

Guidelines for Major Hazard Facilities G – Community Consultation



Disclaimer

This information is for guidance only and is not to be taken as an expression of the law. It should be read in conjunction with the *Dangerous Substances (Safe Handling) Act 2005*, the *Dangerous Substances (Safe Handling) Regulation 2009* and any other relevant legislation. Copies of the legislation can be purchased from Print Applied Technology: call (03) 6233 3289 or free call 1800 030 940. It is also available on the Internet at www.thelaw.tas.gov.au

Acknowledgement

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Table of Contents

1	Introduction.....	2
1.1	Acronyms List.....	2
1.2	Intentions of Community Consultation.....	3
1.3	Timeframe.....	4
1.4	Update.....	4
2	The Community Consultation Process.....	5
3	Consultation Area.....	7
3.1	Area Identification.....	7
3.2	Who to Consult.....	9
4	Provision of Information	11
4.1	General Requirements	11
4.2	Facility Description	11
4.3	Hazards at the Facility	12
4.4	Major Risk Contributors	12
4.5	Risk Reduction Measures	13
4.6	Dangerous Substances Emergency Warning System.....	14
4.7	Community Safety Measures	15
4.8	‘Major Accident Over’ Notification.....	16
4.9	Other Relevant Information	16
5	Summary of Occupier's Requirements	17
5.1	General Requirements.....	17
5.2	Facility Description.....	17
5.3	Hazards at the Facility	17
5.4	Major Risk Contributors.....	18
5.5	Risk Reduction Measures.....	18
5.6	Major Accident Warning System	18
5.7	Community Safety Measures.....	19
5.8	‘Major Accident Over’ Notification.....	19
5.9	Other Relevant Information.....	19
6	Additional Information.....	Error! Bookmark not defined.

I Introduction

The objective of the *Dangerous Substances (Safe Handling) Act 2005* (the Act) is to prevent harm to people, property and the environment from dangerous substances and to provide for the control of major hazard facilities. To achieve this objective, the Act has a number of obligations with which the occupier of a Major Hazard Facility (MHF) must comply. One of these obligations is consultation.

Occupiers of major hazard facilities must consult with:

- relevant employees, including contractors, sub-contractors and on-hired employees at the facility, in carrying out, documenting and reviewing and updating systematic risk assessments (section 38 of the Act); and
- the emergency services, the council of the municipal area in which the MHF is located, and persons and owners in relation to establishing, maintaining and documenting emergency plans and procedures (section 40 of the Act); and
- With persons in the areas surrounding the MHF in which material harm may be caused if a dangerous substances emergency occurs at the facility. These persons include owners of property situated in those areas.

The purpose of consultation in the case of emergency plans and procedures is to inform those people and property owners of the hazards at the MHF; and the safety measures that should be taken if a dangerous substances emergency occurs at the MHF. The safety measures that are detailed in the emergency plan include how the local community, the immediate property owners and residents need to respond in case of a dangerous substances emergency at the facility. .

This guideline is intended to provide some clarification of what needs to be addressed by the occupier of a MHF when consulting with the community and providing them with information as required by Section 43 of the Act.

I.1 List of Acronyms

- AFARP – As far as reasonably practicable = ALARP

- DS – Dangerous Situation
- DSE – Dangerous Substances Emergency
- EP&Ps – Emergency Plans and Procedures
- LDSL – Large Dangerous Substances Location
- MHF – Major Hazard Facility
- NOHSC – National Occupational Health and Safety Council
- PMHF – Possible Major Hazard Facility
- SMS – Safety Management System
- SR – Safety Report
- SRA – Systematic Risk Assessment
- the Act – *Dangerous Substances (Safe Handling) Act 2005*
- the Regulations – *Dangerous Substances (Safe Handling) Regulations 2009*
- the Secretary – The Secretary of the Department of Justice
- WST – Workplace Standards Tasmania

1.2 Intentions of Community Consultation

Consultative channels between the community and MHF must be implemented to allow the provision of information by the MHF and the feed-back from the community. With the provision of information and the ability for the community to ask questions, express their concerns or voice their opinions, the following benefits should be gained:

- raised community awareness of operations, potential dangerous substances emergencies and the associated safety measures;
- reduced fear, panic or unpredictable behaviour in case of an emergency occurring;
- a heightened awareness by the MHF of community concerns;
- improved relations with the community; and
- increased trust between the community and the occupier.

