

Memorandum of Understanding
between
Office of Industrial Relations
and
Resources Safety and Health Queensland

2021

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Part 1 - Introduction

Purpose

This Memorandum of Understanding is made for the purpose of facilitating:

- co-operation between the Office of Industrial Relations¹ and the Resources Safety & Health Queensland in the administration of each agency's legislative responsibilities;
- an understanding of the roles, responsibilities and obligations of the agencies with respect to the administration of the relevant legislation;
- the cost-effective use of resources with respect to enforcing regulatory requirements arising under the relevant legislation; and
- a co-operative and transparent approach between the departments with respect to national and state policy development in areas of mutual interest.

Legislative scope

The agencies wish to enter into a Memorandum of Understanding to clarify their jurisdiction pursuant to the following legislation:

- *Electrical Safety Act 2002*;
- *Work Health and Safety Act 2011*;
- *Resources Safety and Health Queensland Act 2020*;
- *Coal Mining Safety and Health Act 1999*;
- *Explosives Act 1999*;
- *Mining and Quarrying Safety and Health Act 1999*;
- *Petroleum and Gas (Production and Safety) Act 2004*;
- *Petroleum Act 1923*;
- *Greenhouse Gas Storage Act 2009*;
- *Geothermal Energy Act 2010*;
- *Workers' Compensation and Rehabilitation Act 2003*.

This Memorandum of Understanding is intended to address the matter of co-operation and clarity of jurisdiction between the agencies, given the following issues arising from the legislation. The information contained therein does not replace the provisions of each Act. The MOU cannot abrogate the terms within each Act and should not be taken as a definitive expression of the interrelation between the various Acts. Issues arising from the legislation include:

- The *Work Health and Safety Act 2011* does not apply to sites where the *Mining and Quarrying Safety and Health Act 1999* and the *Coal Mining Safety and Health Act 1999* apply.
- The *Work Health and Safety Act 2011* applies to 'operating plant'² as defined under the *Petroleum and Gas (Production and Safety) Act 2004* in limited circumstances. The *Work Health and Safety Act 2011* applies to:

¹ within the Department of Education

² 'Operating plant' is defined under section 670 of the *Petroleum and Gas (Production and Safety) Act 2004*

- Major Hazard Facilities³, other than Major Hazard Facilities regulated under the Coal Mining Safety and Health Act 1999 and the Mining and Quarrying Safety and Health Act 1999.
 - construction work for operating plant, unless the work is the commissioning of an operating plant; or the process called rigging up and down of a drill rig.
 - the design and manufacture of the operating plant.
- The *Work Health and Safety Act 2011* applies without limitation at other workplaces where natural gas or LP gas is stored, handled or used. Persons on the latter sites must comply with the relevant provisions of the *Work Health and Safety Act 2011*.
 - The *Work Health and Safety Act 2011* also applies to the storage and handling of petroleum and gas other than for land used to obtain, produce or transport petroleum, other than at an operating plant.
 - If the *Work Health and Safety Act 2011* is inconsistent with the *Explosives Act 1999* or the *Petroleum and Gas (Production and Safety) Act 2004*, the relevant latter Acts apply to the extent of the inconsistency.
 - Safety obligations imposed on a Major Hazard Facility under the *Work Health and Safety Act 2011* cannot be discharged by compliance with equivalent obligations under the *Explosives Act 1999* or the *Petroleum and Gas (Production and Safety) Act 2004*, therefore the *Work Health and Safety Act 2011* takes precedence at Major Hazard Facilities.
 - The *Electrical Safety Act 2002* and the Electrical Safety Regulation 2013 applies to mines, greenhouse gas storage plants and petroleum plants under the *Mining and Quarrying Safety and Health Act 1999*, the *Coal Mining Safety and Health Act 1999* and *Petroleum and Gas (Production and Safety) Act 2004* to the extent provided for in Section 6 of the *Electrical Safety Act 2002* and in Section 276 of the Electrical Safety Regulation 2013.
 - The *Explosives Act 1999* and the *Petroleum and Gas (Production and Safety) Act 2004* may also apply at a workplace.
 - The *Petroleum and Gas (Production and Safety) Act 2004* regulates:
 - safety and health at petroleum and gas related facilities, equipment and activities. This includes the exploration, production, processing, storage, transportation and use of petroleum and gas and related products including geothermal energy and greenhouse gas streams;
 - Queensland's gas work licensing and authorisation schemes; and
 - fuel gas device approvals.
 - Both the *Petroleum and Gas (Production and Safety) Act 2004* and the *Work Health and Safety Act 2011* regulates:
 - construction work for a stage of operating plant or proposed operating plant, unless the work is commissioning of an operating plant; or the process called rigging up and down of a drill rig;
 - handling and use of hazardous chemicals; and
 - petroleum and gas 'authorised activities'.

