the rigging up and down of a drill rig are excluded from the application of the WHS Act 2011, by virtue of Schedule 1 Part 2 Section 2 (2) (a) and so the P&G Act is the sole legislation to apply in those cases.

Note: the commissioning of an operating plant is also excluded from the WH&S Act by virtue of the same section.

- (ii) the operating plant is being constructed within or part of an existing operating plant

**Example:** an additional gas compressor is being built inside an existing compressor station.

- (iii) the operating plant is being constructed adjacent to existing operating plant and the safety management plan for the plant provides that the plan applies to the construction work.

**Example:** a reverse osmosis plant is being built next door to an operating compressor station and the construction of the reverse osmosis plant is covered by the SMP for the compressor station.

This allows the operator of the existing OP the option of including the work within the existing SMP or if they choose to exclude from the existing SMP the P&G Act would not apply.

In scenarios (ii) and (iii) above, both the P&G Act and the WHS Act apply.

## **4.2 Commissioning**

Commissioning is not defined in the P&G Act. However a definition of commissioning is found within the Workplace Health and Safety Queensland, Managing Risks of Plant in the Workplace – Code of Practice 2013. This Code of Practice is relevant due to section 675(1) (s) and the reference to the code as a safety requirement under the P&G Regulation. Section 3.2 of the Code states:

*‘Commissioning plant involves performing the necessary adjustments, tests and inspections to ensure plant is in full working order to specified requirements before the plant is used. Commissioning includes recommissioning.*

*The person who commissions plant should ensure that:*

- *the commissioning sequence is in accordance with the design specifications*
- *tests, such as dummy runs, are carried out to check that the plant will perform within the design specifications.’*

Following this approach, commissioning is considered the process of ensuring that all systems and components of a facility or plant are installed, inspected and tested according to the operational requirements of the owner or final client. In line with common petroleum and gas industry practice the commencement of commissioning is considered to be:

- For all assets and activities involving the processing, use, storage or transportation of petroleum or gas (e.g. processing facilities, pipelines) commissioning can be considered to start at the point of introducing gas/petroleum to the plant for the first time (for commissioning);
- For non-gas related plant, commissioning can be considered the process of inspections and checks prior to the point of introducing the substance to the plant (i.e. water) or otherwise at the pre start up checks to ensure the OP is safe and operable for use.

For equipment, commissioning often includes the systematic checks prior to the introduction of gas to ensure that all controls, limit devices, interlocks, flame safeguard systems and safety shut off systems function correctly and that they operate in their proper sequence.

The important point here is that the commencement point is clearly defined by the operator and the principal contractor and there is a clear hand over from one system and one set of responsible persons to the other.

**Note:** As noted in section 4.0 an OP may not have a commissioning phase and authorised activities OP is not considered to have a commissioning stage.

## **4.3 Operation**

Operation of operating plant, as it relates to a pipeline or facility, includes the operation of the plant for the purposes of its intended use.

Where there is a commissioning stage, the operations stage commences at the point whereby commissioning has been completed.

#### **4.4 Maintenance or modification**

Maintenance and modification of operating plant includes all those activities that are required to ensure the plant is kept in sound operational use and includes both minor and major repairs, updating to new or changes technology and minor everyday activities associated with the plant (mowing, painting etc).

#### **4.5 Decommissioning**

Decommissioning of operating plant involves those activities required to make the plant non operable and may include degassing of the facility and / or to remove the plant from service in those circumstances where either the plant is no longer safe for use or that the plant is no longer required.

## 5.0 Application of P&G and WHS Acts

### 5.1 Introduction

The principle delineation of the application of the two Acts arises from;

- Schedule 1, Part 2 of the WHS Act, 'Relationship with mining Acts'.
- Section 672 of the P&G Act, 'What is a stage of operating plant'.

In principle there is a minimum level of safety to be applied to all workers in Queensland. For this reason, Chapters 7 and 9 of the WHS Regulation (hazardous chemicals and major hazard facilities) apply to all operating plant. Similarly, the safety requirements for construction activities under the WHS legislation also apply.

Except for the above, the WHS Act does not apply to individual s670 (2) and (5) operating plant on petroleum authorities, GHG authorities and geothermal tenures. For these plants the P&G Act solely applies once the facility or activity is operating plant in one of its specified stages under section 672.

However the exclusion of the WHS Act does not apply to authorised activities OP. Thus all authorised activities on the authority that are not "individual" operating plant in their own right under section s670 (2) and (5) are subject to the WHS Act.

So what does this mean in practice? For the authorised activities OP, the operator of that OP will need to make and implement a SMP. It is the expectation that the tenure operator will have an overarching SMP (or a mapping document) under the P&G Act for all the authorised activities on the authority. This SMP or mapping document may reference specialised SMP parts for particular activities and significant individual OP. Of particular importance will be managing the interaction of those activities, the different OP and the contractors and identifying the risks that arise, establishing controls and identifying safety responsibilities. The WHS Act will also apply to the non "individual" operating plant within the authority - this might be camps, transport movements and construction activities outside the scope of "individual" operating plant. Further detail on this is provided in **Appendix 2**.

For operating plant outside of authorities, the jurisdictional requirements are simpler. Essentially both Acts may apply if they have application to the situation. Thus at a workplace where the WHS Act applies and it is also operating plant (e.g. a gas fired power station that is major consumer under the P&G Act) both legislative requirements will apply. If there is cause for a regulator to visit, the regulator will focus on elements specific to their Act. Where there is overlap, a case management approach will be adopted between the regulators.

As the SMP under the P&G Act does not need to be a separate document this can be easily accommodated in the company's existing safety system which may cover all aspects and activities at the site including any WHS Act requirements. Further the SMP requirements under s675(1)(s) are such that codes and standards required under the WHS legislation need to be addressed in the P&G SMP in any case. There is no need for separate documents or systems. Just ensure the company's safety systems meet the obligations of both Acts.

Table 1 details the separation and overlap of jurisdictional responsibility during the stages of operating plant.



**Table 1**

OP Stages	Primary Jurisdiction		Exceptions
	P&G	WHSQ	
Construction			1. Jurisdiction exists under both Acts by virtue of construction being defined as an authorised activity under: <ol style="list-style-type: none"> <li>A pipeline licence (s401, P&amp;G Act)</li> <li>A facility licence (s441, P&amp;G Act)</li> <li>A petroleum pipeline in the area of the petroleum lease (s110)</li> </ol> 2. Where OP is being constructed within or adjacent to existing OP and the work is covered by the existing OP'S SMP.
Commissioning			WHSQ is the primary regulator for: <ul style="list-style-type: none"> <li>Major hazard facilities</li> <li>Issues relating to hazardous chemicals</li> </ul>
Operation			
Maintenance or modification			
Decommissioning			

**Note: Further detail in regard to OP under s670 (2) and (5) is provided in the attached appendices.**

## **5.2 Legislative context**

Safety legislation in Queensland are the laws that government has put in place to make sure that as far as possible people who are at particular workplaces are not put at risk of injury or ill health effects and are able to return home in the same condition that they first went to work.

As previously discussed the two primary pieces of safety legislation covered by this guide include Work Health and Safety and Petroleum and Gas legislation.

Work Health and Safety legislation applies to most workplaces in Queensland apart from certain industries detailed in schedule 1 of the WHS Act. It applies to certain areas covered by the P&G Act as detailed above.

All safety legislation like other legislation is broken down into two key areas:

### 1. An Act

- The *Work Health and Safety Act 2011*; and
- The *Petroleum and Gas (Production and Safety) Act 2004*

An act is an overarching piece of safety legislation that outlines the higher level requirements for identified people. These requirements include the obligations of persons relating to safety and health at the workplace, the role of inspectors, health and safety representatives, committees etc. An act also details court provisions including penalties when the Act has not been complied with.

### 2. Subordinate legislation

The subordinate legislation that supports the Act are Regulations and Codes of Practice made under the legislation.

The regulations set out specific requirements as they relate to identified risks and a person must address the risk in the way the regulation states. (e.g. specific requirements for plant).

Codes of practice provide practicable ways of managing risks in identified areas (i.e. falls from height). Codes of practice set the minimum standard for managing risk for the circumstances for which the code relates and can be used as evidence in court proceedings. Where a code of practice is in place it either must be followed or a way that is proven to provide the same or greater level of protection must be used.

Codes of practice further refer to relevant standards (Australian Standards) that should be considered / used in order to manage risk to as low as reasonably practicable.

Sections of the guide above have already detailed areas of application between the two primary Acts as they relate to OP. Joint responsibility between WHSQ and the P&G Inspectorate is achieved by the:

1. WHS Act detailing its application to areas covered by the P&G Act (as covered by this guide); and
2. P&G Act by virtue of section 675(1) (s) giving application to Codes of Practice under WHS legislation.

The P&G Act requires operators to use WHS Codes of Practice and standards when carrying out their formal assessment of risks to develop a SMP for OP.

Areas where both the WHS Act and the P&G Act apply are managed through a lead agency approach, documented within a Memorandum of Understanding between the two agencies.

### **5.3 Applications on mining tenements**

Increasingly CSG operations are occurring on land that is utilised for the purposes of coal mining operations. In regard to those facilities or pipelines that are, part of a coal mining operation or an on-site activity under the *Coal Mining Safety and Health Act 2001* the facility or pipeline is an operating plant only if—

- (a) it is used to explore for, extract, produce, process, release or transport coal seam gas (the activity); and
- (b) either—
  - (i) the activity is carried out under a mineral hydrocarbon mining lease; or
  - (ii) the person who holds the mining lease, the area of which includes the area on which the activity is carried out, also holds a petroleum lease the area of which includes the area.

In the circumstances identified above an operating plant is deemed to be a ***coal mining-CSG operating plant***.

**Note:** The WHS Act does not apply to mining tenements (refer to schedule 1 Part 2 of the WHS Act).

## **5.4 Application on Major Hazard Facilities (MHF)**

A major hazard facility under the WHS Act is a facility at which specific chemicals (listed under schedule 15 of the WHS Regulation) are present or are likely to be present in quantities that exceed regulated quantities (threshold quantity); or a facility that is otherwise determined by the regulator under part 9.2 of the WHS Regulation to be a MHF.