The use of a well-planned communications and consultation campaign will help achieve this.

1.3 Timeframe

As required by Section 43 of the Act, the occupier is required to complete the community consultation process in accordance with the following dates:

- (a) if a facility is classified as an MHF within 12 months after this section commences, within 16 months after it is so classified; or
- (b) if a facility is classified as a MHF more than 12 months after this section commences, within 3 months after it is so classified.

This community consultation process must be clearly and concisely documented in the Safety Report. Further information is available in ***Guidelines for Major Hazard Facilities, J – Safety Report***. The details should also be made available to the Secretary in a user-friendly format upon request.

1.4 Update

The communications and consultation plan must take account of any changes that are either planned at the MHF or changes that occur within the community itself (for example, any new developments that may impact upon the facility or upon the emergency plan),

Changes may occur in:

- the safety report, e.g. due to changes in the overall facility risk from a modification;
- on-site and off-site hazards;
- emergency response to dangerous substances emergencies or dangerous situations at the facility; and
- adjacent land use or population around the facility.

To ensure that community awareness remains at an effective level, the occupier must consider updating and distributing information on a regular basis to keep the community informed about the facility's safety.

2 The Community Consultation Process

Once the Systematic Risk Assessment (SRA), (see ***Guidelines for Major Hazard Facilities, C – Systematic Risk Assessment***), has been completed, the hazards at the facility will have been identified, the potential of a dangerous substances emergency and in particular the major risk contributors will be known and the risk reduction measures including the emergency plans will be in place or in the process of being installed. This will enable the development of the community consultation process.

The community consultation process (see Figure 1) involves opening up clear communications and consultation channels between the MHF and the community and supplying the following information:

- details concerning the nature of operations at the MHF;
- the major risk contributors (health, safety, security and environmental risks) at the facility and the associated hazards;
- the risk reduction measures in place to prevent or mitigate a potential dangerous substances emergency arising from the major risk contributors;
- the nature of the warning system in place that informs the community that a dangerous substances emergency has occurred, keeps them updated and notifies them that it is over;
- the safety measures the community may have to take in the event of a dangerous substances emergency ; and
- any other relevant information (subject to commercial sensitivity) that the community may request or that may enhance their awareness and personal safety or the safety of their property.

