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PART 1—PRELIMINARY

101. Objective

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

(a) reduce the likelihood of a major incident occurring;

(b) reduce the consequences to health and safety and damage to property in the event of a major incident.

102. Authorising provisions


(2) Parts 2 to 8 and Schedules 1 to 5 are made under section 59 of the Occupational Health and Safety Act 1985.

(3) Parts 9 and 10 are made under section 52 of the Dangerous Goods Act 1985.

103. Commencement

(1) These Regulations (other than regulation 801) come into operation on 1 July 2000.
(2) Regulation 801 comes into operation on
1 September 2000.

104. Definitions

(1) In these Regulations—

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

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

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

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

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

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

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

(a) which is a workplace; and

(b) at which Schedule 1 materials are
present or likely to be present for any
purpose;

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

"Hazchem Code" has the same meaning as in the
ADG Code;
"local community" means—
(a) persons who reside in; and
(b) persons in management and control of workplaces, or of places where persons gather for recreational, cultural or sporting purposes, located in—
the area surrounding the major hazard facility, as indicated on the map forming part of the emergency plan for the major hazard facility in accordance with clause 1.2 of Schedule 3;

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

"major incident" means an uncontrolled incident, including an emission, loss of containment, escape, fire, explosion or release of energy, that—
(a) involves Schedule 1 materials; and
(b) poses a serious and immediate risk to health and safety;

"modification", in relation to a major hazard facility, includes—
(a) a change to any plant, processes or substances used in processes, including the introduction of new plant, processes or substances;
(b) a change to the quantity of Schedule 1 materials present or likely to be present, including the introduction of any new Schedule 1 materials;

(c) a change to the Safety Management System—

that has the effect of—

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

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

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

   (i) its magnitude; or

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

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

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

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

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

"Schedule 1 material" means a material mentioned in Table 1 of Schedule 1 or a material that belongs to one or more of the types, classes and categories mentioned in Table 2 of Schedule 1;
"threshold quantity", in relation to Schedule 1 materials, means the threshold quantity for those materials determined in accordance with Schedule 1.

(2) Any reference in these Regulations to Schedule 1 materials likely to be present at a facility is a reference to the maximum quantity of the Schedule 1 materials that would meet the capacity of the facility, including—

(a) the maximum capacity of process vessels and interconnecting piping systems to contain the materials;

(b) the maximum capacity of storage tanks and vessels used for the materials;

(c) the maximum storage capacity of other storage areas at the facility that could contain the materials;

(d) the maximum capacity of pipelines outside process areas to contain the materials;

(e) the maximum quantity of the materials that would, in the event of a failure, escape onto the premises of the facility from a pipeline that is situated off the premises but connected to the facility;

(f) the maximum quantity of the materials loaded into or onto, or unloaded from, vehicles, trailers, rolling stock and ships that are from time to time present at the facility in the course of the facility's operations.

105. Application of Regulations

These Regulations do not apply to—

(a) any building or other structure on land to which section 60(2) of the Occupational Health and Safety Act 1985 applies; or
(b) pipelines in respect of which a licence to construct and operate a pipeline is issued under the **Pipelines Act 1967**; or

(c) distribution pipelines within the meaning of the **Gas Industry Act 1994**.

### 106. Application of Regulations to employees

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

(a) "employee" includes an independent contractor engaged by the **operator** and any **employees** of the independent contractor; and

(b) the duties of the **operator** of a **major hazard facility** extend to such an independent contractor and the independent contractor's **employees**, in relation to matters over which the **operator**—

(i) has control; or

(ii) would have had control but for any agreement between the **operator** and the independent contractor to the contrary.

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

(1) Subject to this regulation, Parts 3, 5 and 9 do not apply to and in relation to a **major hazard facility** that is registered under Part 7.

(2) The **operator** of a registered **major hazard facility** must comply with the provisions of Parts 3, 5 and 9 so far as is practicable.

* * * * * * *
PART 2—GENERAL PROVISIONS

201. Authority may require information

(1) The Authority may by written notice require the operator of a facility or a person who intends to be the operator of a facility to provide such information concerning the operation of the facility as the Authority reasonably requires for the purposes of these Regulations.

(2) A notice under sub-regulation (1) must specify—
   (a) the information required;
   (b) the date by which the information must be provided.

(3) A person who receives a notice under sub-regulation (1) must provide the information in accordance with the notice.

202. Processes for certain decisions of Authority

(1) This regulation relates to a decision of the Authority in relation to—
   (a) the refusal to grant, renew or transfer a licence under Part 8;
   (b) the refusal to grant a registration under regulation 707(2);
   (c) the variation of the terms and conditions upon which a licence under Part 8 was granted;
   (d) the cancellation or suspension of a licence under Part 8.

(2) The Authority must not make a decision to which this regulation relates unless the Authority has conducted an inquiry under this regulation.
(3) The Authority must give to any person who may be affected by the decision written notice of the Authority's intention to conduct an inquiry.

(4) The notice must—
(a) state the subject of the inquiry and the reasons for conducting it;
(b) invite the person notified to make submissions in relation to the inquiry.

(5) The Authority must consider any submissions made by the person notified.

(6) If the Authority makes the decision, the Authority must send to the person a written notification, which must—
(a) state the decision;
(b) state the reasons for the decision;
(c) specify the date on which the decision is to take effect.

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

(8) If the Authority makes a decision to which this regulation relates, any person who may be affected by the decision may apply, on or before the effective date specified under sub-regulation (6)(c), to the Victorian Civil and Administrative Tribunal for a review of the decision.

(9) If a person applies for a review of a decision, the decision is stayed pending the determination of the application for review.

(10) In this regulation, the expression "any person who may be affected" has the same meaning and effect as in section 59(6) of the Act.
203. Exemption from Parts 3 to 8

(1) The Authority may exempt a person from a requirement in Part 3, 4, 5, 6, 7 or 8 if the Authority is satisfied that the person is capable of achieving a level of health and safety that is at least equivalent to the level that would be achieved if the requirement had been complied with.

(2) If the Authority grants an exemption under sub-regulation (1), the Authority may attach such terms and conditions as the Authority considers reasonable, including terms and conditions in relation to—

(a) the commencement and duration of the exemption;

(b) control measures to be adopted by the person to whom the exemption is granted for the elimination or reduction of risk to health and safety associated with major incidents;

(c) a requirement that the person exempted give notice of the exemption and of the terms and conditions of the exemption to any specified person who may be affected.

(3) If a person requests an exemption, the Authority must not refuse to grant the exemption unless the Authority has—

(a) invited the person to make written submissions;

(b) specified a date, not less than 14 days after the date of the invitation, by which the person may make the submissions;

(c) considered any submissions that are made by the specified date.
(4) If the Authority grants an exemption under this regulation, the Authority must cause a notice of the exemption, including any terms and conditions attached to the exemption, to be published in the Government Gazette.
PART 3—SAFETY DUTIES OF OPERATORS

301. Safety Management System

(1) The operator of a major hazard facility must establish and implement a Safety Management System for the major hazard facility.

(2) The operator must use the Safety Management System as the primary means of ensuring the safe operation of the major hazard facility.

(3) The Safety Management System so established must—

(a) provide a comprehensive and integrated management system for all aspects of control measures adopted under this Part;

(b) be documented;

(c) be so set out and expressed that its contents are readily accessible and comprehensible to persons who use it.

