



Government of **Western Australia**
Department of **Mines, Industry Regulation and Safety**

Submission templates - Work Health and Safety Regulations for Western Australia

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WHS Regulations submission coversheet

Section 1: Submission details

Full name	<div style="background-color: black; width: 100px; height: 15px;"></div>	
Organisation and position (if applicable)	<div style="background-color: black; width: 80px; height: 15px;"></div>	
Email	<div style="background-color: black; width: 200px; height: 15px;"></div>	
Telephone	<div style="background-color: black; width: 70px; height: 15px;"></div>	
Employment status (if applicable)	<input checked="" type="checkbox"/> Worker <input type="checkbox"/> Employer <input type="checkbox"/> Self-employed <input type="checkbox"/> Other (enter details)	<input type="checkbox"/> Principal contractor <input type="checkbox"/> Contractor <input type="checkbox"/> OSH professional
Size of workplace	<input type="checkbox"/> Small (0-9) <input type="checkbox"/> Medium (20-199) <input checked="" type="checkbox"/> Large (200+)	
Please indicate in what capacity you are making this submission (select one of the following categories)	<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Business <input type="checkbox"/> Community organisation <input type="checkbox"/> Employer organisation <input type="checkbox"/> Other (enter details)	<input type="checkbox"/> Industry representative <input type="checkbox"/> Academic <input type="checkbox"/> Government representative <input type="checkbox"/> Professional
Which industry sector do you operate in?	Energy - Petroleum	
Your type of job or business (if applicable)	<div style="background-color: black; width: 450px; height: 15px;"></div>	

Section 1: Permission details

Internet publication

Public submissions may be published in full on the website, including any personal information of authors and/or other third parties **contained in the submission**.

Please tick this box if you wish for your input to remain confidential (that is, you **do not consent** to having your input published on the internet)

Anonymity

Please tick this box if you wish for your input to be treated as anonymous (that is, you **do not consent** to having your name, or the name of your organisation, published on the internet with your input)

Third party personal information

Please tick this box **if your input contains personal information of third party individuals**, and strike out the statement that is not applicable in the following sentence:

The third party **consents / does not consent** to the publication of their information.

WHS Regulations submission comments

Enter your comments on specific regulations in the table below. You may add new rows at the end of the table if you wish to include comments on other aspects of the national model WHS regulations.

When making your submission, please consider providing specific responses to the following issue:

1. What is the benefit to workplace participants of a proposal?
2. What is the likely cost for you, your business and the Regulator to implement a specific proposal?
3. Is a specific recommendation likely to be effective in achieving healthier and safer workplaces?
4. Are there any unintended consequences of adopting individual regulations in the model WHS regulations?
5. If a new requirement is proposed by the model WHS regulations, what are the costs and benefits?

This template can be used for providing your views concerning:

- National Model Work Health and Safety Regulations
- Demolition licensing under the OSH regulations
- Commercial driver fatigue under the OSH regulations
- Protection from tobacco smoke under the OSH regulations
- Proposed deletions in Western Australia to remove overlap with the *Dangerous Goods Safety Act 2004*

Section 2: Feedback

Track-changed document submission

- Which consultation document(s) are you providing feedback on?
- Differences between the national model WHS regulations and the OSH regulations 1996
 - Consultation document WHS (Mines) Regulations for WA
 - Consultation document WHS (Petroleum and Geothermal Energy Operations) Regulations for WA
 - Proposed deletions in WA to remove overlap with the Dangerous Goods Safety Act 2004*
 - Commercial vehicle drivers: Hours of work – Work Health and Safety Regulations for WA
 - Protection from tobacco smoke – Work Health and Safety Regulations for WA
 - Demolition work: Licence – Work Health and Safety Regulations for WA

Number of pages in your submission 1

Does this submission contain a **track-changed version** of the draft proposal?

Yes

No

If yes, submit as a Microsoft Word compatible document (.docx)*

General comments

General feedback about Petroleum and Geothermal Operations

The proposed Chapter 9 WHS (Resources) Regulations are much the same as is what is in place currently under the Petroleum and Geothermal Energy Act 1967 and the Petroleum Pipelines Act 1969 and this will mean that there should be a smooth transition if the regulations are successful in the current form.

Under the proposed regulations there will be a possibly to have one safety case for one operator. This may reduce the number of safety cases that are needed under the current legislation. This will be more efficient for companies and the Department to manage.

The proposal of an optional design safety case is a positive, as this will allow companies to ensure the design intent and the early basis of design are reviewed and the Department is aware of what is being proposed and can make suggestions if needed and provide more certainty.

Once a title is granted, any activity that happens after this, there will then be a need for a safety case. This will now mean that if a feature survey is undertaken for a new Pipeline and the licence instrument has been granted, then there is a need for an accepted safety case that covers that particular activity. Essentially all aspects from planning to de-commissioning will need to be covered at the particular time that each activity occurs.

The Operator of a Petroleum Operation will need to be registered with the Department. The Operator will need to show that they have day to day management and control over the operation. Under these regulations, it is the Operator that has most of the duties, however there needs to be suitable measures being put into the place around operators and owners. There needs to be a system in place where the Department can step in, in situations where the operator isn't being paid by the owner/ licensee to complete the necessary functions to undertake the operation.

Duties to the Public – The definition of Major Accident Event has expanded to include the general public as well as workers. This will be a significant and costly task to undertake not just for new titles, but for the existing ones especially where they are located in highly populated areas.

At the moment if a developer wants to build near a pipeline, they need to consult with the owner/ operator to ensure that they complete the necessary pipeline protection plans etc. This cost is borne by the developers. Currently it is difficult to manage developers and this introduction will make things more difficult.

The extension from monthly reporting to quarterly reporting with the Department gathering the leading indicators is one that will provide usual information for the sector.

It is appreciated that there will be a transitional period of 5 years to ensure there is enough time for all safety cases and if there is a need for any company procedures or processes to be bought in line with the new regulations.

It would be appreciated if DMIRS took the opportunity to ensure the administration of these Regulations are completed in a way where there is a clear and consistent message around the application and interpretation across the Department.

Detailed comments

If commenting on specific content, you may wish to use the table below.

Reference to specific model WHS / OSH reg no.	Comment