³ The Work Health and Safety Regulation 2011 defines a 'Major Hazard Facility' as a facility at which schedule 15 chemicals are present or likely to be present in a quantity that exceeds their threshold quantity; or that is determined by the Regulator under part 9.2 to be a major hazard facility.

Part 2 – Responsible departments for this Memorandum of Understanding

At the commencement of this Memorandum of Understanding, the Queensland departments and agencies that have responsibility for the Acts described in Part 1 are:

- Resources Safety & Health Queensland; and
- The Office of Industrial Relations within Education Queensland, through the agencies of Workplace Health and Safety Queensland (WHSQ) and the Electrical Safety Office (ESO).

A reference to an agency in this Memorandum of Understanding may be extended to include the responsible department.

This Memorandum of Understanding has been prepared at the agency level within the responsible department. If the responsible department changes due to portfolio reassignment or redistribution, there should be negligible effect on the operation of the Memorandum of Understanding.

Resources Safety & Health Queensland

Resources Safety & Health Queensland, as a statutory body, has responsibility for the regulation of mining safety and health, explosives and fireworks safety, and petroleum and gas safety and health including the administration of relevant legislation. The statutory body aims to:

- facilitate and regulate the carrying out of responsible mining, explosives, and petroleum and gas activities, and the development of safe industries;
- provide framework that directs industry to manage risks through consultation and systems to manage safety;
- work with industry, unions, other government agencies, stakeholders, and the community to promote continuous improvement in safety and health within mining, petroleum and gas, and explosives and fireworks industries;
- regulate and promote the health and safety of persons in relation to mining, explosives, petroleum and fuel gas industries;
- investigate incidents to determine causation and to identify compliance with statutory obligations;
- participate in national committees and working groups relating to safety standards and other safety related matters;
- administer gas work licences, gas work authorisations and explosives authorisations regimes within Queensland; and administers the approval of gas devices for use within Queensland;
- group health surveillance and regulation of doctors and medical providers authorised to undertake examinations under the Coal Mine Workers' Health Scheme;
- implementation of enforcement activities.

Office of Industrial Relations

Education Queensland provides services to support a fair and equitable industrial relations system, safe work environments and improved personal and public electrical safety. The Office of Industrial Relations which sits within Education Queensland, includes the agencies of WHSQ and the ESO.

WHSQ's goal is to foster safe and healthy work environments for all workers in Queensland. The key outcome is a reduction in work-related death, injury and disease in Queensland. WHSQ works with all stakeholders to improve workplace health and safety performance by:

- working cooperatively with other States, Territories and the Commonwealth Government to improve national consistency in workplace health and safety and workers' compensation arrangements;
- delivering information and education activities to improve the ability of workplace participants to identify and manage risks pertaining to workplace health and safety;
- implementing targeted compliance programs at state and local levels and participating in national compliance activities; and
- continued implementation of enforcement activities.

The Electrical Safety Office (ESO), Education Queensland

The ESO plays an important role in improving electrical safety in both workplaces and homes. As Queensland's electrical safety regulator, the ESO undertakes a range of activities to support electrical safety, with the key outcome of reducing electricity-related deaths and injuries in Queensland.

The ESO's goal is 'electrically safe homes, workplaces and other environments'.

The functions of the ESO cover the provision of advice to the Minister and statutory bodies, including the Electrical Safety Board and its four committees, the development of legislation and standards, and the management of the registration, licensing and approval regimes established under the *Electrical Safety Act 2002*.

The ESO also prepares and implements education and awareness activities to better inform industry and the community and undertakes state-wide compliance and enforcement activities through a state-wide Inspectorate.

Part 3 – Co-operation between departments

Policy development

The development of policy at either national or state levels by either Education Queensland or Resources Safety & Health Queensland has the potential to impact on the legislation administered by the other agency.

Therefore, decisions affecting the other agency must be jointly discussed and approved by all agencies before the policy position is presented at the national or state level.

The agencies agree to meet on an as needs basis to share information on proposed legislative amendments and significant operational and policy issues.