(4) The document must—

(a) state the operator's safety policy, including the operator's broad aims in relation to the safe operation of the major hazard facility;

(b) state the operator's specific safety objectives;

(c) describe the systems and procedures by which these objectives are to be achieved;

(d) describe how compliance with this Part and Part 5 is to be achieved;

(e) include all of the matters specified in Schedule 2.
(5) The operator must review, and as necessary revise, the Safety Management System if—

(a) a modification is made to the major hazard facility;

(b) a major incident occurs at the major hazard facility; or

(c) whether or not the circumstances mentioned in paragraphs (a) or (b) arise, at least once each 5 years.

(6) An operator of a major hazard facility who fails to comply with this regulation is guilty of an indictable offence.

302. Identification of major incidents and hazards

(1) The operator of a major hazard facility must—

(a) identify all major incidents which could occur at the major hazard facility; and

(b) identify all hazards that could cause, or contribute to causing, those major incidents.

(2) The operator must document all aspects of any identification made under this regulation, including—

(a) the methods and criteria used for identifying major incidents and hazards;

(b) external conditions of any kind under which those hazards might give rise to a major incident.

303. Safety Assessment

(1) The operator of a major hazard facility must conduct a comprehensive and systematic Safety Assessment in relation to all potential major incidents and all hazards that could cause, or contribute to causing, those potential major incidents.
(2) A Safety Assessment must involve an investigation and analysis, of the hazards and major incidents, that provide the operator with a detailed understanding of all aspects of risk to health and safety associated with major incidents, including—

(a) the nature of each hazard and major incident;
(b) the likelihood of each hazard causing a major incident;
(c) in the event of a major incident occurring—
   (i) its magnitude; and
   (ii) the severity of its consequences to persons both on-site and off-site;
(d) the range of control measures considered.

(3) In conducting a Safety Assessment, the operator must—

(a) consider hazards cumulatively as well as individually; and
(b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the hazards being considered.

(4) The operator must document all aspects of the Safety Assessment, and the documentation must—

(a) describe the methodology used in the investigation and analysis;
(b) state all the matters specified in paragraphs (a) to (d) in sub-regulation (2);
(c) contain judgments as to the matters specified in paragraphs (b) and (c) of sub-regulation (2), and reasons for those judgments;
(d) contain, in relation to the range of control measures considered—

(i) statements as to their viability and effectiveness; and

(ii) reasons for selecting certain control measures and rejecting others; and

(e) be made available for inspection by the Authority or an inspector.

304. Control measures

(1) The operator of a major hazard facility must adopt control measures which eliminate or, if it is not practicable to eliminate, which reduce so far as is practicable, risk to health and safety.

(2) In sub-regulation (1), "risk to health and safety" means—

(a) the likelihood of any major incident occurring;

(b) in the event of a major incident occurring—

(i) its magnitude; and

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

(3) An operator of a major hazard facility who fails to comply with this regulation is guilty of an indictable offence.

305. Emergency planning

(1) The operator of a major hazard facility must prepare an emergency plan for the major hazard facility.

(2) The emergency plan so prepared must be included among the control measures adopted under regulation 304.
(3) The emergency plan must—

(a) address both the on-site and off-site consequences of a major incident occurring;

(b) include all the matters specified in Schedule 3;

(c) be prepared in conjunction with—

(i) the emergency services who have responsibility for the area in which the major hazard facility is located; and

(ii) in relation to the off-site consequences of a major incident occurring, the municipal council or councils within the area occupied by the local community.

(4) After preparing an emergency plan, the operator must—

(a) keep a copy of the emergency plan at the major hazard facility for use by the emergency services with whom the operator consulted under sub-regulation (3)(c)(i);

(b) inform those emergency services of the location of the copy so kept;

(c) forward copies of the plan to those emergency services.

(5) The operator must, at suitable intervals not exceeding three years, test the emergency plan, and in so doing must take all necessary steps to arrange for participation in the tests by the emergency services with whom the operator consulted under sub-regulation (3)(c)(i).
(6) An **operator** who has prepared an emergency plan must put the emergency plan into effect without delay if—

(a) a **major incident** occurs; or

(b) an uncontrolled event or incident occurs which could reasonably be expected to lead to a **major incident**.

(7) Immediately after becoming aware of the occurrence of a **major incident**, the **operator** of a **major hazard facility** must notify—

(a) the **emergency services** with whom the **operator** consulted under sub-regulation (3)(c)(i);

(b) if no emergency plan has been prepared, the **emergency services** who have responsibility for the area in which the **major hazard facility** is located.

### 306. Review

(1) The **operator** of a **major hazard facility**, who has—

(a) made an identification under regulation 302; or

(b) conducted a Safety Assessment under regulation 303; or

(c) adopted control measures under regulation 304—

must review, and as necessary revise, those matters so as to ensure that the control measures adopted are such that the **operator** continues to comply with regulation 304(1).
(2) Reviews and revisions under this regulation must be conducted—

(a) at the direction of the Authority;
(b) before a modification of the major hazard facility;
(c) after a major incident occurs at the major hazard facility;
(d) when an effectiveness test indicates a deficiency in a control measure;
(e) whether or not the circumstances mentioned in paragraphs (a) to (d) arise, at least once each 5 years.

(3) The operator must review and revise the emergency plan for the major hazard facility in conjunction with—

(a) the emergency services who have responsibility for the area in which the major hazard facility is located; and
(b) in relation to the off-site consequences of a major incident occurring, the municipal council or councils within the area occupied by the local community.

(4) An operator of a major hazard facility who fails to comply with this regulation is guilty of an indictable offence.

307. Safety role for employees

(1) The operator of a major hazard facility must develop a role for the operator's employees, including the specific procedures they would be required to follow, to assist the operator in relation to—

(a) making an identification of major incidents and hazards under regulation 302;
(b) conducting or reviewing a Safety Assessment under regulation 303;

(c) adopting or reviewing control measures under regulations 304 and 306;

(d) establishing and implementing a Safety Management System under regulation 301;

(2) The operator must review the role for employees developed under this regulation whenever there is any change of circumstances, including a modification to the major hazard facility, that would require additional or different knowledge and skills on the part of the employees to perform the role.

(3) In developing or reviewing the employees' role under this regulation, the operator must, if practicable, consult with the health and safety representative of each designated work group to which the employees belong.
PART 4—SAFETY CASE

401. Operator to provide Safety Case

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

(a) prepare, and revise, a Safety Case in accordance with this Part; and

(b) provide the Safety Case to the Authority.

402. Content of Safety Case

(1) A Safety Case prepared or revised under this Part must—

(a) contain a summary of the content of the Safety Management System established under regulation 301;

(b) contain a copy of the documentation prepared under regulation 302(2) and 303(4);

(c) include the information specified in Schedule 4.

(2) The content of a Safety Case must be sufficient for the purposes of—

(a) demonstrating that the Safety Management System provides a comprehensive and integrated management system for all aspects of control measures adopted in relation to hazards and major incidents;

(b) demonstrating the adequacy of the control measures adopted or reviewed under regulations 304 and 306.

(3) A Safety Case must also contain a signed statement by which the operator certifies that—

(a) the summary of the Safety Management System is an accurate summary;
(b) as a consequence of conducting a Safety Assessment under regulation 303, the operator has a detailed understanding of all aspects of risks to health and safety associated with major incidents;

(c) the control measures adopted in accordance with regulation 304 are such as to eliminate or, if it is not practicable to eliminate, to reduce so far as is practicable the matters mentioned in regulation 304(2);

(d) the persons who participate in the implementation of the Safety Management System have the knowledge and skills necessary to enable them to perform their allocated tasks and discharge their allocated responsibilities in relation to the Safety Management System.

