

Form 578

V15.02.22

Application for a major hazard facility licence

Applicants must complete this form when applying for or renewing a major hazard facility (MHF) licence under s.578, or s.596 of the Work Health and Safety Regulation 2011 (WHS Regulation). This form has been approved by the Regulator under s.578 and s.596 of the WHS Regulation.

1 Licence application type (check one box only)

<input type="checkbox"/> New licence	<input type="checkbox"/> Licence renewal	
If renewing, please list the existing licence number		

2 Major hazard facility information

Trading name of major hazard facility			
Location of major hazard facility	Number	Street name	
	Suburb/locality	State	Postcode
Property data	Lot	Plan	
Coordinate location of MHF's main entrance to 6 decimal places.	Latitude	Longitude	
Describe additional facility location information (e.g. if the facility has connected pipeline, port or storage facilities at another location or has a remote operational control centre).			

3 MHF operator contacts

Please provide contact details of the person(s) who may be contacted by the department about this application:

Contact 1

Name	Phone	Email
Postal address		
PO Box or property name	Number	Street name
Suburb/locality	State	Postcode

Contact 2

Name	Phone	Email
Postal address if different from above		
PO Box or property name	Number	Street name
Suburb/locality	State	Postcode

Declaration 2: Has the operator (and in the case of a body corporate, any officer of the body corporate) entered into an enforceable undertaking under a relevant WHS law?

No **Yes.** If yes, provide details below for the individual or the body corporate and each of its officers separately as applicable.

Declaration 3: Has the operator (and in the case of a body corporate, any officer of the body corporate) previously been refused an equivalent licence under a relevant WHS law?

No **Yes.** If yes, provide details below for the individual or the body corporate and each of its officers separately as applicable.

Declaration 4: Has the operator (and in the case of a body corporate, any officer of the body corporate) held an equivalent licence under a relevant WHS law?

No **Yes.** If yes, provide details below for the individual or the body corporate and each of its officers separately as applicable regarding:

- the location of the licensed MHF
- any condition imposed on that licence
- whether that licence had been suspended or cancelled and if so whether the operator had been disqualified from applying for a similar licence
- details of any suspension, cancellation or disqualification.

5.1 Licence application declaration

I declare that:

- for a body corporate applicant only:
 I have authority from the body corporate to complete and submit this application
- the information contained in the application is true and correct to the best of the operator's knowledge (s.578(2)(g))
- I acknowledge it is an offence under s.268 of the *Work Health and Safety Act 2011* to provide false and misleading information in this application or in any documents submitted in support of this application.

First name	Surname	Position:
Signature:		Date:

6 Submitting the application

- Please check that all fields in this form have been completed and the safety case is in the correct format.
- The MHF's safety case is attached with all supporting appendices or attachments (refer 7 Safety case submission additional information).

For information about the relevant fees see Schedule 2, Part 2, Items 18 and 19 of the WHS Regulation.

Submit the application by:

- | | |
|---|--|
| Post
Major Hazard Facilities
Specialised Health and Safety Services
Office of Industrial Relations
PO Box 820
Lutwyche QLD 4030 | Electronically <ul style="list-style-type: none">• Email: mhf@oir.qld.gov.au• USB storage devices can be mailed.• A secure file share platform is also available (contact your MHF case officer). |
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Privacy statement

The Queensland Government is collecting your personal and commercial information on this form for the purposes of applying for or renewing a MHF licence in accordance with section s.578, or s.596 of the Work Health and Safety Regulation 2011. The Queensland Government may disclose this information as needed to other national, state or territory health and safety regulators or other entities as required in the administration of equivalent Acts, prescribed Acts or for the purpose of public safety as allowed under s.271 of the *Work Health and Safety Act 2011*. The application is also subject to the rights and protections afforded under the *Right To Information Act 2009*. PN12761

Guide to Application for a major hazard facility licence

The following information is provided to assist with completing the application form to apply for or renew a MHF licence under Chapter 9 of the Work Health and Safety Regulation 2011 (WHS Regulation) and should be read in conjunction with the Guide for Major Hazard Facilities: Notification and Determination available at safeworkaustralia.gov.au. The information provided in this application is a material particular in relation to the licence. Any change to the information supplied must be provided in writing to the regulator within 14 days of the operator becoming aware of the change (s.588 of the WHS Regulation).

1 Licence application type

The operator of a new or existing MHF can only apply for a licence if the facility's operator has been determined as a suitable operator of a MHF (s.543) and the department has received, processed and determined the facility as a MHF (s.541 or s.542) of the of the WHS Regulation. You cannot apply for a MHF licence unless the facility has been determined by the regulator.