Each agency will:

- ensure that agency officers affected by the Memorandum of Understanding are provided with appropriate training and resources to enable them to give effect to the Memorandum of Understanding;
- develop mechanisms to enable each agency to give effect to and monitor the implementation of the Memorandum of Understanding within their respective agencies;
- notify other agencies of audits, inspections, incident notifications, investigations and prosecutions in relation to Major Hazard Facilities and manifest quantity workplaces where relevant;
- discuss areas of potential jurisdictional ambiguity and come to an agreed written position with respect to each agencies' responsibilities; and
- meet as required to review MOU content is meeting needs of each agency.

All meetings and agreements will be facilitated at the officer level commensurate with the nature of the subject matter.

New and/or Emerging Industries and Technologies

It is envisaged that there will be new industries and technologies that will emerge where safety and health regulatory coverage in Queensland is not clear.

Until policy has been developed by each agency to clarify regulatory coverage the agencies agree to:

- actively share information about the extent of any new and emerging industries or technologies
- co-ordinate joint regulatory activities to ensure consistent advice and regulatory responses to non-compliance and incidents
- apply legislation that provides the best safety and health outcome.

Advice and assistance

The agencies will provide advice and assistance to each other as required. For example:

- Where advice is sought on the potential for a major incident in relation to the possible determination of a Major Hazard Facility by inquiry, the relevant agencies shall assist.
- Where advice to stakeholders is required e.g. the generation of technical or safety alerts, the responsible agencies agree to share specialist technical capabilities and collectively develop such advice and guidance prior to making public comment. The final advice should be distributed to all parties.
- Where a party is representing Queensland as a technical authority on an Australian Standard or guide, relevant stakeholders should be identified and consulted.
- Where an agency is investigating a matter and requires specialist assistance to further the matter, provide that technical assistance and/or advice.
- The agencies will share information about plant and equipment that moves between jurisdictional responsibilities that is identified as potentially posing an increased risk to safety if used, e.g. mobile cranes, forklifts.

Audits and inspections

The following principles apply:

- government resources should be deployed in the most effective and efficient manner and minimise any adverse impact or unnecessary burden on industry.
- any enforcement action at a site of mutual responsibility will be taken under the legislation that will have greatest impact for rectifying non-conformances.

The agencies agree that where an issue of concern is identified which may be relevant to another agency, then the other agency is to be notified and given details of the concern. The agencies shall agree to the appropriate response.

The agencies agree that where there is a program targeting a particular industry or issue of mutual responsibility, then the information on the program will be communicated between the agencies prior to commencement of the program, and opportunities for efficiencies explored.

Workplace Health and Safety Queensland is the lead agency for major hazard facilities on all sites not subject to *Coal Mining Safety and Health Act 1999* or the *Mining and Quarrying Safety and Health Act 1999*. Major hazard facilities on mine sites are not subject to the *Workplace Health and Safety Act* or Regulation.

The Director, Major Hazard Facility Unit will consult with the Chief Inspector Petroleum and Gas, and the Chief Inspector of Explosives on the management of relevant major hazard facilities. The frequency and focus of multi-agency audits shall be mutually agreed. Single agency audits shall be communicated to the other agency before commencing, and results of note communicated.

The agencies agree that audits and inspections at sites of mutual responsibility and interest shall, wherever possible, be conducted jointly where issues of concern exist to both agencies. In such cases a schedule shall be developed, and reasonable advance notice provided to the other agency.

Planning for joint audits shall include determining the composition of the audit team, the scope of the audit and the identification of the lead auditor. This will minimise the impact upon and interference with sites and provide for effective use of government and industry resources.

An audit must not be commenced unless the audit team has been finalised with the agreement of the relevant WHSQ Director, the Director Electrical Safety Compliance and the relevant Chief Inspector Resources Safety & Health Queensland.

Incident notification

The notification of incidents or complaints are a key trigger for an agency to consider commencing an investigation. The agencies agree to keep each other fully and freely informed of incidents or complaints, where there may be cross-jurisdictional interest, and to which this Memorandum of Understanding applies. Notifications provided to one jurisdiction should be made to the other jurisdiction within the timeframes and requirements as if it was an incident required to be notified to the other jurisdiction.

As agency contacts numbers, for notification of incidents, are subject to change up to date numbers are available on agency intranet sites:

Information sharing and disclosure of information

The agencies will share information about plant and equipment that moves between jurisdictional responsibilities that is identified as potentially posing an increased risk to safety if used, e.g. mobile cranes, forklifts.