(4) If the operator is a corporation, the statement under sub-regulation (3) must—

(a) if the Chief Executive of the corporation resides in Victoria, be signed by the Chief Executive;

(b) otherwise be signed by the Chief Executive of the corporation and by the most senior officer of the corporation resident in Victoria.

403. Co-ordination of Safety Cases

(1) When required by the Authority to do so, the operators of two or more major hazard facilities must co-ordinate the preparation of their respective Safety Cases.
(2) In order to comply with sub-regulation (1), each operator must provide to the other information concerning any circumstances at his or her major hazard facility that could constitute a hazard in relation to the other major hazard facility.

(3) The Authority may make a requirement under this regulation if it believes that the co-ordinated preparation of Safety Cases is necessary in the interests of the safe operation or the effective safety management of either or both major hazard facilities.

(4) An operator of a major hazard facility, who has co-ordinated the preparation of a Safety Case in accordance with this regulation, must include in the Safety Case the operator prepares reference to the information given by, or given to, the operator under sub-regulation (2).

404. Revision

(1) An operator of a major hazard facility, who revises control measures under regulation 306, must make a corresponding revision of the Safety Case for the major hazard facility.

(2) An operator of a major hazard facility, who intends to apply for the renewal of a licence under Part 8, must revise the Safety Case for the major hazard facility.

(3) A Safety Case revised under this regulation must—

(a) be prepared in accordance with regulation 402;

(b) include specific reference to any changes in relation to the matters specified in regulation 402(1).
(4) A Safety Case revised under this regulation, or revised by the operator on the operator's own initiative, must be provided to the Authority as soon as possible after the revision is made.
PART 5—CONSULTING, INFORMING, INSTRUCTING AND TRAINING

501. Consultation with health and safety representatives

(1) The operator of a major hazard facility, who is—

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

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

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

502. Informing, instructing and training employees

(1) The operator of a major hazard facility must provide the operator's employees with such information, instruction and training in relation to—

(a) all major incidents that could occur at the major hazard facility;
(b) all **hazards** that could cause, or contribute to causing, those **major incidents**;

(c) the implementation of control measures adopted under regulation 304;

(d) the content and operation of the **Safety Management System** generally—

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

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

### 503. Further information and access to documents

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

(a) inform **employees** about the content of the **major hazard facility's Safety Case**, including any revision to the **Safety Case**;

(b) ensure that the **Safety Management System**, the **Safety Case** and the emergency plan, or copies of these documents, are readily accessible to the **operator's employees**.

### 504. Non-employees at the facility

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

(a) informed about the **hazards** at the **major hazard facility**;
(b) instructed in the safety precautions the person should take while at the major hazard facility;

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

505. Local community

(1) The operator of a major hazard facility must ensure that the local community is provided with information concerning the safety of the major hazard facility.

(2) Persons to whom information is given under this regulation must include the municipal council or councils within the area occupied by the local community.

(3) Information provided under this regulation—

(a) must include—

(i) a summary of the Safety Case for the major hazard facility; and

(ii) a copy of the licence for the major hazard facility, including the terms and conditions attached to the licence;

(b) unless already included in the Safety Case summary, must include—

(i) the name and location of the major hazard facility;

(ii) the name, position and telephone number of the contact person from whom further information can be obtained;
(iii) a general description of the operations at the major hazard facility, including a description of the Schedule 1 materials present or likely to be present at the major hazard facility;

(iv) a general description of hazards identified at the major hazard facility and of major incidents they have potential to cause;

(v) a general description of the magnitude of major incidents that could occur at the major hazard facility and of the severity of the consequences to health and safety;

(vi) the means by which the local community will be notified of the occurrence of a major incident;

(vii) the action that members of the local community should take (in accordance with the emergency plan for the major hazard facility) in the event of a major incident occurring.

(4) Information provided under this regulation must—

(a) be so presented and so expressed that it can be readily understood by persons who are not familiar with the major hazard facility and its operations;

(b) be revised in the event of any modification being made to the major hazard facility;

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

506. Further information on request

(1) A person who, on reasonable grounds, believes that the occurrence of a major incident at a major hazard facility might adversely affect his or her health or safety, may in writing request the operator of the major hazard facility to provide information concerning the safety of the major hazard facility.

(2) The operator of a major hazard facility must comply with a request made under this regulation by providing the person making the request with a copy of the information provided to the local community under regulation 505.
PART 6—DUTIES OF EMPLOYEES

601. Duties of employees at major hazard facilities

(1) An employee at a major hazard facility must—

(a) follow the operator's procedures relating to the prevention and control of major incidents within the major hazard facility;

(b) follow the operator's emergency procedures in the event of a major incident occurring or in the event of the emergency procedures being activated;

(c) immediately inform the operator of any circumstance of any kind that he or she considers capable of leading to a major incident;

(d) without placing the employee or any other person at risk, take corrective action under those prevention and control and emergency procedures even if such corrective action could interrupt the operation of the major hazard facility;

(e) notify his or her supervisor of any corrective action taken.

(2) Anything done in good faith by an employee under sub-regulation (1) is to be taken to be done in the course of the employee's employment.
PART 7—REGISTRATION

701. Notification for existing major hazard facilities

(1) A person who, on 1 July 2000, is the operator of a major hazard facility must notify the Authority in order to obtain registration of the major hazard facility under this Part.

(2) Notification under this regulation must be given by 1 August 2000.

701A. Notification by certain mines

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

(2) Notification under this regulation must be given by 1 December 2002.

702. Notification by intended operator of major hazard facility

(1) A person who has an intention to operate a major hazard facility may notify the Authority in order to obtain registration for the proposed major hazard facility under this Part.

(2) For the purposes of this regulation, a person "has an intention to operate a major hazard facility" where—

(a) the person is operating a facility and intends to make alterations to the facility so that Schedule 1 materials present or likely to be present will be in a quantity that exceeds their threshold quantity; or
(b) the person intends to operate a facility, where Schedule 1 materials present or likely to be present will be in a quantity that exceeds their threshold quantity, which proposed major hazard facility is—

(i) designed but not constructed; or

(ii) under construction; or

(iii) constructed but not yet operational.

703. Operators of certain facilities to notify Authority

(1) A person who is the operator of a facility at which Schedule 1 materials are present or likely to be present in a quantity exceeding 10% of their threshold quantity but less than their threshold quantity must notify the Authority.

(2) Notification under this regulation must be given within 30 days after the operator becomes aware, or should reasonably have been or become aware, of the circumstances giving rise to the obligation to notify.

(3) When the Authority receives and considers the notification, the Authority may make a determination under regulation 705.

704. Content of notification

(1) Notification given under this Part must—

(a) be in writing;

(b) contain the particulars specified in sub-regulations (2) and (3).

