



# LEGISLATION UPDATE

No. 1/2008 (LU08-01)

10 December 2008

## Regulation of OHS in respect of onshore petroleum exploration and production activities

In NSW the *Occupational Health and Safety Act 2000* (OHS Act) applies to all places of work, as do relevant provisions of the *Occupational Health and Safety Regulation 2001* (OHS Regulation). This includes operations regulated by the *Petroleum (Onshore) Act 1991* (PO Act). Clause 27 of the *Petroleum (Onshore) Regulation 2007* also requires compliance with the *Schedule of Onshore Petroleum Exploration and Production Safety Requirements* (the Schedule), which can be found at:

[www.dpi.nsw.gov.au/minerals/safety/legislation/petroleum](http://www.dpi.nsw.gov.au/minerals/safety/legislation/petroleum)

On 1 September 2008, changes to the OHS Act commenced which affect the administration of the OHS Act in respect of these petroleum operations. In particular, a place of work where relevant activities are conducted under the PO Act will be a 'mining workplace' for the purposes of the OHS Act and the OHS Regulation.

Officers of the NSW Department of Primary Industries (NSW DPI) are appointed as inspectors under the OHS Act when appointed as a government official under the *Mine Health and Safety Act 2004* and will now exercise the OHS Act functions at petroleum worksites.

The *Occupational Health and Safety Amendment (Application to Mining Workplaces and Coal Workplaces) Regulation 2008* was also commenced to give effect to new arrangements for administration of the OHS Act. Modification of the OHS Regulation has enabled officers of the NSW DPI to perform functions previously performed by WorkCover NSW for petroleum operations.

Importantly, however, WorkCover NSW will maintain the role of administering authority for this sector in some circumstances. These circumstances are specified in the OHS Regulation itself and generally involve administrative functions, such as business licensing, certification of persons and the issuing of permits.

### Notification of incidents

Notification of incidents is provided for in section 86 of the OHS Act and Part 12.1 of the OHS Regulation. The Schedule also specifies certain incidents which must be reported to NSW DPI. There is no change in the arrangements for notifying such incidents which occur at a petroleum operation.

For further information contact your local NSW Department of Primary Industries Mineral Resources office:

Maitland: 4931 6666 Armidale: 6738 8500 Broken Hill: 08 8088 9300 Cobar: 6836 6000

Lightning Ridge: 6829 9200 Lithgow: 6350 7888 Orange: 6360 5333 Singleton: 6571 8788 Wollongong: 4222 8333



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Relevant persons are to continue to notify WorkCover NSW pursuant to section 86, and NSW DPI as specified in clause 3 of the Schedule. Industry will be advised separately of any change to these arrangements.

***This notice is issued for your information only. Industry should familiarise themselves fully with the changes to the OHS Act and OHS Regulation which came into effect on 1 September 2008.***

Copies of the OHS Act and OHS Regulation are available on the NSW DPI website at the following location:

[www.dpi.nsw.gov.au/minerals/safety/legislation/general](http://www.dpi.nsw.gov.au/minerals/safety/legislation/general)

Any queries should be directed to Glyn Macdonald, Senior Inspector of Coal Mines, at NSW DPI on telephone 02 4931 6656.