

MP304*

Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 April 2012.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007*.

4. Regulation 26 amended

- (1) In regulation 26(1)(b) delete “Schedule 3.” and insert:

Schedule 3 clause 1.

- (2) Delete regulation 26(2).

5. Regulations 33 and 34 inserted

After regulation 32 insert:

33. Classes of major hazard facility for purposes of fees

- (1) For the purposes of Schedule 3, major hazard facilities are to be classified under this regulation.
- (2) A Class A facility is any major hazard facility at which Schedule 1 substances are used in, or produced by means of, an industrial production process that the Chief Officer determines is a process of high complexity.

- (3) A Class B facility is any major hazard facility at which Schedule 1 substances are used in, or produced by means of, an industrial production process that the Chief Officer determines is a process of medium complexity.
- (4) A Class C facility is —
- (a) any major hazard facility at which Schedule 1 substances are used in, or produced by means of, an industrial production process that the Chief Officer determines is a process of low complexity; or
 - (b) any major hazard facility at which Schedule 1 substances —
 - (i) are stored but not used in, or produced by means of, an industrial production process; and
 - (ii) in the view of the Chief Officer, are frequently handled.
- (5) A Class D facility is any major hazard facility at which Schedule 1 substances —
- (a) are stored but not used in, or produced by means of, an industrial production process; and
 - (b) in the view of the Chief Officer, are infrequently handled.

34. Annual fee for major hazard facilities

- (1) In this regulation —
- former regulation** means —
- (a) the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 184; or
 - (b) the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* regulation 134,
- as in force immediately before 1 April 2012;
- grace period** means, as the case requires —
- (a) the one month period referred to in subregulation (4); or
 - (b) the 3 month period referred to in subregulation (6);
- site licence** means —
- (a) an explosives manufacture licence, or an explosives storage licence, granted under the *Dangerous Goods Safety (Explosives) Regulations 2007* in respect of a dangerous goods site; or

- (b) an SRS manufacture licence, or an SRS storage licence, granted under the *Dangerous Goods Safety (Security Risk Substances) Regulations 2007* in respect of a dangerous goods site; or
 - (c) a licence granted under the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* Part 4 in respect of a dangerous goods site.
- (2) The holder of a site licence granted in respect of a dangerous goods site that is a major hazard facility must pay for each year the relevant annual fee specified in Schedule 3 clause 2.
- (3) An annual fee payable under subregulation (2) must be paid annually.
- (4) The first annual payment must be made before, on or within one month after —
 - (a) if the site licence is in force immediately before 1 April 2012 — the date on which the first quarterly payment would have had to be made after 31 March 2012 by the holder under the relevant former regulation;
 - (b) in any other case — 28 days after the date on which both of these conditions are satisfied —
 - (i) the site is subject to a site licence; and
 - (ii) a safety report for the site is approved under Part 5.
- (5) If the date referred to in subregulation (4)(a) or (b) (**date A**) is not the date, or an anniversary of the date, on which the site licence is granted (**date B**), then, despite subregulation (2), the Chief Officer may reduce the first annual payment to an amount that is in proportion to the period that begins on date A and ends on date B.
- (6) Each subsequent annual payment must be made before, on or within 3 months after —
 - (a) if under the *Dangerous Goods Safety (General) Regulations 2007* regulation 15 the Chief Officer has set a due date for the site licence — the due date in each year;
 - (b) in any other case — the anniversary of the date on which the first annual payment has to be made under subregulation (4).
- (7) If under subregulation (4) or (6) a fee (including a fee reduced under subregulation (5)) is paid in the grace

period, the holder must pay, with the fee, a late payment fee equal to 1% of the fee.

6. Schedule 3 replaced

Delete Schedule 3 and insert:

Schedule 3 — Fees

[r. 26 and 34]

1. Safety reports, fees for approval of (r. 26)

The relevant fee to be paid under regulation 26 for an application for approval of a safety report for a major hazard facility is the fee in the Table relevant to the class of the facility.

Table

Class of facility under r. 33	Fee (\$)
Class A	80 000
Class B	40 000
Class C	40 000
Class D	20 000

2. Annual fees for major hazard facilities (r. 34)

The relevant annual fee to be paid under regulation 34 in respect of a major hazard facility is the fee in the Table relevant to the class of the facility.

Table

Class of facility under r. 33	Fee (\$)
Class A	80 000
Class B	40 000
Class C	40 000
Class D	20 000

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.