(2) The particulars to be included in a notification in accordance with sub-regulation (1) are—

(a) in relation to the facility itself—

(i) if the operator is a corporation—the full corporate name, trading name, Australian Company Number, nature of
business, registered address and relevant place of business;

(ii) if the operator is a natural person—the person's full name, the nature of the person's business, residential address and business address;

(iii) the location (or the proposed location) of the facility;

(iv) a brief description of the nature of the facility, including general site activities and production and auxiliary processes involving Schedule 1 materials;

(v) the number of employees expected to be present at the facility;

(vi) a description of land use in the area surrounding the facility;

(b) in relation to the Schedule 1 materials and other materials at the facility or likely to be at the facility—

(i) the quantity of each Schedule 1 materials present or likely to be present at the facility;

(ii) in relation to each such material—its name and such further information as is necessary to clearly identify it;

(iii) details of the information and method used by the person giving the notification to determine the percentage of the threshold quantity of the materials present or likely to be present;

(iv) the names and quantities of any dangerous goods, which are not Schedule 1 materials but which are present or likely to be present at the
facility in quantities that could increase the likelihood of a major incident occurring or the severity of the consequences to health and safety in the event of a major incident occurring.

(3) If the notification is given under regulation 702, the notification must contain—

(a) the information specified in sub-regulation (2) with all necessary adaptations to the circumstances described in regulation 702(2) which give rise to the right to notify; and

(b) the date on which the facility or proposed facility is expected to operate as a major hazard facility.

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

(1) If the Authority receives notification under regulation 703 and forms the opinion that there is a potential for a major incident to occur at the facility, having regard to—

(a) the quantity or combination of Schedule 1 materials present or likely to be present at the facility; or

(b) an activity within the facility involving those materials—

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

(2) If—

(a) the existence of a facility at which Schedule 1 materials are present or likely to be present in a quantity exceeding 10% of their threshold quantity but less than their threshold quantity comes to the notice of the Authority otherwise than by notification under regulation 703; and
(b) the Authority forms the opinion that there is a potential for a major incident to occur at the facility, having regard to—

(i) the quantity or combination of Schedule 1 materials present or likely to be present at the facility; or

(ii) an activity within the facility involving those materials—

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

706. Inquiry before making determination

(1) The Authority must not make a determination under regulation 705 unless the Authority has conducted an inquiry under this regulation.

(2) The Authority must give the operator of the facility written notice of the Authority's intention to conduct an inquiry.

(3) The notice must—

(a) state the subject of the inquiry and the reasons for conducting it;

(b) invite the operator to make submissions in relation to the inquiry.

(4) The Authority must consider any submissions made by the operator.

(5) If the Authority makes a determination, the Authority must send to the operator a written notification, which must—

(a) state the decision to make the determination;

(b) state the reasons for the decision;

(c) specify the date on which the determination is to take effect.
(6) The effective date specified under sub-regulation (5)(c) must be not less than 30 days after the operator is given the notification.

707. Registration of major hazard facilities

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

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

(2) If the Authority receives a notification under regulation 702, the Authority may, as soon as practicable after receiving the notification, register the facility or the proposed facility as a major hazard facility.

(3) If the Authority determines a facility to be a major hazard facility under regulation 705, the Authority must, as soon as practicable after making the determination, register the facility as a major hazard facility.

(4) If the Authority grants a registration under this regulation, the Authority must, as soon as practicable after granting the registration, send written notice of the registration to the operator or proposed operator.

708. Obligations on operator of registered major hazard facility

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

(a) a written program, that is detailed and timeframed, for the preparation of the Safety Case, with specific reference being made to each of the matters required by regulation 402 to be included in a Safety Case;

(b) details of the scope of consultation that will be undertaken when preparing the Safety Case;

(c) a draft of the emergency plan the operator proposes to include in the Safety Case.

(3) The operator must make any alterations required by the Authority.

(4) The Authority must not require the operator to make any alterations unless the Authority has—

(a) informed the operator of the proposed alterations;

(b) invited the operator to make written submissions; and

(c) considered any submissions that are made.

(5) The operator of a registered major hazard facility must comply with the outline provided to the Authority under sub-regulation (1).

(6) If the outline has been altered under sub-regulation (3), the operator must comply with the outline as so altered.
709. Expiry of registration

(1) Registration under this Part expires on the expiry date unless—

(a) a licence is granted, in which case registration expires on the date specified by the licence as the date on which its grant is effective;

(b) the Authority decides to refuse to grant a licence and no application is made to the Victorian Civil and Administrative Tribunal for a review of the decision, in which case registration expires on the date specified in the notification of the refusal as the date on which the decision to refuse to grant the licence takes effect;

(c) the Authority decides to refuse to grant a licence and an application is made to the Victorian Civil and Administrative Tribunal for a review of the decision, in which case registration expires 30 days after the day on which the decision that results from the review is made.

(2) In sub-regulation (1), "expiry date" means—

(a) in the case of a major hazard facility that is registered under regulation 707(1), the end of whichever of the following periods applies—

(i) 30 months after 1 July 2000;

(ii) a shorter period specified in a notice under sub-regulation (3);

(iii) if a period is specified in a notice under regulation 803(2)(b), 36 months after 1 July 2000;
(b) in the case of a major hazard facility that is registered under regulation 707(1A), (2) or (3), the end of whichever of the following periods applies—

(i) 30 months after the date of registration;

(ii) a shorter period specified in a notice under sub-regulation (3);

(iii) if a period is specified in a notice under regulation 803(2)(b), 36 months after the date of registration.

(3) For the purposes of sub-regulation (2), the Authority may by notice to the operator specify a shorter period after which registration will expire if the Authority is of the opinion that the operator is able to—

(a) prepare a Safety Case in accordance with Part 4; and

(b) satisfy the Authority as to the other matters specified in regulation 803(1).
PART 8—LICENSING

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

(1) A person must not operate a major hazard facility unless—
   (a) it is licensed under this Part; or
   (b) if not licensed under this Part, it is registered under Part 7.

(2) A person who contravenes this regulation is guilty of an indictable offence.

802. Application for licence

(1) The operator of a major hazard facility who seeks a licence for the operation of a major hazard facility must make an application under this regulation.

(2) An application for a licence must—
   (a) identify the applicant and the major hazard facility;
   (b) be accompanied by the Safety Case prepared in accordance with Part 4;
   (c) contain such particulars and be accompanied by such further material as the Authority determines.

(3) If a licence is sought for a registered major hazard facility, the application must be made—
   (a) in the case of a major hazard facility that is registered under regulation 707(1), within 24 months after 1 July 2000;
   (b) in the case of a major hazard facility that is registered under regulation 707(2) or (3), within 24 months after the date of registration.
803. Grant of licence

(1) If the Authority is satisfied that—

(a) the Safety Case has been prepared in accordance with regulation 402;

(b) the applicant has complied with the provisions of Part 3;

(c) the applicant has the ability to operate the major hazard facility safely;

(d) the applicant has complied with the provisions of Part 5—

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

(2) Notification under sub-regulation (1) must be given—

(a) within 6 months after the date of the application; or

(b) if the Authority considers that, in the circumstances, more than 6 months is necessary to decide whether it is satisfied as to the matters referred to in sub-regulation (1), within a period—

   (i) not exceeding 12 months after the date of the application; and

   (ii) specified by notice to the applicant before the expiry of 6 months after the date of the application; or

(c) if the Authority decides to refuse to grant a licence and an application is made to the Victorian Civil and Administrative Tribunal for a review of the decision, on the day on which the decision is made as a result of the review that a licence should be granted.
(3) On payment of the fee, the Authority must grant the licence.

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

804. Renewal

(1) A person who seeks the renewal of a licence for the operation of a major hazard facility must make an application under this regulation.

(2) An application for the renewal of a licence must—
   (a) be made at least 6 months before the expiry of the licence being renewed;
   (b) be accompanied by a revised Safety Case prepared in accordance with Part 4;
   (c) contain such particulars and be accompanied by such further material as the Authority determines.

