



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

# Submission templates - Work Health and Safety Regulations for Western Australia

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# WHS Regulations submission coversheet

## Section 1: Submission details

|  |  |  |
|--|--|--|
| Full name  | Nick Merdith   |  |
| Organisation and position (if applicable)  | Aztech Well Construction<br>Project HSE Advisor  |  |
| Email  | [REDACTED]   |  |
| Telephone  | [REDACTED]   |  |
| Employment status (if applicable)  | <input type="checkbox"/> Worker<br><input type="checkbox"/> Employer<br><input type="checkbox"/> Self-employed<br><input type="checkbox"/> Other (enter details)   |  |
|  | <input type="checkbox"/> Principal contractor<br><input type="checkbox"/> Contractor<br><input checked="" type="checkbox"/> OSH professional   |  |
| Size of workplace  | <input type="checkbox"/> Small (0-9) <input type="checkbox"/> Medium (20-199) <input type="checkbox"/> Large (200+)  |  |
| Please indicate in what capacity you are making this submission (select one of the following categories) | <input type="checkbox"/> Individual<br><input checked="" type="checkbox"/> Business<br><input type="checkbox"/> Community organisation<br><input type="checkbox"/> Employer organisation<br><input type="checkbox"/> Other (enter details) |  |
|  | <input type="checkbox"/> Industry representative<br><input type="checkbox"/> Academic<br><input type="checkbox"/> Government representative<br><input type="checkbox"/> Professional   |  |
| Which industry sector do you operate in?   | Drilling and completions   |  |
| Your type of job or business (if applicable)   | Well construction project management   |  |

## Section 1: Permission details

### Internet publication

Public submissions may be published in full on the website, including any personal information of authors and/or other third parties **contained in the submission**.

Please tick this box if you wish for your input to remain confidential (that is, you **do not consent** to having your input published on the internet)

### Anonymity

Please tick this box if you wish for your input to be treated as anonymous (that is, you **do not consent** to having your name, or the name of your organisation, published on the internet with your input)

### Third party personal information

Please tick this box **if your input contains personal information of third party individuals**, and strike out the statement that is not applicable in the following sentence:

The third party **consents / does not consent** to the publication of their information.

## WHS Regulations submission comments

Enter your comments on specific regulations in the table below. You may add new rows at the end of the table if you wish to include comments on other aspects of the national model WHS regulations.

When making your submission, please consider providing specific responses to the following issue:

1. What is the benefit to workplace participants of a proposal?
2. What is the likely cost for you, your business and the Regulator to implement a specific proposal?
3. Is a specific recommendation likely to be effective in achieving healthier and safer workplaces?
4. Are there any unintended consequences of adopting individual regulations in the model WHS regulations?
5. If a new requirement is proposed by the model WHS regulations, what are the costs and benefits?

This template can be used for providing your views concerning:

- National Model Work Health and Safety Regulations
- Demolition licensing under the OSH regulations
- Commercial driver fatigue under the OSH regulations
- Protection from tobacco smoke under the OSH regulations
- Proposed deletions in Western Australia to remove overlap with the *Dangerous Goods Safety Act 2004*

## Section 2: Feedback

### Track-changed document submission

- Which consultation document(s) are you providing feedback on?
- Differences between the national model WHS regulations and the OSH regulations 1996
  - Consultation document WHS (Mines) Regulations for WA
  - Consultation document WHS (Petroleum and Geothermal Energy Operations) Regulations for WA
  - Proposed deletions in WA to remove overlap with the Dangerous Goods Safety Act 2004*
  - Commercial vehicle drivers: Hours of work – Work Health and Safety Regulations for WA
  - Protection from tobacco smoke – Work Health and Safety Regulations for WA
  - Demolition work: Licence – Work Health and Safety Regulations for WA

Number of pages in  
your submission

Does this submission contain a **track-changed version** of the  
draft proposal?

Yes

No

*If yes, submit as a Microsoft Word compatible document (\*.docx)*

#### General comments

1. Regs cover “drilling or servicing a well for petroleum” and include “planning, designing, preparing or constructing”. However, the proposal document says, regarding activities that are excluded, “the intention, broadly speaking, is to exclude those activities that do not involve a hydrocarbon hazard or that would not affect the integrity of a petroleum or geothermal energy facility”.  
Recommend that, regarding drilling operations, the regulations specifically exclude all site preparation/civil work as they do not involve a hydrocarbon hazard nor do they affect the integrity of the drilling operation. The focus of the safety case should be the hazards associated with hydrocarbon operations, not hazards associated with clearing trees, levelling land and putting up fences.
2. The proposal states “Operator’s representative requirements to align with the existing requirements under the PAGERA”. The PAGERA has a different definition of operator compared to the WHS(PAGEO)R proposal where currently the titleholder holder is the operator and the driller can be identified as the PIC, while under the proposed changes the driller could be nominated as the Operator (under operate under their SC). Under the proposal is the Operator’s Representative not the same as the PIC?
3. Proposal states “Duties related to the health and safety of people using accommodation supplied for the purpose of the petroleum or geothermal energy operation will be included. This will not apply to accommodation camps that are off the licence area, for example, hotels in towns.”  
Recommend clarification of “licence area”. What is regarded as the licence area? Is this the same as the exploration permits? Do the “at or near” provisions apply? Accommodation should only be included in the safety case if the camp is exposed to a hydrocarbon hazard related to the operation. The decision to include accommodation in the SC should be risk based, not based on whether it is inside some arbitrary boundary.

## Detailed comments

If commenting on specific content, you may wish to use the table below.

| Reference to specific model WHS / OSH reg no. | Comment |
|---|---------|
|   |         |