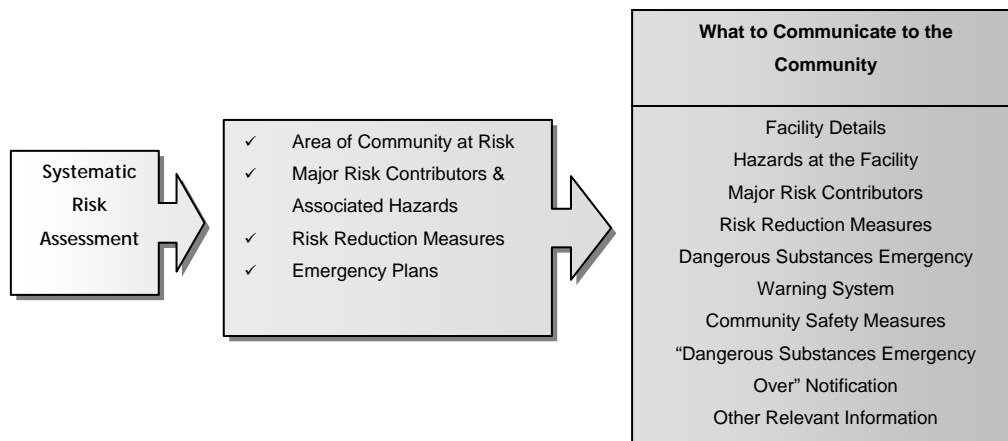


Figure 1. Community Consultation Process

3 Consultation Area

3.1 Area Identification

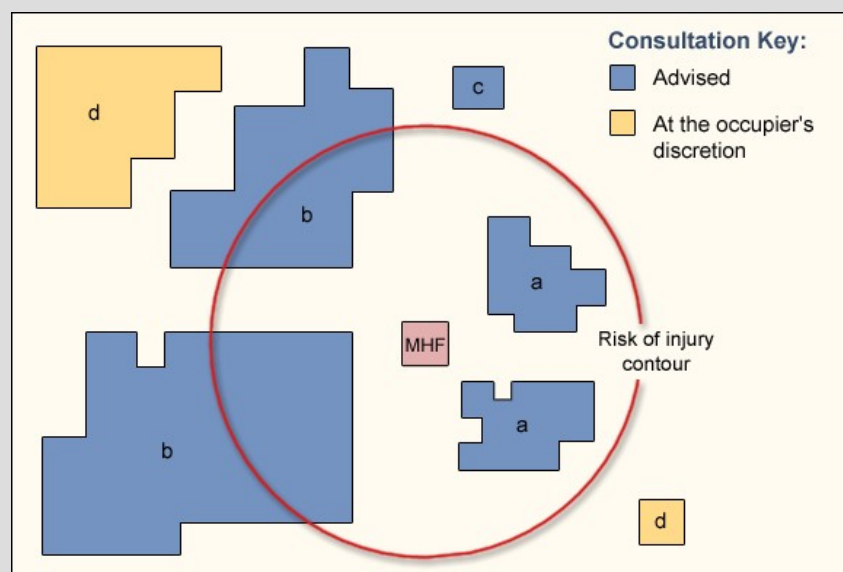
Through the completion of the SRA, an area outside the facility will have been identified where people, if present during a dangerous substances emergency, may be injured, property damaged and the environment harmed. With an appreciation for

the likelihood of these events, those people and property at greatest risk must be identified. A contour of risk of injury will be identified around the facility, beyond which there is negligible likelihood of injury or property damage.

Common sense may then be applied to identify the actual streets and neighbourhoods where the provision of information will be necessary (see Guide Note 1).

Guide Note 1 – Area of Consultation

The simplified diagram below shows a MHF surrounded by a number of neighbourhoods and a contour showing the area beyond which there is a negligible likelihood of injury. The involvement of these neighbourhoods in the community consultation process is explained in the table over the page.



P.T.O

Guide Note 1 – Area of Consultation (cont.)

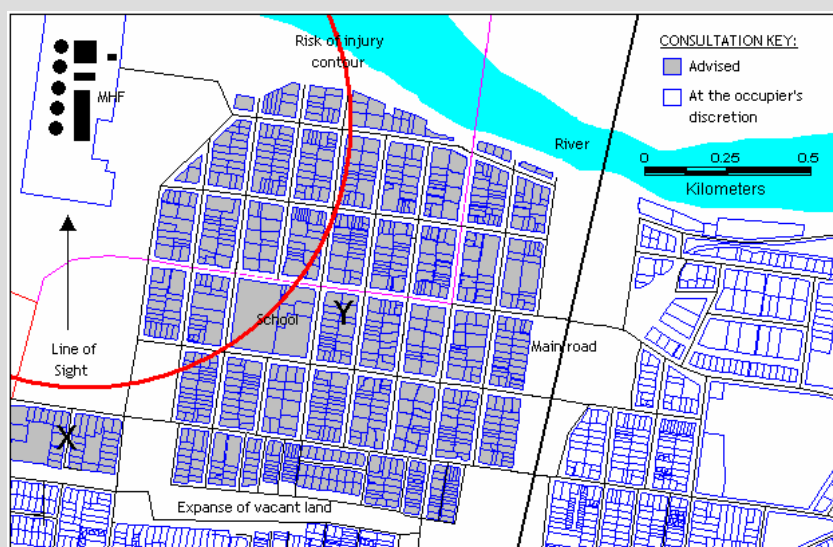
MHF’s reasons for the inclusion or exclusion of neighbourhoods in the process:

Area	Consult	Reason
a	Yes	the whole neighbourhood is encompassed by the contour
b	Yes	some part of the neighbourhood is partially within the contour so the entire neighbourhood is consulted to provide consistency
c	Yes	although the neighbourhood is outside the contour, there is a direct line of sight to the facility which has promoted some interest in the MHF amongst the community
d	occupier's discretion	the neighbourhoods are outside the contour, divided from others by 'significant features' and have no direct MHF line of sight. There has been no interest shown by the community.

A neighbourhood may be identified as an area of the community separated from adjacent parts of the community by 'significant features', where significant features may be:

- main roads;
- railway tracks;
- waterways;
- hills, valleys, etc.;
- parklands;
- expanses of vacant land; or
- other features that may divide areas of the community.

Below is a more detailed example. Again, the MHF is shown, surrounded by the risk of injury contour and a number of neighbourhoods.



P T O

Guide Note 1 – Area of Consultation (cont.)

Two neighbourhoods have been identified for consultation; X and Y. X because of the line of sight it has to the MHF and Y because it partially overlaps the risk of injury contour. In this example, the 'significant features' separating the community have also been identified; a main road and an expanse of vacant land.

The following injury criteria should be applied (taken from HIPAP 4, see Additional Information):

- For heat radiation:
 - Incident heat flux radiation at residential areas should not exceed 4.7 kW/m² at frequencies of more than 50 chances in a million per year.
- For explosion overpressure:
 - Incident explosion overpressure at residential areas should not exceed 7 kPa at frequencies of more than 50 in a million per year.
- For toxic gas/smoke/dust exposure:
 - Toxic concentrations in residential areas should not exceed a level which would be seriously injurious to sensitive members of the community following a relatively short period of exposure at a maximum frequency of 10 in a million per year.
 - Toxic concentrations in residential areas should not cause irritation to eyes or throat, coughing, or other acute physiological responses in sensitive members of the community over a maximum frequency of 50 in a million per year.

3.2 Who to Consult

Those people or organisations that live, work or own property in the areas surrounding the facility, as identified above, must be consulted and provided with information (see Guide Note 2).

Early in the community consultation process, the occupier should also endeavour to contact local interest groups. This will enable the occupier to develop a mutually acceptable strategy for the provision of information and identify real concerns the community may have. Guide Note 3 identifies possible groups that could aid or contribute to the consultation process.

Working in tandem with other MHFs in the community has, in the past, proved to be a very effective way of addressing community consultation.

Guide Note 2 – Who to Consult

The following people may need to be consulted:

- local residents;
- local municipal councils and elected representatives;
- operators of shopping centers and sporting venues;
- operators of caravan parks, hotels, motels, hostels, etc.;
- sensitive developments, e.g. schools, hospitals, aged person facilities, etc.;
- property owners, e.g. farms, owners of boats moored locally, etc.;
- local real estate businesses and
- media representatives.

Guide Note 3 – Interest Groups

When beginning the consultation process, the following groups could provide valuable input:

- local media;
- local counter disaster committees;
- local neighbourhood watch groups;
- chambers of commerce;
- local volunteer groups;
- local concern groups;

4 Provision of Information

4.1 General Requirements

The provision of information is essential to improve the community's understanding of the MHF's operation, satisfy their right to know and to enhance their emergency preparedness.

Any information supplied to the community should:

- keep the interest of the reader;
- use straightforward terms;
- avoid complicated technical expressions;
- explain any technical terms or acronyms where their use is considered necessary;
- be readily understood by a lay person;
- be in relevant languages; and
- cater for a wide range of ages and abilities in the community.