(3) If the Authority continues to be satisfied as to the matters set out in regulation 803(1), the Authority must notify the applicant that the licence will be renewed on payment of the fee calculated in accordance with Schedule 5.

(4) Notification under sub-regulation (3) must be given within 6 months after the date of the application.

(5) On payment of the fee, the Authority must renew the licence.
(6) A renewed licence must—

(a) be in the form approved by the Authority;

(b) specify the facility, the operator and the Schedule 1 materials in relation to which it is granted;

(c) specify the date from which the renewal of the licence is effective;

(d) specify its term, which must not exceed 5 years.

805. Terms and conditions

(1) In granting or renewing a licence under this Part, the Authority may attach such terms and conditions as it considers necessary for the purposes of these Regulations.

(2) The operator of the licensed major hazard facility must comply with the terms and conditions attached to the licence.

(3) The Authority may, during the period of operation of a licence, vary the terms and conditions attached to it.

(4) If the Authority varies terms and conditions under sub-regulation (3), the operator must comply with the terms and conditions as so varied.

806. Transfer

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

(1) A person to whom a licence, including a renewed licence, is granted under this Part must ensure that a copy of the licence—

(a) is kept at the place specified in the licence;

(b) is made available on request to—

(i) an inspector;

(ii) an employee of the operator working at the major hazard facility;

(iii) the emergency services who have responsibility for the area in which the major hazard facility is located.

(2) The terms and conditions attached to a licence, including any variation of those terms and conditions, must also be kept and made available under this regulation.

808. Suspension and cancellation

(1) The Authority may, at any time during the operation of a licence granted or renewed under this Part, suspend or cancel the licence under this regulation.

(2) The Authority may suspend or cancel a licence if the Authority is satisfied that—

(a) the Safety Management System for the licensed major hazard facility no longer provides a comprehensive and integrated management system for all aspects of control measures adopted in relation to hazards and major incidents; or

(b) control measures adopted by the operator under regulation 304 are seriously deficient; or
(c) the operator who holds the licence for the major hazard facility is, on three or more occasions during the term of the licence, convicted or found guilty, in relation to the operation of the major hazard facility, of contravening or failing to comply with—

(i) regulation 301, 304, 306 or 801; or

(ii) a provision of Part III of the Act, in circumstances that would also constitute or include a contravention of or failure to comply with regulation 301, 304 or 306;

(d) the operator who holds the licence for the major hazard facility no longer understands the content of the Safety Assessment conducted under regulation 303; or

(e) the operator who holds the licence for the major hazard facility no longer has the ability to operate the major hazard facility safely; or

(f) the licence was obtained, whether initially or on renewal, on the basis of false or misleading information or a failure to disclose particular information.

809. Surrender of licence

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

810. Notification in Government Gazette

(1) The Authority must cause to be published in the Government Gazette a notice of the grant, renewal, transfer, suspension or cancellation of a licence under this Part.
(2) A notice under this regulation must include details of any terms and conditions attached to the licence, including any variation of such terms and conditions.
PART 9—PROTECTION OF PROPERTY

901. Control measures

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

902. Property Protection Assessment

(1) For the purpose of complying with regulation 901, the operator of a major hazard facility must conduct a comprehensive and systematic Property Protection Assessment in relation to all potential major incidents and all hazards identified under regulation 302.

(2) A Property Protection Assessment must involve an investigation and analysis of the hazards and major incidents which provide the operator with a detailed understanding of—

(a) the likelihood of any major incident occurring;

(b) in the event of a major incident occurring—
   (i) its magnitude; and
   (ii) the extent of property damage that might be caused;

(c) the range of control measures considered.

(3) In conducting a Property Protection Assessment, the operator must—

(a) consider hazards cumulatively as well as individually; and
(b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the hazards being considered.

(4) The operator must document all aspects of the Property Protection Assessment, and the documentation must—

(a) describe the methodologies used in the investigation and analysis;

(b) state all the matters specified in paragraphs (a) to (c) in sub-regulation (2);

(c) contain judgments as to the matters specified in paragraphs (a) and (b) of sub-regulation (2), and reasons for those judgments;

(d) contain, in relation to the range of control measures—

   (i) statements as to their viability and effectiveness; and

   (ii) reasons for selecting certain control measures and rejecting others; and

(e) be made available for inspection by the Authority or an inspector.

(5) The operator may—

(a) conduct and document the Property Protection Assessment required by this regulation in conjunction with the Safety Assessment required by regulation 303;

(b) incorporate the contents of the Property Protection Assessment into the Safety Management System established and documented under regulation 301.
903. Exemption from Part 9

(1) The Authority may exempt a person from a requirement in this Part if the Authority is satisfied that the person is capable of achieving a level of safety of property, that is at least equivalent to the level that would be achieved if the requirement had been complied with.

(2) If the Authority grants an exemption under sub-regulation (1), the Authority may attach such terms and conditions as the Authority considers reasonable, including terms and conditions in relation to—
   
   (a) the commencement and duration of the exemption;
   
   (b) control measures to be adopted by the person to whom the exemption is granted for the elimination or reduction of risk to property associated with major incidents;
   
   (c) a requirement that the person exempted give notice of the exemption and of the terms and conditions of the exemption to any specified person who may be affected.

(3) If a person requests an exemption, the Authority must not refuse to grant the exemption unless the Authority has—

   (a) invited the person to make written submissions;

   (b) specified a date, not less than 14 days after the date of the invitation, by which the person may make the submissions;

   (c) considered any submissions that are made by the specified date.
(4) If the Authority grants an exemption under this regulation, the Authority must cause a notice of the exemption, including any terms and conditions attached to the exemption, to be published in the Government Gazette.
1001. Exemption from Dangerous Goods (Storage and Handling) Regulations

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

"110. Exemptions

(1) The Authority may exempt a person, premises, thing or activity or a class of people, premises, things or activities from any or all of the provisions of these Regulations if the Authority is satisfied that—

(a) compliance with the relevant provision or provisions is not practicable in the circumstances;

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

(c) if a premises, thing or activity, or a class of premises, things or activities, is to be exempted, there can be achieved, in relation to the storage and handling of dangerous goods, a level of health and safety of people, and safety of property, that is at least equivalent to the level that would be achieved if the
relevant provision or provisions had been complied with.

(2) An exemption granted by the Authority under this regulation or under regulation 110A(1)—

(a) must be in writing;

(b) may be subject to any conditions specified by the Authority;

(c) must specify—

(i) the thing or activity or the class of things or activities for which the exemption has been granted;

(ii) the person or class of people to whom the exemption has been granted;

(iii) the premises or class of premises for which the exemption has been granted;

(iv) the provision or provisions of these Regulations from which the exemption has been granted;

(v) the conditions (if any) to which the exemption is subject.

(3) A person to whom an exemption is granted under this regulation or under regulation 110A(1) must comply with each specified condition to which the exemption is subject.

110A. Exemptions for major hazard facilities

(1) The Authority may exempt a person who is operating a major hazard facility that is licensed under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 from any or all of the provisions of these Regulations if the Authority is satisfied
that the person is, in relation to the storage and handling of dangerous goods at the facility, capable of achieving a level of health and safety of people, and safety of property, that is at least equivalent to the level that would be achieved if the relevant provision or provisions had been complied with.

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

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SCHEDULES

SCHEDULE 1

MATERIALS AT MAJOR HAZARD FACILITIES (AND THEIR THRESHOLD QUANTITY)

1. Relevant materials

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

2. "Threshold quantity" of one material

(1) In relation to each such material, the third column of each Table provides a quantity that is described as the "threshold quantity" of that material.

