

Form 600-1

# Transfer of major hazard facility (MHF) licence - proposed operator notification

V10.11.2023

The proposed operator completes this document when requested by the Regulator to provide information so the Regulator can be satisfied that the proposed operator will achieve a standard of health and safety in the operation of the facility that is at least equivalent to the standard that the current operator has achieved under s.600 of the *Work Health and Safety (WHS) Regulation 2011*. This form has been approved by the Regulator under s.600 of the *WHS Regulation 2011*.

## 1 MHF information

<b>Trading name</b>			
<b>Location</b>	Number	Street name	
	Suburb/locality	State	Postcode
<b>Property data</b>	Lot	Plan	
	Latitude	Longitude	
<i>The ABN or ACN must be attached to the legal name of the entity. A copy of the current and historical company extract must be attached to the form.</i>			
<b>Licence number</b>			

## 2 Proposed date of licence transfer

DD/MM/YYYY

## 3 Proposed operator details

<b>Full entity name (i.e. legal name)</b>			
<b>Business/trading name</b>	ABN	ACN	
	<i>The ABN or ACN must be attached to the legal name of the entity. A copy of the current and historical company extract must be attached to the form.</i>		
<b>Postal address</b>	PO Box or property name		
	Number	Street name	
	Suburb/locality		
	State	Postcode	

## 4 Information about changes to personnel, operations, and safety management system and information transfer

### There will be changes to:

- Operational and management personnel.
- Operational arrangements (Schedule 15 chemicals, workforce, shift arrangements, safety reporting mechanisms, maintenance team etc).
- Safety management system.
- Safety case – as required under s.570.
- There will be no changes to operations.

Where the proposed operator's intention is to significantly change any of the above processes, then a change narrative including timelines of the changes should be attached to the notification form with explanation as to how they will maintain or improve safety in operation of the facility during and after the changes have been implemented.

Where there are significant changes, the regulator may require an update to the safety case prior to the next licence application or alter the licence duration or add any necessary conditions to the transferred licence on the regulator's initiative.

- Information describing the changes selected above has been attached.

### Provide a summary of the process of transferring and types or records that will be transferred from the operator including but not limited to:

- relevant plant design information (e.g. P&IDs, structural, vessel, piping)
- relevant change documentation to plant and structures
- relevant asset integrity history
- equipment maintenance and inspection requirements
- equipment and plant original equipment manufacturer (OEM) documentation
- plant control system information
- relevant Major Incident information.

This information is in line with the duties of a supplier of plant under s.25 of the *WHS Act 2011* regarding the duties of persons conducting business or undertakings that manufacture plant, substance or structures and includes the meaning of supply under s.6. Specific information must be supplied under s.198 of the *WHS Regulation 2011* with respect to the transfer of control of a licenced MHF under Chapter 9.

- Information describing the transfer processes have been attached.

## 5 Proposed operator declarations as per s.578

If the proposed operator declaration is for a body corporate, answers must be made for the body corporate and all officers of the body corporate. All officers of the body corporate must be clearly identified. If there is more than one operator, copy these pages and submit them with the application. The relevant officers are those identified on the current company extract available at [ASCI.gov.au](http://ASCI.gov.au). The full ASCI company extract should be attached to this form.

### Declaration 1: Has the proposed operator (and in the case of a body corporate, any officer of the body corporate) had a relevant WHS conviction?

- No  Yes

If yes, provide details below for the individual or the body corporate and each of its officers separately as applicable.

**Declaration 2: Has the proposed 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 proposed 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 proposed 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.

## 6 Licence transfer 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 notification is true and correct to the best of the operator's knowledge (s.538(3)(a)(vii))
- I acknowledge it is an offence under s.268 of the *WHS Act 2011* to provide false and misleading information in this application or in any documents submitted in support of this application.

<b>Full name</b>	
<b>Position</b>	
<b>Signature</b>	
<b>Date</b>	

## 7 Submitting the notification

- Evidence has been provided to support the request.
- Please check that all fields in this form have been completed.

