

**Question On Notice No. 5961** asked in the **Legislative Council** on **27 February 2008** by **Hon Giz Watson**

Question Directed to the: **Parliamentary Secretary representing the Minister for Employment Protection**

Minister responding: **Hon J.R. Ford**

Parliament: **37** Session: **1**

**Question**

I refer to the Minister to an accident involving the release of ammonia at Burrup Fertilisers on 6 February 2008 -

(1) Did Burrup Fertilisers (BFPL) inform the Resources Safety Division (RSD) of the ammonia release?

(2) If yes to (1), at what time was that notice given to the RSD of the ammonia release?

(3) Is it correct that industry nearby detected that ammonia release at approximately 7.25 am of that morning?

(4) If there is any discrepancy between the incident time and the reporting time can the Minister explain why?

(5) Given that BFPL is designated as a Major Hazard Facility and therefore requires a Safety Report (Safety Case) consistent with the requirements of the National Standard for the Control of Major Hazard Facilities, what does the Minister or her Department intend to do to rectify this failure in reporting?

(6) Given that this is the latest in a line of incidents at this plant, what is the RSD doing to ensure that BFPL addresses the situation and ensures no further releases occurs?

(7) What was the size, nature, and location of this release?

(8) Other than ammonia were any other constituents released?

(9) What is the role of the Mission Mode Emergency Notification System (Mobile text messages and Email) in this process?

(10) In respect of the answer to (9) -

(a) who initiates it;

(b) who authorises its initiation; and

(c) who is advised by this process?

(11) Irrespective of the size of the incident quantified after the event, given that BFPL plant is designated as a Major Hazard Facility, what actions are taken to ensure that the public in the nearby vicinity of Deep Gorge and Hearson's Cove recreation beach, are either advised or removed?

(12) At what exact time was DoCEP (RSD and WorkSafe), FESA (Karratha), Dampier Port Authority, the neighbouring industries, and the Karratha police informed of this incident?

(13) Is there any cross check to ensure that the Mission Mode Emergency Notification System has indeed been received by the relevant officers in DoCEP (RSD and WorkSafe), FESA (Karratha), Dampier Port Authority, the neighbouring industries or the Karratha police in time for them to initiate any activity or evacuation should that be necessary?

(14) If there has been a failure of BFPL to communicate the incident immediately, will they be prosecuted under the *Explosive and Dangerous Goods Act 1961*?

(15) Given the extremely hazardous nature of this plant and its potential impact, what is the maximum penalty available for failure to report the incident in a timely manner?

(16) In relation to the incidents at BFPL, are these all investigated and, if so, will the Minister table copies of all investigations to date?

### **Answered on 2 April 2008**

The Department of Consumer and Employment Protection (DOCEP) has advised the Minister for Employment Protection, that in respect to the Employment Protection arm of DOCEP:

(1) Yes.

(2) At 8.45am on the morning of the release (by telephone) and subsequently at 9:00am (by SMS) and at 9:02am by email.

(3) A contractor working on Woodside's train 5 construction site detected an ammonia like smell and contacted the BFPL control room at 8:00AM.

(4) There is no discrepancy in reporting the incident to the Resources Safety Division (RSD) of DOCEP. As would be expected there is a period of time between any incident occurring and the incident being reported to the Regulator.

*The Explosives and Dangerous Goods Act 1961* (EDG Act) which was in force at that time required "...the person in occupation shall forthwith give to the Chief Inspector notice in writing of the accident.....". It should be noted RSD is not an incident response agency, and that this incident was not a major incident.

(5) There was no failure in reporting the incident to RSD.

(6) Corrective actions arising from investigation into this incident will be implemented by BFPL in a timely manner and overseen by RSD.

(7) BFPL advised that the incident was a low pressure release of an estimated 35 to 40 Kg of ammonia vapour to atmosphere at a height of approximately 30 metres.

(8) Only ammonia vapour was released.

(9) The role of Mission Mode is to alert neighbours, emergency services and other stakeholders of an incident in an efficient manner.

(10) With regards to the Mission Mode System

(a) The BFPL Shift Superintendent, as the designated Incident Controller, initiates the system.

(b) The BFPL Incident Controller is authorized to initiate the system or to delegate initiation as appropriate.

(c) Relevant stakeholders e.g. neighbouring industries, Dampier Port Authority, RSD, Department of Environment & Conservation (DEC), Fire & Emergency Services Authority (FESA), Police and Local Council, are notified by this process.

(11) If an incident occurs that has the potential to be detected at Deep Gorge or Hearsons Cove then BFPL notify FESA, the Local Council and Police via Mission Mode of the incident. BFPL propose that a BFPL representative would immediately go to these locations with an ammonia monitor and advise any people in the area of the appropriate course of action.

(12) RSD was first advised by telephone at 8.45am and again at 9:00am (by SMS) and 9:02am (by email). FESA were first advised by Woodside at 8.15AM and then again by Mission Mode at 9:00am. The other parties were advised at 9:00AM by Mission Mode.

(13) The Mission Mode System requires that the notification is acknowledged by the recipient. If it is not acknowledged promptly then Mission Mode automatically defaults to another form of messaging and also continues to contact the next person (from the same organization) on the call list to deliver the message.

(14) Notification requirements.

(a) Neighbours and Community.

Under the 'Explosives and Dangerous Goods Act 1961' (EDG Act) there is no specific requirement for a site to communicate an incident to their neighbours and community.

However, as a condition of BFPL's Dangerous Goods Licence they are required to comply with the provisions of the 'National Standard for Control of Major Hazardous Facilities' (National Standard). The National Standard requires that "The Operator, in consultation with the relevant public authority and the community, including other closely located facilities, shall ensure that: ".....warning is given as early as possible in the case of a major accident". A major accident is defined as "a sudden occurrence leading to serious danger or harm to people, property or the built or natural environment...". This release was not a "major accident".

As notification of this incident to BFPL's neighbours and community did not contravene the EDG Act and nor the National Standard there are no grounds for prosecution by RSD.

(b) Regulatory Authority

The EDG Act does not require immediate notification of an incident but requires "...the person in occupation shall forthwith give to the Chief Inspector notice in writing of the accident....."

The National Standard requires that "The Operator shall provide written notification to the relevant public authority of any major accident at the major hazard facility. This notification shall be provided within 24 hours of the major accident" and the supporting Code of Practice that "The initial notification should be conveyed by telephone or facsimile." This incident was not a major accident.

As such, BFPL's notification to RSD was compliant with both the EDG Act and the National Standard and there are no grounds for prosecution by RSD.

(15) Under the provisions of the Dangerous Goods Act 2004, which came into effect on 1 March 2008, the maximum penalty for a person not reporting a reportable situation as soon as reasonably practicable to a dangerous goods officer is \$50,000.

(16) All incidents classed as "significant" are subject to formal investigation by BFPL. The Incident Reports are submitted to RSD for review, acceptance and monitoring of the implementation of corrective actions. RSD will independently investigate certain incidents when necessary.