

MP301*

Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 3) 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 3) 2010*.

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 the day after that day.

3. Regulations amended

These regulations amend the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*.

4. Regulation 27 amended

- (1) In regulation 27(1) delete “licence that, under regulation 34(1)(a),” and insert:

licence, the term of which, under regulation 34(1)(a) or (2A)(a),

- (2) In regulation 27(5) delete “licence expires under regulation 34(1)(a),” and insert:

term of the licence expires under regulation 34(1)(a) or (2A)(a),

- (3) In regulation 27(6):

- (a) delete “licence expires under regulation 34(1)(a),” and insert:

term of the licence expires under regulation 34(1)(a) or (2A)(a),

- (b) delete “regulation 34(1).” and insert:

regulation 34(1) or (2A).

5. Regulation 29 amended

Delete regulation 29(3)(c) and insert:

- (c) unless a fee will be payable under regulation 134, and if the application is to increase the quantity of dangerous goods stored or handled to a quantity that would be in a higher tier in the Table to Schedule 5 clause 2 — the difference between the fee payable for that higher tier and the fee already paid, adjusted proportionally for the remaining term of the licence; and
- (d) unless a fee will be payable under regulation 134, and if the proposed amendment involves change to the quantity, type, storage or handling of dangerous goods at the site but the application is not accompanied by a report referred to in regulation 26(2)(c)(ii) — the relevant fee specified in Schedule 5 clause 3.

6. Regulation 34 amended

Delete regulation 34(1) and insert:

- (1) A licence that was granted before the 2010 commencement day continues to have effect after that day —
- (a) until the period of 3 years, starting on the day on which the licence was granted, expires; or
- (b) until it is cancelled before that term expires.

- (2A) A licence that is granted on or after the 2010 commencement day has effect on and from the date it is granted —
- (a) for the term specified in it, which cannot be longer than 3 years; or
 - (b) until it is cancelled before that term expires.
- (2B) Subregulation (2A) applies even if the application to grant the licence was made before the 2010 commencement day.
- (2C) In subregulations (1), (2A) and (2B) —
- 2010 commencement day* means the day on which the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 3) 2010*, other than regulations 1 and 2, come into operation.

7. Regulation 90 amended

In regulation 90(3)(b) delete “clause 2.” and insert:

Division 2.

8. Regulation 92 amended

Delete regulation 92(3)(c) and insert:

- (c) unless a fee will be payable under regulation 134, and if the application is to increase the length of a pipeline to more than 500 m — the difference between the fee payable for the registration of a pipeline more than 500 m as specified in the Table to Schedule 5 clause 4 and the fee already paid, adjusted proportionally for the remaining term of the registration.

9. Schedule 5 amended

In Schedule 5:

- (a) in the heading to Division 1 delete “**transfer or renewal**” and insert:

renewal or amendment

(b) delete clause 2 and insert:

2. Fees for dangerous goods site licence (r. 26(2)(e)(i), 27(3)(b), 29(3)(c))

The fee for an application to grant or renew a licence for a dangerous goods site, for the term of the licence per year or part of a year, is the relevant fee set out in the Table.

Table

Tier	Quantity of dangerous goods stored or handled	Fee
1.	up to 50 000 kg or L	\$192
2.	more than 50 000 but not more than 5 000 000 kg or L	\$638
3.	more than 5 000 000 kg or L	\$1 915

(c) in clause 4 delete “payable for” and insert:

for an application to register or renew

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
