

July 2023

Revision of a safety case for an upper tier major hazard facility or petroleum installation

This quick guide provides advice and information for operators of upper tier major hazard facilities or petroleum installations who are reviewing and revising a safety case. It summarises when and how to revise a safety case, and what WorkSafe New Zealand (WorkSafe) is looking for in a revised safety case.

Introduction

Upper tier major hazard facilities (MHF) and stipulated petroleum installations must not operate without an accepted safety case. This is detailed in the Health and Safety at Work (Major Hazard Facilities) Regulations 2016 (MHF regulations) and the Health and Safety at Work (Petroleum Exploration and Extraction) Regulations 2016 (PEE regulations).

When to revise a safety case

See the MHF and Petroleum guidelines for examples of when a safety case needs to be reviewed and formally revised.

The safety case must be revised and given to WorkSafe:

- in certain circumstances prescribed in the regulations, or
- at WorkSafe's request, and
- no later than five years after it was accepted (the five-year cycle).

Safety cases are living documents and should be updated with minor revisions to keep them current. You don't need to give an updated safety case to us (WorkSafe) in these circumstances.

You must have processes to keep your safety case up to date. You should manage changes to your safety case in accordance with your management of change process.

If you are unsure if you need to give us a revised safety case, contact your assigned inspector to discuss.

Validity of safety case

While revising your safety case it is important to note that the existing accepted safety case stays in effect until the revised safety case assessment process has finished, including if the revised safety case is rejected. This allows you the opportunity to give another revised safety case to us for assessment.

You must continue to manage your facility or installation in accordance with the accepted safety case throughout the revision process.

Full or partial revision

It is important that you review the fundamental thinking underpinning your accepted safety case on a regular basis. Therefore, whenever you give us a revised safety case for assessment, you should review the whole safety case, even if the review identifies that no updates are required to certain sections. A full review is required for all revised safety cases given to us as part of the five-year cycle.

In certain situations, or if WorkSafe requests it, a partial safety case revision may be submitted. WorkSafe needs to agree to this in writing. This will be carefully considered and you will need to discuss this with us.

You must pay a fee for the assessment of each revised safety case as detailed in the relevant regulations. The same fee applies to both fully and partially revised safety cases.

Keep in touch with us

We recommend that you keep in regular contact with your assigned inspector both prior to giving the revised safety case to us and during the assessment process. If you would like a meeting to discuss the process, please let us know. Discuss the date that you plan to give us the revised safety case well before the due date.

Considerations when revising safety cases

If the safety case has been regularly updated the revision process should be straightforward.

Both new and revised safety cases need to meet schedule 7 of the MHF regulations or schedule 5 of the PEE regulations.

You should consider the following points when reviewing and revising a safety case and be able to show how these were addressed.

1. Identify the changes

To assist the safety case assessment process, it is recommended that a summary of changes from the previous accepted safety case are either marked on the document or noted in a change log. This is especially important for a safety case where only part of the safety case has been revised.

One method of doing this would be to note on the concordance documents which sections have been changed.

2. Address previous questions

Ensure that any questions raised during the last safety case assessment, either as formal requests for further information (RFIs) or as safety case conditions, are addressed and incorporated. You need to provide enough information in the revised safety case to adequately explain previous gaps.

3. Revisit the safety assessment and SMS

Ensure both the safety assessment and safety management system (SMS) are up to date and reflect current facility or installation operations. Any changes on site need to be addressed. Major incidents/accidents, the controls in place and relevant procedures should be reviewed.

MHF regulations require a summary of the safety assessment and SMS whilst the PEE regulations require a detailed description of the safety assessment and SMS. Worked examples can be included to help the inspector understand your systems.

4. Review incidents

Describe how relevant incidents that have occurred at the site, and any that are known of worldwide, have been considered. Key learnings, such as additional control measures identified from these incidents, should be outlined in the safety case.

5. Revisit SFAIRP analysis

What is considered to be reasonably practicable changes over time. The so far as is reasonably practicable (SFAIRP) analysis of control measures should therefore be reviewed and updated.

It is recommended that you provide an updated list of control measures considered, those not implemented with reasons for this, and timeframes for those to be implemented.

6. Review major incident/accident controls

Ensure that control measures to eliminate, prevent, reduce and/or mitigate major incidents/accidents have been reviewed and updated if necessary.

Explain how safety-critical elements (SCEs) have been verified by an independent competent person (ICP) and the process for ongoing verification.

Describe the performance standards in place for all control measures and how the performance standards are used for monitoring.

7. Revisit the emergency plan

A summary or description of the emergency plan must be provided.

Show that the emergency plan meets the requirements of the regulations and that any changes in the safety assessment have been included in the emergency plan.

For MHF, show how ongoing consultation with emergency service organisations, the local authority and operators of nearby MHFs is done.

8. Revisit audit and SMS reviews

Describe how the results of SMS audits, SMS reviews and performance monitoring are considered and, if relevant, incorporated in the safety case revision.

9. Engage with workers

You must engage with workers when revising a safety case. Note that workers include both employees and contractors.

You must show how engagement has occurred with workers in the safety case revision, which includes any revisions or updates to the SMS, safety assessment and emergency plan. You could give examples of how this engagement has occurred, for example, as appendices.

10. Coordinate with other upper tier MHF operators

Upper tier MHF operators must coordinate the preparation of their revised safety case with other MHF operators if required to do so by WorkSafe. This is to reassess the original conclusions made and share new information.

If you were required to coordinate your safety case with other upper tier MHF operators previously you will be required to do so again.

11. Future proofing

If you have committed to making changes at your site these can be included in your safety case, even if the changes are not yet complete. You should provide a proposed timeframe for the identified changes. Note that if the changes do not go ahead as planned, the safety case may need to be revised again. Contact your assigned inspector to discuss.

12. Sign the safety case – MHF only

Make sure that the current most senior officer of the MHF operator in New Zealand has signed the safety case.

How to give the revised safety case to WorkSafe

The same process is used for giving new and revised safety cases to WorkSafe. You need to provide us with:

- two hard copies and one electronic copy of the safety case
- a completed concordance document
- the relevant fee (you should request an invoice at least a month before you expect to give us your safety case).

See WorkSafe's website for details on how to submit a safety case.

Timing

If you are planning to make changes at your site that trigger resubmission of the safety case, the safety case should be revised and given to WorkSafe before the changes take effect. You have a duty to operate in accordance with the accepted safety case. If site changes are made before the accepted safety case reflects these changes, you may not be operating in accordance with the accepted safety case.

A revised safety case is formally received by WorkSafe when the fee has been paid and the concordance check has confirmed that there is no missing information.

WorkSafe must make a decision on a revised safety case within:

- 30 days of receiving the safety case for a petroleum installation, or
- 50 days of receiving the safety case for an MHF.

Unless we notify you that we are unable to do so in these timeframes, and propose a new timeframe. If we make a formal request for further information, then we have a further 30 days (petroleum installation) or 50 days (MHF) to make the decision from when the additional information is received.

Further information

[Major Hazard Facilities: Safety cases](#)

[Petroleum: Major accident prevention policy and safety case requirements](#)

[Petroleum safety case submissions](#)

[MHF Submitting a safety case](#)

[Fact sheet: Reasonably practicable](#)