

MP301

Dangerous Goods Safety Act 2004

Dangerous Goods Safety Regulations Amendment Regulations 2018

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Dangerous Goods Safety Regulations Amendment Regulations 2018*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — 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

In regulation 3 delete the definition of *ADG Code* and insert:

ADG Code has the meaning given in the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* regulation 4;

5. Regulation 20 amended

In regulation 20(5)(b) delete “personal details” and insert:

name

6. Regulation 25A inserted

At the end of Part 3 insert:

25A. Duty to correct information in relation to an application under regulation 17 or 21A

(1) In this regulation —

security information means information given by a security card holder to the Chief Officer in, or in relation to, an application made under regulation 17 or 21A.

(2) A security card holder must, within 14 days after becoming aware that security information has become incorrect in a material respect, correct that information by written notice to the Chief Officer.

Penalty for this subregulation: a level 3 fine.

7. Regulation 34 amended

In regulation 34(1) delete the passage that begins with “there is —” and ends with “of 1.4,” and insert:

there are —

- (a) explosives with a classification code of 1.1, 1.2 or 1.5 and the gross weight of the explosives is more than 2.5 kg; or

- (b) explosives with a classification code of 1.3 and the gross weight of the explosives is more than 15 kg; or
- (c) explosives with a classification code of 1.4 and the gross weight of the explosives is more than 30 kg,

8. Part 7 Division 2 deleted

Delete Part 7 Division 2.

9. Regulation 78 amended

Delete regulation 78(b), (c) and (d) and insert:

- (b) the gross weight of explosives with a classification code of 1.1 or 1.2 at the place is not more than 2.5 kg; and
- (c) the gross weight of explosives with a classification code of 1.3 at the place is not more than 15 kg; and
- (d) the gross weight of explosives with a classification code of 1.4 at the place is not more than 30 kg.

10. Regulation 79 amended

Delete regulation 79(b), (c) and (d) and insert:

- (b) the gross weight of explosives with a classification code of 1.1 or 1.2 at the place is not more than 2.5 kg; and
- (c) the gross weight of explosives with a classification code of 1.3 at the place is not more than 15 kg; and
- (d) the gross weight of explosives with a classification code of 1.4 at the place is not more than 30 kg.

11. Regulation 82A amended

- (1) In regulation 82A(1) delete “more than 1 000 kg of sparklers” and insert:

sparklers with a gross weight of more than 1 000 kg

- (2) In regulation 82A(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

12. Regulation 85 amended

- (1) At the end of regulation 85(1) insert:

Penalty for this subregulation: a level 3 fine.

- (2) In regulation 85(2) delete “more than 2 kg of black powder” and insert:

black powder the NEQ of which is more than 2 kg

- (3) In regulation 85(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

13. Regulation 91 amended

- (1) In regulation 91(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (2) In regulation 91(4) delete “more than 250 kg of explosive” and insert:

explosive the NEQ of which is more than 250 kg

- (3) In regulation 91(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

14. Regulation 98 amended

Delete regulation 98(b).

15. Regulation 99 amended

Delete regulation 99(b).

16. Regulation 100 amended

Delete regulation 100(b).

17. Regulation 101 amended

Delete regulation 101(1)(b) and (2)(c).

18. Regulation 104 amended

(1) Delete regulation 104(2)(c) and insert:

(c) to the AE Code section 8.4.4(1) to the extent that it requires —

- (i) the owner of a vehicle that is transporting explosives and the prime contractor to take all practicable steps to ensure a person who is driving the vehicle complies with the requirements of section 8.4.3; or
- (ii) the owner of a vehicle that is transporting explosives to ensure the person who is driving the vehicle is authorised to do so under the Act;

or

(2) After regulation 104(2) insert:

(2A) Also, subregulation (1) does not apply insofar as it requires a person who is transporting an explosive to comply with the AE Code section 3.2.7(1), if —

- (a) the explosive being transported is identified in the AE Code as having —
 - (i) the UN Number 0082, with the proper shipping name of “Explosives, Blasting, Type B” and with the classification code 1.1D; or
 - (ii) the UN Number 0241, with the proper shipping name of “Explosives, Blasting, Type E” and with the classification code 1.1D; or
 - (iii) the UN Number 0331, with the proper shipping name of “Explosives, Blasting, Type B” and with the classification code 1.5D; or
 - (iv) the UN Number 0332, with the proper shipping name “Explosives, Blasting, Type E” and with the classification code 1.5D;

and

- (b) the explosive is transported in an Intermediate Bulk Container that is labelled —
 - (i) in accordance with the requirements for outer packaging stated in the AE Code section 3.2.1; and
 - (ii) in accordance with the relevant requirements for the explosive set out in the GHS.
- (2B) In subregulation (2A) —
 - GHS** has the meaning given in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* regulation 4;
 - Intermediate Bulk Container** means an Intermediate Bulk Container within the meaning of the AE Code;
 - UN Number**, in relation to an explosive, means the UN Number shown in relation to the explosive in Appendix 2 of the AE Code.