4.2 Facility Description

The facility description must include details such as:

- the name of the occupier (and trading name if different);
- the address of the facility;
- the position and contact details of the person to whom community concerns should be directed; and
- a concise explanation of the activities undertaken at the facility (see Guide Note 4).

Guide Note 4 – Facility Activities

The description must be simple, i.e. avoid unnecessary complication, and cover storage, processing and on-site transportation. Simply naming the facility's primary activity e.g. refinery, is not sufficient. Every care should be taken to ensure that the description is easily understood by the average lay person.

4.3 Hazards at the Facility

A 'hazard' as defined by the Act is anything that may affect the safety of any person or harm property or the environment. In communicating with the community it is not necessary to detail every single hazard present at the facility; just those associated with the major risk contributors as explained in 4.4 (see Guide Note 5).

Guide Note 5 – Facility Hazards

The following information must be supplied to the community concerning the hazards associated with the major risk contributors:

- the common or generic names and the general dangerous goods classification of the substances;
- a description of their hazardous characteristics;
- their possible effects on people, both immediate and long term (taken from a source such as the material safety data sheet, MSDS);
- any information requested by the community;
- any other information considered of value e.g. colour, smell, etc; and
- the sources of the information cited.

4.4 Major Risk Contributors

Although a number of potential dangerous substances emergencies may have been identified for the facility during the SRA, it will be sufficient to describe only those that make a significant contribution to the overall facility risk, i.e. the major risk contributors (see ***Guidelines for Major Hazard Facilities, C – Systematic Risk Assessment***). The nature and scale of the consequences of a dangerous substances emergency must be described along with information concerning the potential effects on the population, both immediate and long term.

A simple explanation of the methods used to calculate the consequences might be helpful without going into too much detail. It may also enhance the community's

trust and the occupier's credibility if there is some discussion of the uncertainty involved in their calculation and how this uncertainty has been addressed.

It is recommended that the occupier supply information to the community concerning past dangerous substances emergencies or dangerous situations at the facility, particularly those that may have been detected by the community. An open, transparent and honest approach has proven to be effective in enhancing relations with the community in the past.

The approaches taken by occupiers of new 'greenfield' sites and old 'brownfield' sites may differ. Communities that have long existed along-side a brownfields site will have different attitudes towards the facility and these need to be taken into account in pitching the message and its content.

4.5 Risk Reduction Measures

With each of the major risk contributors described, there must be a description of the prevention and mitigation measures in place to manage the associated risk. Some explanation concerning how the risk is reduced through the application of these risk reduction measures must accompany their description (see Guide Note 6). It may also be appropriate to explain why certain measures were adopted compared to possibly more expensive or technically advanced alternatives.

Guide Note 6 – Risk Reduction Measures

The occupier must ensure that the average lay person can understand the descriptions and explanations provided. Where possible, it may be advantageous to use simplified diagrams or draw comparisons with everyday objects or systems.

4.6 Dangerous Substances Emergency Warning System

In accordance with Section 43 of the Act, every MHF must have systems in place to immediately warn and keep informed the neighbouring community in the event of a dangerous substances emergency (see Guide Note 7). The method by which this will be done must be communicated to those expected to respond so that they may effectively do so, should an event ever occur.

An effective warning system will:

- be distinctive so that the community recognise it quickly;
- immediately inform the community of a dangerous substances emergency and its nature;
- be adaptable to all foreseeable dangerous substances emergency;
- keep the community informed of developments; and
- take all groups of the community into consideration.

There must also be communication systems in place to ensure that the community is provided with information during a dangerous substances emergency. It may be necessary to provide details of the TV channels or radio station frequencies where information concerning the dangerous substances emergency will be broadcast.

Guide Note 7 – Warning System

The following information must be supplied to the community:

- details of the warning system, e.g.:
 - alarms/sirens,
 - telephonic notification,
 - event updates,
 - notification of the dangerous substances emergency being over, and
 - other relevant information;
- the TV channel or radio station frequency where further information may be obtained during a dangerous substances emergency; and
- the drills planned to train the community in the recognition of sirens/alarms

4.7 Community Safety Measures

The occupier must provide information about the actions the community needs to take, or should not take, in the event of a dangerous substances emergency.