- **Post:**  
Major Hazard Facilities  
Specialised Health and Safety Services  
Office of Industrial Relations  
PO Box 820  
Lutwyche Qld 4030
- **Email:** mhf@oir.qld.gov.au
- **USB:** can be posted to the above address.
- **Secure file share platform:** contact your MHF case officer.

### Privacy statement

The Office of Industrial Relations (OIR) is collecting your personal and commercial information associated with this form for the purpose of considering a transfer of a major hazard facility licence s.600 of the *WHS Regulation 2011*. OIR 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 *WHS Act 2011*. The application is also subject to the rights and protections afforded under the *Right to Information Act 2009*.

# Guide to transfer a MHF licence – Notification of proposed operator

The following information is provided to assist with completing the transfer of a MHF licence – Notification of proposed operator under Chapter 9 of the *WHS Regulation 2011*.

The transfer of a MHF licence under s.600 of the *WHS Regulation 2011* requires that the proposed operator achieves a standard of health and safety in the operation of the facility that is at least equivalent to the standard that the current operator has achieved. As such, the regulator must collect relevant information about the proposed operator, the changes they may be proposing to make and the systems and personnel that will ensure that:

- the operator is able to operate the major hazard facility safely and competently
- the operator is able to comply with any conditions that will apply to the licence
- the operator is able to operate to at least the equivalent standard the current operator has achieved.

The information required to be attached to this form will depend upon the extent of the proposed changes to people, operations and safety management system that are used to manage the facility safely and competently.

## 1 Facility information

The current business name of the facility and its location should be given by the proposed operator.

The lot and plan number are readily available through a variety of information sources. The Queensland Government website [Queensland Globe](#) 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.

## 2 Proposed operator details

The proposed operator who will become the operator of a facility 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.

If more than one person is an operator of the facility, then one of those persons must be selected as the operator of the facility for the purposes of Chapter 9 of the *WHS Regulation 2011* and that person's details must be given to the regulator. The person must inform the regulator of the nomination and may do so by including it in a notification under s.536.

## 3 Proposed operator contacts

A significant amount of interaction may be required with the facility during the transfer process. 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 to facilitate the timely processing of the notification. The nominated people should have a good working knowledge of the facility and the organisation's structure and people to facilitate any discussion during the assessment.

## 4 Information about changes to personnel operations, and safety management system

The proposed operator may change operational and management personnel, operational arrangements (Schedule 15 chemicals, workforce, shift arrangements, safety reporting mechanisms, maintenance team etc) and the safety management system. Some changes may be immediate or the changes can be implemented over a structured program of change. Some facilities may not be changing any operational or system elements. Where an operator is taking over the operation, there will be key information related to the safe operation of the facility the existing operator needs to provide. Some of this information is listed in the application form. The regulator will need to be provided about what information will be received from the existing operator. Provide an attachment regarding how the information will be transferred and how the proposed operator will store and handle that information, so it is available for safety reviews or maintenance (for example).

In any permutation the proposed operator will need to provide the regulator with sufficient information so that the regulator is able to analyse and assess the potential impact on safety systems and the proposed operator's capacity to operate the plant with at least the equivalent standard of safety in operations.

The level of information required will vary for each individual transfer. However, the proposed operator should provide a timetable/project plan for any changes to systems, people and operational arrangements, a narrative about the systems that will replace the previous operator's system and information about the proposed operator's experience with similar facility(s).

The information should be attached to this form and returned to the regulator as soon as practical.

In many cases, a revised safety case will be needed as a result of a change to the operator. The Regulator will consider the arrangements the proposed operator has put forward and in consultation determine when a new licence application and safety case is required.

## 5 Operator declarations s.538(3)(a) or (b)

Under s.538(3)(a) of the *WHS Regulation 2011*, the operator is required to declare a range of information about their work health and safety history and previous equivalent licences. The licence transfer requires the same evidentiary declarations as a licence application.

The proposed operator's relevant officers are listed on a current ASIC company historic extract. The extract must be attached to the form.

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

- a declaration about whether the proposed operator has a relevant WHS conviction and details of the conviction
- a declaration about whether the proposed 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 proposed 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.600 of the *WHS Regulation 2011*.

## 6 Notification declaration

The notification 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.