(2) Where a material is mentioned in Table 1, the threshold quantity of the material is that described in Table 1, whether or not the material also belongs to a type, class or category mentioned in Table 2.

(3) Where a material is not mentioned in Table 1, and where the material belongs to a type, class or category mentioned in Table 2, the threshold quantity of that material is that of the type, class or category to which it belongs.

(4) Where a material is not mentioned in Table 1, and where the material appears to belong to more than one of the types, classes or categories mentioned in Table 2, the threshold quantity of that material is that of the relevant type, class or category which has the lower or lowest threshold quantity.

3. "Threshold quantity" of more than one material

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

\[ q_x + q_y + \ldots + q_n \]

\[ Q_x \quad Q_y \quad \ldots \quad Q_n \]
Where—

- x, y, … and n are the materials present or likely to be present;
- qx, qy ..... and qn is the quantity of materials x, y, … and n present or likely to be present, other than—
  - (i) material that is present or likely to be present in an isolated quantity less than 2% of its individual threshold quantity;
  - (ii) materials that are solely the subject of intermediate temporary storage, while in transit by road or rail;
- Qx, Qy ..... Qn is the individual threshold quantity for each material x, y … and n;
- a material is present or likely to be present in an "isolated quantity", if its location at the facility is such that it cannot, on its own, act as an initiator of a major incident.
The UN number listed against the named material is given for information only. It does not restrict the meaning of the name, which also applies to materials which fall outside the UN number, for example, because they are too dangerous to transport or are part of mixtures covered by another UN number. However, any materials which are covered by the listed UN numbers must be included in the quantity of the material named.

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>UN Nos INCLUDED UNDER NAME</th>
<th>THRESHOLD QUANTITY (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACETONE CYANOHYDRIN</td>
<td>1541</td>
<td>20</td>
</tr>
<tr>
<td>ACETYLENE</td>
<td>1001</td>
<td>50</td>
</tr>
<tr>
<td>ACROLEIN</td>
<td>1092</td>
<td>200</td>
</tr>
<tr>
<td>ACRYLONITRILE</td>
<td>1093</td>
<td>200</td>
</tr>
<tr>
<td>ALLYL ALCOHOL</td>
<td>1098</td>
<td>20</td>
</tr>
<tr>
<td>ALLYLAMINE</td>
<td>2334</td>
<td>200</td>
</tr>
<tr>
<td>AMMONIA, ANHYDROUS, LIQUEFIED or AMMONIA SOLUTIONS, relative density less than 0.880 at 15 Deg. C in water, with more than 50 per cent ammonia</td>
<td>1005</td>
<td>200</td>
</tr>
<tr>
<td>AMMONIUM NITRATE FERTILISERS</td>
<td>2067</td>
<td>5000</td>
</tr>
<tr>
<td>AMMONIUM NITRATE, with not more than 0.2 per cent combustible substances, including any organic substance calculated as carbon, to the exclusion of any other added substance</td>
<td>1942</td>
<td>2500</td>
</tr>
<tr>
<td>ARSENIC PENTOXIDE, Arsenic (V) Acid and other salts</td>
<td>1559</td>
<td>10</td>
</tr>
<tr>
<td>ARSENIC TRIOXIDE, Arsenious (III) Acid and other salts</td>
<td>1561</td>
<td>0.1</td>
</tr>
</tbody>
</table>
### Occupational Health and Safety (Major Hazard Facilities)
#### Regulations 2000
#### S.R. No. 50/2000

**Table: Threshold Quantity**

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>UN Nos INCLUDED UNDER NAME</th>
<th>THRESHOLD QUANTITY (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARSINE</td>
<td>2188</td>
<td>0.01</td>
</tr>
<tr>
<td>BROMINE or BROMINE SOLUTIONS</td>
<td>1744</td>
<td>100</td>
</tr>
<tr>
<td>CARBON DISULFIDE</td>
<td>1131</td>
<td>200</td>
</tr>
<tr>
<td>CHLORINE</td>
<td>1017</td>
<td>25</td>
</tr>
<tr>
<td>DIOXINS</td>
<td>---</td>
<td>0.1</td>
</tr>
<tr>
<td>DIPHENYLMETHANE 4,4'-DIISOCYANATE</td>
<td>2489</td>
<td>200</td>
</tr>
<tr>
<td>ETHYL NITRATE</td>
<td>---</td>
<td>50</td>
</tr>
<tr>
<td>ETHYLENE DIBROMIDE</td>
<td>1605</td>
<td>50</td>
</tr>
<tr>
<td>ETHYLENE OXIDE</td>
<td>1040</td>
<td>50</td>
</tr>
<tr>
<td>ETHYLENEIMINE</td>
<td>1185</td>
<td>50</td>
</tr>
<tr>
<td>FLUORINE</td>
<td>1045</td>
<td>25</td>
</tr>
<tr>
<td>FORMALDEHYDE</td>
<td>1198</td>
<td>50</td>
</tr>
<tr>
<td>HYDROFLUORIC ACID SOLUTION (greater than 50 per cent)</td>
<td>1790</td>
<td>50</td>
</tr>
<tr>
<td>HYDROGEN</td>
<td>1049</td>
<td>50</td>
</tr>
<tr>
<td>HYDROGEN CHLORIDE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Anhydrous</td>
<td>1050</td>
<td>250</td>
</tr>
<tr>
<td>- Refrigerated Liquid</td>
<td>2186</td>
<td>250</td>
</tr>
<tr>
<td>HYDROGEN CYANIDE</td>
<td>1051</td>
<td>20</td>
</tr>
<tr>
<td>HYDROGEN CYANIDE</td>
<td>1614</td>
<td></td>
</tr>
<tr>
<td>HYDROGEN FLUORIDE</td>
<td>1052</td>
<td>50</td>
</tr>
<tr>
<td>HYDROGEN SULFIDE</td>
<td>1053</td>
<td>50</td>
</tr>
<tr>
<td>LP GASES</td>
<td>1011</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>1012</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1075</td>
<td></td>
</tr>
<tr>
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<td>1077</td>
<td></td>
</tr>
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<td></td>
<td>1978</td>
<td></td>
</tr>
</tbody>
</table>
### Sch. 1

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>UN Nos INCLUDED UNDER NAME</th>
<th>THRESHOLD QUANTITY (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>METHYL BROMIDE</td>
<td>1062</td>
<td>200</td>
</tr>
<tr>
<td>METHANE or NATURAL GAS</td>
<td>1971</td>
<td>200</td>
</tr>
<tr>
<td>METHYL ISOCYANATE</td>
<td>2480</td>
<td>0.15</td>
</tr>
<tr>
<td>OXIDES OF NITROGEN, including nitrous oxide, nitrogen dioxide and nitrogen trioxide</td>
<td>1067, 1070, 1660, 1975, 2201, 2421</td>
<td>50, 75</td>
</tr>
<tr>
<td>OXYGEN</td>
<td>1072, 1073</td>
<td>2000</td>
</tr>
<tr>
<td>PHOSGENE</td>
<td>1076</td>
<td>0.75</td>
</tr>
<tr>
<td>PROPYLENEIMINE</td>
<td>1921</td>
<td>200</td>
</tr>
<tr>
<td>PROPYLENE OXIDE</td>
<td>1280</td>
<td>50</td>
</tr>
<tr>
<td>SODIUM CHLORATE, solid</td>
<td>1495</td>
<td>200</td>
</tr>
<tr>
<td>SULFURIC ANHYDRIDE (Alt. SULFUR TRIOXIDE)</td>
<td>1829</td>
<td>75</td>
</tr>
<tr>
<td>SULFUR DICHLORIDE</td>
<td>1828</td>
<td>1</td>
</tr>
<tr>
<td>SULFUR DIOXIDE, LIQUEFIED</td>
<td>1079</td>
<td>200</td>
</tr>
<tr>
<td>TOLUENE DIISOCYANATE</td>
<td>2078</td>
<td>200</td>
</tr>
</tbody>
</table>
TABLE 2