Information may include where to shelter, any steps to take to reduce exposure to toxic substances, evacuation procedures, a request to keep telephone lines clear, encouragement to follow advice given by the emergency services and any other information that may be relevant (see Guide Note 8).

The advised community safety measures must take into account the known and likely ways in which people and organisations behave under dangerous substances emergency conditions. One particular aspect being that people will seek to know what has happened, i.e. there will be a huge demand on the occupier to supply information. Provisions should have been made for such foreseeable scenarios.

Guide Note 8 – Community Safety Measures

Where the community is instructed to perform specific tasks during a dangerous substances emergency, the occupier must inform the community of the preparations they will need to make. Examples could include:

Specific Task	Preparation
Shelter in place and seal all doors and windows.	Have sealing tape available of sufficient width to seal window and door seals.
Listen to radio station for further information on frequency XX.X MHz FM.	Have a radio and fresh batteries available.
Turn off household electricity supply.	Identify where to isolate the household electricity supply.

4.8 ‘Dangerous Substances Emergency Over’ Notification

The community must be informed of how they will be notified that a dangerous substances emergency is over and that it is safe for ‘business’ to return to normal. Again, the community needs to be informed of the TV channels or radio station frequencies that may be used. It may be necessary to prepare the community to listen for the emergency services who may also be providing updates concerning the incident.

4.9 Other Relevant Information

The community must be provided with information that relates directly to the off-site aspects of the emergency plan. There must be confirmation that emergency services have been involved in the development of the emergency plan as well as advice to co-operate with any instructions from the emergency services during a dangerous substances emergency, as for some this may be the only information source available at the time. The involvement of emergency services in training exercises is also recommended.

Special provisions may be necessary for areas of commercial development, sporting/recreational facilities or sensitive developments. The occupier will have to deal with these on a case-specific basis. The inclusion of the emergency services in the process may enhance its overall effectiveness. The opportunity for this may be available while consulting with emergency services in the preparation of the emergency plans and procedures.

Any other information (subject to commercial sensitivity) the community requests or that may enhance the safety of the community in the event of a dangerous substances emergency must be included in the consultation process. Sources of further explanatory information may also be provided for the community’s benefit.

It should be remembered that it is better to give too much information than too little.

5 Summary of Occupier's Requirements

The occupier may use the following as a checklist.

The occupier should consider the following in the community consultation process:

5.1 General Requirements

Tick
Box

- Should keep the interest of the reader.
- Use straightforward terms.
- Avoid complicated technical expressions.
- Explain acronyms and technical terminology.
- Be in relevant languages.
- Cater to children, adults and people with disabilities.

5.2 Facility Description

- The name of the occupier (and trading name if different).
- The address of the facility.
- The position and contact details of the person to whom community concerns should be directed.
- Provide a concise explanation of the activities undertaken at the facility.

5.3 Hazards at the Facility

- The common or generic names and the general dangerous goods classification of the substances.

- Their hazardous characteristics.
- The possible effects on people, long and short term.
- Include information requested by the community.
- Include any other relevant information concerning the hazards.
- Describe the sources of information cited.

5.4 Major Risk Contributors

- A description of the major risk contributors.
- The nature and scale of dangerous substances emergency consequences.
- The potential effects on the population, long and short term in the event of a dangerous substance emergency
- The methods used to calculate the consequences.
- The uncertainty associated with the consequences and how this has been addressed.
- Past incidents that may have been detected by the community.

5.5 Risk Reduction Measures

- The risk reduction measures associated with the major risk contributors.
- How the risk reduction measures are effective at reducing the overall facility risk.

5.6 Major Accident Warning System

- The nature of the facility's dangerous substances emergency warning system.

- How the community will remain informed during a dangerous substances emergency
- Drills planned to train the community.

5.7 Community Safety Measures

- Actions the community should or should not take during a dangerous substances emergency.
- Preparations the community may need to make prior to a dangerous substances emergency.