For petroleum and gas operations, chemicals at a MHF typically include LP Gas, and/or methane, and may include chlorine (threshold 20t) for water treatment and ammonia for refrigeration (threshold 200t).

Industry must notify WHSQ of a site as a potential MHF if they exceed 10% of threshold quantities on the site. (See the Safe Work Australia MHF Guide: “Notification and Determination” for guidance.) This allows WHSQ to determine the facility as a MHF if there is a potential for a major incident to occur.

Major Hazard Facilities must submit a license application with a safety case. The safety case must demonstrate that the safety management system for the site will control the risk of a major incident. In general, the facility should be licensed before commissioning and must be before exceeding threshold quantities.

The safety case coverage should be confirmed with WHSQ, but usually extends from the first isolation valve (or gas gate) at or near the facility boundary to any product exit point such as the loading arm at a wharf/loading dock.

WHSQ leads the regulation of these facilities, with assistance from P&G. P&G regulate pipelines going to and from the MHF site.

While it is possible that gas and petroleum pipelines which contain hazardous chemicals above the Schedule 15 threshold could be considered to be MHFs, this is not the intention of the legislation. This will be dealt with administratively by WHSQ to ensure pipelines carrying gas or petroleum are not designated as MHFs. Any overlap with the P&G jurisdiction can be dealt with jointly through the MHF safety management system.

Section 670 (3) of the P7G Act states:

MHFs, where class 2.1 gases are stored and would otherwise be operating plant are still primarily dealt with under the WHS Act.

*“however, if a facility has, under a regulation under the Work Health and Safety Act 2011, been classified as a major hazard facility, it is operating plant only to the extent to which that Act does not apply to the facility”.*

In practice this means the site will be dealt with as an MHF and comply with the WHS Regulation. The P&G Act would only apply where the WHS Regulation does not. It may not apply because:

- The MHF covers only part of the operating plant site (not normally the case as the MHF site will typically encompass all plant and equipment at the facility.)
- The WHS Regulation does not address a feature/requirement (including a standard) that is covered under the P&G Act (from a safety case v SMP content requirement there are minimal differences; any differences/additions should be dealt with under the safety case)

Other specific requirements for non-operating plant under the P&G Act would still need to be dealt with by the safety case such as:

- Type A and B appliances standards and regulations and approvals

- Installation, maintenance and repair requirements (including design, installation and operation standards and regulations) of LP Gas and natural gas systems (i.e. valves, injectors, pipework, compressors etc)
- Decanting of LP gas or natural gas into bulk tankers (only to the extent that issues relate to the tanker itself)

Mandatory standard requirements relating to pipelines include AS 2885 and are subject to a robust regime under the P&G Act.

## **5.5 Hazardous chemicals**

Hazardous chemicals are used in a wide range of workplaces including those in the petroleum and gas industry. WHS regulations covering hazardous chemicals including class 2.1 gases apply to all operating plant and associated activities.

Specific obligations include:

- Labeling
- Safety data sheets
- Safe storage and handling of hazardous chemicals

These requirements under the WHS Regulation can essentially be incorporated into the company's SMP. Note: if there are any inconsistencies in part 7.1 of the WHS Regulation on hazardous chemicals and the P&G Act, the PG Act prevails. None have been identified at the time of publication of this document.

Any facility that exceeds manifest quantity thresholds as defined in Schedule 11 of the WHS Regulation (eg 5000L of flammable gas) must notify WHSQ. The notification includes the manifest and the emergency plan which is checked by WHSQ and shared with emergency services. This is a one-off notification unless quantities increase.

## **5.6 Plant and equipment**

Long term safety of operating plant relies on the design, integrity and maintenance of the plant and equipment. Where both the WHS Act and the P&G Act apply, the P&G Act prevails over the WHS Act where it has application to the matter [see schedule 1, Part 2 (3)].

The WHS Act states:

***Schedule 1, Part 2 (3) Relationship with P&G Act relating to design or manufacture of operating plant***

*(1) This section applies if—*

- (a) this Act, in the absence of this section, would have application to a matter, relating to the design or construction of proposed operating plant under the P&G Act, that impacts on the integrity or safe use of the plant; and*
- (b) the P&G Act also has application to the matter.*

*(2) This Act does not have application to the matter to the extent that the P&G Act has application to the matter.*

Where both Acts apply and there is no equivalent provision in the P&G Act, such as construction, industry should check the WHS Regulation to determine if design registration is required and complete the required verification processes.

For operating plant under the P&G Act, s696 and 697, design and installation approval and certification requirements apply. The maintenance and inspection provisions in the WHS Regulation 2011 do not apply to a stage of operating plant. However, the WHS, “Managing Risks of Plant in the Workplace Code of Practice 2013” is a recognised code and details a known way of meeting safety obligations relating to plant. Under s670(1) (s), the OP SMP should detail how that code is adopted. Industry may *choose* to follow item registration processes under the WHS Regulation to demonstrate compliance with safety obligations or those under the P&G Act.

## **5.7 Application of both Acts to construction work**

Under the WHS Regulation, a Principal Contractor (PC) is required to be appointed for construction work valued at \$250,000 and above. The duties of a PC include:

- signage identifying principal contractor
- securing the construction site against unauthorised access so far as is reasonably practicable
- preparation of the work health and safety (WHS) management plan (includes site rules)
  - duty to inform all persons of plan before they commence
  - duty to review – must remain up-to-date
  - must obtain safe work method statement (SWMS) before high risk construction work commence
  - put in place arrangements for ensuring compliance with specified requirements such as facilities and amenities
  - manage risks associated with construction materials and waste, plant, traffic and essential services.

The PC has a responsibility to consult, coordinate and cooperate with other duty holders on site to ensure that risks to health and safety are managed. This is an equal duty between the parties and must be carried out prior to and during the work.

In a situation where a PC is performing construction work on a petroleum authority, the PC duty to consult, coordinate and cooperate with other duty holders could extend to a site safety manager to the extent that the activities performed on the authority impose, or are likely to impose, a risk to health and safety on the construction site.

## **5.8 Incident reporting to the P&G Inspectorate and WHSQ**

Both the P&G Act and the WHS Act require certain incidents to be reported to the respective regulators (government departments). Reportable incidents are prescribed under:

- *Schedule 2 – Prescribed Incidents, Petroleum and Gas (Production and Safety) Regulation 2004*

The Petroleum and Gas (Production and Safety) Regulation 2004 sets out what sort of incidents are notifiable to the Chief Inspector. An incident is notifiable if it occurs at or on an operating plant and relates to a circumstance prescribed in schedule 2 of the regulations. The operator of the relevant operating plant must ensure that the Chief Inspector is notified in the manner prescribed by the regulation.

The operator of the operating plant at which a prescribed incident has occurred must ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed, unless it is for a prescribed reason, until approval is given by an inspector. The site includes any plant, substance, structure or thing associated with the prescribed incident.

**Appendix 22** provides detail of what is a prescribed incident under the *Petroleum and Gas (Production and Safety) Act 2004*.

- *Work Health and Safety Act: Part 3 – Incident Notification*

The Work Health and Safety Act 2011 sets out what sort of incidents are notifiable to WHSQ. An incident is notifiable if it arises out of the conduct of a business or undertaking and results in the death, serious injury or serious illness of a person or involves a dangerous incident. A person conducting a business or undertaking must ensure that the regulator is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.

The person with management or control of a workplace at which a notifiable incident has occurred must ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed, unless it is for a prescribed reason, until an inspector arrives at the site. The site includes any plant, substance, structure or thing associated with the notifiable incident.

Major hazard facilities (MHFs) operators must comply with the incident reporting requirements under the WHS Act *and* must inform the regulator of any change to a material particular. A material particular is a factor that was or should be considered when assessing safety and the ability of the operator to safely and competently operate the facility when making licensing decisions.

**Appendix 23** provides detail of what is a notifiable incident under the Work Health and Safety Act 2011.

In the event of an incident occurring, industry must follow their statutory obligations as above which where both Acts apply would mean they are required to notify both the P&G Inspectorate and WHSQ. If there is any doubt about which Act applies it is recommended that a cautious approach is taken and both agencies are notified.

On notification the lead regulator will decide who holds primary responsibility, depending on the nature and location of the incident or complaint, and the relevant breach of the relevant legislation.

WHSQ does not need to be notified of any incident associated with a producing petroleum well, a drilling rig or work-over rig that does not involve hazardous chemicals other than petroleum.

P&G does not need to be notified about any incident not covered by the P&G Act.

**Appendices 2** through to **17** provide the reader with an overview of types of operating plant and activities relating to specific industries and/or operating plant. The tables within these appendices identify where jurisdiction rests. Where an overlap of responsibility exists and the incident meets the reporting requirements of both the P&G Regulations and the WHS Act, the responsible person will be required to report the matter to both agencies.

This is an area planned for further refinement and future clarification to remove duplication.

## **5.9 Memorandum of Understanding**

Memorandums of Understanding (MOU) have been adopted by many government agencies as a means of identifying areas of joint jurisdiction and implementing administrative arrangements to manage shared areas of responsibility. Up-to-date, comprehensive MOUs are essential for the effective interaction of the regulatory agencies.

The purpose of the MOU between the Department of Natural Resources and Mines **and** the Department of Justice and Attorney General is:

- to establish collaborative arrangements between relevant Queensland Government agencies with responsibility for operating plant; and
- to communicate the collaborative arrangements to the petroleum and gas industry and the Queensland community to ensure understanding of the whole of Queensland Government approach to operating plant.

The Petroleum and Gas Inspectorate and Workplace Health and Safety Queensland (WHSQ) manage those areas of overlapping jurisdictional responsibility relating to operating plant through the development and use of the MOU. Although neither agency can neglect their jurisdictional responsibilities under their respective Acts, the MOU provides for a lead agency approach for particular aspects of regulatory investigations and/or compliance.