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

<table>
<thead>
<tr>
<th>Div</th>
<th>1.1</th>
<th>1.2</th>
<th>1.3</th>
<th>1.4</th>
<th>1.5</th>
<th>1.6</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1A</td>
<td>1.1A</td>
<td>1.1A</td>
<td>1.1A</td>
<td>1.1A</td>
<td>1.1A</td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>1.1</td>
<td>1.1</td>
<td>1.1</td>
<td>1.1</td>
<td>1.1</td>
<td>1.1</td>
</tr>
<tr>
<td>1.2</td>
<td>1.1</td>
<td>1.2</td>
<td>1.1</td>
<td>1.2</td>
<td>1.1</td>
<td>1.2</td>
</tr>
<tr>
<td>1.3</td>
<td>1.1</td>
<td>1.1</td>
<td>1.3</td>
<td>1.3</td>
<td>1.1</td>
<td>1.3</td>
</tr>
<tr>
<td>1.4</td>
<td>1.1</td>
<td>1.2</td>
<td>1.3</td>
<td>1.4</td>
<td>1.5</td>
<td>1.6</td>
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<tr>
<td>1.5</td>
<td>1.1</td>
<td>1.1</td>
<td>1.1</td>
<td>1.5</td>
<td>1.5</td>
<td>1.5</td>
</tr>
<tr>
<td>1.6</td>
<td>1.1</td>
<td>1.2</td>
<td>1.3</td>
<td>1.6</td>
<td>1.5</td>
<td>1.6</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>DESCRIPTION</th>
<th>THRESHOLD QUANTITY (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explosive materials</td>
<td>• Explosive of Class 1.1A</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>• All other Explosives of Class 1.1</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>• Explosive of Class 1.2</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>• Explosive of Class 1.3</td>
<td>200</td>
</tr>
</tbody>
</table>
### Occupational Health and Safety (Major Hazard Facilities)

**Regulations 2000**

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

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>DESCRIPTION</th>
<th>THRESHOLD QUANTITY (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compressed and liquefied gases</td>
<td>• Compressed or liquefied gases of <strong>Class 2.1</strong> or Subsidiary Risk 2.1</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>• Liquefied gases of Subsidiary Risk 5</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>• Compressed or liquefied gases which meet the criteria for Very Toxic in Table 3</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>• Compressed or liquefied gases which meet the criteria for Toxic in Table 3</td>
<td>200</td>
</tr>
<tr>
<td>Flammable materials</td>
<td>• Liquids which meet the criteria for <strong>Class 3 Packing Group I</strong> Materials (except for crude oil in remote locations)</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>• Crude oil in remote locations which meet the criteria for <strong>Class 3 Packing Group I</strong></td>
<td>2000</td>
</tr>
<tr>
<td></td>
<td>• Liquids which meet the criteria for <strong>Class 3 Packing Group II or III</strong></td>
<td>50000</td>
</tr>
<tr>
<td></td>
<td>• Liquids with flashpoints &lt;61°C kept above their boiling points at ambient conditions</td>
<td>200</td>
</tr>
</tbody>
</table>
### Occupational Health and Safety (Major Hazard Facilities)
#### Regulations 2000
#### S.R. No. 50/2000

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>DESCRIPTION</th>
<th>THRESHOLD QUANTITY (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Materials which meet the criteria for Class 4.1 Packing Group I</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>• Spontaneously combustible materials which meet the criteria for Class 4.2 Packing Group I or II</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>• Materials which liberate flammable gases or react violently on contact with water which meet the criteria for Class 4.3 Packing Group I or II</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>• Materials which belong to Classes 3 or 8 Packing Group I or II which have Hazchem codes of 4WE (materials which react violently with water)</td>
<td>500</td>
<td></td>
</tr>
</tbody>
</table>

**Oxidising Materials**
- Oxidising material listed in Appendix 5 of the ADG Code
- Oxidising materials that meet the criteria for Class 5.1 Packing Group I or II

**Peroxides**
- Peroxides which are listed in Appendix 5 to the ADG Code

---

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## Sch. 1

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>DESCRIPTION</th>
<th>THRESHOLD QUANTITY (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Organic Peroxides</strong></td>
<td>which meet the criteria for Class 5.2</td>
<td>200</td>
</tr>
<tr>
<td><strong>Toxic Solids and liquids</strong></td>
<td>• Materials which meet the criteria for Very Toxic in Table 3</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>• Materials which meet the criteria for Toxic in Table 3</td>
<td>200</td>
</tr>
</tbody>
</table>
### TABLE 3: CRITERIA FOR TOXICITY

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Oral Toxicity&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Dermal Toxicity&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Inhalation Toxicity&lt;sup&gt;3&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Toxic</td>
<td>LD&lt;sub&gt;50&lt;/sub&gt;&lt;5</td>
<td>LD&lt;sub&gt;50&lt;/sub&gt;&lt;40</td>
<td>LC&lt;sub&gt;50&lt;/sub&gt;&lt;0.5</td>
</tr>
<tr>
<td>Toxic</td>
<td>5&lt;LD&lt;sub&gt;50&lt;/sub&gt;&lt;50</td>
<td>50&lt;LD&lt;sub&gt;50&lt;/sub&gt;&lt;200</td>
<td>0.5&lt;LC&lt;sub&gt;50&lt;/sub&gt;&lt;2</td>
</tr>
</tbody>
</table>

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

ADDITIONAL MATTERS TO BE INCLUDED IN SAFETY MANAGEMENT SYSTEM

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

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

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

3.4 A description of the roles of persons and of the interfaces between persons and plant.

3.5 Provision for alarm systems.

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

4.1 In relation to each part of the documented Safety Management System that describes the means of compliance with Part 3 of these Regulations, an annotation or cross-reference identifying the specific provision of these Regulations being complied with.

4.2 A description of the means by which the operator proposes to comply with Part 5.

5. Management of change

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

6. Principles and standards

6.1 A statement of the principles, especially the design principles and engineering standards, being used to ensure the safe operation of the major hazard facility.

6.2 A description of any technical standards, whether published or proprietary, being relied on in relation to such principles and standards.

7. Performance monitoring

7.1 Performance standards for measuring the effectiveness of the Safety Management System, which—

(a) relate to all aspects of the Safety Management System;

(b) are sufficiently detailed to ensure that the ability of the operator to ensure the effectiveness of all aspects of the Safety Management System is apparent from the documentation;

(c) include steps to be taken to continually improve all aspects of the Safety Management System.