The agencies will share information about major hazard facilities that are also covered by the *Petroleum and Gas (Production Safety) Act 2004* and/or the *Explosives Act 1999*, as per Schedule 1 and 2.

The agencies will share incident and injury information that may assist in informing hazard and risk profiles across individual workplaces and/or more broadly across industries, including information secured under the *Workers' Compensation and Rehabilitation Act 2003*.

At times, WHSQ, the ESO and Resources Safety & Health Queensland conduct enquiries or investigations into the same matter. These agencies may gather information independently of the other. However, the information gathered by one agency may be relevant to another's enquiry or investigation. Therefore, on occasions there will be a need for one agency to ask another agency for some or all the information gathered by that agency. The agencies may request information gathered by one agency that is relevant to an enquiry or investigation conducted by another.

The agencies acknowledge that general information sharing, where it is considered practical and appropriate, will minimise duplication of government resources and minimise the anxiety and grief to

injured parties, their families and work colleagues. The agencies agree, subject to legislative provisions, that such relevant information will be shared as requested.

The Acts covered within this Memorandum of Understanding provide (at various levels) for the sharing of documents and information obtained or held.

The *Work Health and Safety Act 2011*, section 271, and the *Electrical Safety Act 2002*, section 193, provide for the sharing of information with agencies responsible for administering other safety and health legislation. Under section 271 of the *Work Health and Safety Act 2011* and section 193 of the *Electrical Safety Act 2002*, the following Acts are prescribed in Schedule 18A and 8A of the respective regulations:

- *Coal Mining Safety and Health Act 1999*
- *Explosives Act 1999*
- *Mining and Quarrying Safety and Health Act 1999*
- *Petroleum and Gas (Production and Safety) Act 2004*

These Acts provide for the disclosure of information, the giving of access to a document, or the use of information or a document that is made or given by the regulator or a person authorised by the regulator, if the regulator reasonably believes the disclosure, access or use:

- is necessary for the administration or enforcement of another Act prescribed under a regulation; or
- is necessary for the administration or enforcement of another Act or law, if the disclosure, access or use is necessary to lessen or prevent a serious risk to public health or safety; or
- is necessary for the recognition of authorisations under a corresponding WHS law; or
- is required for the exercise of a power or function under a corresponding WHS law; or
- that is required by any court, tribunal, authority or person having lawful authority to require the production of documents or the answering of questions; or
- that is required or authorised under a law; or
- to a Minister.

The *Coal Mining Safety and Health Act 1999*, the *Explosives Act 1999* and the *Mining and Quarrying Act 1999* provide under sections 275, 132 and 255 respectively for the Chief Inspector to communicate anything that comes to the Chief Inspector's knowledge under the Act to an officer or authority responsible for administering a law of Queensland, the Commonwealth or another State about safety and health in mining, quarrying and explosives.

Resources Safety & Health Queensland, WHSQ and the ESO are law enforcement agencies and any enquiries undertaken are for the purposes of prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions. Therefore, the

Information Privacy Principles do not prevent the disclosure of the information gathered, including personal information, to another enforcement agency conducting an investigation into the same matter. The *Information Privacy Act 2009* provides enforcement agencies with a degree of flexibility in disclosing personal information to other enforcement agencies as part of the enforcement activities of the agencies⁴.

Part 4 – Investigation management

Investigations are undertaken in order to determine:

- Incident and/or injury causation;
- compliance with the legislation;
- whether action has been taken or needs to be taken to prevent a recurrence, and to secure compliance with the legislation;
- lessons to be learnt, and to influence the legislation and policy; and
- what response is appropriate to an alleged breach of the legislation.

The agencies will generally carry out an investigation of a death unless there are specific reasons for not doing so (such as when the incident is outside the authority's jurisdiction). In such cases the reasons will be recorded and kept on file. In circumstances where jurisdictional responsibility relating to an incident rests with more than one agency, the agencies will establish a 'lead agency' for any investigations. The Queensland Police Service will initially lead investigations into reportable deaths until the QPS determines the most appropriate agency to lead the investigation then hand over the lead agency role.

At the commencement of an investigation where there is more than one agency involved, the agencies will nominate an appropriate contact person through which all communications will channel. The agencies will confirm in writing (e.g. by email) the scope of each investigation.