New licence application

If facility has been determined as a MHF then you must have provided a safety case outline within three months of the date of determination. Then, in accordance with the timeframe specified in the safety case outline and within 24 months of the determination, unless otherwise extended by the regulator, the operator must:

- apply for the licence (using this form) to operate the MHF
- provide a copy of the safety case with the application.

Licence renewal

If the operator of the MHF holds a MHF licence, then they may apply to renew the licence. The operator must use this form to apply to renew the licence not less than six months before the licence expires. A revised copy of the MHF's safety case must be supplied with the application. Please provide the existing licence number on the form.

2 MHF information

The lot and plan number are readily available through a variety of information sources. The Queensland Government website Queensland Globe <https://qldglobe.information.qld.gov.au/> may be used to identify the property data. If more than one lot and plan number locates the facility these should all be listed on the form.

The latitude and longitude should be provided to identify the location of the MHF's main entrance. Often a street address will not provide sufficient information to locate the main entrance. Country or facilities located in industrial estates may not have a street address at their front entrance.

Additional facility information is required where the MHF has interconnections with other major hazard facilities or there are operational or maintenance centres. Examples might include pipelines, wharves, remote pumping stations, railyards or remote operational centres. Where the operator has control or use of those facilities as part of the operation of the MHF, even temporarily, these additional centres of operation should be included and identified by a description and address. Further information must be included in the safety case where these exist. If there is insufficient space, include an attachment with the additional information.

Contractor operational centres that are not under the MHF's management or control do not need to be included in the information provided about the MHF. Please contact the MHF team for clarification if there is any doubt.

3 MHF operator contacts

A significant amount of interaction is required with the MHF during the processing of a licence application. You must appoint a person, within the organisation who is authorised to communicate with the regulator. Two people may be nominated to ensure that at least one person is available during the six-month assessment period to facilitate the timely processing of the application. The nominated people should have a good working knowledge of the safety case and the organisation's structure and people to facilitate any discussion during the assessment.

4 Evidence of operator identity

Determining the identity of the MHF operator will depend on the business structure with management or control of a MHF. For example, the MHF operator may be an individual, corporation or the trustee with management or control of the facility and the power to direct the facility be shut down.

The operator is the person conducting the business or undertaking of operating the facility who has:

- management or control of the facility
- the power to direct that the whole facility be shut down.

Where more than one person is an operator of the facility within the meaning of s.533(1), then under s.533(3) one of the persons must be selected as the operator of the facility for the purposes of chapter 9 of the WHS Regulation. However, if a selection is not made, then each of the following persons is taken to be an operator for the purpose of chapter 9:

- Each operator within the meaning of s.533(1) who is an individual;
- For each operator within the meaning of subsection s.533(1) that is a body corporate, each officer of the body corporate.

In deciding who is the operator of the facility, independent legal advice should be sought by the potential operators on their responsibilities and the process for selecting an operator.

Completing Section 4 evidence of operator identity meets the written notice obligation for the purpose of a licence application.

For the application to be considered properly made, the operator or operators must provide sufficient legal evidence to substantiate they are associated with the ACN and/or ABN that is attached to the business.

For individuals, a copy of an Australian driver licence is sufficient proof of identity.

A copy of the ASIC current company extract and/or business name extract is required. The extract(s) should contain a list of the officers of the company.

Where there is more than one operator and one person has not been selected, then all people who can be identified as fitting the definition of an operator under s.533(1) will need to complete the operator identity information in Section 4 evidence of operator identity. If this occurs, please attach the additional information to the application.

5 Operator declarations s.578(2)(e) or (f)

Under s.578(2)(e) of the WHS Regulation, the operator is required to declare a range of information about their work and safety history and previous equivalent licences. The operator declarations are identified on the licence application form in Section 5 Operator declarations s.578(2)(e) or (f).

The following information is required from either the operator or, for an operator that is a body corporate, the operator and each officer of the body corporate.

- a declaration about whether the operator has a relevant WHS conviction and details of the conviction
- a declaration about whether the operator has entered into an enforceable undertaking under a relevant WHS law and details of any enforceable undertaking
- a declaration giving details if an equivalent licence has previously been refused
- if an equivalent licence has previously been held, a declaration describing any conditions on that licence, whether the licence had been suspended or cancelled and disqualifications on the operator. The details of that suspension, cancellation or disqualification
- any additional information required by the regulator.

This information is required to inform the regulator in the decision-making process covered in s.581 of the WHS Regulation.

Please note that errors or omissions in completing this form may lead to delays.