In general terms the MOU defers lead agency responsibility as follows:

1. For individual OP [s670 (2) and (5)] on a petroleum tenure P&G Inspectorate is the lead agency
2. Where equipment, systems or associated activities are authorised activities on an Authorised activity OP and are not individual OP as in 1 above, WHSQ is recognised as the lead agency for investigations and other compliance activities.
3. Where petroleum and gas related equipment, systems or associated activities are used/undertaken either involving a stage of operating plant or at non-operating plant or where they relate to the integrity of plant and equipment proposed to be operating plant, the P&G Inspectorate is recognised as the lead agency for investigations and other compliance activities
4. Where the site may contain petroleum and gas equipment or plant (not operating plant e.g. a small gas fire power station or a gas fired industrial burner) and the issue relates to non-petroleum and gas equipment or plant, WHSQ is recognised as the lead agency for investigations and other compliance activities.
5. Where work is undertaken to construct operating plant (other than the exemptions provided) WHSQ is recognised as the lead agency for investigations and other compliance activities
6. For major hazard facilities WHSQ is lead agency.

**Note:** The MOU does not limit the powers of an inspector under either Act where hazards have been identified. In some cases it would be unrealistic to refer a matter onto the other jurisdiction for actioning.

## **Example application of the MOU:**

### *1. A petroleum pipeline is being constructed under a pipeline licence issued under the P&G Act.*

Both the WHS Act and the P&G Act have application in that:

- Section 670(2) (d) defines a pipeline as OP, however s672 (1) excludes construction as a stage of OP.
- the construction of a pipeline is an authorised activity (Chapter 4, Part 2 subdivision 3, section 401 of the P&G Act)
- Schedule 1, Part 2, of the WHS Act provides that:
  - The WHS Act applies to specified P&G Act authorised activities (s2(1)(c))
  - The WHS Act applies to construction work for OP under the P&G Act, unless the work is commissioning of OP

During such construction activity, WHSQ has lead responsibility for investigation and compliance with safety and health matters, and that P&G has responsibility for pipeline construction standard matters relating to construction integrity standards etc.

A P&G inspector is on site carrying out inspections related to construction standard issues against AS 2885. While on site the inspector observes workers working under suspended loads (i.e. the pipeline as it is lifted into the open trench). This practice places the workers at imminent risk of injury or death.

In this scenario: Although an MOU may determine WHSQ as the lead agency responsible for investigations, complaints and auditing during construction activities, the P&G inspector maintains jurisdiction responsibility to enforce compliance with safety requirements, which should be covered under the SMP for the pipeline licence. Under s675 (1) (s) the SMP must use the WHSQ Mobile Crane COP 2006, or a way that provides an equal or better management of the risk. In this case the P&G inspector must address the safety issue identified, and it may be the case that the matter is referred to WHSQ for consideration of further investigation or other compliance measures.

Further, the P&G Inspectorate maintains responsibility for the safety requirements covered by AS 2885. For example: threat analysis, route analysis and risk controls.

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### *2. An incident occurs at a MHF involving LPG.*

Both the WHS Act and the P&G Act have application.

The incident must be notified to WHSQ and P&G. (If the incident did not involve LPG, only WHSQ would need to be notified).

WHSQ will lead any investigation or compliance activity. P&G will be consulted.

### *3. An incident occurs at a workplace other than an MHF involving LPG.*

Both the WHS Act and the P&G Act have application.

The incident must be notified to WHSQ and P&G

The lead agency will be determined based on the specifics of the incident but if it involves petroleum and gas plant or equipment P&G would generally lead.



## **6.0 Obligations under P&G Act**

Chapter 9 of the P&G Act provides the legislative provisions for safety requirements in regard to the petroleum and gas industry. The chapter identifies what operating plant is, any requirements for operating plant and obligations (responsibilities) of key persons to ensure a level of risk is as low as reasonably practicable.

Obligations are legal requirements placed on a person or entity, identified within a relevant Act or Regulation. These obligations must by law be carried out by the person or entity as the Act or Regulation states.

### **6.1 Safety Management Plans**

The critical obligation for operating plant is that safety is managed by the development and implementation of a safety management plan (SMP). A SMP is required under s674 of the P&G Act is to be developed, implemented and maintained by the operator of the OP and must address each stage of the operating plant.

The SMP is an auditable document and must be made available for use and inspection. This is generally at the place where the operating plant is being used, however if due to the nature, size or type of operating plant this is not practicable then the SMP may be kept at another place where it can be available for inspection. The SMP is used by:

- The operator to manage safe operations in regard to the specific operating plant
- Workers at the operating plant to guide how work is to be conducted safely
- The P&G Inspectorate in order to audit OP activities against the requirements of the P&G Act.

Importantly, work on any stage of operating plant cannot start without the SMP having been developed and implemented. Section 675 of the P&G Act outlines what must be included in the SMP and the content must be address all relevant matters outlined. The Department's SafeOP for petroleum and gas provides more detail and guidance in regard to the requirements. SafeOP can be found on the DNRM website at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au) .

Key to the development of the safety management plan is the requirement to undertake a formal assessment of risk in regard to the operating plant. This process requires the operator to:

1. Identify hazards related to the plant and its activities
2. Assess the risks associated with all the identified hazards; and
3. Implement controls to manage the risks identified.

Section 675 (1) (s) refers to the use of Codes of Practice (COP) and other relevant standards under the WHS Act. Other standards and safety requirements are listed in schedule 1 of the Petroleum and Gas (Production and Safety) Regulation 2004, and as referred to within those relevant Codes of Practice.

Where there is proposed to be, or is likely to be, interaction with other operating plant or contractors in the same vicinity, or if there are multiple operating plant with different operators on the same petroleum tenure the SMP must include:

- (i) a description of the proposed or likely interactions, and how they will be managed; and

- (ii) an identification of the specific risks that may arise as a result of the proposed or likely interactions, and how the risks will be controlled; and
- (iii) An identification of the safety responsibilities of each operator.

These interactions should be consistent across the various SMPs involved and are generally managed through the development of a joint bridging document agreed to between the parties. This bridging document becomes a component of the SMP addressing s675(1)(f).

## **6.2 Key statutory positions**

The three key positions under the act are:

1. the Operator of operating plant
2. the Executive Safety Manager of an operating plant
3. the Site Safety Manager

It is also recognised that as the P&G Act relates to OP there are other persons who have obligations placed upon them under the Act. These persons include:

1. Each person at an operating plant
2. Designers, importers, manufacturers and suppliers of operating plant
3. Installers of operating plant
4. Owners of operating plant

### **6.2.1 Operator of an operating plant**

For a “coal mining-CSG operating plant” the operator is defined as the individual person who holds the position of site senior executive.

For other OP it is the Department’s view that the operator is the individual who is responsible for the management and safe operation of the operating plant. Typically this would be a senior person in the operation such as the operations manager.

Examples of who is an operator of operating plant:

- For authorised activities OP jointly under s670 (6) (a), the operator is a person appointed by the authority holder.
- The operator of a drilling rig is the operations manager or another senior officer of the drilling company that is operating the drilling rig (not the person employed as the driller or rig manager)
- The operator of the tanker delivery bulk LPG business is the manager of the delivery operation (not the person employed as the tanker driver).

The P&G Act prescribes particular obligations for the operator which must be complied with. One important obligation is the obligation to restrict access to an incident site, following a reportable incident. Specifically this obligation requires that:

Where an incident that is a prescribed incident (described in **Appendix 22**) occurs at an operating plant the operator of operating plant has statutory requirements under s707 of the P&G Act in regard to the incident site. These requirements include taking action reasonably necessary to:

- a. restrict access to the site at which the incident has or is happening
- b. protect anything at the site from being tampered with.

Note: This may require erecting barriers or signs prohibiting or preventing unauthorised entry to the site.

In addition where an inspector believes it is necessary he/she may take action or direct the operator to take any action they believe is reasonably necessary to restrict access to the incident site or to prevent tampering with anything at the site. Where such a direction is given by an inspector the operator must comply with the direction.

Persons, other than an inspector or a person authorised by an inspector, at the OP at the time of or following an incident must not enter, or if in the site of the incident, remain in the site unless the person is required to be there to save a life or to prevent further injury.

All persons, other than an inspector, on the site of an incident must take all reasonable steps to minimise disturbance of the site.

Establishing the safety of the persons at the site and safely controlling any incident of course takes priority.

Further obligations for the operator are outlined in **Appendix 18**.

### **6.2.2 Executive Safety Manager (ESM)**

The Executive Safety Manager (ESM) definition is detailed in section 687 of the P&G Act and identifies the ESM as:

- For coal mining-CSG operating plant, the executive safety manager is the site senior executive appointed under the *Coal Mining Safety and Health Act*.
- Otherwise, the executive safety manager is the senior managing officer of the corporation or organisation responsible for the management and safe operation of the operating plant.

Essentially this means the CEO (however called) of the corporation operating plant entity in Australia responsible for managing the operating plant.

The P&G Act prescribes particular obligations for the executive safety manager which must be complied with. These obligations are outlined in **Appendix 19**.

### **6.2.3 Site Safety Manager (SSM)**

The definition of a Site Safety Manager (SSM) is detailed under section 692 the P&G Act and identifies the SSM as:

- a person appointed as the SSM by the operator of the operating plant; or
- If no person/s has been appointed as the SSM for a site at an operating plant, the operator of the plant is the SSM for the site.

An SSM is required for an operating plant when:

- the SMP for the operating plant requires one; or

- the Chief Inspector gives a direction to the operator to appoint one or more appropriately qualified person/s for a designated area or stated activity. A direction by the chief inspector will state a reasonable timeframe for such appointments.

It is expected that SSM's are appointed at all plants where multiple persons work on a regular basis, and that SSMs are able to discharge their duties at those sites at all times. This means that generally SSM would be appointed for each shift at operations and that the SSM works at the plant site. If companies don't appoint persons in the SMP in accordance with this approach it is highly likely the Chief Inspector will direct them too.

The P&G Act prescribes particular obligations for the site safety manager which must be complied with. These obligations are outlined in **Appendix 20**.