Where there is joint jurisdictional responsibility for investigating an incident, the relevant agencies will ensure regular communication is maintained to ensure timely and effective enquiries are made. The decision as to who is the lead agency should be made as early as practicable at the Chief Inspector (RSHQ) and Director (WHSQ and ESO) level across the agencies or as delegated by same. This will ensure resources are adequate to conduct the investigation, there is consistency as to how investigations are apportioned, and there is some accountability for the decision.

Alternatively, consideration may be given to the establishment of a joint team/taskforce where inspectors/investigators from each interested agency work side-by-side on an investigation. This will ensure that only one brief of evidence will result and that there is accountability for the investigation. It will also ensure that expert assistance is on hand at all times.

⁴ refer Information Privacy Principle 11e (i) in Schedule 3 of the *Information Privacy Act 2009*

In circumstances whereby more than one agency is seeking evidence from a common witness or potential defendant all endeavours should be made to undertake these activities jointly.

An agency undertaking an investigation may require specific technical expertise from another agency. In these circumstances the signatories to this Memorandum of Understanding agree to provide such assistance wherever practicable to do so.

To ensure accountability, at the conclusion of the investigation a decision as to what charges (if any) should be laid should be made by a lead agency in consultation with other interested parties as opposed to each agency making prosecution decisions independently. This decision will be made by the Office of the Workplace Health and Safety Prosecutor.

Part 5 - Governance

Ownership of the Memorandum of Understanding

The agencies to which this Memorandum of Understanding applies acknowledge that Education Queensland is the owner of this Memorandum of Understanding.

Term of Memorandum of Understanding

This Memorandum of Understanding will commence on the first day of May 2021 and will continue in force until terminated by any of the signatory agencies.

This Memorandum of Understanding supersedes and replaces any previous Memorandum of Understanding between the parties or any previous agencies now represented by the parties.

Maintenance and review of Memorandum of Understanding

This Memorandum of Understanding may be varied or withdrawn at any time by an agreement in writing executed by the agencies.

The agencies agree to review the operation of the Memorandum of Understanding within three years of commencement or as a result of implementation of relevant new legislation or relevant significant changes to existing legislation. Following the review, the agencies will, where appropriate or necessary, develop mechanisms to discuss, share learnings and improve the Memorandum of Understanding and/or ways in which the agencies are operating under the Memorandum of Understanding.

Availability of Memorandum of Understanding

The agencies agree to inform all affected officers in their respective agencies about the Memorandum of Understanding and make the signed Memorandum of Understanding available to all affected officers in their respective agencies.

The agencies agree to publish the signed Memorandum of Understanding on their respective web sites.

Resolution of issues regarding the application of the Memorandum of Understanding

If there is an issue between agencies in relation to the application of the Memorandum of Understanding, the agencies will:

- firstly, ensure agency contact officers use their best endeavours and act in good faith to resolve the issue in a timely manner;
- secondly, if the issue(s) cannot be resolved in the first instance, the agency that has an issue with a component of the Memorandum of Understanding refers the matter in writing to the relevant Chief Executive Officer of the other agency(s) to which this Memorandum of Understanding applies and;
- finally, in the event that the issue(s) cannot be resolved to the satisfaction of each agency, each agency will refer the issue to its departmental Chief Executive for timely resolution.

What is not intended

This Memorandum of Understanding is not intended to:

- be legally binding, so that an alleged or real breach of any provision of this agreement is not intended to give rise to a legally enforceable course of action;
- entitle or require a person to disclose information that is the subject of legal professional privilege;
- affect the law or practice relating to legal professional privilege; or
- restrict the statutory duties, directions and powers available to Queensland government agencies that are responsible for conducting investigations into workplace and electrical incidents.

Signatories



Signed for and on behalf of the Office of Industrial Relations by:
Mr Craig Allen, Deputy Director-General

Dated this ____30th____ day of ____June____ 2021



Signed for and on behalf of Resources Safety & Health Queensland by:
Mr Mark Stone, Chief Executive Officer

Dated this ____1st____ day of ____July____ 2021

Schedule 1

Operational Guidelines

The Petroleum and Gas Inspectorate is the regulatory authority responsible for administering:

- *Petroleum and Gas (Production and Safety) Act 2004.*
- *Petroleum and Gas (Production and Safety) Regulation 2004*
- *Greenhouse Gas Storage Act 2009*
- *Geothermal Energy Act 2010*

Workplace Health and Safety Queensland (WHSQ) is the regulatory authority responsible for administering:

- *Work Health and Safety Act 2011;*
- *Work Health and Safety Regulation 2011;*

Electrical Safety Office is the regulatory authority responsible for administering

- *Electrical Safety Act 2002*
- *Electrical Safety Regulation 2013*

Responsibilities

Petroleum and Gas Inspectorate has jurisdiction and will respond to issues concerning:

- safety and health at operating plant as defined in section 670 and 672 of the *Petroleum and Gas (Production and Safety) Act 2004.*
- gas devices (Type A and Type B)
- gas work licences and authorisations

WHSQ has jurisdiction and will respond to issues concerning:

- Major Hazard Facilities
- Construction of operating plant.