5.8 ‘Major Accident Over’ Notification

- Details of how the community will be notified that a dangerous substance emergency is over.

5.9 Other Relevant Information

- Information that directly relates to off-site aspects of the emergency plan.
- Confirmation that emergency services have been involved in the preparation of the emergency plan and the running of training exercises.
- Information requested by the community.
- Any additional information that may enhance the safety of the community.
- Sources of further information if appropriate.

6 Additional Information

The guidelines, additional information or clarification of any of the issues raised in the guidelines can be obtained by contacting Workplace Standards Tasmania, Department of Justice, at any of the following addresses:

Postal: PO Box 56, ROSNY PARK, TAS 7018
Tel: 1300 366 322 (within Tasmania)
(03) 6233 7657 (outside Tasmania)
Fax: (03) 6233 8338
E-mail: wstinfo@justice.tas.gov.au
Web: www.wst.tas.gov.au

Copies of the *Dangerous Substances (Safe Handling) Act 2005* and *Dangerous Substances (Safe Handling) Regulations 2009* can be obtained from Print Applied Technology P/L at any of the following addresses:

Postal: PO Box 307, HOBART, TAS 7001
Street: 33 Innovation Drive, Technopark
DOWSING POINT, TAS 7010
Tel: (03) 6233 3360
Fax: (03) 6233 5346
Web: www.thelaw.tas.gov.au

Copies of the National Standard for the Control of Major Hazard Facilities [NOHSC:1014(2002)], National Code of Practice for the Control of Major Hazard Facilities [NOHSC:2016(1996)], National Standard for the Storage and Handling of Workplace Dangerous Goods [NOHSC:1015(2001)] and National Code of Practice for the Storage and Handling of Workplace Dangerous Goods [NOHSC:2017(2001)] can be obtained from Safe Work Australia, at any of the following addresses:

Postal: GPO Box 9880, CANBERRA, ACT 2601
Tel: (02) 6121 5317
Fax: (02) 6121 9284
Web: www.safeworkaustralia.gov.au

Copies of Australian Standards AS 3745 : Emergency Control Organisations and Procedures for Buildings, Structures and Workplaces, AS/NZS 3931 : Risk Analysis of Technological Systems – Application Guide, AS/NZS 4360 : Risk Management, AS/NZS 4581 : Management System Integration – Guidance to Business, Government and Community Organisations, AS/NZS 4801 : Occupational Health and Safety Management Systems – Specification with Guidance for Use, HB76 : Dangerous Goods – Initial Emergency Response Guide and HB221 : Building Continuity Management can be obtained from SAI GLOBAL at any of the following addresses:

Tel: 131 242
Fax: 1300 654 949
Web: www.saiglobal.com/shop

The Health and Safety Executive (United Kingdom) has an excellent reference library to assist with Emergency Planning for Major Accidents and Preparing Safety reports for its Control of Major Accident Hazard Regulations 1999 (COMAH) and can be accessed by its website: www.hse.gov.uk/comah/

The Hazardous Industries and Chemicals Branch of the Department of Employment and Industrial Relations, Queensland, has an excellent reference library to assist Major Hazard Facilities in respect to safety risk assessment, safety management systems, emergency plans and procedures etc and can be accessed by its website: www.deir.qld.gov.au

Likewise WorkSafe Victoria also has an excellent reference library to assist with Major Hazard Facilities matters and can be accessed by its website: www.workcover.vic.gov.au

ISO/PAS 22399 : Societal Security – Guideline for Incident Preparedness and Operational Continuity Management published by the Business Continuity Institute is an excellent resource on how to deal with emergency planning and can be accessed by its website: www.thebci.org.au

“Loss Prevention In The Process Industries” by Frank P. Lees, “What Went Wrong? Case Histories Of Process Plant Disasters” and “Learning from Accidents in History” by Trevor Kletz are excellent resource material and can be accessed on the web.



Tasmania

Explore the possibilities

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