### **6.3 Notification of commencement requirements**

Before operating plant is commissioned or otherwise operated the operator must ensure that the chief inspector is given written notice of the commissioning or operation of the plant within 20 business days before the commissioning or operation of the plant.

To clarify this requirement, the Chief Inspector has recommended that commissioning notices must be given **at least 20 business days in advance** of commissioning or operation of the plant.

This requirement only applies to new operating plant commissioned or operated in Queensland for the first time. Where commissioning does not constitute a stage of operating plant this requirement would relate to the plant being first operated (for a drill rig before it is "rigged up"). There is no requirement to notify the chief inspector if the rig moves in and out of Queensland, as long as the initial notification has been conducted.

For wells the department does not require a notice for every well given there is already notice of intention to drill requirements. The preferred approach for production wells is to notify of the commencement of a well program or field development with the number and anticipated timeline of the well spudding and completion.

For "authorised activities OP" which do not have a commissioning stage, the written notice in relation to the plant being "operated" should be provided 20 days before the commencement of the first authorised activity on the Authority.

### **6.4 Who is a pipeline licence holder?**

A pipeline licence holder is a person (individual or corporation) who is granted a pipeline licence under s 410, continued under s 481 or renewed under s 482 of the P&G Act.

### **6.5 Safety and Health obligations for pipeline licences**

The P&G Act places safety and health obligations (legislative requirements) on pipeline licence holders over and above those that relate to when the pipeline becomes operating plant.

- a. A pipeline licence holder must give the chief inspector notice of the holder's intention to start construction of the pipeline the subject of the licence at least 20 business days before the construction starts.

(does not apply to the holder of a pipeline licence if the pipeline to be constructed is for transporting produced water)

**Note:** if the licence is an area pipeline licence, the above only applies for each initial pipeline mentioned in the licence.

The day stated for construction to start may be stated as the day the applicant becomes the holder of the licence.

- b. Where the construction of a pipeline under an area pipeline licence is completed or a pipeline the subject of a point-to-point pipeline licence is completed the licence holder must, within the relevant period, lodge a notice of completion of the pipeline.
- c. The holder of a pipeline licence must, after the pipeline has been constructed, operate it in a way that ensures its continuing capacity to safely and reliably transport:
  - petroleum, fuel gas or produced water; and
  - if, under section 402, the right to operate the pipeline is extended to include another substance—the other substance.
- d. It is a condition of a pipeline licence that the pipeline not remain unused for a continuous period of more than 3 years, unless the Minister otherwise agrees.

## **7.0 Duties under the WHS Act**

### **7.1 Duties of a person conducting a business or undertaking (PCBU)**

The work health and safety (WHS) laws require a person conducting a business or undertaking (PCBU) to ensure, so far as is reasonably practicable, the health and safety of their workers while at work in the business or undertaking. This includes:

- the provision and maintenance of a work environment without risks to health and safety
- the provision and maintenance of safe plant and structures
- the provision and maintenance of safe systems of work
- the safe use, handling, storage and transport of plant, structures and substances
- the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities
- the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking
- that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

If a worker occupies accommodation owned by or under the management and control of the PCBU because other accommodation is not reasonably available, the PCBU must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.

### **7.2 Other duty holders who are persons conducting a business or undertaking are:**

- persons with management or control of a workplace
- persons with management or control of fixtures, fittings or plant at a workplace
- designers of plant, substances or structures
- manufacturers of plant, substances or structures
- importers of plant, substances or structures
- suppliers of plant, substances or structures
- persons who install, construct or commission plant or structures.

### **7.3 Officers**

An officer has a duty to exercise [due diligence](#) to ensure that their organisation complies with the WHS laws. An officer can be found guilty of an offence regardless of whether the organisation has been found guilty.

In particular, the WHS laws impose a specific duty on officers of corporations and unincorporated bodies such as clubs and associations to exercise due diligence to ensure that the corporation, club or association meets its work health and safety obligations. This requires officers to be proactive in ensuring that the corporation, club or association complies with its duties.

## **7.4 Workers**

'Workers' includes any person who carries out work, in any capacity, for a person conducting a business or undertaking. Workers must:

- take reasonable care for their own health and safety
- take reasonable care that their conduct does not adversely affect the health and safety of others
- comply, so far as they are reasonably able with instructions
- cooperate with reasonable health and safety policies or procedures that have been notified to workers.

## **7.5 Other persons at the workplace**

A person at a workplace, whether or not the person has another duty under this part must:

- take reasonable care for his or her own health and safety
- take reasonable care the his or her acts or omissions do not adversely affect the health and safety of other persons
- comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking

## Appendix 1 - Types of Operating Plant by stream classification

### Types of operating plant, identified under stream classifications

Industry Category	Description	Act ref
<b>Petroleum and Gas Upstream</b>		
<b>Geological survey</b>	<p>A place where geophysical survey for exploration, processing or producing petroleum is conducted on a petroleum authority</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• seismic operations,</li> <li>• wire line logging,</li> <li>• other geophysical surveys</li> </ul>	s670(5) (d)
<b>Petroleum wells</b>	<p>A well is a hole in the ground made or being made by drilling, boring or any other means to explore for or produce petroleum.</p> <p><b>Note:</b> a well used to inject, store and subsequently retrieve petroleum into and from an underground reservoir are also considered to fall under this section.</p> <p>The “well” facility is considered to include all equipment both:</p> <ul style="list-style-type: none"> <li>• in ground (e.g. casing, production tubing); and</li> <li>• above ground such as the well head and all associated equipment needed to produce or inject to and from the well (e.g. separators, pumps, well head engines to drive pumps, flares etc)</li> </ul> <p>Petroleum wells that are intended to be or are converted to a water observation or water injection bore continue to be operating plant (as an authorised activity) until the well no longer is used by the licence holder for purposes ancillary to the exploration or production of petroleum. i.e: the well has been handed over to a property owner for use.</p>	S670(2) (a)
<b>Drilling related activities</b>	<p>These include those facilities used for drilling, completing, servicing or maintaining a petroleum wells.</p> <p>This includes drill rigs and service rigs/cranes and all associated equipment at the drill pad (drill lease area) needed to drill or maintain equipment on the petroleum well and include completion, servicing, maintenance, alteration plugging and abandoning.</p> <p>It would include facilities used for well stimulation (fracking), cementing and other processes required for the well completion/operation.</p>	S670(2) (a)
<b>Gathering networks</b>	<p>Gathering networks include the infrastructure used to produce/process gas as they interconnect the well producing the petroleum (gas, oil), to a processing plant (separation, compression and dehydration).</p> <p>Gathering networks may also fall under the definition of a pipeline.</p>	S670(2) (a) S670(2) (d)
<b>Processing plants including: compressor stations</b>	<p>Processing plants include all petroleum facilities (oil, gas) including water separation plant, dehydration plant, compression plant and the flaring of petroleum.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• storage depots</li> <li>• oil refineries</li> </ul>	S670(2)(e) S670(2)(b)



	<ul style="list-style-type: none"> <li>LPG separation plants</li> <li>petroleum processing plants.</li> </ul>	
<b>Water Treatment Plants</b>	<p>Facilities that are used to take, interfere with or treat water associated with the exploration, production or processing of petroleum.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>facilities that extract water from a well</li> <li>store, deliver or transport water by a gathering network, pipe, tank or vessel</li> <li>treatment facilities such a reverse osmosis plants.</li> <li>Evaporation ponds</li> </ul>	S670(2)(b)
<b>Bio Gas / Landfill Facilities</b>	<p>These facilities include both landfill sites and those sites where gas is produced from other waste material (i.e. animal excrement).</p> <p>Facilities may produce gas for sale, for example for vehicle use, or to provide fuel in order to operate plant or equipment at the site where the gas is produced.</p> <p>Where the produced gas is used at the facility – the facility will also fall under the downstream category.</p>	670(2)(a) 670(2)(c)
<b>Major Hazard Facilities - Work Health and Safety laws</b>		
<b>Major Hazard Facilities</b>	<ul style="list-style-type: none"> <li>all MHFs to be licensed:</li> <li>facilities with greater than 10 per cent of Schedule 15 chemicals must notify the regulator and be subject to an inquiry process to determine whether they should be an MHF</li> <li>an operator of a Major Hazard Facility to identify security arrangements to prevent unauthorised access as part of their safety case regime and inform and consult with: <ul style="list-style-type: none"> <li>the local council and local community both generally about their operations and in the event of a major incident</li> <li>the Queensland Fire and Rescue Service in relation to the preparation and review of emergency plans.</li> </ul> </li> </ul>	Part 7.1 Hazardous Chemicals; Part 9 MHFs; Schedule 15 of the Work Health and Safety Regulation 2011 (WHS Regulation)
<b>Petroleum and gas Midstream</b>		
<b>Transmission pipelines</b>	<p>Includes those pipelines operated, or to be operated, for the purpose of transporting petroleum directly to a market after it has been processed, whether or not it is subsequently processed or reprocessed</p> <p>The transmission pipeline includes all ancillary equipment necessary for the operation of the pipeline including:</p> <ul style="list-style-type: none"> <li>metering stations</li> <li>pig launchers</li> <li>compressor stations</li> <li>gate stations</li> <li>SCADA data control and collection,</li> <li>cathodic protection, signage,</li> </ul>	670(2)(d)
<b>Distribution pipeline</b>	<p>Includes those pipelines that transport fuel gas:</p> <ul style="list-style-type: none"> <li>as part of a reticulation system within a fuel gas market</li> <li>a single point to point pipeline to a specific commercial or industrial facility (that is not a transmission pipeline).</li> </ul>	670(2)(e)