Cross jurisdictional issues

There are several instances where jurisdictional responsibilities overlap and where both agencies hold regulatory responsibilities:

- Chapter 7.1 of the Work Health and Safety Regulation 2011 relating to hazardous chemicals applies in relation to the chemical even though it is at, or is, operating plant otherwise excluded from the *Work Health and Safety Act 2011*;
- Construction of operating plant where construction is within an existing operating plant or is adjacent to an existing operating plant and the construction is managed under the safety management system for the operating plant;
- Design and item registration for pressure equipment and pressure vessels;
- Authorised activities on a petroleum tenure/authority.

For incidents and complaints where there is an overlap of jurisdiction Part 4 – Investigation Management will be followed to ensure the best safety and regulatory outcome is achieved.

Schedule 2

Operational Guidelines

The Explosives Inspectorate is the regulatory body responsible for administering:

- *Explosives Act 1999*
- Explosives Regulation 2017

Workplace Health and Safety Queensland (WHSQ) is the regulatory authority responsible for administering:

- *Work Health and Safety Act 2011*
- Work Health and Safety Regulation 2011

Electrical Safety Office is the regulatory authority responsible for administering

- *Electrical Safety Act 2002*
- Electrical Safety Regulation 2013

Responsibilities

The Explosives Inspectorate has jurisdiction and will respond to issues concerning:

- safety and security in the explosives industry; and
- safety and security in the fireworks industries

WHSQ has jurisdiction and will respond to issues concerning:

- Major Hazard Facilities except for facilities storing above threshold quantities of Schedule 15 chemicals that is a magazine under the *Explosives Act 1999* and at which no processing activity involving dangerous goods including explosives is carried out;
- Use, handling and storage of hazardous chemicals apart from explosives and transport by road, rail, sea or air.

To the extent to which the Explosives Act 1999 is inconsistent with the Work Health and Safety Act 2011, that Act prevails.

Cross jurisdictional issues

There are a number of instances where jurisdictional responsibilities will overlap, including:

- Hazardous chemicals that are not classed as explosives under the globally harmonised system of classification and labelling of chemicals (GHS) at workplaces are subject to both the *Explosives Act 1999* and the Work Health and Safety Regulation 2011 (WHS Regulation).
- Major Hazard Facilities storing explosives that also involve processing, such as the manufacture of ammonium nitrate emulsion (ANE) are subject to chapter 9 of the WHS Regulation and the *Explosives Act*.
- Facilities storing above 10% of threshold quantities of Schedule 15 chemicals must notify Work Health and Safety and may be determined as a Major Hazard Facility, after inquiry and agreement with the regulatory body;
- Technical advice on development applications for proposed Major Hazard Facilities is provided to State Assessment and Referral Agency (SARA) in the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP);

- Demolition Work involving explosives is covered under Part 4.6 of the WHS Regulations and the Explosives Act;
- Construction work involving the use of explosives is deemed high risk construction work and is covered under chapter 6 of the WHS Regulation and the *Explosives Act*;
- Health related hazards, including but not limited to, arising from manufacturing, testing or use of detonators or other explosives, including lead dust or lead fumes as covered by Part 7.2 of the WHS Regulation.

WHSQ will:

- consult with the Chief Inspector Explosives when conducting a determination inquiry which may consist of:
 - site inspection, assessment of written submissions or consequence modelling;
- work with the Explosives Inspectorate to provide technical assessment to SARA where a development proposal for a proposed Major Hazard Facility involves explosives and processing;
- advise the Chief Inspector Explosives of any communications from DSDMIP and meet at least annually to monitor and report on the co-assessment relationship.

Explosives Inspectorate will:

- provide the technical assessment utilising module 13 of the SARA Protocols for development applications from a proposed major hazard facility that will be a magazine under the *Explosives Act*.