7.2 A description of the way in which these performance standards are to be met.
7.3 Performance indicators for the effectiveness of control measures adopted, including—

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

8. Audit

8.1 Provision for the audit of performance against the performance standards, including the methodologies, frequency and results of the audit process.
SCHEDULE 3

Regulation 305(3)(b)

MATTERS TO BE INCLUDED IN EMERGENCY PLAN

1. Site and hazard detail
   
   1.1 The name, location, postal address and nature of the operations of the major hazard facility.

   1.2 A detailed map of—
       (a) the site of the major hazard facility;
       (b) the area surrounding the site showing details of residents, the built and natural environment, closely located major hazard facilities and all other neighbours whose health or safety could be adversely affected by a major incident. This map should also identify all potentially hazardous inventories in the area that are known to the operator, and the location of all staging points for emergency services.

   1.3 Inventory of Schedule 1 materials present or likely to be present at the major hazard facility.

   1.4 Minimum and maximum number of employees expected to be on-site at any one time, and their likely or normal location within the major hazard facility.

   1.5 Infrastructure likely to be affected by a major incident—for example, utilities, road, rail, airport or shipping.

   1.6 Emergency planning assumptions, including emergency measures planned for identified major incidents, area likely to be affected, duration of events, protection of the local community, including other nearby facilities, and the built and natural environment.

   1.7 For each hazard and major incident, a description of the measures taken and to be taken to control or limit the consequences, including a description of all protective resources available and all emergency response procedures.
2. Command structure and site personnel

2.1 The operator's command philosophy and structure that is activated in case of an emergency, including relevant positions within the organisational structure, the duties attached to them and the names of the persons assigned to them.

2.2 The name, title and telephone number of the contact person with whom details of the content of the plan can be clarified.

2.3 The position, location and means of contacting the persons at the facility who are responsible for liaison with emergency services and who have knowledge of the hazards, their likely consequences and the content of the emergency plan. In case the nominated persons are not on-site a list of 24 hour emergency contact names and telephone numbers shall be supplied.

2.4 The allocation of personnel and the responsibilities of those personnel for implementing the plan including establishing communication with emergency services and coordinating the operator's employees and resources with those of the emergency services.

2.5 Arrangements for providing assistance to emergency services with off-site mitigatory action, and nearby facilities which might require mutual aid in the event of a major incident.

3. Notifications

3.1 Procedures in place for providing early warning of a major incident to emergency services, the type of information to be initially provided, and for providing more detailed information as it becomes available.

3.2 On-site and off-site warning systems.

3.3 Contact details for emergency services and other support services that can assist in procuring resources, implementing evacuation plans and securing the major hazard facility in the event of a major incident.

3.4 Communication systems on-site.

4. Resources

4.1 Emergency resources on-site, for example, personnel, emergency equipment, gas detectors and wind velocity detectors.
4.2 Arrangements for obtaining additional external resources to assist the control and mitigation of hazards and major incidents.

5. Procedures

5.1 Procedures for the safe evacuation of, and accounting for, all people on site.

5.2 Control points and procedures for utilities, including gas, water and electricity.

5.3 Containment procedures for any incident, whether or not a major incident, involving Schedule 1 materials.

5.4 Resources and procedures necessary for decontamination following a major incident.
SCHEDULE 4

Regulation 402(1)(c)

ADDITIONAL MATTERS TO BE INCLUDED IN SAFETY CASE

A. FACILITY DESCRIPTION

1. The facility

(a) A description of the main activities and products of the major hazard facility, particularly those activities associated with Schedule 1 materials.

(b) A description of the Schedule 1 materials and any other dangerous goods present or likely to be present.

(c) In relation to those materials and dangerous goods—
   (i) their identification by name and by any other means necessary for a clear identification;
   (ii) the quantity present or likely to be present at the major hazard facility;
   (iii) their physical, chemical and toxicological characteristics, and any other hazardous characteristics, both immediate and delayed;
   (iv) their physical and chemical behaviour under normal conditions of use or under foreseeable abnormal conditions.

(d) A description of the chemical and physical processes associated with any Schedule 1 materials, including—
   (i) the main units of process equipment used in those processes;
   (ii) a process flow drawing, or set of such drawings, describing the processes.

(e) A drawing of the major hazard facility's general layout, containing the location of—
   (i) the main process units;
   (ii) the main storage areas; and
   (iii) hazards and major incident initiators.
(f) In relation to proposed changes at the major hazard facility, for which no new control measures are adopted—

(i) a description of any proposed changes to the major hazard facility, which would alter the production capacity or profile of the major hazard facility, or which would involve the deletion, addition or modification of any processes; and

(ii) a statement as to how existing control measures and Safety Management Systems are capable of maintaining the safe operation of the major hazard facility.

2. The surrounding area

(a) A scaled plan of the facility and its surrounding area showing—

(i) the location of the facility within the surrounding area;

(ii) topographical information;

(iii) surrounding land uses;

(iv) the location of any identified external threats (including other major hazard facilities, or other facilities that could affect the safety of the major hazard facility).

(b) Graphically presented demographic information for the local community, including surrounding land uses permitted by the local planning authority.

(c) Meteorological data relevant to the estimation of the effects of any major incident.

B. SAFETY INFORMATION

1. Control measures to limit the consequences of major incidents

(1) A detailed description of—

(a) the instrumentation and other equipment installed in the facility and the procedures in place that constitute the control measures for preventing or limiting the consequences of major incidents;

(b) the critical operating parameters for those control measures;
(c) key personnel and resources (internal and external) available to intervene in the event of any failure of a control measure, whether or not that failure results in a major incident;

(d) the emergency plan, including specific information about how these plans can be expected to limit the consequences of a major incident;

(e) the means of ensuring that there is at all times in place a command structure for the major hazard facility that applies in the event of an emergency, and that this command structure has been communicated throughout the major hazard facility.

(2) In this Clause—

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

"failure of a control measure" means—

(a) where the control measure is a positive action or event, the non-occurrence or the defective occurrence of that action or event; or

(b) where the control measure consists of a limitation on an operational activity, process or procedure, the breach of that limitation.

2. Performance Monitoring

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

3. Safety Management System

(1) At all points in the Safety Case where the matter addressed is covered by the Safety Management System, a clear reference to the relevant part of the documented Safety Management System.

(2) A description of those parts of the documented Safety Management System which address the maintenance of the Safety Management System (that is, its ongoing effective implementation and its ongoing improvement).
4. Safety and reliability of plant

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

5. Incident history

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

Regulations 803 and 804

LICENCE FEES

1. The fee for the issue or renewal of a licence under Part 8 is the lesser of—
   (a) the total reached at the rate of $71 for each person-hour spent by the Authority, its staff and other persons engaged by the Authority for the purpose of making a decision in relation to the licence application;
   (b) $50 197.

2. The activities involved in making a decision in relation to a licence application include—
   (a) checking the completeness of the Safety Case and the other information and material accompanying the application;
   (b) determining that further particulars or material are required, and procuring such particulars or material from the applicant;
   (c) verifying the information provided by the applicant by—
      (i) examining the Safety Case and the other information and material provided; and
      (ii) visiting and examining the site of the major hazard facility to which the application relates;
   (d) considering and deciding on the merits of the application; and
   (e) taking all necessary administrative steps.
ENDNOTES

1. General Information


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

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

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

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Date of Making</th>
<th>Date of Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupational Health and Safety (Major Hazard Facilities) (Amendment) Regulations 2002, S.R. No. 20/2002</td>
<td>26.3.02</td>
<td>31.3.02: reg. 3</td>
</tr>
</tbody>
</table>
3. Explanatory Details

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

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Table/s of Applied, Adopted or Incorporated Matter

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

Table of Applied, Adopted or Incorporated Matter

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