
MINERALS AND PETROLEUM

MP301

Dangerous Goods Safety Act 2004

**Dangerous Goods Safety Regulations
Amendment Regulations 2017**

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Dangerous Goods Safety Regulations Amendment Regulations 2017*.

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.

**Part 2 — *Dangerous Goods Safety (Explosives)
Regulations 2007* amended****3. Regulations amended**

This Part amends the *Dangerous Goods Safety (Explosives) Regulations 2007*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

Material Safety Data Sheet
MSDS

- (2) In regulation 3 insert in alphabetical order:

safety data sheet (SDS), for an explosive, means a document in English that contains the information in relation to the explosive that is required by —

- (a) the National Code of Practice for the Preparation of Material Safety Data Sheets 2nd Edition [NOHSC: 2011 (2003)] (ISBN-1-920763-10-4); or

- (b) the Preparation of Safety Data Sheets for Hazardous Chemicals - Code of Practice published by Safe Work Australia in February 2016 (ISBN 978-0-642-33311-7);

Safe Work Australia means Safe Work Australia established by the *Safe Work Act 2008* (Commonwealth) section 5;

5. Various references to “MSDS” amended

In the provisions listed in the Table delete “MSDS” and insert:

SDS

Table

r. 30(2)(c)(vii)	r. 42(2)(b)
r. 58(c)	r. 69(2)
r. 93(3)	r. 118(5)(a)

Part 3 — *Dangerous Goods Safety (General) Regulations 2007* amended

6. Regulations amended

This Part amends the *Dangerous Goods Safety (General) Regulations 2007*.

7. Regulation 3 amended

In regulation 3 delete the definition of *combustible liquid* and insert:

combustible liquid has the meaning given in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* regulation 4;

Part 4 — *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007* amended

8. Regulations amended

This Part amends the *Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007*.

9. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

Material Safety Data Sheet

MSDS

- (2) In regulation 3 insert in alphabetic order:

safety data sheet (SDS), for an SSAN, means a document in English that contains the information in relation to the SSAN that is required by —

(a) the *National Code of Practice for the Preparation of Material Safety Data Sheets 2nd Edition* [NOHSC: 2011 (2003)] (ISBN-1-920763-10-4); or

(b) the *Preparation of Safety Data Sheets for Hazardous Chemicals - Code of Practice* published by Safe Work Australia in February 2016 (ISBN 978-0-642-33311-7);

Safe Work Australia means Safe Work Australia established by the *Safe Work Act 2008* (Commonwealth) section 5;

10. Regulation 17 amended

In regulation 17(c) delete “MSDS” and insert:

SDS

Part 5 — *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* amended**11. Regulations amended**

This Part amends the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*.

12. Regulation 4 amended

- (1) In regulation 4 delete the definitions of:

C1 combustible liquid

combustible liquid

current MSDS

Material Safety Data Sheet

MSDS

- (2) In regulation 4 insert in alphabetical order:

combustible liquid means a liquid that is not a Class 3 dangerous good that has —

- (a) a flashpoint that is no higher than 93°C; and
- (b) a fire point, as defined in AS 1940-2004, that is less than the boiling point;

current SDS means the most recent SDS that, if applicable, has been reviewed and revised in accordance with regulation 19;

GHS means any of the following editions of the *Globally Harmonised System of Classification and Labelling of Chemicals* published by the United Nations —

- (a) 3rd revised edition (2009)
(ISBN 978-92-1-1170067-1);
- (b) 4th revised edition (2011)
(ISBN 978-92-1-117042-9);
- (c) 5th revised edition (2013)
(ISBN 978-92-1-117067-2);
- (d) 6th revised edition (2015)
(ISBN 978-92-1-117087-0);

importer, in relation to goods, means a person who imports the goods into the State from outside Australia;

Safe Work Australia means Safe Work Australia established by the *Safe Work Act 2008* (Commonwealth) section 5;

safety data sheet (SDS), for particular dangerous goods, means a document in English that contains the information in relation to the dangerous goods that is required by —

- (a) the *National Code of Practice for the Preparation of Material Safety Data Sheets 2nd Edition* [NOHSC: 2011 (2003)] (ISBN-1-920763-10-4); or
- (b) the *Preparation of Safety Data Sheets for Hazardous Chemicals - Code of Practice* published by Safe Work Australia in February 2016 (ISBN 978-0-642-33311-7);

- (3) In regulation 4 in the definition of ***packaged dangerous goods*** paragraph (a) delete “or C1 combustible liquids”.

13. Regulation 6 amended

In regulation 6:

- (a) delete paragraph (f);

- (b) in paragraph (l)(viii) delete “C1”;
- (c) in paragraph (q) delete “C1”.

14. Regulation 13A replaced

Delete regulation 13A and insert:

13A. Duties of manufacturer and importer as to classification of goods

- (1) In this regulation —
goods means any substance or article.
- (2) A person who manufactures or imports any goods must —
 - (a) determine whether the goods are dangerous goods; and
 - (b) if they are dangerous goods —
 - (i) classify them in accordance with the ADG Code; and
 - (ii) assign them a UN number, proper shipping name and, if applicable, a packing group in accordance with the ADG Code.

