

PRINCIPLES OF OPERATION FOR AUTHORISED OFFICERS DANGEROUS SUBSTANCES No 02 MARCH 2007

Note that this document refers specifically to the application of Dangerous Substances and Petroleum Products legislation however should be used in conjunction with OHSccvcdW legislation where relevant.

General

1. The safe and secure installation of Liquid Petroleum Gas, Petroleum Products and Goods defined under the Dangerous Substances Act is the primary objective of the Authorised Officers work.
2. This objective is to be achieved, first and foremost, by ensuring compliance with the *Dangerous Substances Act 1979 and Regulations 1998* and the *Petroleum Products Regulation Act 1995* including all Australian Standards used in conjunction with this legislation.
3. The key message that Authorised Officers will take to everyone in the workplace is that the licence holder's duty of care means that the storage and handling of Dangerous Goods within the workplace or residence of use must be maintained by compliance with the legislative requirements.
4. The Authorised officer tests compliance with this duty by
 - Checking and assessing the site prior to installation approval being given
 - Checking proposed installation plans for compliance with legislative requirements

Third Party Authorisations

5. If an application is received and there is an acceptable authorisation for a third party to act on behalf of the applicant then the following applies:
 - A copy of each document relating to the 'authorisation to proceed' letter seeking further information, issue of licence can be forwarded to the agent.
 - However, if as a result of a site visit a Section 33 Notice, Improvement or Prohibition Notices under the PPR Act or any other statutory notices or letters (such as letter of warning etc) is issued, the agent *should not* receive copy of these documents but simply be notified of the event - i.e. that a Section 33 Notice has been sent to the licence holder.

Site Inspections

6. In carrying out their duties Authorised Officers will reflect the principles of consultation and participation by

- Undertaking direct communication with the licence applicant and agent on all issues relating to the legislative requirements of the installation
 - Providing timely information and advice to the licence applicant/holder and agent to ensure legislative requirements can be achieved
7. When an Inspector forms an opinion that the licence applicant/holder or agent is in breach of legislation and that remedial action is necessary, the use of notices as authorised by either the Petroleum Products Regulation Act (i.e. improvement or prohibition notices) or Section 33 notices (written as either an improvement or prohibition notice) under the Dangerous Substances Act should be issued, other than when the fault can be rectified while the Authorised Officer is present at which time a verbal direction can be issued.
8. Where an Authorised Officer forms an opinion that there is an immediate risk to persons or property a Section 33 Notice prohibiting the activity must be issued to prevent the activity from continuing. This may include the instruction to the licensee or occupier for the removal of stored substances from the tank, cylinder or store and in the event of a tank being involved the de-gassing of the vessel to render it safe.
- Where plant or equipment used in the connection with the storage in question is involved then action under the Occupational Health, Safety & Welfare Act 1986 should be considered and administered in accordance with the Principles of Operation No 1.
 - Where the storage of Dangerous Substances or Petroleum Products does not present a risk but the location of other plant or activity may place risk to the storage then a prohibition of such activity should be made and the further filling of substances to the vessel or store prohibited until the risk is removed.
9. In the instance that the storage facility is subject to an application for a licence to store then issuing of the licence or recommendation for a licence to be issued should be made however if the site does not comply issue a Notice preventing the filling of the vessel or storage of a substance
- The Authorised Officer should take relevant steps to communicate with the licence applicant and agent to ensure that the relevant improvements are undertaken to allow the notice to be removed and the approval of the application to occur.
 - If the required improvements are not feasible due to the circumstances of the installation, then consultation with the Chief Advisor Dangerous Goods should occur to establish if an exemption of all or part of the installation requirements is feasible.
 - Should an exemption be required due to inability to achieve compliance then the licence applicant and agent should be made aware of the requirements of applying for such exemption to the competent authority.

General Approach

10. In carrying out their functions, Authorised Officers will be polite, courteous and responsive to the views and needs of applicants/licence holders and their agents or members of the public. Every endeavour will be made to apply their powers in a balanced and equitable manner.

Conflict of Interest

11. When assigned to inspect or approve an installation, Authorised Officers will declare to their Manager whether they have previously been employed by the applicant, or had interest in the particular location, which would give rise to a conflict of interest in the performance of their duties.

12. The Manager will assess the potential for conflict of interest before allowing the Authorised Officer to be assigned the application.