	<p>Examples:</p> <ul style="list-style-type: none"> <li>• a pipeline delivering gas as a fuel source direct from a well to an industrial factory.</li> <li>• part of a gas reticulation system (i.e. from a gate station to the reticulation network).</li> </ul> <p>The distribution pipeline generally includes:</p> <ul style="list-style-type: none"> <li>• billing meters</li> <li>• district and metering regulators</li> <li>• siphon points</li> <li>• filters</li> <li>• metering bypass connections</li> <li>• first and second stage regulators</li> <li>• relief valves</li> <li>• area isolation valves (path valves).</li> </ul>	
<b>Distribution system</b>	<p>A distribution system is also known as a reticulation network.</p> <p>This includes a network of pipes supplying gas to numerous locations (to more than one customer). Gas is supplied to a metre (point of sale) to either domestic, commercial or an industrial property.</p> <p>This could include multi tenanted complexes including:</p> <ul style="list-style-type: none"> <li>• a natural gas/LPG reticulation network supplying domestic or commercial properties</li> <li>• reticulation pipe work supplying shopping centres, hospitals sporting stadiums etc.</li> </ul> <p>Reticulation networks cease before the outlet of a consumer meter.</p> <p>A distribution system does not include the outlet connection of a meter or cylinder intended for one premises (domestic property, commercial food outlet), nor is it interconnected piping supply to more than one appliance at a single domestic, commercial or industrial gas installation.</p>	670(2)(f)
<b>Petroleum and Gas Downstream</b>		
<b>LPG Delivery Networks</b>	<p>The supply of LPG in fuel gas containers that are owned or provided (other than being sold) by a person (a product supplier) to a consumer or another person in the business of distributing LPG. This includes any part of supply, or an activity incidental to the supply, that is carried out by an agent of the product supplier.</p> <ul style="list-style-type: none"> <li>• The filling, storing or delivery of cylinders of LPG to a consumer or to a distributor.</li> <li>• Cylinder exchange (replace empty for full). The delivery of exchange cylinders for distribution (BBQ cylinder exchange), maintenance of cylinders and storage equipment used for the supply of LPG are considered as operating plant.</li> <li>• The delivery of bulk LPG to a container (Elgas down-under tanks, consumer cylinder filling).</li> </ul> <p><b>Note:</b> Delivery of gas-free cylinders (inert gas purged, or never</p>	670(5)(a)

	filled with fuel gas), that are transported for the sale of, or to be used for future filling (gas-free cylinders transported to hardware shop or gas supplier are not considered as operating plant)	
<b>Tanker Delivery of Bulk Fuel Gas</b>	<p>An operating plant is also a place, or a part of a place, at which the tanker activity is carried out, but only to the extent of the carrying out of the activity.</p> <ul style="list-style-type: none"> <li>• A tanker used for the purposes of delivering or receiving bulk fuel gas from a location to another location, or several locations is considered operating plant when the fuel transfer is occurring. Examples: filling up LPG tanks at service stations, transferring gas from tank/s to tanker, or transferring from tanker to tank/s and includes the transfer of fuel gas.</li> <li>• Tanker delivery and decanting of bulk fuel to a gas cylinder falls under the activities of a LPG delivery network.</li> <li>• A fuel gas tanker that is gas free (inert gas purged) is not considered as operating plant. A tanker that stores and uses fuel gas (LPG, CNG, and LNG) for the purpose of transportation fuel, is not considered as operating plant. Example CNG storage tank used for the purpose of fuelling vehicle and not for delivery purposes.</li> </ul> <p>(As defined in definitions in Regulation) road tank vehicle means a road tank vehicle within the meaning of AS 2809 'Road tank vehicles for dangerous goods', part 1 'General requirements' (2008).</p>	670(5)(b)
<b>Bulk Fuel Gas Storage Facility</b>	<p>A bulk fuel gas storage facility means a site where fuel gas is stored in a tank and includes all activities relating to the storage and use of fuel gas on site, but does not include a site if – the primary use of the fuel gas at the site is the sale of fuel gas to a consumer at the site, or the use of automotive LPG at the site, or the volume of the tank storing the fuel gas is less than the amount prescribed under a regulation, or the tank is connected to a gas device and the consumption of the fuel gas by the gas device is less than an amount prescribed under a regulation.</p> <ul style="list-style-type: none"> <li>• A bulk fuel storage facility is the potential total volumetric storage of fuel gas of less than 200t, and is used for the purposes for boat or tanker transfer, or stored for the potential transfer to another bulk fuel gas storage facility, or stored to supply for cylinder or tank filling. Examples, storage from shipping transfer, Bulk LPG used for filling of cylinders, or filling road tankers for taker delivery).</li> <li>• Note: bulk fuel storage facility which has a potential volumetric storage of fuel gas of less than 30t is still considered as operating plant but requires only a generic safety management plan as prescribed in section 88G of the P&amp;G Regulation.</li> <li>• Examples that are not considered operating plant, are bulk LPG (tank or combination of tanks used for storing fuel gas</li> </ul>	670(2)(g)

	<p>(LPG) to supply fuel gas to a device or combination of device with a total consumption of less than 50Gj. The storage tanks are installed directly for sale of gas (supplying gas consumption equipment, domestic, commercial industrial)</p> <p><b>Note:</b> where a facility has been classified as a Major Hazard Facility under the Workplace Health and Safety Act 2011 the facility is only OP to the extent that the WHS Act does not apply to the facility.</p>	
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## Appendix 2 - Authorised activity OP Types / Jurisdiction

### Authority Operating Plant

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

<b>Authority Operating Plant</b> Plant covered under s670 (6) 'authority plant' covering all authorised activities on the tenure. This is for use in regard to the overarching SMP of a tenure operator and specifically in regard to authorised activities not covered in s670 (2 and (5).  Includes plant and activities relating to an: ATP, PFL, PL and PPL.	<b>Associated activity</b>	<b>Responsible Government Department</b>	
		<b>P&amp;G</b>	<b>WHSQ</b>
<b>1. Authority to Prospect</b> <b>2. Petroleum Leases</b> <b>3. Petroleum Facility Licence</b> <b>4. Petroleum Pipeline Licence</b>	Petroleum exploration and testing activities		
	Exploration, production and storage activities		
	Construction and operation of petroleum pipelines		
	Petroleum processing		
	Processing produced water		
	Non-technical construction of petroleum facility or pipeline.		
	Technical construction and operation of petroleum facility or pipeline.		
	Constructing or operating plant or works, including, for example, bridges, powerlines, roads, trenches and tunnels.		
	Constructing or using temporary structures or structures of an industrial or technical nature, including for example, mobile and temporary camps.		
	Constructing and operating non-petroleum wells that are ancillary to the exploration or production of petroleum, including water observation and water injection bores.		
Removing vegetation for, or for the safety of the authority activity.			

## Appendix 3 - Biogas OP Types / Jurisdiction

### Biogas Activity

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Biogas Activity A place or part of a place where biogas landfill gas or sewage gas is produced, collected, stored and delivered.  Operating plant includes those locations where biogas is: <ul style="list-style-type: none"> <li>Produced and delivered; and</li> <li>Used.</li> </ul>	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b> <ul style="list-style-type: none"> <li>Bladders</li> <li>Separation (water and sulphur) plant</li> <li>Gathering pipelines</li> <li>Tanks and/or containers</li> <li>Biogas delivery systems</li> <li>Pumps, filters and associated equipment</li> <li>Gas devices using bio gas.</li> </ul>	Post-operational construction safety and health.		
	Technical design and installation of bio gas plant and equipment at a site.		
	Operations and use of bio gas plant and equipment at a site.		
	Repair or maintain bio gas plant and equipment at a site.		
<b>2. What is not Operating Plant</b>	Source (landfill or sewage) e.g. organic material		
	Pre-operational construction safety and health.		

## Appendix 4 - Bulk Fuel Gas OP Types / Jurisdiction

### Bulk Fuel Gas Storage

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Bulk Fuel Gas Storage A facility where fuel gas is stored in a tank and includes all activities relating to the storage and use of the fuel gas at the site.  Potential total volumetric storage of fuel gas of less than 200t used for the purposes of boat or tanker transfer or stored for the potential transfer to another bulk fuel gas storage facility or stored to supply for cylinder or tank filling.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b> <ul style="list-style-type: none"> <li>• CNG – CSG Bus depots (including gas compression and storage)</li> <li>• LNG - From pipeline supply transfer point through cooling process storage of gas to transfer point.</li> <li>• LPG – (including terminals and Depots)</li> <li>• SNG - Synthetic Natural Gas (a mixture of LPG and air). This is also referred to as Simulated Natural Gas</li> </ul>	Post-operational construction safety and health.		
	Technical design and installation of bulk fuel gas plant and equipment at a site.		
	Operations and use of bulk fuel gas plant and equipment at a site.		
	Repair or maintain bulk fuel gas plant and equipment at a site.		
<b>2. What is not Operating Plant</b>	Pre-operational construction safety and health.		
	Transfer to vehicles storage for vehicle usage (bus cylinders)		
	Bowsers		
	Part of the vehicle engine		
	Upstream of the meter supply		
	Portable/mobile CNG cylinders		
	Shipping transfer and shipping storage.		

## Appendix 5 - Cylinder Storage OP Types / Jurisdiction

### Cylinder Storage

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Cylinder Storage A place or part of a place where the activity of storing LPG cylinders occurs if the total capacity of the cylinders is more than 5000L.  e.g.: more than 11 x 190 kgs.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b> <ul style="list-style-type: none"> <li>Facilities for decanting cylinders</li> <li>Stores (e.g. camping store)</li> </ul>	Post-operational construction safety and health.		
	Technical design and installation of cylinder storage plant and equipment at a site.		
	Operations and use of cylinder storage plant and equipment at a site.		
	Repair or maintain cylinder storage plant and equipment at a site.		
<b>2. What is not Operating Plant</b>	Pre-operational construction safety and health.		
	Where the total capacity of the cylinders is less than 5000 L.		