19. Regulation 136 amended

- (1) In regulation 136(1) delete the definition of *theatrical firework*.
- (2) In regulation 136(1) insert in alphabetical order:

close proximity firework means a firework, whether designed and labelled to be used indoors or outdoors, that is —

- (a) designed to be ignited by using electricity only; and
 - (b) either —
 - (i) manufactured commercially and is designed and labelled as suitable to be used in close proximity to a person; or
 - (ii) manufactured from commercially available constituents that are designed and labelled as suitable to manufacture fireworks to be used in close proximity to a person;
- (3) In regulation 136(1) in the definition of *fireworks event*:
 - (a) in paragraph (d) delete “theatrical firework” and insert:

close proximity firework

(b) in paragraph (e) delete “ceremony;” and insert:

ceremony.

20. Regulation 139 amended

In regulation 139(1)(f) delete “theatrical firework” and insert:

close proximity firework

21. Regulation 148 amended

In regulation 148(2):

(a) in paragraph (c) delete “occur;” and insert:

occur.

(b) delete paragraph (d).

22. Schedule 6 clause 4 amended

Delete Schedule 6 clause 4(a), (b) and (c) and insert:

- (a) the gross weight of emergency devices with a classification code of 1.1 or 1.2 at the place is not more than 2.5 kg; and
- (b) the gross weight of emergency devices with a classification code of 1.3 at the place is not more than 15 kg; and
- (c) the gross weight of emergency devices with a classification code of 1.4 at the place is not more than 30 kg.

23. Schedule 6 clause 5 amended

Delete Schedule 6 clause 5(2)(b) and insert:

- (b) the NEQ of black powder at the place is not more than 4 kg.

24. Schedule 6 clause 7 amended

Delete Schedule 6 clause 7(b) and insert:

- (b) the gross weight of such articles at the place is not more than 250 kg.

25. Schedule 7 clause 4 amended

Delete Schedule 7 clause 4(a) and (b) and insert:

- (a) the gross weight of emergency devices with a classification code of 1.3G in the vehicle is not more than 50 kg; and
- (b) the gross weight of emergency devices with a classification code of 1.4 in the vehicle is not more than 250 kg.

26. Schedule 7 clause 5 amended

Delete Schedule 7 clause 5(2)(b) and insert:

- (b) the NEQ of black powder in the vehicle is not more than 4 kg.

27. Schedule 7 clause 7 amended

Delete Schedule 7 clause 7(b) and insert:

- (b) the gross weight of such articles in the vehicle is not more than 250 kg.

Part 3 — *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* amended**28. Regulations amended**

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

29. Regulation 4 amended

- (1) In regulation 4 delete the definition of *ADG Code* and insert:

ADG Code has the meaning given in the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* regulation 4;

- (2) In regulation 4 in the definition of *combustible liquid* paragraph (b) delete “AS 1940-2004,” and insert:

AS 1940:2017,

30. Regulation 51 amended

In regulation 51(2) delete “from an above ground container or plant at a dangerous goods site,” and insert:

from an area of the site where the goods are stored or handled,

31. Regulation 76B amended

- (1) In regulation 76B(5) in the Penalty delete “Penalty” and insert:

Penalty for this subregulation:

- (2) In regulation 76B(6) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (3) Delete regulation 76B(7) and insert:

- (7) The operator of the site must ensure that the fire station or the office of the FES Department nearest the site has a copy of the current agreed FES emergency response guide for the site.

Penalty for this subregulation: a level 1 fine.

32. Regulation 77 deleted

Delete regulation 77.

33. Regulation 79 amended

- (1) Delete regulation 79(1)(b).

- (2) In regulation 79(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (3) Delete regulation 79(2) and insert:

- (2) Subregulation (1) does not apply in relation to dangerous goods that are —

- (a) dangerous goods in transit; or
- (b) dangerous goods in containers that are not required to be labelled under the ADG Code; or
- (c) dangerous goods supplied to a retailer or retail warehouse operator in unopened consumer

containers holding less than 30 kg or L of the dangerous goods.

- (4) In regulation 79(3) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (5) In regulation 79(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

34. Regulation 136 deleted

Delete regulation 136.

35. Regulation 140 amended

In regulation 140(2) in the Table delete “r. 89(3)”.

N. HAGLEY, Clerk of the Executive Council.