Penalty for this subregulation: a level 1 fine.

15. Regulation 13B amended

- (1) Delete regulation 13B(2)(b) and insert:
 - (b) have not been classified in accordance with the ADG Code,
- (2) Delete regulation 13B(3)(a)(ii) and insert:
 - (ii) if they are dangerous goods, to classify them in accordance with the ADG Code;
- (3) Delete regulation 13B(4)(c)(ii) and insert:
 - (ii) if the goods are dangerous goods, they are accurately classified in accordance with the ADG Code;

16. Regulation 13 replaced

Delete regulation 13 and insert:

13C. Duties of manufacturer or importer as to packaging and container labelling

- (1) A manufacturer or importer of dangerous goods must ensure that if the goods are stored by the manufacturer or importer, or supplied by the manufacturer or importer to another person, the provisions of the ADG Code are complied with —
- (a) in relation to the condition and packaging of the goods; and
 - (b) in relation to the container labelling for the goods.

Penalty for this subregulation: a level 2 fine.

- (2) A manufacturer or importer who stores dangerous goods is not in breach of subregulation (1)(b) if the labelling of the stored goods complies with the GHS.
- (3) A manufacturer or importer who supplies dangerous goods to another person is not in breach of subregulation (1)(b) in respect of the inner labelling of the goods if the inner labelling complies with the GHS.
- (4) A person who is the manufacturer or importer of combustible liquids must ensure that if the liquids are supplied to another person they are packed in packaging that is —
- (a) of a type and in a condition that will retain the liquids and will not react adversely with the liquids; and
 - (b) clearly labelled with the product name of the liquids.

Penalty for this subregulation: a level 2 fine.

13. Prohibitions on supply

- (1) In this regulation —
- labelling requirements* means —
- (a) in the case of labelling of packaging that is contained or protected by outer packaging —
 - (i) the provisions of the ADG Code in relation to container labelling; or
 - (ii) the provisions of the GHS in relation to labelling;and
 - (b) in all other cases — the provisions of the ADG Code in relation to container labelling.

- (2) A person must not supply dangerous goods if the person has reasonable grounds to suspect that —
- (a) the condition and packaging of the dangerous goods does not comply with the provisions of the ADG Code; or
 - (b) the labelling of the dangerous goods does not comply with the labelling requirements; or
 - (c) the container into which the dangerous goods are to be supplied is leaking, or will leak.

Penalty for this subregulation: a level 2 fine.

17. Regulation 14 amended

In regulation 14 delete “Regulation 13” and insert:

Regulation 13(2)

18. Regulation 17 replaced

Delete regulation 17 and insert:

17. Application of Division to combustible liquids

This Division does not apply to combustible liquids.

19. Regulation 21 amended

After regulation 21(1)(a) insert:

- (aa) is clearly labelled in accordance with the labelling requirements for the dangerous goods set out in an edition of the GHS; or

20. Regulation 59 amended

In regulation 59:

- (a) after “ADG Code” (1st occurrence) insert:

or the GHS

- (b) in paragraph (a) delete “ADG Code; and” and insert:

ADG Code or the GHS; and

21. Various references to “C1 combustible liquids” amended

In the provisions listed in the Table delete “C1” (each occurrence).

Table

r. 4 def. of <i>petroleum product</i>	r. 8(2)(c)
r. 69(1) def. of <i>relevant sign</i>	r. 69(3)(b)
r. 70(1) def. of <i>relevant sign</i>	r. 138
Sch. 1 cl. 2 Table it. 7 and 8	Sch. 3 cl. 4(c)
Sch. 3 cl. 5(2)	Sch. 3 cl. 6(d)
Sch. 3 cl. 7(d)	Sch. 4 cl 1 heading to Figure 2 and Figure 6
Sch. 4 cl. 5(3)(a)(iii)	Sch. 4 cl. 6

Note: The heading to the amended provisions listed in the Table are to read as set out in the Table.

Table

Amended provision	Provision heading
r. 138	Storage of Class 3 or combustible liquids in vehicles
Sch. 4 cl. 3	Placard for dangerous goods in bulk that are not goods too dangerous to transport or combustible liquids (r. 69)
Sch. 4 cl. 6	Placard for combustible liquids (in bulk or in containers) (r. 69 and 70)

22. Various references to “MSDS” amended

In the provisions listed in the Table delete “MSDS” (each occurrence) and insert:

SDS

Table

r. 18	r. 19(1) and (2)
r. 20(1)	r. 22
r. 23(1)(a)	r. 77(2)(b)
r. 79(1), (3) and (4)	r. 114
r. 131(1), (3) and (4)	

Note: The heading to the amended regulations listed in the Table are to read as set out in the Table.

Table

Amended regulation	Regulation heading
r. 18	SDS to be prepared before goods supplied
r. 19	When revised SDS required
r. 20	Provision of current SDS
r. 22	Safe storage and handling information not in SDS to be provided
r. 79	Requirements as to SDS for dangerous goods
r. 114	Requirements as to SDS for goods in pipeline
r. 131	Requirements as to SDS for dangerous goods

R. KENNEDY, Clerk of the Executive Council.