## Appendix 6 - Drilling and Workover Rig OP Types / Jurisdiction

### Drilling and Workover Rigs

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Drilling and Workover Rigs A facility used for drilling, well completion or maintenance work on a prescribed well (petroleum well) for exploration and production of petroleum.  Includes all plant, equipment, facilities and activities at the rig / well pad.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b> <ul style="list-style-type: none"> <li>• Drill rig</li> <li>• Service Rig</li> <li>• Workover Rig</li> <li>• Crane</li> <li>• Machinery used for maintaining or repairing a petroleum well</li> <li>• Well pad offices and storage facilities</li> <li>• All associated equipment (e.g. koomui units)</li> </ul> Includes drilling for CSG on MLs and which may be 'on site activities' at the coal mine – these are 'coal mining CSG operating plant'.	Rigging up and down including positioning rig and all associated plant and equipment onto and into position on the rig / well pad.		
	All activities relating to operations and use of plant at the well pad.		
<b>2. What is not Operating Plant</b>	Rig / Well pad preparation including surveying, levelling, vegetation clearing		
	Cellar construction		
	Transportation of Rig on the tenure, and includes movement from well site to well site on the tenure.		
	Rig crew accommodation sites located externally to the well pad. (not include OCR or Rig mgr accommodation).		
	Excavator used to dig mud pits or prepare well site.		
	Wells that are 'on site activities' at a coal mine.		
	A P&A well (plugged and abandoned)		

## Appendix 7 - Geophysical Survey OP Types / Jurisdiction

### Geophysical Survey

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Geophysical Survey A place, or part of a place, where any geophysical survey for data acquisition is conducted in relation to exploration, processing or producing petroleum on an authority.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b>  a. Down Hole Logging b. Seismic Surveys c. Other Surveys Facilities  <b>Including:</b> <ul style="list-style-type: none"> <li>Seismic survey activities including survey activities for seismic lines</li> <li>Geophysical equipment used to explore for petroleum</li> <li>Wireline logging tools and equipment</li> </ul>	Positioning and removing geophysical and all associated plant and equipment onto and into position within the survey area.		
	All activities relating to operations and use of geophysical survey equipment at the survey site.		
<b>2. What is not Operating Plant</b>	Preparation including non-geophysical surveying, levelling, vegetation clearing.		
	Transportation of geophysical survey equipment on the tenure.		

## Appendix 8 - LPG Delivery Network OP Types / Jurisdiction

### LPG Delivery Network

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

LPG Delivery Network A place, or part of a place, where an LPG cylinder supply business carries out the activity of supplying LPG in cylinders to consumers where storage has a total combined cylinder capacity of 5000L or more, or decant filling of cylinders.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b> <ul style="list-style-type: none"> <li>any part of the supply chain from the filling or collection of the cylinder, transport and delivery to the consumer and any storage during that process that is carried out by the supplier or an agent of the supplier.</li> <li>Caged 'exchange' 9 kg cylinders.</li> </ul>	Post-operational construction safety and health.		
	Technical design and installation of LPG delivery network plant and equipment.		
	Operations and use of LPG delivery network plant and equipment.		
	Transportation and delivery of LPG (cylinder or bulk supply) to a consumer location.		
	Repair or maintain LPG delivery network plant and equipment.		
<b>2. What is not Operating Plant</b>	Where the network's storage is under 5000L.		
	Decanting/filling cylinders owned by customers under 30L (9kg) at a place		
	Delivering automotive LPG		
	Purged cylinders		
	New cylinders which have not yet been filled with gas		
	Pre-operational construction safety and health.		

## Appendix 9 - Major Consumer OP Types / Jurisdiction

### Major Consumer

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Major Consumer A place, or part of a place, where the total maximum gas consumption capacity of all gas devices at a place is 50 GJ/hr or more	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b>  a. Power Generation Facilities i.e. <ul style="list-style-type: none"> <li>• Gas fired power station activities (power generation)</li> <li>• Standalone co-generation plants</li> </ul> b. Commercial / Industrial Gas Users i.e. <ul style="list-style-type: none"> <li>• Large industrial gas users and may include embedded power generation.</li> <li>•</li> </ul>	Post-operational construction safety and health.		
	Technical design and installation of gas plant and equipment at a site.		
	Operations and use of gas plant and equipment at a site.		
	Repair or maintain gas plant and equipment at a site.		
<b>2. What is not Operating Plant</b>	Where the total combined capacity of all gas devices is less than 50 GJ/hour		
	Pre-operational construction safety and health.		
	Any part of the plant that is not associated with the gas devices and fuel gas storage, i.e. <ul style="list-style-type: none"> <li>a. cooling tower at a power station.</li> <li>b. Conveyor system at a factory</li> </ul>		

## Appendix 10 - Major Hazard Facility OP Types / Jurisdiction

### Major Hazard Facilities

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Major Hazard Facility A facility classified as a major hazard facility under a regulation under the Work Health and Safety Act 2011. It is an operating plant only to the extent to which that Act does not apply to the facility, such as Areas that comply with Australian Standards listed in Schedule 1 of the P&G Reg.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b>  a. Bulk Storage Terminals b. LPG Terminals c. Gas devices at the plant	Post-operational construction safety and health.		
	Technical design and installation of gas fired plant and equipment at a site.		
	Operations and use of gas plant and equipment at a site.		
	Repair or maintain gas plant and equipment at a site.		
<b>2. Part 9 MHFs;</b> Schedules 16, 17, 18 WHS Regulation	The operator of a licensed MHF must manage risk by establishing, reviewing and maintaining: <ul style="list-style-type: none"> <li>the major incident and major incident hazard identification document</li> <li>the safety assessment</li> <li>the safety management system</li> <li>the emergency plan</li> </ul> The operator must prepare a safety case that demonstrates that the safety management system will control risks arising from major incidents and major incident hazards and that the control measures implemented at the facility are adequate. This involves: <ul style="list-style-type: none"> <li>an analysis of all potential major incidents and hazards</li> <li>documenting assessment methods used in investigation and analysis</li> <li>providing the rationale for implementing risk control measures</li> <li>reviewing the adequacy of the risk control</li> </ul>		

	<p>measures.</p> <p>The safety case must be presented with the licence application to the regulator.</p>
<p><b>3. When do the WHS laws apply to petroleum facilities?</b></p>	<p>The MHF starts at the gas gate or first feed isolation point under the control of the operator and extends to include fixed infrastructure on a wharf (ie the loading arm). Equipment and activities regulated by the P&amp;G legislation within the major hazard facility are covered by the part 9 of the WHS Regulation.</p>
<p><b>4. Safety Management Systems</b></p>	<p>This overlap at MHFs is dealt with by the regulators as follows:</p> <ul style="list-style-type: none"> <li>• The safety case required by part 9 of the WHS Regulation is accepted as meeting the requirements of a safety management plan required by the P&amp;G Act.</li> </ul> <p>The regulators request that operators compile a compliance/reference table or map that highlights where the P&amp;G requirements are covered in the safety case. This will facilitate auditing and provide operators assurance that they meet the requirements of both Acts.</p>
<p><b>5. P&amp;G Act:</b></p> <p>Authorisation requirements of the P&amp;G Act E.g. Type B appliances</p> <p>Pipeline inspection management plan specifying who performs maintenance etc as per AS2885.3</p> <p>Appointment of Executive Safety Managers and Site Safety Managers</p>	<ul style="list-style-type: none"> <li>• Authorisation under P&amp;G Act are still required for MHFs</li> <li>• These requirements under P&amp;G Act can be complied with via the relevant sections of the safety management system and may be tested via audit. This recognises the complexity of most major hazard facilities by allowing the responsibilities to be grouped at a system level.</li> <li>• For simpler facilities, or for major lines, it may be convenient to maintain specific pipeline inspection management plan</li> <li>• While the WHS legislation does not prescribe any equivalent position, it does require that the organisation structure be described in the safety management system identifying people (according to position description and location) charged with implementing the safety management system, their</li> </ul>

	<p>tasks and responsibilities. The regulators suggest that the P&amp;G specified positions and responsibilities are included in this section, or summarised in the compliance table.</p>		
<p><b>6. What is not Operating Plant</b></p>	<p>Pre-operational construction safety and health.</p>		

## Appendix 11 - Petroleum Processing Facility OP Types / Jurisdiction

### Petroleum Processing Facilities

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

<b>Petroleum processing Facility</b> A facility operated under a petroleum facility licence (PFL) to produce, process or release petroleum or fuel gas.	<b>Associated activity</b>	<b>Responsible Government Department</b>	
		<b>P&amp;G</b>	<b>WHSQ</b>
<b>1. What is Operating Plant</b>  a. Water separation b. Dehydration c. Compression d. Flaring of petroleum e. Storage depot f. Oil refinery	Post-operational construction safety and health.		
	Technical design and installation of plant and equipment at a site.		
	Operations and use of plant and equipment at a site.		
	Repair or maintain plant and equipment at a site.		
<b>2. What is not Operating Plant</b>	Pre-operational construction safety and health.		
	A service station that stores and transfers petrol / diesel		



## Appendix 12 - Pipeline OP Types / Jurisdiction

### Pipelines

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

	Associated activity	Responsible Government Department	
		P&G	WHSQ
<p><b>Distribution Pipeline</b> A pipeline that transports fuel gas as part of a gas reticulation system from a gate station to the reticulation system, or as a single point to point pipeline to a specific commercial or industrial facility direct from a well or processing plant to an industrial facility, for use as a fuel source.</p> <p><b>Gathering Pipelines</b> A pipeline, or series of pipes, which are interconnected to gather petroleum (gas/oil)</p> <p><b>GHG Pipelines</b> GHG stream pipeline (see GHG Storage Act s17).</p> <p><b>Transmission Pipelines</b> A pipeline that transfers petroleum to a market from the sales transfer meter at a processing plant to a gate station or series of gate stations and associated equipment,</p> <p><b>UCG Pipeline</b> A UCG pipeline from the production well within the operating plant and associated equipment up to the flare</p>			
<p><b>1. What is Operating Plant</b></p> <p><b>Distribution Pipeline</b></p> <ul style="list-style-type: none"> <li>a. Metering station</li> <li>b. Valve station</li> <li>c. Gate station</li> <li>d. Corrosion protection apparatus</li> </ul>	Post-operational construction safety and health.		
	Technical design and installation of plant and equipment at a site.		
	Activities relating to operations and use of the pipeline infrastructure.		

