

FACT SHEET

Information for licensed major hazard facilities in NSW

One of the objectives of the *Work Health and Safety Regulation 2017* (WHS Regulation) and in particular chapter 9 of the WHS Regulation is to prevent major incidents occurring at major hazard facilities (MHF) and to protect persons from the effects of such major incidents should one occur. These persons may be at the MHF itself (as workers, contractors or visitors) or may be members of the local community in the vicinity of the MHF.

To help achieve this objective the operator of a MHF must provide the local community and the local authority in which the facility and surrounding area is located, with information about the MHF and its operations. It also must advise how the community will be notified if a major incident occurs and what the community should do if a major incident occurs. Clauses 572 and 573 of the WHS Regulation set out the requirements to be met by licensed major hazard facilities.

This document provides guidance to help MHF operators comply with their obligations to provide the local community with information about their facility and the actions to take if a major incident occurs at the facility. It will assist MHF operators in:

- identifying the extent of the area surrounding their facility for which they must provide the community and local authority with information
- determining what information to provide to the local community and local authority
- determining who in particular to provide the information to.

This document forms part of a set of guidance material for MHFs that includes information on:

- notification and determination
- safety assessment
- safety management systems
- developing a safety case outline
- preparation of a safety case
- safety case: demonstrating the adequacy of safety management and control measures
- information, training and instruction for workers and others at the facility
- emergency plans.

Further information and explanatory notes are given in the Safe Work Australia publication – *Guide for Major Hazard Facilities: providing Information to the Community*.

Additional information may also be found in the UK HSE publication under the COMAH Regulations 2015 – *Guidance for COMAH operators inputting public information onto the HSE web-based system*.

What do the WHS Regulations require?

The operator of a licensed MHF must provide specific information to the local community. The operator must also take all reasonable steps to provide the local community with certain information as soon as practicable after a major incident occurs. Further details of the WHS Regulation are set out in Appendix A of the Safe work Australia publication – [Guide for Major Hazard Facilities: providing Information to the Community](#).

Relevant definitions are in Appendix B of the same document.

Benefits of providing information to the community

An informed community is in a better position to protect itself in the event of a major incident with off-site impact, thereby reducing the actual consequences of the major incident.

There are a number of other benefits in providing information to the community and local authority for the district in which the MHF is located. These include:

- an opportunity to provide correct information (or dispel misinformation) to the community about the MHF and its operations
- assurance to the community that their interests have been, and are being, taken into account
- a raised awareness of actions to be taken by the community if there is a major incident
- assurance to the community after a major incident that measures are being taken to prevent recurrence
- increased awareness by the MHF operator of community concerns
- better relations and increased trust between the community, local authority and MHF operator.

Information sharing with the local authority will also assist the local authority in strategic and emergency planning. Ideally, consultation and information sharing between the facility and local authority should be a continuing process that starts at the planning stage (for new facilities or modifications to existing facilities) or the notification stage.

Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website legislation.nsw.gov.au

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