5.1 Licence application declaration

The application declaration is a statutory requirement and requires the operator to confirm information contained in the application is, to the best of the operator's knowledge, true and correct. A duly authorised officer within the organisation should be chosen to sign the application. This could be the most senior executive officer of the body corporate, legal counsel, or if the operator is an individual, that person, or if the operator is a trust, the trustee of the trust.

6 Submitting the application

A separate licence application and safety case is required for each MHF, even if the operator has operational control over more than one MHF. Each safety case must identify the MHF to which it applies.

The information should be provided in an electronic format.

The safety case may be submitted electronically by email or internet file transfer. Alternatively, it can be delivered on a USB drive by post or in person. In person delivery of the application and safety case may be arranged by contacting your MHF case officer.

Submit the application by:

Post	Electronically
Major hazard Facilities Specialised Health and Safety Services Office of Industrial Relations PO Box 820 Lutwyche QLD 4030	<ul style="list-style-type: none">• Email: mhf@oir.qld.gov.au• USB storage devices can be mailed.• A secure file share platform is also available (contact your MHF case officer).

7 Safety case submission additional information

7.1 Safety case endorsement

The safety case is required to be endorsed. Through signing, the signatory endorses the safety case as representing how the MHF operates. If the operator is a body corporate, the endorsement is required from the most senior executive officer of the body corporate who resides in Queensland, under s.561(6) of the WHS Regulation.

The following statements must be included in the safety case or a letter attached to the safety case for the application to be properly made:

Under s.561(5), the safety case must include, a signed statement by the MHF operator that:

- the information contained in the MHF safety case is accurate and up to date
- as a consequence of conducting the safety assessment, the operator has a detailed understanding of all aspects of risk to health and safety associated with major incidents that may occur

- the control measures to be implemented by the operator
 - will eliminate the risk of a major incident occurring, so far as is reasonably practicable; and
 - if it is not reasonably practicable to eliminate the risk of a major incident occurring—will minimise the risk so far as is reasonably practicable; and
 - in the event a major incident occurs—will minimise its magnitude and the severity of its health and safety consequences so far as is reasonably practicable
- all persons to be involved in the implementation of the safety management system have the knowledge and skills necessary to enable each person to carry out their role safely and competently.

Electronic signatures are acceptable.

7.2 Preferred safety case document file formats

- Digital files in Adobe portable document format (pdf) for report and drawing document types or native format for spreadsheets and other document types.
- The safety case preferably supplied in a single zipped file.
- Each digital file should be named in an easy to follow and logical format. A unique file name must be used for all files associated with the safety case.
- The safety case should be provided in the minimum number of files. This allows for simple referencing and searching. It is recommended that no more than 5 digital files are provided.

7.3 Safety case presentation

The safety case should be structured in a clear and logical manner. It is recommended that the following elements are included in the final collation of the safety case:

- The cover page should list the name and address of the MHF, and the name, title and contact persons details.
- The date of publication and version identity of the safety case.
- The safety case should be set out in a clear and logical manner with headings, section numbers and a detailed table of contents.
- The safety case should be one complete PDF, with linkages from the index to the section headers in the body of the text. Native format documents can be submitted.
- All PDF documents should be searchable where practical. Appendices can be attached separately, but need listing in the safety case contents table.
- A complete emergency response plan should be provided; incorporated into the safety case document or as an attachment.
- All information in the safety case and any supporting documents should be legible—font sizes should be readable, and graphics/illustrations, diagrams and plans should be at an appropriate scale and of sufficient resolution for details contained within the document to be read.
- Site-specific or industry-specific terminology and abbreviations should be explained in a glossary.
- Each page should include in the header or footer sufficient information to identify the MHF to which it applies.
- Each page should include in the header or footer sufficient information to identify the document of which it forms part, including the date, version number, section number and page number (in the form 'page X of Y').
- Cross-referencing should be made to 'uniquely identified' plans, operational units, diagrams and other attachments to assist the reader's understanding.
- References to documents summarised in the safety case should identify the full document by title and version or revision date. This includes appended documents and/or referenced documents.
- Cross references in the safety case should be checked prior to submission to ensure they correctly reference material and that the material is present in the submission.
- It is recommended that procedures are not included in the safety case as they would then form a material particular to the safety case. Therefore, any alteration to a procedure would then lead to an update of the safety case. Where practical, excerpts or summaries should be used to convey the message. If further information is required, the MHF case assessor will contact you.
- The safety case should be supplied as a whole document with the supporting appendices. If a link to a file server (One drive or other shared drive system) is provided to access the safety case, please zip all the files as one zip file. This avoids any potential loss of data during the downloading process, leading to an incomplete application.