<p><b>Gathering Pipeline</b></p> <ul style="list-style-type: none"> <li>a. High and low point vents/drains</li> <li>b. Field isolation points</li> <li>c. Pipeline signage</li> <li>d. Trace wire</li> <li>e. Pipeline identification markings (marker tape)</li> </ul> <p><b>Transmission Pipelines</b></p> <ul style="list-style-type: none"> <li>a. Meter Stations</li> <li>b. Scraper stations</li> <li>c. Valve Stations</li> <li>d. Pumping stations</li> <li>e. Gate Stations</li> <li>f. Compressor Stations plant and equipment</li> <li>g. Corrosion protection systems</li> <li>h. Communications equipment and towers</li> <li>i. Pig launchers and receivers</li> <li>j. Pipe identification markings</li> <li>k. Scada control</li> <li>l. Isolation and depressurizing points</li> <li>m. Pigging operations</li> <li>n. Cathodic protection systems</li> <li>o. Pipeline security fencing</li> </ul>			
<p><b>2. What is not Operating Plant</b></p>	<p>Easements preparation including surveying, levelling, vegetation clearing</p>		
	<p>Pre-operational construction safety and health.</p>		
	<p>Transportation of pipeline and pipeline plant and equipment on the easement or tenure, and includes movement on the easement or tenure.</p>		
	<p>Positioning pipeline and all associated plant and equipment onto and into position on the easement or tenure.</p>		

## Appendix 13 - Reticulation Network OP Types / Jurisdiction

### Reticulation Networks

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Reticulation Networks A system of pipes, meters and other equipment used to supply fuel gas to customers in a market. Essentially this goes from a gate station or distribution pipeline to numerous locations to supply fuel to meter/meters as a point of sale.  Includes both LPG and Natural Gas networks.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>2. What is Operating Plant</b>  a. Gas meters b. Regulators c. Valves d. Filters e. gas main f. service g. odourisation h. chromatograph	Post-operational construction safety and health.		
	Technical design and installation of reticulation network plant and equipment at a site or multiple sites.		
	Operations and use reticulation network plant and equipment at a site or multiple sites.		
	Repair or maintain reticulation network plant and equipment at a site or multiple sites.		
<b>2. What is not Operating Plant</b>	Gas system from the outlet connection of a meter or cylinder intended for one premises, e.g.: <ul style="list-style-type: none"> <li>• Domestic property</li> <li>• Commercial food outlet</li> <li>• Interconnected piping supplying more than one appliance to any domestic, commercial or industrial gas installation</li> </ul>		
	Pre-operational construction safety and health.		

## Appendix 14 - Tanker Delivery OP Types / Jurisdiction

### Tanker Delivery

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Tanker Delivery A place, or part of a place, where only the activity of tanker delivery of bulk fuel gas by a tanker occurs.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b>  a. Delivery by tanker of automotive LPG in bulk to an automotive LPG site. b. The bulk delivery of LPG to a container.	Post-operational construction safety and health.		
	Technical design and installation of tanker delivery plant and equipment at a site or multiple sites.		
	Operations and use tanker delivery plant and equipment at a site or multiple sites.		
	Repair or maintain tanker delivery plant and equipment at a site or multiple sites.		
<b>2. What is not Operating Plant</b>	Pre-operational construction safety and health.		
	A tanker which has been purged with inert gas		
	Any activity not directly associated with the delivery of fuel gas		

## Appendix 15 - Theatrical or Special Event OP Types / Jurisdiction

### Theatrical or Special Events

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Theatrical or Special Events A place or part of a place where fuel gas is used for the activity of special effects.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b>  a. theatrical events b. special flame effects c. bursts of ignited hydrocarbons d. simulated explosions from supply point to combustion and all associated components (piping, regulators, ignition, valves, device and storage). e. associated components (piping, regulators, ignition, valves, device and storage). f. device and storage). g. Movie world (Stunt Show) h. Includes mobile displays as flares at sporting events and private functions etc	Post-operational construction safety and health.		
	Technical design and installation of theatrical/special event gas plant and equipment at a site or multiple sites.		
	Operations and use theatrical/special event gas plant and equipment at a site or multiple sites.		
	Repair or maintain theatrical/special event gas plant and equipment at a site or multiple sites.		
<b>2. What is not Operating Plant</b>	Pre-operational construction safety and health.		
	Transportation of gas and/or devices		
	Part of the facility not associated with the special effect.		

## Appendix 16 - Water Facility OP Types / Jurisdiction

### Water Facilities

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Water Facilities A facility related to exploration, production or processing of petroleum and is used to take, interfere with or treat 'associated water' including all plant and equipment in the water process from the well head up to and including the treatment plant.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b>  a. Reverse osmosis plants b. Water treatment plants c. Evaporation ponds d. ReInjection systems e. Untreated water	Post-operational construction safety and health.		
	Technical design and installation of water facility plant and equipment at a site.		
	Operations and use water facility plant and equipment at a site.		
	Repair or maintain water facility plant and equipment at a site.		
	Transport of both untreated or treated water either by road or pipeline within the boundary of the authority.		
<b>2. What is not Operating Plant</b>	Pre-operational construction safety and health.		
	Any associated water activity outside the area of the tenure, or equivalent		

## Appendix 17 - Well OP Types / Jurisdiction

### Wells

#### Types of operating plant, stages of operating plant and alignment of jurisdictional responsibility

Wells A well used to explore for or produce petroleum, including all parts of the well subsurface and includes all well head and associated equipment to allow production from the well, or injection of petroleum from or to a well  Includes: Conventional, CSG, Geothermal, GHG, UCG wells and Well stimulation activities.	Associated activity	Responsible Government Department	
		P&G	WHSQ
<b>1. What is Operating Plant</b>  a. Well head b. Separator and associated equipment c. Scada control d. Casing hanger or spool e. Casing in any combination f. Tubing hanger g. Pumping equipment including the engine h. Flare i. Sucker rods j. Associated well production equipment i.e. water/gas separator. k. A well used to explore for or produce oil or natural gas  <b>Well Stimulation:</b> A facility where equipment is used to increase well production, e.g.:  a. cavitations process b. injection process c. fraccing process  <b>Ancillary Services:</b> Third party services used for well or drilling processes, e.g.:  a. well cementing operations b. directional drilling services c. nitrogen injection operations	Post-spud construction safety and health.		
	Technical design and installation of well plant and equipment at a site.		
	Operations and use well plant and equipment at a site.		
	Repair or maintain well plant and equipment at a site.		

d. wireline services (non geophysical)			
<b>2. What is not Operating Plant</b>			
	Pre-spud construction safety and health.		
	Rig crew accommodation sites located externally to the well pad		
	Excavator used to dig mud pits or prepare well site.		
	Wells that are 'on site activities' at a coal mine		
	A P&A well (plugged and abandoned)		
	Onsite accommodation		
	Delivery or offsite manufacture of stimulation product (nitrogen, water)		
	Cementing of well pads		
	Equipment used or operated by the primary drilling company		



## Appendix 18 - Operator Obligations

### Obligations of the Operator

Section	Obligation	Requirement
673A	<b>Ensuring the chief inspector is given notice before a plant is commissioned or operated</b>	<p>The operator must ensure that the chief inspector is given written notice of the commissioning or operation of the plant within 20 business days before the commissioning or operation of the plant.</p> <p>This requirement is intended for new OP entering into, or constructed to operate in Queensland for the first time such as drill rigs. There is no requirement to notify the chief inspector if the rig moves in and out of Queensland, as long as the initial notification has been conducted.</p> <p>All fixed OP must be notified under the requirements of section 673A.</p>
674	<b>Requirement to have safety management plan</b>	<p>The operator of OP must, for each stage of OP, make a SMP that complies with s675 of the P&amp;G Act and once made the operator must implement and maintain the plan/s. Additional requirements for a SMP are required in the following circumstances:</p> <ul style="list-style-type: none"> <li>• For OP that is used to explore for, extract, produce or release petroleum within coal seams: the SMP must also include the requirements under s388, unless an exemption is applied for and subsequently provided by the chief inspector under s389</li> <li>• For OP other than a coal mining –CSG OP operated in the area of or in an area adjacent to the area of a coal or shale oil mining lease and the operation of the plant physically affects, or may physically affect, the safe and efficient mining of coal or oil shale under the mining lease: the SMP must also include a ‘Principal Hazard Management Plan’ complying with s705B</li> </ul> <p>An operator may have one SMP that applies to more than 1 OP if the SMP complies with s675 in relation to each OP to which the plan applies. An operator of OP must not begin a stage of the plant unless the above has been achieved.</p>
675	<b>Content requirements for SMP’S</b>	A SMP developed by an operator must contain all information detailed with section 675 of the Act.

676	<b>Publication of and access to safety management plans</b>	<p>The operator, whenever OP is operating must keep a copy of the SMP for the plant or the part of the plan relevant to the plant, open for inspection at the plant. If because of the nature, size or type of the plant it is impracticable to keep it at the plant it must be at another place where it is reasonable to have it open for inspection.</p> <p>A notice stating where the copy of the plan is open for inspection must be displayed, (and kept displayed) in a conspicuous place at the plant where it can be easily read by anyone to whom the plan, or part of the plan, may apply,</p> <p>Each person who has an obligation under the plan must be told they have an obligation under the plan within a reasonable period before the plan requires them to comply with the obligation.</p> <p>In this section open for inspection means open for inspection by anyone to whom the plan, or part of the plan, may apply.</p>
677	<b>Operator responsible for compliance with the safety management plan</b>	<p>The operator of OP must ensure everyone who has on obligation under the SMP for the plant complies with their obligations under the plan.</p>
678	<b>Revision of the Safety Management Plan</b>	<p>The operator must revise (amend or remake) the SMP if any of the following make a revision appropriate:</p> <ul style="list-style-type: none"> <li>• The making of a new or an amendment to a safety code, safety requirement or a standard</li> <li>• The happening of an event relevant to the plant of which the operator is aware, or ought reasonably to be aware</li> <li>• Changes or proposed changes to the plant that could result in an increase in the overall risk levels, or a specific risk level, for the plant.</li> </ul>
678A	<b>Requirement to have resulting records for safety management plan</b>	<p>The operator of an OP must whenever the plant is operating, keep a copy of all resulting records for the SMP open for inspection at the plant or if because of the nature, size or type of the plant it is impracticable to keep the records at the plant, they must be kept at another place where it is reasonable to have the records open for inspection.</p> <p>Further the operator must ensure all resulting records for the SMP for the plant are made and kept for a period of 7 years.</p>

699A	<b>Operator's obligation for particular adjacent or overlapping tenures</b>	<p>The operator of an OP must not carry out an activity at the plant if the activity creates an unacceptable level of risk to:</p> <p>(a) a person or OP at adjacent or overlapping coal mining operations under the Coal Mining Safety and Health Act; or</p> <p>(b) a person carrying out authorised activities or for an OP used to carry out authorised activities under an adjacent or overlapping petroleum tenure, geothermal tenure, 1923 Act petroleum tenure or GHG tenure.</p>
705D & 706	<b>Reporting of incidents involving OP</b>	<p>The operator is required to report to the chief inspector incidents that are identified as:</p> <ul style="list-style-type: none"> <li>• Particular accidents</li> <li>• Prescribed high potential incidents</li> <li>• Prescribed incidents</li> </ul> <p>These incidents and the methods of reporting are prescribed within the P&amp;G Regulations.</p>
707	<b>Restricting access to incident sites</b>	<p>When a prescribed incident happens at an OP the operator must immediately report the incident to the chief inspector.</p> <p>Also the operator must take all reasonable action to restrict access to the site where the incident happened, and to protect anything at the site from being tampered with.</p>

## Appendix 19 - Executive Safety Manager Obligations

### Obligations of the Executive Safety Manager

Section	Obligation	Requirement
687A	<b>Requirement of joint holders to give information about ESM</b>	Where there is more than 1 holder of a petroleum authority, geothermal tenure or GHG tenure with 1 or more of the holders being a corporation and OP is being operated or is proposed to be operated in the authority's or tenure's area, then the holders must ensure the chief inspector is given a notice stating which corporation or organisation is responsible for the management and safe operation of OP in the area.
688	<b>Executive safety manager's general obligations</b>	<p>The ESM of an OP must appoint an appropriately qualified person as the operator of the plant.</p> <p>Having appointed an operator for the plant the ESM must ensure that the operator of the plant has:</p> <ul style="list-style-type: none"> <li>• a SMP, for each stage of the plant, as required under s674 (1) that has been made after consultation with the employees at the plant; or</li> </ul> <p><b>Refer to appendix 13</b> for content requirements for a SMP.</p> <ul style="list-style-type: none"> <li>• Alternatively a generic SMP adopted for the plant.</li> </ul> <p>The ESM must approve the plan before it is put into effect and ensure the plan is implemented in a way that effectively manages the risks associated with the plant.</p>
689	<b>Executive safety manager must give annual safety report</b>	<p>The ESM for an OP must, on or before 1 September each year, lodge with the chief inspector a safety report for the plant in relation to the preceding financial year that complies with section 690.</p> <p>Refer to <b>appendix 16</b> for content requirements for an annual report</p>
691	<b>Obligation to give information to coal or oil shale exploration tenement holder</b>	<p>If an ESM for an OP gives a safety report containing information mentioned in section 690(1)(g) then the ESM must, as soon as practicable, give the relevant tenement holder the information in the report mentioned in section 690(1)(g).</p> <p><b>'Section 690(1)(g) if the operations of the OP during all or part of the year may</b></p>

		<p><i>have affected the future safe and efficient mining of coal—</i></p> <p><i>(i) the nature of any hazard, or potential hazard, to the future safe and efficient mining of coal or oil shale in the area; and</i></p> <p><i>(ii) the way in which the hazard or potential hazard was created; and</i></p> <p><i>(iii) the location, stated in the way prescribed under a regulation, of the hazard or potential hazard; and</i></p> <p><i>(iv) measures taken to prevent or reduce the hazards or potential hazards or to mitigate their effects’</i></p> <p>Chapter 3, part 8 of the P&amp;G Act applies to any information given under this section as if the information were given for the purposes of chapter 3 (Provisions for coal seam gas) , part 8 (Confidentiality of information).</p>
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## Appendix 20 - Site Safety Manager Obligations

### Obligations of the Site Safety Manager

Section	Obligation	Requirement
693(a)	<b>Providing site inductions</b>	<p>Ensure that each person who enters the site is given an appropriate induction that enables the person to comply with:</p> <ul style="list-style-type: none"> <li>• <i>s702: ‘ a person at an OP must comply with safety procedures and other obligations under the safety management plan for the plant to the extent that the procedures and obligations apply to the person’;</i></li> <li>• <i>s699: ‘Each person at an OP must, to the extent of the person’s duties and responsibilities under this Act or the safety management plan for the plant, take all necessary and reasonable action to ensure no person or property is exposed to more than an acceptable level of risk’.</i></li> </ul>
693(b)	<b>Ensuring compliance at the site</b>	Ensure that each person at the site complies with standard operating procedures, emergency response procedures and other measures necessary for the safety of the site and the person
693(c)	<b>Ensuring functions are performed safely</b>	Ensuring that each person working at the site performs their functions safely and follows standard operating procedures for the plant
693(d)	<b>Ensuring the provision of first aid and safety equipment</b>	<p>Ensuring that all necessary first aid, safety and other like equipment that is appropriate for the likely hazards of the site is—</p> <ul style="list-style-type: none"> <li>(i) available for use; and</li> <li>(ii) adequately maintained; and</li> <li>(iii) reasonably available to anyone authorised to be on the site</li> </ul>
693(e)	<b>Ensuring training of relevant staff</b>	Ensuring that relevant staff is trained in first aid, emergency and other general safety procedures.

## Appendix 21 - Annual Report Contents

### Content Requirement for an Annual Report

<b>Content Requirement for an Annual Report</b>	
A safety report under section 689 must state all of the following information for the operating plant the subject of the report for the financial year to which the report relates—	
(a)	a description of the plant, its location and operations
(b)	the names and contact details of each of the following for the plant— <ul style="list-style-type: none"> <li>(i) its operator;</li> <li>(ii) its executive safety manager;</li> <li>(iii) any site safety manager;</li> <li>(iv) any other person who is competent to discuss the information about the plant in the report</li> </ul>
(b)	the nature and extent of the activities carried out at the plant
(c)	significant safety risks at the plant
(d)	whether or not the activities and the plant complied with the safety management plan for the plant and the Act
(e)	if the activities or the plant have not complied with the plan or the Act— <ul style="list-style-type: none"> <li>(i) details of each noncompliance; and</li> <li>(ii) details of any remediation of the noncompliance; and</li> <li>(iii) if the noncompliance has not been remedied in whole or part—how it is proposed to remedy the noncompliance</li> </ul>
(f)	if the operations of the operating plant during all or part of the year may have affected the future safe and efficient mining of coal— <ul style="list-style-type: none"> <li>(i) the nature of any hazard, or potential hazard, to the future safe and efficient mining of coal or oil shale in the area; and</li> <li>(ii) the way in which the hazard or potential hazard was created; and</li> <li>(iii) the location, stated in the way prescribed under a regulation, of the hazard or potential hazard; and</li> <li>(iv) measures taken to prevent or reduce the hazards or potential hazards or to mitigate their effects;</li> </ul>
(g)	the mechanism for implementing, monitoring and reviewing and auditing safety policies and safety management plans.

**Note:** A safety report may relate to:

- (a) 1 or more of the stages for the plant; and
- (b) more than 1 operating plant owned or operated by the same person.

## Appendix 22 - Prescribed Incidents – P&G Act 2004

<b>Prescribed Incidents – Petroleum and Gas (Production and Safety) Act 2004</b>	
(a)	an incident involving death of a person
(b)	an incident involving injury to a person requiring medical treatment
(c)	an emergency, including an emergency alarm activation other than as part of a routine test, at an operating plant that is a major hazard facility under the Work Health and Safety Regulation 2011
(d)	a fire at an operating plant
(e)	an unplanned or uncontrolled release of petroleum, fuel gas or prescribed storage gas, attended by emergency services
(f)	an unplanned or uncontrolled release of a gas that is petroleum or prescribed storage gas or fuel gas from an operating plant, at a concentration of more than the lower flammable alarm level for the gas stated in the safety management plan for the plant, not attended by emergency services
(g)	an incident with the potential to cause a general shortage of fuel gas in Queensland or an area of Queensland
(h)	an incident involving damage to property that substantially increases the risk of damage to plant or equipment or injury to persons
(i)	an incident involving coal mining operations at an operating plant in the area of a coal or oil shale mining lease
(j)	an incident at an operating plant to which the <i>Work Health and Safety Act 2011</i> does not apply, if the incident is not otherwise mentioned in this schedule
(k)	an incident that had the potential to, but did not, cause the death of, or injury to, a person or damage to plant or equipment
(l)	a work related illness of a person at an operating plant to which the <i>Work Health and Safety Act 2011</i> does not apply



## Appendix 23 - Notifiable Incidents – WHS Act 2011

### Notifiable Incidents – Work Health and Safety Act 2011

(a) the death of a person

(b) **A serious injury or illness of a person is:**

- an injury or illness requiring the person to have:
  - immediate treatment as an in-patient in a hospital
  - immediate treatment for:
    - the amputation of any part of his or her body
    - a serious head injury
    - a serious eye injury
    - a serious burn
    - the separation of his or her skin from an underlying tissue (such as degloving or scalping)
    - a spinal injury
    - the loss of a bodily function
    - serious lacerations or
- medical treatment (treatment by a doctor) within 48 hours of exposure to a substance
- any infection to which the carrying out of work is a significant contributing factor, including any infection that is reliably attributable to carrying out work:
  - with micro-organisms; or
  - that involves providing treatment or care to a person; or
  - that involves contact with human blood or body substances; or
  - that involves handling or contact with animals, animal hides, skins, wool or hair, animal carcasses or animal waste products.

(c) **A dangerous incident is:**

A dangerous incident is an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas or steam
- an uncontrolled escape of a pressurised substance
- electric shock
- the fall or release from a height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the regulations
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel.

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